
Changes to legislation: There are currently no known outstanding effects for the Scottish Public Services Ombudsman Act 2002, Paragraph 4. (See end of Document for details)

SCHEDULE 7

TRANSFER OF STAFF, PROPERTY AND LIABILITIES AND UNDETERMINED COMPLAINTS

Transfer of undetermined statutory complaints

- 4 (1) This paragraph applies in relation to any complaint (an “undetermined statutory complaint”)—
- (a) made to an existing Commissioner under an existing complaints enactment in relation to a person who is a listed authority for the purposes of this Act, and
 - (b) which has not been determined by the Commissioner before the repeal or revocation of the enactment by or by virtue of this Act.
- (2) For the purpose of enabling an undetermined statutory complaint to continue to be dealt with, the existing complaints enactment under which the complaint was made continues in force despite its repeal or revocation and has effect as it had effect immediately before its repeal or revocation but—
- (a) as if any reference in it to the existing Commissioner were a reference to the Ombudsman, and
 - (b) subject to such further modifications (if any) as may be made by virtue of section 24(1) or 26(2).
- (3) For the purposes of this paragraph—
- (a) a complaint is determined by an existing Commissioner if the Commissioner—
 - (i) has decided to conduct an investigation pursuant to the complaint and the investigation is concluded, or
 - (ii) has decided not to conduct an investigation pursuant to the complaint,
 - (b) an investigation is concluded if the existing Commissioner has reported the results of that investigation in accordance with the existing complaints enactment under which the complaint was made.
- (4) Nothing in this paragraph affects the validity of anything done (or having effect as if done) by or in relation to an undetermined statutory complaint by an existing Commissioner under an existing complaints enactment before that enactment’s repeal or revocation by or by virtue of this Act.
- (5) Anything (including legal proceedings) which, at that time, is in the process of being done by or in relation to an existing Commissioner may, so far as it relates to an undetermined statutory complaint, be continued by or in relation to the Ombudsman.
- (6) Anything done (or having effect as if done) by or in relation to an existing Commissioner for the purposes of or in connection with an undetermined statutory complaint, if in force at that time, has effect as if done by or in relation to the Ombudsman in so far as that is required for continuing its effect on or after that time.

Changes to legislation:

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