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*Changes to legislation: There are currently no known outstanding effects for the Scottish Parliamentary Commissions and Commissioners etc. Act 2010, Cross Heading: Members' terms of office, subsequent appointments etc.. (See end of Document for details)*

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## SCHEDULE 2 AMENDMENTS OF THE ETHICAL STANDARDS ACT

*Members' terms of office, subsequent appointments etc.*

8 For paragraphs 5 (tenure of office of members) and 6 (remuneration etc.) there is substituted—

*“Tenure of office, remuneration etc.*

- 5 (1) Each member of the Commission shall hold office for such period, not exceeding eight years, as the Parliamentary corporation determines at the time of appointment.
- (2) A person who has ceased to be a member is ineligible for reappointment at any time.
- (3) A member may resign office at any time by notice in writing given to the Parliamentary corporation.
- (4) A member may be removed from office by the Parliamentary corporation if sub-paragraph (5) applies.
- (5) This sub-paragraph applies if—
- (a) the Parliamentary corporation is satisfied that the member has breached the member's terms and conditions of office and the Parliament resolves that the member should be removed from office for that breach; or
  - (b) the Parliament resolves that it has lost confidence in the member's willingness, suitability or ability to exercise that member'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.
- (6) The Parliamentary corporation may, in the terms and conditions of office of a member, specify the minimum period of notice for the purposes of sub-paragraph (3).
- (7) Each member is entitled to—
- (a) such remuneration; and
  - (b) such allowances,
- as the Parliamentary corporation determines.
- (8) In other respects, each member holds office on such terms and conditions as the Parliamentary corporation determines.
- (9) Those terms and conditions may, without prejudice to paragraph 3—
- (a) prohibit the member from holding any other specified office, employment or appointment or engaging in any other specified occupation;
  - (b) provide that the member's holding of any such office, employment or appointment or engagement in any such occupation is subject to the approval of the Parliamentary corporation;

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(c) for the purposes of this sub-paragraph, provide differently for the member appointed as convener and the other members.

(10) In sub-paragraph (9), “specified” means specified in the terms and conditions of office or within a description so specified.”

9 After paragraph 5 (as inserted by paragraph 8 above) there is inserted—

*“Subsequent appointments etc.*

5A (1) A person who has ceased to be a member may not, without the approval of the Parliamentary corporation—

- (a) be employed or appointed in any other capacity by the Commission;
- (b) be a member or an employee or appointee of the Commission for Ethical Standards in Public Life in Scotland or be, or be an employee or appointee of, the Scottish Public Services Ombudsman;
- (c) hold any other office, employment or appointment or engage in any other occupation, being an office, employment, appointment or occupation which, by virtue of paragraph 5(9)(a), that person could not have held or, as the case may be, engaged in when a member.

(2) The restriction in sub-paragraph (1)—

- (a) starts when the person ceases to be a member; and
- (b) ends on the expiry of the financial year following the one in which it started.”

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