

SCOTTISH PARLIAMENTARY COMMISSIONS AND COMMISSIONERS ETC. ACT 2010

EXPLANATORY NOTES

BACKGROUND TO THE ACT AND SUMMARY

Recommendations implemented by the Act

21. The Act establishes a new standards body, a body corporate, to be known as the “Commission for Ethical Standards in Public Life in Scotland” (“CESPLS”), which comprises the functions of the SPSC, the CIO and the OCPAS. The roles of the existing CIO and the SPSC are combined into a single post, with the effect that one member of the new Commission will be responsible for exercising the functions of the SPSC and the CIO as currently set out in section 3 to 9 of the Parliamentary Standards Act and sections 9 to 16 of the Ethical Standards Act. The other member of the CESPLS is to carry out the functions currently exercised by the OCPAS, as set out in sections 2 and 3 of the Public Appointments Act.
22. The Act also provides for the Parliamentary corporation to become the sponsoring body for the Standards Commission for Scotland which will remain as an independent adjudication body for determining standards issues in relation to councillors and members of devolved public bodies.
23. The Act will also standardise the accountability and governance arrangements for the CESPLS with the other officeholders and bodies supported by the Parliamentary corporation, including the Standards Commission for Scotland. It harmonises the terms and conditions of appointment of all the officeholders and members of bodies supported by the Parliamentary corporation. The model adopted reflects the Finance Committee recommendations made in its 2006 report. In relation to the accountability and governance arrangements, the Act follows the provisions set out in the SCHR Act, with some modifications.
24. Additionally, the Act provides for the transfer of the functions from the Scottish Prisons Complaints Commission to the SPSO.
25. Transitional provisions are also provided in the Act, as are transfer provisions which enable the transfer of staff, property and liabilities.