



# Interests of Members of the Scottish Parliament Act 2006

2006 asp 12

## *Register of Interests of Members of the Scottish Parliament*

### **1 The register**

- (1) There shall be a Register of Interests of Members of the Scottish Parliament (in this Act referred to as “the register”).
- (2) The register shall be kept by the Clerk at the office of the Clerk.
- (3) In the register, there shall be an entry for each member which shall contain—
  - (a) the information required by or under this Act; and
  - (b) any other matter which the Parliament may determine should be included in each entry.
- (4) The register shall be kept in such form (which need not be in documentary form) as the Clerk considers appropriate but, if it is kept otherwise than in documentary form, it shall be in such form that, when printed or displayed, it shows what the register contains.

#### **Commencement Information**

- II** This provision comes into force in accordance with s. 21(4)

### **2 Registrable interests**

- (1) In this Act, a “registrable interest” means a registrable financial interest.
- (2) The schedule sets out the circumstances in which a member has, or had, a registrable financial interest.
- (3) A financial interest is defined for the purposes of paragraph (a) of section 39(2) of the 1998 Act as a registrable financial interest.

**Changes to legislation:** There are currently no known outstanding effects for the Interests of Members of the Scottish Parliament Act 2006, Cross Heading: Register of Interests of Members of the Scottish Parliament. (See end of Document for details)

#### Commencement Information

**I2** This provision comes into force in accordance with s. 21(4)

### 3 Initial registration of registrable interests

- (1) Each member shall register—
  - (a) any registrable interest which that member had on the date on which that member was returned; and
  - (b) any registrable interest which that member had before that date but which that member no longer had on that date, if that interest meets the prejudice test, or declare that the member had no such interest.
- (2) An interest meets the prejudice test if, after taking into account all the circumstances, that interest is reasonably considered to prejudice, or to give the appearance of prejudicing, the ability of the member to participate in a disinterested manner in any proceedings of the Parliament.
- (3) A member shall comply with subsection (1) by lodging with the Clerk, not later than the relevant date, a written statement or, as the case may be, a written declaration.
- (4) The relevant date for the purposes of subsection (3) is the date which is 30 days after the date on which the member has taken the oath of allegiance or made a solemn affirmation in accordance with section 84(1) of the 1998 Act.
- [<sup>F1</sup>(5) But where the member acquired the registrable interest on the same date as the member was returned, the relevant date for the purposes of subsection (3) is the last day of the period of 30 days beginning with the date of the return.]

#### Textual Amendments

**F1** S. 3(5) added (5.5.2016 coming into force in accordance with s. 17 of the amending Act) by [Interests of Members of the Scottish Parliament \(Amendment\) Act 2016 \(asp 4\), ss. 6\(1\), 16\(2\)](#)

#### Commencement Information

**I3** This provision comes into force in accordance with s. 21(4)

### 4 Written statement

- (1) A written statement shall be in such form as the Parliament may determine.
- (2) A written statement shall contain such information about the interest or relating to it as the Parliament may determine.
- (3) The Parliament may make different determinations under subsections (1) and (2) for different kinds of interests.
- (4) The member may also include in the written statement such other information relating to the interest as the member wishes to disclose in the register.
- (5) Within 30 days after a member has lodged with the Clerk a written statement in accordance with section 3, 5, 6 or 7, the Clerk shall—

- (a) register that statement in the entry relating to the member in the register together with the date on which the statement was lodged; and
- (b) send a copy of that entry to the member.

[<sup>F2</sup>(6) However, the Clerk need not register the address of any individual named or referred to in a written statement.]

#### Textual Amendments

**F2** S. 4(6) added (5.5.2016 coming into force in accordance with s. 17 of the amending Act) by [Interests of Members of the Scottish Parliament \(Amendment\) Act 2016 \(asp 4\)](#), **ss. 7, 16(2)**

#### Commencement Information

**I4** S. 4(1)(2) in force for specified purposes at 14.7.2006, see s. 21(3); s. 4 otherwise comes into force in accordance with s. 21(4)

### 5 Registration of registrable interests acquired after date of return

- (1) This section applies where a member acquires a registrable interest after the date on which the member was returned.
- (2) Within 30 days [<sup>F3</sup>beginning with] the date on which the member acquired that interest, that member shall register that interest by lodging a written statement with the Clerk.

#### Textual Amendments

**F3** Words in s. 5(2) substituted (5.5.2016 coming into force in accordance with s. 17 of the amending Act) by [Interests of Members of the Scottish Parliament \(Amendment\) Act 2016 \(asp 4\)](#), **ss. 6(2), 16(2)**

#### Commencement Information

**I5** This provision comes into force in accordance with s. 21(4)

### 6 Late registrations

- (1) This section applies where a member becomes aware that a registrable interest which ought to have been registered by that member in accordance with section 3 or 5 has not been so registered.
- (2) Within 7 days of becoming so aware, the member shall register that interest by lodging a written statement with the Clerk.

#### Commencement Information

**I6** This provision comes into force in accordance with s. 21(4)

### 7 Voluntary registration

A member may at any time register an interest which a member is not required to register by lodging a written statement with the Clerk.

