

**2001 No. 474 (C. 22)**

**LOCAL GOVERNMENT**

**The Ethical Standards in Public Life etc. (Scotland) Act 2000  
(Commencement No. 2 and Transitional Provisions) Order  
2001**

*Made*

*19th December 2001*

The Scottish Ministers, in exercise of the powers conferred by section 37(2) and (3) of the Ethical Standards in Public Life etc. (Scotland) Act 2000<sup>(a)</sup> and of all other powers enabling them in that behalf, hereby make the following Order:

**Citation and interpretation**

1. This Order may be cited as the Ethical Standards in Public Life etc. (Scotland) Act 2000 (Commencement No. 2 and Transitional Provisions) Order 2001.
2. In this Order—  
“the Commission” and “the Controller of Audit” have, respectively, the same meanings as in Part VII of the Local Government (Scotland) Act 1973<sup>(b)</sup>; and  
“the appointed day” means 1st January 2002.

**Commencement of provisions**

3. Subject to Article 4 below, section 33 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 shall come into force on the appointed day.

**Transitional Provisions**

4. The modifications of the Local Government (Scotland) Act 1973 made by section 33(2) to (4) of the 2000 Act shall have effect only in relation to a special report made by the Controller of Audit to the Commission on or after the appointed day.

*PETER PEACOCK*

A member of the Scottish Executive

St Andrew's House,  
Edinburgh  
19th December 2001

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<sup>(a)</sup> 2000 asp 7.  
<sup>(b)</sup> 1973 c.65.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force on 1st January 2002 section 33 of the Ethical Standards in Public Life etc. (Scotland) Act 2000. The whole of that Act (other than section 37) falls to be brought into force by Commencement Order. This is the second such Order.

The main provisions commenced are—

- (a) those provisions that revise the special reports and hearings procedure by which the Accounts Commission for Scotland and the Controller of Audit investigate and respond to alleged failure, negligence or misconduct by individuals or local authorities in the management of public funds; and
- (b) those provisions that repeal the existing surcharge provisions and introduce a range of new sanctions available to the Accounts Commission.

## NOTE AS TO EARLIER COMMENCEMENT ORDER

*(This note is not part of the Order)*

The following provisions of the Act have been brought into force by the Ethical Standards in Public Life etc. (Scotland) Act 2000 (Commencement No. 1) Order 2001 (S.S.I. 2001/113).

| <i>Provision</i>   | <i>Date of Commencement</i> |
|--|-----------------------------|
| Sections 1-3   | 29th March 2001             |
| Section 8  | 29th March 2001             |
| Section 9  | 29th March 2001             |
| Section 28   | 29th March 2001             |
| Section 30   | 29th March 2001             |
| Section 31   | 29th March 2001             |
| Section 34   | 29th March 2001             |
| Section 35   | 29th March 2001             |
| Schedules 1-3  | 29th March 2001             |
| Section 36(1) and Schedule 4 (but only for the purpose of bringing into force the repeal of section 28 of the Local Government Act 1988 (c.9)) | 29th March 2001             |

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