



# Parliamentary Standards Act 2009

## 2009 CHAPTER 13

An Act to make provision establishing a body corporate known as the Independent Parliamentary Standards Authority and an officer known as the Commissioner for Parliamentary Investigations; to make provision relating to salaries and allowances for members of the House of Commons and to their financial interests and conduct; and for connected purposes. [21st July 2009]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

VALID FROM 12/10/2009

### *Introductory*

#### **1 Bill of Rights**

Nothing in this Act shall be construed by any court in the United Kingdom as affecting Article IX of the Bill of Rights 1689.

#### **2 House of Lords**

(1) Nothing in this Act shall affect the House of Lords.

(2) But that is subject to—

- (a) section 15(5),
- (b) paragraphs 5(3) and (4), 16(2), 22(1), 24(2)(b) and 25(1) of Schedule 1, and
- (c) paragraphs 4(2) and 8(1) of Schedule 2.

**Status:** Point in time view as at 21/07/2009. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Parliamentary Standards Act 2009. (See end of Document for details)

VALID FROM 12/10/2009

*Independent Parliamentary Standards Authority etc*

**3 Independent Parliamentary Standards Authority etc**

- (1) There is to be a body corporate known as the Independent Parliamentary Standards Authority (“IPSA”).
- (2) Schedule 1 (which makes provision about the IPSA, and in particular provides for its administration functions to be carried out by its chief executive in accordance with paragraph 17 of that Schedule) has effect.
- (3) There is to be an officer known as the Commissioner for Parliamentary Investigations (“the Commissioner”).
- (4) Schedule 2 (which makes provision about the Commissioner) has effect.
- (5) There is to be a committee known as the Speaker's Committee for the Independent Parliamentary Standards Authority (“the Committee”).
- (6) Schedule 3 (which makes provision about the Committee) has effect.

**Modifications etc. (not altering text)**

**C1** For expiry of s. 3(3)(4) see [s. 15](#)

**Commencement Information**

**I1** [S. 3](#) partly in force; [s. 3](#) not in force at Royal Assent see [s. 14\(3\)](#); [s. 3\(1\)\(2\)](#) in force at 12.10.2009 by [S.I. 2009/2500](#), [art. 2](#); [s. 3\(5\)\(6\)](#) in force at 26.10.2009 by [S.I. 2009/2612](#), [art. 2](#)

VALID FROM 29/03/2010

*Salaries and allowances for MPs*

VALID FROM 07/05/2010

**4 MPs' salaries**

- (1) The IPSA is to pay the salaries of members of the House of Commons in accordance with the relevant resolutions of the House.
- (2) That is subject to anything done in exercise of the disciplinary powers of the House.

**5 MPs' allowances scheme**

- (1) The IPSA is to pay allowances to members of the House of Commons in accordance with the MPs' allowances scheme.

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- (2) In this Act “the MPs' allowances scheme” means the scheme prepared under this section as it is in effect for the time being.
- (3) The IPSA must—
  - (a) prepare the scheme;
  - (b) review the scheme regularly and revise it as appropriate.
- (4) In preparing or revising the scheme, the IPSA must consult—
  - (a) the Speaker of the House of Commons,
  - (b) the Committee on Standards in Public Life,
  - (c) the Leader of the House of Commons,
  - (d) any committee of the House of Commons nominated by the Speaker,
  - (e) members of the House of Commons,
  - (f) the Review Body on Senior Salaries,
  - (g) Her Majesty's Revenue and Customs,
  - (h) the Treasury, and
  - (i) any other person the IPSA considers appropriate.
- (5) The Speaker must lay the scheme (or revision) before the House of Commons.
- (6) The scheme (or revision) comes into effect on the date specified in the scheme (or revision).
- (7) The scheme may, for example—
  - (a) provide for allowances to be payable in respect of specified kinds of expenditure or in specified circumstances;
  - (b) provide for allowances to be payable only on specified conditions (such as a condition that claims for allowances must be supported by documentary evidence);
  - (c) impose limits on the amounts that may be paid.
- (8) The scheme may provide for allowances to be payable in connection with a person's ceasing to be a member of the House of Commons; and references in this Act to the payment of an allowance to a member are to be read accordingly.
- (9) This section does not affect the provision of pensions for or in respect of persons with service as a member of the House of Commons (see the Parliamentary and other Pensions Act 1987 (c. 45)).
- (10) In section 3A(1) of the European Parliament (Pay and Pensions) Act 1979 (c. 50) (power to make order aligning MEPs' resettlement grants with MPs' resettlement grants), after “resolutions of the House of Commons” insert “, or a scheme under section 5 of the Parliamentary Standards Act 2009, ”.

