

*These notes relate to the Scottish Parliamentary Standards Commissioner Act 2002 (asp 16) which received Royal Assent on 30 July 2002*

# SCOTTISH PARLIAMENTARY STANDARDS COMMISSIONER ACT 2002

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### *Section 9 – Report*

65. This section sets out details concerning the report for the Standards Committee that the Commissioner is required to prepare on the completion of an investigation at Stage 2.
66. Subsection (2) lists matters that require to be included within the report. The subsection also prevents the Commissioner from commenting in relation to sanctions that may be imposed where a breach is established. Decisions on an appropriate sanction to be applied are for the Parliament alone.
67. Before any report that concludes that a member named in the report is in breach of a relevant provision is submitted to the Standards Committee, subsection (3) requires that the member be given a draft of the proposed report and an opportunity to make representations on the alleged breach and the proposed report. The inclusion of this provision is in line with the procedure followed by successive governments at Westminster following the 1966 report of the Royal Commission on Tribunals of Inquiry under the chairmanship of Lord Justice Salmon, the report having noted that it is more difficult to counter criticism when it appears in a report. The requirement is in addition to the right to be informed of the allegations and to be given an opportunity to respond during the investigation. The provision is similar to the rights afforded to councillors and members of devolved public bodies under section 14(2) of the [Ethical Standards in Public Life \(Scotland\) Act 2000 \(asp 7\)](#) in relation to proposed reports of the Chief Investigating Officer.