

Ethical Standards in Public Life etc. (Scotland) Bill

[AS INTRODUCED]

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Ethical Standards in Public Life etc.
(Scotland) Bill
[AS INTRODUCED]

An Act of the Scottish Parliament to establish a framework for securing the observance of high standards of conduct by councillors and other persons holding public appointments; and to repeal section 2A of the Local Government Act 1986 and make provision as to how councils are to exercise functions which relate principally to children.

PART 1

CODES OF CONDUCT ETC.

1 Code of conduct for councillors

- (1) The Scottish Ministers (“Ministers”) shall issue a code of conduct for councillors (the “councillors’ code”).
- (2) There shall be set out in the councillors’ code principles and rules governing the conduct of councillors.
- (3) These principles and rules shall include provision about the registration and declaration of the interests of councillors and their ineligibility to discuss or vote upon council business affecting these interests.
- (4) Ministers may, in order to assist themselves in carrying out their duty under subsection (1) above, invite such association of councils as seems appropriate to them to draw up and send them a suggested councillors’ code.
- (5) Ministers shall issue a councillors’ code only after it has been approved by a resolution of the Scottish Parliament.
- (6) Ministers may revise or re-issue the councillors’ code; and subsections (4) and (5) above apply to any revisal or re-issue of the councillors’ code as they apply to its issue.
- (7) In subsection (3) above—

“interests” means pecuniary and non-pecuniary interests;

“council business” includes matters under consideration by any body on which a councillor is a representative or nominee of a council.

2 Model code of conduct for members of devolved public bodies

- (1) Ministers shall issue a model code of conduct for members of devolved public bodies (the “members’ model code”).
- (2) There shall be set out in the members’ model code principles and rules governing the conduct of members of devolved public bodies.
- (3) These principles and rules shall include provision about the registration and declaration of the interests of members of devolved public bodies and their ineligibility to discuss or vote upon business of these bodies affecting these interests.
- (4) Ministers shall issue the members’ model code only after it has been approved by a resolution of the Scottish Parliament.
- (5) Ministers may revise or re-issue the members’ model code; and subsection (4) above applies to any revision or re-issue of the members’ model code as it applies to the issue of the code.
- (6) The members’ model code may, for the purposes of section 3(2) below, distinguish between those of its provisions which are mandatory and those which are optional.
- (7) In subsection (3) above, “interests” means pecuniary and non-pecuniary interests.

3 Codes of conduct for members of devolved public bodies

- (1) Each devolved public body shall, within three months of the first issue of the members’ model code, submit to Ministers a draft of a code of conduct for its members (a “draft members’ code”).
- (2) A draft members’ code—
- (a) shall incorporate such mandatory provisions of the members’ model code as apply to the body submitting it;
 - (b) may incorporate any optional provisions of the model members’ code;
 - (c) may include such other provisions as are consistent with that code.
- (3) Ministers—
- (a) may, with or without modifications made by them, approve a draft members’ code submitted to them;
 - (b) may substitute for a draft members’ code submitted to them a code of their own devising;
 - (c) shall, if a body fails to submit a draft members’ code in accordance with subsection (1) above, devise a code for that body.
- (4) Ministers shall, when approving, substituting or devising a code under subsection (3) above, have regard to the members’ model code.
- (5) Once a code has been approved, substituted or devised under subsection (3) above, it shall be called a “members’ code”.
- (6) Any reference in the following provisions of this Act to the members’ code is, in relation to a devolved public body, a reference to the members’ code applicable to members of that body.
- (7) A members’ code shall have effect on such date as Ministers fix.

- (8) Ministers shall, prior to the date fixed for the coming into effect of a members' code, intimate that date to the devolved public body.

4 Revisal etc. of members' codes

- (1) A devolved public body—

5 (a) may; and
(b) on being so required by Ministers and within such time as they direct, shall submit to them a draft revisal or re-issue of the members' code.

