



# Scotland Act 1998

## 1998 CHAPTER 46

### PART I

#### THE SCOTTISH PARLIAMENT

##### *Other provisions*

#### **37 Acts of Union.**

The <sup>M1</sup>Union with Scotland Act 1706 and the <sup>M2</sup>Union with England Act 1707 have effect subject to this Act.

#### **Marginal Citations**

**M1** 1706 c. 11.

**M2** 1707 c. 7(S).

#### **38 Letters Patent and proclamations.**

- (1) The Keeper of the Registers of Scotland shall record in the Register of the Great Seal—
  - (a) all Letters Patent signed with Her Majesty's own hand signifying Her Assent to a Bill passed by the Parliament, and
  - (b) all royal proclamations under sections 2(5) and 3(2), which have passed under the Scottish Seal.
- (2) On recording such Letters Patent he shall intimate the date of recording to the Clerk.
- (3) Her Majesty may by Order in Council make provision as to—
  - (a) the form and manner of preparation, and
  - (b) the publication,of such Letters Patent and proclamations.

*Status: Point in time view as at 26/06/2018.*

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- (4) If the First Minister so directs, impressions with the same device as the Scottish Seal shall be taken in such manner, of such size and on such material as is specified in the direction.
- (5) Each such impression—
  - (a) shall be known as a Wafer Scottish Seal, and
  - (b) shall be kept in accordance with directions of the First Minister.
- (6) If a Wafer Scottish Seal has been applied to Letters Patent or a proclamation mentioned in subsection (1), the document has the same validity as if it had passed under the Scottish Seal.

#### Commencement Information

- II** S. 38 wholly in force at 6.5.1999; s. 38 not in force at Royal Assent see s. 130; s. 38(3) in force at 25.1.1999 by [S.I. 1998/3178](#), art. 2(2), [Sch. 1](#); s. 32(1)(2)(4)-(6) in force at 6.5.1999 by [S.I. 1998/3178](#), art. 2(2), [Sch. 3](#)

### 39 Members' interests.

- (1) Provision shall be made for a register of interests of members of the Parliament and for the register to be published and made available for public inspection.
- (2) Provision shall be made—
  - (a) requiring members of the Parliament to register in that register financial interests (including benefits in kind), as defined for the purposes of this paragraph,
  - (b) requiring that any member of the Parliament who has a financial interest (including benefits in kind), as defined for the purposes of this paragraph, in any matter declares that interest before taking part in any proceedings of the Parliament relating to that matter.
- (3) Provision made in pursuance of subsection (2) shall include any provision which the Parliament considers appropriate for preventing or restricting the participation in proceedings of the Parliament of a member with an interest defined for the purposes of subsection (2)(a) or (b) in a matter to which the proceedings relate.
- (4) Provision shall be made prohibiting a member of the Parliament from—
  - (a) advocating or initiating any cause or matter on behalf of any person, by any means specified in the provision, in consideration of any payment or benefit in kind of a description so specified, or
  - (b) urging, in consideration of any such payment or benefit in kind, any other member of the Parliament to advocate or initiate any cause or matter on behalf of any person by any such means.
- [<sup>F1</sup>(4A) Any requirement or prohibition (however expressed) imposed by provision made in pursuance of subsections (2) to (4) may be subject to such exceptions as are specified in the provision.
- (5) Provision may be made for—
  - (a) excluding a member from the proceedings of the Parliament,

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- (b) imposing on a member such other sanctions as the Parliament considers appropriate,  
if the member fails to comply with, or contravenes, any provision made in pursuance of subsections (2) to (4) or this subsection.
- (5A) Provision made under subsection (5) may include provision that a sanction is not to be imposed in such circumstances as are specified in the provision.
- (6) Provision made under subsection (5) may include provision that the member is guilty of an offence.
- (7) A person guilty of such an offence is liable on summary conviction to a fine not exceeding level 5 on the standard scale.]
- (8) In this section—
- (a) “provision” means provision made by or under an Act of the Scottish Parliament,
- (b) references to members of the Parliament include references to the Lord Advocate and the Solicitor General for Scotland, whether or not they are such members.

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**Textual Amendments**

- F1** S. 39(4A)-(7) substituted (3.7.2012) for s. 39(5)-(7) by [Scotland Act 2012 \(c. 11\)](#), **ss. 7(2), 44(5)** (with [s. 7\(3\)](#)); [S.I. 2012/1710](#), art. 2(c)

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**Modifications etc. (not altering text)**

- C1** S. 39(2)(b) modified (S.) by [Interests of Members of the Scottish Parliament Act 2006 \(asp 12\)](#), **s. 12(3)** (the modification coming into force on the day after the date of the first dissolution of the Parliament following the date of Royal Assent in accordance with s. 21(4) of the modifying Act, which first dissolution began at midnight on 2.4.2007)

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