## **6 Dealing with claims under the scheme**

- (1) No allowance is to be paid to a member of the House of Commons under the MPs' allowances scheme unless a claim for the allowance has been made to the IPSA.
- (2) The claim must be made by the member (except where the scheme provides otherwise).
- (3) On receipt of a claim, the IPSA must—

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- (a) determine whether to allow or refuse the claim, and
  - (b) if it is allowed, determine how much of the amount claimed is to be allowed and pay it accordingly.
- (4) Subsection (5) applies if—
- (a) the IPSA determines that a claim is to be refused or that only part of the amount claimed is to be allowed, and
  - (b) the member asks the IPSA to review the determination.
- (5) If this subsection applies, the IPSA must—
- (a) review whether the determination was properly made, and
  - (b) in light of that review, decide whether or not to confirm or alter the determination (and any necessary adjustments are to be made accordingly).
- (6) The MPs' allowances scheme may include—
- (a) further provision about how claims are to be dealt with;
  - (b) provision about deducting from payments of allowances amounts that a member is to repay.
- (7) The scheme may provide for an allowance to which a member is entitled under the scheme to be paid to another person at the member's direction; and references in this Act to the payment of an allowance to a member are to be read accordingly.

VALID FROM 07/05/2010

## **7 Information and guidance about taxation**

- (1) The IPSA must provide to members of the House of Commons—
- (a) details of any general information or guidance about taxation issues published by HMRC that it considers they should be aware of, and
  - (b) any other general information or guidance about taxation issues that it considers appropriate (consulting HMRC for this purpose as it considers appropriate).
- (2) “Taxation issues” means—
- (a) issues about the taxation of salaries payable under section 4 and allowances payable under the MPs' allowances scheme, and
  - (b) any other issues about taxation arising in connection with those salaries and allowances.
- (3) “HMRC” means Her Majesty's Revenue and Customs.

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PROSPECTIVE

*FI* ...

**Textual Amendments**

- F1** S. 8 cross-heading omitted (7.5.2010) by virtue of [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), **ss. 32, 52**; S.I. 2010/1277, art. 3(e)

**F<sup>2</sup>8** **MPs' code of conduct relating to financial interests**

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**Textual Amendments**

- F2** S. 8 omitted (7.5.2010) by virtue of [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), **ss. 32, 52**; S.I. 2010/1277, art. 3(e)

**Modifications etc. (not altering text)**

- C2** For expiry of s. 8 see s. 15

VALID FROM 07/05/2010

*Investigation and enforcement*

PROSPECTIVE

**[F<sup>3</sup>9** **Investigations**

- (1) The Compliance Officer may conduct an investigation if the Compliance Officer has reason to believe that a member of the House of Commons may have been paid an amount under the MPs' allowances scheme that should not have been allowed.
- (2) An investigation may be conducted—
  - (a) on the Compliance Officer's own initiative,
  - (b) at the request of the IPSA,
  - (c) at the request of the member, or
  - (d) in response to a complaint by an individual.
- (3) For the purposes of the investigation the member and the IPSA—
  - (a) must provide the Compliance Officer with any information (including documents) the Compliance Officer reasonably requires, and
  - (b) must do so within such period as the Compliance Officer reasonably requires.

