

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the Interests of Members of the Scottish Parliament Act 2006. (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 apply 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

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