



Parliamentary Standards Act 2009

2009 CHAPTER 13

An Act to make provision establishing a body corporate known as the Independent Parliamentary Standards Authority and an officer known as the Commissioner for Parliamentary Investigations; to make provision relating to salaries and allowances for members of the House of Commons and to their financial interests and conduct; and for connected purposes. [21st July 2009]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Introductory

1 Bill of Rights

Nothing in this Act shall be construed by any court in the United Kingdom as affecting Article IX of the Bill of Rights 1689.

2 House of Lords

(1) Nothing in this Act shall affect the House of Lords.

(2) But that is subject to—

- ^{F1}(a)
- (b) paragraphs 5(3) and (4), 16(2), 22(1), 24(2)(b) and 25(1) of Schedule 1, and
- (c) [^{F2}paragraph 8(2)] of Schedule 2.

Textual Amendments

- F1** S. 2(2)(a) omitted (7.5.2010) by virtue of [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), s. 52, [Sch. 5 para. 2\(a\)](#); S.I. 2010/1277, art. 3(i)(i)

Status: Point in time view as at 07/05/2010. This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Parliamentary Standards Act 2009. (See end of Document for details)

- F2** Words in s. 2(2)(c) substituted (19.4.2010) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), s. 52, [Sch. 5 para. 2\(b\)](#); S.I. 2010/1277, art. 2(d)(ii)

Independent Parliamentary Standards Authority etc

3 Independent Parliamentary Standards Authority etc

- (1) There is to be a body corporate known as the Independent Parliamentary Standards Authority (“IPSA”).
- (2) Schedule 1 (which makes provision about the IPSA, and in particular provides for its administration functions to be carried out by its chief executive in accordance with paragraph 17 of that Schedule) has effect.
- [^{F3}(3) There is to be an officer known as the Compliance Officer for the Independent Parliamentary Standards Authority (“the Compliance Officer”).
- (4) Schedule 2 (which makes provision about the Compliance Officer) has effect.]
- (5) There is to be a committee known as the Speaker's Committee for the Independent Parliamentary Standards Authority (“the Committee”).
- (6) Schedule 3 (which makes provision about the Committee) has effect.

Textual Amendments

- F3** S. 3(3)(4) substituted (19.4.2010) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), [ss. 26\(1\)](#), 52; S.I. 2010/1277, art. 2(a)

Modifications etc. (not altering text)

- C1** For expiry of s. 3(3)(4) see s. 15

Commencement Information

- II** S. 3 partly in force; s. 3 not in force at Royal Assent see s. 14(3); s. 3(1)(2) in force at 12.10.2009 by [S.I. 2009/2500](#), [art. 2](#); s. 3(5)(6) in force at 26.10.2009 by [S.I. 2009/2612](#), [art. 2](#)

[^{F4}**3A General duties of the IPSA**

- (1) In carrying out its functions the IPSA must have regard to the principle that it should act in a way which is efficient, cost-effective and transparent.
- (2) In carrying out its functions the IPSA must have regard to the principle that members of the House of Commons should be supported in efficiently, cost-effectively and transparently carrying out their Parliamentary functions.]

Textual Amendments

- F4** S. 3A inserted (7.5.2010) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), [ss. 28\(2\)](#), 52; S.I. 2010/1277, art. 3(b)

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Changes to legislation: There are currently no known outstanding effects for the Parliamentary Standards Act 2009. (See end of Document for details)

Salaries and allowances for MPs

4 MPs' salaries

- (1) The IPSA is to pay the salaries of members of the House of Commons in accordance with the relevant resolutions of the House.
- (2) That is subject to anything done in exercise of the disciplinary powers of the House.

Commencement Information

I2 S. 4 in force at 7.5.2010 by [S.I. 2010/1033](#), **art. 3(a)**

5 MPs' allowances scheme

- (1) The IPSA is to pay allowances to members of the House of Commons in accordance with the MPs' allowances scheme.
 - (2) In this Act “the MPs' allowances scheme” means the scheme prepared under this section as it is in effect for the time being.
 - (3) The IPSA must—
 - (a) prepare the scheme;
 - (b) review the scheme regularly and revise it as appropriate.
 - (4) In preparing or revising the scheme, the IPSA must consult—
 - (a) the Speaker of the House of Commons,
 - (b) the Committee on Standards in Public Life,
 - (c) the Leader of the House of Commons,
 - (d) any committee of the House of Commons nominated by the Speaker,
 - (e) members of the House of Commons,
 - (f) the Review Body on Senior Salaries,
 - (g) Her Majesty's Revenue and Customs,
 - (h) the Treasury, and
 - (i) any other person the IPSA considers appropriate.
 - (5) The Speaker must lay the scheme (or revision) before the House of Commons.
- [^{F5}(5A) When the scheme (or revision) is laid, the IPSA must publish in a way it considers appropriate—
 - (a) the scheme (or revision), and
 - (b) a statement of its reasons for adopting that scheme (or making that revision).]
- (6) The scheme (or revision) comes into effect on the date specified in the scheme (or revision).
 - (7) The scheme may, for example—
 - (a) provide for allowances to be payable in respect of specified kinds of expenditure or in specified circumstances;
 - (b) provide for allowances to be payable only on specified conditions (such as a condition that claims for allowances must be supported by documentary evidence);

