

*Status: Point in time view as at 07/05/2010.*

*Changes to legislation: There are currently no known outstanding effects for the Parliamentary Standards Act 2009, SCHEDULE 1. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

Section 3

#### INDEPENDENT PARLIAMENTARY STANDARDS AUTHORITY

##### PART 1

##### MEMBERS OF THE IPSA

###### *Membership*

- 1 (1) The IPSA is to consist of the following members—
  - (a) one member who is to chair it (“the chair”) appointed in accordance with paragraph 2, and
  - (b) four other members (referred to in this Schedule as “ordinary members”) appointed in accordance with that paragraph.
- (2) At least one of the members of the IPSA must be a person who has held (but no longer holds) high judicial office (within the meaning of Part 3 of the Constitutional Reform Act 2005 (c. 4)).
- (3) At least one of the members of the IPSA must be a person who is qualified under Schedule 3 to the National Audit Act 1983 (c. 44) to be an auditor for the National Audit Office.
- (4) One of the members of the IPSA (“the Parliamentary member”) must be a person who has been (but is no longer) a member of the House of Commons.
- (5) Apart from the Parliamentary member, a person who has been a member of the House of Commons at any time within the last five years may not be a member of the IPSA.

###### *Appointment of chair and ordinary members*

- 2 (1) The chair of the IPSA is to be appointed by Her Majesty on an address of the House of Commons.
- (2) An ordinary member of the IPSA is to be appointed by Her Majesty on an address of the House of Commons.
- (3) A motion for an address under sub-paragraph (1) or (2) may be made only with the agreement of the Speaker.
- (4) The person the subject of the motion must have been selected by the Speaker on merit on the basis of fair and open competition.
- (5) The Speaker must not select a candidate without the agreement of the Speaker's Committee for the Independent Parliamentary Standards Authority.

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*Terms and conditions: general*

- 3 (1) Subject to the provisions of this Schedule, the chair of the IPSA and the ordinary members of the IPSA hold office in accordance with the terms and conditions of their appointment.
- (2) Those terms and conditions are to be determined by the Speaker.

*Term of office*

- 4 (1) The chair of the IPSA is to be appointed for a fixed term not exceeding five years.
- (2) The ordinary members of the IPSA are to be appointed for a fixed term not exceeding five years.
- (3) A person who has held office as a member of the IPSA (whether as the chair or an ordinary member) may be re-appointed as a member once only, for a further period (whether consecutive or not) not exceeding three years.

*Resignation and removal from office*

- 5 (1) The chair of the IPSA may resign from office by giving written notice to the Speaker.
- (2) An ordinary member of the IPSA may resign from office by giving written notice to the Speaker.
- (3) Her Majesty may remove the chair of the IPSA from office on an address of both Houses of Parliament.
- (4) Her Majesty may remove an ordinary member of the IPSA from office on an address of both Houses of Parliament.
- (5) A person who ceases to hold office as the chair of the IPSA also ceases to be a member of the IPSA.

*Remuneration*

- 6 (1) The terms and conditions on which a person is appointed as the chair of the IPSA or as an ordinary member of the IPSA may provide for the IPSA—
- (a) to pay remuneration and allowances to the person;
- (b) to make provision for a pension in relation to that person.
- (2) The IPSA must make the payment or provision accordingly.

*Code of conduct*

- 7 (1) The IPSA must issue, and may from time to time revise, a code of conduct for its members.
- (2) The code must in particular—
- (a) incorporate the Nolan principles or such other similar principles as may be adopted by the IPSA from time to time, and
- (b) include provision about the disclosure of interests by the members of the IPSA.

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- (3) “The Nolan principles” means the seven general principles of public life set out in the First Report of the Committee on Standards in Public Life (Cm 2850).

