



# Scottish Parliamentary Standards Commissioner Act 2002

2002 asp 16

## *General*

### **13 Power to call for witnesses and documents**

- (1) Subject to subsection (2), at each stage of an investigation into a complaint the Commissioner may for the purposes of that investigation require any person, whether in or outside Scotland, who is able, in the opinion of the Commissioner, to give relevant evidence or to produce relevant documents, to do so.
- (2) The Commissioner may not impose such a requirement upon any person whom the Parliament could not require, under section 23 of the Scotland Act, to attend its proceedings for the purpose of giving evidence or to produce any documents for the same purposes.
- (3) A person is not obliged under this section to answer any question or to produce any document which that person would be entitled to refuse to answer or produce in proceedings in a court in Scotland.
- (4) Any statement made by a person in answer to any question which that person was obliged under this section to answer shall not be admissible in any criminal proceedings against that person, except where the proceedings are in respect of perjury relating to that statement.
- (5) A Scottish Law Officer or a procurator fiscal is not obliged under this section to answer any question or to produce any document which that officer would be entitled to decline to answer or to produce in accordance with section 27(3) or, as the case may be, section 23(10) of the Scotland Act.
- (6) The Commissioner may—
  - (a) administer an oath to any person giving evidence to the Commissioner; and
  - (b) require that person to take an oath.
- (7) Any person who refuses to take an oath when required to do so under subsection (6)(b) is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a period not exceeding three months.

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*Status: This is the original version (as it was originally enacted).*

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- (8) The Commissioner may pay such allowances and expenses to persons giving evidence before the Commissioner or producing documents which they have been required or requested to produce as the Commissioner may, with the agreement of the Parliamentary corporation, determine.
- (9) For the purposes of this section, a person shall be taken to comply with a requirement to produce a document if that person produces a copy of, or an extract of the relevant part of, the document.