

PARLIAMENTARY STANDARDS ACT 2009

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedule 1: Independent Parliamentary Standards Authority

Part 2: The IPSA

56. *Paragraph 9* makes it clear that the IPSA, its members and staff are not to be regarded as the servants or agents of the Crown, and that its property is not to be regarded as held on behalf of the Crown. This means that the IPSA is not to have “Crown status”.
57. *Paragraph 12* enables the IPSA to establish such committees as it sees fit, and the committees to establish such sub-committees as they see fit. The members of such committees and sub-committees must be drawn from the membership of the IPSA.
58. Under *Paragraph 13(2)* the validity of proceedings of the IPSA, or any of its committees or sub-committees, is not affected by a vacancy among the members of the IPSA or a defect in the appointment of a member. This is to enable the normal functioning of the IPSA should such circumstances arise.
59. *Paragraph 14* requires the appointment of a chief executive, and enables the appointment of other staff by the IPSA. Their terms and conditions of appointment are to be determined by the IPSA, but the IPSA is to have regard to the desirability of keeping such terms and conditions broadly in line with civil service terms and conditions.
60. *Paragraph 15* enables the Speaker to appoint an interim chief executive, to act in the name of and on behalf of the IPSA, until such time as the IPSA appoints a chief executive. This provision will expedite the establishment of an organisation to support the IPSA. It is for the IPSA to determine when the powers exercised by the interim chief executive are to come to an end.
61. *Paragraph 16* provides for the staff of the IPSA to have access to the Principal Civil Service Pension Scheme.
62. *Paragraphs 17 and 18* separate the IPSA’s administration and regulation functions. *Paragraph 17* requires that the administration functions of the IPSA be carried out separately from the regulation functions insofar as possible, and that the administration functions are to be carried out by the chief executive. *Paragraph 18* sets out the division. Administration functions are those relating to the payment of MPs’ salaries, the payment of allowances, the processing of allowances claims and publishing and maintaining the register of interests. The regulation functions are the preparation and revision of the MPs’ allowances scheme, preparation and revision of the code and determining procedures for investigations and conditions which must be met before the Commissioner need not refer findings to the Committee on Standards and Privileges.
63. *Paragraph 19* enables the IPSA to delegate functions to any of its members, any committee it establishes, or any of its staff, with the exception of the regulation functions and the appointment of a chief executive. *Paragraph 19* also enables the chief executive to delegate his or her statutory functions to any of the staff of the IPSA.

*These notes refer to the Parliamentary Standards Act 2009
(c.13) which received Royal Assent on 21st July 2009*

64. *Paragraph 20* provides for the IPSA to contract out its payment functions. This means that it would not be necessary for the processing of payments to be carried out by the staff of the IPSA. It could instead be contracted out to another body. *Paragraph 20(4)* makes it clear that the power to contract out functions does not include the power to contract out functions in relation to the determination of claims for allowances.
65. *Paragraph 21* provides for the chief executive to contract out the arrangements for managing the pensions of the staff of the IPSA.
66. *Paragraph 22* sets out that the IPSA is to be funded by money provided by Parliament. This means that it will be voted annually by Parliament in the same way as departmental resources. It is for the IPSA to prepare an estimate of the resources it will require. It is to submit this to the Speaker's Committee. The estimate is to be laid before the House of Commons by the Speaker after a process of review in which the Committee must involve the Treasury.
67. *Paragraph 23* requires the IPSA to prepare accounts in accordance with the directions given to it by the Treasury. *Paragraph 23(4)* appoints the chief executive as the accounting officer for the IPSA.
68. *Paragraph 24* requires the IPSA to submit its accounts annually to the Comptroller and Auditor General. The Comptroller and Auditor General is to examine and certify the accounts and lay a copy before each House of Parliament.
69. *Paragraph 25* requires the Speaker to lay the IPSA's annual report before Parliament.
70. *Paragraph 26* provides for the application of the seal of the IPSA which is to be authenticated by the signature of any member of the IPSA or its staff who has been authorised for the purpose.
71. *Paragraph 27* extends the Freedom of Information Act 2000 to cover the IPSA. This will mean that the IPSA will have to introduce a publication scheme explaining how it intends to handle the information in its possession, as well as being obliged to consider requests for information in accordance with the provisions of that Act. In adopting or reviewing a publication scheme, the IPSA must consult the Leader of the House of Commons, the Speaker and the Committee on Standards and Privileges.