

*Status: Point in time view as at 01/10/2009.*

*Changes to legislation: Scottish Public Services Ombudsman Act 2002, SCHEDULE 2 is up to date with all changes known to be in force on or before 25 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)*

## SCHEDULE 2

(introduced by section 3)

### LISTED AUTHORITIES

#### PART 1

##### ENTRIES NOT AMENDABLE BY ORDER IN COUNCIL

##### *Scottish Parliament and Scottish Administration*

- 1 The Parliamentary corporation.
- 2 Any member of the Scottish Executive.
- 3 Any other office-holder in the Scottish Administration.

##### *Health service*

- 4 Any health service body, that is to say—
  - (a) any Health Board,
  - (b) any Special Health Board,
  - (c) any National Health Service trust,
  - (d) the Common Services Agency for the Scottish Health Service,
  - (e) the Scottish Dental Practice Board,
  - (f) the Mental Welfare Commission for Scotland.
- 5 Any person who is, or was at the time of the matter complained of, a family health service provider, that is to say—
  - <sup>[F1]</sup>(a) a person (whether an individual or a body) providing primary medical services under a general medical services contract (within the meaning of the National Health Service (Scotland) Act 1978) or general dental services under Part II of that Act,]
  - (b) a person (whether an individual or a body) undertaking to provide in Scotland general ophthalmic services or pharmaceutical services under that Part of that Act, or
  - (c) an individual performing in Scotland [<sup>F2</sup>primary medical services] or personal dental services in accordance with—
    - (i) arrangements made under section 17C of that Act, or
    - (ii) a pilot scheme under Part I of the National Health Service (Primary Care) Act 1997 (c.46),(except as an employee of, or otherwise on behalf of, a health service body or an independent provider).

#### Textual Amendments

- F1** Sch. 2 para. 5(a) substituted (1.4.2004) by [Primary Medical Services \(Scotland\) Act 2004 \(asp 1\), s. 9\(1\), sch. para. 4\(2\)\(a\)](#); S.S.I. 2004/58, art. 2(3)
- F2** Words in sch. 2 para. 5(c) substituted (1.4.2004) by [Primary Medical Services \(Scotland\) Act 2004 \(asp 1\), s. 9\(1\), sch. para. 4\(2\)\(b\)](#); S.S.I. 2004/58, art. 2(3)

*Status: Point in time view as at 01/10/2009.*

*Changes to legislation: Scottish Public Services Ombudsman Act 2002, SCHEDULE 2 is up to date with all changes known to be in force on or before 25 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)*

- 6 Any person who is, or was at the time of the matter complained of, an independent provider, that is to say a person (whether an individual or a body)—
  - (a) providing services of any kind in Scotland under arrangements with a health service body or family health service provider, and
  - (b) not being a health service body or a family health service provider.

*Local government etc.*

- 7 Any local authority.
- 8 Any committee, joint committee or joint board the members of which, other than ex officio members, are appointed by one or more local authorities.
- 9 Any person who, by virtue of section 56(1) of the Local Government (Scotland) Act 1973 (c.65), discharges any of the functions of a local authority.
- 10 Any licensing board [<sup>F3</sup>continued in existence by or established under section 5 of the Licensing (Scotland) Act 2005 (asp 16)] .

**Textual Amendments**

**F3** Words in sch. 2 para. 10 substituted (1.5.2007) by [Licensing \(Scotland\) Act 2005 \(asp 16\)](#), s. 150(2), [sch. 6 para. 9](#) (with s. 143); S.S.I. 2007/129, art. 3, sch.

- 11 The Strathclyde Passenger Transport Authority.
- [<sup>F4</sup>11A Any Transport Partnership created under the Transport (Scotland) Act 2005 (asp 12)]

**Textual Amendments**

**F4** Sch. 2 para. 11A inserted (10.10.2005) by [Transport \(Scotland\) Act 2005 \(asp 12\)](#), s. 54(2), [sch. 1 para. 19](#); S.S.I. 2005/454, art. 2, Sch. 2

- 12 Any National Park authority.
- [<sup>F5</sup>13 A joint fire and rescue board constituted by an amalgamation scheme made under section 2(1) of the Fire (Scotland) Act 2005 (asp 5).]