#### *Disqualification*

- 8 (1) In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (bodies of which all members are disqualified), at the appropriate place insert— “The Independent Parliamentary Standards Authority. ”
- (2) In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (c. 25) (bodies of which all members are disqualified), at the appropriate place insert — “The Independent Parliamentary Standards Authority. ”

## **PART 2**

### **THE IPSA**

#### *Status*

- 9 (1) The IPSA, its members and its staff are not to be regarded—
- (a) as the servants or agents of the Crown, or
  - (b) as enjoying any status, immunity or privilege of the Crown.
- (2) The IPSA's property is not to be regarded as property of, or property held on behalf of, the Crown.

*F1* ...

#### **Textual Amendments**

**F1** Sch. 1 para. 10 and heading omitted (7.5.2010) by virtue of [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), s. 52, [Sch. 5 para. 7\(2\)](#); S.I. 2010/1277, art. 3(i)(vi)

<sup>F1</sup>10 .....

#### *Powers*

- 11 The IPSA may do anything (except borrow money) which is calculated to facilitate the carrying out of its functions or is incidental or conducive to the carrying out of those functions.

#### *Committees*

- 12 (1) The IPSA may establish any committees which it considers appropriate.
- (2) Any committee of the IPSA established under sub-paragraph (1) may establish one or more sub-committees.
- (3) All members of a committee or sub-committee must be members of the IPSA.

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### *Procedure and proceedings*

- 13 (1) The IPSA is to regulate its own procedure, and the procedure of its committees and sub-committees (including quorums).
- (2) The validity of the proceedings of the IPSA, or of any of its committees or sub-committees, is not affected by—
- (a) a vacancy among the members, or
  - (b) a defect in the appointment of a member.

### *Staff*

- 14 (1) The IPSA must appoint a chief executive (see paragraph 17).
- (2) The IPSA may appoint other staff.
- (3) The chief executive and other staff are to be appointed on terms and conditions determined by the IPSA, having regard to the desirability of keeping them broadly in line with those applying to persons employed in the civil service of the State.
- 15 (1) The Speaker may appoint a person (“the interim chief executive”) to be the IPSA's chief executive until a chief executive is appointed by the IPSA.
- (2) The interim chief executive may incur expenditure and do other things in the name of and on behalf of the IPSA.
- (3) The interim chief executive must act in accordance with any directions given by the Speaker or, when the IPSA has been constituted, by the IPSA.
- (4) The powers given by sub-paragraph (2)—
- (a) may be used before and after the IPSA has been constituted, but
  - (b) come to an end at a time determined by the IPSA.

### *Staff pensions*

- 16 (1) Employment by the IPSA is included among the kinds of employment to which a scheme under section 1 of the Superannuation Act 1972 (c. 11) may apply.
- (2) The IPSA must pay to the Minister for the Civil Service the sums determined by the Minister in relation to any increase attributable to this paragraph in the sums payable out of money provided by Parliament under that Act.
- (3) In Schedule 1 to the Superannuation Act 1972 (kinds of employment to which a scheme under section 1 of the Act may apply), in the list of “Other bodies” insert at the appropriate place— “ Independent Parliamentary Standards Authority. ”

### *Separation of administration functions and regulation functions*

- 17 (1) The IPSA's administration functions are to be carried out by the chief executive on behalf of the IPSA and in accordance with its general directions.
- (2) So far as possible the IPSA's administration functions and its regulation functions must be carried out separately, so that one set of functions does not adversely affect the carrying out of the other.

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- (3) The IPSA must make such arrangements as it considers necessary to comply with sub-paragraph (2).

#### Commencement Information

- I1** Sch. 1 para. 17 in force at 7.5.2010 by [S.I. 2010/1033](#), [art. 3\(c\)\(i\)](#)

#### *Meaning of “administration functions” and “regulation functions”*

- 18 (1) The IPSA's administration functions are its functions under—
- (a) section 4 (payment of MPs' salaries),
  - (b) section 5(1) (payment of MPs' allowances),
  - (c) section 6 (dealing with allowances claims),
- <sup>F2</sup> ...
- (2) The IPSA's regulation functions are its functions under—
- (a) section 5(3) and (4) (preparing and revising MPs' allowances scheme),
  - <sup>F3</sup>(b) .....
  - <sup>F4</sup>(c) section 9(8)(b) and (9) (determining conditions),
  - (d) section 9A (determining procedures for investigations etc),
  - (e) paragraphs 1, 2(2), 4(2) and 9(2) of Schedule 2 (appointment and removal of Compliance Officer etc), and
  - (f) paragraphs 2, 8 and 9 of Schedule 4 (scheme, guidance etc for Compliance Officer).]