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- (4) The Compliance Officer must, after giving the member and the IPSA an opportunity to make representations to the Compliance Officer, prepare a statement of the Compliance Officer's provisional findings.
- (5) The Compliance Officer must, after giving the member and the IPSA an opportunity to make representations to the Compliance Officer about the provisional findings, prepare a statement of the Compliance Officer's findings (subject to subsection (7)).
- (6) Provisional findings under subsection (4) and findings under subsection (5) may include—
  - (a) a finding that the member failed to comply with subsection (3),
  - (b) findings about the role of the IPSA in the matters under investigation, including findings that the member's being paid an amount under the MPs' allowances scheme that should not have been allowed was wholly or partly the IPSA's fault.
- (7) If subsection (8) applies, the Compliance Officer need not make a finding under subsection (5) as to whether the member was paid an amount under the MPs' allowances scheme that should not have been allowed.
- (8) This subsection applies if—
  - (a) the member accepts a provisional finding that the member was paid an amount under the MPs' allowances scheme that should not have been allowed,
  - (b) such other conditions as may be specified by the IPSA are, in the Compliance Officer's view, met in relation to the case, and
  - (c) the member agrees to repay to the IPSA, in such manner and within such period as the Compliance Officer considers reasonable, such amount as the Compliance Officer considers reasonable (and makes the repayment accordingly).
- (9) Before specifying conditions under subsection (8)(b) the IPSA must consult the persons listed in section 9A(6).
- (10) References in this section (and section 9A) to a member of the House of Commons include a former member of that House.]

#### Textual Amendments

**F3** Ss. 9, 9A substituted for s. 9 (27.7.2010) by [Constitutional Reform and Governance Act 2010](#) (c. 25), **ss. 33, 52**; S.I. 2010/1931, art. 3(c) (with arts. 4, 5)

#### Modifications etc. (not altering text)

**C3** For expiry of s. 9 see s. 15

## 10 Offence of providing false or misleading information for allowances claims

- (1) A member of the House of Commons commits an offence if the member—
  - (a) makes a claim under the MPs' allowances scheme, and
  - (b) provides information for the purposes of the claim that the member knows to be false or misleading in a material respect.

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- (2) A person guilty of an offence under subsection (1) is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum or to both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 12 months or to a fine or to both.
- (3) In the application of this section—
- (a) in England and Wales, in relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (c. 44), or
  - (b) in Northern Ireland,
- the reference in subsection (2)(a) to 12 months is to be read as a reference to 6 months.

**Modifications etc. (not altering text)**

C4 For expiry of s. 10 see s. 15

*Final provisions*

PROSPECTIVE

**F<sup>4</sup>11 Further functions of the IPSA and Commissioner**

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**Textual Amendments**

F4 S. 11 omitted (7.5.2010) by virtue of [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), ss. 36, 52; S.I. 2010/1277, art. 3(f)

**Modifications etc. (not altering text)**

C5 For expiry of s. 11 see s. 15

**12 Interpretation**

(1) In this Act—

“the Commissioner” has the meaning given by section 3(3);

“IPSA” has the meaning given by section 3(1);

“the Leader of the House of Commons” means the Minister of the Crown who is for the time being designated as Leader of the House of Commons by the Prime Minister;

“Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975 (c. 26);

“the MPs' allowances scheme” has the meaning given by section 5(2);

“the MPs' code of conduct relating to financial interests” has the meaning given by section 8(2);

“specified” includes of a specified description.

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- (2) In this Act any reference to a particular committee of the House of Commons—
  - (a) if the name of the committee is changed, is to be treated as a reference to the committee by its new name, and
  - (b) if the functions of the committee (or substantially corresponding functions) become functions of a different committee of that House, is to be treated as a reference to the committee by which those functions are exercisable.
- (3) In this Act any reference to the Committee on Standards in Public Life or to the Review Body on Senior Salaries—
  - (a) if the name of the body is changed, is to be treated as a reference to the body by its new name, and
  - (b) if the functions of the body (or substantially corresponding functions) become functions of a different body, is to be treated as a reference to the body by which those functions are exercisable.
- (4) Any question arising under subsection (2) or (3) is to be determined by the Speaker of the House of Commons.

