

# SCOTTISH PUBLIC SERVICES OMBUDSMAN ACT 2002

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### *Investigations by the Ombudsman*

#### *Section 15 – Reports on investigations*

58. This section sets out how the Ombudsman must report on investigations. In particular, it specifies who should receive copies of an investigation report, requires a copy to be laid before the Parliament, provides that a report must not normally identify any person (other than the listed authority) and sets out requirements for publicising an investigation report.
59. *Subsection (2)* provides that section 11(3) of the Act applies in respect of reports subsequent to complaints, so that when a person is no longer authorised to act for the purposes of section 9(1)(b), the Ombudsman is to send a copy of the report to whomever he/she considers is acting in a similar capacity. *Subsection (7)* provides that any person who obstructs another person from inspecting or obtaining a copy of an investigation report shall be guilty of an offence. On conviction a person would be liable to a fine not exceeding level 3 (currently £1,000) on the standard scale.