



Scottish Parliamentary Commissions and Commissioners etc. Act 2010

2010 asp 11

SCOTTISH PARLIAMENTARY COMMISSIONS AND COMMISSIONERS ETC. ACT 2010

PART 1

THE COMMISSION FOR ETHICAL STANDARDS IN PUBLIC LIFE IN
SCOTLAND: THE PUBLIC STANDARDS COMMISSIONER FOR SCOTLAND
AND THE PUBLIC APPOINTMENTS COMMISSIONER FOR SCOTLAND

The Commission and the Commissioners

- 1 Establishment, members and functions of the Commission for Ethical Standards in Public Life in Scotland
- 2 Functions of the Commissioners
- 3 Status of Commission and Commissioners
- 4 Independence of Commissioners
- 5 Protection of Commission from actions for defamation
- 6 Designation of Chief Commissioner
- 7 Appointment of acting Commissioner

Office of Commissioner

- 8 Disqualification
- 9 Terms of office and remuneration
- 10 Pensions etc.
- 11 Subsequent appointments etc. of former Commissioner

General functions, procedures etc. of Commission

- 12 General powers
- 13 Payment of witnesses' expenses
- 14 Strategic plans
- 15 Procedure and validity of acts

16 Delegation

Staff, advisers etc.

17 Staff

18 Advisers, assessors and other services

Finance

19 Accountable officer

20 Budget

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23 Location of office

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SCHEDULE 1 — Consequential amendments of enactments referred to in
section 2(5)

Part 1 — THE ETHICAL STANDARDS ACT

1 For section 9 (appointment and functions of Chief Investigating
Officer)...

2 In sections 10(1) and (2), 11, 12(1), (4) and (5),...

3 In section 10(1) for “functions of that office” there is...

4 In sections 10(2), 12(4) and (5), 13(1), 14(3), 16(a) and...

5 In section 11 after “functions” there is inserted “under this...”

- 6 In sections 11 and 13(3) for “that Officer's” there is...
- 7 In section 28(1)— (a) for the definition of “Chief Investigating...
- 8 In paragraph 2(1)(b) of schedule 1 after “functions” there is...
- 9 In the titles to sections 10 to 14 “Chief Investigating...
Part 2 — THE SCOTTISH PUBLIC SERVICES OMBUDSMAN ACT 2002 (ASP
11)
- 10 Paragraph 21 in Part 2 of schedule 2 to the...
Part 3 — THE PARLIAMENTARY STANDARDS ACT
- 11 Sections 1 and 2 and schedule 1 (appointment, terms of...
- 12 In section 3(1) (functions of Scottish Parliamentary Standards
Commissioner) for...
- 13 In section 16 (restriction on disclosure of information)—
- 14 In section 20 (interpretation)— (a) the definition of “acting
Commissioner”...
Part 4 — THE PUBLIC APPOINTMENTS ACT
- 15 Section 1 and schedule 1 (establishment, appointment etc. of
Commissioner...
- 16 In section 2(1) (that Commissioner’s duty to prepare code of...
- 17 In section 20 (interpretation) for the definition of “the Commissioner”...
- 18 Paragraph 16(b) of schedule 4 (Commissioner for Public Appointments
in...
- 19 Paragraph 17(c)(i) of that schedule (Commissioner for Public
Appointments in...
Part 5 — THE PUBLIC SERVICES REFORM (SCOTLAND) ACT 2010 (ASP 8)
- 20 In schedule 5 (improvement of public functions: listed persons, bodies...
- 21 In schedule 6 (listed bodies and office-holders in respect of...
- 22 In schedule 8 (listed persons, bodies and office-holders obliged to...

SCHEDULE 2 — Amendments of the Ethical Standards Act

- 1 Procedure for appointments and orders conferring functions
- 2 Witnesses' expenses
- 3 Protection from actions of defamation
- 4 Application of paragraphs 5 to 16
- 5 Land, charges, location of office and sharing of resources
- 6 After paragraph 2 there is inserted— Location of office The
Commission shall comply with any direction given by the...
- 7 Procedure for appointment of convener
- 8 Members' terms of office, subsequent appointments etc.
- 9 After paragraph 5 (as inserted by paragraph 8 above) there...
- 10 Employees, remuneration and pensions, advisers etc.
- 11 Paragraph 8 (remuneration, pensions etc. of Chief Investigating Officer
and...
- 12 Before paragraph 9 there is inserted— Advisers and other services...
- 13 Strategic plans
- 14 Finance
- 15 Paragraph 11 (expenses) is repealed.
- 16 Annual reports
- 17 Terms and conditions of office, staff and status of Chief Investigating
Officer

