



Scottish Parliamentary Commissions and Commissioners etc. Act 2010

2010 asp 11

SCOTTISH PARLIAMENTARY COMMISSIONS AND COMMISSIONERS ETC. ACT 2010

PART 1

THE COMMISSIONER FOR ETHICAL STANDARDS IN PUBLIC LIFE IN SCOTLAND

The Commissioner

- 1 The Commissioner for Ethical Standards in Public Life in Scotland
- 2 Functions of the Commissioners
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SCHEDULE 1 — Consequential amendments of enactments referred to in section 2(5)

Part 1 — THE ETHICAL STANDARDS ACT

- 1 For section 9 (appointment and functions of Chief Investigating Officer)...
- 2 In sections 10(1) and (2), 11, 12(1), (4) and (5),...
- 3 In section 10(1) for “functions of that office” there is...
- 4 In sections 10(2), 12(4) and (5), 13(1), 14(3), 16(a) and...
- 5 In section 11 after “functions” there is inserted “ under...
- 6 In sections 11 and 13(3) for “that Officer's” there is...
- 7 In section 28(1)— (a) for the definition of “Chief Investigating...

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

- 8 In paragraph 2(1)(b) of schedule 1 after “functions” there is...
- 9 In the titles to sections 10 to 14 “Chief Investigating...
Part 2 — THE SCOTTISH PUBLIC SERVICES OMBUDSMAN ACT 2002 (ASP 11)
- 10 Paragraph 21 in Part 2 of schedule 2 to the...
Part 3 — THE PARLIAMENTARY STANDARDS ACT
- 11 Sections 1 and 2 and schedule 1 (appointment, terms of...
- 12 In section 3(1) (functions of Scottish Parliamentary Standards Commissioner) for...
- 13 In section 16 (restriction on disclosure of information)—
- 14 In section 20 (interpretation)— (a) the definition of “acting Commissioner”...
Part 4 — THE PUBLIC APPOINTMENTS ACT
- 15 Section 1 and schedule 1 (establishment, appointment etc. of Commissioner...
- 16 In section 2(1) (that Commissioner's duty to prepare code of...
- 17 In section 20 (interpretation) for the definition of “the Commissioner”...
- 18 Paragraph 16(b) of schedule 4 (Commissioner for Public Appointments in...
- 19 Paragraph 17(c)(i) of that schedule (Commissioner for Public Appointments in...
Part 5 — THE PUBLIC SERVICES REFORM (SCOTLAND) ACT 2010 (ASP 8)
- 20 In schedule 5 (improvement of public functions: listed persons, bodies...
- 21 In schedule 6 (listed bodies and office-holders in respect of...
- 22 In schedule 8 (listed persons, bodies and office-holders obliged to...

SCHEDULE 2 — Amendments of the Ethical Standards Act

Procedure for appointments and orders conferring functions

- 1 In section 8 (establishment, functions and membership of the Standards...

Witnesses' expenses

- 2 In section 17(8) (payment by Commission of witnesses' expenses etc.)...

Protection from actions of defamation

- 3 In section 27(1) (protection from actions of defamation) for the...

Application of paragraphs 5 to 16

- 4 Paragraphs 5 to 16 relate to schedule 1 to the...

Land, charges, location of office and sharing of resources

- 5 In paragraph 2— (a) at the end of sub-paragraph (2)...
- 6 After paragraph 2 there is inserted— Location of office The Commission shall comply with any direction given by the...

Procedure for appointment of convener

- 7 In paragraph 4 (appointment of convener) for “Ministers” there is...

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Members' terms of office, subsequent appointments etc.

- 8 For paragraphs 5 (tenure of office of members) and 6...
- 9 After paragraph 5 (as inserted by paragraph 8 above) there...

Employees, remuneration and pensions, advisers etc.

- 10 In paragraph 7 (employees)— (a) in sub-paragraphs (2) and (4)...
- 11 Paragraph 8 (remuneration, pensions etc. of Chief Investigating Officer and...
- 12 Before paragraph 9 there is inserted— Advisers and other services...

Strategic plans

- 13 After paragraph 10 there is inserted— Strategic plans (1) The Commission shall, in respect of each 4 year...

