



# Scottish Parliamentary Commissions and Commissioners etc. Act 2010

2010 asp 11

## PART 1

### [<sup>F1</sup>THE COMMISSIONER FOR ETHICAL STANDARDS IN PUBLIC LIFE IN SCOTLAND]

#### *Finance*

#### **19 Accountable officer**

- (1) The Parliamentary corporation must designate [<sup>F1</sup>the Commissioner] or a member of the [<sup>F2</sup>Commissioner's] staff as the accountable officer for the purposes of this section.
- (2) The functions of the accountable officer are—
  - (a) signing the accounts of the expenditure and receipts of the [<sup>F3</sup>Commissioner],
  - (b) ensuring the propriety and regularity of the finances of the [<sup>F3</sup>Commissioner],
  - (c) ensuring that the resources of the [<sup>F3</sup>Commissioner] are used economically, efficiently and effectively, and
  - (d) the duty in subsection (3).
- (3) Where the accountable officer [<sup>F4</sup>is not the Commissioner and] is required to act in some way but considers that to do so would be inconsistent with the proper performance of a function set out in subsection (2)(a) to (c), the accountable officer must—
  - (a) obtain written authority from the [<sup>F5</sup>Commissioner] before taking the action, and
  - (b) as soon as possible, send a copy of the authority to the Auditor General for Scotland.
- (4) The accountable officer is answerable to the Parliament for the performance of the functions in subsection (2).

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

### Textual Amendments

- F1** Words in s. 19(1) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 21(a)(i)**
- F2** Word in s. 19(1) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 21(a)(ii)**
- F3** Word in s. 19(2) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 21(b)**
- F4** Words in s. 19(3) inserted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 21(c)(i)**
- F5** Word in s. 19(3)(a) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 21(c)(ii)**

## 20 Budget

- (1) The [<sup>F6</sup>Commissioner] must, before the start of each financial year, prepare proposals for [<sup>F7</sup>the Commissioner's] use of resources and expenditure during the year (a "budget") and, by such date as the Parliamentary corporation determines, send the budget to the Parliamentary corporation for approval.
- (2) The [<sup>F8</sup>Commissioner] may, in the course of a financial year, prepare a revised budget for the remainder of the year and send it to the Parliamentary corporation for approval.
- (3) In preparing a budget or a revised budget, the [<sup>F9</sup>Commissioner] must ensure that the resources of the [<sup>F9</sup>Commissioner] will be used economically, efficiently and effectively.
- (4) A budget or revised budget must contain a statement that the [<sup>F10</sup>Commissioner] has complied with the duty under subsection (3).

### Textual Amendments

- F6** Word in s. 20(1) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 22(a)(i)**
- F7** Words in s. 20(1) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 22(a)(ii)**
- F8** Word in s. 20(2) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 22(b)**
- F9** Word in s. 20(3) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 22(b)**
- F10** Word in s. 20(4) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 22(b)**

### Modifications etc. (not altering text)

- C1** S. 20(1) applied (with modifications) (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 4 para. 4**

## 21 Funding

- (1) The Parliamentary corporation is to—
  - (a) pay the remuneration and allowances of [<sup>F11</sup>the] Commissioner,

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- (b) pay any expenses properly incurred by the [F12Commissioner] in the performance of [F13the Commissioner’s] functions, so far as not met out of sums received and applied by [F14the Commissioner] under section 12(5),
  - (c) indemnify the F15... Commissioner in respect of any liabilities incurred by [F16the] Commissioner in the performance of [F17the] Commissioner’s functions.
- (2) Subsection (1)(b) does not require the Parliamentary corporation to pay any expenses incurred by the [F18Commissioner] which exceed or are otherwise not covered by a budget or, as the case may be, a revised budget approved under section 20.
- (3) However, the Parliamentary corporation may pay those expenses.

#### Textual Amendments

- F11** Word in s. 21(1)(a) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 23(a)**
- F12** Word in s. 21(1)(b) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 23(b)(i)**
- F13** Words in s. 21(1)(b) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 23(b)(ii)**
- F14** Words in s. 21(1)(b) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 23(b)(iii)**
- F15** Words in s. 21(1)(c) omitted (1.7.2013) by virtue of [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 23(c)(i)**
- F16** Word in s. 21(1)(c) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 23(c)(ii)**
- F17** Word in s. 21(1)(c) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 23(c)(iii)**
- F18** Word in s. 21(2) substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 23(d)**

## 22 Accounts and audit

- (1) The [F19Commissioner] must, in accordance with any directions in that regard given by the Scottish Ministers—
- (a) keep proper accounts and accounting records,
  - (b) prepare annual accounts in respect of each financial year, and
  - (c) send a copy of the annual accounts to the Auditor General for Scotland for auditing.
- (2) If requested by any person, the [F19Commissioner] must make the audited accounts available, at any reasonable time, without charge and in printed or electronic form, so that they may be inspected by that person.

#### Textual Amendments

- F19** Word in s. 22 substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 24**

**Changes to legislation:**

There are currently no known outstanding effects for the Scottish Parliamentary Commissions and Commissioners etc. Act 2010, Cross Heading: Finance.