

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

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Investigations by the Ombudsman

Section 3 and schedule 2 – Persons liable to investigation

20. This section and *schedule 2* set out which persons, or classes of persons, are liable to investigation by the Ombudsman (throughout the Act referred to as *listed authorities*) and provide for amendments to be made to Part 2 of that list of persons.
21. *Subsection (1)* provides that the persons, or classes of persons, listed in Parts 1 and 2 of schedule 2 are liable to investigation by the Ombudsman.
22. *Subsections (2) to (6)* provide for Her Majesty, by Order in Council, to amend Part 2 of the schedule by adding, removing or modifying entries, subject to certain restrictions. Additions to the schedule may only be made if the entry relates to a Scottish public authority with mixed functions or no reserved functions; a publicly-owned company; or a person who is neither a Scottish public authority nor a publicly-owned company but who appears to Her Majesty to exercise functions of a public nature. A person who is neither a Scottish public authority nor a publicly-owned company must be consulted before being added to Part 2 of the schedule.