

INTERESTS OF MEMBERS OF THE SCOTTISH PARLIAMENT ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 8: Deletion of interests from the register

39. This section provides for the deletion of interests from the register. This is permitted provided the interest is ceased. Subsection (1) defines a ceased interest as one which is registered but which, if it had not been registered, would not now require to be registered. To meet this requirement the interest must no longer be a registrable interest under section 3, 5 or 6. Where an interest was one which only required to be registered initially as it met the prejudice test, a member must decide whether the prejudice test is still met in determining whether an interest is a ceased interest. The second type of interest which can be deleted as ceased, is one registered under section 7.
40. Subsection (2) sets out the procedure for deleting the interest and requires a written notice to be lodged by a member with the Clerk. The notice must identify the interest in question; state that it is a ceased interest and the date on which it ceased.
41. Subsection (3) sets out the procedure that the Clerk must follow when a member lodges a written notice identifying a ceased interest. The Clerk is required, within 30 days after the notice was lodged, to record in the entry in relation to that member that the interest is a ceased interest, the date it became a ceased interest and the date the amendment was made. A copy of the amended entry is required to be sent to the member.
42. Notwithstanding the amendment of an entry under subsection (3), the entry remains in the register for a further 12 months after a ceased interest notice is lodged. After that period has elapsed the Clerk deletes that interest and associated information from the register. A copy of the amended entry in the register is required to be sent to the member.