### **13 Power to make transitional etc provision**

- (1) A Minister of the Crown may by order make supplementary, incidental, transitional, transitory or saving provision in connection with this Act.
- (2) An order under this section may provide—
  - (a) that the House of Commons' rules about members' allowances have effect for specified purposes as if contained in a scheme under section 5,
  - (b) that its rules about the registration of members' interests have effect for specified purposes as if included by virtue of section 8(7) in the MPs' code of conduct relating to financial interests, and
  - (c) that its rules about the matters mentioned in section 8(8) have effect for specified purposes as if included by virtue of section 8(8) in the MPs' code of conduct relating to financial interests.
- (3) The purposes which may be specified do not include the purposes of section 10 (offence of providing false or misleading information for allowances claims).
- (4) The order may provide for references in the rules to an officer or committee of the House of Commons to have effect as references to the Commissioner or the IPSA.
- (5) An order under this section may provide that payments of allowances made to a member of the House of Commons, to which the member was not entitled under the rules mentioned in subsection (2)(a), may be set off against other claims for allowances to be paid to that member.
- (6) An order under this section may provide—
  - (a) for the employment of persons of a specified description who are employed in connection with matters dealt with by the rules to be transferred to the IPSA by a scheme,
  - (b) for specified property, rights and liabilities which subsist wholly or mainly for the purposes of the House of Commons to be transferred to the IPSA by a scheme, and



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- (c) for specified documents and information held by or on behalf of the House of Commons (or an officer or committee of that House) to be transferred to the Commissioner or the IPSA.
- (7) A scheme made by virtue of subsection (6) is to be made by a Minister of the Crown with the consent of the person who chairs the House of Commons Commission.
- (8) An order under this section is to be made by statutory instrument.
- (9) A statutory instrument containing an order under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of the House of Commons.
- (10) In this section—
  - “the rules” means the rules of the House of Commons mentioned in subsection (2),
  - “rules” includes resolutions, standing orders, codes, schemes and guidance.

#### 14 Short title and commencement

- (1) This Act may be cited as the Parliamentary Standards Act 2009.
- (2) The following provisions of this Act come into force on the day it is passed—
  - (a) section 12;
  - (b) section 13;
  - (c) this section;
  - (d) section 15.
- (3) The other provisions come into force on the day appointed by a Minister of the Crown by order made by statutory instrument; and different days may be appointed for different purposes.

#### Subordinate Legislation Made

- P1** S. 14(3) power partly exercised: 12.10.2009 appointed for specified provisions by [S.I. 2009/2500](#), art. 2
- P2** S. 14(3) power partly exercised: 26.10.2009 appointed for specified provisions by [S.I. 2009/2612](#), art. 2

#### 15 Expiry of provisions of the Act

- (1) The relevant provisions shall expire at the end of the period of two years starting with the day on which section 8 comes into force (“the effective period”).
- (2) The relevant provisions are sections 3(3) and (4) and 8 to 11 (and Schedule 2).
- (3) But a Minister of the Crown may by order extend, or (on one or more occasions) further extend, the effective period.
- (4) An order under subsection (3)—
  - (a) is to be made by statutory instrument,
  - (b) must be made before the time when the effective period would end but for the making of the order, and

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- (c) shall have the effect of extending, or further extending, that period for the period of two years beginning with that time.
- (5) A statutory instrument containing an order under subsection (3) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

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VALID FROM 12/10/2009

## SCHEDULES

### SCHEDULE 1

Section 3

#### INDEPENDENT PARLIAMENTARY STANDARDS AUTHORITY

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PROSPECTIVE

### <sup>F6</sup>SCHEDULE 2

Section 3

#### COMPLIANCE OFFICER

##### Textual Amendments

**F6** Sch. 2 substituted (19.4.2010) by [Constitutional Reform and Governance Act 2010 \(c. 25\), s. 52, Sch. 3](#); [S.I. 2010/1277, art. 2\(a\)\(c\)](#)

##### Modifications etc. (not altering text)

**C6** For expiry of Sch. 2 see s. 15

#### *Appointment of Compliance Officer*

- 1 (1) The Compliance Officer is to be appointed by the IPSA.
- (2) The person to be appointed must be selected by the IPSA on merit on the basis of fair and open competition.

