



# Scottish Parliamentary Commissions and Commissioners etc. Act 2010

2010 asp 11

## PART 1 **S**

### [<sup>F1</sup>THE COMMISSIONER FOR ETHICAL STANDARDS IN PUBLIC LIFE IN SCOTLAND]

#### Textual Amendments

- F1** Pt. 1 heading substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 31**

[<sup>F2</sup>*The Commissioner*]

#### Textual Amendments

- F2** Cross-heading preceding s. 1 substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 8**

### [<sup>F31</sup> **The Commissioner for Ethical Standards in Public Life in Scotland** **S**

- (1) There is to be a Commissioner for Ethical Standards in Public Life in Scotland (the “Commissioner”).
- (2) The Commissioner is to be an individual appointed by the Parliamentary corporation with the agreement of the Parliament.
- (3) The functions of the Commissioner are those conferred on the Commissioner by the following enactments—
  - (a) the Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7) ,
  - (b) the Scottish Parliamentary Standards Commissioner Act 2002 (asp 16) , <sup>F4</sup>...
  - (c) the Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4)] [<sup>F5</sup> , and

*Changes to legislation: There are currently no known outstanding effects for the Scottish Parliamentary Commissions and Commissioners etc. Act 2010. (See end of Document for details)*

(d) the Lobbying (Scotland) Act 2016.]

**Textual Amendments**

- F3** S. 1 substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), arts. 1, **3(1)**
- F4** Word in s. 1(3) repealed (12.3.2018) by [Lobbying \(Scotland\) Act 2016 \(asp 16\)](#), **ss. 38(2)(a)**, 52(2); [S.S.I. 2018/73](#), reg. 2
- F5** S. 1(3)(d) and word inserted (12.3.2018) by [Lobbying \(Scotland\) Act 2016 \(asp 16\)](#), **ss. 38(2)(b)**, 52(2); [S.S.I. 2018/73](#), reg. 2

**<sup>F6</sup>2 Functions of the Commissioners** **S**

**Textual Amendments**

- F6** S. 2 omitted (1.7.2013) by virtue of [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 2**

**<sup>F7</sup>3 Status of Commissioner and Commissioner’s staff** **S**

- (1) Neither the Commissioner nor any member of the Commissioner’s staff—
- (a) is a servant or agent of the Crown,
  - (b) has any status, immunity or privilege of the Crown.
- (2) The Commissioner’s property is not to be regarded as property of, or property held on behalf of, the Crown.
- (3) The Commissioner is, as such, to be regarded as a juristic person distinct from the natural person holding the office.]

**Textual Amendments**

- F7** S. 3 substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 3**

**4 Independence of <sup>F8</sup>Commissioner** **S**

In the performance of <sup>F9</sup>the Commissioner’s functions, the Commissioner is] not subject to the direction or control of—

- (a) any member of the Parliament,
- (b) any member of the Scottish <sup>F10</sup>Government], or
- (c) the Parliamentary corporation.

**Textual Amendments**

- F8** Word in s. 4 title substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 4(c)**

*Changes to legislation:* There are currently no known outstanding effects for the Scottish Parliamentary Commissions and Commissioners etc. Act 2010. (See end of Document for details)

- F9** Words in s. 4 substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 4(a)**
- F10** Word in s. 4(b) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 4(b)**

## **[<sup>F11</sup>5 Protection from actions for defamation S**

- (1) For the purposes of the law of defamation—
- (a) any statement made by the Commissioner or a member of the Commissioner’s staff in pursuance of the Commissioner’s functions under the Ethical Standards Act <sup>F12</sup>... the Parliamentary Standards Act [<sup>F13</sup>or the Lobbying (Scotland) Act 2016] is absolutely privileged,
  - (b) any statement made by the Commissioner or a member of the Commissioner’s staff in pursuance of the Commissioner’s other functions has qualified privilege, and
  - (c) any statement made to the Commissioner or any member of the Commissioner’s staff in pursuance of the purposes of the Ethical Standards Act, the Parliamentary Standards Act <sup>F14</sup>... the Public Appointments Act [<sup>F15</sup>or the Lobbying (Scotland) Act 2016] has qualified privilege.
- (2) In subsection (1), “statement” has the same meaning as in the Defamation Act 1996 (c.31) . ]

### **Textual Amendments**

- F11** S. 5 substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 5**
- F12** Word in s. 5(1)(a) repealed (12.3.2018) by [Lobbying \(Scotland\) Act 2016 \(asp 16\)](#), **ss. 38(3)(a)(i)**, 52(2); S.S.I. 2018/73, reg. 2
- F13** Words in s. 5(1)(a) inserted (12.3.2018) by [Lobbying \(Scotland\) Act 2016 \(asp 16\)](#), **ss. 38(3)(a)(ii)**, 52(2); S.S.I. 2018/73, reg. 2
- F14** Word in s. 5(1)(c) repealed (12.3.2018) by [Lobbying \(Scotland\) Act 2016 \(asp 16\)](#), **ss. 38(3)(b)(i)**, 52(2); S.S.I. 2018/73, reg. 2
- F15** Words in s. 5(1)(c) inserted (12.3.2018) by [Lobbying \(Scotland\) Act 2016 \(asp 16\)](#), **ss. 38(3)(b)(ii)**, 52(2); S.S.I. 2018/73, reg. 2

## **<sup>F16</sup>6 Designation of Chief Commissioner S**

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### **Textual Amendments**

- F16** S. 6 omitted (1.7.2013) by virtue of [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 6**

## **7 Appointment of acting Commissioner S**

- (1) If the office of [<sup>F17</sup>the] Commissioner is vacant or [<sup>F17</sup>the] Commissioner is, for any reason and to any extent, unable to act, the Parliamentary corporation may appoint a person (an “acting Commissioner”) to perform the functions of the Commissioner,

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either generally or in relation to such matters or class of matter as is specified in the terms and conditions of the appointment.