**Textual Amendments**

**F5** Sch. 2 para. 13 substituted (2.8.2005) by [Fire \(Scotland\) Act 2005 \(asp 5\)](#), s. 90, [sch. 3 para. 21](#) (with s. 77); S.S.I. 2005/392, art. 2(k)

- <sup>F6</sup>14 .....

**Textual Amendments**

**F6** Words in sch. 2 repealed (1.4.2007) by [Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(asp 10\)](#), s. 104(1), [sch. 6 para. 10\(2\)\(a\)](#); S.S.I. 2007/84, art. 3(3)

*Status: Point in time view as at 01/10/2009.*

*Changes to legislation: Scottish Public Services Ombudsman Act 2002, SCHEDULE 2 is up to date with all changes known to be in force on or before 25 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)*

- 15 Any Children’s Panel Advisory Committee formed under paragraph 3, or joint advisory committee formed under paragraph 8, of Schedule 1 to the Children (Scotland) Act 1995 (c.36).
- 16 Any joint committee, for the administration of superannuation schemes for persons employed in local government service or teachers, established by regulations under section 7 or 9 of the Superannuation Act 1972 (c.11) respectively.

### *Housing*

- 17 Any person who is, or was at the time of the matter complained of, a registered social landlord.

## PART 2

### ENTRIES AMENDABLE BY ORDER IN COUNCIL

#### *Scottish public authorities*

- 18 The Accounts Commission for Scotland.
- 19 Audit Scotland.
- 20 The Auditor General for Scotland.
- 20A [<sup>F7</sup>Bòrd na Gàidhlig]

#### Textual Amendments

- F7** Words in sch. 2 Pt. 2 inserted (13.2.2006) by [Gaelic Language \(Scotland\) Act 2005 \(asp 7\)](#), s. 13(2), [sch. 2 para. 2](#); S.S.I. 2006/31, art. 2

- 21 The Chief Investigating Officer established by section 9(1) of the Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7).
- [<sup>F8</sup>21A A community justice authority.]

#### Textual Amendments

- F8** Sch. 2 para. 21A inserted (3.4.2006) by [Management of Offenders etc. \(Scotland\) Act 2005 \(asp 14\)](#), [ss. 21\(11\)](#), [24\(2\)](#); S.S.I. 2006/48, art. 3(2), sch. Pt. 2

- [<sup>F9</sup>21B The Convener of the Water Customer Consultation Panels (appointed under paragraph 5(1) of schedule 1 to the Water Industry (Scotland) Act 2002 (asp 3)) and those Panels.]

#### Textual Amendments

- F9** Sch. 2 para. 21B inserted (1.4.2006) by [Water Services etc. \(Scotland\) Act 2005 \(asp 3\)](#), s. 37(2), [sch. 5 para. 8\(a\)](#) (with s. 36); S.S.I. 2006/167, art. 2, sch. 1

- 22 The Crofters Commission.

*Status: Point in time view as at 01/10/2009.*

*Changes to legislation: Scottish Public Services Ombudsman Act 2002, SCHEDULE 2 is up to date with all changes known to be in force on or before 25 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)*

- 23 The Deer Commission for Scotland.  
 24 The General Teaching Council for Scotland.  
 25 Highlands and Islands Enterprise.  
 [F10]25A The Judicial Appointments Board for Scotland.]

#### Textual Amendments

**F10** Sch. 2 para. 25A inserted (1.6.2009) by [Judiciary and Courts \(Scotland\) Act 2008 \(asp 6\)](#), s. 76(1), [sch. 1 para. 20\(1\)](#); [S.S.I. 2009/192](#), art. 2, [sch.](#)

- 26 Learning and Teaching Scotland.  
 27 Any local enterprise company, that is to say any company ( [F11]as defined in section 1(1) of the Companies Act 2006] )—  
 (a) which is a wholly owned subsidiary ( [F12]as defined in section 1159 of that Act] ) of Scottish Enterprise or Highlands and Islands Enterprise, and  
 (b) with which an agreement (not being one which has terminated) has been made in pursuance of section 19 of the Enterprise and New Towns (Scotland) Act 1990 (c.35) by Scottish Enterprise or Highlands and Islands Enterprise for the discharge by that company of any of the functions of Scottish Enterprise or, as the case may be, Highlands and Islands Enterprise.

