

INTERESTS OF MEMBERS OF THE SCOTTISH PARLIAMENT ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 18: Scottish Law Officers

72. The Act applies to members of the Parliament and “member” is defined in section 19(1) as including, subject to section 18, a Scottish Law Officer (the Lord Advocate or Solicitor General for Scotland) even where they are not members of the Parliament. Section 18 makes modifications of the Act to apply where a Scottish Law Officer is not a member of the Parliament.
73. Subsection (2) modifies what is meant by “the date on which a member was returned” in relation to such a Scottish Law Officer. Where a Scottish Law Officer continues in post after a general election to the Parliament, subsection (2)(a) provides that “the date on which a member was returned” is the date of the poll of that general election. Where a new Scottish Law Officer is appointed, subsection (2)(b) provides that it means the date of that appointment.
74. Subsection (3) provides that, for the purposes of subsection (2)(a), where a new Scottish Law Officer has not been appointed within 28 days after the poll at a general election, the existing Scottish Law Officer will be regarded as continuing in post.
75. Subsection (4) sets out the period allowed for the Scottish Law Officers to register their interests for the purposes of section 3 (initial registration of a registrable interest). Section 3(4) is disapplied. Instead it is provided that a Scottish Law Officer is allowed, in the case of those continuing in office, 60 days after the poll at the general election and, in the case of a newly appointed Scottish Law Officer, 30 days after the day of their appointment.
76. By subsection (5), section 9(5) which provides for the Clerk to delete a member’s entry in the register when the member ceases to be a member is disapplied. The subsection sets out different provisions for Law Officers – these could be the dates when a Scottish Law Officer ceases to hold office; ceases to continue to hold office; or the date of the dissolution of Parliament, whichever is the earliest.