



Parliamentary Standards Act 2009

2009 CHAPTER 13

Investigation and enforcement

PROSPECTIVE

[F19] 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.
- (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),

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- (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.]

Textual Amendments

- F1** Ss. 9, 9A substituted for s. 9 (27.7.2010) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), ss. 33, 52; S.I. 2010/1931, art. 3(c) (with arts. 4, 5)

Modifications etc. (not altering text)

- C1** For expiry of s. 9 see s. 15

PROSPECTIVE

[^{F1}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.]

Textual Amendments

- F1** Ss. 9, 9A substituted for s. 9 (27.7.2010) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), [ss. 33, 52](#); [S.I. 2010/1931](#), [art. 3\(c\)](#) (with [arts. 4, 5](#))

[^{F2}9B Enforcement

- (1) Schedule 4 (which makes provision about the enforcement powers of the Compliance Officer) has effect.
- (2) The Compliance Officer may provide to the Parliamentary Commissioner for Standards any information connected with an investigation under section 9 or action taken under Schedule 4 which the Compliance Officer considers may be relevant to the work of the Parliamentary Commissioner for Standards.]

Textual Amendments

- F2** S. 9B inserted (27.7.2010) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), [ss. 34\(1\), 52](#); [S.I. 2010/1931](#), [art. 3\(d\)](#) (with [arts. 4, 5](#))

10 Offence of providing false or misleading information for allowances claims

- (1) A member of the House of Commons commits an offence if the member—
 - (a) makes a claim under the MPs' allowances scheme, and
 - (b) provides information for the purposes of the claim that the member knows to be false or misleading in a material respect.
- (2) A person guilty of an offence under subsection (1) is liable—

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- (a) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum or to both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding 12 months or to a fine or to both.

[^{F3}(2A) In the application of this section in England and Wales, the reference in subsection (2) (a) to 12 months is to be read as a reference to the general limit in a magistrates' court (or to 6 months in relation to an offence committed before 2 May 2022).]

(3) In the application of this section—

- ^{F4}(a)
- (b) in Northern Ireland,

the reference in subsection (2)(a) to 12 months is to be read as a reference to 6 months.

Textual Amendments

- F3** S. 10(2A) inserted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), **21(2)**
- F4** S. 10(3)(a) omitted (7.2.2023 at 12.00 p.m.) by virtue of [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), **21(3)**

Modifications etc. (not altering text)

- C2** For expiry of s. 10 see s. 15

Commencement Information

- I1** S. 10 in force at 7.5.2010 by [S.I. 2010/1033](#), art. 3(b)

[^{F5}10A Relationships with other bodies etc

- (1) The IPSA and the Compliance Officer must prepare a joint statement setting out how the IPSA and the Compliance Officer will work with the following—
 - (a) the Parliamentary Commissioner for Standards,
 - (b) the Director of Public Prosecutions,
 - (c) the Commissioner of Police of the Metropolis, and
 - (d) any other person the IPSA and the Compliance Officer consider appropriate.
- (2) Before preparing the statement the IPSA and the Compliance Officer must consult the persons listed in subsection (1).
- (3) Nothing in sections 9 to 9B (or Schedule 4) affects the disciplinary powers of the House of Commons.
- (4) The powers conferred by sections 9 to 9B (and Schedule 4) may be exercised in relation to the conduct of a member of the House of Commons even if—
 - (a) the member is or has been the subject of criminal proceedings in relation to that conduct (whether or not convicted of an offence);
 - (b) the House of Commons is exercising or has exercised any of its disciplinary powers in relation to that conduct.
- (5) References in subsection (4) to a member of the House of Commons include a former member of that House.]

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Textual Amendments

- F5** S. 10A inserted (27.7.2010) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), ss. 35, 52;
[S.I. 2010/1931](#), art. 3(e)

Status:

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Changes to legislation:

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