

# Scottish Parliamentary Commissions and Commissioners etc. Act 2010

2010 asp 11

## PART 1

### [<sup>F1</sup>THE COMMISSIONER FOR ETHICAL STANDARDS IN PUBLIC LIFE IN SCOTLAND]

#### *Office of Commissioner*

## 8 Disqualification

- (1) A person is disqualified from appointment and from holding office as [<sup>F1</sup>the Commissioner] if the person—
- (a) is a member of the Parliament or its staff,
  - (b) was a member of the Parliament at any time within two years before the date when the appointment might otherwise have been made,
  - (c) is disqualified from being a member of the Parliament,
  - (d) is a member of the House of Commons,
  - (e) is a member of the House of Lords entitled to vote there,
  - (f) is employed, or appointed in any other capacity, by the [<sup>F2</sup>Commissioner],
  - (g) is a member, employee or appointee of—
    - (i) the Standards Commission for Scotland,
    - (ii) a specified authority, or
    - (iii) a devolved public body,
  - (h) is a specified authority (where the authority is an individual),
  - (i) is, or is an employee or appointee of, the Scottish Public Services Ombudsman,
  - (j) is a member of a council or any committee of a council,
  - (k) is disqualified from being a member of a council, or
  - (l) is a member of a joint board or joint committee.
- (2) In this section—

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**Changes to legislation:** There are currently no known outstanding effects for the Scottish Parliamentary Commissions and Commissioners etc. Act 2010, Section 8. (See end of Document for details)

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- (a) the following expressions have the following meanings—
- “specified authority” means any of the specified authorities referred to in section 2(1) of the Public Appointments Act,
  - “council” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39),
  - “joint board” and “joint committee” have, respectively, the meanings given by section 235(1) of the Local Government (Scotland) Act 1973 (c. 65),
  - “devolved public body” has the meaning given by section 28(1) of the Ethical Standards Act,
- (b) the reference to a member of a specified authority includes a reference to—
- (i) a member, by co-option, of any committee of a specified authority,
  - (ii) a holder of a paid office appointed by a specified authority, and
- (c) a paid office is one where the holder is entitled to remuneration, allowances or expenses or any combination of them.

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#### Textual Amendments

- F1** Words in s. 8(1) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 9(a)**
- F2** Word in s. 8(1)(f) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 9(b)**

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