- (2) An appointment of an acting Commissioner is for, or until, such time as is specified in the terms and conditions of appointment.
- <sup>F18</sup>(3) .....
- (4) Subject to subsection (5), a person who is not eligible for appointment as [<sup>F19</sup>the] Commissioner is not eligible for appointment as an acting Commissioner.
- (5) Members of the [<sup>F20</sup>Commissioner’s] staff are eligible for appointment as an acting Commissioner.
- <sup>F21</sup>(6) .....
- (7) An acting Commissioner—
- (a) may at any time resign by notice given to the Parliamentary corporation,
  - (b) may at any time be removed from office by the Parliamentary corporation,
  - (c) subject to this section, holds office on such terms and conditions as the Parliamentary corporation determines, and
  - (d) is to be regarded for all purposes, except those of sections 9(1) to (4) and 10, as having the same status, functions and rights and being subject to the same restrictions as the Commissioner <sup>F22</sup>....
- (8) The Parliamentary corporation may, in the terms and conditions of appointment of an acting Commissioner, specify the minimum period of notice for the purposes of subsection (7)(a).

#### Textual Amendments

- F17** Word in s. 7(1) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 7(a)**
- F18** S. 7(3) omitted (1.7.2013) by virtue of [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 7(b)**
- F19** Word in s. 7(4) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 7(c)**
- F20** Word in s. 7(5) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 7(d)**
- F21** S. 7(6) omitted (1.7.2013) by virtue of [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 7(e)**
- F22** Words in s. 7(7)(d) omitted (1.7.2013) by virtue of [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 7(f)**

*Office of Commissioner*

## 8 Disqualification **S**

- (1) A person is disqualified from appointment and from holding office as [<sup>F23</sup>the Commissioner] if the person—
- (a) is a member of the Parliament or its staff,

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- (b) was a member of the Parliament at any time within two years before the date when the appointment might otherwise have been made,
  - (c) is disqualified from being a member of the Parliament,
  - (d) is a member of the House of Commons,
  - (e) is a member of the House of Lords entitled to vote there,
  - (f) is employed, or appointed in any other capacity, by the [<sup>F24</sup>Commissioner],
  - (g) is a member, employee or appointee of—
    - (i) the Standards Commission for Scotland,
    - (ii) a specified authority, or
    - (iii) a devolved public body,
  - (h) is a specified authority (where the authority is an individual),
  - (i) is, or is an employee or appointee of, the Scottish Public Services Ombudsman,
  - (j) is a member of a council or any committee of a council,
  - (k) is disqualified from being a member of a council, or
  - (l) is a member of a joint board or joint committee.
- (2) In this section—
- (a) the following expressions have the following meanings—
    - “specified authority” means any of the specified authorities referred to in section 2(1) of the Public Appointments Act,
    - “council” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39),
    - “joint board” and “joint committee” have, respectively, the meanings given by section 235(1) of the Local Government (Scotland) Act 1973 (c. 65),
    - “devolved public body” has the meaning given by section 28(1) of the Ethical Standards Act,
  - (b) the reference to a member of a specified authority includes a reference to—
    - (i) a member, by co-option, of any committee of a specified authority,
    - (ii) a holder of a paid office appointed by a specified authority, and
  - (c) a paid office is one where the holder is entitled to remuneration, allowances or expenses or any combination of them.

#### Textual Amendments

- F23** Words in s. 8(1) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 9(a)**
- F24** Word in s. 8(1)(f) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 9(b)**

## 9 Terms of office and remuneration **S**

- (1) [<sup>F25</sup>The] Commissioner—
  - (a) holds office for such period, not exceeding eight years, as the Parliamentary corporation, at the time of appointment, determines, but
  - (b) is ineligible for reappointment at any time.

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- (2) <sup>[F26]</sup>The] Commissioner may, at any time, resign by notice given to the Parliamentary corporation.
- (3) <sup>[F27]</sup>The] Commissioner may be removed from office by the Parliamentary corporation if subsection (4) applies.
- (4) This subsection applies if—
- (a) the Parliamentary corporation is satisfied that the Commissioner has breached the Commissioner's terms and conditions of office and the Parliament resolves that the Commissioner should be removed from office for that breach, or
  - (b) the Parliament resolves that it has lost confidence in the Commissioner's willingness, suitability or ability to perform that Commissioner's functions, and, in either case, the resolution is voted for by a number of members not fewer than two thirds of the total number of seats for members of the Parliament.
- (5) <sup>[F28]</sup>The] Commissioner is entitled to such remuneration and allowances as the Parliamentary corporation determines.
- (6) In other respects, <sup>[F29]</sup>the] Commissioner holds office on such terms and conditions as the Parliamentary corporation determines.
- (7) Those terms and conditions may, without prejudice to section 8—
- (a) prohibit the Commissioner from holding any other specified office, employment or appointment or engaging in any other specified occupation,
  - (b) provide that the Commissioner's holding of any such office, employment or appointment or engagement in any such occupation is subject to the approval of the Parliamentary corporation.
- (8) In subsection (7), “specified” means specified in the terms and conditions of office or within a description so specified.
- (9) The Parliamentary corporation may, in the terms and conditions of office of <sup>[F30]</sup>the] Commissioner, specify the minimum period of notice for the purposes of subsection (2).

