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# SCHEDULES

#### **PROSPECTIVE**

# [F1SCHEDULE 2

Section 3

#### COMPLIANCE OFFICER

#### **Textual Amendments**

F1 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)**

C1 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.

### 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.

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- (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—
  - (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—

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- (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

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

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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# **Changes to legislation:**

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