

DELEGATED POWERS AND LAW REFORM COMMITTEE

11th Meeting, 2021 (Session 6) Tuesday, 16 November 2021

Instrument Responses

Ethical Standards in Public Life etc. (Scotland) Act 2000 (Register of Interests) Amendment Regulations 2021 (SSI 2021/397)

On 12 November 2021, the Scottish Government was asked:

The instrument amends the Ethical Standards in Public Life etc. (Scotland) Act 2000 (Register of Interests) Regulations 2003 (“the 2003 Regulations”) as a result of amendments made to the code of conduct for councillors and the model code of conduct for members of devolved public bodies. In particular, regulation 2(2) substitutes a new schedule into the 2003 Regulations in which the registerable interests of councillors and members of devolved public bodies are described by reference to various paragraphs in the councillors’ code and the members’ code respectively. The accompanying policy note explains that the amendments are a consequence of the approval of the revised Councillors’ Code of Conduct and Model Code of Conduct for Members of Devolved Bodies by the Scottish Parliament on 27 October 2021. It is further explained that as the 2003 Regulations cross-refer to the Codes it is necessary to amend those regulations so that they reflect the Codes as amended.

Table B of the schedule to be inserted by regulation 2(2) of the instrument refers to Members interests and column one lists the registerable interests. There are eight entries listed in table B. Section 4 (Registered Interests) of the Model Code of Conduct for Members of Devolved Public Bodies (SG/2021/230) laid before the Parliament on 2nd September 2021 and approved on 27 October 2021 contains nine entries (or categories). Category 9 (Close Family Members) is not included in the schedule to be inserted by regulation 2(2). Should this category be included in the schedule to reflect the amended code of conduct?

Please confirm whether any corrective action is proposed, and if so, what action and when.

On 16 November 2021, the Scottish Government responded:

Table B of the schedule, as inserted by the Amendment Regulations, should have contained a ninth entry for the interests of close family members who have transactions with the public body or are likely to have transactions or do business with the public body. This appears to have been omitted from the table inadvertently. The Scottish Government would propose to amend the new schedule of the 2003 Regulations (as inserted by the present Amendment Regulations) as soon as possible so as to insert entry 9 into table B.

Officials are discussing the timing of these further amendment regulations and it is anticipated that the necessary amendment will be made in early course.