



Public Services Reform (Scotland) Act 2010

2010 asp 8

PART 5

SOCIAL CARE AND SOCIAL WORK: SCRUTINY AND IMPROVEMENT

CHAPTER 5

MISCELLANEOUS

98 **Inquiries**

- (1) The Scottish Ministers may cause an inquiry to be held into any matter connected with—
 - (a) the exercise by SCSWIS of its functions, or
 - (b) the provision of a social service.
- (2) SCSWIS may cause an inquiry to be held into any matter connected with—
 - (a) the exercise of its functions, or
 - (b) the provision of a social service.
- (3) Before the commencement of—
 - (a) an inquiry under subsection (1), the Scottish Ministers, or
 - (b) an inquiry under subsection (2), SCSWIS,may direct that it be held in private; but where no such direction has been given the person holding the inquiry may if that person thinks fit hold it, or any part of it, in private.
- (4) Subsections (2) to (8) of section 210 of the Local Government (Scotland) Act 1973 (c. 65) (provisions relating to local inquiries) apply in relation to an inquiry under subsection (1) as they apply in relation to a local inquiry under that section.
- (5) Subsections (2) to (6) of that section apply in relation to an inquiry under subsection (2) as they apply in relation to such a local inquiry; except that, for the purposes of an

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inquiry under subsection (2) any reference in those subsections which, by virtue of the Scotland Act 1998 (c. 46), falls to be construed as a reference to—

- (a) the Scottish Ministers, is to be construed as a reference to SCSWIS, and
 - (b) a member of the staff of the Scottish Ministers, is to be construed as a reference to a member of staff of SCSWIS.
- (6) The expenses incurred by SCSWIS in relation to an inquiry under subsection (2) (including such reasonable sum as SCSWIS may determine for the services of any of its staff engaged in the inquiry) must, unless SCSWIS is of the opinion that those expenses should be defrayed in whole or in part by it, be paid by such party to the inquiry as it may direct; and SCSWIS may certify the amount of the expenses so incurred.
- (7) Any sum certified under subsection (6) and to be defrayed in accordance with a direction under that subsection is a debt due by the party directed and recoverable accordingly.
- (8) In relation to an inquiry under subsection (2), SCSWIS may make an award as to the expenses of the parties and as to the parties by whom such expenses are to be paid.

Commencement Information

- I1** S. 98 in force at 1.10.2010 for specified purposes by S.S.I. 2010/321, art. 3, Sch.
- I2** S. 98 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\(2\)](#)