



# Scottish Parliamentary Standards (Sexual Harassment and Complaints Process) Act 2021

2021 asp 12

**The Bill for this Act of the Scottish Parliament was passed by the Parliament on 4th March 2021 and received Royal Assent on 21st April 2021**

An Act of the Scottish Parliament to allow the Commissioner for Ethical Standards in Public Life in Scotland to investigate complaints of past sexual harassment made about members of the Parliament in respect of behaviour towards members of their own staff; to remove the default time limit for making complaints to the Commissioner; and to remove any requirement for the complainer's signature.

## **1 Complaints about past sexual harassment**

(1) The Scottish Parliamentary Standards Commissioner Act 2002 is amended as follows.

(2) In section 3 (functions of the Commissioner)—

- (a) in subsection (3), after “force” insert “, or treated as having been in force under subsection (4A), ”,
- (b) after subsection (4), insert—

“(4A) For the purpose of subsection (3), paragraphs 5 and 6 of section 7 of the Code of Conduct of 7 January 2020 are, to the extent that they relate to sexual harassment by a member of the Parliament of that member's own staff, to be treated as having come into force on 24 February 2000 with the first edition of the Code of Conduct.”.

(3) In section 20 (interpretation), after the entry for “Code of Conduct” insert—

““Code of Conduct of 7 January 2020” means the second version of the seventh edition of the Code of Conduct, incorporating the revisions approved by resolution of the Parliament on 10 December 2019, which was brought into force with effect from 7 January 2020;”.

## **2 Removal of default time limit**

(1) The Scottish Parliamentary Standards Commissioner Act 2002 is amended as follows.

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*Changes to legislation: There are currently no known outstanding effects for the Scottish Parliamentary Standards (Sexual Harassment and Complaints Process) Act 2021. (See end of Document for details)*

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- (2) In section 6(5) (admissibility of complaints)—
  - (a) after paragraph (c), insert “ and ”,
  - (b) paragraph (e) and the “and” immediately preceding it are repealed.

### **3 Removal of requirement for signature**

- (1) The Scottish Parliamentary Standards Commissioner Act 2002 is amended as follows.
- (2) In section 6 (admissibility of complaints), in subsection (5)(b), the words “, is signed by that person” are repealed.
- (3) In section 11 (withdrawal of a complaint), in subsection (1), the words “which is signed by the complainer” are repealed.

### **4 Commencement**

- (1) This section and section 5 come into force on the day after Royal Assent.
- (2) The other provisions of this Act come into force at the end of the period of 6 months beginning with the day of Royal Assent.
- (3) For the avoidance of doubt, the modifications of the Scottish Parliamentary Standards Commissioner Act 2002 made by section 1 do not apply in relation to complaints received by the Commissioner for Ethical Standards in Public Life in Scotland before the day on which that section comes into force.

### **5 Short title**

The short title of this Act is the Scottish Parliamentary Standards (Sexual Harassment and Complaints Process) Act 2021.

**Changes to legislation:**

There are currently no known outstanding effects for the Scottish Parliamentary Standards (Sexual Harassment and Complaints Process) Act 2021.