



# Parliamentary Standards Act 2009

## 2009 CHAPTER 13

### *Investigation and enforcement*

#### **9 Investigations**

- (1) The Commissioner may conduct an investigation if the Commissioner has reason to believe that a member of the House of Commons—
  - (a) may have been paid an amount under the MPs' allowances scheme that should not have been allowed, or
  - (b) may have failed to comply with a requirement included by virtue of section 8(7) (registration of interests) in the MPs' code of conduct relating to financial interests.
- (2) An investigation may be conducted—
  - (a) on the Commissioner's own initiative,
  - (b) at the request of the member, or
  - (c) in response to a complaint by an individual.
- (3) For the purposes of an investigation, the IPSA must provide the Commissioner with any information the Commissioner reasonably requires.
- (4) If, after conducting an investigation, the Commissioner finds that the member was paid an amount under the scheme that should not have been allowed, the Commissioner must refer the Commissioner's findings to the House of Commons Committee on Standards and Privileges.
- (5) But the Commissioner need not refer the findings if—
  - (a) the member accepts the findings,
  - (b) such other conditions as may be specified by the IPSA are, in the Commissioner's view, met in relation to the case, and
  - (c) the member repays to the IPSA, in such manner and within such period as the Commissioner considers reasonable, such amount as the Commissioner considers reasonable.

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*Status: This is the original version (as it was originally enacted).*

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- (6) If, after conducting an investigation, the Commissioner finds that the member failed to comply with a requirement included in the code by virtue of section 8(7), the Commissioner must refer the Commissioner's findings to the Committee on Standards and Privileges.
- (7) But the Commissioner need not refer the findings if—
- (a) the member accepts the findings,
  - (b) the Commissioner considers that the financial interest concerned was minor or that the failure was inadvertent,
  - (c) such other conditions as may be specified by the IPSA are, in the Commissioner's view, met in relation to the case, and
  - (d) the member takes any steps required by the Commissioner to correct the register.
- (8) If the Commissioner finds that a member who is the subject of an investigation has not provided the Commissioner with information the Commissioner reasonably requires for the purposes of the investigation, the Commissioner may refer the finding to the Committee on Standards and Privileges.
- (9) The IPSA must determine—
- (a) procedures in relation to investigations under subsection (1);
  - (b) procedures in relation to complaints under subsection (2)(c);
  - (c) procedures in relation to the circumstances in which the Commissioner's findings are to be published.
- (10) In determining the procedures or any conditions under subsection (5)(b) or (7)(c), the IPSA must consult—
- (a) the Leader of the House of Commons,
  - (b) the House of Commons Committee on Standards and Privileges,
  - (c) the Commissioner, and
  - (d) any other person the IPSA considers appropriate.
- (11) The procedures must be fair and, in particular, provide a member who is the subject of an investigation or complaint with an opportunity—
- (a) to make representations to the Commissioner about the investigation or complaint;
  - (b) to make representations to the Commissioner, before the Commissioner's findings are referred to the Committee on Standards and Privileges, about the findings.
- (12) Procedures by virtue of subsection (11)(a) must include—
- (a) an opportunity to be heard in person;
  - (b) an opportunity, where the Commissioner considers it appropriate, to call and examine witnesses.

## **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;
  - (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.