



Scottish Parliamentary Commissions and Commissioners etc. Act 2010

2010 asp 11

SCOTTISH PARLIAMENTARY COMMISSIONS AND COMMISSIONERS ETC. ACT 2010

PART 1

THE COMMISSION FOR ETHICAL STANDARDS IN PUBLIC LIFE IN
SCOTLAND: THE PUBLIC STANDARDS COMMISSIONER FOR SCOTLAND
AND THE PUBLIC APPOINTMENTS COMMISSIONER FOR SCOTLAND

The Commission and the Commissioners

- 1 Establishment, members and functions of the Commission for Ethical Standards in Public Life in Scotland
- 2 Functions of the Commissioners
- 3 Status of Commission and Commissioners
- 4 Independence of Commissioners
- 5 Protection of Commission from actions for defamation
- 6 Designation of Chief Commissioner
- 7 Appointment of acting Commissioner

Office of Commissioner

- 8 Disqualification
- 9 Terms of office and remuneration
- 10 Pensions etc.
- 11 Subsequent appointments etc. of former Commissioner

General functions, procedures etc. of Commission

- 12 General powers
- 13 Payment of witnesses' expenses
- 14 Strategic plans
- 15 Procedure and validity of acts

*Status: Point in time view as at 01/04/2011.**Changes to legislation: There are currently no known outstanding effects for the Scottish Parliamentary Commissions and Commissioners etc. Act 2010. (See end of Document for details)*

16 Delegation

Staff, advisers etc.

17 Staff

18 Advisers, assessors and other services

Finance

19 Accountable officer

20 Budget

21 Funding

22 Accounts and audit

Location of office and sharing of resources

23 Location of office

24 Sharing of premises, staff, services and other resources

Annual reports

25 Annual reports

Ombudsman's investigations and freedom of information

26 Commission and Commissioners to be subject to investigations by Scottish Public Services Ombudsman

27 Commission and Public Appointments Commissioner for Scotland to be subject to Freedom of Information (Scotland) Act

Interpretation

28 Interpretation of Part 1

PART 2

AMENDMENTS OF PROVISIONS RELATING TO OTHER COMMISSIONS AND OFFICEHOLDERS

29 Standardising and other amendments

PART 3

GENERAL

30 Interpretation

31 Short title, commencement, transfers and transitionals

SCHEDULE 1 — Consequential amendments of enactments referred to in section 2(5)

Part 1 — THE ETHICAL STANDARDS ACT

1 For section 9 (appointment and functions of Chief Investigating Officer)...

2 In sections 10(1) and (2), 11, 12(1), (4) and (5),...

3 In section 10(1) for “functions of that office” there is...

4 In sections 10(2), 12(4) and (5), 13(1), 14(3), 16(a) and...

5 In section 11 after “functions” there is inserted “ under...

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- 6 In sections 11 and 13(3) for “that Officer's” there is...
- 7 In section 28(1)— (a) for the definition of “Chief Investigating...
- 8 In paragraph 2(1)(b) of schedule 1 after “functions” there is...
- 9 In the titles to sections 10 to 14 “Chief Investigating...
Part 2 — THE SCOTTISH PUBLIC SERVICES OMBUDSMAN ACT 2002 (ASP
11)
- 10 Paragraph 21 in Part 2 of schedule 2 to the...
Part 3 — THE PARLIAMENTARY STANDARDS ACT
- 11 Sections 1 and 2 and schedule 1 (appointment, terms of...
- 12 In section 3(1) (functions of Scottish Parliamentary Standards
Commissioner) for...
- 13 In section 16 (restriction on disclosure of information)—
- 14 In section 20 (interpretation)— (a) the definition of “acting
Commissioner”...
- Part 4 — THE PUBLIC APPOINTMENTS ACT
- 15 Section 1 and schedule 1 (establishment, appointment etc. of
Commissioner...
- 16 In section 2(1) (that Commissioner's duty to prepare code of...
- 17 In section 20 (interpretation) for the definition of “the Commissioner”...
- 18 Paragraph 16(b) of schedule 4 (Commissioner for Public Appointments
in...
- 19 Paragraph 17(c)(i) of that schedule (Commissioner for Public
Appointments in...
Part 5 — THE PUBLIC SERVICES REFORM (SCOTLAND) ACT 2010 (ASP 8)
- 20 In schedule 5 (improvement of public functions: listed persons, bodies...
- 21 In schedule 6 (listed bodies and office-holders in respect of...
- 22 In schedule 8 (listed persons, bodies and office-holders obliged to...

SCHEDULE 2 — Amendments of the Ethical Standards Act

Procedure for appointments and orders conferring functions

- 1 In section 8 (establishment, functions and membership of the
Standards...

Witnesses' expenses

- 2 In section 17(8) (payment by Commission of witnesses' expenses etc.)...

Protection from actions of defamation

- 3 In section 27(1) (protection from actions of defamation) for the...

Application of paragraphs 5 to 16

- 4 Paragraphs 5 to 16 relate to schedule 1 to the...