#### Textual Amendments

- F25** Word in s. 9(1) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 10(a)**
- F26** Word in s. 9(2) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 10(b)**
- F27** Word in s. 9(3) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 10(b)**
- F28** Word in s. 9(5) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 10(a)**
- F29** Word in s. 9(6) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 10(c)**
- F30** Word in s. 9(9) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 10(d)**

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## 10 Pensions etc. **S**

- (1) [<sup>F31</sup>The Parliamentary corporation may] make arrangements for the payment of pensions, allowances or gratuities to, or in respect of, any person who has ceased to be [<sup>F32</sup>the] Commissioner.
- (2) Those arrangements may include—
  - (a) the making of contributions or payments towards provision for such pensions, allowances or gratuities,
  - (b) the establishment and administration of one or more pension schemes.
- (3) References in subsections (1) and (2) to pensions, allowances and gratuities include, respectively, references to pensions, allowances and gratuities by way of compensation for loss of office.

### Textual Amendments

- F31** Words in s. 10(1) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 11(a)**
- F32** Word in s. 10(1) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 11(b)**

## 11 Subsequent appointments etc. of former Commissioner **S**

- (1) A person who has ceased to be [<sup>F33</sup>the Commissioner] may not, without the approval of the Parliamentary corporation—
  - (a) be employed, or appointed in any other capacity, by the [<sup>F34</sup>Commissioner],
  - (b) be a member, employee or appointee of—
    - (i) the Standards Commission for Scotland,
    - (ii) a specified authority, or
    - (iii) a devolved public body,
  - (c) be a specified authority (where the authority is an individual),
  - (d) be, or be an employee or appointee of, the Scottish Public Services Ombudsman, or
  - (e) hold any other office, employment or appointment or engage in any other occupation, being an office, employment, appointment or occupation which, by virtue of section 9(7)(a), that person could not have held or, as the case may be, engaged in when [<sup>F35</sup>the] Commissioner.
- (2) The restriction in subsection (1)—
  - (a) starts when the person ceases to be [<sup>F36</sup>the] Commissioner, and
  - (b) ends on the expiry of the financial year following the one in which it started.
- (3) In this section—
  - (a) the following expressions have the following meanings—
    - “specified authority” means any of the specified authorities referred to in section 2(1) of the Public Appointments Act,
    - “devolved public body” has the meaning given by section 28(1) of the Ethical Standards Act,
  - (b) the reference to a member of a specified authority includes a reference to—
    - (i) a member, by co-option, of any committee of a specified authority,

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- (ii) a holder of a paid office appointed by a specified authority, and  
 (c) a paid office is one where the holder is entitled to remuneration, allowances or expenses or any combination of them.

#### Textual Amendments

- F33** Words in s. 11(1) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 12(a)(i)**
- F34** Word in s. 11(1)(a) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 12(a)(ii)**
- F35** Word in s. 11(1)(e) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 12(a)(iii)**
- F36** Word in s. 11(2)(a) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 12(b)**

*General functions, procedures etc. of <sup>F37</sup>Commissioner]*

#### Textual Amendments

- F37** Word in cross-heading preceding s. 12 substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 18**

## 12 General powers **S**

- (1) The <sup>F38</sup>Commissioner] may do anything which appears—  
 (a) necessary or expedient for the purpose of or in connection with, or  
 (b) conducive to,  
 the performance of <sup>F39</sup>the Commissioner’s] functions or the efficiency of <sup>F39</sup>the Commissioner’s] administration.
- (2) In particular, the <sup>F40</sup>Commissioner] may—  
 (a) enter into contracts,  
 (b) acquire and dispose of land and other property.
- (3) The exercise of the power to acquire or dispose of land is subject to the approval of the Parliamentary corporation.
- (4) The <sup>F41</sup>Commissioner] may determine and charge reasonable sums for anything done or provided by <sup>F42</sup>, or on behalf of, the Commissioner in the performance of, or in connection with, the Commissioner’s functions.]
- (5) The <sup>F43</sup>Commissioner] must retain any sums received <sup>F44</sup>... by virtue of subsection (4) and apply them to meet expenditure incurred in doing or providing whatever is charged for.

#### Textual Amendments

- F38** Word in s. 12(1) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 13(a)(i)**



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- F39** Words in s. 12(1) substituted (1.7.2013) by The Public Services Reform (Commissioner for Ethical Standards in Public Life in Scotland etc.) Order 2013 (S.S.I. 2013/197), art. 1, **Sch. 1 para. 13(a)(ii)**
- F40** Word in s. 12(2) substituted (1.7.2013) by The Public Services Reform (Commissioner for Ethical Standards in Public Life in Scotland etc.) Order 2013 (S.S.I. 2013/197), art. 1, **Sch. 1 para. 13(b)**
- F41** Word in s. 12(4) substituted (1.7.2013) by The Public Services Reform (Commissioner for Ethical Standards in Public Life in Scotland etc.) Order 2013 (S.S.I. 2013/197), art. 1, **Sch. 1 para. 13(c)(i)**
- F42** Words in s. 12(4) substituted (1.7.2013) by The Public Services Reform (Commissioner for Ethical Standards in Public Life in Scotland etc.) Order 2013 (S.S.I. 2013/197), art. 1, **Sch. 1 para. 13(c)(ii)**
- F43** Word in s. 12(5) substituted (1.7.2013) by The Public Services Reform (Commissioner for Ethical Standards in Public Life in Scotland etc.) Order 2013 (S.S.I. 2013/197), art. 1, **Sch. 1 para. 13(d)(i)**
- F44** Words in s. 12(5) omitted (1.7.2013) by virtue of The Public Services Reform (Commissioner for Ethical Standards in Public Life in Scotland etc.) Order 2013 (S.S.I. 2013/197), art. 1, **Sch. 1 para. 13(d)(ii)**