- (2) Ministers—

10 (a) may, with or without modifications made by them, approve a draft revisal or re-issue submitted to them under subsection (1) above;

(b) may substitute for a draft revisal or reissue submitted to them a revisal or re-issue of their own devising;

15 (c) shall, if a body fails to submit a draft revisal or re-issue in accordance with a requirement under subsection (1)(b) above, themselves revise or re-issue the members' code.

- (3) Ministers shall impose a requirement under subsection (1)(b) above on a devolved public body if it appears to them that the members' code is not, or is no longer, consistent with the members' model code (or that code as revised or re-issued) as it applies to the body.

20 (4) Where, however, in the case mentioned in subsection (3) above, Ministers consider it expedient in the public interest to do so, they may, without previously imposing the requirement under subsection (1)(b) above, themselves revise or re-issue the members' code.

25 (5) Ministers shall, when approving, substituting, revising or re-issuing a code under subsection (2) or revising or re-issuing a code under subsection (4) above, have regard to the members' model code.

- (6) Subsections (6) to (8) of section 3 above apply in relation to the coming into effect of a revisal or re-issue of a members' code as they apply to the coming into effect of the members' code.

5 Duties of councils and devolved public bodies

- (1) Every council shall, in accordance with any guidance issued for the purposes of this section by the Standards Commission for Scotland established by section 7 below—

(a) promote the observance by its councillors of high standards of conduct; and

(b) assist them to observe the councillors' code.

35 (2) Every devolved public body shall, in accordance with any such guidance—

(a) promote the observance by its members of high standards of conduct; and

(b) assist them to observe the members' code.

6 Register of interests

- (1) Every council and every devolved public body shall set up, maintain and make available for public inspection a register of such interests as, respectively—
- (a) under the councillors' code, its councillors; and
 - (b) under the members' code, its members,
- are required to register.
- (2) The duties under subsection (1) above shall be carried out in accordance with such regulations as may be made by Ministers for the purposes of this section and such guidance as may be issued by the Standards Commission for Scotland for those purposes.
- (3) In the event of any conflict between those regulations and that guidance, the regulations shall prevail.
- (4) Those regulations shall be made by statutory instrument.
- (5) A statutory instrument made under this section shall be subject to annulment in pursuance of a resolution of the Scottish Parliament.

PART 2

ENFORCEMENT

7 Standards Commission for Scotland

- (1) There shall be a Standards Commission for Scotland (“the Commission”).
- (2) Its functions shall be—
- (a) those functions given to it by this Act; and
 - (b) any others relating to the conduct of councillors and members of devolved public bodies given to it by directions made by Ministers.
- (3) Its members, of whom there shall be not fewer than three, shall be appointed by Ministers after consultation with such association of councils and such other persons as Ministers think appropriate.
- (4) Schedule 1 to this Act provides further about the Commission.
- (5) Different directions may be given under subsection (2)(b) above as respects councillors and as respects members of devolved public bodies.

8 Appointment of Chief Investigating Officer and staff

- (1) There shall be a Chief Investigating Officer.
- (2) The Chief Investigating Officer shall have the function of investigating and reporting to the Commission on cases in which a councillor or member of a devolved public body has, may have or is alleged to have contravened the councillors' or, as the case may be, the members' code.
- (3) The Chief Investigating Officer shall be appointed by Ministers.
- (4) The Chief Investigating Officer may appoint, as employees, persons to assist in carrying out that purpose.

- (5) A person who is a member of—
- (a) the Commission;
 - (b) a council or any committee or sub-committee thereof;
 - (c) a joint board or joint committee; or
 - (d) a devolved public body,
- shall not be appointed under this section.
- (6) Schedule 2 to this Act provides further about the Chief Investigating Officer.

9 Relationship between Commission and Chief Investigating Officer

The Chief Investigating Officer shall, in carrying out the functions of that office, comply with any directions given by the Commission.

10 Chief Investigating Officer to provide Commission with information

The Chief Investigating Officer shall provide the Commission with such information concerning the discharge of that Officer's functions as the Commission requires.

