



# Scottish Public Services Ombudsman Act 2002

2002 asp 11

## SCOTTISH PUBLIC SERVICES OMBUDSMAN ACT 2002

### *The Scottish Public Services Ombudsman*

#### 1 The Scottish Public Services Ombudsman

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SCHEDULE 1 — The Scottish Public Services Ombudsman

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- 2 Status
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- 4 Term of office and tenure
- 5 Vacancy in office of Ombudsman
- 6 Vacancy in office of deputy Ombudsman
- 7 Remuneration
- 8 Pensions etc.
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- 12 General powers
- 13 Financial provision
- 14 Accountable officer
- 15 Accounts and audit

SCHEDULE 2 — Listed authorities

Part 1 — ENTRIES NOT AMENDABLE BY ORDER IN COUNCIL

- 1 Scottish Parliament and Scottish Administration
- 2 Any member of the Scottish Executive.
- 3 Any other office-holder in the Scottish Administration.
- 4 Health service
- 5 Any person who is, or was at the time of...
- 6 Any person who is, or was at the time of...
- 7 Local government etc.
- 8 Any committee, joint committee or joint board the members of...
- 9 Any person who, by virtue of section 56(1) of the...
- 10 Any licensing board within the meaning of the Licensing (Scotland)...
- 11 The Strathclyde Passenger Transport Authority.
- 12 Any National Park authority.
- 13 Any joint board constituted by an administration order under section...
- 14 Any joint police board constituted by an amalgamation scheme made...
- 15 Any Children's Panel Advisory Committee formed under paragraph 3, or...
- 16 Any joint committee, for the administration of superannuation schemes for...
- 17 Housing

Part 2 — ENTRIES AMENDABLE BY ORDER IN COUNCIL

- 18 Scottish public authorities
- 19 Audit Scotland.
- 20 The Auditor General for Scotland.
- 21 The Chief Investigating Officer established by section 9(1) of the...

- 22 The Crofters Commission.
- 23 The Deer Commission for Scotland.
- 24 The General Teaching Council for Scotland.
- 25 Highlands and Islands Enterprise.
- 26 Learning and Teaching Scotland.
- 27 Any local enterprise company, that is to say any company...
- 28 The Local Government Boundary Commission for Scotland.
- 29 The Board of Trustees for the National Galleries of Scotland....
- 30 The Trustees of the National Library of Scotland.
- 31 The Board of Trustees of the National Museums of Scotland....
- 32 The Parole Board for Scotland.
- 33 The Board of Trustees of the Royal Botanic Garden, Edinburgh....
- 34 The Royal Commission on the Ancient and Historical Monuments of...
- 35 The Scottish Agricultural Wages Board.
- 36 The Scottish Arts Council.
- 37 The Scottish Children's Reporter Administration.
- 38 The Scottish Commission for the Regulation of Care.
- 39 Scottish Enterprise.
- 40 The Scottish Environment Protection Agency.
- 41 The Scottish Further Education Funding Council.
- 42 The Scottish Further Education Unit.
- 43 The Scottish Higher Education Funding Council.
- 44 Scottish Homes.
- 45 The Scottish Hospital Endowments Research Trust.
- 46 The Scottish Legal Aid Board.
- 47 The Scottish Medical Practices Committee.
- 48 Scottish Natural Heritage.
- 49 The Scottish Qualifications Authority.
- 50 Scottish Screen.
- 51 The Scottish Social Services Council.
- 52 The Scottish Sports Council.
- 53 The Scottish Tourist Board.
- 54 The Standards Commission for Scotland.
- 55 The Water Industry Commissioner for Scotland.
- 56 Any holder of an office— (a) established by or under...
- 57 Cross-border public authorities
- 58 British Potato Council.
- 59 British Tourist Authority.
- 60 British Wool Marketing Board.
- 61 Central Bureau for Educational Visits and Exchanges.
- 62 Committee of Investigation for Great Britain.
- 63 Community Development Foundation.
- 64 Construction Industry Training Board.
- 65 Consumers' Committee for Great Britain.
- 66 The Criminal Injuries Compensation Appeals Panel.
- 67 The Criminal Injuries Compensation Authority.
- 68 Design Council.
- 69 Engineering Construction Industry Training Board.
- 70 Food from Britain.
- 71 Forestry Commissioners.
- 72 Home-Grown Cereals Authority.
- 73 Horticultural Development Council.
- 74 Intervention Board for Agricultural Produce.

