

# SCOTTISH PUBLIC SERVICES OMBUDSMAN ACT 2002

---

## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### *Investigations by the Ombudsman*

#### *Section 9 – Complaints: who may complain*

41. Under *subsections (1) and (2) of section 9* a complaint may be made to the Ombudsman by the *person aggrieved* (see definition in subsection 5(4)), or by a person authorised in writing by the person aggrieved. The persons who may be authorised by the person aggrieved include an MSP, a listed authority or a member, officer or member of staff of a listed authority (e.g. a local councillor).
42. The effect of *subsection (3)* is to enable complaints to be considered by the Ombudsman where a person aggrieved for whatever reason is unable to pursue the complaint themselves.
43. By virtue of *subsection (4)*, the person aggrieved must be (or have been) a resident in the United Kingdom at the time a complaint is made, except in the limited circumstances set out in *subsection (5)*.