

SCOTTISH COMMISSION FOR HUMAN RIGHTS ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 10: Evidence

37. Subsections (1) and (2) permit the Commission to require any Scottish public authority or member, officer or staff member of such an authority to give oral evidence, produce documents or to provide any other form of information deemed relevant to an inquiry.
38. Subsection (3) allows the Commission to consider information freely volunteered by public authorities or members of the public, provided that information is relevant to the inquiry.
39. Subsection (4) states that those required to give evidence by the Commission are not required to answer any question, produce any document or provide any information which those persons would be entitled to refuse to (as the case may be) answer, produce or provide in proceedings in a court in Scotland.
40. Subsection (5) amends the Legal Aid (Scotland) Act 1986 to provide that disclosure by the Scottish Legal Aid Board to the Commissioner of information obtained by Board in the exercise of its functions will not be a criminal offence
41. Further provision in relation to the requirement to provide evidence is made in Schedule 2.