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SCOTTISH STATUTORY INSTRUMENTS

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**2021 No. 438**

**LOCAL GOVERNMENT  
ETHICAL STANDARDS**

**The Ethical Standards in Public Life etc. (Scotland) Act 2000  
(Register of Interests) Amendment (No. 2) Regulations 2021**

<i>Made</i>	- - - -	<i>at 11.52 a.m. on 25th November 2021</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>at 3.45 p.m. on 25th November 2021</i>
<i>Coming into force</i>	- -	<i>7th December 2021</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 7(2) of the Ethical Standards in Public Life etc. (Scotland) Act 2000<sup>(1)</sup> and all other powers enabling them to do so.

**Citation and commencement**

1.—(1) These Regulations may be cited as the Ethical Standards in Public Life etc. (Scotland) Act 2000 (Register of Interests) Amendment (No. 2) Regulations 2021.

(2) These Regulations come into force on 7 December 2021.

**Amendment of the Ethical Standards in Public Life etc. (Scotland) Act 2000 (Register of Interests) Regulations 2003**

2.—(1) The Ethical Standards in Public Life etc. (Scotland) Act 2000 (Register of Interests) Regulations 2003<sup>(2)</sup> are amended in accordance with this regulation.

(2) In regulation 2, after the entry for “member” insert—

““model code” means the model code issued by the Scottish Ministers under section 2 of the 2000 Act (including a revised or re-issued code);”.

(3) For regulation 4, substitute—

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(1) 2000 asp 7.

(2) S.S.I. 2003/135, as amended by S.S.I. 2003/203, S.S.I. 2010/392 and S.S.I. 2014/50.

**“Notice of interests: councillors**

4.—(1) A councillor must give to the applicable proper officer or standards officer a first notice of interests.

(2) A councillor must give that first notice within one month after the date of the declaration of acceptance made by that person.

(3) The first notice must state—

- (a) the name of the councillor,
- (b) for each category listed in the first column of Table A in the schedule in respect of which the councillor has a registerable interest, information of the kind described in the councillors’ code as set out in the second column of Table A, and
- (c) for each other category listed in the first column of Table A, that the councillor does not have a registerable interest.”.

(4) For regulation 4A, substitute—

**“Notice of interests: members (members’ codes having effect after 31 March 2014)**

4A.—(1) This regulation applies where a members’ code has effect from a date after 31 March 2014 but before 8 December 2021 (including a revised or re-issued code).

(2) Each member to whom a code referred to in paragraph (1) applies must give to the standards officer a notice of interests.

(3) A notice under paragraph (2) must be given by the later of—

- (a) one month after the date of the member’s appointment, or
- (b) one month after the date as from which the members’ code has effect.

(4) A notice under paragraph (2) must state—

- (a) the name of the member,
- (b) for each category listed in the first column of Table B in the schedule in respect of which the member has a registerable interest, information of the kind described in the model code as set out in the second column of Table B, and
- (c) for each other category listed in the first column of Table B, that the member does not have a registerable interest.

**Notice of interests: members (members’ codes having effect on or after 8 December 2021)**

4B.—(1) This regulation applies where a members’ code has effect from a date on or after 8 December 2021 (including a revised or re-issued code).

(2) Each member to whom a code referred to in paragraph (1) applies must give to the standards officer a notice of interests.

(3) A notice under paragraph (2) must be given by the later of—

- (a) one month after the date of the member’s appointment, or
- (b) one month after the date as from which the members’ code has effect.

(4) A notice under paragraph (2) must state—

- (a) the name of the member,
- (b) for each category listed in the first column of Table C in the schedule in respect of which the member has a registerable interest, information of the kind described in the model code as set out in the second column of Table C, and

- (c) for each other category listed in the first column of Table C, that the member does not have a registerable interest.”.
- (5) Regulation 5 is amended as follows—
- (a) in paragraph (1), for “regulation 4, regulation 4A” substitute “regulation 4, 4A or 4B,”
- (b) in paragraph (2), for sub-paragraph (b) substitute—
- “(b) provide the details of that change in the same manner as a first notice of interests under regulation 4, 4A or 4B (as the case may be).”.
- (6) In regulation 6(1), after “4A” insert “, 4B”.
- (7) For the schedule, substitute—

“SCHEDULE

Regulations 4, 4A and 4B

**Table A**

**Councillors’ interests**

<i>Column 1</i>	<i>Column 2</i>
<i>Registerable interest</i>	<i>Description of interest</i>
Remuneration	Section 4: Category one of the councillors’ code
Other Roles	Section 4: Category two of the councillors’ code
Contracts	Section 4: Category three of the councillors’ code
Election Expenses	Section 4: Category four of the councillors’ code
Houses, Land and Buildings	Section 4: Category five of the councillors’ code
Interest in Shares and Securities	Section 4: Category six of the councillors’ code
Gifts and Hospitality	Section 4: Category seven of the councillors’ code
Non-Financial Interests	Section 4: Category eight of the councillors’ code
Close Family Members	Section 4: Category nine of the councillors’ code

