Status: *Point in time view as at 01/04/2002.*
Changes to legislation: *Ethical Standards in Public Life etc. (Scotland) Act 2000 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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.

VALID FROM 01/04/2011

Location of office

[[F1]2A The Commission shall comply with any direction given by the Parliamentary corporation as to the location of the Commission's office.]

Textual Amendments

F1 Sch. 1 para. 2A inserted (1.4.2011) by Scottish Parliamentary Commissions and Commissioners etc. Act 2010 (asp 11), ss. 29(2), 31(5), **sch. 2 para. 6** (with s. 31(6), sch. 7)

VALID FROM 01/04/2011

Sharing of premises, staff, services and other resources

[[F2]2B The Commission shall comply with any direction given by the Parliamentary corporation as to the sharing of premises, staff, services or other resources with any other public body or any officeholder.]

Textual Amendments

F2 Sch. 1 para. 2B inserted (1.4.2011) by Scottish Parliamentary Commissions and Commissioners etc. Act 2010 (asp 11), ss. 29(2), 31(5), **sch. 2 para. 6** (with s. 31(6), sch. 7)

Status: *Point in time view as at 01/04/2002.*
Changes to legislation: *Ethical Standards in Public Life etc. (Scotland) Act 2000 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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.

(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.

VALID FROM 01/04/2011

Subsequent appointments etc.

[F3 5A (1) A person who has ceased to be a member may not, without the approval of the Parliamentary corporation—

(a) be employed or appointed in any other capacity by the Commission;

(b) be a member or an employee or appointee of the Commission for Ethical Standards in Public Life in Scotland or be, or be an employee or appointee of, the Scottish Public Services Ombudsman;

(c) hold any other office, employment or appointment or engage in any other occupation, being an office, employment, appointment or occupation which, by virtue of paragraph 5(9)(a), that person could not have held or, as the case may be, engaged in when a member.

(2) The restriction in sub-paragraph (1)—

(a) starts when the person ceases to be a member; and

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(b) ends on the expiry of the financial year following the one in which it started.**]**

Textual Amendments

F3 Sch. 1 para. 5A inserted (1.4.2011) by Scottish Parliamentary Commissions and Commissioners etc. Act 2010 (asp 11), ss. 29(2), 31(5), **sch. 2 para. 9** (with s. 31(6), sch. 7)

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

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Chief Investigating Officer or employees of that Officer who suffer loss of office or employment.

VALID FROM 01/04/2011

Advisers and other services

[F4 8A (1) The Commission may obtain advice, assistance or any other service from any person who, in the opinion of the Commission, is qualified to give it.

(2) The Commission may pay to that person such fees and allowances as the Commission determines.

(3) Any payment under sub-paragraph (2) is subject to the approval of the Parliamentary corporation.]

Textual Amendments

F4 Sch. 1 para. 8A inserted (1.4.2011) by Scottish Parliamentary Commissions and Commissioners etc. Act 2010 (asp 11), ss. 29(2), 31(5), **sch. 2 para. 12** (with s. 31(6), sch. 7)

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.

VALID FROM 01/04/2011

Strategic plans

[F5 10A (1) The Commission shall, in respect of each 4 year period, lay before the Parliament a plan (referred to in this section as a "strategic plan") setting out how the Commission proposes to exercise the Commission's functions during the 4 year period.

(2) A strategic plan shall, in particular, set out—

(a) the Commission's objectives and priorities during the 4 year period;

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(b) how the Commission proposes to achieve them;
(c) a timetable for doing so; and
(d) estimates of the costs of doing so.

(3) Before laying a strategic plan before the Parliament, the Commission shall provide a draft of it to and invite, and (if any are given) consider, comments on it from—
(a) the Parliamentary corporation; and
(b) such other persons as the Commission thinks appropriate.

(4) The reference in sub-paragraph (3)(b) to other persons includes a committee of the Parliament.

