

SCOTTISH PARLIAMENTARY STANDARDS COMMISSIONER ACT 2002

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 10 – Action on receipt of a report

68. As has been explained in the introduction to these notes, the process that is to be followed by the Parliament on receipt of a report from the Commissioner (Stages 3 and 4 of the investigative process) will be contained in standing orders. However, there are two aspects of the subsequent process which require to be dealt with in this Act. First, this section makes it clear that the Standards Committee and the Parliament are entitled to reject both the facts found and conclusions reached in the Commissioner's report and allows the Standards Committee and the Parliament to reach its own conclusion on the complaint. Second, this section makes it clear that the Standards Committee can direct the Commissioner to carry out further investigations.
69. Subsection (3) applies all the provisions of the Act to any investigation and report carried out by the Commissioner following a direction under subsection (2). This ensures, for example, that the Commissioner has power to call witnesses and request documents. It also ensures that the Standards Committee has the same powers to request reports on the progress on any such further investigation.