

These notes relate to the Commissioner for Children and Young People (Scotland) Act 2003 (asp 17) which received Royal Assent on 1 May 2003

COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE (SCOTLAND) ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 9: Investigations: witnesses and documents

52. This section sets out the powers available to the Commissioner in gathering information and undertaking an investigation under section 7.
53. Subsection (1) authorises the Commissioner to require any person to give evidence or produce documents they hold. These powers apply to companies and other bodies as they do to individuals. The Commissioner cannot request information or evidence which is outwith the scope of the investigation as set out in the terms of reference.
54. Subsection (2) is based on section 23 of the Scotland Act and limits the Commissioner's powers to require the giving of evidence or the production of documents from certain persons. Section 23 imposes various restrictions on the Parliament's powers, for example, in relation to Ministers of the Crown, judges and members of tribunals.
55. Subsection (3) introduces schedule 2 (see paragraphs 76-83 below), which contains further provision with respect to witnesses and documents. Schedule 2 also details the sanctions for non-compliance with a requirement under this section.