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- (c) impose limits on the amounts that may be paid.
- (8) The scheme may provide for allowances to be payable in connection with a person's ceasing to be a member of the House of Commons; [^{F6}and in relation to any such allowances, references in this Act to a member of the House of Commons include a former member of that House.]
- [^{F7}(8A) Any duty of the IPSA to pay an allowance to a member is subject to anything done in relation to the member in the exercise of the disciplinary powers of the House of Commons.]
- (9) This section does not affect the provision of pensions for or in respect of persons with service as a member of the House of Commons (see the Parliamentary and other Pensions Act 1987 (c. 45)).
- (10) In section 3A(1) of the European Parliament (Pay and Pensions) Act 1979 (c. 50) (power to make order aligning MEPs' resettlement grants with MPs' resettlement grants), after “resolutions of the House of Commons” insert “, or a scheme under section 5 of the Parliamentary Standards Act 2009, ”.

Textual Amendments

- F5** S. 5(5A) inserted (7.5.2010) by [Constitutional Reform and Governance Act 2010 \(c. 25\), ss. 28\(3\), 52; S.I. 2010/1277, art. 3\(b\)](#)
- F6** Words in s. 5(8) substituted (7.5.2010) by [Constitutional Reform and Governance Act 2010 \(c. 25\), s. 52, Sch. 5 para. 3; S.I. 2010/1277, art. 3\(i\)\(ii\)](#)
- F7** S. 5(8A) inserted (7.5.2010) by [Constitutional Reform and Governance Act 2010 \(c. 25\), ss. 30, 52; S.I. 2010/1277, art. 3\(c\)](#)

Commencement Information

- I3** S. 5 in force at 29.3.2010 by [S.I. 2010/1033, art. 2\(a\)](#)

6 Dealing with claims under the scheme

- (1) No allowance is to be paid to a member of the House of Commons under the MPs' allowances scheme unless a claim for the allowance has been made to the IPSA.
- (2) The claim must be made by the member (except where the scheme provides otherwise).
- (3) On receipt of a claim, the IPSA must—
- determine whether to allow or refuse the claim, and
 - if it is allowed, determine how much of the amount claimed is to be allowed and pay it accordingly.
- (4) Subsection (5) applies if—
- the IPSA determines that a claim is to be refused or that only part of the amount claimed is to be allowed, and
 - the member asks the IPSA to review the determination.
- (5) If this subsection applies, the IPSA must—
- review whether the determination was properly made, and

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- (b) in light of that review, decide whether or not to confirm or alter the determination (and any necessary adjustments are to be made accordingly).
- (6) The MPs' allowances scheme may include—
- (a) further provision about how claims are to be dealt with;
 - (b) provision about deducting from payments of allowances amounts that a member is to repay.
- (7) The scheme may provide for an allowance to which a member is entitled under the scheme to be paid to another person at the member's direction; and references in this Act to the payment of an allowance to a member are to be read accordingly.

Commencement Information

I4 S. 6 in force at 29.3.2010 by [S.I. 2010/1033](#), [art. 2\(b\)](#)

7 Information and guidance ^{F8}...

[^{F9}(A1) The IPSA must—

- (a) prepare guidance for members of the House of Commons about making claims under the MPs' allowances scheme;
 - (b) review the guidance regularly and revise it as appropriate;
 - (c) publish the guidance in a way the IPSA considers appropriate;
 - (d) provide to any member on request such further advice about making claims as the IPSA considers appropriate.]
- (1) The IPSA must provide to members of the House of Commons—
- (a) details of any general information or guidance about taxation issues published by HMRC that it considers they should be aware of, and
 - (b) any other general information or guidance about taxation issues that it considers appropriate (consulting HMRC for this purpose as it considers appropriate).
- (2) “Taxation issues” means—
- (a) issues about the taxation of salaries payable under section 4 and allowances payable under the MPs' allowances scheme, and
 - (b) any other issues about taxation arising in connection with those salaries and allowances.
- (3) “HMRC” means Her Majesty's Revenue and Customs.

Textual Amendments

F8 Words in heading omitted (7.5.2010) by virtue of [Constitutional Reform and Governance Act 2010](#) (c. 25), [ss. 31\(6\)\(b\)](#), 52; [S.I. 2010/1277](#), [art. 3\(d\)](#)

F9 S. 7(A1) inserted (7.5.2010) by [Constitutional Reform and Governance Act 2010](#) (c. 25), [ss. 31\(6\)\(a\)](#), 52; [S.I. 2010/1277](#), [art. 3\(d\)](#)

Commencement Information

I5 S. 7 in force at 7.5.2010 by [S.I. 2010/1278](#), [art. 2](#)

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PROSPECTIVE

F10 ...

Textual Amendments

- F10** S. 8 cross-heading omitted (7.5.2010) by virtue of [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), [ss. 32, 52](#); [S.I. 2010/1277](#), [art. 3\(e\)](#)

^{F11}8 MPs' code of conduct relating to financial interests

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Textual Amendments

- F11** S. 8 omitted (7.5.2010) by virtue of [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), [ss. 32, 52](#); [S.I. 2010/1277](#), [art. 3\(e\)](#)

Modifications etc. (not altering text)

- C2** For expiry of s. 8 see s. 15

Investigation and enforcement

PROSPECTIVE

[^{F12}9 Investigations

- (1) The Compliance Officer may conduct an investigation if the Compliance Officer has reason to believe that a member of the House of Commons may have been paid an amount under the MPs' allowances scheme that should not have been allowed.
- (2) An investigation may be conducted—
 - (a) on the Compliance Officer's own initiative,
 - (b) at the request of the IPSA,
 - (c) at the request of the member, or
 - (d) in response to a complaint by an individual.
- (3) For the purposes of the investigation the member and the IPSA—
 - (a) must provide the Compliance Officer with any information (including documents) the Compliance Officer reasonably requires, and
 - (b) must do so within such period as the Compliance Officer reasonably requires.
- (4) The Compliance Officer must, after giving the member and the IPSA an opportunity to make representations to the Compliance Officer, prepare a statement of the Compliance Officer's provisional findings.

