



Ethical Standards in Public Life etc. (Scotland) Act 2000

2000 asp 7

PART 2 **S**

ENFORCEMENT

12 Conduct of [^{F1F2}... Commissioner's] investigations **S**

- (1) Subject to section 10 above and subsection (2) below, it is for the [^{F3}Commissioner] 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.
- ^{F4}(4)
- (5) If it appears to the [^{F3}Commissioner] that an investigation being carried out under this section will not be completed within three months of the date on which it began, [^{F5}the Commissioner] shall, in writing, inform—
 - (a) the Commission;
 - (b) the councillor or member whose contravention, or possible or alleged contravention, of the councillors' or, as the case may be, members' code is the subject of the investigation; and
 - (c) the council or devolved public body,of that fact.
- (6) Investigations shall, so far as is possible, only be undertaken in response to allegations of misconduct which are made in writing and signed by the complainant.

Textual Amendments

- F1** Words in s. 12 title substituted (1.4.2011) by virtue of [Scottish Parliamentary Commissions and Commissioners etc. Act 2010 \(asp 11\)](#), ss. 2(5), 31(5), [sch. 1 para. 9](#) (with s. 31(6), sch. 7)

Changes to legislation: There are currently no known outstanding effects for the Ethical Standards in Public Life etc. (Scotland) Act 2000, Section 12. (See end of Document for details)

- F2** Words in s. 12 heading omitted (1.7.2013) by virtue of The Public Services Reform (Commissioner for Ethical Standards in Public Life in Scotland etc.) Order 2013 (S.S.I. 2013/197), art. 1, **sch. 2 para. 4(b)** (with sch. 4 para. 3)
- F3** Words in s. 12(1)(4)(5) substituted (1.4.2011) by Scottish Parliamentary Commissions and Commissioners etc. Act 2010 (asp 11), ss. 2(5), 31(5), **sch. 1 para. 2** (with s. 31(6), sch. 7)
- F4** S. 12(4) omitted (1.7.2013) by virtue of The Public Services Reform (Commissioner for Ethical Standards in Public Life in Scotland etc.) Order 2013 (S.S.I. 2013/197), art. 1, **sch. 2 para. 4(a)** (with sch. 4 para. 3)
- F5** Words in s. 12(4)(5) substituted (1.4.2011) by Scottish Parliamentary Commissions and Commissioners etc. Act 2010 (asp 11), ss. 2(5), 31(5), **sch. 1 para. 4** (with s. 31(6), sch. 7)

Changes to legislation:

There are currently no known outstanding effects for the Ethical Standards in Public Life etc. (Scotland) Act 2000, Section 12.