Finance

- 14 After paragraph 10A (as inserted by paragraph 13 above) there...
- 15 Paragraph 11 (expenses) is repealed.

Annual reports

- 16 After paragraph 10E (as inserted by paragraph 14 above) there...

Terms and conditions of office, staff and status of Chief Investigating Officer

- 17 Schedule 2 (terms and conditions of office, staff and status...

SCHEDULE 3 — Amendments of the Scottish Public Services Ombudsman Act 2002 (asp 11)

Investigations and reports

- 1 In section 5(1)(a) (matters which may be investigated) after “or”,...
- 2 In section 11 (decisions not to investigate)—
- 3 After subsection (6) of section 12 (investigation procedure) there is...
- 4 In section 13 (evidence) after subsection (9) there is inserted—...
- 5 In section 15 (reports on investigations)— (a) at the beginning...

Annual reports

- 6 In section 17— (a) at the end of subsection (1)...

Strategic plans

- 7 After section 17 there is inserted— Strategic plans (1) The Ombudsman must, in respect of each 4 year...

Confidentiality of information

- 8 In section 19 (confidentiality of information)— (a) in subsection (3)—...
- 9 In section 23(1) (interpretation) the definition of “patient” is repealed....

Application of paragraphs 11 to 19

- 10 Paragraphs 11 to 19 relate to schedule 1 to the...

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

Disqualification, terms of office, status, removal etc.

- 11 For paragraph 1(3) (disqualification of former Ombudsman from certain posts)...
- 12 In paragraph 2 (status of Ombudsman)— (a) after sub-paragraph (2)...
- 13 In paragraph 4 (period of office, tenure etc.)—

Advisers and other services

- 14 For paragraph 10 there is substituted— Advisers and other services...

Land, location of office, sharing of resources and charges

- 15 At the end of paragraph 12 (Ombudsman's general powers) there...
- 16 After paragraph 12 there is inserted— Location of office The Ombudsman must comply with any direction given by the...

Budget

- 17 After paragraph 12C (as inserted by paragraph 16 above) there...

Finance

- 18 In paragraph 13(b) (Parliamentary corporation to pay Ombudsman's expenses)—
- 19 Paragraph 13 (as amended by paragraph 18 above) is renumbered...

Prison management etc.

- 20 In Part 1 of schedule 2 (list of persons liable...

Matters excluded from investigation

- 21 In schedule 4— (a) paragraph 2 (exclusion of civil, criminal...

SCHEDULE 4 — Amendments of the Freedom of Information (Scotland) Act 2002 (asp 13)

The Commissioner: terms and period of office, removal and independence

- 1 In section 42 (the Scottish Information Commissioner)—

Advice and other services

- 2 After subsection (9) of section 42 there is inserted—

Expenses

- 3 In subsection (11)(b) of section 42 (payment of Commissioner's expenses)—...
- 4 After subsection (11) of that section there is inserted—

Charges

- 5 In section 43 (general functions)— (a) in subsection (5) (charges...

Annual reports

- 6 In section 46 (reports)— (a) in subsection (1) after “exercise”...

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

Strategic plans

- 7 After section 46 there is inserted— Strategic plans (1) The Commissioner must, in respect of each 4 year...

Application of paragraph 9 onward

- 8 Paragraph 9 onward relates to schedule 2 to the Freedom...

Legal status

- 9 Paragraph 1 is renumbered as sub-paragraph (1) of that paragraph...

Staff

- 10 For paragraph 3(4) (approval by Parliamentary corporation of appointments etc....

Budget

- 11 After paragraph 4 there is inserted— Budget (1) The Commissioner must, before the start of each financial...

Land, location of office, sharing of resources

- 12 Paragraph 6 (Commissioner's general powers, including acquisition and disposal of...
13 After paragraph 6 there is inserted— Location of office The Commissioner must comply with any direction given by the...

Subsequent appointments

- 14 After paragraph 8 (as inserted by paragraph 13 above) there...

SCHEDULE 5 — Amendments of the Commissioner for Children and Young People (Scotland) Act 2003 (asp 17)

The Commissioner: period of appointment, removal etc.

- 1 In section 2 (appointment of Commissioner)— (a) in subsection (3)...
2 In section 3 (removal of Commissioner) for subsections (1)(b) and...

