

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

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 6 – Changes to certain time periods

34. Section 3(1) of the Interests Act requires members to register any registrable interest which the member had on the date on which the member was returned. This would include an interest acquired on the date of return. The member must register such interests no later than the date which is 30 days after the day on which the member took the oath of allegiance or made a solemn affirmation in accordance with section 84(1) of the Scotland Act 1998. The oath is normally taken several days after the date of return. PPERA on the other hand requires a donation received on the date of return to be reported within 30 days beginning with the date of acceptance of the donation. Where a donation received on the date of return is accepted quickly, section 3 therefore potentially allows longer than the maximum period under PPERA within which to register it.
35. **Section 6(1)** makes an adjustment to the registration deadline so that members have a 30 day period to register an interest starting with the date of return in the case of any interest acquired on that date. This aligns the time limit with the maximum period permitted under PPERA.
36. Under PPERA, a member must report a donation within the period of 30 days beginning with the date of acceptance of the donation. Under section 5 of the Interests Act, a member must register an interest with the Clerk within 30 days after the date on which the member acquired the interest. The 30 day period runs from the following day in the case of the Interests Act. The amendment made in section 6(2) of the Act, brings the starting point of the 30 day period into line with the PPERA requirement, so that it begins on the date on which an interest is acquired.
37. **Section 6(3)** amends section 10 of the Interests Act so that old entries in a member's register are to be kept for at least 10 years from the date of the last amendment to the member's register (the existing provision requires them to be kept for 5 years).