

# **INTERESTS OF MEMBERS OF THE SCOTTISH PARLIAMENT ACT 2006**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Section 14: Prohibition of paid advocacy etc.***

58. **Section 14** sets out the requirements and restrictions in relation to paid advocacy. Paid advocacy occurs when a member undertakes an action in their capacity as a member, on behalf of any person or group for which they receive a payment or benefit in kind. Subsection (1) prevents a member by any means from advocating or initiating any cause or matter on behalf of any person or urging any other member to do so in return for any payment or any benefit in kind.
59. Paragraph (a) of subsection (2) defines “any means” as anything done by a member in the capacity of a member whether or not in any proceedings of the Parliament.
60. Paragraph (b) of subsection (2) defines what is meant by “any payment or benefit in kind”. Paragraph (b)(i) makes clear that it includes all payments or benefits in kind which the member receives and which may be reasonably considered to result in some benefit for that member, except a vote for that member in an election to the Parliament. Paragraph (b) (ii) also makes it clear that it includes any payments or benefit in kind which the member’s spouse, civil partner or cohabitant receives and which may reasonably be considered to be provided in connection with the Parliamentary duties of that member and to benefit that member in some way.
61. Subsection (3) sets out the exceptions to these provisions. Assistance in the preparation of a Members’ Bill, or assistance with amendments to any Bill, or a debate on subordinate legislation or a legislative consent motion will not be considered as paid advocacy. A legislative consent motion signifies the agreement of the Scottish Parliament that the UK Parliament may legislate in relation to a devolved matter, the legislative competence of the Parliament or the executive competence of Scottish Ministers. Such a motion was formerly known as a Sewel motion).