

*Status: Point in time view as at 14/07/2006.*

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

## SCHEDULE

(introduced by section 2(2))

### REGISTRABLE FINANCIAL INTERESTS

#### *Registrable financial interests*

- 1 A member has, or had, a registrable financial interest in the circumstances set out in the following paragraphs.

#### **Commencement Information**

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

#### *Remuneration*

- 2 (1) Where a member receives, or has received, remuneration by virtue of—
- (a) being employed;
  - (b) being self-employed;
  - (c) being the holder of an office;
  - (d) being a director of an undertaking;
  - (e) being a partner in a firm; or
  - (f) undertaking a trade, profession or vocation or any other work.
- (2) A member does not fall within sub-paragraph (1) solely by virtue of being, or of having been, a member, a member of the Scottish Executive or a junior Scottish Minister or holding or having held the office of Presiding Officer, deputy Presiding Officer or member of the Parliamentary corporation.

#### **Commencement Information**

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

#### *Related undertaking*

- 3 (1) Where a member is, or was—
- (a) a director in a related undertaking; or
  - (b) a partner in a firm,
- but does, or did, not receive remuneration by virtue of being such a director or partner.
- (2) For the purposes of sub-paragraph (1)(a), a related undertaking is a parent or subsidiary undertaking of an undertaking of which the member is a director and receives remuneration as a director as mentioned in paragraph 2(1)(d).

#### **Commencement Information**

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

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### *Election expenses*

- 4 (1) Where contributions towards the election expenses of a member in relation to the election at which the member was returned as a member included a donation or donations by a person, the aggregate of which exceeded 25% of those election expenses.
- (2) For the purposes of sub-paragraph (1)—
- (a) “election expenses”, in relation to a member, shall have the same meaning as “election expenses” has in relation to a candidate in the order under section 12 of the 1998 Act which is in force for the purposes of the election at which the member was returned;
  - (b) “person” includes a body of persons, corporate or unincorporate, but does not include a registered political party with which the member is connected; and
  - (c) “registered political party” means a political party registered under Part II of the Political Parties, Elections and Referendums Act 2000 (c. 41) and a member is connected with a registered political party if the member was returned at the election after contesting it as a candidate (whether for return as a constituency member or as a regional member) of that party.

#### **Commencement Information**

**I4** This provision comes into force in accordance with s. 21(4)

### *Sponsorship*

- 5 (1) Where a member is, or was, sponsored by any person.
- (2) For the purposes of sub-paragraph (1), a member is, or was, sponsored if the member receives, or has received, any financial or material support as a member (other than services provided by a volunteer) from the same person on more than one occasion which, over a parliamentary session, amounts, in aggregate, to more than the specified limit.
- (3) In sub-paragraph (2), the “specified limit” means 1 per cent of a member's salary (rounded down to the nearest £10) at the beginning of the parliamentary session in question.

#### **Commencement Information**

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

### *Gifts*

- 6 (1) Where a member or a company in which the member has a controlling interest or a partnership of which the member is a partner, receives, or has received, a gift of heritable or moveable property or a gift of a benefit in kind and—
- (a) the value of the gift, at the date on which it was received, exceeds 1 per cent of a member's salary on that date (rounded down to the nearest £10); and
  - (b) that gift meets the prejudice test.

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- (2) Sub-paragraph (1) does not apply to the costs of travel and subsistence in connection with the member's attendance at a conference or meeting where those costs are borne in whole or in part by—
- (a) the organiser of that conference; or
  - (b) one of the other parties attending that meeting,
- as the case may be.
- (3) For the purposes of sub-paragraph (1), “controlling interest” means, in relation to a company, shares carrying in the aggregate more than half of the voting rights exercisable at general meetings of the company.

**Commencement Information**

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

*Overseas visits*

- 7 (1) Where a member makes, or has made, a visit outside the United Kingdom and that visit meets the prejudice test.
- (2) Sub-paragraph (1) does not apply to a visit, the travel and other costs of which—
- (a) are wholly met—
    - (i) by the member;
    - (ii) by the member's spouse, civil partner or cohabitant;
    - (iii) by the member's mother, father, son or daughter;
    - (iv) by the Parliamentary corporation; or
    - (v) out of the Scottish Consolidated Fund; or
  - (b) were approved prior to the visit by the Parliamentary corporation.

