

## SCHEDULE 2

Article 4(2)(c)

### Modifications to other enactments

#### **The Ethical Standards in Public Life etc. (Scotland) Act 2000**

1. The Ethical Standards in Public Life etc. (Scotland) Act 2000<sup>(1)</sup> is amended in accordance with paragraphs 2 to 8.
2. In section 9 (Public Standards Commissioner for Scotland to investigate breaches of codes)—
  - (a) for “Public Standards Commissioner for Scotland” substitute “Commissioner for Ethical Standards in Public Life in Scotland”; and
  - (b) in the title for “Public Standards Commissioner for Scotland” substitute “Commissioner for Ethical Standards in Public Life in Scotland”.
3. In the titles to section 10 and 11, for “Public Standards Commissioner” substitute “Commissioner for Ethical Standards in Public Life in Scotland”.
4. In section 12 (conduct of Public Standards Commissioner’s investigations)—
  - (a) omit subsection (4); and
  - (b) in the title, omit “Public Standards”.
5. In the titles to section 13 and 14, omit “Public Standards”.
6. Omit section 27 (protection from actions of defamation).
7. In section 28(1) (definitions), for the definition of “Commissioner” substitute—

““Commissioner” means the Commissioner for Ethical Standards in Public Life in Scotland;”.
8. In schedule 1 (the Standards Commission for Scotland)—
  - (a) in paragraph 5A(1)(b), for the words from “be a member” to “in Scotland” substitute “be, or be an employee or appointee of, the Commissioner”; and
  - (b) in paragraph 7(1), from “and the Commissioner” to the end, substitute “to exercise its functions.”.

#### **The Scottish Public Services Ombudsman Act 2002**

9. In the Scottish Public Services Ombudsman Act 2002<sup>(2)</sup>, in schedule 2 (listed authorities)—
  - (a) for paragraph 21ZA substitute—

“**21ZA** The Commissioner for Ethical Standards in Public Life in Scotland in the performance of the Commissioner’s functions under the Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7) and the Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4).”;
  - (b) omit paragraphs 32B and 32C.

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(1) 2000 asp 7. Sections 9 to 14, 27 and 28 and paragraphs 5A and 7 of schedule 1 to the Act were relevantly amended by sections 2(5) and 29(2) of, and paragraphs 1, 7(a) and 9 of schedule 1 and paragraph 3 of schedule 2 to, the Scottish Parliamentary Commissions and Commissioners etc. Act 2010 (asp 11).

(2) 2002 asp 11. Paragraphs 21ZA, 32B and 32C were inserted by section 26 of the Scottish Parliamentary Commissions and Commissioners etc. Act 2010 (asp 11).

### **The Freedom of Information (Scotland) Act 2002**

10. In the Freedom of Information (Scotland) Act 2002(3), in schedule 1 (Scottish public authorities)—

(a) for paragraph 62ZZA substitute—

“**62ZZA** The Commissioner for Ethical Standards in Public Life in Scotland in the performance of the Commissioner’s functions under the Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4).”; and

(b) omit paragraph 75ZA.

### **The Scottish Parliamentary Standards Commissioner Act 2002**

11. The Scottish Parliamentary Standards Commissioner Act 2002(4) is amended in accordance with paragraphs 12 to 15.

12. In section 3(1) (functions of the Commissioner), for “Public Standards Commissioner for Scotland” substitute “Commissioner for Ethical Standards in Public Life in Scotland”.

13. In section 16 (restriction upon disclosure of information)—

(a) in subsection (1), for “Commission for Ethical Standards in Public Life in Scotland (the “Commission”)” substitute “Commissioner”; and

(b) in subsection (2)(a)—

(i) omit “or Commission”; and

(ii) omit “or, as the case may be, Commission”.

14. Omit section 17 (protection from actions of defamation).

15. In section 20 (interpretation), for the definition of “Commissioner” substitute—

““Commissioner” means the Commissioner for Ethical Standards in Public Life in Scotland;”.

### **The Public Appointments and Public Bodies etc. (Scotland) Act 2003**

16. In the Public Appointments and Public Bodies etc. (Scotland) Act 2003(5)—

(a) in section 2(1) (the Commissioner’s functions), for “Public Appointments Commissioner for Scotland” substitute “Commissioner for Ethical Standards in Public Life in Scotland”; and

(b) in section 20 (interpretation), for the definition of “the Commissioner” substitute—

““Commissioner” means the Commissioner for Ethical Standards in Public Life in Scotland;”.

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(3) 2002 asp 13. Paragraphs 62ZZA and 75ZA were inserted by section 27 of the Scottish Parliamentary Commissions and Commissioners etc. Act 2010 (asp 11).

(4) 2002 asp 16. Sections 3(1), 16, 17 and 20 were relevantly amended by sections 2(5) and 29(7) of, and paragraphs 12, 13 and 14(b) of schedule 1 to, the Scottish Parliamentary Commissions and Commissioners etc. Act 2010 (asp 11).

(5) 2003 asp 4. Sections 2(1) and 20 were relevantly amended by section 2(5) of, and paragraphs 16 and 17 of schedule 1 to, the Scottish Parliamentary Commissions and Commissioners etc. Act 2010 (asp 11).

### **The Public Services Reform (Scotland) Act 2010**

17. In the Public Services Reform (Scotland) Act 2010(6), in schedule 5 (improvement of public functions: listed bodies), schedule 6 (Part 2 order-making powers (request and consent): listed bodies) and schedule 8 (information on the exercise of listed bodies: listed public bodies)—

- (a) for the entry “Commission for Ethical Standards in Public Life in Scotland” in each schedule, substitute “Commissioner for Ethical Standards in Public Life in Scotland”;
- (b) omit the entry “Public Appointments Commissioner for Scotland” in each schedule; and
- (c) omit the entry “Public Standards Commissioner for Scotland” in each schedule.

### **The Public Records (Scotland) Act 2011**

18. In the Public Records (Scotland) Act 2011(7), in the schedule (authorities to which Part 1 applies)—

- (a) for the entry “Commission for Ethical Standards in Public Life in Scotland” substitute “Commissioner for Ethical Standards in Public Life in Scotland”;
- (b) omit the entry relating to the Public Appointments Commissioner for Scotland; and
- (c) omit the entry relating to the Public Standards Commissioner for Scotland.

### **The Public Services Reform (General Teaching Council for Scotland) Order 2011**

19. In the Public Services Reform (General Teaching Council for Scotland) Order 2011(8), in paragraph 4(c)(ii) of Schedule 2 (GTCS membership), for “Commission” substitute “Commissioner”.

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(6) [2010 asp 8](#). Schedules 5, 6 and 8 were relevantly amended by section 2(5) of, and paragraphs 20(a) and (b), 21(a) and (b) and 22(b) and (c) of schedule 1 to, the Scottish Parliamentary Commissions and Commissioners etc. Act 2010 ([asp 11](#)).

(7) [2011 asp 12](#). There are amendments to schedule 1 of the Act which are not relevant for the purposes of this Order.

(8) [S.S.I. 2011/215](#).