



Scottish Public Services Ombudsman Act 2002

2002 asp 11

[^{F1}Listed authorities: complaints handling procedures

[^{F1}16D] **Declarations of non-compliance**

- (1) Where a model CHP is relevant to a listed authority by virtue of a specification under section 16C(1) the Ombudsman may declare that the complaints handling procedure of the authority, a description of which was submitted by the authority under section 16C(3) or otherwise, does not comply with the model CHP.
- (2) Where there is no specification under section 16C(1) in relation to a listed authority the Ombudsman may declare that the complaints handling procedure of the authority, a description of which was submitted by the authority under section 16E or otherwise, does not comply with the statement of principles.
- (3) Where a declaration is made under subsection (1) or (2) the Ombudsman—
 - (a) must give reasons in writing,
 - (b) may specify such modifications to the complaints handling procedure as would result in the declaration being withdrawn.
- (4) Where a declaration is made under subsection (1) or (2) the listed authority must submit a description of its complaints handling procedure, having taken account of the reasons given under subsection (3)(a) and any modifications specified in subsection (3)(b), within 2 months of the declaration.
- (5) The Ombudsman may withdraw a declaration of non-compliance made under subsection (1) or (2) at any time if the Ombudsman thinks fit.]

Textual Amendments

- F1** Ss. 16A-16G and cross-heading inserted (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010](#) (asp 8), **ss. 119**, 134(7); S.S.I. 2010/221, art. 3(2), sch.

Changes to legislation:

There are currently no known outstanding effects for the Scottish Public Services Ombudsman Act 2002, Section 16D.