



Lobbying (Scotland) Act 2016

2016 asp 16

PART 3

OVERSIGHT AND ENFORCEMENT

Investigation of complaints

28 Withdrawal of complaint

- (1) At any time after a complaint has been made to the Commissioner and before a report is made to the Parliament under section 22(2)(b)(ii), the individual who made the complaint may withdraw the complaint by notifying the Commissioner.
- (2) A notification under subsection (1) must be—
 - (a) in writing, and
 - (b) signed by the individual who made the complaint.
- (3) When a complaint is withdrawn during an assessment under section 22(2)(a), the Commissioner must—
 - (a) cease to investigate the complaint, and
 - (b) inform the person who is the subject of the complaint—
 - (i) that the complaint has been withdrawn,
 - (ii) that the investigation into the complaint has ceased, and
 - (iii) of any reason given by the individual who made the complaint for withdrawing it.
- (4) When a complaint is withdrawn during an investigation under section 22(2)(b)(i), the Commissioner must—
 - (a) inform the person who is the subject of the complaint—
 - (i) that the complaint has been withdrawn, and
 - (ii) of any reason given by the individual who made the complaint for withdrawing it,
 - (b) invite that person to give the Commissioner views on whether the investigation should nevertheless continue, and

Status: This is the original version (as it was originally enacted).

- (c) after taking into account any relevant information, determine whether to recommend to the Parliament that the investigation should continue.
- (5) For the purposes of subsection (4)(c), “relevant information” includes—
- (a) any reason given by the individual who made the complaint for withdrawing it, and
 - (b) any views expressed by the person who is the subject of the complaint on whether the investigation should continue.
- (6) If the Commissioner determines to recommend to the Parliament that the investigation should cease, the Commissioner must—
- (a) cease to investigate the complaint,
 - (b) inform the individual who made the complaint that the investigation has ceased,
 - (c) inform the person who is the subject of the complaint that the investigation has ceased, and
 - (d) report to the Parliament—
 - (i) that the complaint has been withdrawn,
 - (ii) that the investigation has ceased, and
 - (iii) on any reason given by the individual who made the complaint for withdrawing it.
- (7) If the Commissioner determines to recommend to the Parliament that the investigation should continue, the Commissioner must report to the Parliament—
- (a) that the complaint has been withdrawn,
 - (b) on any reason given by the individual who made the complaint for withdrawing it,
 - (c) on any views on the matter expressed by the person who is the subject of the complaint on whether the investigation should continue,
 - (d) that the Commissioner recommends that the investigation should continue, and
 - (e) on the reasons for the Commissioner’s recommendation.
- (8) After receiving a report under subsection (7), the Parliament must direct the Commissioner to—
- (a) continue the investigation, or
 - (b) cease the investigation.
- (9) After receiving a direction under subsection (8), the Commissioner must inform the individual who made the complaint and the person who is the subject of the complaint whether the investigation will continue or cease.
- (10) Where the Commissioner is required under this section to provide reasons given by the individual who made the complaint for withdrawing it, the Commissioner may provide a summary of those reasons.