

SCHEDULE 3
AMENDMENTS OF THE **SCOTTISH PUBLIC SERVICES OMBUDSMAN ACT 2002 (ASP 11)**

Disqualification, terms of office, status, removal etc.

- 13 In paragraph 4 (period of office, tenure etc.)—
- (a) in sub-paragraph (1)—
 - (i) in paragraph (a) for “five” there is substituted “eight”, and
 - (ii) for paragraph (d) there is substituted—
 - “(d) may be removed from office by Her Majesty if sub-paragraph (2C) applies,”
 - (b) for sub-paragraphs (2) and (3) there is substituted—
 - “(2A) A person who has held office as Ombudsman or deputy Ombudsman is ineligible for reappointment at any time.
 - (2B) Such a person is, however, eligible for appointment to the other office, but may not hold that office beyond the expiry of the period for which the person was first appointed.”
 - (c) after sub-paragraph (2B) (as inserted by this paragraph) there is inserted—
 - “(2C) This sub-paragraph applies if—
 - (a) the Parliamentary corporation is satisfied that the Ombudsman has breached the terms and conditions of office and the Parliament resolves that the Ombudsman should be removed from office for that breach, or
 - (b) the Parliament resolves that it has lost confidence in the Ombudsman’s willingness, suitability or ability to perform the functions of the Ombudsman,and, in either case, the resolution is voted for by a number of members not fewer than two thirds of the total number of seats for members of the Parliament.
 - (2D) Sub-paragraph (2C) applies in respect of a deputy Ombudsman as it applies in respect of the Ombudsman.
 - (2E) The terms and conditions of office referred to in sub-paragraph (1)(e) may, without prejudice to paragraph 1—
 - (a) prohibit the Ombudsman or deputy Ombudsman from holding any other specified office, employment or appointment or engaging in any other specified occupation,
 - (b) provide that the Ombudsman’s or deputy Ombudsman’s holding of any such office, employment or appointment or engagement in any such occupation is subject to the approval of the Parliamentary corporation.
 - (2F) In sub-paragraph (2E), “specified” means specified in the terms and conditions of office or within a description so specified.”