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**Commencement Information**

**I7** This provision comes into force in accordance with s. 21(4)

**8 Deletion of interests from the register**

- (1) In this Act, a “ceased interest” means—
- (a) an interest which is registered but which, if it had not been registered, would not now require to be registered; and
  - (b) an interest which is registered under section 7 but which the member no longer wishes to be registered.
- (2) Where a member has a ceased interest, that member may lodge with the Clerk a written notice which identifies the interest in question, states that it is a ceased interest and gives the date on which it became a ceased interest.
- (3) Within 30 days after a member has lodged a written notice in accordance with this section, the Clerk shall—
- (a) amend the entry relating to that member in the register by recording in it that the interest is a ceased interest, the date mentioned in subsection (2), and the date on which the amendment was made in the register; and
  - (b) send a copy of the amended entry to that member.
- (4) Not less than 12 months after the date on which the notice was lodged, the Clerk shall—
- (a) amend the entry relating to that member in the register by deleting that interest and any information relating to it; and
  - (b) send a copy of the amended entry to that member.

**Commencement Information**

**I8** This provision comes into force in accordance with s. 21(4)

**[<sup>F4</sup>8A Reporting and registration of changes to controlled transactions**

- (1) For the purposes of this section, there is a change to a registered interest that is a controlled transaction if—
- (a) another person becomes party to the transaction (whether in place of or in addition to any existing party to it);
  - (b) there is a change to anything about which information was (or should have been) provided by the member in the written statement lodged by the member when registering the transaction;
  - (c) the transaction comes to an end.
- (2) The reference in subsection (1)(b) to information provided is a reference to information—
- (a) about or relating to the transaction; and
  - (b) provided in accordance with a determination under section 4(2).
- (3) For the purposes of subsection (1)(c), a loan comes to an end if—

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- (a) the whole debt (or all the remaining debt) is repaid;
  - (b) the creditor releases the whole debt (or all the remaining debt).
- (4) A member who has registered a controlled transaction shall notify the Clerk of any change to the transaction.
- (5) A member shall comply with subsection (4) by lodging a written notice with the Clerk not later than the last day of the period of 30 days beginning with the day on which the change takes effect.
- (6) A written notice shall—
- (a) be in such form; and
  - (b) contain such information about the change or relating to it, as the Parliament may determine.
- (7) Within 30 days after a member has lodged a written notice in accordance with this section, the Clerk shall—
- (a) amend the entry relating to that member in the register so as to record the change and the date when it took effect; and
  - (b) send a copy of the amended entry to the member.]

#### Textual Amendments

- F4** S. 8A inserted (22.1.2016) by [Interests of Members of the Scottish Parliament \(Amendment\) Act 2016](#) (asp 4), ss. 8, 16(4)

## 9 Other amendments to the register

- (1) A member may at any time amend the entry relating to that member by lodging with the Clerk a written notice of the proposed amendment.
- (2) Within 30 days after a member has lodged a written notice in accordance with this section, the Clerk shall—
- (a) amend the entry relating to that member in the register by making the proposed amendment and recording the date on which the notice was lodged; and
  - (b) send a copy of the amended entry to that member.
- (3) The Clerk may at any time amend an entry relating to a member in the register to correct any clerical or typographical error and shall send a copy of the amended entry to that member.
- (4) Any amendment made in pursuance of this section may only amend the information about or relating to an interest which is registered but no amendment can be made which would delete, without replacing (with or without any variation) any of the information referred to in section 4(2).
- (5) When a member ceases to be a member, the Clerk shall amend the entry relating to that member in the register by deleting it from the register.

#### Commencement Information

- I9** This provision comes into force in accordance with s. 21(4)

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## 10 Old entries

- (1) When the Clerk amends an entry relating to a member in the register, the Clerk shall keep a copy of the old entries for a period of [<sup>F5</sup>at least 10] years from the date of making the last amendment.
- (2) Section 1(4) shall apply to the keeping of the old entries as it applies to the keeping of the register.
- (3) In this section, “the old entries” mean the original entry and any subsequent amended entry in the state in which it was before it was amended.

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### Textual Amendments

- F5** Words in s. 10(1) substituted (5.5.2016) by [Interests of Members of the Scottish Parliament \(Amendment\) Act 2016 \(asp 4\), ss. 6\(3\), 16\(3\)](#)
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### Commencement Information

- I10** This provision comes into force in accordance with s. 21(4)

## 11 Publication of the register etc.

- (1) The Clerk shall publish the register at such intervals and in such manner as the Parliament may determine.
- (2) The Clerk shall keep a copy of the register and of any old entries available for public inspection in such form and in such manner as the Clerk considers appropriate.
- (3) The copy of the register and of any old entries shall be available for public inspection at the office of the Clerk on the days and at the times when that office is open.

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### Commencement Information

- I11** S. 11(1) in force for specified purposes at 14.7.2006, see s. 21(3); s. 11 otherwise comes into force in accordance with s. 21(4)

**Changes to legislation:**

There are currently no known outstanding effects for the Interests of Members of the Scottish Parliament Act 2006, Cross Heading: Register of Interests of Members of the Scottish Parliament.