



# Scottish Public Services Ombudsman Act 2002

2002 asp 11

## *Investigations by the Ombudsman*

### **9 Complaints: who may complain**

- (1) A complaint may be made to the Ombudsman—
  - (a) by the person aggrieved, or
  - (b) by a person authorised in writing for the purpose by the person aggrieved.
- (2) The persons who may be authorised for the purpose of subsection (1)(b) include, in particular—
  - (a) a member of the Scottish Parliament,
  - (b) a listed authority,
  - (c) a member, officer or member of staff of a listed authority.
- (3) Despite subsection (1)—
  - (a) where an individual by whom a complaint might have been made has died or is for any reason unable to act, the complaint may be made by—
    - (i) any person authorised for the purpose of subsection (1)(b) before the individual's death or inability to act,
    - (ii) the individual's personal representatives or a member of the individual's family, or
    - (iii) any other person suitable to represent the individual,
  - (b) where a body by whom a complaint might have been made is for any reason unable to act for itself, the complaint may be made by another person suitable to represent it.
- (4) Except where subsection (5) applies, the person aggrieved must be resident in the United Kingdom at the time the complaint is made (or, if the person has died, must have been so resident at the time of death).
- (5) This subsection applies where the complaint relates to action taken—
  - (a) in relation to the person while the person was present—
    - (i) in the United Kingdom, or

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*Status: This is the original version (as it was originally enacted).*

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- (ii) on an installation in a designated area within the meaning of the Continental Shelf Act 1964 (c. 29), a ship registered in the United Kingdom or an aircraft so registered, or
- (b) in relation to rights or obligations which accrued or arose in the United Kingdom or on such an installation, ship or aircraft.