

2003 No. 74 (C.2)

**LOCAL GOVERNMENT
ETHICAL STANDARDS**

**The Ethical Standards in Public Life etc. (Scotland) Act 2000
(Commencement No. 3) Order 2003**

Made

6th February 2003

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

Citation and interpretation

1.—(1) This Order may be cited as the Ethical Standards in Public Life etc. (Scotland) Act 2000 (Commencement No. 3) Order 2003.

(2) In this Order “the Act” means the Ethical Standards in Public Life etc. (Scotland) Act 2000.

Commencement of Provisions

2.—(1) The following provisions of the Act shall come into force on 21st February 2003:—

- (a) section 6;
- (b) section 7(2), so far as relating to the power of Ministers(b) to make regulations;
- (c) sections 25(1) to (8); and
- (d) section 27.

(2) The following provisions of the Act, so far as they are not already in force, shall come into force on 1st May 2003:—

- (a) sections 4, 5 and 7;
- (b) sections 10 to 25, and section 26;
- (c) section 29;
- (d) section 32; and
- (e) section 36.

PETER J PEACOCK

A member of the Scottish Executive

St. Andrew’s House,
Edinburgh.
6th February 2003

(a) 2000 asp 7.

(b) Section 28(1) of the Ethical Standards in Public Life etc. (Scotland) Act 2000 defines “Ministers” as the Scottish Ministers.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force the remaining provisions of the Ethical Standards in Public Life etc. (Scotland) Act 2000 (“the 2000 Act”), as follows:–

- (a) section 6 (which makes provision for the Standards Commission to issue guidance on relationships between the Commission and councils and devolved public bodies) shall come into force on 21st February 2002;
- (b) section 7(2) (which confers a power on Scottish Ministers to make regulations concerning registers of interests) shall come into force on 21st February 2002;
- (c) sections 25(1) to (8) (which provide for the issue of the Water Commissioners code, and confer powers on the Scottish Ministers for that purpose) shall come into force on 21st February 2002;
- (d) section 27 (which provides that official statements by the Standards Commission, its employees, and the Chief Investigating Officer, shall be absolutely privileged for the purposes of the law of defamation) shall come into force on 21st February 2002;
- (e) sections 4 and 5, and the remaining part of section 7, (which provide for the revival of members’ codes, the imposition of duties under the 2000 Act on councils and devolved public bodies, and maintenance of registers of interest), being those sections in Part 1 of the 2000 Act not already in force, shall come into force on 1st May 2003;
- (f) sections 10 to 24 (which provide for investigations by the Chief Investigating Officer, and enforcement by the Standards Commission), and the remaining part of section 25 and section 26 (which provide for register of interests held by the Water Commissioner, for enforcement of the Water Commissioner’s code, and for appeals against any finding that the code has been contravened), being those sections in Part 2 of the 2000 Act not already in force, shall come into force on 1st May 2003;
- (g) section 29 (which make further provision for suspension and disqualification of councillors), being the only section in Part 3 of the 2000 Act not already in force, shall come into force on 1st May 2003;
- (h) section 32, being Part 4 of the Act (which confers a power on Scottish Ministers to issue etc. codes of conduct in respect of such Scottish public authorities as they may specify by order), shall come into force on 1st May 2003; and
- (i) section 36 (which gives effect to the repeals in schedule 4 of the 2000 Act) so far as not already in force, being the only section in Part 7 of the 2000 Act not fully in force, shall come into force on 1st May 2003.

The 2000 Act received Royal Assent on 24th July 2000, when section 37 came into force. The other provisions of the 2000 Act fall to be brought into force by commencement order. This is the third and final order.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Ethical Standards in Public Life etc. (Scotland) Act 2000 have been brought into force by commencement orders made before the date of this Order:—

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 1 to 3	29th March 2001	S.S.I. 2001/113
Section 8	29th March 2001	S.S.I. 2001/113
Section 9	29th March 2001	S.S.I. 2001/113
Section 28	29th March 2001	S.S.I. 2001/113
Section 30	29th March 2001	S.S.I. 2001/113
Section 31	29th March 2001	S.S.I. 2001/113
Section 33	1st January 2002	S.S.I. 2001/474
Section 34	29th March 2001	S.S.I. 2001/113
Section 35	29th March 2001	S.S.I. 2001/113
Schedules 1 to 3	29th March 2001	S.S.I. 2001/113
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	S.S.I. 2001/113

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