

*These notes relate to the Scottish Public Services Ombudsman Act 2002 (asp 11) which received Royal Assent on 23 April 2002*

# SCOTTISH PUBLIC SERVICES OMBUDSMAN ACT 2002

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### *Investigations by the Ombudsman*

#### *Section 2 – Power of investigation*

16. This section sets out the investigatory powers of the Ombudsman.
17. *Subsections (1) and (2)* provide for the Ombudsman to investigate any matter that consists of action taken by or on behalf of a person liable to investigation by the Ombudsman (as defined in section 3). The matter must be one the Ombudsman is entitled to investigate (see sections 5 to 8) and a matter in respect of which a complaint has been made to the Ombudsman or a request for an investigation has been made by the person liable to investigation.
18. *Subsection (3)* empowers the Ombudsman to determine whether to initiate, continue or discontinue an investigation under section 2.
19. *Subsections (4) and (5)* enable the Ombudsman to take whatever action he or she thinks may be helpful in deciding whether to initiate, continue or discontinue an investigation, including action with a view to achieving informal resolution of a complaint or request.