

Status: Point in time view as at 31/07/2014.

Changes to legislation: There are currently no known outstanding effects for the Constitutional Reform and Governance Act 2010, SCHEDULE 5. (See end of Document for details)

SCHEDULES

SCHEDULE 5

Section 38

PARLIAMENTARY STANDARDS: CONSEQUENTIAL AMENDMENTS

PART 1

AMENDMENTS OF THE PARLIAMENTARY STANDARDS ACT 2009

1 The Parliamentary Standards Act 2009 is amended as follows.

Commencement Information

I1 Sch. 5 para. 1 in force at 19.4.2010 by S.I. 2010/1277, art. 2(d)(i)

2 In section 2(2) (effect of Act on House of Lords)—
(a) omit paragraph (a), and
(b) in paragraph (c) for “paragraphs 4(2) and 8(1)” substitute “ paragraph 8(2) ”.

Commencement Information

I2 Sch. 5 para. 2(a) in force at 7.5.2010 by S.I. 2010/1277, art. 3(i)(i)

I3 Sch. 5 para. 2(b) in force at 19.4.2010 by S.I. 2010/1277, art. 2(d)(ii)

3 In section 5(8) (allowances) for the words from “and” to the end substitute “ and in relation to any such allowances, references in this Act to a member of the House of Commons include a former member of that House. ”

Commencement Information

I4 Sch. 5 para. 3 in force at 7.5.2010 by S.I. 2010/1277, art. 3(i)(ii)

4 (1) Section 12 (interpretation) is amended as follows.
(2) In subsection (1)—
(a) for “ “the Commissioner” ” substitute “the Compliance Officer” , and
(b) omit the definition of “the MPs' code of conduct relating to financial interests”.
(3) In subsection (2)—
(a) after “committee” (in each place) insert “ or officer ”, and
(b) in paragraph (a) for “its” substitute “ the ”.

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Commencement Information

- I5** Sch. 5 para. 4(1)(2)(a) in force at 19.4.2010 by S.I. 2010/1277, **art. 2(d)(iii)**
- I6** Sch. 5 para. 4(2)(b) in force at 7.5.2010 by S.I. 2010/1277, **art. 3(i)(iii)**
- I7** Sch. 5 para. 4(3) in force at 27.7.2010 by S.I. 2010/1931, **art. 3(h)(i)**

- 5 (1) Section 13 (transitional provision) is amended as follows.
- (2) Omit subsection (2)(b) and (c).
- (3) In subsection (4) and (6)(c) for “Commissioner” substitute “ Compliance Officer ”.

Commencement Information

- I8** Sch. 5 para. 5(1)(3) in force at 19.4.2010 by S.I. 2010/1277, **art. 2(d)(iv)**
- I9** Sch. 5 para. 5(2) in force at 7.5.2010 by S.I. 2010/1277, **art. 3(i)(iv)**

- 6 In section 14 (commencement) omit subsection (2)(d).

Commencement Information

- I10** Sch. 5 para. 6 in force at 7.5.2010 by S.I. 2010/1277, **art. 3(i)(v)**

- 7 (1) Schedule 1 (the IPSA) is amended as follows.
- (2) Omit paragraph 10 and the heading above it.
- (3) In paragraph 18(1)—
- (a) for paragraph (a) substitute—
 - “(a) section 4 (MPs' salaries), so far as relating to the payment (but not the determination) of salaries,”
 - (b) in paragraph (c), after “claims)” insert “ (except as mentioned in sub-paragraph (2) below) ”, and
 - (c) omit the words following paragraph (c).
- (4) In paragraph 18(2)—
- (a) before paragraph (a) insert—
 - “(za) sections 4 and 4A (MPs' salaries) (except as mentioned in sub-paragraph (1) above),”
 - (b) after paragraph (a) insert—
 - “(aa) section 6(10) (determining procedures for publication of allowances claims),”
 - (c) omit paragraph (b) (and the “and” following it), and
 - (d) for paragraph (c) substitute—
 - “(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).”

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- (5) In paragraph 22(8) for “Any repayments” substitute “ Any payments received by the IPSA as a result of a repayment direction under Schedule 4, and any repayments otherwise ”.

