Welfare Funds (Scotland) Act 2015

2015 asp 5

General

12 Interpretation S

In this Act, "the Ombudsman" means the Scottish Public Services Ombudsman.

Commencement Information

I1 S. 12 in force at 1.4.2016 by S.S.I. 2015/428, **art. 2(2)**

13 Consequential modifications S

(1) The Scottish Public Services Ombudsman Act 2002 is modified as follows.

(2) In section 14(1)(a), after "functions" insert " under sections 2 to 13 ".

(3) After section 16G, insert—

"Other functions of the Ombudsman

16H Reviews under the Welfare Funds (Scotland) Act 2015

As well as the functions conferred by sections 2 to 16G, the Ombudsman has the functions in relation to the review of decisions by local authorities conferred by the 2015 Act (see sections 7 to 12 of that Act).".

(4) In section 18(1), after paragraph (c) insert—

"(d) any statement made by the Ombudsman in pursuance of section 11 of the 2015 Act,

(e) any statement made by the Ombudsman in communicating with any person for the purposes of a welfare fund review,

(f) any statement made by any person in communicating with the Ombudsman for the purposes of such a review.".

(5) In section 19—

Changes to legislation: *There are currently no known outstanding effects for the Welfare Funds (Scotland) Act 2015, Cross Heading: General. (See end of Document for details)*

(a) in subsection (2), after paragraph (d) insert—

"(e) where subsection (2A) applies, the purposes of a welfare fund review.",

(b) after subsection (2), insert—

"(2A) This subsection applies if—

(a) the matter in respect of which the complaint or request has been made relates to an exercise of a function by a local authority on an application to receive assistance in pursuance of section 2 of the 2015 Act, and

(b) the welfare fund review relates to the decision made by the authority on that application.

(2B) Information obtained by the Ombudsman or any of the Ombudsman's advisers in connection with a welfare fund review must not be disclosed except for any of the purposes specified in subsection (2C) or as permitted by subsection (3).

(2C) Those purposes are—

(a) the purposes of the review,

(b) the purposes of any proceedings for—

(i) an offence under the Official Secrets Acts 1911 to 1989 alleged to have been committed in respect of information obtained by the Ombudsman,

(ii) an offence of perjury alleged to have been committed in the course of the review,

(c) the purposes of an inquiry with a view to the taking of any of the proceedings mentioned in paragraph (b),

(d) where subsection (2D) applies, the purposes of any consideration of a complaint or request in respect of a matter, or the investigation of the matter.

(2D) This subsection applies if—

(a) the matter in respect of which the complaint or request has been made relates to an exercise of a function by a local authority on an application to receive assistance in pursuance of section 2 of the 2015 Act, and

(b) the welfare fund review relates to the decision made by the authority on that application.",

(c) in subsection (3), after "(1)" insert " or (2B) ",

(d) after subsection (5), insert—

"(5A) It is not competent to call upon the Ombudsman or the Ombudsman's advisers to give evidence in any proceedings (other than proceedings referred to in subsection (2C)) of matters coming to the knowledge of the Ombudsman or advisers in connection with a welfare fund review.".

(6) In section 20(1), after "Act" insert " or the 2015 Act ".

(7) In section 23(1)—

(a) before the entry for "action" insert—

""the 2015 Act" means the Welfare Funds (Scotland) Act 2015,",

(b) after the entry for "the Ombudsman" insert—

""the Ombudsman's functions" includes the Ombudsman's functions under the 2015 Act,",

(c) after the entry for "request" insert—

""welfare fund review" means a review in pursuance of an application under section 7(2) of the 2015 Act.".

Commencement Information

I2 S. 13 in force at 1.4.2016 by S.S.I. 2015/428, **art. 2(2)**

14 Commencement S

(1) This section and section 15 come into force on the day after Royal Assent.

(2) The other provisions of this Act come into force on such day as the Scottish Ministers may by order appoint.

(3) An order made under this section may include transitional, transitory or saving provision.

15 Short title S

The short title of this Act is the Welfare Funds (Scotland) Act 2015.

Changes to legislation:
There are currently no known outstanding effects for the Welfare Funds (Scotland) Act 2015, Cross Heading: General.