

## POLICY NOTE

### THE ETHICAL STANDARDS IN PUBLIC LIFE ETC. (SCOTLAND) ACT 2000 (REGISTER OF INTERESTS) AMENDMENT REGULATIONS 2021

SSI 2021/397

The above instrument was made in exercise of the powers conferred by Section 1 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 ('the Act'). The instrument is subject to *negative procedure*.

**Purpose of the instrument. The instrument amends the registers of interests as a consequence of the approval of the revised Councillors' Code of Conduct and Model Code of Conduct for Members of Devolved Bodies by the Scottish Parliament on 27 October 2021.**

#### Policy Objectives

In line with Section 1 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 ('the Act'), Scottish Ministers are required to produce a Councillors' Code of Conduct ('the Code') along with a Model Code of Conduct for members of devolved public bodies ('the Model Code'). The Act stipulates that Ministers must issue a Code – including any revisions – only once it has been laid before, and approved by, the Scottish Parliament. The new codes were approved by Parliament on 27 October 2021. The provisions in the new codes dealing with the registration of councillors' interests differ in certain aspects from the equivalent provisions in the previous codes.

Section 7 of the Act requires every local authority and public body to set up a register of the interests that their councillors or members are obliged to register under the Code. The duty to set up the register is to be carried out in accordance with Regulations made by the Scottish Ministers. The current Regulations made under this power are the Ethical Standards in Public Life etc (Scotland) Act 2000 (Register of Interests) Regulations 2003 (SSI 2003/135) and they set out the notices which must be given by councillors or members on any interests they may have. As the 2003 Regulations cross-refer to the Codes it is necessary to amend those Regulations so that they reflect the Codes as amended,

These regulations therefore amend the 2003 Regulations so that, once the revised Codes are in effect, the notices required to be given by those councillors and members will reflect the relevant new provisions concerning the registration of interests.

#### Consultation

A full public consultation was carried out whilst developing the two Codes of Conduct. This instrument is a consequence of Parliament approving those Codes and is of a technical nature. No separate consultation is necessary.

#### Impact Assessments

See above. This is a technical SSI as a consequence of the instruments already approved by Parliament. No additional impact assessments required for this instrument.

## **Financial Effects**

The Minister for Social Security and Local Government confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government  
Directorate for Local Government and Communities

*2 November 2021*