

Status: Point in time view as at 30/09/2013.

Changes to legislation: Public Services Ombudsman (Wales) Act 2005 is up to date with all changes known to be in force on or before 07 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 1

PUBLIC SERVICES OMBUDSMAN FOR WALES: APPOINTMENT ETC.

Appointment

[^{F1}1 The Ombudsman is to be appointed by Her Majesty on the nomination of the Assembly.]

Textual Amendments

F1 Sch. 1 para. 1 substituted by Government of Wales Act 2006 (c. 32), s. 160(1), Sch. 10 para. 86(2) (with Sch. 11 para. 22), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(1)(4)(5) of the amending Act.

Commencement Information

I1 Sch. 1 para. 1 wholly in force at 1.4.2006; Sch. 1 para. 1 not in force at Royal Assent see s. 40; Sch. 1 para. 1 in force for certain purposes at 12.10.2005 and wholly in force at 1.4.2006 by S.I. 2005/2800, arts. 3(a), 5(1)(3), Sch. 1 Pt. 1

Status

- 2 (1) The Ombudsman is a corporation sole.
- (2) The Ombudsman holds office under Her Majesty and discharges his functions on behalf of the Crown.
- (3) The Ombudsman is a Crown servant for the purposes of the Official Secrets Act 1989 (c. 6).
- (4) But service as the Ombudsman is not service in the civil service of the Crown.

Commencement Information

I2 Sch. 1 para. 2 wholly in force at 1.4.2006; Sch. 1 para. 2 not in force at Royal Assent see s. 40; Sch. 1 para. 2 in force for certain purposes at 12.10.2005 and wholly in force at 1.4.2006 by S.I. 2005/2800, arts. 3(a), 5(1)(3), Sch. 1 Pt. 1

Term of office

- 3 (1) A person's term of office as the Ombudsman is seven years (subject to sub-paragraphs (3) and (4) and paragraph 5).

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- (2) A person appointed as the Ombudsman is not eligible for re-appointment.
- (3) Her Majesty may relieve a person of office as the Ombudsman—
- (a) at his request, or
 - [^{F2}(b) on Her Majesty being satisfied that the person is incapable for medical reasons of performing the duties of the office.]
- (4) Her Majesty may remove a person from office as the Ombudsman [^{F3}on the making of a recommendation, on the ground of the person's misbehaviour, that Her Majesty should do so.]
- [^{F4}(5) A recommendation for the removal of a person from office as the Ombudsman may not be made unless—
- (a) the Assembly has resolved that the recommendation should be made, and
 - (b) the resolution of the Assembly is passed on a vote in which the number of Assembly members voting in favour of it is not less than two-thirds of the total number of Assembly seats.]

Textual Amendments

- F2** Sch. 1 para. 3(3)(b) substituted by [Government of Wales Act 2006 \(c. 32\), s. 160\(1\), Sch. 10 para. 86\(3\)\(a\)](#) (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to [s. 161\(4\)\(5\)](#) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see [ss. 46, 161\(1\)\(4\)\(5\)](#) of the amending Act.
- F3** Words in [Sch. 1 para. 3\(4\)](#) substituted by [Government of Wales Act 2006 \(c. 32\), s. 160\(1\), Sch. 10 para. 86\(3\)\(b\)](#) (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to [s. 161\(4\)\(5\)](#) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see [ss. 46, 161\(1\)\(4\)\(5\)](#) of the amending Act.
- F4** [Sch. 1 para. 3\(5\)](#) substituted by [Government of Wales Act 2006 \(c. 32\), s. 160\(1\), Sch. 10 para. 86\(3\)\(c\)](#) (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to [s. 161\(4\)\(5\)](#) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see [ss. 46, 161\(1\)\(4\)\(5\)](#) of the amending Act.

