# **EXPLANATORY NOTES**

## SCOTTISH PARLIAMENTARY COMMISSIONS AND COMMISSIONERS ETC. ACT 2010

#### **INTRODUCTION**

### GLOSSARY OF STATUTES AND TERMS USED IN THE NOTES

**Statutes** 

**Terms** 

#### BACKGROUND TO THE ACT AND SUMMARY

The Parliamentary corporation supported bodies

The RSSB Committee inquiry

Previous inquiries and reports

**Audit Scotland report 2006** 

**Finance Committee inquiry** 

**Crerar and Sinclair Reports** 

The RSSB Committee's recommendations

Recommendations implemented by the Act

## OVERVIEW OF THE STRUCTURE OF THE ACT

#### COMMENTARY ON SECTIONS

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

Section 1: Establishment, members and functions of the Commission for Ethical Standards in Public Life in Scotland

Section 2: Functions of the Commissioners

Section 3: Status of Commission and Commissioners

Section 4: Independence of Commissioners

## These notes relate to the Scottish Parliamentary Commissions and Commissioners etc. Act 2010 (asp 11)

Section 5: Protection of Commission from actions for defamation

Section 6: Designation of Chief Commissioner

Section 7: Appointment of acting Commissioner

Section 8: Disqualification

Section 9: Terms of office and remuneration

Section 10: Pensions etc.

Section 11: Subsequent appointments etc. of former Commissioner

Section 12: General powers

Section 13: Payment of witnesses' expenses

Section 14: Strategic plans

Section 15: Procedure and validity of acts

Section 16: Delegation

Section 17: Staff

Section 18: Advisers, assessors and other services

Section 19: Accountable officer

Section 20: Budget

Section 21: Funding

Section 22: Accounts and audit

Section 23: Location of office

Section 24: Sharing of premises, staff, services and other resources

Section 25: Annual report

Section 26: Commission and Commissioners to be subject to investigations by Scottish Public Services Ombudsman

Section 27: Commission and Public Appointments Commissioner for Scotland to be subject to Freedom of Information (Scotland) Act

Section 28: Interpretation of Part 1

# PART 2 AMENDMENTS OF PROVISIONS RELATING TO OTHER COMMISSIONS AND OFFICEHOLDERS

Section 29: Standardising and other amendments

#### PART 3 GENERAL

Section 30: Interpretation

# These notes relate to the Scottish Parliamentary Commissions and Commissioners etc. Act 2010 (asp 11)

Section 31: Short title, commencement, transfers and transitionals.

Schedule 1 Consequential Amendments of Enactments Referred to in Section 2(5)

# PART 1 THE ETHICAL STANDARDS ACT

#### PART 2 THE SCOTTISH PUBLIC SERVICES OMBUDSMAN ACT 2002

## PART 3 THE PARLIAMENTARY STANDARDS ACT

#### PART 4 THE PUBLIC APPOINTMENTS ACT

## PART 5 THE PUBLIC SERVICES (REFORM) SCOTLAND ACT

- Schedule 2 Amendments of the Ethical Standards Act
- Schedule 3
- Schedule 4 Amendments of the Freedom of Information (Scotland) Act 2002
- Schedule 5
- Schedule 6
- Schedule 7 Transfer of Staff, Property, Liabilities and Transitional Provisions
  - PART 1
  - PART 2

# PARLIAMENTARY HISTORY