



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

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—

Status: This is the original version (as it was originally enacted).

- (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.