

# SCOTTISH PARLIAMENTARY COMMISSIONS AND COMMISSIONERS ETC. ACT 2010

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### 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**

##### *Section 9: Terms of office and remuneration*

56. [Section 9](#) sets out the terms of office and remuneration which will apply to the Commissioners. Under subsection (1) each Commissioner may hold office for a single term of up to a period of 8 years. Subsection (2) allows a Commissioner to resign from office at anytime subject to giving of any minimum period of notice as provided for in subsection (9). A Commissioner may be removed from office by the Parliamentary corporation under subsection (3) but only if the circumstances set out in subsection (4).
57. Subsection (4)(a) states that a Commissioner may be removed from office if the Parliamentary corporation is satisfied that the Commissioner has breached their terms and conditions of appointment. Having come to that view, the Parliamentary corporation would ask the Parliament to resolve that the Commissioner should be removed for the breach.
58. Under subsection (4)(b), a Commissioner may be removed from office if the Parliament resolves that it has lost confidence in the Commissioner's willingness, suitability or ability to perform their functions.
59. In both circumstances, a resolution must be voted for by at least 86 members being a number not less than two thirds of the total number of seats of members of the Parliament.
60. [Section 9\(5\)](#) provides that each Commissioner is entitled to such remuneration and allowances as are determined by the Parliamentary corporation. These will be subject to contractual arrangements between the parties. Commissioners other terms and conditions of holding office are also determined by the Parliamentary corporation, under subsection (6).
61. Under subsection (7) the Parliamentary corporation may determine whether the Commissioners should be permitted to hold any other office, employment or appointment or engagement during their term of office. For example, the holding of another position may compromise or be perceived to compromise the independence of the Commissioner.