

Status: Point in time view as at 17/03/2011.

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 28 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.
 - [^{F1}(g) Healthcare Improvement Scotland]

Textual Amendments

F1 Sch. 2 para. 4(g) added (1.10.2010 for specified purposes, 1.4.2011 in so far as not already in force) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [sch. 17 para. 25](#); S.S.I. 2010/321, art. 3, sch.; S.S.I. 2011/122, art. 2, sch.

- 5 Any person who is, or was at the time of the matter complained of, a family health service provider, that is to say—
 - [^{F2}(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 [^{F3}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).

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Textual Amendments

- F2** 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)
- F3** 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)

- 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 [^{F4}continued in existence by or established under section 5 of the Licensing (Scotland) Act 2005 (asp 16)] .

Textual Amendments

- F4** 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.
- [^{F5}11A Any Transport Partnership created under the Transport (Scotland) Act 2005 (asp 12)]

Textual Amendments

- F5** 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.
- [^{F6}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

- F6** 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)

- ^{F7}14

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Textual Amendments

F7 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)

- 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.

Prisons

- [^{F8}17A Any person who is, or was at the time of the matter complained of—
- (a) the governor of a prison appointed under section 3 of the Prisons (Scotland) Act 1989 (c. 45),
 - (b) a medical officer of a prison appointed under section 3A or (if appointed before 1 January 1998) section 3(1) of that Act, or
 - (c) in relation to a contracted out prison (within the meaning of section 106(4) of the Criminal Justice and Public Order Act 1994 (c. 33)—
 - (i) the director appointed under section 107(1) of that Act, or
 - (ii) a registered medical practitioner or other person providing appropriate medical services under section 107(6) of that Act,
- (but only to the extent that the action taken by or on behalf of that person is not a matter liable to investigation under this Act by virtue of paragraph 2 of this schedule).]

Textual Amendments

F8 Sch. 2 para. 17A inserted (1.10.2010) by [Scottish Parliamentary Commissions and Commissioners etc. Act 2010](#) (asp 11), s. 31(4), [sch. 3 para. 20](#) (with s. 31(6), sch. 7)

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.

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20A [F9]Bòrd na Gàidhlig]

Textual Amendments

F9 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).

[F10]21A A community justice authority.]

Textual Amendments

F10 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

[F11]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

F11 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

[F12]21C Creative Scotland.]

Textual Amendments

F12 Sch. 2 para. 21C inserted (1.7.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [sch. 10 para. 2\(a\)](#); S.S.I. 2010/221, art. 3(1)

22 The Crofters Commission.

[F13]23

Textual Amendments

F13 Sch. 2 Pt. 2 entry repealed (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [sch. 1 para. 29](#); S.S.I. 2010/221, art. 3(2), sch.

24 The General Teaching Council for Scotland.

25 Highlands and Islands Enterprise.

[F14]25A The Judicial Appointments Board for Scotland.]

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Textual Amendments

F14 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 (^{F15}as defined in section 1(1) of the Companies Act 2006]—

- (a) which is a wholly owned subsidiary (^{F16}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

F15 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)

F16 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.

^{F17}32A The Police Complaints Commissioner for Scotland.]

Textual Amendments

F17 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.

^{F18}36

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Textual Amendments

F18 Sch. 2 para. 36 repealed (1.7.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [sch. 10 para. 2\(b\)](#); S.S.I. 2010/221, art. 3(1)

37 The Scottish Children’s Reporter Administration.

[^{F19}37B The Scottish Commission for Human Rights.]

Textual Amendments

F19 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 [^{F20}The Scottish Commission for the Regulation of Care.]

Textual Amendments

F20 Sch. 2 para. 38 repealed (1.10.2010 for specified purposes) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [sch. 14 para. 11\(a\)](#); S.S.I. 2010/321, art. 3, sch.

39 Scottish Enterprise.

40 The Scottish Environment Protection Agency.

[^{F21}40A The Scottish Further and Higher Education Funding Council.]

Textual Amendments

F21 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)

^{F22}41

Textual Amendments

F22 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.

^{F23}43

Textual Amendments

F23 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.

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[^{F24}45A The Scottish Information Commissioner.]

Textual Amendments

F24 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.

^{F25}47

Textual Amendments

F25 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.

^{F26}50

Textual Amendments

F26 Sch. 2 para. 50 repealed (1.7.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), [s. 134\(7\)](#), [sch. 10 para. 2\(b\)](#); [S.S.I. 2010/221](#), [art. 3\(1\)](#)

51 The Scottish Social Services Council.

52 The Scottish Sports Council.

[^{F27}52A Social Care and Social Work Improvement Scotland.]

Textual Amendments

F27 Sch. 2 para. 52A inserted (1.10.2010 for specified purposes, 1.4.2011 in so far as not already in force) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), [s. 134\(7\)](#), [sch. 14 para. 11\(b\)](#); [S.S.I. 2010/321](#), [art. 3](#), [sch.](#); [S.S.I. 2011/122](#), [art. 2](#), [sch.](#)

53 The Scottish Tourist Board.

54 The Standards Commission for Scotland.

[^{F28}54A VisitScotland.]

Textual Amendments

F28 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 [^{F29}Commission] for Scotland.

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Textual Amendments

F29 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.
- ^{F30}62

Textual Amendments

F30 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.)

- 63 Community Development Foundation.
- 64 Construction Industry Training Board.
- ^{F31}65

Textual Amendments

F31 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.)

- ^{F32}66

Textual Amendments

F32 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.

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- 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.
- F33 80

Textual Amendments

F33 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)

- F34 81

Textual Amendments

F34 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)

- F35 82

Textual Amendments

F35 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 F36

Textual Amendments

F36 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.

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Other bodies

[^{F37}90 The Health Protection Agency.

Textual Amendments

F37 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)

[^{F37}
^{F38}91 The Security Industry Authority.]

Textual Amendments

F37 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)

F38 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)

[^{F39}91A The Statistics Board.]

Textual Amendments

F39 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

[^{F40}91B The Committee on Climate Change.]

Textual Amendments

F40 Sch. 2 para. 91B inserted (26.11.2008) by [Climate Change Act 2008 \(c. 27\)](#), s. 100(1), [Sch. 1 para. 34\(3\)](#)

[^{F41}91C Architecture and Design Scotland]

Textual Amendments

F41 Sch. 2 para. 91C inserted (17.3.2011) by [The Scottish Public Services Ombudsman Act 2002 Amendment Order 2011 \(S.S.I. 2011/208\)](#), arts. 1, [2\(2\)](#)

Textual Amendments

F37 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)

F38 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)

F39 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

F40 Sch. 2 para. 91B inserted (26.11.2008) by [Climate Change Act 2008 \(c. 27\)](#), s. 100(1), [Sch. 1 para. 34\(3\)](#)

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F41 Sch. 2 para. 91C inserted (17.3.2011) by [The Scottish Public Services Ombudsman Act 2002 Amendment Order 2011 \(S.S.I. 2011/208\)](#), arts. 1, **2(2)**

[^{F42}PART 3

OTHER ENTRIES AMENDABLE BY ORDER IN COUNCIL

Textual Amendments

F42 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:

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Changes to legislation:

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