

# 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]

*General functions, procedures etc. of [<sup>F1</sup>Commissioner]*

#### Textual Amendments

- F1** Word in cross-heading preceding s. 12 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. 18](#)

#### 12 General powers

- (1) The [<sup>F2</sup>Commissioner] may do anything which appears—
  - (a) necessary or expedient for the purpose of or in connection with, or
  - (b) conducive to,the performance of [<sup>F3</sup>the Commissioner's] functions or the efficiency of [<sup>F3</sup>the Commissioner's] administration.
- (2) In particular, the [<sup>F4</sup>Commissioner] may—
  - (a) enter into contracts,
  - (b) acquire and dispose of land and other property.
- (3) The exercise of the power to acquire or dispose of land is subject to the approval of the Parliamentary corporation.
- (4) The [<sup>F5</sup>Commissioner] may determine and charge reasonable sums for anything done or provided by [<sup>F6</sup>, or on behalf of, the Commissioner in the performance of, or in connection with, the Commissioner's functions.]

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- (5) The [F7Commissioner] must retain any sums received F8... by virtue of subsection (4) and apply them to meet expenditure incurred in doing or providing whatever is charged for.

#### Textual Amendments

- F2** Word in s. 12(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. 13(a)(i)**
- F3** Words in s. 12(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. 13(a)(ii)**
- F4** Word in s. 12(2) 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. 13(b)**
- F5** Word in s. 12(4) 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. 13(c)(i)**
- F6** Words in s. 12(4) 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. 13(c)(ii)**
- F7** Word in s. 12(5) 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. 13(d)(i)**
- F8** Words in s. 12(5) omitted (1.7.2013) by virtue of [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. 13(d)(ii)**

### 13 Payment of witnesses' expenses

The [F9Commissioner] may pay to persons giving evidence, producing documents or providing information under section 13 of the Ethical Standards Act or section 13 of the Parliamentary Standards Act such allowances or expenses as [F10the Commissioner] may, with the approval of the Parliamentary corporation, determine.

#### Textual Amendments

- F9** Word in s. 13 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. 14(a)**
- F10** Words in s. 13 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. 14(b)**

### 14 Strategic plans

- (1) The [F11Commissioner] must, in respect of each 4 year period, lay before the Parliament a plan (referred to in this section as a “strategic plan”) setting out how the [F12Commissioner proposes to perform the Commissioner’s] functions during the 4 year period.
- (2) A strategic plan must, in particular, set out—
- (a) the F13... Commissioner's objectives and priorities during the 4 year period,
  - (b) how the [F14Commissioner proposes] to achieve them,
  - (c) timetables for doing so, and
  - (d) estimates of the costs of doing so.

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- (3) Before laying a strategic plan before the Parliament, the [F15Commissioner] must provide a draft of it to and invite, and (if any are given) consider, comments on it from—
  - (a) the Parliamentary corporation, and
  - (b) such other persons as the [F16Commissioner thinks] appropriate.
- (4) The reference in subsection (3)(b) to other persons includes a reference to a committee of the Parliament.
- (5) The [F17Commissioner] must lay each strategic plan before the Parliament not later than the beginning of the 4 year period to which the plan relates.
- (6) The [F18Commissioner] must arrange for the publication of each strategic plan laid before the Parliament.
- (7) The [F19Commissioner] may, at any time during a 4 year period, review the strategic plan for the period and lay a revised strategic plan before the Parliament.
- (8) Subsections (2) to (7) apply to a revised strategic plan as they apply to a strategic plan.
- (9) In that application, the reference in subsection (5) to the 4 year period is a reference to the period to which the revised strategic plan relates.
- (10) In this section, “4 year period” means the period of four years beginning on 1 April next following the coming into force of this section and each subsequent period of four years.

#### Textual Amendments

- F11** Word in s. 14(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. 15(a)(i)**
- F12** Words in s. 14(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. 15(a)(ii)**
- F13** Words in s. 14(2)(a) omitted (1.7.2013) by virtue of [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. 15(b)(i)**
- F14** Words in s. 14(2)(b) 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. 15(b)(ii)**
- F15** Word in s. 14(3) 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. 15(c)(i)**
- F16** Words in s. 14(3)(b) 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. 15(c)(ii)**
- F17** Word in s. 14(5) 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. 15(d)**
- F18** Word in s. 14(6) 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. 15(d)**
- F19** Word in s. 14(7) 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. 15(d)**

## 15 [F20Validity] of acts

F21(1) .....

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<sup>F22</sup>(2) .....

- (3) The validity of acts of [<sup>F23</sup>the] Commissioner is not affected by—
- (a) any defect in the appointment of the Commissioner, or
  - (b) any disqualification from appointment as [<sup>F23</sup>the] Commissioner of the person bearing to be the Commissioner.

<sup>F24</sup>(4) .....

#### Textual Amendments

- F20** Words in s. 15 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. 16(c)**
- F21** S. 15(1) omitted (1.7.2013) by virtue of 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. 16(a)**
- F22** S. 15(2) omitted (1.7.2013) by virtue of 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. 16(a)**
- F23** Word in s. 15(3) 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. 16(b)**
- F24** S. 15(4) omitted (1.7.2013) by virtue of 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. 16(a)**

## 16 Delegation

<sup>F25</sup>(1) .....

<sup>F25</sup>(2) .....

- (3) Any function of [<sup>F26</sup>the Commissioner] may be performed on the Commissioner's behalf by any person (whether or not <sup>F27</sup>... a member of the [<sup>F28</sup>Commissioner's] staff) authorised by the Commissioner to do so, and to the extent so authorised.
- (4) Subsection (3) does not affect the responsibility of [<sup>F29</sup>the Commissioner] for the performance of [<sup>F30</sup>the] Commissioner's functions.

#### Textual Amendments

- F25** S. 16(1)(2) omitted (1.7.2013) by virtue of 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. 17(a)**
- F26** Words in s. 16(3) 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. 17(b)(i)**
- F27** Words in s. 16(3) omitted (1.7.2013) by virtue of 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. 17(b)(ii)**
- F28** Word in s. 16(3) 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. 17(b)(iii)**
- F29** Words in s. 16(4) 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. 17(c)(i)**
- F30** Word in s. 16(4) 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. 17(c)(ii)**

**Changes to legislation:**

There are currently no known outstanding effects for the Scottish Parliamentary Commissions and Commissioners etc. Act 2010, Cross Heading: General functions, procedures etc. of Commissioner.