

*Changes to legislation: Scottish Public Services Ombudsman Act 2002, Paragraph 1 is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## SCHEDULE 1 THE SCOTTISH PUBLIC SERVICES OMBUDSMAN

### *Disqualification*

- 1 (1) A person is disqualified from appointment, and from holding office, as Ombudsman or deputy Ombudsman if that person is—
- (a) a member of the House of Commons,
  - (b) a member of the Scottish Parliament,
  - (c) a listed authority (within the meaning of section 3(1)),
  - (d) a member, officer or member of staff of a listed authority,
  - (e) disqualified from election as a member of the Scottish Parliament or as a member of a local authority.
- (2) A person holding office as Ombudsman or deputy Ombudsman—
- (a) is disqualified from appointment or, as the case may be, election as—
    - (i) the holder of any office which is a listed authority, or
    - (ii) a member, officer or member of staff of a listed authority,
  - (b) is not entitled to become a family health service provider or an independent provider (within the meaning of paragraph 5 or, as the case may be, 6 of schedule 2), and
  - (c) is disqualified from appointment to any paid office by a listed authority.
- [<sup>F1</sup>(3) A person who has ceased to hold office as Ombudsman or deputy Ombudsman may not, without the approval of the Parliamentary corporation—
- (a) be appointed or, as the case may be, elected as—
    - (i) the holder of any office which is a listed authority, or
    - (ii) a member, officer or member of staff of a listed authority,
  - (b) be appointed to any paid office by a listed authority, or
  - (c) hold any other office, employment, or appointment or engage in any other occupation, being an office, employment, appointment or occupation which, by virtue of paragraph 4(2E)(a), that person could not have held or, as the case may be, engaged in when Ombudsman or, as the case may be, Deputy Ombudsman.
- (3A) The restriction in sub-paragraph (3)—
- (a) starts when the person ceases to hold office as Ombudsman or, as the case may be, deputy Ombudsman, and
  - (b) ends on the expiry of the financial year following the one in which it started.
- (3B) In sub-paragraph (3), a “paid office” is one where the holder is entitled to remuneration or expenses or any combination of them.]
- (4) Sub-paragraph (3)(a)(ii) does not disqualify any person who has ceased to hold office as Ombudsman or deputy Ombudsman from election as a member of any local authority.
- (5) In this paragraph, references to a member of a listed authority include any member by co-option of any committee of a listed authority.
- (6) For the purposes of sub-paragraphs (2)(c) and (3)(b) an office is a paid office where the holder of the office is entitled to remuneration or expenses.

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### Textual Amendments

- F1** Sch. 1 para. 1(3)-(3B) substituted for sch. 1 para. 1(3) (1.4.2011) by [Scottish Parliamentary Commissions and Commissioners etc. Act 2010 \(asp 11\)](#), s. 31(5), [sch. 3 para. 11](#) (with s. 31(6), sch. 7)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 2 para. 37A inserted by [2007 asp 3 Sch. 5 para. 27](#) (This amendment not applied to legislation.gov.uk. Sch. 5 para. 27 repealed (31.1.2011) by 2010 asp 8, sch. 4 Pt. 2; S.S.I. 2011/30, art. 3(1), Sch. 1)
- sch. 2 para. 32ZA inserted by [2023 asp 6 sch. 2 para. 1\(2\)](#)