Commencement Information

- I11** Sch. 5 para. 7(1) in force at 19.4.2010 by S.I. 2010/1277, **art. 2(d)(v)**
I12 Sch. 5 para. 7(2)(3)(c)(4)(c) in force at 7.5.2010 by S.I. 2010/1277, **art. 3(i)(vi)**
I13 Sch. 5 para. 7(3)(a)(4)(a) in force at 24.5.2011 by S.I. 2011/1274, **art. 2(b)**
I14 Sch. 5 para. 7(3)(b)(4)(b)(5) in force at 27.7.2010 by S.I. 2010/1931, **art. 3(h)(ii)**
I15 Sch. 5 para. 7(4)(d) in force at 19.4.2010 for specified purposes by S.I. 2010/1277, **art. 2(d)(v)**
I16 Sch. 5 para. 7(4)(d) in force at 27.7.2010 in so far as not already in force by S.I. 2010/1931, **art. 3(h)(ii)**

PART 2

AMENDMENTS OF OTHER ACTS

European Parliament (Pay and Pensions) Act 1979 (c. 50)

- 8 (1) In section 1(2) (salaries of MEPs) for paragraphs (a) and (b) substitute “ the same as that of the salary payable for that period, under section 4 of the Parliamentary Standards Act 2009, to a Member who does not hold an office or position specified in a resolution of the House of Commons for the purposes of section 4A(2) of that Act (higher salaries for holders of specified offices or positions). ”
- (2) Omit section 5 (salary to be used for calculating pension benefits).
- (3) In section 8(1) (interpretation) omit the definition of “ “a Member's ordinary salary” and “a Member's pensionable salary” ”.

Commencement Information

- I17** Sch. 5 para. 8 in force at 24.5.2011 by S.I. 2011/1274, **art. 2(b)**

Parliamentary and other Pensions Act 1987 (c. 45)

- 9 In section 5(2) (interpretation) for the words from “such resolutions” to the end substitute—
- “(a) section 4 of the Parliamentary Standards Act 2009, or
(b) in relation to a time before that section was in force, the resolutions of the House of Commons then in force relating to the remuneration of its members.”

Commencement Information

- I18** Sch. 5 para. 9 in force at 24.5.2011 by S.I. 2011/1274, **art. 2(b)**

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Ministerial and other Pensions and Salaries Act 1991 (c. 5)

- 10 In section 4 (grants to persons ceasing to hold ministerial and other offices)—
- (a) omit subsection (3),
 - (b) after that subsection insert—
 - “(3A) The annual amount of the salary paid to a person in respect of the office of Chairman of Ways and Means or Deputy Chairman of Ways and Means is the difference between—
 - (a) the annual amount of the salary payable under section 4 of the Parliamentary Standards Act 2009 to a person holding that office, and
 - (b) the annual amount of the salary payable under that section to a member of the House of Commons who does not hold an office or position specified in a resolution of that House for the purposes of section 4A(2) of that Act (higher salaries for holders of specified offices or positions).”
 - (c) omit subsection (7).

Commencement Information

I19 Sch. 5 para. 10 in force at 24.5.2011 by S.I. 2011/1274, art. 2(b)

Scotland Act 1998 (c. 46)

- 11 (1) Section 82 (limits on salaries of MSPs) is amended as follows.
- (2) In subsection (1)—
- (a) before paragraph (a) insert—
 - “(za) under section 4 of the Parliamentary Standards Act 2009 (salaries of members of the House of Commons),”
 - (b) in paragraph (a) for “either House of Parliament” substitute “the House of Lords”.
- (3) In subsection (2)(b) for “(1)(a)” substitute “(1)(za), (a)”.

Commencement Information

I20 Sch. 5 para. 11 in force at 24.5.2011 by S.I. 2011/1274, art. 2(b)

Government of Wales Act 2006 (c. 32)

- 12 (1) Section 21 (limits on salaries of Assembly members) is amended as follows.
- (2) In subsection (1)—
- (a) before paragraph (a) insert—
 - “(za) under section 4 of the Parliamentary Standards Act 2009 (salaries of members of the House of Commons),”
 - (b) in paragraph (a) for “either House of Parliament” substitute “the House of Lords”.

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(3) In subsection (2)(b) for “(1)(a)” substitute “ (1)(za), (a) ”.

Commencement Information

I21 Sch. 5 para. 12 in force at 24.5.2011 by S.I. 2011/1274, art. 2(b)

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