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- (5) The Compliance Officer must, after giving the member and the IPSA an opportunity to make representations to the Compliance Officer about the provisional findings, prepare a statement of the Compliance Officer's findings (subject to subsection (7)).
- (6) Provisional findings under subsection (4) and findings under subsection (5) may include—
 - (a) a finding that the member failed to comply with subsection (3),
 - (b) findings about the role of the IPSA in the matters under investigation, including findings that the member's being paid an amount under the MPs' allowances scheme that should not have been allowed was wholly or partly the IPSA's fault.
- (7) If subsection (8) applies, the Compliance Officer need not make a finding under subsection (5) as to whether the member was paid an amount under the MPs' allowances scheme that should not have been allowed.
- (8) This subsection applies if—
 - (a) the member accepts a provisional finding that the member was paid an amount under the MPs' allowances scheme that should not have been allowed,
 - (b) such other conditions as may be specified by the IPSA are, in the Compliance Officer's view, met in relation to the case, and
 - (c) the member agrees to repay to the IPSA, in such manner and within such period as the Compliance Officer considers reasonable, such amount as the Compliance Officer considers reasonable (and makes the repayment accordingly).
- (9) Before specifying conditions under subsection (8)(b) the IPSA must consult the persons listed in section 9A(6).
- (10) References in this section (and section 9A) to a member of the House of Commons include a former member of that House.]

Textual Amendments

F12 Ss. 9, 9A substituted for s. 9 (27.7.2010) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), ss. 33, 52; S.I. 2010/1931, art. 3(c) (with arts. 4, 5)

Modifications etc. (not altering text)

C3 For expiry of s. 9 see s. 15

10 Offence of providing false or misleading information for allowances claims

- (1) A member of the House of Commons commits an offence if the member—
 - (a) makes a claim under the MPs' allowances scheme, and
 - (b) provides information for the purposes of the claim that the member knows to be false or misleading in a material respect.
- (2) A person guilty of an offence under subsection (1) is liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum or to both;

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- (b) on conviction on indictment, to imprisonment for a term not exceeding 12 months or to a fine or to both.
- (3) In the application of this section—
- (a) in England and Wales, in relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (c. 44), or
- (b) in Northern Ireland,
- the reference in subsection (2)(a) to 12 months is to be read as a reference to 6 months.

Modifications etc. (not altering text)

C4 For expiry of s. 10 see s. 15

Commencement Information

I6 S. 10 in force at 7.5.2010 by [S.I. 2010/1033](#), [art. 3\(b\)](#)

Final provisions

PROSPECTIVE

^{F13} 11 Further functions of the IPSA and Commissioner

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Textual Amendments

F13 S. 11 omitted (7.5.2010) by virtue of [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), [ss. 36, 52](#); [S.I. 2010/1277](#), [art. 3\(f\)](#)

Modifications etc. (not altering text)

C5 For expiry of s. 11 see s. 15

12 Interpretation

- (1) In this Act—

“^{F14}the Compliance Officer]” has the meaning given by section 3(3);

“IPSA” has the meaning given by section 3(1);

“the Leader of the House of Commons” means the Minister of the Crown who is for the time being designated as Leader of the House of Commons by the Prime Minister;

“Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975 (c. 26);

“the MPs' allowances scheme” has the meaning given by section 5(2);

^{F15} ...

“specified” includes of a specified description.

- (2) In this Act any reference to a particular committee of the House of Commons—

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- (a) if the name of the committee is changed, is to be treated as a reference to the committee by its new name, and
 - (b) if the functions of the committee (or substantially corresponding functions) become functions of a different committee of that House, is to be treated as a reference to the committee by which those functions are exercisable.
- (3) In this Act any reference to the Committee on Standards in Public Life or to the Review Body on Senior Salaries—
- (a) if the name of the body is changed, is to be treated as a reference to the body by its new name, and
 - (b) if the functions of the body (or substantially corresponding functions) become functions of a different body, is to be treated as a reference to the body by which those functions are exercisable.
- (4) Any question arising under subsection (2) or (3) is to be determined by the Speaker of the House of Commons.