**Table B**

**Members’ interests (code having effect after 31 March 2014)**

<i>Column 1</i>	<i>Column 2</i>
<i>Registerable interest</i>	<i>Description of interest</i>
Remuneration	A description of—
	(a) remuneration received by virtue of being—
	(i) employed or self-employed;
	(ii) the holder of an office;
	(iii) a director of an undertaking;

<i>Column 1</i>	<i>Column 2</i>
<i>Registerable interest</i>	<i>Description of interest</i>
	<p>(iv) a partner in a firm; and</p> <p>(v) involved in undertaking a trade, profession, vocation or any other work;</p> <p>(b) any allowance received in relation to membership of any organisation;</p> <p>(c) the name, and registered name if different, and nature of any applicable employer, self-employment, business, undertaking or organisation;</p> <p>(d) the nature and regularity of the work that is remunerated; and</p> <p>(e) the name of the directorship and the nature of the applicable business.</p>
Related undertakings	A description of a directorship that is not itself remunerated, but is of a company or undertaking which is a parent or subsidiary of a company or undertaking which pays remuneration.
Contracts	<p>A description of the nature and duration, but not the price of, a contract which is not fully implemented where—</p> <p>(a) goods and services are to be provided to, or works are to be executed for, the devolved public body; and</p> <p>(b) any responsible person has a direct interest, or an indirect interest as a partner, owner or shareholder, director or officer of a business or undertaking, in such goods or services.</p>
Houses, land and buildings	A description of any rights of ownership or other interests that may be significant to, of relevance to, or bear upon, the work or operation of the devolved public body.
Interest in shares	<p>A description, but not the value, of shares in a company or other body where—</p> <p>(a) the responsible person's interest in the shares may be significant to, of relevance to, or bear upon, the work or operation of the devolved public body; and</p> <p>(b) the nominal value of the shares is greater than—</p> <p>(i) 1% of the issued share capital of the company or other body; or</p>

<i>Column 1</i>	<i>Column 2</i>
<i>Registerable interest</i>	<i>Description of interest</i>
Gifts and hospitality	(ii) £25,000. A description of any gifts or hospitality received, except—  (a) isolated gifts of a trivial character, the value of which must not exceed £50;  (b) normal hospitality associated with the responsible person’s duties and which would reasonably be regarded as appropriate; or  (c) gifts received on behalf of the devolved public body.
Non-financial interests	A description of such interests as may be significant to, of relevance to, or bear upon, the work or operation of the devolved public body, including without prejudice to that generality membership of or office in—  (a) other public bodies;  (b) clubs, societies and organisations;  (c) trade unions; and  (d) voluntary organisations.

**Table C**

**Members’ interests (code having effect on or after 8th December 2021)**

<i>Column 1</i>	<i>Column 2</i>
<i>Registerable interest</i>	<i>Description of interest</i>
Remuneration	Section 4: Category one of the model code
Other Roles	Section 4: Category two of the model code
Contracts	Section 4: Category three of the model code
Election Expenses	Section 4: Category four of the model code
Houses, Land and Buildings	Section 4: Category five of the model code
Interests in Shares and Securities	Section 4: Category six of the model code
Gifts and Hospitality	Section 4: Category seven of the model code
Non-Financial Interests	Section 4: Category eight of the model code
Close Family Members	Section 4: Category nine of the model code”

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## **Revocation**

3. The Ethical Standards in Public Life etc. (Scotland) Act 2000 (Register of Interests) Amendment Regulations 2021(3) are revoked.

St Andrew's House,  
Edinburgh  
At 11.52 a.m. on 25th November 2021

*TOM ARTHUR*  
Authorised to sign by the Scottish Ministers

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Ethical Standards in Public Life etc. (Scotland) Act 2000 (Register of Interests) Regulations 2003 (“the 2003 Regulations”) in light of changes made to the model code of conduct for members of devolved public bodies.

Regulation 2(2) inserts a definition of “model code” into regulation 2 of the 2003 Regulations. Regulation 2(3) and (4) substitutes new regulations 4, 4A and 4B into the 2003 Regulations which provide for notices of interest to be given by councillors and members of devolved public bodies. New regulation 4 of the 2003 Regulations applies to notices of interests by councillors. New regulation 4A applies to notices of interest by members who are bound by a members’ code which took effect after 31 March 2014. New regulation 4B applies to notices of interest by members who are bound by a members’ code which takes effect on or after 8 December 2021.

Regulation 2(5) and (6) makes consequential changes to regulations 5 and 6 of the 2003 Regulations to take account of the new regulations substituted by regulation 2(3) and (4).

Regulation 2(7) substitutes a new schedule into the 2003 Regulations which describes the interests which must be notified by councillors and members of devolved public bodies. Table A of the schedule applies to councillors, Table B applies to members who are bound by a members’ code which took effect after 31 March 2014 and Table C applies to members who are bound by a members’ code which takes effect on or after 8 December 2021.

Regulation 3 revokes the Ethical Standards in Public Life etc. (Scotland) Act 2000 (Register of Interests) Amendment Regulations 2021.