

*This Statutory Instrument has been made in consequence of a defect in S.I.1999/1351 and is being issued free of charge to all known recipients of that Statutory Instrument.*

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## STATUTORY INSTRUMENTS

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**1999 No. 1595**

# CONSTITUTIONAL LAW DEVOLUTION, SCOTLAND

## The Scotland Act 1998 (Transitory and Transitional Provisions) (Complaints of Maladministration) Amendment Order 1999

*Made - - - - 4th June 1999*

*Laid before Parliament 9th June 1999*

*Coming into force in accordance with article 1*

In exercise of the powers conferred upon me by sections 112(1), 113 and 129(1) of the Scotland Act 1998<sup>(1)</sup> and of all other powers enabling me in that behalf, I hereby make the following Order:

### **Citation and commencement**

1. This Order may be cited as the Scotland Act 1998 (Transitory and Transitional Provisions) (Complaints of Maladministration) Amendment Order 1999 and shall come into force on the principal appointed day<sup>(2)</sup>.

### **Interpretation**

2. In this Order—

“the 1967 Act” means the Parliamentary Commissioner Act 1967<sup>(3)</sup>;

“the principal Order” means the Scotland Act 1998 (Transitory and Transitional Provisions) (Complaints of Maladministration) Order 1999<sup>(4)</sup>;

“the Scottish Commissioner” means the Scottish Parliamentary Commissioner for Administration appointed in accordance with article 4 of the principal Order.

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(1) 1998 c. 46.

(2) Article 3 of the Scotland Act 1998 (Commencement) Order 1998 (S.I. 1998/3178) specifies 1st July 1999 as the principal appointed day for the purposes of the Act.

(3) 1967 c. 13.

(4) S.I. 1999/1351.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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### **Amendment of principal Order**

3. For article 17(1)(c) of the principal Order (modifications of the 1967 Act), there shall be substituted the following—

- “(c) in section 11A(5) (consultations between Parliamentary Commissioner and the Health Service Commissioners) the reference—
- (i) in subsection (1) to the Health Service Commissioner for Scotland shall be read as if it included a reference to the Scottish Commissioner;
  - (ii) in subsection (1)(b) to the Health Service Commissioners Act 1993 shall be read as if it included a reference to this Order; and
  - (iii) in subsection (2) to the Health Service Commissioner shall be read as if it included a reference to the Scottish Commissioner; and”.

St Andrew’s House Edinburgh  
4th June 1999

*John Reid*  
Secretary of State for Scotland

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(5) Section 11A was inserted by the Parliamentary and Health Service Commissioners Act 1987 (c. 39), section 4(2) and is amended by the Health Service Commissioners Act 1993 (c. 46), Schedule 2, paragraph 1 and the Government of Wales Act 1998 (c. 38), Schedule 12, paragraph 8.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Scotland Act 1998 (Transitory and Transitional Provisions) (Complaints of Maladministration) Order 1999 (S.I. [1999/1351](#)) (“the principal Order”). The principal Order made provision for the investigation by a Scottish Parliamentary Commissioner for Administration (“Scottish Commissioner”) of complaints of maladministration in connection with action taken in the exercise of the administrative functions by any member of the Scottish Executive and certain other persons, bodies and authorities.

This Order amends certain incorrect modifications made by the principal Order to section 11A of the Parliamentary Commissioner Act [1967 \(c. 46\)](#), which are intended to extend the references to consultations between the Parliamentary Commissioner and the Health Service Commissioners to include consultations between the Parliamentary Commissioner and the Scottish Commissioner.