

SCOTTISH PUBLIC SERVICES OMBUDSMAN ACT 2002

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Investigations by the Ombudsman

Section 12 – Investigation procedure

48. This section sets out certain requirements in relation to the conduct of investigations. In particular, investigations must be conducted in private and where the investigation arises out of a complaint (as opposed to a request from a listed authority) the Ombudsman must give the listed authority in question, and any other person involved in the action which is the subject of the complaint, the opportunity to comment on any allegations contained in the complaint. Otherwise, it is for the Ombudsman to determine the procedure for conducting an investigation.
49. *Subsection (5)* provides for the Ombudsman to pay the person making the complaint (but not a listed authority who has made a request), or any other person who is involved in an investigation, allowances in respect of expenses and compensation for loss of time. The amount of such payments will be determined by the Parliamentary corporation.