



Commissioner for Ethical Standards in Public Life in Scotland

CONFIDENTIAL

Mr Stewart Stevenson, MSP
Convener
SPPA
The Scottish Parliament
Room TG.01
Edinburgh
EH99 1SP

5 December 2014

Dear Convener

Committee Bill

Thank you for your letter of 20 October inviting comments on the possible implications of the forthcoming Bill to amend the Members of the Scottish Parliament Act 2006 so as to eliminate dual reporting.

I have endeavoured to make an assessment of possible additional costs for this office on the basis of the information helpfully annexed to your letter and after making contact with the Electoral Commission to discuss their experience of investigations.

The area most likely to give rise to complaints, and therefore to additional investigative work, would be complaints about failure properly to register donations and other transactions providing funding for political activities. I understand that the Electoral Commission receive only a small number of complaints of this nature and that most of these are investigated without the need for interviews. However, I also note that the rules are well settled, that donations of sums less than £500 do not need to be registered and do not count for the purposes of aggregation, and that the Commission has the power to deal with complaints which they regard as minor by issuing advice and guidance. Unless similar provisions were to be included in the proposed Bill, I consider that there is a real possibility of more complex investigations being required, particularly if different minimum thresholds exist under the amended legislation.

I therefore consider it prudent to budget for some additional, full investigations in the early years following the introduction of the proposed changes. As the investigative capacities of this office are currently fully stretched, and likely to remain for the foreseeable future, I am not in a position to say that the additional costs would be readily absorbed. That would depend on a reduction in other areas of demand, and experience suggests that that is not likely to occur in the period surrounding the forthcoming UK and Scottish elections.

Yours sincerely

Bill Thomson
Commissioner

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