

Status: Point in time view as at 01/04/2011.

Changes to legislation: There are currently no known outstanding effects for the Scottish Parliamentary Commissions and Commissioners etc. Act 2010, SCHEDULE 1. (See end of Document for details)

SCHEDULE 1 **S**

(introduced by section 2(5))

CONSEQUENTIAL AMENDMENTS OF ENACTMENTS REFERRED TO IN SECTION 2(5)

PART 1 **S**

THE ETHICAL STANDARDS ACT

1 For section 9 (appointment and functions of Chief Investigating Officer) there is substituted—

“9 Public Standards Commissioner for Scotland to investigate breaches of codes

It is the duty of the Public Standards Commissioner for Scotland (the “Commissioner”) to investigate and report to the Commission on cases in which a councillor or member of a devolved public body has, might have or is alleged to have contravened the councillors' or, as the case may be, the members' code.”

2 In sections 10(1) and (2), 11, 12(1), (4) and (5), 13(1) and (3), 14(1) and (3), 16, 21(1), 23(5) and 27(1) and paragraphs 2(1) and 7(1) of schedule 1 for “Chief Investigating Officer”, in each place where those words occur, there is substituted “ Commissioner ”.

3 In section 10(1) for “functions of that office” there is substituted “ Commissioner's functions under this Act ”.

4 In sections 10(2), 12(4) and (5), 13(1), 14(3), 16(a) and 21(1) for “that Officer”, in each place where those words occur, there is substituted “ the Commissioner ”.

5 In section 11 after “functions” there is inserted “ under this Act ”.

6 In sections 11 and 13(3) for “that Officer's” there is substituted “ the Commissioner's ”.

7 In section 28(1)—

(a) for the definition of “Chief Investigating Officer” there is substituted—

““Commissioner” means the Public Standards Commissioner for Scotland;”, and

(b) after the definition of “devolved public body” there is inserted—

““investigation” means an investigation under this Act;”.

8 In paragraph 2(1)(b) of schedule 1 after “functions” there is inserted “ under this Act ”.

9 In the titles to sections 10 to 14 “**Chief Investigating Officer**” and “**Chief Investigating Officer's**”, wherever these expressions occur, become, respectively, “**Public Standards Commissioner**” and “**Public Standards Commissioner's**”.

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PART 2 S

THE SCOTTISH PUBLIC SERVICES OMBUDSMAN ACT 2002 (ASP 11)

- 10 Paragraph 21 in Part 2 of schedule 2 to the Scottish Public Services Ombudsman Act 2002 (Chief Investigating Officer to be subject to investigation by Ombudsman) is repealed.

PART 3 S

THE PARLIAMENTARY STANDARDS ACT

- 11 Sections 1 and 2 and schedule 1 (appointment, terms of office etc. of Scottish Parliamentary Standards Commissioner and acting Commissioner) are repealed.
- 12 In section 3(1) (functions of Scottish Parliamentary Standards Commissioner) for “Commissioner”, where it first occurs, there is substituted “ Public Standards Commissioner for Scotland (the “Commissioner”) ”.
- 13 In section 16 (restriction on disclosure of information)—
- (a) in subsection (1) for “Commissioner”, where it secondly occurs, there is substituted “ Commission for Ethical Standards in Public Life in Scotland (the “Commission”) ”, and
 - (b) in subsection (2)—
 - (i) after “Commissioner”, where it first occurs, there is inserted “ or Commission ”, and
 - (ii) after “Commissioner”, where it secondly occurs, there is inserted “ or, as the case may be, Commission ”.
- 14 In section 20 (interpretation)—
- (a) the definition of “acting Commissioner” is repealed, and
 - (b) for the definition of “Commissioner” there is substituted—

““Commissioner” means the Public Standards Commissioner for Scotland;”.

PART 4 S

THE PUBLIC APPOINTMENTS ACT

- 15 Section 1 and schedule 1 (establishment, appointment etc. of Commissioner for Public Appointments in Scotland) are repealed.
- 16 In section 2(1) (that Commissioner's duty to prepare code of practice) for “Commissioner” there is substituted “ Public Appointments Commissioner for Scotland (the “Commissioner”) ”.
- 17 In section 20 (interpretation) for the definition of “the Commissioner” there is substituted—
- ““the Commissioner” means the Public Appointments Commissioner for Scotland;”.

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- 18 Paragraph 16(b) of schedule 4 (Commissioner for Public Appointments in Scotland to be subject to investigation by Ombudsman) and the word “and” immediately before it are repealed.
- 19 Paragraph 17(c)(i) of that schedule (Commissioner for Public Appointments in Scotland to be subject to the Freedom of Information (Scotland) Act 2002) and the words “and (ii)” immediately following it are repealed.

PART 5 S

THE PUBLIC SERVICES REFORM (SCOTLAND) ACT 2010 (ASP 8)

- 20 In schedule 5 (improvement of public functions: listed persons, bodies and office holders)—
- (a) the entries “Chief Investigating Officer established by section 9(1) of the Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7)”, “Commissioner for Public Appointments in Scotland” and “Scottish Parliamentary Standards Commissioner” are repealed,
 - (b) after the entry “any Children's Panel Advisory Committee” there is inserted the following entry— “ Commission for Ethical Standards in Public Life in Scotland ”,
 - (c) after the entry “Private Rented Housing Panel” there are inserted the following entries— “ Public Appointments Commissioner for Scotland ” “ Public Standards Commissioner for Scotland ”.
- 21 In schedule 6 (listed bodies and office-holders in respect of whom a request from and the consent of the Parliamentary corporation is required for orders under Part 2 of the Act)—
- (a) at the beginning there is inserted the following entry— “ Commission for Ethical Standards in Public Life in Scotland ”,
 - (b) for the entry “Commissioner for Public Appointments in Scotland” there are substituted the following entries— “ Public Appointments Commissioner for Scotland ” “ Public Standards Commissioner for Scotland ”,
 - (c) the entry “Scottish Parliamentary Standards Commissioner” is repealed,
 - (d) at the end there is inserted the following entry— “ Standards Commission for Scotland ”.
- 22 In schedule 8 (listed persons, bodies and office-holders obliged to publish certain information about public functions)—
- (a) the entries “Chief Investigating Officer established by section 9(1) of the Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7)”, “Commissioner for Public Appointments in Scotland” and “Scottish Parliamentary Standards Commissioner” are repealed,
 - (b) after the entry “any Children's Panel Advisory Committee” there is inserted the following entry— “ Commission for Ethical Standards in Public Life in Scotland ”,
 - (c) after the entry “Private Rented Housing Panel” there are inserted the following entries— “ Public Appointments Commissioner for Scotland ” “ Public Standards Commissioner for Scotland ”.

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