#### Textual Amendments

- F2** Words in Sch. 1 para. 18(1) omitted (7.5.2010) by virtue of [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), s. 52, [Sch. 5 para. 7\(3\)\(c\)](#); [S.I. 2010/1277](#), art. 3(i)(vi)
- F3** Sch. 1 para. 18(2)(b) omitted (7.5.2010) by virtue of [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), s. 52, [Sch. 5 para. 7\(4\)\(c\)](#); [S.I. 2010/1277](#), art. 3(i)(vi)
- F4** Sch. 1 para. 18(2)(c)-(f) substituted for Sch. 1 para. 18(2)(c) (19.4.2010 for specified purposes) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), s. 52, [Sch. 5 para. 7\(4\)\(d\)](#); [S.I. 2010/1277](#), art. 2(d)(v)

#### Commencement Information

- I2** Sch. 1 para. 18(1) in force at 7.5.2010 for specified purposes by [S.I. 2010/1033](#), [art. 3\(c\)\(ii\)](#)
- I3** Sch. 1 para. 18(2)(a) in force at 7.5.2010 by [S.I. 2010/1033](#), [art. 3\(c\)\(iii\)](#)

#### *Delegation*

- 19 (1) The IPSA may delegate functions to—
- (a) any of its members,
  - (b) any committee established by it, and
  - (c) any of its staff.
- (2) But the IPSA may not delegate—
- (a) its regulation functions, and

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- (b) its function under paragraph 14(1) (appointment of chief executive).
- (3) A committee may delegate functions (including functions delegated to it) to—
  - (a) a sub-committee, or
  - (b) any of the IPSA's staff.
- (4) The chief executive of the IPSA may delegate to any of the IPSA's staff—
  - (a) functions exercisable by the chief executive under paragraph 17, and
  - (b) functions delegated to the chief executive under this paragraph.

*Contracting-out of payment functions*

- 20
- (1) The IPSA's payment functions may be carried out by—
    - (a) any person authorised by the chief executive, or
    - (b) an employee of a person so authorised.
  - (2) The chief executive may authorise a person to carry out payment functions—
    - (a) to their full extent or to a specified extent;
    - (b) in all cases or in specified cases;
    - (c) unconditionally or subject to specified conditions.
  - (3) An authorisation under sub-paragraph (1) may be revoked at any time by the IPSA or the chief executive.
  - (4) The IPSA's payment functions are the functions of—
    - (a) paying salaries under section 4, and
    - (b) paying allowances in accordance with the MPs' allowances scheme, (but not the function of determining claims for allowances or of agreeing repayments).

*Delegation and contracting out of pension functions*

- 21
- (1) Section 1(2) of the Superannuation Act 1972 (c. 11) (delegation of functions relating to civil service superannuation schemes by Minister for the Civil Service to another officer of the Crown etc) has effect as if the reference to an officer of the Crown other than a Minister included a reference to the IPSA's chief executive.
  - (2) Any pension function conferred on the chief executive under section 1(2) of the Superannuation Act 1972 (in accordance with sub-paragraph (1)) may be carried out by—
    - (a) any person authorised by the chief executive, or
    - (b) an employee of a person so authorised.
  - (3) “Pension function” means a function of administering schemes made under section 1 of that Act, and from time to time in force.
  - (4) Under sub-paragraph (2), the chief executive may authorise a person to exercise pension functions—
    - (a) to their full extent or to a specified extent;
    - (b) in all cases or in specified cases;
    - (c) unconditionally or subject to specified conditions.
  - (5) An authorisation under sub-paragraph (2)—

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- (a) is to be treated for all purposes as given by virtue of an order under section 69 of the Deregulation and Contracting Out Act 1994 (c. 40) (contracting out of functions of Ministers and office-holders), and
- (b) may be revoked at any time by the IPSA or the chief executive.