Commencement Information

- I3** [Sch. 1 para. 3](#) wholly in force at 1.4.2006; [Sch. 1 para. 3](#) not in force at Royal Assent see [s. 40](#); [Sch. 1 para. 3](#) in force for certain purposes at 12.10.2005 and wholly in force at 1.4.2006 by [S.I. 2005/2800, arts. 3\(a\), 5\(1\)\(3\), Sch. 1 Pt. 1](#)

Acting Public Services Ombudsman for Wales

- 4 [^{F5}(1) If the office of the Ombudsman becomes vacant, Her Majesty may, on the nomination of the Assembly, appoint a person to act as the Ombudsman.]
- (3) A person appointed to act as the Ombudsman (“an acting Ombudsman”) may have held office as the Ombudsman.

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- (4) A person appointed as an acting Ombudsman is eligible for appointment as the Ombudsman (unless he has already held office as the Ombudsman).
- (5) The power to appoint a person as an acting Ombudsman is not exercisable after the end of the period of two years starting with the date on which the vacancy arose.
- (6) An acting Ombudsman holds office in accordance with the terms of his appointment, subject to sub-paragraph (7) (and paragraph 2, as applied by sub-paragraph (8)).
- (7) An acting Ombudsman must not hold office after—
 - (a) the appointment of a person as the Ombudsman, or
 - (b) if sooner, the end of the period of two years starting with the date on which the vacancy arose.
- (8) While an acting Ombudsman holds office he is to be regarded (except for the purposes of paragraphs 1, 3, 5 to 9 and this paragraph) as the Ombudsman.

Textual Amendments

- F5** Sch. 1 para. 4(1) substituted for Sch. 1 para. 4(1)(2) by [Government of Wales Act 2006 \(c. 32\), s. 160\(1\), Sch. 10 para. 86\(4\)](#) (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to [s. 161\(4\)\(5\)](#) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see [ss. 46, 161\(1\)\(4\)\(5\)](#) of the amending Act.

Disqualification

- 5 (1) A person is disqualified from being the Ombudsman or an acting Ombudsman if any of the following applies—
- (a) he is a member of the House of Commons;
 - (b) he is a listed authority;
 - (c) he is a member, co-opted member, officer or member of staff of a listed authority;
 - (d) he is disqualified from being a member of the Assembly (other than by virtue of paragraph 6 of this Schedule or [^{F6}section 16(1)(d) of the Government of Wales Act 2006]);
 - (e) he is disqualified from being a member of a local authority in Wales (other than by virtue of paragraph 6 of this Schedule).
- (2) The appointment of a person as the Ombudsman or an acting Ombudsman is not valid if the person is disqualified under sub-paragraph (1).
- (3) If a person who has been appointed as the Ombudsman or an acting Ombudsman becomes disqualified under sub-paragraph (1), he ceases to hold office on becoming so disqualified.
- (4) But the validity of anything done by a person appointed as the Ombudsman or an acting Ombudsman is not affected by the fact that he is or becomes disqualified under sub-paragraph (1).

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Textual Amendments

- F6** Words in [Sch. 1 para. 5\(1\)\(d\)](#) substituted by [Government of Wales Act 2006 \(c. 32\), s. 160\(1\)](#), [Sch. 10 para. 86\(5\)](#) (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to [s. 161\(4\)\(5\)](#) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see [ss. 46, 161\(1\)\(4\)\(5\)](#) of the amending Act.

Commencement Information

- I4** [Sch. 1 para. 5](#) wholly in force at 1.4.2006; [Sch. 1 para. 5](#) not in force at Royal Assent see [s. 40](#); [Sch. 1 para. 5\(1\)-\(3\)](#) in force for certain purposes at 12.10.2005 and [Sch. 1 para. 5](#) wholly in force at 1.4.2006 by [S.I. 2005/2800](#), [arts. 3\(a\)](#), [5\(1\)\(3\)](#), [Sch. 1 Pt. 1](#)

- 6 (1) A person who holds office as the Ombudsman or an acting Ombudsman is disqualified from—
- (a) being a listed authority;
 - (b) being a member, co-opted member, officer or member of staff of a listed authority;
 - (c) holding a paid office to which appointment is by a listed authority.
- (2) A person is not disqualified under sub-paragraph (1) from being a member of the Assembly.