Textual Amendments

F14 Words in s. 12(1) substituted (19.4.2010) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), s. 52, [Sch. 5 para. 4\(2\)\(a\)](#); S.I. 2010/1277, art. 2(d)(iii)

F15 Words in s. 12(1) omitted (7.5.2010) by virtue of [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), s. 52, [Sch. 5 para. 4\(2\)\(b\)](#); S.I. 2010/1277, art. 3(i)(iii)

13 Power to make transitional etc provision

- (1) A Minister of the Crown may by order make supplementary, incidental, transitional, transitory or saving provision in connection with this Act.
- (2) An order under this section may provide—
- (a) that the House of Commons' rules about members' allowances have effect for specified purposes as if contained in a scheme under section 5,
 - ^{F16}(b)
 - ^{F16}(c)
- (3) The purposes which may be specified do not include the purposes of section 10 (offence of providing false or misleading information for allowances claims).
- (4) The order may provide for references in the rules to an officer or committee of the House of Commons to have effect as references to the [^{F17}Compliance Officer] or the IPSA.
- (5) An order under this section may provide that payments of allowances made to a member of the House of Commons, to which the member was not entitled under the rules mentioned in subsection (2)(a), may be set off against other claims for allowances to be paid to that member.
- (6) An order under this section may provide—
- (a) for the employment of persons of a specified description who are employed in connection with matters dealt with by the rules to be transferred to the IPSA by a scheme,

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- (b) for specified property, rights and liabilities which subsist wholly or mainly for the purposes of the House of Commons to be transferred to the IPSA by a scheme, and
 - (c) for specified documents and information held by or on behalf of the House of Commons (or an officer or committee of that House) to be transferred to the [^{F18}Compliance Officer] or the IPSA.
- (7) A scheme made by virtue of subsection (6) is to be made by a Minister of the Crown with the consent of the person who chairs the House of Commons Commission.
- (8) An order under this section is to be made by statutory instrument.
- (9) A statutory instrument containing an order under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of the House of Commons.
- (10) In this section—
- “the rules” means the rules of the House of Commons mentioned in subsection (2),
 - “rules” includes resolutions, standing orders, codes, schemes and guidance.

Textual Amendments

- F16** S. 13(2)(b)(c) omitted (7.5.2010) by virtue of [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), s. 52, [Sch. 5 para. 5\(2\)](#); S.I. 2010/1277, art. 3(i)(iv)
- F17** Words in s. 13(4) substituted (19.4.2010) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), s. 52, [Sch. 5 para. 5\(3\)](#); S.I. 2010/1277, art. 2(d)(iv)
- F18** Words in s. 13(6)(c) substituted (19.4.2010) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), s. 52, [Sch. 5 para. 5\(3\)](#); S.I. 2010/1277, art. 2(d)(iv)

14 Short title and commencement

- (1) This Act may be cited as the Parliamentary Standards Act 2009.
- (2) The following provisions of this Act come into force on the day it is passed—
- (a) section 12;
 - (b) section 13;
 - (c) this section;
 - ^{F19}(d)
- (3) The other provisions come into force on the day appointed by a Minister of the Crown by order made by statutory instrument; and different days may be appointed for different purposes.

Subordinate Legislation Made

- P1** S. 14(3) power partly exercised: 12.10.2009 appointed for specified provisions by [S.I. 2009/2500](#), art. 2
- P2** S. 14(3) power partly exercised: 26.10.2009 appointed for specified provisions by [S.I. 2009/2612](#), art. 2

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Textual Amendments

F19 S. 14(2)(d) omitted (7.5.2010) by virtue of [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), s. 52, [Sch. 5 para. 6](#); S.I. 2010/1277, art. 3(i)(v)

^{F20}15 Expiry of provisions of the Act

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Textual Amendments

F20 S. 15 omitted (7.5.2010) by virtue of [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), ss. 37, 52; S.I. 2010/1277, art. 3(g)

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SCHEDULES

SCHEDULE 1

Section 3

INDEPENDENT PARLIAMENTARY STANDARDS AUTHORITY

PART 1

MEMBERS OF THE IPSA

Membership

- 1 (1) The IPSA is to consist of the following members—
- (a) one member who is to chair it (“the chair”) appointed in accordance with paragraph 2, and
 - (b) four other members (referred to in this Schedule as “ordinary members”) appointed in accordance with that paragraph.
- (2) At least one of the members of the IPSA must be a person who has held (but no longer holds) high judicial office (within the meaning of Part 3 of the Constitutional Reform Act 2005 (c. 4)).
- (3) At least one of the members of the IPSA must be a person who is qualified under Schedule 3 to the National Audit Act 1983 (c. 44) to be an auditor for the National Audit Office.
- (4) One of the members of the IPSA (“the Parliamentary member”) must be a person who has been (but is no longer) a member of the House of Commons.
- (5) Apart from the Parliamentary member, a person who has been a member of the House of Commons at any time within the last five years may not be a member of the IPSA.

Appointment of chair and ordinary members

- 2 (1) The chair of the IPSA is to be appointed by Her Majesty on an address of the House of Commons.
- (2) An ordinary member of the IPSA is to be appointed by Her Majesty on an address of the House of Commons.
- (3) A motion for an address under sub-paragraph (1) or (2) may be made only with the agreement of the Speaker.
- (4) The person the subject of the motion must have been selected by the Speaker on merit on the basis of fair and open competition.
- (5) The Speaker must not select a candidate without the agreement of the Speaker's Committee for the Independent Parliamentary Standards Authority.

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Terms and conditions: general

- 3 (1) Subject to the provisions of this Schedule, the chair of the IPSA and the ordinary members of the IPSA hold office in accordance with the terms and conditions of their appointment.
- (2) Those terms and conditions are to be determined by the Speaker.

Term of office

- 4 (1) The chair of the IPSA is to be appointed for a fixed term not exceeding five years.
- (2) The ordinary members of the IPSA are to be appointed for a fixed term not exceeding five years.
- (3) A person who has held office as a member of the IPSA (whether as the chair or an ordinary member) may be re-appointed as a member once only, for a further period (whether consecutive or not) not exceeding three years.

