



Ethical Standards in Public Life etc. (Scotland) Act 2000

2000 asp 7

PART 2

ENFORCEMENT

23 Special provision for enforcement and suspension in case of Crown appointments

- (1) Sections 19, 21(2) and 22 above do not apply in the case of members of devolved public bodies who have been appointed by Her Majesty.
- (2) Where the members of the Commission conducting a hearing under section 16(b) above find that a member of a devolved public body so appointed has contravened the members' code they shall submit to the First Minister a recommendation under subsection (3) below.
- (3) That recommendation is that there be imposed on the member such sanction as is specified in the recommendation (being one of those which may be imposed under subsection (1) of section 19 above on a member of a devolved public body who has been appointed otherwise than by Her Majesty) together with any such direction as is so specified (being one of those which may be made under that section in respect of such a member).
- (4) A recommendation under subsection (3) above having been made, Her Majesty may, on the advice of the First Minister—
 - (a) impose on the member who is the subject of the recommendation any sanction; and
 - (b) in that respect, make any direction,which could, under section 19 above, be imposed on or made in respect of a member of a devolved public body who was appointed otherwise than by Her Majesty.
- (5) Where the Chief Investigating Officer submits an interim report under section 21(1) above in respect of a contravention of the members' code by a member of a devolved public body who has been appointed by Her Majesty, the Commission may submit to the First Minister a recommendation under subsection (6) below.

- (6) That recommendation is that the member be suspended from the entitlement set out in section 19(1)(c) above for a period not exceeding three months.
- (7) A recommendation under subsection (6) above having been made, Her Majesty may, on the advice of the First Minister, impose any suspension on a member who is the subject of the recommendation which could, under section 21 above, be imposed on a member of a devolved public body who was appointed otherwise than by Her Majesty.
- (8) A period of suspension imposed under subsection (7) above ends upon—
 - (a) the issue of findings under section 18 above that the member has not contravened the members' code;
 - (b) the imposition of a sanction under this section; or, as the case may be,
 - (c) a decision by the Commission under section 16(c) above not to hold a hearing.
- (9) On the expiry (otherwise than by operation of subsection (8) above) of a period of suspension it may be renewed by Her Majesty, on the advice of the First Minister, for a period not exceeding three months and a renewed period may likewise be further renewed.