

Changes to legislation: There are currently no known outstanding effects for the Scottish Public Services Ombudsman Act 2002, SCHEDULE 6. (See end of Document for details)

SCHEDULE 6

(introduced by section 25)

MODIFICATION OF ENACTMENTS

Local Government (Scotland) Act 1975 (c.30)

- 1 Part II (local administration) of, and Schedules 4 and 5 to, the Local Government (Scotland) Act 1975 are repealed.

Local Government (Scotland) Act 1978 (c.4)

- 2 Section 4 (payments to Commissioner for Local Administration in Scotland and his officers) of the Local Government (Scotland) Act 1978 is repealed.

Local Government Act 1978 (c.39)

- 3 In section 1 (power for authorities to incur expenditure to remedy injustices caused by maladministration) of the Local Government Act 1978, the words “and section 29 of the Local Government (Scotland) Act 1975” are repealed.

Local Government, Planning and Land Act 1980 (c.65)

- 4 Section 184(2) (disclosure of information to Commissioner for Local Administration in Scotland) of the Local Government, Planning and Land Act 1980 is repealed.

Local Government (Miscellaneous Provisions) (Scotland) Act 1981 (c.23)

- 5 Schedule 1 (powers of Commissioner for Local Administration in Scotland) to the Local Government (Miscellaneous Provisions) (Scotland) Act 1981 is repealed.

Mental Health (Scotland) Act 1984 (c.36)

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Textual Amendments

- F1** Sch. 6 para. 6 repealed (5.10.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(asp 13\)](#), s. 333(2), [sch. 5 Pt. 1](#); [S.S.I. 2005/161](#), art. 3 (as substituted (1.7.2005) by [S.S.I. 2005/375](#), art. 2 and as amended (22.9.2005) by [S.S.I. 2005/459](#), art. 2)

Hospital Complaints Procedure Act 1985 (c.42)

- 7 In section 1 (hospital complaints procedure) of the Hospital Complaints Procedure Act 1985, in subsection (2), for “Health Service Commissioners Act 1993” substitute “ Scottish Public Services Ombudsman Act 2002 (asp 11) ”.

Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c.73)

- 8 Section 55 (power of Commissioner to investigate SSHA and new town development corporations) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 is repealed.

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Legal Aid (Scotland) Act 1986 (c.47)

- 9 In section 34 (confidentiality of information) of the Legal Aid (Scotland) Act 1986, in subsection (2), after paragraph (c) insert—
- “(d) for the purposes of any investigation by the Scottish Public Services Ombudsman under the Scottish Public Services Ombudsman Act 2002 (asp 11).”

Local Government Act 1988 (c.9)

- 10 In Schedule 3 (local government administration) to the Local Government Act 1988, paragraphs 11 to 17 are repealed.

Housing (Scotland) Act 1988 (c.43)

- 11 In Schedule 2 (amendments consequential on establishing of Scottish Homes and abolition of SSHA) to the Housing (Scotland) Act 1988, paragraph 4 is repealed.

Official Secrets Act 1989 (c.6)

- 12 In Schedule 1 (consequential amendments) to the Official Secrets Act 1989, paragraph 1(f) is repealed.

Local Government and Housing Act 1989 (c.42)

- 13 In the Local Government and Housing Act 1989, the following provisions are repealed—
- (a) section 23(2) (advice and guidance by Commissioner),
 - (b) section 27 (implementation of recommendations of Commissioner),
 - (c) section 29 (consideration of adverse reports: Scotland), and
 - (d) in Schedule 11 (minor and consequential amendments), paragraphs 44 to 46.

Health Service Commissioners Act 1993 (c.46)

- 14 The Health Service Commissioners Act 1993 is repealed.

Local Government etc. (Scotland) Act 1994 (c.39)

- 15 In Schedule 13 (minor and consequential amendments) to the Local Government etc. (Scotland) Act 1994, in paragraph 100, sub-paragraphs (6) and (7) are repealed.

Children (Scotland) Act 1995 (c.36)

- 16 In Schedule 4 (minor and consequential amendments) to the Children (Scotland) Act 1995, paragraph 25 is repealed.

Town and Country Planning (Scotland) Act 1997 (c.8)

- 17 In Schedule 4 (determination of certain appeals by person appointed by Scottish Ministers) to the Town and Country Planning (Scotland) Act 1997, in paragraph 8(2), for the words from “an officer” to the end substitute “a member of the staff of the Scottish Administration shall be treated for the purposes of the Scottish Public

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Services Ombudsman Act 2002 (asp 11) as functions conferred on the Scottish Ministers.”

Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (c.9)

- 18 In Schedule 3 (determination of certain appeals by person appointed by Scottish Ministers) to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in paragraph 7(2), for the words from “an officer” to the end substitute “ a member of the staff of the Scottish Administration shall be treated for the purposes of the Scottish Public Services Ombudsman Act 2002 (asp 11) as functions conferred on the Scottish Ministers. ”

Planning (Hazardous Substances) (Scotland) Act 1997 (c.10)

- 19 In the Schedule (determination of certain appeals by person appointed by Scottish Ministers) to the Planning (Hazardous Substances) (Scotland) Act 1997, in paragraph 7(2), for the words from “an officer” to the end substitute “ a member of the staff of the Scottish Administration shall be treated for the purposes of the Scottish Public Services Ombudsman Act 2002 (asp 11) as functions conferred on the Scottish Ministers. ”

Scottish Legal Services Ombudsman and Commissioner for Local Administration in Scotland Act 1997 (c.35)

- 20 Part II (Commissioner for Local Administration in Scotland) of the Scottish Legal Services Ombudsman and Commissioner for Local Administration in Scotland Act 1997 is repealed.

Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7)

- 21 In section 8 (Standards Commission for Scotland) of the Ethical Standards in Public Life etc. (Scotland) Act 2000, in subsection (8)—
- (a) for paragraph (b) substitute—
“(b) the Scottish Public Services Ombudsman,”
 - and
 - (b) for “Commissioner” in the second place where it occurs substitute “ Ombudsman ”.

National Parks (Scotland) Act 2000 (asp 10)

- 22 In schedule 5 (modification of enactments) to the National Parks (Scotland) Act 2000, paragraph 5 is repealed.

Freedom of Information Act 2000 (c.36)

- 23 (1) The Freedom of Information Act 2000 is amended as follows.
- (2) In section 76(1)(disclosure of information between Commissioner and ombudsmen), in the table—
- (a) the entries relating to—
 - (i) the Health Service Commissioner for Scotland,

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- (ii) the Commissioner for Local Administration in Scotland, and
 (iii) the Scottish Parliamentary Commissioner for Administration,
 are repealed,
 (b) after the entry relating to a Local Commissioner as defined by section 23(3) of the Local Government Act 1974, insert—

“The Scottish Public Services
 Ombudsman

The Scottish Public Services
 Ombudsman Act 2002 (asp 11)”.

- (3) In Schedule 7 (disclosure of information by ombudsmen), paragraph 13 is repealed.

Regulation of Care (Scotland) Act 2001 (asp 8)

- 24 Section 66 (maladministration) of the Regulation of Care (Scotland) Act 2001 is repealed.

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