Resignation and removal from office

- 5 (1) The chair of the IPSA may resign from office by giving written notice to the Speaker.
- (2) An ordinary member of the IPSA may resign from office by giving written notice to the Speaker.
- (3) Her Majesty may remove the chair of the IPSA from office on an address of both Houses of Parliament.
- (4) Her Majesty may remove an ordinary member of the IPSA from office on an address of both Houses of Parliament.
- (5) A person who ceases to hold office as the chair of the IPSA also ceases to be a member of the IPSA.

Remuneration

- 6 (1) The terms and conditions on which a person is appointed as the chair of the IPSA or as an ordinary member of the IPSA may provide for the IPSA—
- (a) to pay remuneration and allowances to the person;
- (b) to make provision for a pension in relation to that person.
- (2) The IPSA must make the payment or provision accordingly.

Code of conduct

- 7 (1) The IPSA must issue, and may from time to time revise, a code of conduct for its members.
- (2) The code must in particular—
- (a) incorporate the Nolan principles or such other similar principles as may be adopted by the IPSA from time to time, and
- (b) include provision about the disclosure of interests by the members of the IPSA.

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- (3) “The Nolan principles” means the seven general principles of public life set out in the First Report of the Committee on Standards in Public Life (Cm 2850).

Disqualification

- 8 (1) In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (bodies of which all members are disqualified), at the appropriate place insert— “The Independent Parliamentary Standards Authority.”
- (2) In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (c. 25) (bodies of which all members are disqualified), at the appropriate place insert— “The Independent Parliamentary Standards Authority.”

PART 2

THE IPSA

Status

- 9 (1) The IPSA, its members and its staff are not to be regarded—
- (a) as the servants or agents of the Crown, or
 - (b) as enjoying any status, immunity or privilege of the Crown.
- (2) The IPSA's property is not to be regarded as property of, or property held on behalf of, the Crown.

F21
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Textual Amendments

F21 Sch. 1 para. 10 and heading omitted (7.5.2010) by virtue of [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), s. 52, [Sch. 5 para. 7\(2\)](#); S.I. 2010/1277, art. 3(i)(vi)

^{F21}10

Powers

- 11 The IPSA may do anything (except borrow money) which is calculated to facilitate the carrying out of its functions or is incidental or conducive to the carrying out of those functions.

Committees

- 12 (1) The IPSA may establish any committees which it considers appropriate.
- (2) Any committee of the IPSA established under sub-paragraph (1) may establish one or more sub-committees.
- (3) All members of a committee or sub-committee must be members of the IPSA.

Status: Point in time view as at 07/05/2010. This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Parliamentary Standards Act 2009. (See end of Document for details)

Procedure and proceedings

- 13 (1) The IPSA is to regulate its own procedure, and the procedure of its committees and sub-committees (including quorums).
- (2) The validity of the proceedings of the IPSA, or of any of its committees or sub-committees, is not affected by—
- (a) a vacancy among the members, or
 - (b) a defect in the appointment of a member.

Staff

- 14 (1) The IPSA must appoint a chief executive (see paragraph 17).
- (2) The IPSA may appoint other staff.
- (3) The chief executive and other staff are to be appointed on terms and conditions determined by the IPSA, having regard to the desirability of keeping them broadly in line with those applying to persons employed in the civil service of the State.
- 15 (1) The Speaker may appoint a person (“the interim chief executive”) to be the IPSA's chief executive until a chief executive is appointed by the IPSA.
- (2) The interim chief executive may incur expenditure and do other things in the name of and on behalf of the IPSA.
- (3) The interim chief executive must act in accordance with any directions given by the Speaker or, when the IPSA has been constituted, by the IPSA.
- (4) The powers given by sub-paragraph (2)—
- (a) may be used before and after the IPSA has been constituted, but
 - (b) come to an end at a time determined by the IPSA.

Staff pensions

- 16 (1) Employment by the IPSA is included among the kinds of employment to which a scheme under section 1 of the Superannuation Act 1972 (c. 11) may apply.
- (2) The IPSA must pay to the Minister for the Civil Service the sums determined by the Minister in relation to any increase attributable to this paragraph in the sums payable out of money provided by Parliament under that Act.
- (3) In Schedule 1 to the Superannuation Act 1972 (kinds of employment to which a scheme under section 1 of the Act may apply), in the list of “Other bodies” insert at the appropriate place— “ Independent Parliamentary Standards Authority. ”

Separation of administration functions and regulation functions

- 17 (1) The IPSA's administration functions are to be carried out by the chief executive on behalf of the IPSA and in accordance with its general directions.
- (2) So far as possible the IPSA's administration functions and its regulation functions must be carried out separately, so that one set of functions does not adversely affect the carrying out of the other.

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- (3) The IPSA must make such arrangements as it considers necessary to comply with sub-paragraph (2).

