



# Ethical Standards in Public Life etc. (Scotland) Act 2000

2000 asp 7

## PART 2

### ENFORCEMENT

#### **12 Conduct of Chief Investigating Officer's investigations**

- (1) Subject to section 10 above and subsection (2) below, it is for the Chief Investigating Officer to decide whether, when and how to carry out any investigation.
- (2) Investigations shall, so far as possible, be conducted confidentially.
- (3) An investigation may take place notwithstanding that the person whose conduct is to be investigated is no longer a councillor or, as the case may be, a member of a devolved public body.
- (4) The Chief Investigating Officer may arrange for any person to assist or advise that Officer and may pay such fees or allowances to that person as that Officer may, with the approval of Ministers, fix.
- (5) If it appears to the Chief Investigating Officer that an investigation being carried out under this section will not be completed within three months of the date on which it began, that Officer shall, in writing, inform—
  - (a) the Commission;
  - (b) the councillor or member whose contravention, or possible or alleged contravention, of the councillors' or, as the case may be, members' code is the subject of the investigation; and
  - (c) the council or devolved public body,of that fact.
- (6) Investigations shall, so far as is possible, only be undertaken in response to allegations of misconduct which are made in writing and signed by the complainant.