#### Textual Amendments

**F11** Words in sch. 2 para. 27 substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), [Sch. 1 para. 201\(a\)](#) (with art. 10)  
**F12** Words in sch. 2 para. 27(a) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), [Sch. 1 para. 201\(b\)](#) (with art. 10)

- 28 The Local Government Boundary Commission for Scotland.  
 29 The Board of Trustees for the National Galleries of Scotland.  
 30 The Trustees of the National Library of Scotland.  
 31 The Board of Trustees of the National Museums of Scotland.  
 32 The Parole Board for Scotland.  
 [F13]32A The Police Complaints Commissioner for Scotland.]

#### Textual Amendments

**F13** Sch. 2 para. 32A inserted (1.4.2007) by [Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(asp 10\)](#), s. 104(1), [sch. 6 para. 10\(2\)\(b\)](#); [S.S.I. 2007/84](#), art. 3(3)

- 33 The Board of Trustees of the Royal Botanic Garden, Edinburgh.  
 34 The Royal Commission on the Ancient and Historical Monuments of Scotland.  
 35 The Scottish Agricultural Wages Board.

*Status: Point in time view as at 01/10/2009.*

*Changes to legislation: Scottish Public Services Ombudsman Act 2002, SCHEDULE 2 is up to date with all changes known to be in force on or before 25 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)*

- 36 The Scottish Arts Council.
- 37 The Scottish Children’s Reporter Administration.
- [<sup>F14</sup>37B The Scottish Commission for Human Rights.]

**Textual Amendments**

**F14** Sch. 2 para. 37B inserted (1.4.2008) by [Scottish Commission for Human Rights Act 2006 \(asp 16\)](#), s. 22(3), [sch. 1 para. 16](#) (with s. 22(2)); S.S.I. 2008/112, art. 2

- 38 The Scottish Commission for the Regulation of Care.
- 39 Scottish Enterprise.
- 40 The Scottish Environment Protection Agency.
- [<sup>F15</sup>40A The Scottish Further and Higher Education Funding Council.]

**Textual Amendments**

**F15** Sch. 2 para. 40A inserted (3.10.2005) by [Further and Higher Education \(Scotland\) Act 2005 \(asp 6\)](#), s. 36(2), [sch. 3 para. 11\(a\)](#); S.S.I. 2005/419, art. 2(1)

- <sup>F16</sup>41 .....

**Textual Amendments**

**F16** Sch. 2 para. 41 repealed (3.10.2005) by [Further and Higher Education \(Scotland\) Act 2005 \(asp 6\)](#), s. 36(2), [sch. 3 para. 11\(b\)](#); S.S.I. 2005/419, art. 2(1)

- 42 The Scottish Further Education Unit.
- <sup>F17</sup>43 .....

**Textual Amendments**

**F17** Sch. 2 para. 43 repealed (3.10.2005) by [Further and Higher Education \(Scotland\) Act 2005 \(asp 6\)](#), s. 36(2), [sch. 3 para. 11\(b\)](#); S.S.I. 2005/419, art. 2(1)

- 44 Scottish Homes.
- 45 The Scottish Hospital Endowments Research Trust.
- [<sup>F18</sup>45A The Scottish Information Commissioner.]

**Textual Amendments**

**F18** Sch. 2 Pt. II para. 45A inserted (30.9.2002) by [Freedom of Information \(Scotland\) Act 2002 \(asp 13\)](#), s. 71(1); S.S.I. 2002/437, art. 2

- 46 The Scottish Legal Aid Board.
- <sup>F19</sup>47 .....