Commencement Information

I7 Sch. 1 para. 17 in force at 7.5.2010 by [S.I. 2010/1033](#), [art. 3\(c\)\(i\)](#)

Meaning of “administration functions” and “regulation functions”

- 18 (1) The IPSA's administration functions are its functions under—
- (a) section 4 (payment of MPs' salaries),
 - (b) section 5(1) (payment of MPs' allowances),
 - (c) section 6 (dealing with allowances claims),
- ^{F22} ...
- (2) The IPSA's regulation functions are its functions under—
- (a) section 5(3) and (4) (preparing and revising MPs' allowances scheme),
 - ^{F23}(b)
 - ^{F24}(c) section 9(8)(b) and (9) (determining conditions),
 - (d) section 9A (determining procedures for investigations etc),
 - (e) paragraphs 1, 2(2), 4(2) and 9(2) of Schedule 2 (appointment and removal of Compliance Officer etc), and
 - (f) paragraphs 2, 8 and 9 of Schedule 4 (scheme, guidance etc for Compliance Officer).]

Textual Amendments

F22 Words in Sch. 1 para. 18(1) omitted (7.5.2010) by virtue of [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), s. 52, [Sch. 5 para. 7\(3\)\(c\)](#); [S.I. 2010/1277](#), art. 3(i)(vi)

F23 Sch. 1 para. 18(2)(b) omitted (7.5.2010) by virtue of [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), s. 52, [Sch. 5 para. 7\(4\)\(c\)](#); [S.I. 2010/1277](#), art. 3(i)(vi)

F24 Sch. 1 para. 18(2)(c)-(f) substituted for Sch. 1 para. 18(2)(c) (19.4.2010 for specified purposes) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), s. 52, [Sch. 5 para. 7\(4\)\(d\)](#); [S.I. 2010/1277](#), art. 2(d)(v)

Commencement Information

I8 Sch. 1 para. 18(1) in force at 7.5.2010 for specified purposes by [S.I. 2010/1033](#), [art. 3\(c\)\(ii\)](#)

I9 Sch. 1 para. 18(2)(a) in force at 7.5.2010 by [S.I. 2010/1033](#), [art. 3\(c\)\(iii\)](#)

Delegation

- 19 (1) The IPSA may delegate functions to—
- (a) any of its members,
 - (b) any committee established by it, and
 - (c) any of its staff.
- (2) But the IPSA may not delegate—
- (a) its regulation functions, and

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- (b) its function under paragraph 14(1) (appointment of chief executive).
- (3) A committee may delegate functions (including functions delegated to it) to—
 - (a) a sub-committee, or
 - (b) any of the IPSA's staff.
- (4) The chief executive of the IPSA may delegate to any of the IPSA's staff—
 - (a) functions exercisable by the chief executive under paragraph 17, and
 - (b) functions delegated to the chief executive under this paragraph.

Contracting-out of payment functions

- 20
- (1) The IPSA's payment functions may be carried out by—
 - (a) any person authorised by the chief executive, or
 - (b) an employee of a person so authorised.
 - (2) The chief executive may authorise a person to carry out payment functions—
 - (a) to their full extent or to a specified extent;
 - (b) in all cases or in specified cases;
 - (c) unconditionally or subject to specified conditions.
 - (3) An authorisation under sub-paragraph (1) may be revoked at any time by the IPSA or the chief executive.
 - (4) The IPSA's payment functions are the functions of—
 - (a) paying salaries under section 4, and
 - (b) paying allowances in accordance with the MPs' allowances scheme, (but not the function of determining claims for allowances or of agreeing repayments).

Delegation and contracting out of pension functions

- 21
- (1) Section 1(2) of the Superannuation Act 1972 (c. 11) (delegation of functions relating to civil service superannuation schemes by Minister for the Civil Service to another officer of the Crown etc) has effect as if the reference to an officer of the Crown other than a Minister included a reference to the IPSA's chief executive.
 - (2) Any pension function conferred on the chief executive under section 1(2) of the Superannuation Act 1972 (in accordance with sub-paragraph (1)) may be carried out by—
 - (a) any person authorised by the chief executive, or
 - (b) an employee of a person so authorised.
 - (3) “Pension function” means a function of administering schemes made under section 1 of that Act, and from time to time in force.
 - (4) Under sub-paragraph (2), the chief executive may authorise a person to exercise pension functions—
 - (a) to their full extent or to a specified extent;
 - (b) in all cases or in specified cases;
 - (c) unconditionally or subject to specified conditions.
 - (5) An authorisation under sub-paragraph (2)—

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- (a) is to be treated for all purposes as given by virtue of an order under section 69 of the Deregulation and Contracting Out Act 1994 (c. 40) (contracting out of functions of Ministers and office-holders), and
- (b) may be revoked at any time by the IPSA or the chief executive.

Funding

- 22
- (1) The IPSA's expenditure is to be paid out of money provided by Parliament.
 - (2) For each financial year (other than its first financial year) the IPSA must prepare an estimate of the IPSA's use of resources and submit it to the Speaker's Committee for the Independent Parliamentary Standards Authority ("the Committee").
 - (3) The Committee must review the estimate and decide whether it is satisfied that the estimate is consistent with the efficient and cost-effective discharge by the IPSA of its functions.
 - (4) If it is not satisfied, the Committee must make such modifications as it considers necessary to achieve the consistency specified under sub-paragraph (3).
 - (5) Before deciding whether it is satisfied or making modifications, the Committee must consult the Treasury and have regard to any advice given.
 - (6) After the Committee has reviewed the estimate and made any modifications, the Speaker must lay the estimate before the House of Commons.
 - (7) If the Committee does not follow any advice given by the Treasury, or makes any modifications to the estimate, it must prepare a statement of its reasons and the Speaker must lay the statement before the House of Commons.
 - (8) Any repayments received by the IPSA may be retained by the IPSA and applied by it for the purposes of its functions.

