



# 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]

#### *Annual reports*

#### 25 Annual reports

- (1) The [<sup>F1</sup>Commissioner] must lay before the Parliament annually a general report on the performance [<sup>F2</sup>of the Commissioner's] functions during the reporting year.
- (2) The report must include, in relation to the performance of the [<sup>F3</sup>Commissioner's] functions under the Ethical Standards Act and the Parliamentary Standards Act—
  - (a) the numbers of complaints made to [<sup>F4</sup>the] Commissioner during the reporting year about, respectively—
    - (i) members of the Parliament,
    - (ii) councillors, and
    - (iii) members of devolved public bodies,
  - (b) the number of complaints made for the purposes of investigation under the Ethical Standards Act or the Parliamentary Standards Act which were withdrawn during the reporting year, broken down according to the stage of the investigation at which they were withdrawn,
  - (c) the numbers of investigations under the Ethical Standards Act—
    - (i) begun,
    - (ii) not proceeded with,
    - (iii) completed,during the reporting year,
  - (d) the number of outcome reports submitted to the Standards Commission for Scotland under section 14 of that Act during the reporting year,

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- (e) the number of further investigations that the Commissioner has, during the reporting year, been directed under section 16 of that Act to carry out,
  - (f) in relation to Stage 1 investigations—
    - (i) the number completed,
    - (ii) the number of complaints dismissed, and
    - (iii) the number of complaints considered admissible or treated, under section 7(7)(b) of the Parliamentary Standards Act, as meeting all the specified requirements,
 during the reporting year,
  - (g) in relation to Stage 2 investigations—
    - (i) the number completed,
    - (ii) the number of outcome reports made under section 9 of the Parliamentary Standards Act,
 during the reporting year, and
  - (h) the number of further investigations that the Commissioner has been directed to carry out under section 10(2) of that Act during the reporting year.
- (3) The report must include, in relation to the performance of the [<sup>F5</sup>Commissioner’s functions under the Public Appointments Act]—
- (a) a summary of any revisals made under section 2(3)(b) of the Public Appointments Act to the code of practice,
  - (b) a summary of any section 2(5)(b) complaints received by [<sup>F6</sup>the] Commissioner,
  - (c) a summary of any guidance to the Scottish Ministers issued under section 2(6) of the Public Appointments Act,
  - (d) the number of section 2(8)(a) reports made, and
  - (e) the number of section 2(8)(b) directions made,
- during the reporting year.

- [<sup>F7</sup>(3A) The report must include, in relation to the performance of the Commissioner’s functions under the Lobbying (Scotland) Act 2016—
- (a) the numbers of complaints made to the Commissioner during the reporting year,
  - (b) the number of complaints which were withdrawn during the reporting year, broken down according to the stage of the investigation at which they were withdrawn,
  - (c) in relation to assessments of admissibility under section 22(2)(a) of that Act—
    - (i) the number completed,
    - (ii) the number of complaints dismissed, and
    - (iii) the number of complaints considered admissible,
 during the reporting year,
  - (d) in relation to investigations under section 22(2)(b)(i) of that Act—
    - (i) the number completed,
    - (ii) the number of reports made under section 22(2)(b)(ii) of that Act,
 during the reporting year, and
  - (e) the number of further investigations that the Commissioner has been directed to carry out under section 27(2) of that Act during the reporting year.]

<sup>F8</sup>(4) . . . . .

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- (5) The report must be laid before the Parliament within seven months after the end of the reporting year.
- (6) The [<sup>F9</sup>Commissioner] must arrange for the publication of each report laid before the Parliament under this section.
- (7) In preparing a report under this section, the [<sup>F10</sup>Commissioner] must comply with any direction given by the Parliamentary corporation as to the form and content of the report.
- (8) In this section—
  - “reporting year” means the year beginning on 1 April,
  - “devolved public bodies” has the meaning given by section 28(1) of the Ethical Standards Act,
  - “Stage 1” and “Stage 2” are to be construed in accordance with section 5(1) of the Parliamentary Standards Act,
  - “section 2(5)(b) complaints” are complaints to which section 2(5)(b) of the Public Appointments Act applies (those arising from certain appointments, or recommendations for appointments, made by Scottish Ministers),
  - “section 2(8)(a) reports” are reports made under section 2(8)(a) of that Act (about continued non-compliance with the code of practice on appointments),
  - “section 2(8)(b) directions” are directions to Scottish Ministers under section 2(8)(b) of that Act (to delay appointment or recommendation pending consideration by the Parliament).

#### Textual Amendments

- F1** Word in s. 25(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. 27(a)(i)**
- F2** Words in s. 25(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. 27(a)(ii)** (with Sch. 4 para. 6)
- F3** Words in s. 25(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. 27(b)(i)** (with Sch. 4 para. 6)
- F4** Word in s. 25(2)(a) 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. 27(b)(ii)** (with Sch. 4 para. 6)
- F5** Words in s. 25(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. 27(c)(i)** (with Sch. 4 para. 6)
- F6** Word in s. 25(3)(b) 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. 27(c)(ii)** (with Sch. 4 para. 6)
- F7** [S. 25\(3A\)](#) inserted (12.3.2018) by [Lobbying \(Scotland\) Act 2016 \(asp 16\)](#), **ss. 38(4)**, 52(2); S.S.I. 2018/73, reg. 2
- F8** [S. 25\(4\)](#) omitted (1.7.2013) by virtue of [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. 27(d)** (with Sch. 4 para. 6)
- F9** Word in s. 25(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. 27(e)**

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**F10** Word in s. 25(7) 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. 27(e)**

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