SCOTTISH STATUTORY INSTRUMENTS

2003 No. 135

LOCAL GOVERNMENT ETHICAL STANDARDS

The Ethical Standards in Public Life etc. (Scotland) Act 2000 (Register of Interests) Regulations 2003

Made - - - -	*5th March 2003*
Laid before the Scottish Parliament - - - -	*6th March 2003*
Coming into force - -	*1st May 2003*

The Scottish Ministers, in exercise of the powers conferred by section 7(2) of the Ethical Standards in Public Life etc. (Scotland) Act 2000(**1**), and all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Ethical Standards in Public Life etc. (Scotland) Act 2000 (Register of Interests) Regulations 2003, and shall come into force on 1st May 2003.

Interpretation

2. In these Regulations–

"declaration of acceptance" shall be construed in accordance with section 33A of the Local Government (Scotland) Act 1973(**2**);

"member" means a member of a devolved public body;

"National Park authority" means a devolved public body that is a National Park authority, within the meaning of section 6(1) of the National Parks (Scotland) Act 2000(**3**);

"proper officer" means an employee of a council or National Park authority appointed by that council or authority for the purpose of carrying out the duties of that council or authority under section 7(1) of the 2000 Act;

"register of interests" means any register set up in accordance with section 7(1) of the 2000 Act;

(**1**) 2000 asp 7.
(**2**) 1973 c. 65; section 33A was inserted by the Local Government and Housing Act 1989 (c. 42), section 30(1), and extended by section 31(7) of that Act.
(**3**) 2000 asp 10.

"registerable interest" means an interest that a responsible person is required to register under the relevant councillors' code or members' code;

"responsible person" means any councillor or member; and

"standards officer" means an employee of a devolved public body other than a National Park authority, appointed by that body for the purpose of carrying out the duties of that body under section 7(1) of the 2000 Act, or where that body has no employees the person approved by the Standards Commission for Scotland for that purpose.

Appointment of proper officer and standards officer

3.—(1) Every council and National Park authority shall have a proper officer.

(2) Every devolved public body other than a National Park authority shall have a standards officer.

First Notice

4.—(1) Each responsible person shall give to the applicable proper officer or standards officer a first notice of interests.

(2) The responsible person shall give that first notice by the latest of–

(a) 1st June 2003;

(b) one month after the date of any declaration of acceptance or date of appointment, as the case may be, of that person; or

(c) one month after the date on which a members' code has effect in accordance with section 3(10) of the Ethical Standards in Public Life etc. (Scotland) Act 2000.

(3) The first notice shall state–

(a) the name of the responsible person;

(b) for each category listed in the first column of the Schedule to these Regulations in respect of which the responsible person has a registerable interest, information of the kind described in the councillors' code or members' code as set out in the second column of that Schedule; and

(c) for each other category so listed, that the responsible person does not have such an interest.

Further notices

5.—(1) Each responsible person shall on any change to the information contained in a notice under regulation 4 or this regulation, give a further notice to the proper officer or standards officer, as the case may be, setting out the details of that change.

(2) The further notice shall–

(a) be given within one month of the change to the information; and

(b) provide the details of that change in the manner prescribed by regulation 4(3).

Recording the information

6.—(1) Every proper officer or standards officer shall, subject to paragraph (3), maintain a record in the register of interests of information contained in a notice under regulation 4 or 5.

(2) The record shall consist of–

(a) the date of receipt of that notice;

(b) the name of the responsible person who gave that notice; and

(c) a statement of the information contained in, or a copy of, that notice.

(3) The proper officer or standards officer, as the case may be, shall maintain that record in respect of any person until five years after the date that person ceases to be a responsible person.

Inspecting the register of interests

7. Every proper officer or standards officer shall keep the register of interests open to public inspection at an office of the applicable council, National Park authority, or other devolved public body, at all reasonable hours and without charge.

St Andrew's House, Edinburgh
5th March 2003

PETER J PEACOCK
Authorised to sign by the Scottish Ministers