11 Conduct of Chief Investigating Officer's investigations

- (1) Subject to section 9 above and subsection (2) below, it is for the Chief Investigating Officer to decide whether, when and how to carry out any investigation.
- (2) Investigations shall, so far as possible, be conducted confidentially.
- (3) An investigation may take place notwithstanding that the person whose conduct is to be investigated is no longer a councillor or, as the case may be, a member of a devolved public body.
- (4) The Chief Investigating Officer may arrange for any person to assist or advise that Officer and may pay such fees or allowances to that person as that Officer may, with the approval of Ministers, fix.

12 Chief Investigating Officer's powers

- (1) For the purposes of an investigation, the Chief Investigating Officer—
- (a) may require any person who, in the opinion of that Officer, is able to give relevant information or produce relevant documents to do so; and
 - (b) shall have the same powers as the Court of Session to enforce the attendance and examination of witnesses and the production of documents.
- (2) No person, however, shall be compelled to give any evidence or produce any documents which that person could not be compelled to give or produce in civil proceedings in the Court of Session.
- (3) If, without reasonable excuse, any person obstructs the Chief Investigating Officer in the performance of that Officer's functions or does anything in relation to an investigation which, had that investigation been proceedings in the Court of Session, would be contempt of court, the Chief Investigating Officer may certify that conduct to the Court of Session.

- (4) Where a person's conduct is so certified, the Court of Session may deal with the person as if any such conduct as occurred had taken place in relation to that Court.
- (5) In this section "documents" includes information held by means of a computer or in any other electronic form.

5 **13 Chief Investigating Officer's reports**

- (1) Subject to section 9 above, it is for the Chief Investigating Officer to decide whether to report to the Commission on the outcome of any investigation.
- (2) No report concluding that a councillor or a member of a devolved public body has contravened the councillors' or, as the case may be, the members' code shall be submitted to the Commission unless the councillor or member has been given a copy of the proposed report and an opportunity to make representations on the alleged contravention and on the proposed report.
- (3) At the same time as the Chief Investigating Officer gives a copy of a proposed report to a councillor or a member of a devolved public body for the purposes of subsection (2) above, that Officer shall give a further copy to the council or, as the case may be, the devolved public body.

14 Publication of reports

The Commission may publish a report submitted to it under section 13 above, and may do so in whatever way it thinks fit.

20 **15 Action on receipt of reports**

On receiving a report from the Chief Investigating Officer, the Commission may—

- (a) direct that Officer to carry out further investigations;
- (b) hold a hearing; or
- (c) do neither,

25 and, where it acts under paragraph (a) or (b) above, may do so at any time.

16 Hearings before Commission

- (1) Subject to subsections (2) to (9) below, the procedure at a hearing held under section 15(b) above shall be such as the Commission determines.
- (2) The Commission may, at any one hearing, consider alleged contraventions of the councillors' code by more than one councillor or of the members' code by more than one member of a devolved public body.
- (3) A hearing shall be conducted by not fewer than three members of the Commission selected by the convener of the Commission
- (4) A councillor or member of a devolved public body whose conduct is being considered by a hearing is entitled to be heard there either in person or represented by counsel or a solicitor or any other person.
- (5) The members of the Commission conducting a hearing may—
 - (a) require any person to attend the hearing, give evidence and produce documents;

(b) administer oaths.

(6) A person who, without reasonable excuse, fails to comply with a requirement imposed under subsection (5)(a) above is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

5 (7) The Commission may pay persons appearing at a hearing or attending it for the purpose of giving evidence or producing documents such expenses or allowances as it thinks fit.

(8) A hearing shall be held in public unless the members of the Commission conducting it determine that it is in the public interest that it, or such part of it as they specify for the purposes of this subsection, be not so held.

10 (9) In this section, “documents” shall be construed as in section 12 above.

17 Findings of hearings

The members of the Commission conducting a hearing shall state their findings in writing and give a copy to—

15 (a) the councillor or member of a devolved public body whose contravention, or possible or alleged contravention, of the councillors’ or, as the case may be, the members’ code was the subject of the hearing;

(b) the council or the devolved public body; and

(c) any other person seeking a copy of these findings who has paid the Commission’s reasonable charge for providing such a copy.

