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# ADVICE NOTE FOR MEMBERS ON HOW TO DECLARE INTERESTS

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## 1. Introduction

- 1.1 This Advice Note, issued by the Standards Commission for Scotland (Standards Commission), aims to provide advice to members of devolved public bodies on how and when to declare an interest at meetings.
- 1.2 Devolved Public Bodies are obliged to have Codes of Conduct for their appointed members. These Codes are based on a Model Code of Conduct, that has been approved by the Scottish Parliament. The Model Code identifies and outlines the types of interest that must be declared. The Standards Commission has produced Guidance on how the provisions in the Model Code should be interpreted. A copy of the Guidance can be found on the Standards Commission's website at: [www.standardscommissionscotland.org.uk/guidance/guidance-notes](http://www.standardscommissionscotland.org.uk/guidance/guidance-notes). This Advice Note does not, therefore, repeat advice about what interests require to be declared and / or how members should identify whether they have a declarable interest. Instead, it aims to provide guidance on when such a declaration should be made. The Advice Note also suggests wording that members may wish to use when declaring an interest.

## 2. When an interest should be declared

- 2.1 You must consider at the earliest stage possible whether you have an interest to declare in relation to any matter which is to be considered at a meeting. You should review agendas or papers sent in advance of meetings in order to determine whether you have a declarable interest in any items. Your declaration of interest must be made as soon as practicable at the meeting. If, however, you only identify the need for a declaration of interest when a particular matter is being discussed, you must declare the interest as soon as you realise it is necessary.
- 2.2 The interest must be declared at the meeting in question, regardless of whether or not you have already provided advance notice of it to any officer, colleague or the chair.

## 3. Suggested wording to use

- 3.1 In order to be as transparent and consistent as possible, you may wish to consider using the following wording:

*"I declare an interest in item (x) for the following reason(s) ....."*

- 3.2 The information you provide in terms of your reasoning does not need to be detailed but should be sufficient for those at the meeting to understand why you are making a declaration.
- 3.3 For example, you could state: *"I am a member of (x), who are one of the parties affected by ....", or "my partner is employed by (x) who could be potentially benefit from ...."*

- 3.4 You may wish to refer to the objective test when making a declaration. For example, if you are associated with a body, society or organisation as a result of your private and personal interests (and not because of your role as a member of devolved public body) and you consider the objective test applies, you could state:

*“I am an officeholder of (x). I consider my interest in (x) would be seen by a member of the public acting reasonably in a different light because it is the interest of a member of a devolved public body as opposed to an ordinary member of the public. As such, I consider the objective test applies and I will withdraw from the meeting during any discussion and voting on item (x)”.*

- 3.5 Again, in order to be as transparent as possible and so that your actions are recorded in any minute of the meeting, you should end your declaration by clearly stating that you will leave the room when the item you have the interest in is being considered. For example, you may wish to state:

*“As I have declared an interest, I will withdraw from the meeting during any discussion and voting on item (x)”.*

- 3.6 Occasionally, in the interests of transparency you may wish to explain to the meeting that you have considered making a declaration but have decided it would not fall within the objective test. In such circumstances you should consider saying something along the lines of:

*“I have considered whether I require to declare an interest in item (x) for the following reasons ..... However, having applied the objective test, I consider that any connection I have to the matter is so remote / insignificant that it does not require me to remove myself from consideration of the item.”*

#### 4. Further Sources of Information

- 4.1 If you have any queries or concerns about this Advice Note or how to interpret or act in accordance with the provisions in the Model Code of Conduct for Members of Devolved Public Bodies, you should seek assistance from your Standards Officer.

- 4.2 Further information can also be obtained from the Standards Commission.

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Data control and version information				
Date	Action by	Version Updated	Current version	Brief Description
10/08/17	LJ	N/A	V1	Implementation of Advice Note
24/03/21	JS	V1	2021 v1.0	Minor formatting amendments following review. Reference to connection, not interest in transparency statement example.