### 13 Payment of witnesses' expenses **S**

The [<sup>F45</sup>Commissioner] may pay to persons giving evidence, producing documents or providing information under section 13 of the Ethical Standards Act or section 13 of the Parliamentary Standards Act such allowances or expenses as [<sup>F46</sup>the Commissioner] may, with the approval of the Parliamentary corporation, determine.

#### Textual Amendments

- F45** Word in s. 13 substituted (1.7.2013) by The Public Services Reform (Commissioner for Ethical Standards in Public Life in Scotland etc.) Order 2013 (S.S.I. 2013/197), art. 1, **Sch. 1 para. 14(a)**
- F46** Words in s. 13 substituted (1.7.2013) by The Public Services Reform (Commissioner for Ethical Standards in Public Life in Scotland etc.) Order 2013 (S.S.I. 2013/197), art. 1, **Sch. 1 para. 14(b)**

### 14 Strategic plans **S**

- (1) The [<sup>F47</sup>Commissioner] must, 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 [<sup>F48</sup>Commissioner proposes to perform the Commissioner’s] functions during the 4 year period.
- (2) A strategic plan must, in particular, set out—
  - (a) the <sup>F49</sup>... Commissioner's objectives and priorities during the 4 year period,
  - (b) how the [<sup>F50</sup>Commissioner proposes] to achieve them,
  - (c) timetables for doing so, and
  - (d) estimates of the costs of doing so.
- (3) Before laying a strategic plan before the Parliament, the [<sup>F51</sup>Commissioner] must 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 [<sup>F52</sup>Commissioner thinks] appropriate.
- (4) The reference in subsection (3)(b) to other persons includes a reference to a committee of the Parliament.

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- (5) The [<sup>F53</sup>Commissioner] must lay each strategic plan before the Parliament not later than the beginning of the 4 year period to which the plan relates.
- (6) The [<sup>F54</sup>Commissioner] must arrange for the publication of each strategic plan laid before the Parliament.
- (7) The [<sup>F55</sup>Commissioner] 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) Subsections (2) to (7) apply to a revised strategic plan as they apply to a strategic plan.
- (9) In that application, the reference in subsection (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 four years beginning on 1 April next following the coming into force of this section and each subsequent period of four years.

#### Textual Amendments

- F47** Word in s. 14(1) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 15(a)(i)**
- F48** Words in s. 14(1) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 15(a)(ii)**
- F49** Words in s. 14(2)(a) omitted (1.7.2013) by virtue of [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 15(b)(i)**
- F50** Words in s. 14(2)(b) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 15(b)(ii)**
- F51** Word in s. 14(3) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 15(c)(i)**
- F52** Words in s. 14(3)(b) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 15(c)(ii)**
- F53** Word in s. 14(5) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 15(d)**
- F54** Word in s. 14(6) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 15(d)**
- F55** Word in s. 14(7) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 15(d)**

#### 15 [<sup>F56</sup>Validity] of acts **S**

<sup>F57</sup>(1) .....

<sup>F58</sup>(2) .....

- (3) The validity of acts of [<sup>F59</sup>the] Commissioner is not affected by—
  - (a) any defect in the appointment of the Commissioner, or
  - (b) any disqualification from appointment as [<sup>F59</sup>the] Commissioner of the person bearing to be the Commissioner.

<sup>F60</sup>(4) .....

**Changes to legislation:** There are currently no known outstanding effects for the Scottish Parliamentary Commissions and Commissioners etc. Act 2010. (See end of Document for details)

### Textual Amendments

- F56** Words in s. 15 substituted (1.7.2013) by The Public Services Reform (Commissioner for Ethical Standards in Public Life in Scotland etc.) Order 2013 (S.S.I. 2013/197), art. 1, **Sch. 1 para. 16(c)**
- F57** S. 15(1) omitted (1.7.2013) by virtue of The Public Services Reform (Commissioner for Ethical Standards in Public Life in Scotland etc.) Order 2013 (S.S.I. 2013/197), art. 1, **Sch. 1 para. 16(a)**
- F58** S. 15(2) omitted (1.7.2013) by virtue of The Public Services Reform (Commissioner for Ethical Standards in Public Life in Scotland etc.) Order 2013 (S.S.I. 2013/197), art. 1, **Sch. 1 para. 16(a)**
- F59** Word in s. 15(3) substituted (1.7.2013) by The Public Services Reform (Commissioner for Ethical Standards in Public Life in Scotland etc.) Order 2013 (S.S.I. 2013/197), art. 1, **Sch. 1 para. 16(b)**
- F60** S. 15(4) omitted (1.7.2013) by virtue of The Public Services Reform (Commissioner for Ethical Standards in Public Life in Scotland etc.) Order 2013 (S.S.I. 2013/197), art. 1, **Sch. 1 para. 16(a)**

## 16 Delegation **S**

<sup>F61</sup>(1) .....