(5) The Commission shall lay each strategic plan before the Parliament not later than the beginning of the 4 year period to which the plan relates.

(6) The Commission shall arrange for the publication of each strategic plan laid before the Parliament.

(7) The Commission may, at any time during a 4 year period, review the strategic plan for the period and lay a revised strategic plan before the Parliament.

(8) Sub-paragraphs (2) to (7) apply to a revised strategic plan as they apply to a strategic plan.

(9) In that application, the reference in sub-paragraph (5) to the 4 year period is a reference to the period to which the revised strategic plan relates.

(10) In this section, "4 year period" means the period of 4 years beginning on 1 April next following the coming into force of this paragraph and each subsequent period of 4 years.**]**

Textual Amendments

F5 Sch. 1 para. 10A inserted (1.4.2011) by Scottish Parliamentary Commissions and Commissioners etc. Act 2010 (asp 11), ss. 29(2), 31(5), **sch. 2 para. 13** (with s. 31(6), sch. 7)

VALID FROM 01/04/2011

Accountable officer

[[F6]10B(1) The Parliamentary corporation shall designate a member or employee of the Commission as the accountable officer for the purposes of this paragraph.

(2) The functions of the accountable officer are—
(a) signing the accounts of the expenditure and receipts of the Commission;
(b) ensuring the propriety and regularity of the finances of the Commission;
(c) ensuring that the resources of the Commission are used economically, efficiently and effectively; and
(d) the duty set out in sub-paragraph (3).

Status: *Point in time view as at 01/04/2002.*
Changes to legislation: *Ethical Standards in Public Life etc. (Scotland) Act 2000 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) Where the accountable officer is required to act in some way but considers that to do so would be inconsistent with the proper exercise of the functions specified in sub-paragraph (2)(a) to (c), the accountable officer shall—

(a) obtain written authority from the Commission before taking the action; and

(b) send a copy of the authority as soon as possible to the Auditor General for Scotland.

(4) The accountable officer is answerable to the Parliament for the performance of the functions in sub-paragraph (2).**]**

Textual Amendments

F6 Sch. 1 paras. 10B-10E inserted (1.8.2010 for specified purposes, 1.4.2011 in so far as not already in force) by Scottish Parliamentary Commissions and Commissioners etc. Act 2010 (asp 11), s. 31(3), **sch. 2 para. 14** (with s. 31(6), sch. 7)

VALID FROM 01/08/2010

Budget

[F7 10C(1) The Commission shall, before the start of each financial year, prepare proposals for its use of resources and expenditure during the year (a "budget") and, by such date as the Parliamentary corporation determines, send the budget to the Parliamentary corporation for approval.

(2) The Commission may, in the course of a financial year, prepare a revised budget for the remainder of the year and send it to the Parliamentary corporation for approval.

(3) In preparing a budget or a revised budget, the Commission shall ensure that the resources of the Commission will be used economically, efficiently and effectively.

(4) A budget or revised budget shall contain a statement that the Commission has complied with the duty under sub-paragraph (3).**]**

Textual Amendments

F7 Sch. 1 paras. 10B-10E inserted (1.8.2010 for specified purposes, 1.4.2011 in so far as not already in force) by Scottish Parliamentary Commissions and Commissioners etc. Act 2010 (asp 11), s. 31(3), **sch. 2 para. 14** (with s. 31(6), sch. 7)

VALID FROM 01/04/2011

Commission's expenses and liabilities

[F8 10D(1) The Parliamentary corporation shall pay any expenses properly incurred by the Commission in the exercise of its functions so far as not met out of sums received and applied by it under paragraph 2(5).

Status: *Point in time view as at 01/04/2002.*
Changes to legislation: *Ethical Standards in Public Life etc. (Scotland) Act 2000 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) Sub-paragraph (1) does not require the Parliamentary corporation to pay any expenses incurred by the Commission which exceed or are otherwise not covered by a budget or, as the case may be, revised budget approved under paragraph 10C.