**Commencement Information**

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

*Heritable property*

- 8 (1) Where a member owns or holds, or has owned or held, any heritable property and sub-paragraph (2) applies.
- (2) This sub-paragraph applies where either—
- (a) the market value of the heritable property, at the relevant date, exceeds 50 per cent of a member's salary on that date (rounded down to the nearest £10); or
  - (b) the gross income from the heritable property for the period of twelve months prior to the relevant date is greater than such amount as the Parliament may determine.
- (3) Sub-paragraph (1) applies to heritable property which a member owns or holds, or has owned or held—
- (a) solely in his or her own name;
  - (b) jointly with any other person or body; or

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- (c) as a trustee, whether or not jointly with other trustees, where the member has an interest as a beneficiary of the trust.
- (4) Sub-paragraph (1) does not apply to heritable property—
- (a) which is used as a residential home by the member or the member's spouse, civil partner or cohabitant;
  - (b) which was used as a residential home by the member or the member's spouse, civil partner or cohabitant but which, for a period of not more than 12 months, is or was unoccupied and for sale; or
  - (c) which forms part of the assets of a partnership and any income from that partnership is, or forms part of, the remuneration registered under paragraph 2 of this schedule.
- (5) Where a member has ceased to own or hold any heritable property before the date on which the member was returned as a member, the relevant date is the date when the heritable property ceased to be so owned or held.
- (6) Where a member owned or held any heritable property at the date on which the member was returned as a member, the relevant date is—
- (a) that date; and
  - (b) the 5th April immediately following that date and in each succeeding year, where the heritable property continues to be so owned or held on that 5th April.
- (7) Where a member becomes the owner of or acquires any heritable property after the date on which that member was returned as a member, the relevant date is—
- (a) the date on which the member became the owner of or acquired that heritable property; and
  - (b) the 5th April immediately following that date and in each succeeding year, where the heritable property continues to be so owned or held on that 5th April.

**Commencement Information**

**18** Sch. para. 8(2)(b) in force for specified purposes at 14.7.2006, see s. 21(3); Sch. para. 8 otherwise comes into force in accordance with s. 21(4)

*Interest in shares*

- 9 (1) Where a member has, or had, an interest in shares, whether that interest is, or was, held by the member or by a relevant person, and sub-paragraph (2) applies.
- (2) This sub-paragraph applies where either—
- (a) the nominal value of the shares at the relevant date is, or was, greater than 1% of the total nominal value of the issued share capital of the company or other body; or
  - (b) the market value of the shares at the relevant date exceeds, or exceeded, 50 per cent of a member's salary on that date (rounded down to the nearest £10).
- (3) Sub-paragraph (1) applies to an interest in shares, whether that interest is, or was, held by a member (or a relevant person)—
- (a) solely in his or her own name;

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- (b) jointly with any other person or body; or
  - (c) as a trustee, whether or not jointly with other trustees where the member has an interest as a beneficiary of the trust.
- (4) Sub-paragraph (1) does not apply to an interest in shares which forms part of the assets of a partnership and any income from that partnership is, or forms part of, remuneration registered under paragraph 2 of this schedule.
- (5) Where a member has ceased to have an interest in shares before the date on which the member was returned as a member, the relevant date is the date when the interest in such shares ceased to be so held.
- (6) Where a member had an interest in shares at the date on which the member was returned as a member, the relevant date is—
- (a) that date; and
  - (b) the 5th April immediately following that date and in each succeeding year, where the interest is retained on that 5th April.
- (7) Where a member acquires an interest in shares after the date on which the member was returned as a member, the relevant date is—
- (a) the date on which the interest in shares was acquired; and
  - (b) the 5th April immediately following that date and in each succeeding year, where the interest is retained on that 5th April.
- (8) In this paragraph—
- (a) an “interest in shares” means an interest in shares comprised in the share capital of a company or other body; and
  - (b) “relevant person” is a person who is subject to the control or direction of a member in respect of an interest in shares.

**Commencement Information**

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

*Modification*

- 10 (1) The Parliament may, by resolution, make any modifications of this schedule which the Parliament considers necessary or expedient.
- (2) Immediately after any such resolution is passed, the Clerk shall send a copy of it to the Queen's Printer for Scotland; and Articles 5, 7(1), 8 and 9 of the Scotland Act 1998 (Transitional and Transitory Provisions) (Statutory Instruments) Order 1999 (SI 1999/1096) shall apply to it as if it were a Scottish statutory instrument

**Commencement Information**

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

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