

*Changes to legislation: There are currently no known outstanding effects for the Child Poverty (Scotland) Act 2017, SCHEDULE. (See end of Document for details)*

## SCHEDULE

*(introduced by section 8)*

### THE POVERTY AND INEQUALITY COMMISSION

#### *Membership*

- 1 (1) The Commission is to consist of—
- (a) a member to chair the Commission, and
  - (b) at least [<sup>F1</sup>4 but no more than 8] 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) In proposing persons to the Scottish Parliament for approval for appointment to the Commission, the Scottish Ministers must have regard to the desirability of [<sup>F2</sup>—
- (a) securing that the Commission (taken as a whole) has experience in and knowledge of—
    - (i) the formulation, implementation and evaluation of policy relating to poverty and inequality,
    - (ii) research in connection with poverty and inequality,
    - (iii) working with persons experiencing poverty or inequality (or both), and
  - (b) the Commission’s membership including persons who have experienced poverty or inequality (or both).]
- (5) The Scottish Ministers may by regulations amend sub-paragraph (1)(b) by substituting a different number for any number for the time being specified there.
- (6) Regulations under sub-paragraph (5) are subject to the negative procedure.

#### **Textual Amendments**

- F1** Words in sch. para. 1(1)(b) substituted (1.7.2019) by [The Public Services Reform \(Poverty and Inequality Commission\) \(Scotland\) Order 2018 \(S.S.I. 2018/316\)](#), arts. 1, **2(3)(a)**
- F2** Sch. para. 1(4)(a)(b) substituted for words in sch. para. 1(4) (1.7.2019) by [The Public Services Reform \(Poverty and Inequality Commission\) \(Scotland\) Order 2018 \(S.S.I. 2018/316\)](#), arts. 1, **2(3)(b)**

#### *Independence*

- 2 (1) In performing its functions, the Commission is not subject to the direction or control of any member of the Scottish Government.
- (2) This paragraph is subject to any contrary provision in this or any other enactment.

#### *Access to information*

- 3 (1) The Commission—
- (a) has a right of access at reasonable times to any relevant information that the Commission may reasonably require for the purpose of performing its functions,

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- (b) may require any person who holds or is accountable for relevant information to provide at reasonable times any assistance or explanation that the Commission may reasonably require for the purpose of—
  - (i) performing its functions, or
  - (ii) exercising the right conferred by paragraph (a).
- (2) In sub-paragraph (1), “relevant information” means information in the possession or under the control of—
  - (a) any member of the Scottish Government,
  - (b) a local authority,
  - (c) such other person, or person of such description, as the Scottish Ministers may by regulations specify.
- (3) Sub-paragraph (1) is subject to any other enactment or rule of law that prohibits or restricts the disclosure of any information or the giving of any assistance or explanation.
- (4) Regulations under sub-paragraph (2)(c) are subject to the affirmative procedure.

*Exclusion of Crown status*

- 4 The Commission is not to be regarded—
  - (a) as the servant or agent of the Crown, or
  - (b) as enjoying any status, privilege or immunity of the Crown.

*Disqualification for appointment*

- 5 (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,
    - (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

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- (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 sub-paragraph (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.

#### *Period and terms of appointment*

- 6 (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 (with the approval of the Scottish Parliament) 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) The Scottish Ministers may determine other terms of an appointment, so far as not provided for by this Act.

#### *Disqualification after appointment*

- 7 (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 paragraph 5(1) applies to the person.

#### *Resignation*

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

#### *Removal*

- 9 (1) The Scottish Ministers may remove a member, by giving the member notice in writing, if the Scottish Ministers consider that the member is—
- (a) unable to perform the member's functions, or
  - (b) otherwise unfit to continue to be a member.
- (2) The Scottish Ministers may remove a member under sub-paragraph (1) only with the approval of the Scottish Parliament.

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*Remuneration, expenses and resources*

- 10 (1) Members of the Commission, and any members of committees established by the Commission under paragraph 12 who are not members of the Commission, are entitled to such remuneration and expenses as the Scottish Ministers may determine.
- (2) The Scottish Ministers are to pay any such remuneration and expenses.
- (3) The Scottish Ministers are to provide the Commission with such staff and other resources as it requires to carry out its functions.

*Regulation of procedure*

- 11 The Commission may regulate its own procedure (including quorum) and that of any committee established under paragraph 12.

*Committees*

- 12 (1) The Commission may establish committees.
- (2) The membership of a committee may include (but may not consist entirely of) persons who are not members of the Commission but those persons are not entitled to vote at meetings.

*Amendment of public bodies' legislation*

- 13 (1) In the Ethical Standards in Public Life etc. (Scotland) Act 2000, in schedule 3 (devolved public bodies), after the entry relating to the Board of Trustees of the National Museums of Scotland insert— “The Poverty and Inequality Commission”.
- (2) In the Freedom of Information (Scotland) Act 2002, in Part 7 of schedule 1 (others), after paragraph 75AB insert—  
 “75AC The Poverty and Inequality Commission”.
- (3) In the Public Appointments and Public Bodies etc. (Scotland) Act 2003, in schedule 2 (the specified authorities), under the heading “Other Public Bodies”, after the entry relating to the Parole Board for Scotland insert— “Poverty and Inequality Commission”.
- (4) In the Public Services Reform (Scotland) Act 2010, in schedule 5 (improvement of public functions: listed bodies), under the heading “Scottish public authorities with mixed functions or no reserved functions”, after the entry relating to the Police Investigations and Review Commissioner insert— “Poverty and Inequality Commission”.

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