<sup>F61</sup>(2) .....

(3) Any function of [<sup>F62</sup>the Commissioner] may be performed on the Commissioner's behalf by any person (whether or not <sup>F63</sup>... a member of the [<sup>F64</sup>Commissioner's] staff) authorised by the Commissioner to do so, and to the extent so authorised.

(4) Subsection (3) does not affect the responsibility of [<sup>F65</sup>the Commissioner] for the performance of [<sup>F66</sup>the] Commissioner's functions.

### Textual Amendments

- F61** S. 16(1)(2) omitted (1.7.2013) by virtue of The Public Services Reform (Commissioner for Ethical Standards in Public Life in Scotland etc.) Order 2013 (S.S.I. 2013/197), art. 1, **Sch. 1 para. 17(a)**
- F62** Words in s. 16(3) substituted (1.7.2013) by The Public Services Reform (Commissioner for Ethical Standards in Public Life in Scotland etc.) Order 2013 (S.S.I. 2013/197), art. 1, **Sch. 1 para. 17(b)(i)**
- F63** Words in s. 16(3) omitted (1.7.2013) by virtue of The Public Services Reform (Commissioner for Ethical Standards in Public Life in Scotland etc.) Order 2013 (S.S.I. 2013/197), art. 1, **Sch. 1 para. 17(b)(ii)**
- F64** Word in s. 16(3) substituted (1.7.2013) by The Public Services Reform (Commissioner for Ethical Standards in Public Life in Scotland etc.) Order 2013 (S.S.I. 2013/197), art. 1, **Sch. 1 para. 17(b)(iii)**
- F65** Words in s. 16(4) substituted (1.7.2013) by The Public Services Reform (Commissioner for Ethical Standards in Public Life in Scotland etc.) Order 2013 (S.S.I. 2013/197), art. 1, **Sch. 1 para. 17(c)(i)**
- F66** Word in s. 16(4) substituted (1.7.2013) by The Public Services Reform (Commissioner for Ethical Standards in Public Life in Scotland etc.) Order 2013 (S.S.I. 2013/197), art. 1, **Sch. 1 para. 17(c)(ii)**

*Staff, advisers etc.*

## 17 Staff **S**

(1) The [<sup>F67</sup>Commissioner] may <sup>F68</sup>... appoint staff on such terms and conditions as [<sup>F69</sup>the Commissioner] determines.

*Changes to legislation: There are currently no known outstanding effects for the Scottish Parliamentary Commissions and Commissioners etc. Act 2010. (See end of Document for details)*

- (2) The [<sup>F70</sup>Commissioner] may make arrangements for the payment of pensions, allowances or gratuities to, or in respect of, any person who has ceased to be a member of [<sup>F71</sup>the Commissioner's] staff.
- (3) Those arrangements may include—
  - (a) the making of contributions or payments towards provision for such pensions, allowances or gratuities, and
  - (b) the establishment and administration of one or more pension schemes.
- (4) References in subsections (2) and (3) to pensions, allowances or gratuities include, respectively, references to pensions, allowances or gratuities by way of compensation for loss of employment.
- (5) The exercise of a power in this section is subject to the approval of the Parliamentary corporation.

#### Textual Amendments

- F67** Word in s. 17(1) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 19(a)(i)**
- F68** Words in s. 17(1) omitted (1.7.2013) by virtue of [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 19(a)(ii)**
- F69** Words in s. 17(1) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 19(a)(iii)**
- F70** Word in s. 17(2) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 19(b)(i)**
- F71** Words in s. 17(2) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 19(b)(ii)**

## 18 Advisers, assessors and other services S

- (1) The [<sup>F72</sup>Commissioner may obtain] advice, assistance or any other service from any person who, in the opinion of the [<sup>F73</sup>Commissioner], is qualified to give it.
- (2) The [<sup>F74</sup>Commissioner] may pay to that person such fees and allowances as [<sup>F75</sup>the Commissioner] determines.
- (3) Any payment under subsection (2) is subject to the approval of the Parliamentary corporation.

#### Textual Amendments

- F72** Words in s. 18(1) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 20(a)(i)**
- F73** Word in s. 18(1) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 20(a)(ii)**
- F74** Word in s. 18(2) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 20(b)(i)**
- F75** Words in s. 18(2) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 20(b)(ii)**

*Changes to legislation: There are currently no known outstanding effects for the Scottish Parliamentary Commissions and Commissioners etc. Act 2010. (See end of Document for details)*

## Finance

### 19 Accountable officer **S**

- (1) The Parliamentary corporation must designate [<sup>F76</sup>the Commissioner] or a member of the [<sup>F77</sup>Commissioner’s] staff as the accountable officer for the purposes of this section.
- (2) The functions of the accountable officer are—
  - (a) signing the accounts of the expenditure and receipts of the [<sup>F78</sup>Commissioner],
  - (b) ensuring the propriety and regularity of the finances of the [<sup>F78</sup>Commissioner],
  - (c) ensuring that the resources of the [<sup>F78</sup>Commissioner] are used economically, efficiently and effectively, and
  - (d) the duty in subsection (3).
- (3) Where the accountable officer [<sup>F79</sup>is not the Commissioner and] is required to act in some way but considers that to do so would be inconsistent with the proper performance of a function set out in subsection (2)(a) to (c), the accountable officer must—
  - (a) obtain written authority from the [<sup>F80</sup>Commissioner] before taking the action, and
  - (b) as soon as possible, send a copy of the authority to the Auditor General for Scotland.
- (4) The accountable officer is answerable to the Parliament for the performance of the functions in subsection (2).

