

Ethical Standards Commissioner

OUR STATUTORY POWERS

Details of the legislation that gives us our powers

April 2019

Introduction

The Commissioner for Ethical Standards in Public Life in Scotland and his team:

- investigate complaints about the conduct of MSPs, local authority councillors, board members of public bodies and lobbyists
- regulate how people are appointed to the boards of public bodies in Scotland.

Statutory Powers and Responsibilities

The Commissioner's role is under-pinned by legislation.

The Commissioner's functions in relation to conduct are set out in

- a) the [Ethical Standards in Public Life etc. \(Scotland\) Act 2000](#) (the Ethical Standards Act),
- b) the [Scottish Parliamentary Standards Commissioner Act 2002](#) (the Parliamentary Standards Act) and
- c) the [Lobbying \(Scotland\) Act 2016](#) (the Lobbying Act).

The Commissioner's functions in relation to public appointments are set out in the [Public Appointments and Public Bodies etc. \(Scotland\) Act 2003](#) (the Public Appointments Act).

Background and timeline

1. The Ethical Standards Act assigns specific functions to the Chief Investigating Officer (2000).
2. The Parliamentary Standards Act assigns functions to the Scottish Parliamentary Standards Commissioner (2002).
3. The Public Appointments Act assigns functions to the Commissioner for Public Appointments in Scotland (2003).
4. The [Scottish Parliamentary Commissions and Commissioners Etc. Act 2010](#) establishes the Commission for Ethical Standards in Public Life in Scotland (the Commission) and brings these functions together as follows:-

The Commission is launched on 1 April 2011 and has two members:

- a) the Public Standards Commissioner for Scotland who is responsible for the functions previously undertaken by the Chief Investigating Officer and the Scottish Parliamentary Standards Commissioner and
- b) the Public Appointments Commissioner for Scotland who is responsible for the functions previously undertaken by the Commissioner for Public Appointments in Scotland.

5. The [Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013](#) (Scottish Statutory Instrument 2013/197)
 - a) abolishes the post of Public Standards Commissioner for Scotland
 - b) abolishes the post of Public Appointments Commissioner for Scotland
 - c) dissolves the Commission for Ethical Standards in Public Life in Scotland and
 - d) creates the post of Commissioner for Ethical Standards in Public Life in Scotland

The functions of the Commission for Ethical Standards, Public Standards Commissioner and Public Appointments Commissioner are transferred to the Commissioner for Ethical Standards.

The Commissioner for Ethical Standards is established on 1 July 2013.

6. The Lobbying Act assigns functions to the Commissioner for Ethical Standards (2016)

The Commissioner is independent of the Scottish Parliament and the Scottish Government.

Incumbents

A flow-chart showing previous and current incumbents of the above posts is given on the next page.

Incumbents