20 18 Action on finding of contravention

(1) Where the members of the Commission conducting a hearing conclude that a councillor has contravened the councillors’ code or a member of a devolved public body the members’ code, they shall impose one of the following sanctions—

(a) censuring, but otherwise taking no action against, the councillor or member;

25 (b) suspending, for a period not exceeding one year, the councillor’s or member’s entitlement to attend meetings of the council or body and of any committee or sub-committee thereof and of any other body on which the councillor or member is a representative or nominee of the council or body;

30 (c) in the case of a councillor, disqualifying the councillor for a period not exceeding five years, from being, or from being nominated for election as, or from being elected, a councillor;

(d) in the case of a member of a devolved public body, removing the member from membership of the body and disqualifying the member, for a period not exceeding five years, from membership of the body.

35 (2) A period of suspension imposed under subsection (1)(b) above which would continue until or after the day of the next following ordinary election of councillors shall end at the beginning of that day.

(3) Disqualification imposed under subsection (1)(c) above—

(a) has the effect of vacating the councillor’s office; and

(b) extends to the councillor's membership of committees and sub-committees of the council of which the councillor was a member and any joint committee, joint board or other body on which the councillor is a representative or nominee of the council.

5 (4) Where the members of the Commission impose a sanction under subsection (1) above on a councillor who is also a member of a devolved public body otherwise than as a representative or nominee of the council, they may also, in respect of that membership, impose one of the sanctions set out in that subsection.

10 (5) The members of the Commission may, on imposing a sanction on a member of a devolved public body—

(a) under subsection (1)(b) above, direct that the suspension apply also in respect of any or every other devolved public body of which the member is a member;

15 (b) under subsection (1)(d) above, direct that the removal from membership and disqualification apply also in respect of any or every other such devolved public body or that a suspension of entitlement to attend meetings as mentioned in subsection (1)(b) above apply in that respect.

20 (6) The members of the Commission may, on imposing a suspension under subsection (1)(b) above on a member of a devolved public body, direct that any remuneration or allowance deriving from membership of the body that would be payable to the member be not paid or be reduced as they direct.

19 Interim reports on investigations and action thereon

(1) The Chief Investigating Officer may, and, if so directed by the Commission, shall, submit an interim report on an investigation being conducted by that Officer.

25 (2) On receiving an interim report, the Commission may impose the sanction mentioned in subsection (3) below.

(3) That sanction is suspending the councillor or member of the devolved public body whose alleged contravention of the councillors' code or, as the case may be, the members' code was the subject of the interim report from the entitlement set out in section 18(1)(b) above for a period not exceeding six months.

30 (4) The Commission shall not require to hold a hearing before proceeding to impose that sanction, but shall give the councillor or member an opportunity to make representations on the alleged contravention of the councillors' code or, as the case may be, the members' code and on the interim report.

35 (5) The Commission shall put its decision under this section in writing and shall give a copy to—

(a) the councillor or member;

(b) the council or devolved public body of which that person is a member; and

(c) any other person seeking a copy of the decision who has paid the Commission's reasonable charges for providing such a copy.

40 (6) A period of suspension imposed under this section ends upon—

(a) the issue of findings under section 17 above that the councillor or member has not contravened the councillors' code or, as the case may be, the members' code;

(b) the imposition of a sanction under section 18 above; or, as the case may be,

(c) a conclusion by the Commission that the councillor or member has not contravened the councillors' code or, as the case may be, the members' code.

5 (7) A period of suspension imposed upon a councillor under this section which would continue until or after the day of the next following ordinary election of councillors ends at the beginning of that day.

(8) If, however, the councillor is re-elected at that election, the Commission may re-impose the suspension.

(9) The period for which suspension may be re-imposed under subsection (8) above is that for which it would have continued to apply but for subsection (7) above.

10 (10) On the expiry (otherwise than by operation of subsection (6) or (7) above) of a period of suspension, it may be renewed by the Commission for a period not exceeding six months and a renewed period may likewise be further renewed.

20 Special provision for the Water Industry Commissioner

15 (1) Ministers shall issue (and may revise or re-issue) a code of conduct for the Water Industry Commissioner for Scotland (the "Water Commissioner's code").

