

PUBLIC SERVICES REFORM (SCOTLAND) ACT 2010

EXPLANATORY NOTES

THE ACT

Part 6 – Health Care: Scrutiny and Improvement

Section 108 – Healthcare Improvement Scotland

Inquiries

Section 10Z12 – Inquiries

254. Subsection (1) allows HIS to set up an inquiry on the exercise of its functions, or over the provision of an independent health care service or a service provided under the health service, giving HIS the authority to investigate issues of serious concern that may arise in respect of their functions or any particular independent health care service or a service provided under the health service.
255. Subsection (2) enables an inquiry to be held in private. This might be necessary to protect, for example, a victim of child abuse.
256. Subsections (3) and (4) provide for sections 210(2) to (6) of the Local Government (Scotland) Act 1973 to apply in relation to an inquiry. This will enable the person holding the inquiry to issue a summons requiring an individual to give evidence or produce any documents in their custody or under their control at a stated time and place. If that person fails to attend (for reasons other than not having the necessary expenses of their visit paid or tendered), they are liable to a fine or imprisonment.
257. Subsections (5) and (6) allow HIS to determine who should pay their expenses in relation to an inquiry. Subsection (7) allows HIS to award expenses to parties involved in an inquiry and to direct who should pay those expenses.
258. Scottish Ministers also have a power to ask HIS to set up an inquiry under section 76 of the [National Health Service \(Scotland\) Act 1978 \(c. 29\)](#).