



# Scottish Public Services Ombudsman Act 2002

2002 asp 11

*Supplementary*

## 23 Interpretation

- (1) In this Act, unless the context otherwise requires—
- “action” includes failure to act and related expressions are to be construed accordingly,
  - “complaint” means a complaint to the Ombudsman,
  - “deputy Ombudsman” has the meaning given in section 1(2),
  - “family health service provider” has the meaning given in paragraph 5 of schedule 2 and references to family health services are to any of the services mentioned in that paragraph,
  - “health service body” has the meaning given in paragraph 4 of schedule 2,
  - “independent provider” has the meaning given in paragraph 6 of schedule 2,
  - “listed authority” has the meaning given in section 3(1),
  - “local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39),
  - “the Ombudsman” has the meaning given in section 1(1),
  - “the Parliament” means the Scottish Parliament,
  - “the Parliamentary corporation” means the Scottish Parliamentary Corporate Body,
  - “patient” includes an expectant or nursing mother and a lying-in woman,
  - “person aggrieved” has the meaning given in section 5(4),
  - “registered social landlord” has the meaning given in section 111 of the Housing (Scotland) Act 2001 (asp 10),
  - “request” means a request for investigation under section 2(2).
- (2) For the purposes of this Act, action taken by or on behalf of a listed authority includes action taken by—
- (a) where the authority is a body, a member or committee of the body,
  - (b) an officer or member of staff of the authority,

- (c) any person acting on behalf of the authority, and
  - (d) any person to whom the authority has delegated functions.
- (3) Action taken by or on behalf of a member of the Scottish Executive does not, however, include action taken on behalf of the Scottish Ministers by a Minister of the Crown or government department by virtue of section 93 (agency arrangements) of the Scotland Act 1998 (c. 46).
- (4) Where a listed authority is an office-holder in the Scottish Administration, the persons referred to in subsection (2)(b) include, in particular, any member of the staff of the Scottish Administration assigned to assist the office-holder in question in the exercise of the office-holder's functions.