

2011 No. 40

SCOTTISH PARLIAMENT

**The Interests of Members of the Scottish Parliament Act 2006
(Modifications to the Schedule) Resolution 2011**

Made - - - - *20th January 2011*

Coming into force in accordance with paragraph (b)

That The Scottish Parliament, considering that it is expedient to make certain modifications to the schedule to the Interests of Members of the Scottish Parliament Act 2006 (asp 12), in exercise of the powers conferred by paragraph 10(1) of that schedule resolves—

- (a) to make the modifications to that schedule which are contained in the Annex to this resolution; and
- (b) that those modifications shall come into force on the date after the date of the first dissolution of the Parliament following the date on which this resolution is passed.

ANNEX

MODIFICATIONS TO THE SCHEDULE TO THE INTERESTS OF MEMBERS OF THE
SCOTTISH PARLIAMENT ACT 2006

Remuneration

1.—(1) In the heading to paragraph 2 (Remuneration) of the schedule, after “Remuneration” insert “and related undertaking”.

(2) Paragraph 2 is amended as follows.

(3) At the beginning of that paragraph, insert—

“(A1) Where the circumstances are as described in sub-paragraph (1) or (1A).”.

(4) In sub-paragraph (1)(f), delete the words “or any other work”.

(5) After sub-paragraph (1), insert—

“(1A) 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.”

(6) In sub-paragraph (2), insert after “corporation” the words “or of Convener, deputy Convener or member of a Committee of the Parliament”.

(7) After sub-paragraph (2), insert—

“(3) Sub-paragraph (1) does not apply where the remuneration received from a person on a single, or on more than one, occasion during the current parliamentary session consists

solely of expenses unless those expenses amount, or amount in aggregate, to more than the specified limit.

(4) The exception in sub-paragraph (3) applies even although the remuneration received from that person on another occasion, or on other occasions, during that session does not consist solely of expenses.

(5) In this paragraph—

“current parliamentary session” means the parliamentary session which begins immediately after, or in which, the member is returned;

“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 sub-paragraph (1)(d); and

“specified limit” means 1% of a member’s salary (rounded down to the nearest £10) at the beginning of the current parliamentary session.”.

Related undertaking, Election Expenses and Sponsorship

2. Paragraphs 3 (Related Undertaking), 4 (Election expenses) and 5 (Sponsorship) of the schedule are deleted.

Gifts

3.—(1) Paragraph 6 (Gifts) of the schedule is amended as follows.

(2) In sub-paragraph (1), delete sub-paragraph (a) and the words “(b) that gift meets” and insert—

“(a) in the case where the gift was received from a person on a single occasion, the value of that gift, at the date on which it was received, exceeds the specified limit;
or

(b) in the case where gifts were received from that person on more than one occasion during the current parliamentary session, the aggregate value of those gifts, at the dates on which they were received, exceeds the specified limit and, in either case,

(c) that gift or those gifts meet”.

(3) In sub-paragraph (2)—

(a) after “to” insert “(a)”;

(b) delete “(a)” (where it occurs for the second time) and insert “(i)”;

(c) delete “(b)” and insert “(ii)”;

(d) after “the case may be” delete the full stop and insert—

“;

(b) any support (of any kind) provided by the services of a volunteer which are provided in that volunteer’s own time and free of charge; or

(c) a donation (of any kind) which is intended by the donor to be used for the purpose of meeting—

(i) any campaign expenditure incurred in connection with the member’s campaign for election to a party office;

(ii) the election expenses of the member in relation to the election at which that member was returned as a member of the Scottish Parliament; or

(iii) the election expenses of the member in relation to any UK parliamentary election at which that member stands as a candidate,

but this exemption ceases to apply if the donation is not used for its intended purpose by the expiry of the 35th day after the election result is declared.”.

- (4) In sub-paragraph (3)—
- (a) delete “sub-paragraph (1)” and insert “this paragraph—
- “candidate” has the same meaning as in section 118A, as read with section 90ZA(5) of the Representation of the People Act 1983 (c.1);
- “campaign expenditure” includes expenditure incurred, whether before or after the member’s candidacy for election to the party office is announced or after the date on which the result of that election is declared, which can reasonably be described as being for the purposes of that campaign;”
- and
- (b) in the end of the definition of “controlling interest” delete the full stop and insert—
- “;
- “current parliamentary session” means the parliamentary session which begins immediately after, or in which, the member is returned;
- “election expenses”, in relation to a member, has the same meaning for the purposes of—
- (i) sub-paragraph (2)(c) (ii) 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; and
- (ii) sub-paragraph (2)(c)(iii) as “election expenses” has in section 90ZA of the Representation of the People Act 1983 (c.1);
- “party office” means an office in a registered political party with which that member is connected;
- “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; and
- “specified limit” means 1% of a member’s salary (rounded down to the nearest £10) at the beginning of the current parliamentary session.”

Heritable Property

- 4.—(1) Paragraph 8 (Heritable property) of the schedule is amended as follows.
- (2) In sub-paragraph (2)(a), delete the words “50 per cent of a member’s salary on that date (rounded down to the nearest £10)” and insert “the specified limit”.
- (3) Delete sub-paragraph (2)(b) and insert—
- “(b) any income is received from the heritable property during the twelve months prior to the relevant date.”.
- (4) In sub-paragraph (3)(a), delete “his or her own” and insert “ the member’s”.
- (5) After sub-paragraph (7) insert—
- “(8) In this paragraph—
- “current parliamentary session” means the parliamentary session which begins immediately after, or in which, the member is returned; and
- “specified limit” means 50% of a member’s salary (rounded down to the nearest £10) at the beginning of the current parliamentary session.”.

Interest in shares

- 5.—(1) Paragraph 9 (Interest in shares) of the schedule is amended as follows.

(2) In sub-paragraph (2)(b), delete the words “50 per cent of a member’s salary on that date (rounded down to the nearest £10)” and insert “the specified limit”.

(3) In sub-paragraph (3), delete “apply”.

(4) In sub-paragraph (3)(a), delete “his or her own name” and insert “ the name of the member (or relevant person)”.

(5) In sub-paragraph (8)—

(a) insert after “paragraph”—

““current parliamentary session” means the parliamentary session which begins immediately after, or in which, the member is returned;”

(b) delete the words “(a)” and “and (b)”; and

(c) at the end of that sub-paragraph, delete the full stop and insert—

“;

“specified limit” means 50% of a member’s salary (rounded down to the nearest £10) at the beginning of the current parliamentary session.”.

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