#### *Funding*

- 22
- (1) The IPSA's expenditure is to be paid out of money provided by Parliament.
  - (2) For each financial year (other than its first financial year) the IPSA must prepare an estimate of the IPSA's use of resources and submit it to the Speaker's Committee for the Independent Parliamentary Standards Authority ("the Committee").
  - (3) The Committee must review the estimate and decide whether it is satisfied that the estimate is consistent with the efficient and cost-effective discharge by the IPSA of its functions.
  - (4) If it is not satisfied, the Committee must make such modifications as it considers necessary to achieve the consistency specified under sub-paragraph (3).
  - (5) Before deciding whether it is satisfied or making modifications, the Committee must consult the Treasury and have regard to any advice given.
  - (6) After the Committee has reviewed the estimate and made any modifications, the Speaker must lay the estimate before the House of Commons.
  - (7) If the Committee does not follow any advice given by the Treasury, or makes any modifications to the estimate, it must prepare a statement of its reasons and the Speaker must lay the statement before the House of Commons.
  - (8) Any repayments received by the IPSA may be retained by the IPSA and applied by it for the purposes of its functions.

#### *Accounts*

- 23
- (1) The IPSA must keep proper accounting records.
  - (2) The IPSA must, for each financial year, prepare accounts in accordance with directions given to it by the Treasury.
  - (3) The directions which the Treasury may give under sub-paragraph (2) include, in particular, directions as to—
    - (a) the information to be contained in the accounts and the manner in which it is to be presented,
    - (b) the methods and principles in accordance with which the accounts are to be prepared, and
    - (c) the additional information (if any) that is to accompany the accounts.
  - (4) The chief executive of the IPSA is to be its accounting officer.

#### *Audit*

- 24
- (1) The IPSA must, as soon as practicable after the end of any financial year, submit the accounts prepared by it for that year to the Comptroller and Auditor General.
  - (2) The Comptroller and Auditor General must—

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- (a) examine and certify any accounts submitted under sub-paragraph (1), and
- (b) lay before each House of Parliament a copy of the certified accounts.

*Annual report*

- 25 (1) As soon as practicable after the end of each financial year, the IPSA must prepare and the Speaker must lay before each House of Parliament a report about the performance of the IPSA's functions during that financial year.
- (2) When the Speaker lays such a report, the IPSA must publish it in such manner as it considers appropriate.

*Documentary evidence*

- 26 (1) The application of the seal of the IPSA is to be authenticated by the signature of any member of the IPSA, or of its staff, who has been authorised (whether generally or specifically) by the IPSA for the purpose.
- (2) A document purporting to be duly executed under the seal of the IPSA or signed on its behalf—
- (a) is to be received in evidence, and
  - (b) is to be taken to be executed or signed in that way, unless the contrary is proved.
- (3) This paragraph does not extend to Scotland.

*Freedom of information*

- 27 (1) In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (c. 36) (other public bodies and offices which are public authorities) at the appropriate place insert— “The Independent Parliamentary Standards Authority.”
- (2) In adopting or reviewing a publication scheme under section 19 of that Act, the IPSA must consult—
- (a) the Leader of the House of Commons,
  - (b) the Speaker, and
  - (c) the House of Commons Committee on Standards and Privileges.

*Public records*

- 28 In Schedule 1 to the Public Records Act 1958 (c. 51) (definition of public records) at the appropriate place in Part 2 of the Table at the end of paragraph 3 insert— “The Independent Parliamentary Standards Authority.”

*Interpretation*

- 29 (1) In this Schedule “financial year” means—
- (a) the period beginning with the day on which the IPSA is established and ending with the next following 31 March, and
  - (b) each successive period of 12 months.
- (2) In this Schedule—
- “administration functions” has the meaning given by paragraph 18(1),

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“regulation functions” has the meaning given by paragraph 18(2), and  
“the Speaker” means the Speaker of the House of Commons.

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