Land, charges, location of office and sharing of resources

- 5 In paragraph 2— (a) at the end of sub-paragraph (2)...
- 6 After paragraph 2 there is inserted— Location of office The
Commission shall comply with any direction given by the...

Procedure for appointment of convener

- 7 In paragraph 4 (appointment of convener) for “Ministers” there is...

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Members' terms of office, subsequent appointments etc.

- 8 For paragraphs 5 (tenure of office of members) and 6...
- 9 After paragraph 5 (as inserted by paragraph 8 above) there...

Employees, remuneration and pensions, advisers etc.

- 10 In paragraph 7 (employees)— (a) in sub-paragraphs (2) and (4)...
- 11 Paragraph 8 (remuneration, pensions etc. of Chief Investigating Officer and...
- 12 Before paragraph 9 there is inserted— Advisers and other services...

Strategic plans

- 13 After paragraph 10 there is inserted— Strategic plans (1) The Commission shall, in respect of each 4 year...

Finance

- 14 After paragraph 10A (as inserted by paragraph 13 above) there...
- 15 Paragraph 11 (expenses) is repealed.

Annual reports

- 16 After paragraph 10E (as inserted by paragraph 14 above) there...

Terms and conditions of office, staff and status of Chief Investigating Officer

- 17 Schedule 2 (terms and conditions of office, staff and status...

SCHEDULE 3 — Amendments of the Scottish Public Services Ombudsman Act 2002 (asp 11)

Investigations and reports

- 1 In section 5(1)(a) (matters which may be investigated) after “or”,...
- 2 In section 11 (decisions not to investigate)—
- 3 After subsection (6) of section 12 (investigation procedure) there is...
- 4 In section 13 (evidence) after subsection (9) there is inserted—...
- 5 In section 15 (reports on investigations)— (a) at the beginning...

Annual reports

- 6 In section 17— (a) at the end of subsection (1)...

Strategic plans

- 7 After section 17 there is inserted— Strategic plans (1) The Ombudsman must, in respect of each 4 year...

Confidentiality of information

- 8 In section 19 (confidentiality of information)— (a) in subsection (3)—...
- 9 In section 23(1) (interpretation) the definition of “patient” is repealed....

Application of paragraphs 11 to 19

- 10 Paragraphs 11 to 19 relate to schedule 1 to the...

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Disqualification, terms of office, status, removal etc.

- 11 For paragraph 1(3) (disqualification of former Ombudsman from certain posts)...
- 12 In paragraph 2 (status of Ombudsman)— (a) after sub-paragraph (2)...
- 13 In paragraph 4 (period of office, tenure etc.)—

Advisers and other services

- 14 For paragraph 10 there is substituted— Advisers and other services...

Land, location of office, sharing of resources and charges

- 15 At the end of paragraph 12 (Ombudsman's general powers) there...
- 16 After paragraph 12 there is inserted— Location of office The Ombudsman must comply with any direction given by the...

Budget

- 17 After paragraph 12C (as inserted by paragraph 16 above) there...

Finance

- 18 In paragraph 13(b) (Parliamentary corporation to pay Ombudsman's expenses)—
- 19 Paragraph 13 (as amended by paragraph 18 above) is renumbered...

Prison management etc.

- 20 In Part 1 of schedule 2 (list of persons liable...

Matters excluded from investigation

- 21 In schedule 4— (a) paragraph 2 (exclusion of civil, criminal...

SCHEDULE 4 — Amendments of the Freedom of Information (Scotland) Act 2002 (asp 13)

The Commissioner: terms and period of office, removal and independence

- 1 In section 42 (the Scottish Information Commissioner)—

Advice and other services

- 2 After subsection (9) of section 42 there is inserted—

Expenses

- 3 In subsection (11)(b) of section 42 (payment of Commissioner's expenses)—...
- 4 After subsection (11) of that section there is inserted—

Charges

- 5 In section 43 (general functions)— (a) in subsection (5) (charges...

Annual reports

- 6 In section 46 (reports)— (a) in subsection (1) after “exercise”...

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Strategic plans

- 7 After section 46 there is inserted— Strategic plans (1) The Commissioner must, in respect of each 4 year...

Application of paragraph 9 onward

- 8 Paragraph 9 onward relates to schedule 2 to the Freedom...

Legal status

- 9 Paragraph 1 is renumbered as sub-paragraph (1) of that paragraph...

Staff

- 10 For paragraph 3(4) (approval by Parliamentary corporation of appointments etc....

Budget

- 11 After paragraph 4 there is inserted— Budget (1) The Commissioner must, before the start of each financial...

Land, location of office, sharing of resources

- 12 Paragraph 6 (Commissioner's general powers, including acquisition and disposal of...
13 After paragraph 6 there is inserted— Location of office The Commissioner must comply with any direction given by the...

Subsequent appointments

- 14 After paragraph 8 (as inserted by paragraph 13 above) there...

SCHEDULE 5 — Amendments of the Commissioner for Children and Young People (Scotland) Act 2003 (asp 17)

The Commissioner: period of appointment, removal etc.

