

2010 No. 1931 (C. 101)

PARLIAMENT

**The Constitutional Reform and Governance Act 2010
(Commencement No. 2 and Transitional Provisions) Order 2010**

Made - - - -

26th July 2010

The Parliamentary Secretary (Minister for Political and Constitutional Reform) makes the following Order in exercise of the powers conferred by section 52(2) and (4) of the Constitutional Reform and Governance Act 2010(a):

Citation

1. This Order may be cited as the Constitutional Reform and Governance Act 2010 (Commencement No. 2 and Transitional Provisions) Order 2010.

Interpretation

2. In this Order—

- (a) “the 2009 Act” means the Parliamentary Standards Act 2009(b);
- (b) “the 2010 Act” means the Constitutional Reform and Governance Act 2010;
- (c) “new section 6(10)” means the new section 6(10) of the 2009 Act inserted by section 28(4) of the 2010 Act;
- (d) “new section 9A(6)” means the new section 9A(6) of the 2009 Act inserted by section 33 of the 2010 Act;
- (e) “new Schedule 4” means the new Schedule 4 to the 2009 Act inserted by section 34 of and Schedule 4 to the 2010 Act;
- (f) “the Committee on Standards and Privileges” means the House of Commons Committee on Standards and Privileges.

Commencement

3. The following provisions of the 2010 Act come into force on 27th July 2010—

- (a) subsection (4) of section 28 (transparency etc.), subject to articles 4 and 5;
- (b) subsections (1) to (5) of section 31 (allowances claims);
- (c) section 33 (investigations), subject to articles 4 and 5;
- (d) section 34 (enforcement), subject to articles 4 and 5;
- (e) section 35 (relationships with other bodies etc.);

(a) 2010 c. 25.

(b) 2009 c. 13.

- (f) section 38 (consequential amendments) in so far as it relates to the provisions in paragraph (h);
- (g) Schedule 4 (Parliamentary Standards Act 2009: new Schedule 4), subject to articles 4 and 5;
- (h) in Schedule 5 (Parliamentary standards: consequential amendments)—
 - (i) paragraph 4(3);
 - (ii) paragraph 7(3)(b), (4)(b), (4)(d) so far as not already in force, and (5).

Sections 28, 33 and 34 of and Schedule 4 to the 2010 Act: transitional provision

4. The requirement to consult the Committee on Standards and Privileges by virtue of—

- (a) paragraph (c) of new section 6(10);
- (b) paragraph (c) of new section 9A(6); and
- (c) paragraphs 2(4), 8(2) and 9(2) of new Schedule 4

applies only if the Committee on Standards and Privileges has been constituted by the relevant time.

5. For the purposes of article 4, the relevant time is the time at which the IPSA would have had to consult the Committee on Standards and Privileges—

- (a) in determining procedures under new section 6(10) for the first time;
- (b) before determining procedures under new section 9A(6) for the first time;
- (c) before preparing guidance or a scheme under paragraphs 2(1) or (3) of new Schedule 4 for the first time;
- (d) before specifying a matter under paragraph 8(1)(f) of new Schedule 4 for the first time; or
- (e) before preparing guidance under paragraph 9(1) of new Schedule 4 for the first time,

had the Committee on Standards and Privileges been constituted at that time.

Mark Harper
Parliamentary Secretary
(Minister for Political and Constitutional Reform)
Cabinet Office

26th July 2010

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force provisions of the Constitutional Reform and Governance Act 2010 which make amendments to provisions of the Parliamentary Standards Act 2009 about the Independent Parliamentary Standards Authority (“the IPSA”) and its functions. All the provisions brought into force by this Order come into force on 27th July 2010.

The commenced provisions—

- provide for publication by the IPSA of information about claims made under the MPs’ allowances scheme (section 28(4));
- provide for the way in which the IPSA deals with claims under the MPs’ allowances scheme and for review of the IPSA’s determination of such claims (section 31(1) to (5));
- provide for the powers of investigation of the Compliance Officer, and the procedures for the exercise of those powers (section 33);

- provide for the enforcement powers of the Compliance Officer (section 34 and Schedule 4);
- make provision about the relationship of the IPSA and Compliance Officer with other bodies and persons (section 35); and
- make consequential amendments (section 38 and Schedule 5, partially).

A regulatory impact assessment has not been prepared for this Order as no impact on the private or voluntary sectors is foreseen.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Constitutional Reform and Governance Act 2010 have been brought into force by a commencement order made before the date of this order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 26	19th April 2010	2010/1277
Section 27	7th May 2010	2010/1277
Section 28(1) to (3)	7th May 2010	2010/1277
Section 30	7th May 2010	2010/1277
Section 31(6)	7th May 2010	2010/1277
Section 32	7th May 2010	2010/1277
Section 36	7th May 2010	2010/1277
Section 37	7th May 2010	2010/1277
Section 38 (in part)	19th April 2010	2010/1277
	7th May 2010	2010/1277
Schedule 3	19th April 2010	2010/1277
Schedule 5: paragraphs 1, 2(b), 4(1) and (2)(a), 5(1) and (3), 7(1); and 7(4) (in part)	19th April 2010	2010/1277
Schedule 5: paragraphs 2(a), 3, 4(2)(b), 5(2), 6, and 7(2), (3)(c) and (4)(c)	7th May 2010	2010/1277

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STATUTORY INSTRUMENTS

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