



Ethical Standards in Public Life etc. (Scotland) Act 2000

2000 asp 7

PART 1

CODES OF CONDUCT ETC.

1 Code of conduct for councillors

- (1) The Scottish Ministers (“Ministers”) shall issue a code of conduct for councillors (the “councillors' code”).
- (2) There shall be set out in the councillors' code principles and rules governing the conduct of councillors.
- (3) These principles and rules shall include provision about the registration and declaration of the interests of councillors and their ineligibility to discuss or vote upon council business affecting these interests.
- (4) Ministers may, in order to assist themselves in carrying out their duty under subsection (1) above, invite such association of councils as seems appropriate to them to draw up and send them a suggested councillors' code.
- (5) Ministers shall issue a councillors' code only after it has been laid before and approved by a resolution of the Scottish Parliament.
- (6) The councillors' code shall have effect as from such date (not earlier than its issue) as Ministers fix.
- (7) Ministers may revise or re-issue the councillors' code; and subsections (4) to (6) above apply to any revision or re-issue of the councillors' code as they apply to its issue.
- (8) In subsection (3) above—
 - “interests” means pecuniary and non-pecuniary interests;
 - “council business” includes matters under consideration by any body on which a councillor is a representative or nominee of a council.

2 Model code of conduct for members of devolved public bodies

- (1) Ministers shall issue a model code of conduct for members of devolved public bodies (the “members' model code”).
- (2) There shall be set out in the members' model code principles and rules governing the conduct of members of devolved public bodies.
- (3) These principles and rules shall include provision about the registration and declaration of the interests of members of devolved public bodies and their ineligibility to discuss or vote upon business of these bodies affecting these interests.
- (4) Ministers shall issue the members' model code only after it has been laid before and approved by a resolution of the Scottish Parliament.
- (5) Ministers may revise or re-issue the members' model code; and subsection (4) above applies to any revision or re-issue of the members' model code as it applies to the issue of the code.
- (6) The members' model code may, for the purposes of sections 3(5) and 25(5) below, distinguish between those of its provisions which are mandatory and those which are optional.
- (7) In subsection (3) above, “interests” means pecuniary and non-pecuniary interests and the reference to the business of devolved public bodies shall, in relation to a member of such a body, be construed as including a reference to matters under consideration by any other body on which the member is a representative or nominee of the devolved public body.

3 Codes of conduct for members of devolved public bodies

- (1) Each devolved public body shall, within the stipulated time limit, submit to Ministers a draft of a code of conduct for its members (a “draft members' code”).
- (2) In subsection (1) above, the “stipulated time limit” is such time limit, being not earlier than three months after the making of the order under this subsection, as is stipulated in relation to each devolved public body by order made by Ministers.
- (3) Such an order shall be made by statutory instrument.
- (4) A statutory instrument made under this section shall be subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (5) A draft members' code—
 - (a) shall incorporate such mandatory provisions of the members' model code as apply to the body submitting it;
 - (b) may incorporate any optional provisions of the members' model code;
 - (c) may include such other provisions as are consistent with that code.
- (6) Ministers—
 - (a) may, with or without modifications made by them, approve a draft members' code submitted to them;
 - (b) may substitute for a draft members' code submitted to them a code of their own devising;
 - (c) shall, if a body fails to submit a draft members' code in accordance with subsection (1) above, devise a code for that body.

- (7) Ministers shall, when approving, substituting or devising a code under subsection (6) above, have regard to the members' model code.
- (8) Once a code has been approved, substituted or devised under subsection (6) above, it shall be called a “members' code”.
- (9) Any reference in the following provisions of this Act to the members' code is, in relation to a devolved public body, a reference to the members' code applicable to members of that body.
- (10) A members' code shall have effect as from such date as Ministers fix.
- (11) Ministers shall, prior to the date fixed for the coming into effect of a members' code, intimate that date to the devolved public body.

4 Revisal etc. of members' codes

- (1) A devolved public body—
 - (a) may; and
 - (b) on being so required by Ministers and within such time as they direct, shall, submit to them a draft revisal or re-issue of the members' code.
- (2) Ministers—
 - (a) may, with or without modifications made by them, approve a draft revisal or re-issue submitted to them under subsection (1) above;
 - (b) may substitute for a draft revisal or reissue submitted to them a revisal or re-issue of their own devising;
 - (c) shall, if a body fails to submit a draft revisal or re-issue in accordance with a requirement under subsection (1)(b) above, themselves revise or re-issue the members' code.
- (3) Ministers shall impose a requirement under subsection (1)(b) above on a devolved public body if it appears to them that the members' code is not, or is no longer, consistent with the members' model code (or that code as revised or re-issued) as it applies to the body.
- (4) Where, however, in the case mentioned in subsection (3) above, Ministers consider it expedient in the public interest to do so, they may, without previously imposing the requirement under subsection (1)(b) above, themselves revise or re-issue the members' code.
- (5) Ministers shall, when approving, substituting, revising or re-issuing a code under subsection (2) or revising or re-issuing a code under subsection (4) above, have regard to the members' model code.
- (6) Subsections (9) to (11) of section 3 above apply in relation to the coming into effect of a revisal or re-issue of a members' code as they apply to the coming into effect of the members' code.

5 Duties of councils and devolved public bodies

- (1) Every council shall, in accordance with any guidance issued for the purposes of this section by the Standards Commission for Scotland established by section 8 below—
 - (a) promote the observance by its councillors of high standards of conduct; and

- (b) assist them to observe the councillors' code.
- (2) Every devolved public body shall, in accordance with any such guidance—
 - (a) promote the observance by its members of high standards of conduct; and
 - (b) assist them to observe the members' code.

6 Issue of guidance by Standards Commission

- (1) The Commission shall issue guidance to councils and devolved public bodies on its relationship with them in the carrying out of its functions under this Act.
- (2) Before issuing any such guidance, the Commission shall consult such association of local authorities and any such other bodies or persons as it thinks fit.

7 Register of interests

- (1) Every council and every devolved public body shall set up, maintain and make available for public inspection a register of such interests as, respectively—
 - (a) under the councillors' code, its councillors; and
 - (b) under the members' code, its members,are required to register.
- (2) The duties under subsection (1) above shall be carried out in accordance with such regulations as may be made by Ministers for the purposes of this section and such guidance as may be issued by the Standards Commission for Scotland for those purposes.
- (3) In the event of any conflict between those regulations and that guidance, the regulations shall prevail.
- (4) Those regulations shall be made by statutory instrument.
- (5) A statutory instrument made under this section shall be subject to annulment in pursuance of a resolution of the Scottish Parliament.