Annual reports

- 3 In section 10 (annual reports)— (a) at the end of...

Strategic plans

- 4 After section 14 there is inserted— Strategic plans (1) The Commissioner must, in respect of each 4 year...

Application of paragraph 6 onward

- 5 Paragraph 6 onward relates to schedule 1 to the Commissioner...

Status and independence

- 6 At the end of paragraph 1 (legal status of Commissioner)...
7 In paragraph 2(2) (respects in which the Commissioner is subject...

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

Disqualification

- 8 In paragraph 4— (a) after sub-paragraph (1) there is inserted—...

Subsequent appointments

- 9 After paragraph 5 there is inserted— Subsequent appointments etc. (1)
A person who has ceased being the Commissioner (“the...

Land, charges, location of office, sharing of resources, staff and advisers and other services

- 10 In paragraph 6 (general powers)— (a) in sub-paragraph (2)
(Commissioner's...
11 After paragraph 6 there is inserted— Location of office The
Commissioner must comply with any direction given by the...
12 In paragraph 7(2) (terms of appointment of staff) after “terms”...
13 After paragraph 7 there is inserted— Sharing of premises, staff,...

Finance and budget

- 14 Paragraph 9 (payment of Commissioner's salary, expenses etc.) is
renumbered...
15 After paragraph 9 there is inserted— Budget (1) The Commissioner
must, before the start of each financial...

SCHEDULE 6 — Amendments of the Scottish Commission for Human Rights Act
2006 (asp 16)

Strategic plans

- 1 In section 7 (strategic plans)— (a) in subsection (2)—

Annual report

- 2 In section 15 (Commission's annual report)— (a) in subsection (1)...

Application of paragraph 4 onward

- 3 Paragraph 4 onward relates to schedule 1 to the Scottish...

Independence: exceptions

- 4 In paragraph 3(2) (exceptional matters in which Commission subject
to...

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

- 5 In paragraph 5 (terms of office etc. of Commission members)—...
6 After paragraph 6 there is inserted— Subsequent appointments etc. (1)
A person who has ceased to be a member...

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...
8 For paragraph 10 (location of office) there is substituted— Location...
9 After paragraph 11 there is inserted— Advisers and other services...

- 10 In paragraph 12 (sharing of premises, staff, services and other...
- 11 After paragraph 13 there is inserted— Budget (1) The Commission must, before the start of each financial...
- 12 For paragraph 14(1) (payment of Commissioners' remuneration and Commission's expenses)...

SCHEDULE 7 — Transfer of staff, property and liabilities and transitional and saving provisions

Part 1 — TRANSFER OF STAFF, PROPERTY AND LIABILITIES TO COMMISSION FOR ETHICAL STANDARDS IN PUBLIC LIFE IN SCOTLAND

Staff

- 1 (1) On the coming into force of this schedule, each...

Property and liabilities

- 2 (1) On the coming into force of this schedule, all...
Part 2 — TRANSITIONAL AND SAVING PROVISIONS

Undetermined processes under Ethical Standards, Parliamentary Standards and Public Appointments Acts

- 3 (1) Anything done or being done by or in relation...

Current appointments of assessors by the Commissioner for Public Appointments in Scotland

- 4 An appointment of an assessor by the Commissioner for Public...

New Commission's first budget

- 5 (1) Section 20(1) applies in respect of the financial year...

Scottish Parliamentary Standards Commissioner's last annual report

- 6 (1) Despite section 2 and the repeal of section 18...

Other annual reports

- 7 (1) Nothing in any reporting provision requires a body or...

The Scottish Parliamentary Standards Commissioner

- 8 (1) The person who, immediately before this schedule comes into...

Commissioner for Public Appointments in Scotland

- 9 (1) The person who, immediately before this schedule comes into...

Members of the Standards Commission

- 10 (1) A person who, on the coming into force of...

Commissioner for Children and Young People and the Public Services Ombudsman

- 11 (1) The person who, on the coming into force of...

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Members of the Scottish Commission for Human Rights

- 12 (1) The person who, on the coming into force of...

General provisions about reappointment

- 13 (1) A person is not eligible for reappointment to an...

Changes to legislation:

There are currently no known outstanding effects for the Scottish Parliamentary Commissions and Commissioners etc. Act 2010.