

SCOTTISH PARLIAMENTARY COMMISSIONS AND COMMISSIONERS ETC. ACT 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1

The Commission for Ethical Standards in Public Life in Scotland: the Public Standards Commissioner for Scotland and the Public Appointments Commissioner for Scotland

Section 25: Annual report

94. [Section 25](#) requires the CESPLS to prepare and lay before Parliament an annual report. The section contains the details that a report must contain as set out in the original Scottish Parliamentary Standards Act and the Public Appointments Act. The Ethical Standards Act has no annual report provisions so this section creates provision for the CIO functions performed under that Act in line with those that applied to the SPSC. As well as certain specified information, the annual report must include a general report on the performance of the CESPLS' functions, and a report on the performance of each of the Commissioner's respective functions during the reporting year beginning 1 April (subsection (8)).
95. Subsection (2) lists the specific matters that must be reported upon in relation to the functions of the Public Standards Commissioner for Scotland.
96. The matters required under subsection (2) for the reporting year are:
- The number of complaints received about members of the Parliament; councillors and members of devolved public bodies;
 - The number of complaints withdrawn by the complainer together with information on the stage of investigation they had reached when they were withdrawn;
 - In relation to complaints under section 12 of the Ethical Standards Act made about councillors and members of devolved public bodies:
 - The number of investigations begun,
 - The number of investigations not proceeded with,
 - The number of investigations completed;
 - The number of reports submitted by the Public Standards Commissioner for Scotland to the Standards Commission under section 14 of the Ethical Standards Act on the outcome of investigations;

These notes relate to the Scottish Parliamentary Commissions and Commissioners etc. Act 2010 (asp 11) which received Royal Assent on 19 July 2010

- The number of further investigations under section 16 of the Ethical Standards Act that the Standards Commission for Scotland directed the Public Standards Commissioner for Scotland to carry out;
 - In relation to complaints made about Members of the Parliament:
 - The number of Stage 1 investigations completed into the admissibility of complaints,
 - The number of complaints dismissed at Stage 1 as not admissible,
 - The number of complaints found to be admissible or which the Commissioner was directed by the Scottish Parliament to treat as admissible,
 - The number of Stage 2 investigations completed,
 - The number of reports made on the conclusion of an investigation under section 9 (Stage 2) of the Parliamentary Standards Act to the Scottish Parliament.
 - The number of further investigations that the Public Standards Commissioner for Scotland was directed by the Scottish Parliament to carry out under section 10(2) of the Parliamentary Standards Act.
97. Subsection (3) lists specific matters that must be reported upon in relation to the functions of the Public Appointments Commissioner for Scotland.
98. The matters required under subsection (3) for the reporting year are:
- A summary of any revisions made to the code of practice for the making of appointments;
 - A summary of any complaints received arising about the making by the Scottish Ministers of any appointment or recommendation for appointment;
 - A summary of any guidance issued to the Scottish Ministers under section 2(6) of the Public Appointments Act as to compliance with the code of practice;
 - The number of cases reported to the Parliament under section 2(8)(a) where it appears the code of practice has not been complied with in a material regard in terms of section 2(7) of the Public Appointments Act;
 - The number of cases where the Public Appointments Commissioner for Scotland has directed the Scottish Ministers to delay making an appointment or recommendation for appointment in terms of section 2(8)(b) of the Public Appointments Act.
 - Subsection (4) requires that the report must also include a summary of other activities undertaken by the CESPLS, not covered by the other reporting requirements.
99. Under subsection (5) the report must be laid before the Scottish Parliament within 7 months of the end of the reporting year and be published. The report must be published under subsection (6). Publication method is not specified but may be in hard copy or by making it available and accessible on a website.
100. Subsection (7) obliges the CESPLS to comply with any directions given by the Parliamentary corporation regarding the form and content of the report.