



Scottish Public Services Ombudsman Act 2002

2002 asp 11

Investigations by the Ombudsman

12 Investigation procedure

- (1) An investigation under section 2 must be conducted in private.
- (2) Where the investigation is pursuant to a complaint, the Ombudsman must give—
 - (a) the listed authority in question, and
 - (b) any other person who is alleged in the complaint to have taken the action complained of,an opportunity to comment on any allegations contained in the complaint.
- (3) In other respects the procedure for conducting the investigation is to be such as the Ombudsman thinks fit.
- (4) The Ombudsman may, in particular—
 - (a) obtain information from such persons and in such manner, and make such inquiries, as the Ombudsman thinks fit,
 - (b) determine whether any person may be represented, by counsel or solicitor or otherwise, in the investigation.
- (5) The Ombudsman may pay to—
 - (a) the person by whom the complaint was made (where an investigation is pursuant to a complaint), and
 - (b) any other person who attends or supplies information for the purposes of an investigation (whether or not pursuant to a complaint),such allowances in respect of expenses properly incurred by the person and by way of compensation for loss of time as the Parliamentary corporation may determine.
- (6) The conduct of an investigation does not affect—
 - (a) any action taken by the listed authority in question,
 - (b) any power or duty of the listed authority to take further action with respect to any matter being investigated.

Status: Point in time view as at 01/05/2024.

Changes to legislation: There are currently no known outstanding effects for the Scottish Public Services Ombudsman Act 2002, Section 12. (See end of Document for details)

- [^{F1}(7) Any reference in subsections (2)(a) and (6)(a) and (b) to the listed authority in question or to the listed authority includes, in relation to an investigation following a complaint, references to a listed authority—
- (a) which is not mentioned in the complaint, but
 - (b) whose action is investigated by the Ombudsman in connection with the investigation.]

Textual Amendments

- F1** S. 12(7) inserted (1.4.2011) by [Scottish Parliamentary Commissions and Commissioners etc. Act 2010](#) (asp 11), s. 31(5), **sch. 3 para. 3** (with s. 31(6), sch. 7)

Status:

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