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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2013 No.**

**PUBLIC SERVICES REFORM**

The Public Services Reform (Commissioner for Ethical Standards in Public Life in Scotland etc.) Order 2013

Made - - - - 2013

Coming into force 1st July 2013

THE PUBLIC SERVICES REFORM (COMMISSIONER FOR ETHICAL STANDARDS IN PUBLIC LIFE IN SCOTLAND ETC.) ORDER 2013

1. Citation and commencement
  2. Interpretation
  3. Establishment of Commissioner for Ethical Standards in Public Life in Scotland etc.
  4. Transfer of functions to Commissioner
  5. Transfer of staff, property and liabilities
  6. Transitional and savings provision
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SCHEDULE 1 — Modifications to the Act

1. The Act is amended in accordance with this Schedule.
2. Omit section 2 (functions of the Commissioners) and schedule 1...
3. For section 3 (status of Commission and Commissioners) substitute—  
Status...
4. In section 4 (independence of Commissioners)— (a) for “their respective...
5. For section 5 (protection of Commission from actions for defamation)...
6. Omit section 6 (designation of Chief Commissioner).
7. In section 7 (appointment of acting Commissioner)—
8. For the cross-heading immediately before section 1 (establishment, members and...
9. In section 8(1) (disqualification)— (a) for “a Commissioner” substitute “the...
10. In section 9 (terms of office and remuneration)—
11. In section 10(1) (pensions etc.)— (a) for “The Commission may,...

12. In section 11 (subsequent appointments etc. of former Commissioner)—
13. In section 12 (general powers)— (a) in subsection (1)—
14. In section 13 (payment of witnesses' expenses)—
15. In section 14 (strategic plans)— (a) in subsection (1)—
16. In section 15 (procedure and validity of acts)—
17. In section 16 (delegation)— (a) omit subsections (1) and (2);...
18. In the cross-heading immediately before section 12 (general powers), for...
19. In section 17 (staff)— (a) in subsection (1)—
20. In section 18 (advisors, assessors and other services)—
21. In section 19 (accountable officer)— (a) in subsection (1)—
22. In section 20 (budget)— (a) in subsection (1)—
23. In section 21 (funding)— (a) in subsection (1)(a), for "each"...
24. In section 22 (accounts and audit), for "Commission" in both...
25. In section 23 (location of office)— (a) for "Commission" substitute...
26. In section 24 (sharing of premises, staff, services and other...
27. In section 25 (annual reports)— (a) in subsection (1)—
28. Omit section 26 (Commission and Commissioners to be subject to...
29. Omit section 27 (Commission and Public Appointments Commissioner for Scotland...
30. In section 28 (interpretation of Part 1)—
31. For the heading to Part 1 substitute— THE COMMISSIONER FOR...
32. In section 29 (standardising and other enactments)—
33. Omit section 30 (interpretation).

#### SCHEDULE 2 — Modifications to other enactments

1. The Ethical Standards in Public Life etc. (Scotland) Act 2000
2. In section 9 (Public Standards Commissioner for Scotland to investigate...
3. In the titles to section 10 and 11, for "Public..."
4. In section 12 (conduct of Public Standards Commissioner's investigations)  
—
5. In the titles to section 13 and 14, omit "Public..."
6. Omit section 27 (protection from actions of defamation).
7. In section 28(1) (definitions), for the definition of "Commissioner"  
substitute—...
8. In schedule 1 (the Standards Commission for Scotland)—
9. The Scottish Public Services Ombudsman Act 2002
10. The Freedom of Information (Scotland) Act 2002
11. The Scottish Parliamentary Standards Commissioner Act 2002
12. In section 3(1) (functions of the Commissioner), for "Public Standards..."
13. In section 16 (restriction upon disclosure of information)—
14. Omit section 17 (protection from actions of defamation).
15. In section 20 (interpretation), for the definition of "Commissioner"  
substitute—...
16. The Public Appointments and Public Bodies etc. (Scotland) Act 2003
17. The Public Services Reform (Scotland) Act 2010
18. The Public Records (Scotland) Act 2011
19. The Public Services Reform (General Teaching Council for Scotland) Order  
2011

#### SCHEDULE 3 — Transfer of staff, property and liabilities

1. Staff
2. Property and liabilities

SCHEDULE 4 — Transitional and savings provisions

1. First appointment to the office of Commissioner
2. Persons appointed by the Commissioner to provide advice, assistance or any other service
3. Undetermined processes
4. New Commissioner's first budget
5. Laying of Commissioner's last annual report
6. New Commissioner's first annual report

Explanatory Note