

INTERESTS OF MEMBERS OF THE SCOTTISH PARLIAMENT ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 12: Declarable interests

53. **Section 12** defines a declarable interest and defines the circumstances in which a member has a declarable interest in relation to any particular matter. A declarable interest is defined as being a declarable financial interest. A member has a declarable interest in relation to any matter if that member has, or had, a registrable financial interest relating to that matter. A member must declare an interest when speaking or intervening in a debate where that interest relates to the subject being debated.
54. The effect of subsection (2) of this section is that if the member has registered a registrable financial interest under sections 3 (initial registration), 5 (registration of additional interests) or 6 (late registration) of the Act, then this is a declarable interest. If the interest is no longer registered because it is a ceased interest a member will no longer be required to declare it. An interest which could be deleted under section 8 but has not been must be declared until such time as it is deleted from the register. Financial interests are dealt with under section 39(6) of the 1998 Act which creates an offence in relation to any failure to comply with the provisions for declaration.
55. Section 39(2) of the 1998 Act requires provision to be made by the Parliament requiring a member who has a financial interest as defined for the purpose of paragraph (b) of that section to declare that interest. Subsection (4) defines a financial interest for the purpose of paragraph (b) of section 39(2) of the 1998 Act as a declarable financial interest.