(2) In doing so, Ministers shall have regard to the members' model code.

(3) The Water Commissioner shall set up, maintain and make available for public inspection a register of such interests as the Commissioner is required to register.

20 (4) Subsections (2) to (5) of section 6 above apply to such a register as they apply to a register set up by a devolved public body under subsection (1) of that section.

(5) The provisions of this Part of this Act except sections 18 and 19 apply in respect of the Water Commissioner's code and the conduct of the Water Industry Commissioner for Scotland as they apply in respect of a members' code and the conduct of a member of a devolved public body.

25 (6) Where the members of the Commission conducting a hearing under section 16 above and this section in respect of the conduct of the Water Commissioner conclude that the Water Commissioner has contravened the Water Commissioner's code, they shall impose one of the following sanctions—

(a) censuring, but otherwise taking no action against, the Water Commissioner;

30 (b) removing the Water Commissioner from office and from membership of any devolved public body of which the Commissioner is a member (whether as representing that office or otherwise) and disqualifying the Commissioner, for a period not exceeding five years, from that office and from membership of any devolved public body.

21 Protection from actions of defamation

35 (1) For the purposes of the law of defamation, any statement made in pursuance of the purposes of this Act by the Commission or any of its employees or by the Chief Investigating Officer or any of that Officer's employees shall be absolutely privileged.

(2) In subsection (1) above—

40 "statement" has the same meaning as in the Defamation Act 1996 (c.31);

"employee" shall be construed in accordance with paragraphs 7 and 8 of schedule 1 to this Act.

PART 3

GENERAL AND MISCELLANEOUS PROVISIONS RELATING TO PARTS 1 AND 2

22 Definitions

(1) In Parts 1 and 2 of this Act—

5 “Chief Investigating Officer” means the Chief Investigating Officer appointed under section 8 above;

“the Commission” means the Standards Commission for Scotland set up by section 7 above;

10 “council” means a council constituted by section 2 of the Local Government etc. (Scotland) Act 1994 (c.39);

“councillor” shall be construed accordingly;

“councillors’ code” means the code of conduct for councillors for which provision is made in section 1 above;

“devolved public body” means a body listed in schedule 3 to this Act;

15 “joint board” and “joint committee” have the meanings respectively given by section 235 of the Local Government (Scotland) Act 1973 (c.65);

“member”—

(a) in relation to a devolved public body, does not include a person who is also an employee of that body; and

20 (b) in relation to the Trustees of the National Library of Scotland, does not include a person who is an ex-officio member of the Board of Trustees,

but, when used in section 7(2) and (5) above, does include such a person;

“members’ code” means a code of conduct for members of a devolved public body for which code provision is made in section 3 above;

25 “members’ model code” means the model code for members of devolved public bodies issued under section 2(1) above;

“Ministers” means the Scottish Ministers;

(2) Ministers may by order modify schedule 3 to this Act by—

30 (a) adding to the bodies listed there any Scottish public authority with mixed functions or no reserved functions;

(b) deleting the entry relating to any body listed there.

(3) An order under subsection (2) above may contain such provisions as appear to Ministers to be necessary or expedient in connection with the addition or deletion effected by the order, including provisions modifying the application of this Act or any other enactment to the body to which the order relates.

35 (4) An order under subsection (2) above shall be made by statutory instrument.

(5) A statutory instrument made under this section shall be subject to annulment in pursuance of a resolution of the Scottish Parliament.

23 Effect of this Act on existing members of devolved public bodies

(1) Without prejudice to section 27 below, any provision in any other enactment or instrument which—

(a) regulates the conduct of a member of a devolved public body holding office on the coming into force of any provision of, or made under, this Act;

(b) provides to like effect as or is inconsistent with a provision of, or made under, this Act; and

(c) would, apart from this section, continue to regulate the conduct of the member of the devolved public body notwithstanding the coming into force of the provision of, or made under, this Act

shall thereupon cease to have effect as respects the member of the devolved public body and the provision of, or made under, this Act shall have effect in its place.