Accounts

- 23
- (1) The IPSA must keep proper accounting records.
 - (2) The IPSA must, for each financial year, prepare accounts in accordance with directions given to it by the Treasury.
 - (3) The directions which the Treasury may give under sub-paragraph (2) include, in particular, directions as to—
 - (a) the information to be contained in the accounts and the manner in which it is to be presented,
 - (b) the methods and principles in accordance with which the accounts are to be prepared, and
 - (c) the additional information (if any) that is to accompany the accounts.
 - (4) The chief executive of the IPSA is to be its accounting officer.

Audit

- 24
- (1) The IPSA must, as soon as practicable after the end of any financial year, submit the accounts prepared by it for that year to the Comptroller and Auditor General.
 - (2) The Comptroller and Auditor General must—

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- (a) examine and certify any accounts submitted under sub-paragraph (1), and
- (b) lay before each House of Parliament a copy of the certified accounts.

Annual report

- 25 (1) As soon as practicable after the end of each financial year, the IPSA must prepare and the Speaker must lay before each House of Parliament a report about the performance of the IPSA's functions during that financial year.
- (2) When the Speaker lays such a report, the IPSA must publish it in such manner as it considers appropriate.

Documentary evidence

- 26 (1) The application of the seal of the IPSA is to be authenticated by the signature of any member of the IPSA, or of its staff, who has been authorised (whether generally or specifically) by the IPSA for the purpose.
- (2) A document purporting to be duly executed under the seal of the IPSA or signed on its behalf—
- (a) is to be received in evidence, and
 - (b) is to be taken to be executed or signed in that way, unless the contrary is proved.
- (3) This paragraph does not extend to Scotland.

Freedom of information

- 27 (1) In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (c. 36) (other public bodies and offices which are public authorities) at the appropriate place insert— “The Independent Parliamentary Standards Authority.”
- (2) In adopting or reviewing a publication scheme under section 19 of that Act, the IPSA must consult—
- (a) the Leader of the House of Commons,
 - (b) the Speaker, and
 - (c) the House of Commons Committee on Standards and Privileges.

Public records

- 28 In Schedule 1 to the Public Records Act 1958 (c. 51) (definition of public records) at the appropriate place in Part 2 of the Table at the end of paragraph 3 insert— “The Independent Parliamentary Standards Authority.”

Interpretation

- 29 (1) In this Schedule “financial year” means—
- (a) the period beginning with the day on which the IPSA is established and ending with the next following 31 March, and
 - (b) each successive period of 12 months.
- (2) In this Schedule—
- “administration functions” has the meaning given by paragraph 18(1),

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“regulation functions” has the meaning given by paragraph 18(2), and
“the Speaker” means the Speaker of the House of Commons.

PROSPECTIVE

[^{F25}SCHEDULE 2

Section 3

COMPLIANCE OFFICER

Textual Amendments

F25 Sch. 2 substituted (19.4.2010) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), s. 52, [Sch. 3](#); [S.I. 2010/1277](#), art. 2(a)(c)

Modifications etc. (not altering text)

C6 For expiry of Sch. 2 see s. 15

Appointment of Compliance Officer

- 1 (1) The Compliance Officer is to be appointed by the IPSA.
(2) The person to be appointed must be selected by the IPSA on merit on the basis of fair and open competition.

Terms and conditions: general

- 2 (1) Subject to the provisions of this Schedule, the Compliance Officer holds office in accordance with the terms and conditions of the Compliance Officer's appointment.
(2) Those terms and conditions are to be determined by the IPSA.

Term of office

- 3 (1) The Compliance Officer is to be appointed for a fixed term not exceeding five years.
(2) A person who has been appointed as the Compliance Officer may not be appointed again.

Resignation and removal from office

- 4 (1) A person may resign from the office of Compliance Officer by giving written notice to the IPSA.
(2) The IPSA may remove a person from the office of Compliance Officer if the person—
(a) is convicted of an offence (see sub-paragraph (3)),
(b) becomes bankrupt (see sub-paragraph (4)), or
(c) is unfit or unable to carry out the functions of the office.
(3) For the purposes of determining if the person is convicted of an offence—

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- (a) it does not matter where the person is convicted, and
 - (b) an act punishable under the law of a territory outside the United Kingdom constitutes an offence for the purposes of this paragraph (however it is described in that law).
- (4) A person becomes bankrupt if—
- (a) in England and Wales or Northern Ireland, a bankruptcy order is made in relation to the person, or
 - (b) in Scotland, the person's estate is sequestrated.

Remuneration

- 5 (1) The terms and conditions on which a person is appointed as the Compliance Officer may provide for the IPSA—
- (a) to pay remuneration and allowances to the person;
 - (b) to make provision for a pension in relation to that person.
- (2) The IPSA must make the payment or provision accordingly.

Status

- 6 (1) The Compliance Officer is not to be regarded—
- (a) as the servant or agent of the Crown, or
 - (b) as enjoying any status, immunity or privilege of the Crown.
- (2) The Compliance Officer's property is not to be regarded as property of, or property held on behalf of, the Crown.

Funding

- 7 (1) The IPSA must provide the Compliance Officer with adequate resources for the Compliance Officer's functions.
- (2) In particular, the IPSA is responsible for providing staff to assist in the carrying out of those functions.

