

Status: Point in time view as at 18/01/2019.

Changes to legislation: There are currently no known outstanding effects for the Pow of Inchaffray Drainage Commission (Scotland) Act 2019, Cross Heading: Conflicts of interest. (See end of Document for details)

SCHEDULE 3 MEETINGS OF THE COMMISSION

Conflicts of interest

- 6 (1) A Commissioner must avoid a situation in which the Commissioner has, or may have, a direct or indirect interest that conflicts, or may conflict, with the interests of the Commission.
- (2) Sub-paragraph (1) applies in particular to the exploitation of any property, information or opportunity (and it is immaterial whether the Commission could take advantage of the property, information or opportunity).
- (3) The duty under sub-paragraph (1) is not infringed—
- (a) if the situation cannot reasonably be regarded as likely to give rise to a conflict of interest, or
 - (b) if the matter giving rise to a situation under sub-paragraph (1) has been authorised by the Commission.
- (4) Authorisation by the Commission is effective only if—
- (a) any requirement as to the quorum at the meeting at which the matter is considered is met without counting the Commissioner in question, and
 - (b) the matter was agreed to without the Commissioner voting or would have been agreed to if the Commissioner's vote had not been counted.
- 7 (1) A Commissioner must not accept a benefit from a third party conferred by reason of the Commissioner—
- (a) being a Commissioner, or
 - (b) doing (or not doing) anything as Commissioner.
- (2) A “third party” means a person other than the Commission or a person acting on behalf of the Commission.
- (3) Benefits received by a Commissioner from a person by whom the Commissioner's services (as a Commissioner or otherwise) are provided to the Commission are not regarded as conferred by a third party.
- (4) The duty under sub-paragraph (1) is not infringed if the acceptance of the benefit cannot reasonably be regarded as likely to give rise to a conflict of interest.
- 8 (1) If a Commissioner is in any way, directly or indirectly, interested in a proposed transaction or arrangement with the Commission, the Commissioner must declare the nature and extent of that interest to the other Commissioners.
- (2) The declaration may (but need not) be made—
- (a) at a meeting of the Commission, or
 - (b) by notice to the Commission.
- (3) If a declaration of interest under this paragraph proves to be, or becomes, inaccurate or incomplete, a further declaration must be made.
- (4) Any declaration required by this paragraph must be made before the Commission enters into the transaction or arrangement.

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- (5) This paragraph does not require a declaration of an interest of which the Commissioner is not aware. For this purpose, a Commissioner is treated as being aware of matters of which the Commissioner ought reasonably to be aware.
- (6) A Commissioner need not declare an interest under sub-paragraph (1) if it cannot reasonably be regarded as likely to give rise to a conflict of interest.

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