(2) In this section, the reference to any other enactment is a reference to any Act other than this Act and the reference to any other instrument is a reference to any instrument other than the members' code.

(3) Ministers may, by order, make such modifications as they consider necessary or expedient of any enactment or instrument of the kind mentioned in subsection (1)(a) above in order to make that enactment or instrument consistent with this Act and the members' code.

(4) An order under subsection (3) above shall be made by statutory instrument.

(5) No such order shall be made unless a draft of the statutory instrument has been laid before, and approved by a resolution of, the Scottish Parliament.

24 Suspension and disqualification of councillors: supplementary and consequential provisions

(1) In section 35 (vacation of office by failure to attend meetings) of the Local Government (Scotland) Act 1973 (c.65)—

(a) in subsection (1) for “(2) and (3)” there is substituted “(2) to (4)”;

(b) at the end there is added—

“(4) The absence of a member of a local authority from a meeting of the authority during a period of suspension imposed on the member under section 18 or 19(2) of the Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 00) is not, for the purposes of this section, a failure to attend the meeting.”.

(2) In section 36 (casual vacancies) of that Act, in paragraph (c), after the word “principal” there is inserted “or become vacant by operation of section 18(3)(a) (effect of disqualification) of the Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 00).”.

PART 4

CHANGES IN LAW ABOUT TEACHING AND WELFARE OF CHILDREN

25 Repeal of section 2A of Local Government Act 1986

Section 2A (prohibition on local authorities' activities in connection with same-sex relationships) of the Local Government Act 1986 (c.10) is repealed.

26 Councils' duties to children

(1) It is the duty of a council, in the performance of those of its functions which relate principally to children, to have regard to—

(a) the value of stable family life in a child's development; and

(b) the need to ensure that the content of instruction provided in the performance of those functions is appropriate, having regard to each child's age, understanding and stage of development.

(2) In this section—

“children” means persons of school age within the meaning of section 31 of the Education (Scotland) Act 1980 (c.44) and “child's” in subsection (1)(b) is to be construed accordingly;

“council” has the same meaning as in Parts 1 and 2 of this Act.

PART 5

GENERAL AND MISCELLANEOUS PROVISIONS RELATING TO PARTS 1 TO 4

27 Repeals

(1) The enactments specified in the left hand column of schedule 4 to this Act are repealed to the extent specified in the right hand column.

(2) The repeal of section 39 (meaning of pecuniary interests) of the Local Government (Scotland) Act 1973 (c.65) does not, however, extend to that section as it has effect for the purposes of section 68(1) (disclosure by local government officers of their pecuniary interests) of that Act.

28 Citation, commencement and transitional provision

(1) This Act may be cited as the Ethical Standards in Public Life etc. (Scotland) Act 2000.

(2) This Act (other than this section) comes into force on such day as Ministers may by order made by statutory instrument appoint; and different days may be so appointed for different purposes.

(3) An order under subsection (2) above may include such transitional provisions and savings as appear to Ministers to be necessary or expedient in connection with the provisions brought into force by the order.

SCHEDULE 1
(introduced by section 7)

THE STANDARDS COMMISSION FOR SCOTLAND

Status

- 5 1 (1) The Commission shall be a body corporate.
- (2) It shall not be regarded as the servant or agent of the Crown or have any status, immunity or privilege of the Crown, nor shall its members and employees be regarded as civil servants nor its property as property of or held on behalf of the Crown.

General powers

- 10 2 (1) The Commission may do such things and enter into such transactions as are calculated to facilitate, or are incidental or conducive to, the exercise of —
- (a) its functions; or
- (b) the functions of the Chief Investigating Officer.
- 15 (2) The power under sub-paragraph (1)(a) above includes in particular power to acquire and dispose of land.

Disqualification

- 3 A person is disqualified for being appointed as, or for being, a member of the Commission if the person is disqualified for being elected, or being, a councillor.

Convener

- 20 4 Ministers shall appoint one member of the Commission as its convener.