#### Textual Amendments

- F76** Words in s. 19(1) substituted (1.7.2013) by The Public Services Reform (Commissioner for Ethical Standards in Public Life in Scotland etc.) Order 2013 (S.S.I. 2013/197), art. 1, **Sch. 1 para. 21(a)(i)**
- F77** Word in s. 19(1) substituted (1.7.2013) by The Public Services Reform (Commissioner for Ethical Standards in Public Life in Scotland etc.) Order 2013 (S.S.I. 2013/197), art. 1, **Sch. 1 para. 21(a)(ii)**
- F78** Word in s. 19(2) substituted (1.7.2013) by The Public Services Reform (Commissioner for Ethical Standards in Public Life in Scotland etc.) Order 2013 (S.S.I. 2013/197), art. 1, **Sch. 1 para. 21(b)**
- F79** Words in s. 19(3) inserted (1.7.2013) by The Public Services Reform (Commissioner for Ethical Standards in Public Life in Scotland etc.) Order 2013 (S.S.I. 2013/197), art. 1, **Sch. 1 para. 21(c)(i)**
- F80** Word in s. 19(3)(a) substituted (1.7.2013) by The Public Services Reform (Commissioner for Ethical Standards in Public Life in Scotland etc.) Order 2013 (S.S.I. 2013/197), art. 1, **Sch. 1 para. 21(c)(ii)**

### 20 Budget **S**

- (1) The [<sup>F81</sup>Commissioner] must, before the start of each financial year, prepare proposals for [<sup>F82</sup>the Commissioner’s] 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 [<sup>F83</sup>Commissioner] 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 [<sup>F84</sup>Commissioner] must ensure that the resources of the [<sup>F84</sup>Commissioner] will be used economically, efficiently and effectively.

*Changes to legislation: There are currently no known outstanding effects for the Scottish Parliamentary Commissions and Commissioners etc. Act 2010. (See end of Document for details)*

- (4) A budget or revised budget must contain a statement that the [<sup>F85</sup>Commissioner] has complied with the duty under subsection (3).

#### Textual Amendments

- F81** Word in s. 20(1) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 22(a)(i)**
- F82** Words in s. 20(1) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 22(a)(ii)**
- F83** Word in s. 20(2) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 22(b)**
- F84** Word in s. 20(3) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 22(b)**
- F85** Word in s. 20(4) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 22(b)**

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

- C1** S. 20(1) applied (with modifications) (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 4 para. 4**

## 21 Funding **S**

- (1) The Parliamentary corporation is to—
- (a) pay the remuneration and allowances of [<sup>F86</sup>the] Commissioner,
  - (b) pay any expenses properly incurred by the [<sup>F87</sup>Commissioner] in the performance of [<sup>F88</sup>the Commissioner's] functions, so far as not met out of sums received and applied by [<sup>F89</sup>the Commissioner] under section 12(5),
  - (c) indemnify the <sup>F90</sup>... Commissioner in respect of any liabilities incurred by [<sup>F91</sup>the] Commissioner in the performance of [<sup>F92</sup>the] Commissioner's functions.
- (2) Subsection (1)(b) does not require the Parliamentary corporation to pay any expenses incurred by the [<sup>F93</sup>Commissioner] which exceed or are otherwise not covered by a budget or, as the case may be, a revised budget approved under section 20.
- (3) However, the Parliamentary corporation may pay those expenses.

#### Textual Amendments

- F86** Word in s. 21(1)(a) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 23(a)**
- F87** Word in s. 21(1)(b) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 23(b)(i)**
- F88** Words in s. 21(1)(b) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 23(b)(ii)**
- F89** Words in s. 21(1)(b) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 23(b)(iii)**
- F90** Words in s. 21(1)(c) omitted (1.7.2013) by virtue of [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 23(c)(i)**

*Changes to legislation: There are currently no known outstanding effects for the Scottish Parliamentary Commissions and Commissioners etc. Act 2010. (See end of Document for details)*

- F91** Word in s. 21(1)(c) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 23(c)(ii)**
- F92** Word in s. 21(1)(c) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 23(c)(iii)**
- F93** Word in s. 21(2) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 23(d)**

## 22 Accounts and audit **S**

- (1) The [<sup>F94</sup>Commissioner] must, in accordance with any directions in that regard given by the Scottish Ministers—
- keep proper accounts and accounting records,
  - prepare annual accounts in respect of each financial year, and
  - send a copy of the annual accounts to the Auditor General for Scotland for auditing.
- (2) If requested by any person, the [<sup>F94</sup>Commissioner] must 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

- F94** Word in s. 22 substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 24**

### *Location of office and sharing of resources*

## 23 Location of office **S**

The [<sup>F95</sup>Commissioner] must comply with any direction given by the Parliamentary corporation as to the location of the [<sup>F96</sup>Commissioner's] office.