(3) However, the Parliamentary corporation may pay those expenses.

(4) The Parliamentary corporation shall indemnify the Commission in respect of any liability incurred by it in the exercise of its functions.**]**

Textual Amendments

F8 Sch. 1 paras. 10B-10E inserted (1.8.2010 for specified purposes, 1.4.2011 in so far as not already in force) by Scottish Parliamentary Commissions and Commissioners etc. Act 2010 (asp 11), s. 31(3), **sch. 2 para. 14** (with s. 31(6), sch. 7)

VALID FROM 01/04/2011

Accounts and audit

[F9 10E (1) The Commission shall, in accordance with such directions in that regard as the Scottish Ministers may give—

(a) keep proper accounts and accounting records;

(b) prepare annual accounts in respect of each financial year; and

(c) send a copy of the annual accounts to the Auditor General for Scotland for auditing.

(2) If requested by any person, the Commission shall make the audited accounts available, at any reasonable time, without charge and in printed or electronic form, so that they may be inspected by that person.**]**

Textual Amendments

F9 Sch. 1 paras. 10B-10E inserted (1.8.2010 for specified purposes, 1.4.2011 in so far as not already in force) by Scottish Parliamentary Commissions and Commissioners etc. Act 2010 (asp 11), s. 31(3), **sch. 2 para. 14** (with s. 31(6), sch. 7)

VALID FROM 01/04/2011

Annual reports

[F10 10F (1) The Commission shall lay before the Parliament annually a general report on the exercise of its functions during the reporting year.

(2) The report shall, in particular, include—

(a) a summary of any hearings held by the Commission during the reporting year; and

(b) a summary of any other activities undertaken by it during that year in pursuance of its functions.

Status: *Point in time view as at 01/04/2002.*
Changes to legislation: *Ethical Standards in Public Life etc. (Scotland) Act 2000 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) The report shall be laid before the Parliament within seven months after the end of the reporting year.

(4) The Commission shall arrange for the publication of each report laid before the Parliament under this paragraph.

(5) In preparing a report under this paragraph, the Commission shall comply with any direction given by the Parliamentary corporation as to the form and content of the report.

(6) In this section "reporting year" means the year beginning on 1 April.**]**

Textual Amendments

F10 Sch. 1 para. 10F inserted (1.4.2011) by Scottish Parliamentary Commissions and Commissioners etc. Act 2010 (asp 11), ss. 29(2), 31(5), **sch. 2 para. 16** (with s. 31(6), sch. 7)

Expenses

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

SCHEDULE 2

(introduced by section 9)

CHIEF INVESTIGATING OFFICER

Appointment

1 (1) The Chief Investigating Officer's appointment shall be on such terms and conditions as Ministers determine.

(2) Those terms and conditions may include arrangements for the payment of pensions, allowances or gratuities to, or in respect of, persons who have ceased to hold office as Chief Investigating Officer.

Staff

2 (1) The Chief Investigating Officer may, with the consent of Ministers as to numbers, terms and conditions, appoint staff.

(2) The Chief Investigating Officer may make arrangements for the payment of pensions, gratuities or allowances to, or in respect of, any person who has ceased to be a member of staff of the Chief Investigating Officer and may, in particular—

(a) make contributions or payments towards provision for such pensions, gratuities or allowances; and

(b) establish and administer one or more pension schemes.

(3) Arrangements under sub-paragraph (2) are subject to the approval of Ministers.

Status: *Point in time view as at 01/04/2002.*
Changes to legislation: *Ethical Standards in Public Life etc. (Scotland) Act 2000 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Status

3 The Chief Investigating Officer and that Officer's staff shall not to be regarded as servants or agents of the Crown or have any status, immunity or privilege of the Crown.

