

Dr Sam Jones
Clerk to the Standards Committee
Scottish Parliament Headquarters
George IV Bridge
Edinburgh
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04 April 2002

Dear Dr Jones

**Standards Committee 2nd report, 2002
Replacing the Members' Interests Order: Interim Proposals for Consultation**

The Scottish Consumer Council welcomes the opportunity to give written evidence to the Standards Committee on the above report.

The work of the Consultative Steering Group on the Scottish Parliament was based on a number of key principles, including accountability and openness. If the people of Scotland are to have faith in the parliament, they must be able to trust their elected representatives. If the parliament is to be as open and accountable as possible, MSPs must be required to declare interests which might be thought to influence their behaviour and decision making.

We wish to comment specifically on the issue of registration of non-pecuniary interests. We consider that regard should be had to the proposed requirements on other public office holders to make such declarations of interests. The Scottish Executive has produced draft codes of conduct for members of public bodies and local councillors as part of the new ethical framework for public appointments introduced by the Ethical Standards in Public Life etc. (Scotland) Act 2000.

Both of these draft codes require office holders to register and describe 'significant non-financial interests'. Relevant interests include 'membership or holding office in clubs, societies and organisations such as trades unions and voluntary organisations'.¹

Both draft codes also recognise the importance of public perception, explicitly stating that 'non-financial interests are those which members of the public might reasonably think could influence your actions, speeches or votes' in the Council or the public body.²

¹ Model Code of Conduct for Members of Public Bodies; Model Code of Conduct for Councillors, both Section 5.3.1

² See Note 1

The Act requires every council and devolved public body to set up, maintain and make available for public inspection a register of their members' interests.³

In April 2001, the Scottish Consumer Council submitted written evidence in response to a request from Justice 2 committee of the parliament regarding whether members of the judiciary should be required to declare their membership of the freemasons.⁴ We considered that this should be viewed as a much wider issue, in relation to public appointments and the requirement to declare interests generally.

We stated that, while membership of the freemasons may be one factor which could prejudice, and perhaps more importantly, be seen to prejudice, the impartiality of a judge, a judge may have other interests which could equally be seen to do so. We therefore argued that judges and sheriffs should be subject to the same requirements as other public office holders in Scotland, in terms of the draft codes of conduct.

In the same way, we consider that members of the Scottish Parliament should be subject to the same requirements as other public office holders in Scotland. Thus, they should be required to declare and register non-financial interests on the same basis as members of public bodies and local councillors, and these should be published in a public register.

I hope that these comments are helpful to the committee in its deliberations.

Yours sincerely

Martyn Evans
DIRECTOR

³ Ethical Standards in Public Life etc. (Scotland) Act 2000, section 7

⁴ Letter from Graeme Millar, Scottish Consumer Council Chairman to the Clerk to Justice 2 committee regarding Petition PE306 from Thomas Minogue, dated 10 May 2001