Annual report

- 8 (1) As soon as practicable after the end of each financial year, the Compliance Officer must—
- (a) prepare a report about the performance of the Compliance Officer's functions during that financial year, and
 - (b) send the report to the IPSA.
- (2) The IPSA must send the report to the Speaker of the House of Commons, who must lay it before each House of Parliament.
- (3) When the Speaker lays the report, the Compliance Officer must publish it in such manner as the Compliance Officer considers appropriate.
- (4) “Financial year” means—
- (a) the period beginning with the day on which a Compliance Officer is first appointed and ending with the next following 31 March, and

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- (b) each successive period of 12 months.

Vacancy in office of Compliance Officer

- 9 (1) This paragraph applies if the office of Compliance Officer is vacant.
- (2) The IPSA may authorise a member of the IPSA's staff provided under paragraph 7(2) to carry out the functions of the Compliance Officer during the vacancy.
- (3) In relation to a vacancy of more than six months, the functions of the Compliance Officer may not be carried out by virtue of sub-paragraph (2) after the first six months.

Disqualification

- 10 (1) In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (other disqualifying offices) at the appropriate place insert— “ Compliance Officer for the Independent Parliamentary Standards Authority. ”
- (2) In Part 3 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (other disqualifying offices) at the appropriate place insert— “ Compliance Officer for the Independent Parliamentary Standards Authority. ”

Freedom of information

- 11 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (other public bodies and offices which are public authorities) at the appropriate place insert— “ Compliance Officer for the Independent Parliamentary Standards Authority. ”

Public records

- 12 In Schedule 1 to the Public Records Act 1958 (definition of public records) at the appropriate place in Part 2 of the Table at the end of paragraph 3 insert— “ Compliance Officer for the Independent Parliamentary Standards Authority.”]

SCHEDULE 3

Section 3

SPEAKER'S COMMITTEE FOR THE INDEPENDENT PARLIAMENTARY STANDARDS AUTHORITY

Membership

- 1 The members of the Speaker's Committee for the Independent Parliamentary Standards Authority (“the Committee”) are—
- (a) the Speaker of the House of Commons,
 - (b) the Leader of the House of Commons,
 - (c) the person who chairs the House of Commons Committee on Standards and Privileges, ^{F26}...
 - (d) five members of the House of Commons who are not Ministers of the Crown, appointed by the House of Commons^{F27}, and
 - (e) three lay persons appointed by resolution of the House of Commons.]

Status: Point in time view as at 07/05/2010. This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Parliamentary Standards Act 2009. (See end of Document for details)

Textual Amendments

- F26** Word in Sch. 3 para. 1(c) omitted (7.5.2010) by virtue of [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), [ss. 27\(2\)\(a\)](#), 52; S.I. 2010/1277, art. 3(a)
- F27** Sch. 3 para. 1(e) and word inserted (7.5.2010) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), [ss. 27\(2\)\(b\)](#), 52; S.I. 2010/1277, art. 3(a)

[^{F28}Appointed members]

Textual Amendments

- F28** Sch. 3 para. 2 cross-heading substituted (7.5.2010) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), [ss. 27\(3\)](#), 52; S.I. 2010/1277, art. 3(a)

- 2 (1) A person appointed under paragraph 1(d) (“an appointed member”) ceases to be a member of the Committee if—
- (a) another person is appointed in the person's place, or
 - (b) the person ceases to be a member of the House of Commons.
- (2) An appointed member may resign from the Committee by giving notice to the Committee.
- (3) Except as provided by this paragraph, an appointed member is a member of the Committee for the remainder of the Parliament in which the person is appointed.
- (4) An appointed member may be re-appointed (more than once) to membership of the Committee.

[^{F29}Lay members]

Textual Amendments

- F29** Sch. 3 para. 2A and cross-heading inserted (7.5.2010) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), [ss. 27\(4\)](#), 52; S.I. 2010/1277, art. 3(a)

- 2A (1) In paragraph 1(e) “lay person” means a person who is not, and has never been, a member of either House of Parliament.
- (2) A motion for a resolution under paragraph 1(e) may be made only with the agreement of the Speaker of the House of Commons.
- (3) The person the subject of the motion must have been selected by the Speaker on merit on the basis of fair and open competition.
- (4) An appointment under paragraph 1(e) is to be for a fixed term not exceeding five years.
- (5) A person who has been appointed under paragraph 1(e) may not be appointed under paragraph 1(e) again.
- (6) A person appointed under paragraph 1(e) ceases to be a member of the Committee if the person becomes a member of either House of Parliament.

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- (7) A person appointed under paragraph 1(e) may resign from the Committee by giving notice to the Committee.
- (8) The Speaker of the House of Commons may require the IPSA to pay to members of the Committee appointed under paragraph 1(e) such remuneration and allowances as the Speaker may determine.
- (9) The IPSA must make the payment accordingly.]

Committee proceedings

- 3 (1) The Committee may determine its own procedure (including quorum).
- (2) The validity of any proceedings of the Committee is not affected by—
 - (a) a vacancy among the members, or
 - (b) a defect in the appointment of a member.

Status:

Point in time view as at 07/05/2010. This version of this Act contains provisions that are prospective.

Changes to legislation:

There are currently no known outstanding effects for the Parliamentary Standards Act 2009.