



SCOTTISH PARLIAMENTARY STANDARDS COMMISSIONER

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From the Commissioner, Dr J A T Dyer OBE

PRESS NOTICE

THE ROLE OF THE SCOTTISH PARLIAMENTARY STANDARDS COMMISSIONER

I would like to clarify some aspects of my role as Parliamentary Standards Commissioner, as some recent press coverage has shown an imperfect understanding of it. Under a Direction from the Parliament, I cannot comment on a specific complaint investigation, even on its existence, but I can give accurate information about the investigation process in general.

I operate entirely independently of the Standards Committee and its clerks. The clerks are not under my jurisdiction. Being an independent investigator of complaints is my only role. After investigation, I report to the Standards Committee or sometimes to the prosecution authorities. It is the clerks who give advice to members in response to queries about what should be registered. If I require legal advice to assist in interpretation of the law relevant to a complaint, my advice is independent of that available to the clerks or the Committee.

I am not a final arbiter of what should be counted as a registrable interest. That is in the end a matter for the Parliament, and in some cases, the Courts. When I investigate a complaint I have, however, to reach a view on whether there may have been a breach of the rules; if such a breach would, if proved, be an offence, I have to stop investigating and report to the Procurator Fiscal. I have no discretion on whether to report in such circumstances.

Note:

The role of the Scottish Parliamentary Standards Commissioner, currently Dr Jim Dyer, is laid out in the Scottish Parliamentary Standards Commissioner Act 2002. Further guidance is available on the Commissioner's website at www.spsc.co.uk

The Commissioner has a Memorandum of Agreement with the Crown Office and Procurator Fiscal Service which explains how the Commissioner must act when faced with a likely breach of the provisions for registration of interests and some other matters which, if proved, would constitute an offence. This is available to view on the Commissioner's website.

Under rules set by the Parliament, the Commissioner may give general guidance on his role and complaint procedures but cannot comment on any specific case which may or may not be under investigation, even if publicity has been given to it by others.