



Constitutional Reform and Governance Act 2010

2010 CHAPTER 25

PART 3

PARLIAMENTARY STANDARDS ETC

Amendments of the Parliamentary Standards Act 2009

33 Investigations

For section 9 of the Parliamentary Standards Act 2009 (investigations) substitute—

“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.

Changes to legislation: There are currently no known outstanding effects for the Constitutional Reform and Governance Act 2010, Section 33. (See end of Document for details)

- (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.
- (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.

9A Procedures etc

- (1) The IPSA must determine procedures to be followed by the Compliance Officer in relation to investigations under section 9.
- (2) The procedures must in particular include provision about—
 - (a) complaints under section 9(2)(d),
 - (b) representations under section 9(4),
 - (c) representations under section 9(5), and
 - (d) the circumstances in which the Compliance Officer must publish the documents listed in subsection (4).
- (3) Provision under subsection (2)(b) must include provision giving the member who is the subject of the investigation—
 - (a) an opportunity to be heard in person, and

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- (b) an opportunity, where the Compliance Officer considers it appropriate, to call and examine witnesses.
- (4) The documents referred to in subsection (2)(d) are—
- (a) statements of provisional findings under section 9(4),
 - (b) statements of findings under section 9(5), and
 - (c) agreements under section 9(8).
- (5) The IPSA must also determine procedures to be followed by the Compliance Officer as to the circumstances in which the Compliance Officer must publish—
- (a) statements under section 6A(3), and
 - (b) penalty notices under paragraph 6 of Schedule 4.
- (6) Procedures under this section must be fair, and before determining procedures the IPSA must consult—
- (a) the Speaker of the House of Commons,
 - (b) the Leader of the House of Commons,
 - (c) the House of Commons Committee on Standards and Privileges,
 - (d) the Compliance Officer, and
 - (e) any other person the IPSA considers appropriate.”

Commencement Information

II S. 33 in force at 27.7.2010 by S.I. 2010/1931, art. 3(c) (with arts. 4, 5)

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