



Scottish Commission for Human Rights Act 2006

2006 asp 16

Inquiries

9 Restrictions as to scope of inquiry

- (1) The Commission may not, in the course of an inquiry (including the report of the inquiry), question the findings of any court or tribunal.
- (2) The Commission may conduct an inquiry into the policies and practices of a particular Scottish public authority only if—
 - (a) the authority is the only Scottish public authority with functions in relation to the subject matter of the inquiry, or
 - (b) the subject matter of the inquiry is about whether the human rights specified in subsection (6) are being respected by the authority.
- (3) The Commission may not conduct an inquiry into the policies and practices of any Scottish public authority in relation to a particular case.
- (4) However, subsection (3) does not prevent the Commission taking such policies and practices into account in the course of an inquiry.
- (5) The Commission may conduct an inquiry in relation to the management or operation of a particular institution only if—
 - (a) the institution is the only one of its kind in Scotland, or
 - (b) the subject matter of the inquiry is about whether the human rights specified in subsection (6) are being respected at the institution.
- (6) The human rights referred to in subsections (2)(b) and (5)(b) are those contained in the following, so far as ratified by the United Kingdom, namely—
 - (a) the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment adopted by Resolution 39/46 (10th December 1984) of the General Assembly of the United Nations,
 - (b) the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, done at Strasbourg on 26th November 1987,

Changes to legislation: *Scottish Commission for Human Rights Act 2006, Section 9 is up to date with all changes known to be in force on or before 25 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (c) any protocol to those Conventions, and
 - (d) such other international conventions, treaties or other international instruments as Her Majesty may by Order in Council specify for the purposes of this section.
- (7) No recommendation to make an Order in Council under subsection (6)(d) is to be made to Her Majesty in Council unless a draft of the Order has been laid before and approved by resolution of the Parliament.
- (8) In this section, “institution” means a prison, hospital, school, college, care home or other such establishment.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4A inserted by [2024 asp 1 s. 12\(2\)](#)
- s. 6(2A) inserted by [2024 asp 1 s. 12\(3\)](#)