SCHEDULE 3

(introduced by section 28)

DEVOLVED PUBLIC BODIES

The Accounts Commission for Scotland

The Royal Commission on the Ancient and Historical Monuments of Scotland

The controlling body of an area tourist board established under section 172 of the Local Government etc. (Scotland) Act 1994 (c.39)

The Clinical Standards Board for Scotland

The Common Services Agency for the Scottish Health Service, constituted under section 10 of the National Health Service (Scotland) Act 1978 (c.29)

The Crofters Commission

The Deer Commission for Scotland

The board of management within the meaning of subsection (1) of section 36 of the Further and Higher Education (Scotland) Act 1992 (c.37) of a college of further education within the meaning of that subsection

A health board, constituted under section 2 of the National Health Service (Scotland) Act 1978 (c.29)

Health Education Board for Scotland

The Health Technology Board for Scotland

Highlands and Islands Enterprise

The Mental Welfare Commission for Scotland

The Board of Trustees for the National Galleries of Scotland, established under section 3 of the National Galleries of Scotland Act 1906 (c.50)

A National Health Service trust

The Trustees of the National Library of Scotland, constituted under section 1 of the National Library of Scotland Act 1925 (c.73)

The Board of Trustees of the National Museums of Scotland

The Parole Board for Scotland

The Board of Trustees of the Royal Botanic Garden, Edinburgh

Scottish Agricultural Wages Board

Scottish Ambulance Service Board

Status: *Point in time view as at 01/04/2002.*
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The Scottish Arts Council

Scottish Children's Reporter Administration

The Scottish Conveyancing and Executry Services Board

The Scottish Council for Post Graduate Medical and Dental Education

The Scottish Criminal Cases Review Commission

Scottish Enterprise

The Scottish Environment Protection Agency

The Scottish Further Education Funding Council

The Scottish Higher Education Funding Council

Scottish Homes

Scottish Hospital Endowments Research Trust, constituted under section 12 of the National Health Service (Scotland) Act 1978 (c.29)

The Scottish Legal Aid Board

The Scottish Medical Practices Committee, constituted under section 3 of the National Health Service (Scotland) Act 1978 (c.29)

Scottish Natural Heritage

The Scottish Qualifications Authority

The Scottish Sports Council

The Scottish Tourist Board

[[F11]Scottish Water**]**

Textual Amendments

F11 Sch. 3: entry inserted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(2), **sch. 7 para. 28(b)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

The State Hospitals Board for Scotland

SCHEDULE 4

(introduced by section 36)

REPEALS

Commencement Information

I1 Sch. 4 wholly in force at 1.5.2003; Sch. 4 not in force at Royal Assent, see s. 37(2); Sch. 4 in force for specified purposes at 29.3.2001 by S.S.I. 2001/113, **art. 2(d)**; Sch. 4 in force insofar as not already in force at 1.5.2003 by S.S.I. 2003/74, **art. 2(2)(e)**

Status: *Point in time view as at 01/04/2002.*
Changes to legislation: *Ethical Standards in Public Life etc. (Scotland) Act 2000 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Enactment	***Extent of repeal***
Local Government (Scotland) Act 1973 (c.65)	Sections 38 to 42.
	Section 60.
Local Government (Scotland) Act 1975 (c.30)	In section 28, subsection (3), the words "except where subsection (3A) below applies"; and subsection (3A).
Local Government and Planning (Scotland) Act 1982 (c.43)	In Schedule 3, paragraph 14.
Financial Services Act 1986 (c.60)	In Schedule 16, paragraph 9.
Local Government Act 1988 (c.9)	Section 28.
Local Government and Housing Act 1989 (c.42)	Section 19.
	Section 32(2).
	In Schedule 6, paragraph 23.
	In Schedule 11, paragraph 33.
Local Government Finance Act 1992 (c.14)	In Schedule 13, paragraph 35.
Local Government etc. (Scotland) Act 1994 (c.39)	In Schedule 13, paragraphs 92(9) and 161(9).

Status:
Point in time view as at 01/04/2002.

Changes to legislation:
Ethical Standards in Public Life etc. (Scotland) Act 2000 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.