

INTERESTS OF MEMBERS OF THE SCOTTISH PARLIAMENT (AMENDMENT) ACT 2016

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 15 – Amendment of 2000 Act: MSPs who are not members of a registered party

54. When it came to light that there was significant overlap in reporting requirements on individual members (i.e. to the Parliament under the Interests Act and the Electoral Commission under PPERA), section 59 of the Electoral Administration Act 2006 was brought in to remove the requirement for holders of relevant elective office to report donations to the Electoral Commission. Section 59 and the necessary exemptions it inserts into Schedule 7 of PPERA, do not, however, extend to members of the Scottish Parliament who are not members of a registered political party (a political party registered under Part II of PPERA). If this section is commenced for MSPs as it stands, dual reporting would end for MSPs who are members of registered parties, but independent members would still be required to report donations to both the Electoral Commission and the Parliament.
55. **Section 15** of the Act amends paragraph 10(8) of Schedule 7 to PPERA, and section 59(2) of the Electoral Administration Act 2006 (which inserts paragraph 10(8) into Schedule 7), to delete an express exception for members of the Scottish Parliament who are not members of a registered party. This makes the necessary changes to PPERA and the Electoral Administration Act 2006 to allow dual reporting to be ended for any MSP who is not a member of a registered party – independent MSPs for example.