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**Changes to legislation:** There are currently no known outstanding effects for the Scottish Public Services Ombudsman Act 2002, Paragraph 5. (See end of Document for details)

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## SCHEDULE 7

### TRANSFER OF STAFF, PROPERTY AND LIABILITIES AND UNDETERMINED COMPLAINTS

#### *Transfer of undetermined housing complaints*

- 5 (1) This paragraph applies in relation to any complaint (an “undetermined housing complaint”)—
- (a) made to the HAOS under the Terms of Reference in relation to a registered social landlord, and
  - (b) which has not been determined by the HAOS before the date on which this schedule comes into force.
- (2) For the purpose of enabling an undetermined housing complaint to continue to be dealt with, the Terms of Reference (other than any provision relating to the appointment of the HAOS) continue in force and have effect after the date on which this schedule comes into force as they had effect immediately before that date but—
- (a) as if any reference to the HAOS 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 the HAOS if the HAOS—
    - (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 HAOS has reported the results of that investigation in accordance with the Terms of Reference.
- (4) Nothing in this paragraph affects the validity of anything done (or having effect as if done) by or in relation to an undetermined housing complaint by the HAOS under the Terms of Reference before the date on which this schedule comes into force.
- (5) Anything (including legal proceedings) which, at that date, is in the process of being done by or in relation to the HAOS may, so far as it relates to an undetermined housing complaint, be continued by or in relation to the Ombudsman.
- (6) Anything done (or having effect as if done) by or in relation to the HAOS for the purposes of or in connection with an undetermined housing complaint, if in force at that date, 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:**

There are currently no known outstanding effects for the Scottish Public Services Ombudsman Act 2002, Paragraph 5.