

*These notes relate to the Scottish Parliamentary Commissions and Commissioners etc. Act 2010 (asp 11) which received Royal Assent on 19 July 2010*

# SCOTTISH PARLIAMENTARY COMMISSIONS AND COMMISSIONERS ETC. ACT 2010

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## EXPLANATORY NOTES

### 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 6: Designation of Chief Commissioner*

41. The purpose of section 6 is to enhance and support the working arrangements of the CESPLS. This section makes provision for one of the Commissioners to be designated Chief Commissioner by the Parliamentary corporation; however a Chief Commissioner could not interfere with the other Commissioner's functions.
42. The process whereby a Commissioner is designated is provided for in subsection (1). In monitoring the effectiveness of the working arrangements of the Commission, the Parliamentary corporation has the power at any time to designate one of the Commissioners as the Chief Commissioner or revoke a previous designation and can give directions to the CESPLS accordingly. Parliamentary approval is not required allowing action to be taken quickly to ensure continued effectiveness of the working arrangements of the CESPLS, for example, in relation to decision making in respect of appointment of staff.
43. Subsection (2) ensures that such arrangements do not interfere with the terms and conditions of appointment of the Commissioner or the validity of the actions of the Commissioners or the Commission. In particular, under subsection (2)(c) the Chief Commissioner could not interfere with the undertaking of the respective functions of the Commissioners i.e. the Public Standards Commissioner for Scotland's functions under the Ethical Standards Act and the Parliamentary Standards Act; and the Public Appointments Commissioner for Scotland under the Public Appointments Act. The Commissioners independence is further provided for in section 4 (see paragraph 40 of these notes).