*Status: Point in time view as at 01/10/2009.*

*Changes to legislation: Scottish Public Services Ombudsman Act 2002, SCHEDULE 2 is up to date with all changes known to be in force on or before 25 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)*

#### Textual Amendments

**F19** Words in Sch. 2 Pt. 2 repealed (1.4.2004) by [Public Appointments and Public Bodies etc. \(Scotland\) Act 2003 \(asp 4\)](#), s. 21(2), [Sch. 4 para. 16\(a\)](#); S.S.I. 2004/148, art. 2(c)

- 48 Scottish Natural Heritage.  
 49 The Scottish Qualifications Authority.  
 50 Scottish Screen.  
 51 The Scottish Social Services Council.  
 52 The Scottish Sports Council.  
 53 The Scottish Tourist Board.  
 54 The Standards Commission for Scotland.  
 [<sup>F20</sup>54A VisitScotland.]

#### Textual Amendments

**F20** Words in sch. 2 Pt. 2 inserted (1.4.2007) by [Tourist Boards \(Scotland\) Act 2006 \(asp 15\)](#), s. 5(1), [sch. 2 para. 7\(b\)](#); S.S.I. 2007/47, art. 2

- 55 The Water Industry [<sup>F21</sup>Commission] for Scotland.

#### Textual Amendments

**F21** Word in Sch. 2 para. 55 substituted (1.7.2005) by [Water Services etc. \(Scotland\) Act 2005 \(asp 3\)](#), s. 37(2), [sch. 5 para. 8\(b\)](#) (with s. 36); S.S.I. 2005/351, art. 2, sch. 2 (with art. 3(3))

- 56 Any holder of an office—  
 (a) established by or under any enactment, and  
 (b) appointments to, or designations of, which are made by a listed authority mentioned in paragraph 7 or 8 of Part 1 of this schedule.

#### *Cross-border public authorities*

- 57 British Library Board.  
 58 British Potato Council.  
 59 British Tourist Authority.  
 60 British Wool Marketing Board.  
 61 Central Bureau for Educational Visits and Exchanges.  
<sup>F22</sup>62 .....

#### Textual Amendments

**F22** Sch. 2 para. 62 repealed (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), s. 107, [Sch. 11 para. 171](#), [Sch. 12](#); S.I. 2006/2541, art. 2 (with Sch.)

*Status: Point in time view as at 01/10/2009.*

*Changes to legislation: Scottish Public Services Ombudsman Act 2002, SCHEDULE 2 is up to date with all changes known to be in force on or before 25 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)*

63 Community Development Foundation.

64 Construction Industry Training Board.

<sup>F23</sup>65 .....

**Textual Amendments**

**F23** Sch. 2 para. 65 repealed (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), s. 107, Sch. 11 para. 171, **Sch. 12**; S.I. 2006/2541, art. 2 (with Sch.)

<sup>F24</sup>66 .....

**Textual Amendments**

**F24** Words in sch. 2 Pt. 2 omitted (11.6.2009) by virtue of [The Scottish Public Services Ombudsman Act 2002 \(Amendment\) Order 2009 \(S.S.I. 2009/236\)](#), arts. 1, 2

67 The Criminal Injuries Compensation Authority.

68 Design Council.

69 Engineering Construction Industry Training Board.

70 Food from Britain.

71 Forestry Commissioners.

72 Home-Grown Cereals Authority.

73 Horticultural Development Council.

74 Intervention Board for Agricultural Produce.

75 Joint Nature Conservation Committee.

76 The licensing authority designated under section 1(1) of the Activity Centres (Young Persons' Safety) Act 1995 (c.15).

77 Meat and Livestock Commission.

78 Milk Development Council.

79 National Consumer Council.

<sup>F25</sup>80 .....

**Textual Amendments**

**F25** Sch. 2 para. 80 repealed (1.4.2005) by [Health Protection Agency Act 2004 \(c. 17\)](#), s. 12(1), **Sch. 4**; S.I. 2005/121, art. 2(2)

<sup>F26</sup>81 .....

**Textual Amendments**

**F26** Sch. 2 para. 81 repealed (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), **Sch. 15 Pt. 1(A)**; S.I. 2007/709, art. 3(q) (with art. 6)

*Status: Point in time view as at 01/10/2009.*

*Changes to legislation: Scottish Public Services Ombudsman Act 2002, SCHEDULE 2 is up to date with all changes known to be in force on or before 25 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)*

<sup>F27</sup>82 .....

