



# Scottish Parliamentary Commissions and Commissioners etc. Act 2010

2010 asp 11

## 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

*General functions, procedures etc. of Commission*

### 12 General powers

- (1) The Commission may do anything which appears—
  - (a) necessary or expedient for the purpose of or in connection with, or
  - (b) conducive to,the performance of its functions or the efficiency of its administration.
- (2) In particular, the Commission 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 Commission may determine and charge reasonable sums for anything done or provided by it or on its behalf in the performance of, or in connection with, its functions.
- (5) The Commission must retain any sums received by it by virtue of subsection (4) and apply them to meet expenditure incurred in doing or providing whatever is charged for.

### 13 Payment of witnesses' expenses

The Commission may pay to persons giving evidence, producing documents or providing information under section 13 of the Ethical Standards Act or section 13

*Status: Point in time view as at 01/04/2011.*

*Changes to legislation: There are currently no known outstanding effects for the*  
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of the Parliamentary Standards Act such allowances or expenses as it may, with the approval of the Parliamentary corporation, determine.

## **14 Strategic plans**

- (1) The Commission 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 Commission and each Commissioner propose to perform their respective functions during the 4 year period.
- (2) A strategic plan must, in particular, set out—
  - (a) the Commission's and each Commissioner's objectives and priorities during the 4 year period,
  - (b) how the Commission and each Commissioner propose 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 Commission 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 Commission think appropriate.
- (4) The reference in subsection (3)(b) to other persons includes a reference to a committee of the Parliament.
- (5) The Commission 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 Commission must 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) 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.

## **15 Procedure and validity of acts**

- (1) The Commission may regulate its own procedure.
- (2) The validity of its acts is not affected by—
  - (a) any defect in the appointment of a Commissioner,
  - (b) any disqualification from appointment as a Commissioner of any person bearing to be a Commissioner, or
  - (c) any vacancy in the office of a Commissioner.
- (3) The validity of acts of a Commissioner is not affected by—

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- (a) any defect in the appointment of the Commissioner, or
  - (b) any disqualification from appointment as a Commissioner of the person bearing to be the Commissioner.
- (4) Subsection (1) is subject to—
  - (a) any direction in that regard given by the Parliamentary corporation, and
  - (b) the other provisions of this Part.

## **16 Delegation**

- (1) Any function of the Commission may be performed on its behalf by any person (whether or not a Commissioner or a member of its staff) authorised by it to do so, and to the extent so authorised.
- (2) Subsection (1) does not affect the Commission's responsibility for the performance of its functions.
- (3) Any function of a Commissioner may be performed on the Commissioner's behalf by any person (whether or not the other Commissioner or a member of the Commission's staff) authorised by the Commissioner to do so, and to the extent so authorised.
- (4) Subsection (3) does not affect the responsibility of either of the Commissioners for the performance of that Commissioner's functions.

**Status:**

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**Changes to legislation:**

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