



Interests of Members of the Scottish Parliament Act 2006

2006 asp 12

Declaration of interests and prohibition of paid advocacy etc.

12 Declarable interests

- (1) In this Act, a “declarable interest” means a declarable financial interest.
- (2) A member has a declarable financial interest in any matter if that member has, or had, a registrable financial interest in that matter which is registered in the entry relating to that member.
- (3) A member has a financial interest for the purposes of paragraph (b) of section 39(2) of the 1998 Act if that member has a declarable financial interest.

Commencement Information

- II** This provision comes into force in accordance with s. 21(4)

13 Declaration of interests

- (1) Any member who has a declarable interest in any matter shall declare that interest before taking part in any proceedings of the Parliament relating to that matter.
- (2) For the purposes of subsection (1), a member shall declare an interest by making, in such circumstances as the Parliament may determine, either an oral or, as the case may be, a written declaration of that interest.

Commencement Information

- I2** [S. 13\(2\)](#) in force for specified purposes at 14.7.2006, see [s. 21\(3\)](#); [s. 13](#) otherwise comes into force in accordance with s. 21(4)

Changes to legislation: There are currently no known outstanding effects for the Interests of Members of the Scottish Parliament Act 2006, Cross Heading: Declaration of interests and prohibition of paid advocacy etc.. (See end of Document for details)

14 Prohibition of paid advocacy etc.

- (1) A member shall not by any means, in consideration of any payment or benefit in kind—
- (a) advocate or initiate any cause or matter on behalf of any person; or
 - (b) urge any other member to advocate or initiate any cause or matter on behalf of any person.
- (2) For the purposes of subsection (1)—
- (a) “any means” shall be construed as the doing of anything by a member in the capacity of a member, whether or not in any proceedings of the Parliament; and
 - (b) “any payment or benefit in kind” means any payment or benefit in kind—
 - [^{F1}(i) which the member receives, agrees to receive or requests and which falls within subsection (2A); or
 - (ii) which the member's spouse, civil partner or cohabitant receives, agrees to receive or requests and which falls within subsection (2B).
- (2A) A payment or benefit in kind falls within this subsection if, after taking account of all the circumstances, it may reasonably be considered that the payment or benefit results (or, if and when made or given, would result) in some benefit to the member, other than a vote for that member in any election to the Parliament.
- (2B) A payment or benefit in kind falls within this subsection if, after taking account of all the circumstances, it may reasonably be considered that the payment or benefit—
- (a) is being provided (or, if and when made or given, would be provided) in connection with the Parliamentary duties of the member; and
 - (b) results (or, if and when made or given, would result) in some benefit to that member.]
- (3) Subsection (1) shall not prevent a member receiving[^{F2}, agreeing to receive or requesting] assistance in connection with any of the following matters—
- (a) the preparation of a Member's Bill or of any amendment to a Bill, or any other matter relating to a Bill (whether before, during or after its passage in the Parliament and before it is submitted for Royal Assent); or
 - (b) a debate upon subordinate legislation (whether before or after its making); or
 - (c) a legislative consent motion.

Textual Amendments

- F1** S. 14(2)(b)(i)-(2B) substituted for s. 14(2)(b)(i)(ii) (5.5.2016) by [Interests of Members of the Scottish Parliament \(Amendment\) Act 2016 \(asp 4\)](#) , **ss. 9(a)** , 16(3)
- F2** Words in s. 14(3) inserted (5.5.2016) by [Interests of Members of the Scottish Parliament \(Amendment\) Act 2016 \(asp 4\)](#) , **ss. 9(b)** , 16(3)

Commencement Information

- I3** This provision comes into force in accordance with s. 21(4)

Changes to legislation:

There are currently no known outstanding effects for the Interests of Members of the Scottish Parliament Act 2006, Cross Heading: Declaration of interests and prohibition of paid advocacy etc..