### Textual Amendments

- F95** Word in s. 23 substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 25(a)**
- F96** Word in s. 23 substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 25(b)**

## 24 Sharing of premises, staff, services and other resources **S**

The [<sup>F97</sup>Commissioner] must 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

- F97** Word in s. 24 substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 26**

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*Changes to legislation: There are currently no known outstanding effects for the Scottish Parliamentary Commissions and Commissioners etc. Act 2010. (See end of Document for details)*

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### *Annual reports*

## 25 Annual reports **S**

- (1) The [<sup>F98</sup>Commissioner] must lay before the Parliament annually a general report on the performance [<sup>F99</sup>of the Commissioner's] functions during the reporting year.
- (2) The report must include, in relation to the performance of the [<sup>F100</sup>Commissioner's] functions under the Ethical Standards Act and the Parliamentary Standards Act—
  - (a) the numbers of complaints made to [<sup>F101</sup>the] Commissioner during the reporting year about, respectively—
    - (i) members of the Parliament,
    - (ii) councillors, and
    - (iii) members of devolved public bodies,
  - (b) the number of complaints made for the purposes of investigation under the Ethical Standards Act or the Parliamentary Standards Act which were withdrawn during the reporting year, broken down according to the stage of the investigation at which they were withdrawn,
  - (c) the numbers of investigations under the Ethical Standards Act—
    - (i) begun,
    - (ii) not proceeded with,
    - (iii) completed,
 during the reporting year,
  - (d) the number of outcome reports submitted to the Standards Commission for Scotland under section 14 of that Act during the reporting year,
  - (e) the number of further investigations that the Commissioner has, during the reporting year, been directed under section 16 of that Act to carry out,
  - (f) in relation to Stage 1 investigations—
    - (i) the number completed,
    - (ii) the number of complaints dismissed, and
    - (iii) the number of complaints considered admissible or treated, under section 7(7)(b) of the Parliamentary Standards Act, as meeting all the specified requirements,
 during the reporting year,
  - (g) in relation to Stage 2 investigations—
    - (i) the number completed,
    - (ii) the number of outcome reports made under section 9 of the Parliamentary Standards Act,
 during the reporting year, and
  - (h) the number of further investigations that the Commissioner has been directed to carry out under section 10(2) of that Act during the reporting year.
- (3) The report must include, in relation to the performance of the [<sup>F102</sup>Commissioner's] functions under the Public Appointments Act—
  - (a) a summary of any revisions made under section 2(3)(b) of the Public Appointments Act to the code of practice,
  - (b) a summary of any section 2(5)(b) complaints received by [<sup>F103</sup>the] Commissioner,



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*Changes to legislation: There are currently no known outstanding effects for the Scottish Parliamentary Commissions and Commissioners etc. Act 2010. (See end of Document for details)*

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- (c) a summary of any guidance to the Scottish Ministers issued under section 2(6) of the Public Appointments Act,
  - (d) the number of section 2(8)(a) reports made, and
  - (e) the number of section 2(8)(b) directions made,
- during the reporting year.

[<sup>F104</sup>(3A) The report must include, in relation to the performance of the Commissioner's functions under the Lobbying (Scotland) Act 2016—

- (a) the numbers of complaints made to the Commissioner during the reporting year,
- (b) the number of complaints which were withdrawn during the reporting year, broken down according to the stage of the investigation at which they were withdrawn,
- (c) in relation to assessments of admissibility under section 22(2)(a) of that Act—
  - (i) the number completed,
  - (ii) the number of complaints dismissed, and
  - (iii) the number of complaints considered admissible,during the reporting year,
- (d) in relation to investigations under section 22(2)(b)(i) of that Act—
  - (i) the number completed,
  - (ii) the number of reports made under section 22(2)(b)(ii) of that Act,during the reporting year, and
- (e) the number of further investigations that the Commissioner has been directed to carry out under section 27(2) of that Act during the reporting year.]

[<sup>F105</sup>(4) .....

- (5) The report must be laid before the Parliament within seven months after the end of the reporting year.
- (6) The [<sup>F106</sup>Commissioner] must arrange for the publication of each report laid before the Parliament under this section.
- (7) In preparing a report under this section, the [<sup>F107</sup>Commissioner] must comply with any direction given by the Parliamentary corporation as to the form and content of the report.

(8) In this section—

“reporting year” means the year beginning on 1 April,  
“devolved public bodies” has the meaning given by section 28(1) of the Ethical Standards Act,  
“Stage 1” and “Stage 2” are to be construed in accordance with section 5(1) of the Parliamentary Standards Act,  
“section 2(5)(b) complaints” are complaints to which section 2(5)(b) of the Public Appointments Act applies (those arising from certain appointments, or recommendations for appointments, made by Scottish Ministers),  
“section 2(8)(a) reports” are reports made under section 2(8)(a) of that Act (about continued non-compliance with the code of practice on appointments),  
“section 2(8)(b) directions” are directions to Scottish Ministers under section 2(8)(b) of that Act (to delay appointment or recommendation pending consideration by the Parliament).

*Changes to legislation: There are currently no known outstanding effects for the Scottish Parliamentary Commissions and Commissioners etc. Act 2010. (See end of Document for details)*

**Textual Amendments**

- F98** Word in s. 25(1) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 27(a)(i)**
- F99** Words in s. 25(1) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 27(a)(ii)** (with Sch. 4 para. 6)
- F100** Words in s. 25(2) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 27(b)(i)** (with Sch. 4 para. 6)
- F101** Word in s. 25(2)(a) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 27(b)(ii)** (with Sch. 4 para. 6)
- F102** Words in s. 25(3) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 27(c)(i)** (with Sch. 4 para. 6)
- F103** Word in s. 25(3)(b) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 27(c)(ii)** (with Sch. 4 para. 6)
- F104** S. 25(3A) inserted (12.3.2018) by [Lobbying \(Scotland\) Act 2016 \(asp 16\)](#), ss. **38(4)**, 52(2); S.S.I. 2018/73, reg. 2
- F105** S. 25(4) omitted (1.7.2013) by virtue of [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 27(d)** (with Sch. 4 para. 6)
- F106** Word in s. 25(6) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 27(e)**
- F107** Word in s. 25(7) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 27(e)**

*Ombudsman's investigations and freedom of information*

**F108<sup>26</sup> Commission and Commissioners to be subject to investigations by Scottish Public Services Ombudsman S**

.....

