

Changes to legislation: There are currently no known outstanding effects for the Parliamentary Standards Act 2009, Part 1. (See end of Document for details)

SCHEDULES

[^{F1}SCHEDULE 4

ENFORCEMENT

Textual Amendments

- F1** Sch. 4 inserted (27.7.2010) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), ss. 34(2), 52, [Sch. 4](#); [S.I. 2010/1931](#), art. 3(d)(g) (with arts. 4, 5)

PART 1

RECOVERY OF OVERPAYMENTS

Power to give repayment direction

- 1 (1) This paragraph applies where the Compliance Officer—
- (a) has conducted an investigation in respect of a member of the House of Commons under section 9, and
 - (b) has made findings under section 9(5) that the member was paid an amount under the MPs' allowances scheme (the “overpayment”) that—
 - (i) should not have been allowed, and
 - (ii) has not been repaid.
- (2) The Compliance Officer—
- (a) if sub-paragraph (3) applies, may give the member a direction under this paragraph (a “repayment direction”), and
 - (b) otherwise, must give the member a repayment direction.
- (3) This sub-paragraph applies if the Compliance Officer has made findings under section 9(5) that the member's being paid an amount under the MPs' allowances scheme that should not have been allowed was wholly or partly the IPSA's fault.
- (4) A repayment direction must require the member to pay to the IPSA—
- (a) if sub-paragraph (3) applies, such amount (not exceeding the amount of the overpayment) as the Compliance Officer considers reasonable, and
 - (b) otherwise, the amount of the overpayment.
- (5) The repayment direction must specify the period (the “repayment period”) before the end of which that amount is to be paid.
- (6) A repayment direction may also require the member to do one or both of the following before the end of the repayment period—
- (a) pay to the IPSA interest on the amount mentioned in sub-paragraph (4), at the rate and in relation to the period specified in the direction;

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- (b) pay to the IPSA an amount reasonably representing the costs incurred by the IPSA in relation to the overpayment, including the costs of the Compliance Officer in conducting the investigation.
- (7) The Compliance Officer must send a copy of the repayment direction to the IPSA.
- (8) References in this Part of this Schedule to a member of the House of Commons include a former member of that House.
- (9) In this Schedule “overpayment”, “repayment direction” and “repayment period” have the meaning given by this paragraph (but in relation to the repayment period, see further paragraph 4(3)).

Guidance etc

- 2 (1) The IPSA must prepare guidance about the circumstances in which the Compliance Officer should include in a repayment direction a requirement under paragraph 1(6) (a) or (b).
- (2) The guidance must include guidance about whether the Compliance Officer should include such a requirement if paragraph 1(3) applies.
- (3) The amount mentioned in paragraph 1(6)(b) is to be calculated by the Compliance Officer in accordance with a scheme prepared by the IPSA for that purpose.
- (4) Before preparing guidance under sub-paragraph (1) or a scheme under sub-paragraph (3) the IPSA must consult the persons listed in section 9A(6).

Appeal against repayment direction

- 3 (1) A member who has been given a repayment direction under paragraph 1 may appeal to the First-tier Tribunal against—
 - (a) the Compliance Officer's findings under section 9(5);
 - (b) if paragraph 1(3) applies, the Compliance Officer's decision to give the member a repayment direction;
 - (c) if paragraph 1(3) applies, the amount the member is required to repay because of paragraph 1(4)(a);
 - (d) a requirement contained in the repayment direction because of paragraph 1(6).
- (2) An appeal under this paragraph must be brought before the end of the period of 28 days beginning with the day on which the repayment direction is sent to the member (unless the Tribunal directs that it may be brought after the end of that period).
- (3) An appeal under this paragraph is by way of a rehearing.
- (4) On an appeal under this paragraph the Tribunal may—
 - (a) allow the appeal in whole or in part, or
 - (b) dismiss the appeal.
- (5) If the Tribunal allows the appeal (in whole or in part) it may—
 - (a) revoke the repayment direction;
 - (b) revoke or vary any requirement contained in the repayment direction;
 - (c) make any other order it thinks fit.

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- (6) If the Tribunal dismisses the appeal it may make any other order it thinks fit.
- (7) The Compliance Officer must notify the IPSA of the Tribunal's decision (and the result of any further appeal).

Extension of repayment period

- 4 (1) The member may at any time before the end of the repayment period make an application to the Compliance Officer for the Compliance Officer to extend (or further extend) the repayment period.
- (2) The Compliance Officer must notify the IPSA of any decision by the Compliance Officer to extend (or further extend) the repayment period.
- (3) If the Compliance Officer extends (or further extends) the repayment period, references in this Schedule to the repayment period are to that period as extended (or further extended) by the Compliance Officer.
- (4) The member may appeal to the First-tier Tribunal against the Compliance Officer's decision on an application under this paragraph.
- (5) An appeal under this paragraph must be brought before the end of the period of 28 days beginning with the day on which notice of the decision is sent to the member (unless the Tribunal directs that it may be brought after the end of that period).
- (6) The appeal is by way of a rehearing.
- (7) The Tribunal may—
 - (a) allow the appeal in whole or in part, or
 - (b) dismiss the appeal.
- (8) If the Tribunal allows the appeal (in whole or in part) it may—
 - (a) revoke or vary the Compliance Officer's decision;
 - (b) make any other order it thinks fit.
- (9) If the Tribunal dismisses the appeal it may make any other order it thinks fit.
- (10) The Compliance Officer must notify the IPSA of the Tribunal's decision (and the result of any further appeal).

Enforcement of repayment direction

- 5 (1) This paragraph applies to any amount which a member is required by a repayment direction to pay to the IPSA, but only when—
 - (a) it is no longer possible for there to be a relevant appeal, and
 - (b) all relevant appeals have been withdrawn or determined.
- (2) A relevant appeal is—
 - (a) an appeal under paragraph 3 brought before the end of the period mentioned in paragraph 3(2), or
 - (b) a further appeal in relation to the repayment direction which—
 - (i) is brought before the end of the usual period for bringing such an appeal, and

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- (ii) is an appeal against the determination of an appeal which was itself a relevant appeal.
- (3) The IPSA may recover the amount by making deductions from—
- (a) any salary payable to the member under section 4;
 - (b) any allowances payable to the member under the MPs' allowances scheme.
- (4) In England and Wales and Northern Ireland the amount is recoverable, if [^{F2}the county court in England and Wales or a county court in Northern Ireland] so orders on the application of the Compliance Officer, as if it were payable under an order of that court.
- (5) In Scotland the amount is recoverable as if the repayment direction were an extract registered decree arbitral bearing a warrant for execution issued by the sheriff court of any sheriffdom in Scotland.]

Textual Amendments

- F2** Words in Sch. 4 para. 5(4) substituted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 117](#); [S.I. 2014/954](#), art. 2(c) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

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