**Textual Amendments**

**F27** Sch. 2 para. 82 repealed (24.7.2005) by [Railways Act 2005 \(c. 14\)](#), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), [Sch. 11 para. 11\(2\)](#)); S.I. 2005/1909, art. 2, Sch.

83 Scottish Consumer Council.

84 Sea Fish Industry Authority.

85 The Theatres Trust.

86 <sup>F28</sup> .....

**Textual Amendments**

**F28** Sch. 2 Pt. 2: entry relating to "Traffic Commissioner for the Scottish Traffic Area" omitted (23.10.2002) by virtue of [S.S.I. 2002/468](#), **art. 2**

87 The Trustees of the National Heritage Memorial Fund.

88 United Kingdom Sports Council.

89 Unrelated Live Transplant Regulatory Authority.

*Other bodies*

[<sup>F29</sup>90 The Health Protection Agency.]

**Textual Amendments**

**F29** Sch. 7 para. 90 and cross-heading inserted (1.4.2005) by [Health Protection Agency Act 2004 \(c. 17\)](#), s. 12(1), **Sch. 3 para. 18(3)**; S.I. 2005/121, art. 2(2)

[<sup>F30</sup>91 The Security Industry Authority.]

**Textual Amendments**

**F30** Sch. 2 para. 91 added (6.7.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 171(2)**, 178(6)(b); S.S.I. 2006/381, art. 2(b)(iv)

[<sup>F31</sup>91A The Statistics Board.]

**Textual Amendments**

**F31** Sch. 2 para. 91A inserted (1.4.2008) by [Statistics and Registration Service Act 2007 \(c. 18\)](#), **ss. 63(6)**, 74(1); S.I. 2008/839, art. 2

[<sup>F32</sup>91B The Committee on Climate Change.]



*Status: Point in time view as at 01/10/2009.*

*Changes to legislation: Scottish Public Services Ombudsman Act 2002, SCHEDULE 2 is up to date with all changes known to be in force on or before 25 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)*

#### Textual Amendments

**F32** Sch. 2 para. 91B inserted (26.11.2008) by [Climate Change Act 2008 \(c. 27\)](#), s. 100(1), [Sch. 1 para. 34\(3\)](#)

#### Textual Amendments

**F29** Sch. 7 para. 90 and cross-heading inserted (1.4.2005) by [Health Protection Agency Act 2004 \(c. 17\)](#), s. 12(1), [Sch. 3 para. 18\(3\)](#); S.I. 2005/121, art. 2(2)

**F30** Sch. 2 para. 91 added (6.7.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 171(2), 178(6)(b); S.S.I. 2006/381, art. 2(b)(iv)

**F31** Sch. 2 para. 91A inserted (1.4.2008) by [Statistics and Registration Service Act 2007 \(c. 18\)](#), ss. 63(6), 74(1); S.I. 2008/839, art. 2

**F32** Sch. 2 para. 91B inserted (26.11.2008) by [Climate Change Act 2008 \(c. 27\)](#), s. 100(1), [Sch. 1 para. 34\(3\)](#)

### [<sup>F33</sup>PART 3

#### OTHER ENTRIES AMENDABLE BY ORDER IN COUNCIL

#### Textual Amendments

**F33** Sch. 2 Pt. 3 added (3.10.2005) by [Further and Higher Education \(Scotland\) Act 2005 \(asp 6\)](#), ss. 27(3), 36(2); S.S.I. 2005/419, art. 2(1)

#### *Further and Higher Education*

92 (1) Any fundable body within the meaning of the Further and Higher Education (Scotland) Act 2005 (asp 6).

(2) Sub-paragraph (1) does not include the Open University (so far as it is a fundable body).

93 The Scottish Agricultural College.]

**Status:**

Point in time view as at 01/10/2009.

**Changes to legislation:**

Scottish Public Services Ombudsman Act 2002, SCHEDULE 2 is up to date with all changes known to be in force on or before 25 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.