



Scotland Act 1998

1998 CHAPTER 46

PART V

MISCELLANEOUS AND GENERAL

Miscellaneous

91 Maladministration.

- (1) The Parliament shall make provision for the investigation of relevant complaints made to its members in respect of any action taken by or on behalf of—
 - (a) a member of the [^{F1}Scottish Government] in the exercise of functions conferred on the Scottish Ministers, or
 - (b) any other office-holder in the Scottish Administration.
- (2) For the purposes of subsection (1), a complaint is a relevant complaint if it is a complaint of a kind which could be investigated under the ^{M1}Parliamentary Commissioner Act 1967 if it were made to a member of the House of Commons in respect of a government department or other authority to which that Act applies.
- (3) The Parliament may make provision for the investigation of complaints in respect of—
 - (a) any action taken by or on behalf of an office-holder in the Scottish Administration,
 - (b) any action taken by or on behalf of the Parliamentary corporation,
 - (c) any action taken by or on behalf of a Scottish public authority with mixed functions or no reserved functions, or
 - (d) any action concerning Scotland and not relating to reserved matters which is taken by or on behalf of a cross-border public authority.
- (4) In making provision of the kind required by subsection (1), the Parliament shall have regard (among other things) to the Act of 1967.
- (5) Sections 53 and 117 to 121 shall not apply in relation to functions conferred by or under the Act of 1967.

Changes to legislation: There are currently no known outstanding effects for the Scotland Act 1998, Section 91. (See end of Document for details)

(6) In this section—

“action” includes failure to act (and related expressions shall be read accordingly),

“provision” means provision by an Act of the Scottish Parliament; and the references to the Act of 1967 are to that Act as it has effect on the commencement of this section.

Textual Amendments

F1 Words in Act substituted (3.7.2012) by [Scotland Act 2012 \(c. 11\)](#), **ss. 12(2)(a)**, 44(5) (with s. 12(3)); [S.I. 2012/1710](#), **art. 2(f)**

Modifications etc. (not altering text)

C1 S. 91(3)(d) modified (27.7.2004) by [Energy Act 2004 \(c. 20\)](#), **ss. 2(10)**, 198(2), **Sch. 1 para. 17(c)**; [S.I. 2004/1973](#), **art. 2**, **Sch.**

C2 S. 91(3)(d) modified by [Private Security Industry Act 2001 \(c. 12\)](#), **s. 2A** (as inserted (E.W.S) (30.6.2006 for S. and 6.7.2006 for E.W.) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 171(1)**, 178(6), **Sch. 15 para. 3**; [S.S.I. 2006/381](#), **art. 2**)

Marginal Citations

M1 1967 c. 13.

Changes to legislation:

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