



Interests of Members of the Scottish Parliament Act 2006

2006 asp 12

Supplementary

19 Interpretation

(1) In this Act—

^{F1}

“the 1998 Act” means the Scotland Act 1998 (c. 46);

“the 1999 Order” means the Scotland Act 1998 (Transitory and Transitional Provisions) (Members' Interests) Order 1999 (S.I. 1999/1350);

“ceased interest” shall be construed in accordance with section 8(1);

“civil partner” in relation to a member does not include a former civil partner or a civil partner who is living separately and apart from the member where the separation is likely to be permanent;

“the Clerk” means the Clerk of the Parliament;

“cohabitant” means either member of a couple consisting of—

(a) a man and a woman who are living together as if they were husband and wife; or

(b) two persons of the same sex who are living together as if they were civil partners;

“company” means a company [^{F2}as defined in section 1(1) of the Companies Act 2006]^{F2};

“declarable interest” shall be construed in accordance with section 12(1);

“declarable financial interest” shall be construed in accordance with section 12(2);

“financial interest” includes benefits in kind;

“heritable property” includes any right or interest in heritable property whether in Scotland or elsewhere;

“member” [^{F3}(except in references to a member of a registered political party)] means a member of the Scottish Parliament and, subject to section 18, includes a Scottish Law Officer where that officer is not a member of the Parliament;

“member's salary” means the gross annual salary of a member as a member;

Changes to legislation: There are currently no known outstanding effects for the Interests of Members of the Scottish Parliament Act 2006, Section 19. (See end of Document for details)

“old entries” shall be construed in accordance with section 10(3);

“parent undertaking” has the same meaning as in [^{F4}the Companies Acts (see section 1162 of the Companies Act 2006)]^{F4};

“parliamentary session” means the period from the date of the first meeting of the Parliament following a general election until the Parliament is dissolved;

“prejudice test” shall be construed in accordance with section 3(2);

“the register” means the Register of Interests of Members of the Scottish Parliament established under section 1(1) and associated words shall be construed accordingly;

[^{F5}“registered political party” means a political party registered under Part II of the Political Parties, Elections and Referendums Act 2000 (c.41);]

“registrable interest” shall be construed in accordance with section 2(1);

“registrable financial interest” shall be construed in accordance with section 2(2) and the schedule;

“remuneration” includes any salary, wage, share of profits, fee, expenses, other monetary benefit or benefit in kind;

“Scottish Law Officer” means the Lord Advocate or the Solicitor General for Scotland;

“shares” includes stock;

“spouse” in relation to a member does not include a former spouse or a spouse who is living separately and apart from the member where the separation is likely to be permanent;

“subsidiary undertaking” has the same meaning as in [^{F4}the Companies Acts (see section 1162 of the Companies Act 2006)]^{F4}; and

“undertaking”, except in paragraph 2(f) of the schedule, has the same meaning as in [^{F6}the Companies Acts (see section 1161(1) of the Companies Act 2006)]^{F6}.

- (2) Any reference in this Act to—
- (a) an interest meeting the prejudice test shall be construed in accordance with section 3(2); or
 - (b) lodging a written statement with the Clerk shall be construed in accordance with section 4.
- (3) For the purposes of this Act, a member has registered an interest in the register if—
- (a) that member has lodged with the Clerk a written statement in accordance with section 3, 5, 6 or 7, irrespective of whether or not the Clerk has registered that statement; and
 - (b) that member has not lodged with the Clerk a written notice under section 8 indicating that the interest is a ceased interest,

and any reference in this Act to an interest being registered shall be construed accordingly.

[^{F7}(4) For the purposes of the schedule, a member is to be taken as accepting a controlled transaction when it is entered into (even although, in the case of an arrangement of the kind mentioned in paragraph 6A(6) of the schedule, the member is not a party to the arrangement).]

Changes to legislation: There are currently no known outstanding effects for the Interests of Members of the Scottish Parliament Act 2006, Section 19. (See end of Document for details)

Textual Amendments

- F1** S. 19(1) : definition of "the 1985 Act" omitted (1.10.2009) by virtue of [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#) , art. 2(1) , [Sch. 1 para. 262\(2\)](#) (with art. 10)
- F2** S. 19(1) : words in definition of "company" substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#) , art. 2(1) , [Sch. 1 para. 262\(3\)](#) (with art. 10)
- F3** Words in s. 19(1) inserted (5.5.2016 coming into force in accordance with s. 17 of the amending Act) by [Interests of Members of the Scottish Parliament \(Amendment\) Act 2016 \(asp 4\)](#) , [ss. 14\(a\)\(i\)](#), 16(2)
- F4** S. 19(1) : words in definitions of "parent undertaking" and "subsidiary undertaking" substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#) , art. 2(1) , [Sch. 1 para. 262\(4\)](#) (with art. 10)
- F5** Words in s. 19(1) inserted (5.5.2016 coming into force in accordance with s. 17 of the amending Act) by [Interests of Members of the Scottish Parliament \(Amendment\) Act 2016 \(asp 4\)](#) , [ss. 14\(a\)\(ii\)](#), 16(2)
- F6** S. 19(1) : words in definition of "undertaking" substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#) , art. 2(1) , [Sch. 1 para. 262\(5\)](#) (with art. 10)
- F7** S. 19(4) added (5.5.2016 coming into force in accordance with s. 17 of the amending Act) by [Interests of Members of the Scottish Parliament \(Amendment\) Act 2016 \(asp 4\)](#) , [ss. 14\(b\)](#) , 16(2)

Commencement Information

- I1** S. 19 in force for specified purposes at 14.7.2006, see s. 21(3); s. 19 otherwise comes into force in accordance with s. 21(4)

Changes to legislation:

There are currently no known outstanding effects for the Interests of Members of the Scottish Parliament Act 2006, Section 19.