Commencement Information

- I5** [Sch. 1 para. 6](#) wholly in force at 1.4.2006; [Sch. 1 para. 6](#) not in force at Royal Assent see [s. 40](#); [Sch. 1 para. 6](#) in force for certain purposes at 12.10.2005 and wholly in force at 1.4.2006 by [S.I. 2005/2800](#), [arts. 3\(a\)](#), [5\(1\)\(3\)](#), [Sch. 1 Pt. 1](#)

- 7 (1) A person who has ceased to hold office as the Ombudsman or as an acting Ombudsman is disqualified for the relevant period from—
- (a) holding an office which is a listed authority;
 - (b) being a member, co-opted member, officer or member of staff of a listed authority;
 - (c) holding a paid office to which appointment is by a listed authority.
- (2) The relevant period is the period of three years starting on the date on which the person ceased to hold office as the Ombudsman or (as the case may be) as an acting Ombudsman.
- (3) But sub-paragraph (1) does not disqualify a person from—
- (a) being a member of the Assembly [^{F7}or the National Assembly for Wales Commission];
 - (b) holding the office of presiding officer or deputy presiding officer of the Assembly or of [^{F8}First Minister for Wales, Welsh Minister appointed under section 48 of the Government of Wales Act 2006, Counsel General to the Welsh Assembly Government or Deputy Welsh Minister];
 - (c) being a member or co-opted member of a local authority in Wales;
 - (d) holding the office of chairman, vice-chairman or elected mayor of a local authority in Wales.

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Textual Amendments

- F7** Words in [Sch. 1 para. 7\(3\)\(a\)](#) inserted by [Government of Wales Act 2006 \(c. 32\), s. 160\(1\)](#), [Sch. 10 para. 86\(6\)\(a\)](#) (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to [s. 161\(4\)\(5\)](#) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see [ss. 46, 161\(1\)\(4\)\(5\)](#) of the amending Act.
- F8** Words in [Sch. 1 para. 7\(3\)\(b\)](#) substituted by [Government of Wales Act 2006 \(c. 32\), s. 160\(1\)](#), [Sch. 10 para. 86\(6\)\(b\)](#) (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to [s. 161\(4\)\(5\)](#) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see [ss. 46, 161\(1\)\(4\)\(5\)](#) of the amending Act.

- 8 The references in paragraphs 6 and 7 to a paid office include an office the holder of which is entitled only to the reimbursement of expenses.

Commencement Information

- I6** [Sch. 1 para. 8](#) wholly in force at 1.4.2006; [Sch. 1 para. 8](#) not in force at Royal Assent see [s. 40](#); [Sch. 1 para. 8](#) in force for certain purposes at 12.10.2005 and wholly in force at 1.4.2006 by [S.I. 2005/2800, arts. 3\(a\), 5\(1\)\(3\)](#), [Sch. 1 Pt. 1](#)

Remuneration etc.

- 9 (1) The Assembly must —
- (a) pay a person who is the Ombudsman or an acting Ombudsman such salary and allowances, and
 - (b) make such payments towards the provision of superannuation benefits for or in respect of him,
- as may be provided for by or under the terms of his appointment.
- (2) The Assembly must pay to or in respect of a person who has ceased to hold office as the Ombudsman or an acting Ombudsman—
- (a) such amounts by way of pensions and gratuities, and
 - (b) such amounts by way of provision for those benefits,
- as may have been provided for by or under the terms of his appointment.
- (3) If a person ceases to be the Ombudsman or an acting Ombudsman and it appears to the Assembly that there are special circumstances which make it right that the person should receive compensation, the Assembly may pay to that person a sum of such amount as it thinks appropriate.
- (4) In Schedule 1 to the Superannuation Act 1972 (c. 11) (offices etc. to which section 1 of that Act applies) in the list of "Offices" at the appropriate places insert—
- "Public Services Ombudsman for Wales"
 - "Acting Public Services Ombudsman for Wales."

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- (5) The Assembly must pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of any increase attributable to sub-paragraph (4) in the sums payable out of money provided by Parliament under the Superannuation Act 1972 (c. 11).
- [^{F9}(6) Sums required for the making of payments under sub-paragraphs (1), (2) and (5) are to be charged on the Welsh Consolidated Fund.]