SCHEDULE 3 — Amendments of the Scottish Public Services Ombudsman Act 2002 (asp 11)

- 1 Investigations and reports

- 2 In section 11 (decisions not to investigate)—
- 3 After subsection (6) of section 12 (investigation procedure) there is...
- 4 In section 13 (evidence) after subsection (9) there is inserted—...
- 5 In section 15 (reports on investigations)— (a) at the beginning...
- 6 Annual reports
- 7 Strategic plans
- 8 Confidentiality of information
- 9 In section 23(1) (interpretation) the definition of “patient” is repealed....
- 10 Application of paragraphs 11 to 19
- 11 Disqualification, terms of office, status, removal etc.
- 12 In paragraph 2 (status of Ombudsman)— (a) after sub-paragraph (2)...
- 13 In paragraph 4 (period of office, tenure etc.)—
- 14 Advisers and other services
- 15 Land, location of office, sharing of resources and charges
- 16 After paragraph 12 there is inserted— Location of office The
Ombudsman must comply with any direction given by the...
- 17 Budget
- 18 Finance
- 19 Paragraph 13 (as amended by paragraph 18 above) is renumbered...
- 20 Prison management etc.
- 21 Matters excluded from investigation

SCHEDULE 4 — Amendments of the Freedom of Information (Scotland) Act 2002
(asp 13)

- 1 The Commissioner: terms and period of office, removal and
independence
- 2 Advice and other services
- 3 Expenses
- 4 After subsection (11) of that section there is inserted—
- 5 Charges
- 6 Annual reports
- 7 Strategic plans
- 8 Application of paragraph 9 onward
- 9 Legal status
- 10 Staff
- 11 Budget
- 12 Land, location of office, sharing of resources
- 13 After paragraph 6 there is inserted— Location of office The
Commissioner must comply with any direction given by the...
- 14 Subsequent appointments

SCHEDULE 5 — Amendments of the Commissioner for Children and Young
People (Scotland) Act 2003 (asp 17)

- 1 The Commissioner: period of appointment, removal etc.
- 2 In section 3 (removal of Commissioner) for subsections (1)(b) and...
- 3 Annual reports
- 4 Strategic plans
- 5 Application of paragraph 6 onward
- 6 Status and independence
- 7 In paragraph 2(2) (respects in which the Commissioner is subject...
- 8 Disqualification
- 9 Subsequent appointments

- 10 Land, charges, location of office, sharing of resources, staff and advisers and other services
- 11 After paragraph 6 there is inserted— Location of office The Commissioner must comply with any direction given by the...
- 12 In paragraph 7(2) (terms of appointment of staff) after “terms”...
- 13 After paragraph 7 there is inserted— Sharing of premises, staff,...
- 14 Finance and budget
- 15 After paragraph 9 there is inserted— Budget (1) The Commissioner must, before the start of each financial...

SCHEDULE 6 — Amendments of the Scottish Commission for Human Rights Act 2006 (asp 16)

- 1 Strategic plans
- 2 Annual report
- 3 Application of paragraph 4 onward
- 4 Independence: exceptions
- 5 Members of the Commission: period of office, removal, and other and subsequent appointments
- 6 After paragraph 6 there is inserted— Subsequent appointments etc. (1) A person who has ceased to be a member...
- 7 Land, location of office, advisers and other services, sharing of resources and finance
- 8 For paragraph 10 (location of office) there is substituted— Location...
- 9 After paragraph 11 there is inserted— Advisers and other services...
- 10 In paragraph 12 (sharing of premises, staff, services and other...
- 11 After paragraph 13 there is inserted— Budget (1) The Commission must, before the start of each financial...
- 12 For paragraph 14(1) (payment of Commissioners' remuneration and Commission's expenses)...

SCHEDULE 7 — Transfer of staff, property and liabilities and transitional and saving provisions

Part 1 — TRANSFER OF STAFF, PROPERTY AND LIABILITIES TO COMMISSION FOR ETHICAL STANDARDS IN PUBLIC LIFE IN SCOTLAND

- 1 Staff
 - 2 Property and liabilities
- Part 2 — TRANSITIONAL AND SAVING PROVISIONS
- 3 Undetermined processes under Ethical Standards, Parliamentary Standards and Public Appointments Acts
 - 4 Current appointments of assessors by the Commissioner for Public Appointments in Scotland
 - 5 New Commission's first budget
 - 6 Scottish Parliamentary Standards Commissioner's last annual report
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 - 9 Commissioner for Public Appointments in Scotland
 - 10 Members of the Standards Commission
 - 11 Commissioner for Children and Young People and the Public Services Ombudsman
 - 12 Members of the Scottish Commission for Human Rights
 - 13 General provisions about reappointment