#### *Terms and conditions: general*

- 2 (1) Subject to the provisions of this Schedule, the Compliance Officer holds office in accordance with the terms and conditions of the Compliance Officer's appointment.
- (2) Those terms and conditions are to be determined by the IPSA.

#### *Term of office*

- 3 (1) The Compliance Officer is to be appointed for a fixed term not exceeding five years.
- (2) A person who has been appointed as the Compliance Officer may not be appointed again.

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#### *Resignation and removal from office*

- 4 (1) A person may resign from the office of Compliance Officer by giving written notice to the IPSA.
- (2) The IPSA may remove a person from the office of Compliance Officer if the person—
- (a) is convicted of an offence (see sub-paragraph (3)),
  - (b) becomes bankrupt (see sub-paragraph (4)), or
  - (c) is unfit or unable to carry out the functions of the office.
- (3) For the purposes of determining if the person is convicted of an offence—
- (a) it does not matter where the person is convicted, and
  - (b) an act punishable under the law of a territory outside the United Kingdom constitutes an offence for the purposes of this paragraph (however it is described in that law).
- (4) A person becomes bankrupt if—
- (a) in England and Wales or Northern Ireland, a bankruptcy order is made in relation to the person, or
  - (b) in Scotland, the person's estate is sequestrated.

#### *Remuneration*

- 5 (1) The terms and conditions on which a person is appointed as the Compliance Officer may provide for the IPSA—
- (a) to pay remuneration and allowances to the person;
  - (b) to make provision for a pension in relation to that person.
- (2) The IPSA must make the payment or provision accordingly.

#### *Status*

- 6 (1) The Compliance Officer is not to be regarded—
- (a) as the servant or agent of the Crown, or
  - (b) as enjoying any status, immunity or privilege of the Crown.
- (2) The Compliance Officer's property is not to be regarded as property of, or property held on behalf of, the Crown.

#### *Funding*

- 7 (1) The IPSA must provide the Compliance Officer with adequate resources for the Compliance Officer's functions.
- (2) In particular, the IPSA is responsible for providing staff to assist in the carrying out of those functions.

#### *Annual report*

- 8 (1) As soon as practicable after the end of each financial year, the Compliance Officer must—

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- (a) prepare a report about the performance of the Compliance Officer's functions during that financial year, and
  - (b) send the report to the IPSA.
- (2) The IPSA must send the report to the Speaker of the House of Commons, who must lay it before each House of Parliament.
- (3) When the Speaker lays the report, the Compliance Officer must publish it in such manner as the Compliance Officer considers appropriate.
- (4) “Financial year” means—
  - (a) the period beginning with the day on which a Compliance Officer is first appointed and ending with the next following 31 March, and
  - (b) each successive period of 12 months.

#### *Vacancy in office of Compliance Officer*

- 9
- (1) This paragraph applies if the office of Compliance Officer is vacant.
  - (2) The IPSA may authorise a member of the IPSA's staff provided under paragraph 7(2) to carry out the functions of the Compliance Officer during the vacancy.
  - (3) In relation to a vacancy of more than six months, the functions of the Compliance Officer may not be carried out by virtue of sub-paragraph (2) after the first six months.

#### *Disqualification*

- 10
- (1) In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (other disqualifying offices) at the appropriate place insert— “ Compliance Officer for the Independent Parliamentary Standards Authority. ”
  - (2) In Part 3 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (other disqualifying offices) at the appropriate place insert— “ Compliance Officer for the Independent Parliamentary Standards Authority. ”

#### *Freedom of information*

- 11
- In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (other public bodies and offices which are public authorities) at the appropriate place insert— “ Compliance Officer for the Independent Parliamentary Standards Authority. ”

#### *Public records*

- 12
- In Schedule 1 to the Public Records Act 1958 (definition of public records) at the appropriate place in Part 2 of the Table at the end of paragraph 3 insert— “ Compliance Officer for the Independent Parliamentary Standards Authority. ” ]

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VALID FROM 26/10/2009

SCHEDULE 3

Section 3

SPEAKER'S COMMITTEE FOR THE INDEPENDENT  
PARLIAMENTARY STANDARDS AUTHORITY

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**Changes to legislation:**

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