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STATUTORY INSTRUMENTS

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**1999 No. 1351**

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

**Transitional and savings provisions**

**18.**—(1) On the principal appointed day, there shall be transferred to the Scottish Commissioner—

- (a) any complaint made in relation to any of the authorities mentioned in article 8(d) which has been referred to the Parliamentary Commissioner under section 5(1) of the 1967 Act and which has not been determined by him before that day; and
- (b) any investigation pursuant to any such complaint.

(2) On the principal appointed day, there shall be transferred to the Scottish Commissioner—

- (a) any complaint made in relation to any of the authorities mentioned in article 8(e) which concerns such action as is mentioned in article 9(4) and which has been referred to the Parliamentary Commissioner under section 5(1) of the 1967 Act but which has not been determined by him before that day; and
- (b) any investigation pursuant to any such complaint.

(3) For the purposes of this article—

- (a) a complaint is determined by the Parliamentary Commissioner if he has decided—
  - (i) to conduct an investigation pursuant to the complaint and the investigation is concluded; or
  - (ii) not to conduct an investigation into the complaint; and
- (b) an investigation is concluded if he has reported the results of that investigation as mentioned in section 10(1) of the 1967 Act.

(4) Where a complaint or an investigation is transferred by virtue of paragraph (1) or (2), the Scottish Commissioner shall send to the member of Parliament by whom the complaint was referred and the request for an investigation was made (or if he is no longer a member of Parliament, to such member as the Scottish Commissioner thinks appropriate) a report of the investigation or, as the case may be, a statement of his reasons for not conducting an investigation and article 14(5)(b) and (c) shall apply to a member of Parliament as it applies to a member of the Parliament.

(5) A transfer by virtue of paragraph (1) or (2) shall not affect the validity of anything done (or having effect as if done) by or in relation to a complaint or an investigation by the Parliamentary Commissioner before the principal appointed day.

(6) Anything (including legal proceedings) which, on the principal appointed day, is in the process of being done by or in relation to the Parliamentary Commissioner may, so far as it relates to anything transferred by virtue of paragraph (1) and (2), be continued by or in relation to the Scottish Commissioner.

(7) Anything done (or having effect as if done) by or in relation to the Parliamentary Commissioner for the purposes of or in connection with anything transferred by virtue of paragraph (1) or (2) shall, if in force on the principal appointed day, have effect as if done by or

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in relation to the Scottish Commissioner in so far as that is required for continuing its effect on or after the principal appointed day.