

SCOTTISH PARLIAMENTARY STANDARDS COMMISSIONER ACT 2002

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 12 – Investigation into excluded complaints

78. [Section 3\(2\)](#) prevents the Commissioner from investigating complaints that are excluded from his or her jurisdiction by the standing orders or the Code of Conduct (see paragraph 30). However, this provision is subject to the terms of this section which enables the Standards Committee to direct the Commissioner to investigate such a complaint at any time.
79. Under subsection (2), the Commissioner can be directed to take into account any information that is available in relation to the complaint.
80. Under subsection (3), the Commissioner can be directed to treat the excluded complaint as admissible and, in such a case, the Committee would be required to identify the relevant conduct provisions that may have been breached.
81. Where no direction as to admissibility is made, subsection (4) requires the Commissioner to treat the complaint as if it were a new one. This will ensure the provisions of section 7 as to Stage 1 procedure apply before any investigation at Stage 2 can be undertaken.