**Textual Amendments**

- F108** S. 26 omitted (1.7.2013) by virtue of [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 28**

**F109<sup>27</sup> Commission and Public Appointments Commissioner for Scotland to be subject to Freedom of Information (Scotland) Act S**

.....

*Changes to legislation:* There are currently no known outstanding effects for the Scottish Parliamentary Commissions and Commissioners etc. Act 2010. (See end of Document for details)

### Textual Amendments

**F109** S. 27 omitted (1.7.2013) by virtue of [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 29**

## Interpretation

### 28 Interpretation of Part 1 **S**

In this Part, except where the context otherwise requires—

<sup>F110</sup> ...

[<sup>F111</sup>“Commissioner” means the Commissioner for Ethical Standards in Public Life in Scotland,

“the Ethical Standards Act” means the Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7),]

“the Parliament” means the Scottish Parliament,

“Parliamentary corporation” means the Scottish Parliamentary Corporate Body.

[<sup>F112</sup> “the Parliamentary Standards Act” means the Scottish Parliamentary Standards Commissioner Act 2002 (asp 16) , and

“the Public Appointments Act” means the Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4) . ]

### Textual Amendments

**F110** Words in s. 28 omitted (1.7.2013) by virtue of [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 30(a)**

**F111** Words in s. 28 substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 30(b)**

**F112** Words in s. 28 inserted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 30(c)**

## PART 2 **S**

### AMENDMENTS OF PROVISIONS RELATING TO OTHER COMMISSIONS AND OFFICEHOLDERS

### 29 Standardising and other amendments **S**

- (1) The enactments referred to in subsections (2) to (11) have effect subject to the amendments there provided for, being amendments which—
  - (a) standardise certain provisions in those enactments,
  - (b) extend and qualify the functions of the Scottish Public Services Ombudsman, but
  - (c) are not limited to amendments for those purposes.
- (2) The Ethical Standards Act is amended in accordance with schedule 2.
- (3) The Scottish Public Services Ombudsman Act 2002 (asp 11) is amended in accordance with schedule 3.

*Changes to legislation: There are currently no known outstanding effects for the Scottish Parliamentary Commissions and Commissioners etc. Act 2010. (See end of Document for details)*

(4) The Freedom of Information (Scotland) Act 2002 (asp 13) is amended in accordance with schedule 4.

(5) The Parliamentary Standards Act is amended in accordance with subsections (6) and (7).

(6) Sections 13(8) (payment of witnesses' allowances and expenses) and 18 (annual report) are repealed.

<sup>F113</sup>(7) .....

(8) The Public Appointments Act is amended in accordance with subsection (9).

(9) After section 3(2) (paragraph (b) of which gives Scottish Ministers power to confer functions on or remove them from the Public Appointments Commissioner for Scotland) there is inserted—

“(2A) Before making an order under subsection (2)(b), the Scottish Ministers must consult the Parliamentary corporation.”

(10) The Commissioner for Children and Young People (Scotland) Act 2003 (asp 17) is amended in accordance with schedule 5.

(11) The Scottish Commission for Human Rights Act 2006 (asp 16) is amended in accordance with schedule 6.

[<sup>F114</sup>(12) In this section, “the Ethical Standards Act”, “the Parliamentary Standards Act” and “the Public Appointments Act” have the same meanings given by section 28.]

**Textual Amendments**

**F113** S. 29(7) omitted (1.7.2013) by virtue of [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 32(a)**

**F114** S. 29(12) inserted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 32(b)**

**PART 3 S**

GENERAL

<sup>F115</sup>**30 Interpretation S**

.....

**Textual Amendments**

**F115** S. 30 omitted (1.7.2013) by virtue of [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 33**

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**Changes to legislation:** There are currently no known outstanding effects for the Scottish Parliamentary Commissions and Commissioners etc. Act 2010. (See end of Document for details)

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### **31 Short title, commencement, transfers and transitionals** **S**

- (1) This Act may be cited as the Scottish Parliamentary Commissions and Commissioners etc. Act 2010.
- (2) Section 30 and subsections (1) to (5) of this section come into force on Royal Assent.
- (3) Paragraph 14 of schedule 2, to the extent that it inserts paragraph 10C (budget) into schedule 1 to the Ethical Standards Act, comes into force on 1 August 2010.
- (4) Paragraph 20 of schedule 3 comes into force on 1 October 2010.
- (5) The rest of this Act comes into force on 1 April 2011.
- (6) The provisions relating to the transfer of staff, property and liabilities and transitional and saving provisions set out in schedule 7 have effect.

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#### **Commencement Information**

- II** [S. 31](#) partly in force; [s. 31\(1\)-\(5\)](#) in force at Royal Assent and [s. 31\(6\)](#) in force at 1.4.2011 see [s. 31\(2\)\(5\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Scottish Parliamentary Commissions and Commissioners etc. Act 2010.