Tenure of office

- 5 (1) The appointment of the convener and members of the Commission shall be on such terms and conditions as Ministers determine.
- 25 (2) Subject to the provisions of this paragraph, a person holds and vacates office as the convener or a member of the Commission in accordance with the terms of appointment of that person.
- (3) The convener or a member may at any time resign his office by notice in writing addressed to the Ministers.
- (4) Ministers may remove the convener or a member from office if they consider—
- 30 (a) that the convener or member is unable or unfit to discharge the functions of office; or
- (b) that the convener or member has not complied with the terms of appointment of that person.
- (5) The convener, if ceasing to be a member of the Commission, also ceases to be convener.
- 35 (6) A person who ceases, otherwise than by virtue of sub-paragraph (3) above, to be the convener or a member of the Commission is eligible for reappointment.

Remuneration and allowances

- 6 The Commission may pay the convener and other members of the Commission such remuneration or allowances (if any) as Ministers may determine.

Employees

- 7 (1) The Commission shall appoint such staff as it considers necessary for the purpose of enabling it and the Chief Investigating Officer and other persons appointed under section 8 of this Act to exercise their respective functions.
- 5 (2) It shall pay to the members of its staff so appointed (referred to in this paragraph as “employees”) such remuneration and allowances as Ministers may determine.
- (3) Its employees shall be appointed on such other terms and conditions of service as it thinks fit.
- (4) It shall—
- 10 (a) pay such pensions, allowances or gratuities to or in respect of any persons who have been or are employees as Ministers may determine; and
- (b) make such payments as Ministers may determine towards the provision of pensions, allowances or gratuities to or in respect of any such persons.
- 15 (5) References in sub-paragraph (4) above to pensions, allowances or gratuities to or in respect of any such persons as are mentioned in that sub-paragraph include pensions, allowances or gratuities by way of compensation to or in respect of any employees of the Commission who suffer loss of office or employment.

Chief Investigating Officer

- 8 (1) The Commission shall pay to the Chief Investigating Officer and such persons appointed by him under section 8 such remuneration and allowances as Ministers may determine.
- 20 (2) It shall—
- (a) pay such pensions, allowances or gratuities to or in respect of such persons who are or have held the office of Chief Investigating Officer or are or have been employees of the Chief Investigating Officer as Ministers may determine; and
- 25 (b) make such payments as Ministers may determine toward the provision of pensions, allowances or gratuities to or in respect of any such persons.
- (3) References in sub-paragraph (2) above to pensions, allowances or gratuities to or in respect of any such persons as are mentioned in that sub-paragraph include pensions, allowances or gratuities by way of compensation to or in respect of any Chief Investigating Officer or employees of that Officer who suffer loss of office or employment.
- 30

Proceedings

- 9 (1) The Commission may regulate its own procedure (and in particular may specify a quorum for meetings).
- 35 (2) The validity of its proceedings is not affected—
- (a) by any vacancy among its members or in the office of its convener;
- (b) by any defect in the appointment of any person as convener or member; or
- (c) by a contravention of paragraph 4 above or 10 below.

Members’ interests

- 40 10 Any member of the Commission who is directly or indirectly interested in any matter being considered at a meeting of the Commission—

- (a) must disclose the nature of that interest to the meeting; and
- (b) must not take part in any deliberation or decision of the Commission with respect to that matter.

Expenses

- 5 11 The expenses incurred by the Commission shall be paid out of money provided by Ministers.

SCHEDULE 2
(introduced by section 8)

CHIEF INVESTIGATING OFFICER

10 *Appointment*

- 1 (1) The Chief Investigating Officer's appointment shall be on such terms and conditions as Ministers determine.
- (2) Those terms and conditions may include arrangements for the payment of pensions, allowances or gratuities to, or in respect of, persons who have ceased to hold office as Chief Investigating Officer.

Staff

- 2 (1) The Chief Investigating Officer may, with the consent of Ministers as to numbers, terms and conditions, appoint staff.
- (2) The Chief Investigating Officer may make arrangements for the payment of pensions, gratuities or allowances to, or in respect of, any person who has ceased to be a member of staff of the Chief Investigating Officer and may, in particular—
- (a) make contributions or payments towards provision for such pensions, gratuities or allowances; and
 - (b) establish and administer one or more pension schemes.
- 3 (3) Arrangements under sub-paragraph (2) are subject to the approval of Ministers.

