



Scottish Fiscal Commission Act 2016

2016 asp 17

Membership

15 Members of the Commission

- (1) The Commission is to consist of—
 - (a) a member to chair the Commission, and
 - (b) at least 2 but no more than 4 other members.
- (2) The Scottish Ministers are to appoint the members.
- (3) The Scottish Ministers may appoint a person as a member only if the Scottish Parliament has approved the appointment.
- (4) The Scottish Ministers may by regulations amend subsection (1)(b) by substituting a different number for any number for the time being specified there.
- (5) Regulations under subsection (4) are subject to the negative procedure.

16 Disqualification for appointment

- (1) The Scottish Ministers may not appoint a person as a member if the person—
 - (a) is—
 - (i) a member of the Scottish Parliament,
 - (ii) a member of the House of Commons,
 - (iii) a member of the National Assembly for Wales,
 - (iv) a member of the Northern Ireland Assembly,
 - (v) a member of the European Parliament,
 - (vi) a councillor of any local authority,
 - (vii) the holder of any other relevant elective office within the meaning of paragraph 1(8) of schedule 7 to the Political Parties, Elections and Referendums Act 2000,
 - (viii) a member of the Scottish Government,
 - (ix) a Minister of the Crown,
 - (x) an office-holder of the Crown in right of Her Majesty's Government in the United Kingdom,

Status: This is the original version (as it was originally enacted).

- (xi) an office-holder in the Scottish Administration,
 - (xii) a civil servant,
 - (b) is or has been insolvent,
 - (c) is or has been disqualified as a company director under the Company Directors Disqualification Act 1986,
 - (d) is or has been disqualified as a charity trustee under the Charities and Trustee Investment (Scotland) Act 2005, or
 - (e) is or has been disqualified under any disqualification provision analogous to either of those mentioned in paragraphs (c) and (d), anywhere in the world.
- (2) For the purposes of subsection (1)(b), a person is or has been insolvent if—
- (a) the person's estate is or has been sequestrated,
 - (b) the person has granted a trust deed for creditors or has made a composition or arrangement with creditors,
 - (c) the person is or has been the subject of any other kind of arrangement analogous to either of those described in paragraphs (a) and (b), anywhere in the world.

17 Period and terms of appointment

- (1) A member is appointed for such period not exceeding 5 years as the Scottish Ministers may determine.
- (2) A person may be reappointed as a member if—
- (a) the person—
 - (i) is a member at the time of reappointment, or
 - (ii) ceased to be a member not more than 3 months before the date of reappointment, and
 - (b) the person has not previously been reappointed.
- (3) Subsections (1) and (4) of this section and sections 15, 16 and 18 apply to the reappointment of a person as a member as they apply to the appointment of a person as a member.
- (4) The Scottish Ministers may determine other terms of an appointment, so far as not provided for by this Act.

18 Disqualification after appointment

- (1) A person's appointment as a member ceases if the person becomes disqualified as a member after appointment.
- (2) A person becomes disqualified as a member after appointment if, during the person's period of appointment as a member, any of paragraphs (a) to (e) of section 16(1) applies to the person.

19 Resignation

- A member may resign by giving notice in writing to—
- (a) the Scottish Ministers, and
 - (b) the Presiding Officer of the Scottish Parliament.

20 Removal

- (1) The Scottish Ministers may remove a member, by giving the member notice in writing, if—
 - (a) the member has been absent from meetings of the Commission for a period longer than 3 months without permission from the Commission, or
 - (b) the Scottish Ministers consider that the member is—
 - (i) otherwise unfit to continue to be a member, or
 - (ii) unable to perform the member's functions.
- (2) The Scottish Ministers may remove a member under subsection (1) only with the approval of the Scottish Parliament.