

SCOTTISH COMMISSION FOR HUMAN RIGHTS ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 8: Power to conduct inquiries

27. Subsection (1) states that the Commission can conduct inquiries into the policies or practices of a particular Scottish public authority, Scottish public authorities generally or Scottish public authorities of a particular description. Section 9 establishes certain restrictions upon these powers.
28. Subsection (4) sets out the procedure before starting an inquiry, requiring the Commission to draw up terms of reference and a summary of the procedure to be followed. The Commission must give notice of the proposed inquiry and its terms of reference and procedure to the relevant Scottish public authorities, and publicise such details in a manner that the Commission feels is appropriate to bring them to the attention of others affected by the inquiry.
29. ‘Relevant Scottish public authority’ is defined in subsection (7) to mean any public body which the Commission believes is likely to be required to give evidence or provide other information, or which has members, officers or staff who are likely to be so required.
30. Subsection (5) states that inquiries should be conducted in public but reserves to the Commission the ability to hear evidence in private.