

SCOTTISH PUBLIC SERVICES OMBUDSMAN ACT 2002

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Supplementary

Section 26 and schedule 7 – Consequential, transitional, transitory and saving provision

82. *Subsection (1) of section 26* introduces *schedule 7*, which makes provision for the transfer to the Ombudsman of staff, property and liabilities and undetermined complaints in consequence of the provisions of the Act. Under *subsection (2)* Her Majesty may, by Order in Council, make further transitional, transitory or saving provision.
83. *Schedule 7* makes arrangements for:
- the transfer, on the day the schedule comes into force, of staff from the offices of the existing Ombudsmen;
 - the transfer of property and liabilities of the existing Ombudsmen;
 - how complaints undetermined on the appointed day should be handled.
84. Provision is made for staff transferring to the Ombudsman to transfer on exactly the same terms and conditions as those on which they were previously employed.
85. *Paragraph 4* makes provision for statutory complaints that are undetermined at the time the legislation under which they were made is repealed or revoked to be dealt with by the Ombudsman and for the relevant legislation to continue in force for the purpose of determining such complaints.
86. *Paragraph 5* makes similar provision for undetermined housing complaints.