

INTERESTS OF MEMBERS OF THE SCOTTISH PARLIAMENT ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 17: Offences

68. By virtue of section 39(6) (a) and (b) of the 1998 Act, contraventions of certain provisions in the Act are automatically criminal offences. The Scottish Parliament is given no discretion in this matter under the 1998 Act. Section 17 specifies the provisions of the Act breach of which constitutes an offence under the 1998 Act in so far as these sections relate to registrable financial interests, declarable financial interests and paid advocacy.
69. Subsection (1) sets out the sections breach of which constitutes an offence in so far as these sections relate to registrable interests or declarable financial interests, these are—
- 3 (initial registration of a registrable interests);
 - 5 (registration of registrable interests acquired after date of return);
 - 6 (late registrations);
 - 13 (declaration of interests);
 - 15 (preventing or restricting participation in proceedings of the Parliament); and
 - 16 (exclusion from proceedings of the Parliament).
70. Subsection (2) sets out the sections breach of which constitutes an offence in so far as they relate to paid advocacy, these are—
- 14 (prohibition of paid advocacy etc.); and
 - 16 (exclusion from proceedings of the Parliament) (as far as it relates to a failure to comply with a sanction imposed relative to a breach of section 14).
71. Any person found guilty of any of these offences will be liable on summary conviction to a fine not exceeding level five on the standard scale (currently £5,000). The penalties are set out in section 39(7) of the 1998 Act.