



Scottish Legal Services Ombudsman and Commissioner for Local Administration in Scotland Act 1997

1997 CHAPTER 35

PART II

COMMISSIONER FOR LOCAL ADMINISTRATION IN SCOTLAND

7 Commissioner for Local Administration: extension of jurisdiction

- (1) In section 23 of the 1975 Act (authorities subject to investigation by Commissioner), at the end of subsection (1) there shall be added—

“and any reference in the Part to any such authority (or to any authority mentioned in subsection (2) below) includes a reference to any member or officer of that authority.”.

- (2) Subject to subsection (4) of section 24 of the 1975 Act (time within which complaint to be made), a complaint may, by virtue of the amendment made by subsection (1) above (and without prejudice to the generality of subsection (1) of that section), be entertained where the person aggrieved first had notice of the matters alleged in the complaint before the day on which this section comes into force.

- (3) In subsection (2) above “person aggrieved” has the same meaning as in section 32(1) of the 1975 Act.

8 Minor amendments of 1975 Act

- (1) The 1975 Act shall be amended as follows.

- (2) In section 23 (authorities subject to investigation by Commissioner)—
- (a) in subsection (1), paragraphs (ee) and (h); and
 - (b) subsection (2A),

shall cease to have effect.

- (3) In section 24 (matters subject to investigation), in each of subsections (3A) and (4) the words “or a new town development corporation” shall cease to have effect.
- (4) In section 29A (consideration of adverse reports)—
- (a) in subsection (2)(a), for the words “section 23(2)” substitute “section 23(2)(d)”;
 - (b) in subsection (3)—
 - (i) the words “a joint committee” shall cease to have effect;
 - (ii) in paragraph (a), at the beginning insert “a joint committee”; and
 - (iii) for paragraph (b) substitute—
 - “(b) a joint board referred to in paragraph (a) or (b) of subsection (2) of section 23 of this Act (fire and police joint boards) or a joint committee referred to in paragraph (e) of that subsection (local government and teachers' superannuation joint committees)”; and
 - (c) in subsection (5), after the word “committee” insert “or board”.
- (5) In section 32 (interpretation of Part II of Act)—
- (a) after subsection (1) insert—
 - “(1A) In this Part of this Act (other than section 24), references to the authority concerned are—
 - (a) in relation to action taken by a person who is discharging by virtue of section 56(1) of the Act of 1973 any of the functions of a local authority, references to the local authority whose functions that person is discharging;
 - (b) in relation to action taken by a member or officer of a body which is discharging by virtue of section 56(1) of the Act of 1973 any of the functions of a local authority, references to the local authority whose functions that body is discharging;
 - (c) in relation to action taken by a member or officer of an authority to which this Part of this Act applies, (and except where paragraph (a) or (b) above applies) references to the authority of which he is a member or officer.”; and
 - (b) subsection (2A) shall cease to have effect.
- (6) In paragraph 2 of Schedule 5 (matters not subject to investigation), for the word “committee” substitute “board”.