Textual Amendments

- F9** Sch. 1 para. 9(6) inserted by Government of Wales Act 2006 (c. 32), s. 160(1), Sch. 10 para. 86(7) (with Sch. 11 para. 22), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(1)(4)(5) of the amending Act.

[^{F10}Special financial provisions]

Textual Amendments

- F10** Sch. 1 para. 10 and preceding cross-heading substituted by Government of Wales Act 2006 (c. 32), s. 160(1), Sch. 10 para. 86(8)(a) (with Sch. 11 para. 22), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(1)(4)(5) of the amending Act.

- [^{F11}(1) Any sums payable by the Ombudsman in consequence of a breach, in the performance of any of the Ombudsman's functions, of any contractual or other duty are to be charged on the Welsh Consolidated Fund.
- (2) And sub-paragraph (1) applies whether the breach occurs by reason of an act or omission of—
- (a) the Ombudsman,
 - (b) a member of the Ombudsman's staff, or
 - (c) any other person acting on the Ombudsman's behalf or assisting the Ombudsman in the exercise of functions.
- (3) The Ombudsman may retain income derived from fees charged by virtue of sections 12(6), 16(6), 21(8) and 23(2) (rather than pay it into the Welsh Consolidated Fund) for use in connection with the exercise of the functions conferred or imposed by this Act.]

Textual Amendments

- F11** Sch. 1 para. 10 and preceding cross-heading substituted by Government of Wales Act 2006 (c. 32), s. 160(1), Sch. 10 para. 86(8)(a) (with Sch. 11 para. 22), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end

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of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(1)(4)(5) of the amending Act.

Textual Amendments

- F11** Sch. 1 para. 10 and preceding cross-heading substituted by Government of Wales Act 2006 (c. 32), s. 160(1), Sch. 10 para. 86(8)(a) (with Sch. 11 para. 22), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(1)(4)(5) of the amending Act.

Staff

- 11 (1) The Ombudsman may appoint such staff as he thinks necessary for assisting him in the discharge of his functions, on such terms and conditions as he may determine.
- (2) No member of staff of the Ombudsman is to be regarded as holding office under Her Majesty or as discharging any functions on behalf of the Crown.
- (3) But each member of his staff is to be treated as being a Crown servant for the purposes of the Official Secrets Act 1989 (c. 6).
- (4) In Schedule 1 to the Superannuation Act 1972 (offices etc. to which section 1 of that Act applies) in the list of "other bodies" at the appropriate place insert—
- "Employment as a member of the staff of the Public Services Ombudsman for Wales."
- (5) The [^{F12}Ombudsman] must pay to the Minister for the Civil Service, at such times as [^{F13}the Minister] may direct, such sum as [^{F13}the Minister] may determine in respect of any increase attributable to sub-paragraph (4) in the sums payable out of money provided by Parliament under the Superannuation Act 1972.

Textual Amendments

- F12** Words in Sch. 1 para. 11(5) substituted by Government of Wales Act 2006 (c. 32), s. 160(1), Sch. 10 para. 86(9)(a) (with Sch. 11 para. 22), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(1)(4)(5) of the amending Act.
- F13** Words in Sch. 1 para. 11(5) substituted by Government of Wales Act 2006 (c. 32), s. 160(1), Sch. 10 para. 86(9)(b) (with Sch. 11 para. 22), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(1)(4)(5) of the amending Act.

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Modifications etc. (not altering text)

- C1** Sch. 1 para. 11(4) excluded (31.3.2006 at 16:03 hrs) by virtue of [The Public Services Ombudsman \(Wales\) Act 2005 \(Consequential Amendments to the Local Government Pension Scheme Regulations 1997 and Transitional Provisions\) Order 2006 \(S.I. 2006/1011\)](#), arts. 1(1), 3

Advisers

- 12 (1) The Ombudsman may obtain advice from any person who, in his opinion, is qualified to give it, to assist him in the discharge of his functions.
- (2) The Ombudsman may pay to any person from whom he obtains advice under sub-paragraph (1) such fees or allowances as he may determine.

