

Status: Point in time view as at 01/04/2011.

Changes to legislation: There are currently no known outstanding effects for the Scottish Parliamentary Commissions and Commissioners etc. Act 2010, SCHEDULE 6. (See end of Document for details)

SCHEDULE 6

(introduced by section 29(11))

AMENDMENTS OF THE SCOTTISH COMMISSION FOR HUMAN RIGHTS ACT 2006 (ASP 16)

Strategic plans

- 1 In section 7 (strategic plans)—
- (a) in subsection (2)—
 - (i) the word “and” between paragraphs (c) and (d) is repealed, and
 - (ii) after paragraph (d) there is inserted “, and
 - (e) estimates of the costs of achieving those objectives and priorities and undertaking those reviews and activities.”,
 - (b) after subsection (6) there is inserted—
 - “(6A) In that application, the reference in subsection (5) to the 4 year period is a reference to the period to which the revised strategic plan relates.”

Annual report

- 2 In section 15 (Commission's annual report)—
- (a) in subsection (1) for “year to which the report relates (“the reporting year”)” there is substituted “ reporting year ”,
 - (b) after subsection (2) there is inserted—
 - “(2A) The report must be laid before the Parliament within 7 months after the end of the reporting year.”, and
 - (c) at the end there is inserted—
 - “(4) In this section “reporting year” means the year beginning on 1 April.”

Application of paragraph 4 onward

- 3 Paragraph 4 onward relates to schedule 1 to the Scottish Commission for Human Rights Act 2006 (asp 16).

Independence: exceptions

- 4 In paragraph 3(2) (exceptional matters in which Commission subject to direction or control)—
- (a) for “8(2)(b)” there is substituted “ 8(3) ”, and
 - (b) after “11” there is inserted “ , 11A(3), 12(3), 13A ”.

Members of the Commission: period of office, removal, and other and subsequent appointments

- 5 In paragraph 5 (terms of office etc. of Commission members)—
- (a) in sub-paragraph (1)(a) (period of office) for “five” there is substituted “ eight ”,

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- (b) for sub-paragraph (1)(b) and “and” immediately preceding it there is substituted “but
 - (b) is ineligible for reappointment at any time.”,
- (c) in sub-paragraph (5) (Parliamentary resolution for removal of members) for “member” there is substituted “ member's willingness, suitability or ability to perform that member's functions ”,
- (d) in sub-paragraph (6) (voting on a resolution) for the passage from “if” onward there is substituted “ must be voted for by a number of members not fewer than two thirds of the total number of seats for members of the Parliament ”,
- (e) after sub-paragraph (8) there is inserted—
 - “(9) Those terms and conditions may, without prejudice to paragraph 4—
 - (a) prohibit the member from holding any other specified office, employment or appointment or engaging in any other specified occupation,
 - (b) provide that a member's holding of any such office, employment or appointment or engagement in any such occupation is subject to the approval of the Parliamentary corporation,
 - (c) for the purposes of this sub-paragraph, provide differently for the member appointed to chair the Commission and the other members.
 - (10) In sub-paragraph (9), “specified” means specified in the terms and conditions or within a description so specified.”

6 After paragraph 6 there is inserted—

“Subsequent appointments etc.

- 6A (1) A person who has ceased to be a member of the Commission may not, without the approval of the Parliamentary corporation—
- (a) be employed or appointed in any other capacity by the Commission,
 - (b) hold office in or be an employee or appointee of any Scottish public authority in relation to which the Commission conducted an inquiry under section 8(1)(a) while that person was a member of the Commission, or
 - (c) hold any other office, employment or appointment or engage in any other occupation, being an office, employment, appointment or occupation which, by virtue of paragraph 5(9)(a), that person could not have held or, as the case may be, engaged in when a member of the Commission.
- (2) The restriction in sub-paragraph (1)—
- (a) starts when the person ceases to be a member of the Commission, and
 - (b) ends on the expiry of the financial year next following the one in which it started.”

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Land, location of office, advisers and other services, sharing of resources and finance

- 7 In paragraph 8—
- (a) for sub-paragraph (2)(b) (Commission's powers to include acquisition and disposal of land) there is substituted—
 - “(b) acquire and dispose of land and other property,” and
 - (b) after sub-paragraph (2) there is inserted—
 - “(3) The exercise of the power to acquire or dispose of land is subject to the approval of the Parliamentary corporation.”

- 8 For paragraph 10 (location of office) there is substituted—

“Location of office

- 10 The Commission must comply with any direction given by the Parliamentary corporation as to the location of the Commission's office.”

- 9 After paragraph 11 there is inserted—

“Advisers and other services

- 11A (1) The Commission may obtain advice, assistance or any other service from any person who, in the opinion of the Commission, is qualified to give it.
- (2) The Commission may pay to that person such fees and allowances as it determines.
 - (3) Any payment under sub-paragraph (2) is subject to the approval of the Parliamentary corporation.”

- 10 In paragraph 12 (sharing of premises, staff, services and other resources) after sub-paragraph (2) there is inserted—

“(3) The exercise of the power in sub-paragraph (1) is subject to the approval of the Parliamentary corporation.”

- 11 After paragraph 13 there is inserted—

“Budget

- 13A (1) The Commission must, before the start of each financial year, prepare proposals for its use of resources and expenditure during the year (a “budget”) and, by such date as the Parliamentary corporation determines, send the budget to the Parliamentary corporation for approval.
- (2) The Commission may, in the course of a financial year, prepare a revised budget for the remainder of the year and send it to the Parliamentary corporation for approval.
 - (3) In preparing a budget or a revised budget, the Commission must ensure that the resources of the Commission will be used economically, efficiently and effectively.
 - (4) A budget or revised budget must contain a statement that the Commission has complied with the duty under subsection (3).”

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12 For paragraph 14(1) (payment of Commissioners' remuneration and Commission's expenses) there is substituted—

“(1) The Parliamentary corporation is to—

- (a) pay the remuneration and allowances of each member of the Commission,
- (b) pay any expenses properly incurred by the Commission in the exercise of its functions, so far as those expenses are not met out of sums retained and applied by it under section 3(3), and
- (c) indemnify the Commission in respect of any liabilities incurred by it in the exercise of its functions.”

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