

INTERESTS OF MEMBERS OF THE SCOTTISH PARLIAMENT ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 4: Written statement

26. **Section 4** makes provision for written statements required under sections 3, 5, 6 or 7.
27. Subsection (1) allows the Parliament to determine the form of the written statement referred to in section 3(3). Conferring a power on the Parliament to make determinations will allow the form of the statement to be changed to take account of technology advances or other changes thought necessary in the light of experience and practice.
28. Subsection (2) provides that the written statement will contain such information about the interest or relating to it as Parliament may determine. It is envisaged that this may include how the registrable interest will be identified, its nature, source and how the value of the interest is expressed or calculated along with other details. For example, such a determination may cover whether members' shares should be recorded in the statement by reference to the number held, or their value, at the relevant date. The statement details must strike a balance between the confidentiality of the member's affairs and the right of the public to have sufficient information about that which might reasonably be considered to influence the actions of a member.
29. Subsection (3) provides that Parliament can make different determinations for different kinds of interests. This provides the Parliament with flexibility to determine both the form and type of information required for each category of interest. For example it may make different determinations for sponsorship, or gifts.
30. Subsection (4) allows the member to choose to include additional information in the written statement.
31. Subsection (5)(a) requires the Clerk, within 30 days from the date any written statement is lodged by the member, to enter the written statement into the register in the entry relating to that member along with the date on which the statement was lodged. The Clerk must also within the 30 day period send a copy of the entry in the register to the member who lodged the statement. Sending a copy of the entry allows the member to check the accuracy of the entry and assures the member that their interests are correctly registered.