- 1 In section 2 (appointment of Commissioner)— (a) in subsection (3)...
2 In section 3 (removal of Commissioner) for subsections (1)(b) and...

Annual reports

- 3 In section 10 (annual reports)— (a) at the end of...

Strategic plans

- 4 After section 14 there is inserted— Strategic plans (1) The Commissioner must, in respect of each 4 year...

Application of paragraph 6 onward

- 5 Paragraph 6 onward relates to schedule 1 to the Commissioner...

Status and independence

- 6 At the end of paragraph 1 (legal status of Commissioner)...
7 In paragraph 2(2) (respects in which the Commissioner is subject...

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Disqualification

- 8 In paragraph 4— (a) after sub-paragraph (1) there is inserted—...

Subsequent appointments

- 9 After paragraph 5 there is inserted— Subsequent appointments etc. (1)
A person who has ceased being the Commissioner (“the...

Land, charges, location of office, sharing of resources, staff and advisers and other services

- 10 In paragraph 6 (general powers)— (a) in sub-paragraph (2)
(Commissioner's...
11 After paragraph 6 there is inserted— Location of office The
Commissioner must comply with any direction given by the...
12 In paragraph 7(2) (terms of appointment of staff) after “terms”...
13 After paragraph 7 there is inserted— Sharing of premises, staff,...

Finance and budget

- 14 Paragraph 9 (payment of Commissioner's salary, expenses etc.) is
renumbered...
15 After paragraph 9 there is inserted— Budget (1) The Commissioner
must, before the start of each financial...

SCHEDULE 6 — Amendments of the Scottish Commission for Human Rights Act 2006 (asp 16)

Strategic plans

- 1 In section 7 (strategic plans)— (a) in subsection (2)—

Annual report

- 2 In section 15 (Commission's annual report)— (a) in subsection (1)...

Application of paragraph 4 onward

- 3 Paragraph 4 onward relates to schedule 1 to the Scottish...

Independence: exceptions

- 4 In paragraph 3(2) (exceptional matters in which Commission subject
to...

Members of the Commission: period of office, removal, and other and subsequent appointments

- 5 In paragraph 5 (terms of office etc. of Commission members)—...
6 After paragraph 6 there is inserted— Subsequent appointments etc. (1)
A person who has ceased to be a member...

Land, location of office, advisers and other services, sharing of resources and finance

- 7 In paragraph 8— (a) for sub-paragraph (2)(b) (Commission's powers
to...
8 For paragraph 10 (location of office) there is substituted— Location...
9 After paragraph 11 there is inserted— Advisers and other services...

Status: Point in time view as at 01/04/2011.

Changes to legislation: There are currently no known outstanding effects for the Scottish Parliamentary Commissions and Commissioners etc. Act 2010. (See end of Document for details)

- 10 In paragraph 12 (sharing of premises, staff, services and other...
- 11 After paragraph 13 there is inserted— Budget (1) The Commission must, before the start of each financial...
- 12 For paragraph 14(1) (payment of Commissioners' remuneration and Commission's expenses)...

SCHEDULE 7 — Transfer of staff, property and liabilities and transitional and saving provisions

Part 1 — TRANSFER OF STAFF, PROPERTY AND LIABILITIES TO COMMISSION FOR ETHICAL STANDARDS IN PUBLIC LIFE IN SCOTLAND

Staff

- 1 (1) On the coming into force of this schedule, each...

Property and liabilities

- 2 (1) On the coming into force of this schedule, all...
Part 2 — TRANSITIONAL AND SAVING PROVISIONS

Undetermined processes under Ethical Standards, Parliamentary Standards and Public Appointments Acts

- 3 (1) Anything done or being done by or in relation...

Current appointments of assessors by the Commissioner for Public Appointments in Scotland

- 4 An appointment of an assessor by the Commissioner for Public...

New Commission's first budget

- 5 (1) Section 20(1) applies in respect of the financial year...

Scottish Parliamentary Standards Commissioner's last annual report

- 6 (1) Despite section 2 and the repeal of section 18...

Other annual reports

- 7 (1) Nothing in any reporting provision requires a body or...

The Scottish Parliamentary Standards Commissioner

- 8 (1) The person who, immediately before this schedule comes into...

Commissioner for Public Appointments in Scotland

- 9 (1) The person who, immediately before this schedule comes into...

Members of the Standards Commission

- 10 (1) A person who, on the coming into force of...

Commissioner for Children and Young People and the Public Services Ombudsman

- 11 (1) The person who, on the coming into force of...

Status: Point in time view as at 01/04/2011.

Changes to legislation: There are currently no known outstanding effects for the Scottish Parliamentary Commissions and Commissioners etc. Act 2010. (See end of Document for details)

Members of the Scottish Commission for Human Rights

- 12 (1) The person who, on the coming into force of...

General provisions about reappointment

- 13 (1) A person is not eligible for reappointment to an...

Status:

Point in time view as at 01/04/2011.

Changes to legislation:

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