



# 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.

#### **Commencement Information**

- II** [S. 15](#) in force at 1.4.2017 by [S.S.I. 2016/326](#), [reg. 2\(2\)](#)

#### **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,

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**Changes to legislation:** There are currently no known outstanding effects for the Scottish Fiscal Commission Act 2016, Cross Heading: Membership. (See end of Document for details)

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- (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
  - (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.

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**Commencement Information**

**I2** S. 16 in force at 1.4.2017 by S.S.I. 2016/326, reg. 2(2)

## 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.

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**Commencement Information**

**I3** S. 17 in force at 1.4.2017 by S.S.I. 2016/326, reg. 2(2)

## 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.

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### Commencement Information

**I4** [S. 18](#) in force at 1.4.2017 by [S.S.I. 2016/326](#), [reg. 2\(2\)](#)

## 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.

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### Commencement Information

**I5** [S. 19](#) in force at 1.4.2017 by [S.S.I. 2016/326](#), [reg. 2\(2\)](#)

## 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.

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### Commencement Information

**I6** [S. 20](#) in force at 1.4.2017 by [S.S.I. 2016/326](#), [reg. 2\(2\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Scottish Fiscal Commission Act 2016,  
Cross Heading: Membership.