



# Public Services Reform (Scotland) Act 2010

2010 asp 8

## PART 8

### SCRUTINY AND COMPLAINTS

#### *Joint inspections*

#### **117 Regulations relating to joint inspections**

- (1) The Scottish Ministers may by regulations make further provision concerning joint inspections.
- (2) Regulations under subsection (1) may, in particular, make provision—
  - (a) as to seizure and removal of anything found during the course of a joint inspection,
  - (b) as to persons who may be authorised to carry out joint inspections,
  - (c) requiring or facilitating the sharing or production of information (including health records) for the purposes of a joint inspection,
  - (d) as to interviews and examinations (including physical and mental examinations) which may be carried out in connection with the inspections,
  - (e) requiring any person to provide to a person authorised to carry out a joint inspection an explanation of information produced to an authorised person,
  - (f) requiring information produced to a person authorised to carry out a joint inspection to be held in compliance with prescribed conditions and further disclosures to be made in compliance with such conditions,
  - (g) empowering a person authorised to carry out a joint inspection to enter any premises for the purposes of such an inspection,
  - (h) empowering a person authorised to carry out a joint inspection to disclose to a person prescribed for the purposes of this paragraph any information of a prescribed nature which the authorised person holds in consequence of such an inspection,
  - (i) as to reports in relation to a joint inspection,

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- (j) creating offences punishable on summary conviction by a fine not exceeding level 4 on the standard scale for the purpose of enforcing any provision of the regulations.
- (3) Where a person authorised to carry out a joint inspection is in possession of confidential information which has been obtained for the purposes of such an inspection, the person must not use or disclose that information other than—
- (a) for the purposes of that inspection,
  - (b) so as to comply with an enactment or court order requiring disclosure,
  - (c) to the extent considered necessary by the person for the purpose of protecting the welfare of—
    - (i) any child,
    - (ii) any adult at risk (within the meaning of section 3 of the Adult Support and Protection (Scotland) Act 2007 (asp 10)), or
  - (d) to the extent considered necessary by the person for the purpose of the prevention or detection of crime or the apprehension or prosecution of offenders.
- (4) In subsection (2), “health records” has the same meaning as in Part 5.
- (5) In subsection (2), “prescribed” means prescribed by regulations under subsection (1).
- [<sup>F1</sup>(6) In this section, “joint inspection” means an inspection conducted under section 115 or 116A.]

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#### Textual Amendments

- F1** S. 117(6) added (22.9.2014) by [Public Bodies \(Joint Working\) \(Scotland\) Act 2014 \(asp 9\)](#), ss. **56(4)**, [72\(2\)](#); [S.S.I. 2014/231](#), art. 2
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#### Commencement Information

- I1** S. 117 in force at 1.10.2010 for specified purposes by [S.S.I. 2010/321](#), art. 3, [Sch.](#)
- I2** S. 117 in force at 1.4.2011 in so far as not already in force by [S.S.I. 2011/122](#), art. 2, [Sch.](#)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 5 Ch. 3A amendment to earlier affecting provision 2019 asp 6, s. 12(2) by [S.S.I. 2023/127 reg. 3\(4\)](#)
- Pt. 5 Ch. 3A inserted by [2019 asp 6 s. 12\(2\)](#)