
STATUTORY INSTRUMENTS

1999 No. 1351

The Scotland Act 1998 (Transitory and Transitional Provisions) (Complaints of Maladministration) Order 1999

Obstruction and contempt

13.—(1) Where—

- (a) a person, without lawful excuse, obstructs the Scottish Commissioner or any member of his staff in the performance of his functions; or
- (b) a person does any act or fails to take any action in relation to an investigation which, if that investigation were a proceeding in the Court of Session, would constitute contempt of court,

the Scottish Commissioner may apply by petition to the Court of Session for that person to be dealt with for contempt.

(2) Where such a petition is presented, the Court of Session may inquire into the matter and after hearing—

- (a) any witnesses who may be produced against or on behalf of the person alleged to have committed the contempt; and
- (b) any statement that may be offered in defence,

may, if satisfied that a contempt has been committed, deal with that person in any manner in which it would deal with him if he had committed the same contempt in relation to the Court of Session.

(3) Nothing in this article shall be construed as applying to the taking of any such action as is mentioned in article 11(4).