

SCHEDULE 4

MATTERS WHICH THE OMBUDSMAN MUST NOT INVESTIGATE

- 7 (1) Action taken in matters relating to contractual or other commercial transactions of a listed authority.
- (2) The action referred to in sub-paragraph (1) does not include any action taken by or on behalf of a health service body, a family health service provider or an independent provider in matters—
- (a) relating to NHS contracts (as defined by section 17A of the National Health Service (Scotland) Act 1978 (c. 29)),
 - (b) arising from arrangements between a health service body and an independent provider for the provision of services by the provider,
 - (c) arising from arrangements between a family health service provider and an independent provider for the provision of services by the independent provider.
- (3) The transactions referred to in sub-paragraph (1) include, in particular, transactions relating to the operation of public passenger transport, the carrying on of a dock or harbour undertaking, the provision of entertainment, or the provision and operation of industrial establishments and of markets.
- (4) The transactions referred to in sub-paragraph (1) do not include—
- (a) any transaction relating to the acquisition or disposal of land,
 - (b) any transaction (not being a transaction mentioned in sub-paragraph (3)) in the discharge of functions exercisable under any public general Act, other than a transaction required for the procurement of the goods or services necessary to discharge those functions.