



Scottish Parliamentary Commissions and Commissioners etc. Act 2010

2010 asp 11

PART 1

THE COMMISSION FOR ETHICAL STANDARDS IN PUBLIC LIFE IN
SCOTLAND: THE PUBLIC STANDARDS COMMISSIONER FOR SCOTLAND
AND THE PUBLIC APPOINTMENTS COMMISSIONER FOR SCOTLAND

The Commission and the Commissioners

7 Appointment of acting Commissioner

- (1) If the office of a Commissioner is vacant or a Commissioner is, for any reason and to any extent, unable to act, the Parliamentary corporation may appoint a person (an “acting Commissioner”) to perform the functions of the Commissioner, either generally or in relation to such matters or class of matter as is specified in the terms and conditions of the appointment.
- (2) An appointment of an acting Commissioner is for, or until, such time as is specified in the terms and conditions of appointment.
- (3) A Commissioner and an acting Commissioner may each perform the same functions at the same time but in relation to different matters.
- (4) Subject to subsection (5), a person who is not eligible for appointment as a Commissioner is not eligible for appointment as an acting Commissioner.
- (5) Members of the Commission’s staff are eligible for appointment as an acting Commissioner.
- (6) The other Commissioner is eligible for appointment as an acting Commissioner.
- (7) An acting Commissioner—
 - (a) may at any time resign by notice given to the Parliamentary corporation,
 - (b) may at any time be removed from office by the Parliamentary corporation,

- (c) subject to this section, holds office on such terms and conditions as the Parliamentary corporation determines, and
 - (d) is to be regarded for all purposes, except those of sections 9(1) to (4) and 10, as having the same status, functions and rights and being subject to the same restrictions as the Commissioner in respect of whom the acting Commissioner was appointed.
- (8) The Parliamentary corporation may, in the terms and conditions of appointment of an acting Commissioner, specify the minimum period of notice for the purposes of subsection (7)(a).