
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 152

**The Children and Young People (Scotland) Act
2014 (Part 4 and Part 5 Complaints) Order 2016**

Ombudsman’s remit in relation to Part 4 and Part 5 complaints

- 9.—(1) The 2002 Act is amended as follows.
- (2) After section 7(2) (matters which may be investigated: restrictions) insert—
- “(2A) Subsection (1) does not apply to the merits of a decision taken by or on behalf of a listed authority to the extent that the decision was taken in exercise of a function conferred by or under Part 4 or 5 of the 2014 Act.
- (2B) The Ombudsman is not entitled to investigate action taken in the exercise of a function conferred by or under Part 4 or 5 of the 2014 Act if the exercise of the function was not a matter which could have been the subject of a complaint under an order under section 30 or 43 of that Act in force at the time of the action.”.
- (3) In section 23(1) (interpretation), before the entry for “the 2015 Act”(1) insert—
- ““the 2014 Act” means the Children and Young People (Scotland) Act 2014,”.

(1) The entry for “the 2015 Act” in section 23(1) of the Scottish Public Services Ombudsman Act 2002 was inserted by section 13(7)(a) of the Welfare Funds (Scotland) Act 2015 ([asp 5](#)), and will come into force on 1st April 2016 (by virtue of [S.S.I. 2015/428](#)).