



# Scottish Parliamentary Commissions and Commissioners etc. Act 2010

2010 asp 11

## PART 1

### [<sup>F1</sup>THE COMMISSIONER FOR ETHICAL STANDARDS IN PUBLIC LIFE IN SCOTLAND]

#### *Office of Commissioner*

#### **9 Terms of office and remuneration**

- (1) [<sup>F1</sup>The] Commissioner—
  - (a) holds office for such period, not exceeding eight years, as the Parliamentary corporation, at the time of appointment, determines, but
  - (b) is ineligible for reappointment at any time.
- (2) [<sup>F2</sup>The] Commissioner may, at any time, resign by notice given to the Parliamentary corporation.
- (3) [<sup>F3</sup>The] Commissioner may be removed from office by the Parliamentary corporation if subsection (4) applies.
- (4) This subsection applies if—
  - (a) the Parliamentary corporation is satisfied that the Commissioner has breached the Commissioner's terms and conditions of office and the Parliament resolves that the Commissioner should be removed from office for that breach, or
  - (b) the Parliament resolves that it has lost confidence in the Commissioner's willingness, suitability or ability to perform that Commissioner's functions, and, in either case, the resolution is voted for by a number of members not fewer than two thirds of the total number of seats for members of the Parliament.
- (5) [<sup>F4</sup>The] Commissioner is entitled to such remuneration and allowances as the Parliamentary corporation determines.

---

*Changes to legislation: There are currently no known outstanding effects for the Scottish Parliamentary Commissions and Commissioners etc. Act 2010, Section 9. (See end of Document for details)*

---

- (6) In other respects, [<sup>F5</sup>the] Commissioner holds office on such terms and conditions as the Parliamentary corporation determines.
- (7) Those terms and conditions may, without prejudice to section 8—
- (a) prohibit the Commissioner from holding any other specified office, employment or appointment or engaging in any other specified occupation,
  - (b) provide that the Commissioner's holding of any such office, employment or appointment or engagement in any such occupation is subject to the approval of the Parliamentary corporation.
- (8) In subsection (7), “specified” means specified in the terms and conditions of office or within a description so specified.
- (9) The Parliamentary corporation may, in the terms and conditions of office of [<sup>F6</sup>the] Commissioner, specify the minimum period of notice for the purposes of subsection (2).

#### **Textual Amendments**

- F1** Word in s. 9(1) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 10(a)**
- F2** Word in s. 9(2) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 10(b)**
- F3** Word in s. 9(3) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 10(b)**
- F4** Word in s. 9(5) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 10(a)**
- F5** Word in s. 9(6) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 10(c)**
- F6** Word in s. 9(9) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 10(d)**

**Changes to legislation:**

There are currently no known outstanding effects for the Scottish Parliamentary Commissions and Commissioners etc. Act 2010, Section 9.