



Patient Safety Commissioner for Scotland Act 2023

2023 asp 6

Gathering and use of information

PROSPECTIVE

13 Further power to require information in a formal investigation

- (1) When carrying out a formal investigation under [section 8](#), the Commissioner may require any person to supply information that—
 - (a) is in the person's possession or control,
 - (b) may be relevant to the investigation, and
 - (c) is not information that the person would be entitled to refuse to provide in proceedings in a court in Scotland.
- (2) But the Commissioner may only impose a requirement to supply information under [this section](#) if the Commissioner is satisfied that requiring the information to be supplied is proportionate to the seriousness of the issue being investigated.
- (3) A requirement under [this section](#) is imposed on a person when the Commissioner gives the person written notice specifying—
 - (a) the information that the person is required to supply,
 - (b) the way in which the person is required to supply it, and
 - (c) the time by which the person is to supply it.
- (4) The Commissioner may require a person to supply information under [this section](#) whether or not—
 - (a) the Commissioner stated in a formal investigation's terms of reference that the Commissioner expected to need access to the information,
 - (b) the Commissioner took steps to bring the investigation's terms of reference to the person's attention in accordance with [section 8\(2\)\(a\)](#).
- (5) The Commissioner's power to require a person to supply information under [this section](#) is without prejudice to the Commissioner's power to require a person to supply information under [section 12](#).

Status: This version of this provision is prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Patient Safety Commissioner for Scotland Act 2023. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

(6) In [this section](#), “information” includes unrecorded information.

Commencement Information

II S. 13 not in force at Royal Assent, see [s. 24\(2\)](#)

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Changes and effects yet to be applied to :

- s. 13 coming into force by [S.S.I. 2024/110 reg. 2\(1\)](#)