Status

- 3 The Chief Investigating Officer and that Officer's staff shall not to be regarded as servants or agents of the Crown or have any status, immunity or privilege of the Crown.

SCHEDULE 3
(introduced by section 22)

DEVOLVED PUBLIC BODIES

The Accounts Commission for Scotland

The Clinical Standards Board for Scotland

The Common Services Agency for the Scottish Health Service, constituted under section 10 of the National Health Service (Scotland) Act 1978 (c.29)

The Crofters Commission

The Deer Commission for Scotland

The East of Scotland Water Authority

A health board, constituted under section 2 of the National Health Service (Scotland) Act 1978 (c.29)

Health Education Board for Scotland

5 Highlands and Islands Enterprise

The Board of Trustees for the National Galleries of Scotland, established under section 3 of the National Galleries of Scotland Act 1906 (c.50)

A National Health Service trust

10 The Trustees of the National Library of Scotland, constituted under section 1 of the National Library of Scotland Act 1925 (c.73)

The Board of Trustees of the National Museums of Scotland

The North of Scotland Water Authority

The Parole Board for Scotland

The Board of Trustees of the Royal Botanic Garden, Edinburgh

15 Scottish Ambulance Service Board

The Scottish Arts Council

Scottish Children's Reporter Administration

The Scottish Conveyancing and Executry Services Board

The Scottish Council for Post Graduate Medical and Dental Education

20 Scottish Enterprise

The Scottish Environment Protection Agency

The Scottish Further Education Funding Council

The Scottish Higher Education Funding Council

Scottish Homes

25 Scottish Hospital Endowments Research Trust, constituted under section 12 of the National Health Service (Scotland) Act 1978 (c.29)

The Scottish Legal Aid Board

The Scottish Medical Practices Committee, constituted under section 3 of the National Health Service (Scotland) Act 1978 (c.29)

30 Scottish Natural Heritage

The Scottish Qualifications Authority

The Scottish Sports Council

The Scottish Tourist Board

The State Hospitals Board for Scotland

35 The West of Scotland Water Authority

SCHEDULE 4
(introduced by section 27)

REPEALS

	<i>Enactment</i>	<i>Extent of repeal</i>
5	Local Government (Scotland) Act 1973 (c.65)	Sections 38 to 42. Section 60.
10	Local Government (Scotland) Act 1975 (c.30)	In section 28, subsection (3), the words “except where subsection (3A) below applies”; and subsection (3A).
	Local Government and Planning (Scotland) Act 1982 (c.43)	In Schedule 3, paragraph 14.
	Financial Services Act 1986 (c.60)	In Schedule 16, paragraph 9.
	Local Government Act 1988 (c.9)	Section 28.
15	Local Government and Housing Act 1989 (c.42)	Section 19. Section 32(2). In Schedule 6, paragraph 23. In Schedule 11, paragraph 33.
20	Local Government Finance Act 1992 (c.14)	In Schedule 13, paragraph 35.
	Local Government etc. (Scotland) Act 1994 (c.39)	In Schedule 13, paragraphs 92(9) and 161(9).

Ethical Standards in Public Life etc. (Scotland) Bill

[AS INTRODUCED]

An Act of the Scottish Parliament to establish a framework for securing the observance of high standards of conduct by councillors and other persons holding public appointments; and to repeal section 2A of the Local Government Act 1986 and make provision as to how councils are to exercise functions which relate principally to children.

Introduced by: Ms Wendy Alexander

On: 1 March 2000

Supported by: Mr Sam Galbraith, Mr Jack McConnell, Mr Frank McAveety

Bill type: Executive Bill

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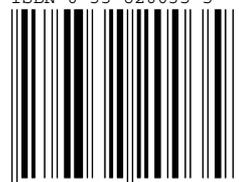
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ISBN 0-33-820035-5



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