

SCHEDULE 1

(introduced by section 8)

THE STANDARDS COMMISSION FOR SCOTLAND

Status

- 1 (1) The Commission shall be a body corporate.
- (2) It shall not be regarded as the servant or agent of the Crown or have any status, immunity or privilege of the Crown, nor shall its members and employees be regarded as civil servants nor its property as property of or held on behalf of the Crown.

General powers

- 2 (1) The Commission may do such things and enter into such transactions as are calculated to facilitate, or are incidental or conducive to, the exercise of —
 - (a) its functions; or
 - (b) the functions of the Chief Investigating Officer.
- (2) The power under sub-paragraph (1)(a) above includes in particular power to acquire and dispose of land.

Disqualification

- 3 A person is disqualified from being appointed as, or from being, a member of the Commission if the person is disqualified under any enactment, including this Act, from being elected, or being, a councillor or under this Act from being a member of any devolved public body or the Water Industry Commissioner for Scotland.

Convener

- 4 Ministers shall appoint one member of the Commission as its convener.

Tenure of office

- 5 (1) The appointment of the convener and members of the Commission shall be on such terms and conditions as Ministers determine.
- (2) Subject to the provisions of this paragraph, a person holds and vacates office as the convener or a member of the Commission in accordance with the terms of appointment of that person.
- (3) The convener or a member may at any time resign his office by notice in writing addressed to the Ministers.
- (4) Ministers may remove the convener or a member from office if they consider—
 - (a) that the convener or member is unable or unfit to discharge the functions of office; or
 - (b) that the convener or member has not complied with the terms of appointment of that person.
- (5) The convener, if ceasing to be a member of the Commission, also ceases to be convener.

Status: This is the original version (as it was originally enacted).

- (6) A person who ceases, otherwise than by virtue of sub-paragraph (3) above, to be the convener or a member of the Commission is eligible for reappointment.

Remuneration and allowances

- 6 The Commission may pay the convener and other members of the Commission such remuneration or allowances (if any) as Ministers may determine.

Employees

- 7 (1) The Commission shall appoint such staff as it considers necessary for the purpose of enabling it and the Chief Investigating Officer and other persons appointed under section 9 of this Act to exercise their respective functions.
- (2) It shall pay to the members of its staff so appointed (referred to in this paragraph as “employees”) such remuneration and allowances as Ministers may determine.
- (3) Its employees shall be appointed on such other terms and conditions of service as it thinks fit.
- (4) It shall—
- (a) pay such pensions, allowances or gratuities to or in respect of any persons who have been or are employees as Ministers may determine; and
 - (b) make such payments as Ministers may determine towards the provision of pensions, allowances or gratuities to or in respect of any such persons.
- (5) References in sub-paragraph (4) above to pensions, allowances or gratuities to or in respect of any such persons as are mentioned in that sub-paragraph include pensions, allowances or gratuities by way of compensation to or in respect of any employees of the Commission who suffer loss of office or employment.

Chief Investigating Officer

- 8 (1) The Commission shall pay to the Chief Investigating Officer and such persons appointed by him under section 9 such remuneration and allowances as Ministers may determine.
- (2) It shall—
- (a) pay such pensions, allowances or gratuities to or in respect of such persons who are or have held the office of Chief Investigating Officer or are or have been employees of the Chief Investigating Officer as Ministers may determine; and
 - (b) make such payments as Ministers may determine toward the provision of pensions, allowances or gratuities to or in respect of any such persons.
- (3) References in sub-paragraph (2) above to pensions, allowances or gratuities to or in respect of any such persons as are mentioned in that sub-paragraph include pensions, allowances or gratuities by way of compensation to or in respect of any Chief Investigating Officer or employees of that Officer who suffer loss of office or employment.

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Proceedings

- 9 (1) The Commission may regulate its own procedure (and in particular may specify a quorum for meetings).
- (2) The validity of its proceedings is not affected—
- (a) by any vacancy among its members or in the office of its convener;
 - (b) by any defect in the appointment of any person as convener or member; or
 - (c) by a contravention of paragraph 4 above or 10 below.

Members' interests

- 10 Any member of the Commission who is directly or indirectly interested in any matter being considered at a meeting of the Commission—
- (a) must disclose the nature of that interest to the meeting; and
 - (b) must not take part in any deliberation or decision of the Commission with respect to that matter.

Expenses

- 11 The expenditure of the Commission shall be paid by Ministers.