*Status: This is the original version (as it was originally enacted).*

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- 75 Joint Nature Conservation Committee.
- 76 The licensing authority designated under section 1(1) of the Activity...
- 77 Meat and Livestock Commission.
- 78 Milk Development Council.
- 79 National Consumer Council.
- 80 National Radiological Protection Board.
- 81 Police Information Technology Organisation.
- 82 Rail Passengers' Committee for Scotland (formerly known as the Rail...
- 83 Scottish Consumer Council.
- 84 Sea Fish Industry Authority.
- 85 The Theatres Trust.
- 86 Traffic Commissioner for the Scottish Traffic Area.
- 87 The Trustees of the National Heritage Memorial Fund.
- 88 United Kingdom Sports Council.
- 89 Unrelated Live Transplant Regulatory Authority.

SCHEDULE 3 — Specified tribunals for the purposes of sections 6 and 7

- 1 The Dairy Produce Quota Tribunal for Scotland.
- 2 Any Independent Schools Tribunal constituted in accordance with Schedule 2...
- 3 The Lands Tribunal for Scotland.
- 4 Any Meat Hygiene Appeals Tribunal constituted under—
- 5 Any rent assessment committee constituted under section 44 of the...
- 6 The Plant Varieties and Seeds Tribunal.
- 7 The Scottish Land Court.

SCHEDULE 4 — Matters which the Ombudsman must not investigate

- 1 Action taken— (a) by or with the authority of a...
- 2 The commencement or conduct of— (a) civil or criminal proceedings...
- 3 Action taken by any office-holder in, or member of the...
- 4 Action taken by a member of the administrative staff of...
- 5 Action taken by a person appointed under section 5(3)(c) of...
- 6 Any exercise of the prerogative of mercy or of the...
- 7 (1) Action taken in matters relating to contractual or other...
- 8 Action taken in respect of appointments or removals, pay, discipline,...
- 9 The grant of honours, awards or privileges within the gift...
- 10 Action concerning— (a) the giving of instruction, whether secular or...
- 11 Action taken by the Mental Welfare Commission for Scotland under—...
- 12 Action which has been, or is, the subject of an...
- 13 Action taken by a Health Board in the exercise of...
- 14 Action taken by a Health Board in the exercise of...
- 15 Action relating to the determination of the amount of any...

SCHEDULE 5 — Disclosure of information by the Ombudsman

SCHEDULE 6 — Modification of enactments

- 1 Local Government (Scotland) Act 1975 (c. 30)
- 2 Local Government (Scotland) Act 1978 (c. 4)
- 3 Local Government Act 1978 (c. 39)
- 4 Local Government, Planning and Land Act 1980 (c. 65)
- 5 Local Government (Miscellaneous Provisions) (Scotland) Act 1981 (c. 23)
- 6 Mental Health (Scotland) Act 1984 (c. 36)

- 7 Hospital Complaints Procedure Act 1985 (c. 42)
- 8 Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73)
- 9 Legal Aid (Scotland) Act 1986 (c. 47)
- 10 Local Government Act 1988 (c. 9)
- 11 Housing (Scotland) Act 1988 (c. 43)
- 12 Official Secrets Act 1989 (c. 6)
- 13 Local Government and Housing Act 1989 (c. 42)
- 14 Health Service Commissioners Act 1993 (c. 46)
- 15 Local Government etc. (Scotland) Act 1994 (c. 39)
- 16 Children (Scotland) Act 1995 (c. 36)
- 17 Town and Country Planning (Scotland) Act 1997 (c. 8)
- 18 Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (c. 9)
- 19 Planning (Hazardous Substances) (Scotland) Act 1997 (c. 10)
- 20 Scottish Legal Services Ombudsman and Commissioner for Local Administration in Scotland Act 1997 (c. 35)
- 21 Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7)
- 22 National Parks (Scotland) Act 2000 (asp 10)
- 23 Freedom of Information Act 2000 (c. 36)
- 24 Regulation of Care (Scotland) Act 2001 (asp 8)

SCHEDULE 7 — Transfer of staff, property and liabilities and undetermined complaints

- 1 Interpretation
- 2 Transfer of staff of existing Commissioners and Scottish Homes
- 3 Transfer of property etc. of existing Commissioners and Scottish Homes
- 4 Transfer of undetermined statutory complaints
- 5 Transfer of undetermined housing complaints