

SCHEDULE 3
AMENDMENTS OF THE **SCOTTISH PUBLIC SERVICES OMBUDSMAN ACT 2002 (ASP 11)**

Investigations and reports

- 2 In section 11 (decisions not to investigate)—
- (a) in subsection (1) the passage from “after” to “complaint”, where it second occurs, becomes paragraph (a) of the subsection and after it there is inserted “, or
 - (b) decides to discontinue an investigation following a complaint.”,
 - (b) after subsection (3) there is inserted—
 - “(3A) Where the Ombudsman decides to discontinue an investigation following a complaint, any reference in paragraphs (b), (f) and (g) of subsection (2) to the listed authority in question or to the listed authority is to be construed as including a reference to a listed authority—
 - (a) which was not mentioned in the complaint, but
 - (b) whose action was investigated by the Ombudsman in connection with the investigation.”,
 - (c) after subsection (4) there is inserted—
 - “(5) Subsection (4) applies where the Ombudsman decides to discontinue an investigation following a request as it applies where the Ombudsman decides not to conduct such an investigation.”,
 - (d) accordingly, the title to the section becomes “**Decisions not to investigate or to discontinue investigations**”.