



# Interests of Members of the Scottish Parliament (Amendment) Act 2016

## 2016 asp 4

### *Registrable financial interests*

#### **3 Gifts**

For paragraph 6 of the schedule (registrable gifts) there is substituted—

*“Gifts*

- 6 (1) Where the circumstances are as described in sub-paragraph (2) or (3).
- (2) 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) 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, each valued at the date on which it was received, exceeds the specified limit; and, in either case,
  - (c) that gift or those gifts meet the prejudice test.
- (3) 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) 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 £1,500; or
  - (b) in the case where—
    - (i) the value of the gift, at the date on which it was received, exceeds £500 (but does not exceed £1,500); and

- (ii) the aggregate value of the gift and any aggregable benefit or benefits, each valued at the date on which it was received, exceeds £1,500; and, in either case,
- (c) that gift is—
- (i) offered to the member; or
  - (ii) having been accepted, retained by the member,
- for use by or the benefit of the member in connection with the member's political activities.
- (4) Sub-paragraph (2) 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.
- (5) Sub-paragraphs (2) and (3) do not apply to—
- (a) 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
  - (b) a donation (of any kind) which is intended by the donor to be used for the purposes of meeting—
    - (i) 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
    - (ii) 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.
- (6) Sub-paragraph (3) does not apply to a gift or other benefit which the member has returned (or repaid) or sent to the Electoral Commission in accordance with sections 56 and 57 of the [Political Parties, Elections and Referendums Act 2000 \(c.41\)](#) (as applied by paragraph 8 of Schedule 7 to that Act).
- (7) The reference in sub-paragraph (3)(b)(ii) to a benefit being valued at the date on which it was received is, in the case of a controlled transaction, a reference to its being valued at the date on which it was entered into.
- (8) For the purposes of this paragraph—
- “aggregable benefit” means any of the following that is accepted by the member from the same person as gave the gift and in the same calendar year as the member accepted it—
- (a) any other gift of a kind to which sub-paragraph (3)(b)(i) and (c) applies;
  - (b) any remuneration that is registrable by virtue of paragraph 2, and has a value exceeding £500 (but not exceeding £1,500) and consisting of—

- (i) the payment to the member of any expenses incurred directly or indirectly by the member in connection with any of the member's political activities; or
  - (ii) a benefit in kind deriving from the payment by a person (other than the member) to a third party of expenses attributable to the member in connection with those activities;
- (c) any controlled transaction (construed in accordance with paragraph 6A) having a value not exceeding £1,500;
- (d) any overseas political visit (within the meaning given by sub-paragraph (4), as read with sub-paragraph (5), of paragraph 7) having a value exceeding £500 (but not exceeding £1,500);
- “candidate” has the same meaning as in section 118A, as read with section 90ZA(5) of the [Representation of the People Act 1983 \(c.2\)](#);
- “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;
- “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—
- (a) sub-paragraph (5)(b)(i) 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
  - (b) sub-paragraph (5)(b)(ii) as “election expenses” has in section 90ZA of the [Representation of the People Act 1983 \(c.2\)](#);
- “political activities”, in relation to a member, means the political activities of the member as such or as a member of a registered political party or both;
- “specified limit” means 0.5% of a member's salary (rounded down to the nearest £10) at the beginning of the current parliamentary session.”.