Delegation

- 13 (1) Any function of the Ombudsman may be discharged on his behalf—
- (a) by any person authorised by the Ombudsman to do so, and
 - (b) to the extent so authorised.
- (2) Sub-paragraph (1) does not affect the responsibility of the Ombudsman for the discharge of any such function.
- (3) A person authorised by the Ombudsman under sub-paragraph (1) is to be treated as being a Crown servant for the purposes of the Official Secrets Act 1989 (c. 6).
- [^{F14}(4) No arrangements may be made between the Ombudsman, on the one hand, and the Welsh Ministers (or the First Minister for Wales or the Counsel General to the Welsh Assembly Government), on the other, for—
- (a) any functions of one of them to be exercised by the other,
 - (b) any functions of the Welsh Ministers (or the First Minister for Wales or the Counsel General to the Welsh Assembly Government) to be exercised by members of staff of the Ombudsman,
 - (c) any functions of the Ombudsman to be exercised by members of the staff of the Welsh Assembly Government, or
 - (d) the provision of administrative, professional or technical services by one of them for the other.]
- (5) Sub-paragraph (4) applies despite any provision that would otherwise permit such arrangements to be made.

Textual Amendments

- F14** Sch. 1 para. 13(4) substituted by [Government of Wales Act 2006 \(c. 32\)](#), s. 160(1), [Sch. 10 para. 86\(10\)](#) (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see [ss. 46, 161\(1\)\(4\)\(5\)](#) of the amending Act.

Annual and extraordinary reports

- 14 (1) The Ombudsman—

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- (a) must annually prepare a general report on the discharge of his functions (an “annual report”);
 - (b) may prepare any other report with respect to his functions that he thinks appropriate (an “extraordinary report”).
- (2) A report prepared under this paragraph may include any general recommendations which the Ombudsman may have arising from the discharge of his functions.
- (3) The Ombudsman must lay a copy of each report prepared under this paragraph before the Assembly and at the same time [^{F15}send a copy to the Welsh Assembly Government and](if the report is an extraordinary report) must send a copy of it to any listed authorities (other [^{F16}than the Welsh Assembly Government]) he thinks appropriate.
- (4) The Ombudsman may also send a copy of any report prepared under this paragraph to any other persons he thinks appropriate.
- (5) The Ombudsman must, and the Assembly may, publish any report laid before the Assembly under this paragraph.
- (6) The Ombudsman must comply with any directions given by the Assembly with respect to an annual report.
- (7) If a report prepared under this paragraph—
 - (a) mentions the name of any person other than a listed authority in respect of which a complaint has been made or referred under this Act, or
 - (b) includes any particulars which, in the opinion of the Ombudsman, are likely to identify any such person and which, in his opinion, can be omitted without impairing the effectiveness of the report,that information must not be included in a version of the report laid before the Assembly under sub-paragraph (3), sent to a person under sub-paragraph (3) or (4) or published by the Ombudsman under sub-paragraph (5), subject to sub-paragraph (8).
- (8) Sub-paragraph (7) does not apply in relation to a version of the report if, after taking account of the interests of any persons he thinks appropriate, the Ombudsman considers it to be in the public interest to include that information in that version of the report.

Textual Amendments

F15 Words in Sch. 1 para. 14(3) inserted by Government of Wales Act 2006 (c. 32), s. 160(1), Sch. 10 para. 86(11)(a) (with Sch. 11 para. 22), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(1)(4)(5) of the amending Act.

F16 Words in Sch. 1 para. 14(3) substituted by Government of Wales Act 2006 (c. 32), s. 160(1), Sch. 10 para. 86(11)(b) (with Sch. 11 para. 22), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(1)(4)(5) of the amending Act.

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Estimates

- 15 (1) For each financial year other than the first financial year, the Ombudsman must prepare an estimate of the income and expenses of his office.
- (2) The Ombudsman must submit the estimate [^{F17}at least five months before the beginning of the financial year to which it relates to the committee or committees of the Assembly specified in the standing orders of the Assembly.]
- (3) The [^{F18}committee or committees] must examine an estimate submitted ^{F19}. . . in accordance with sub-paragraph (2) and must then lay the estimate before the Assembly with any modifications [^{F20}thought] appropriate.
- [^{F21}(4) Before laying before the Assembly with modifications an estimate submitted in accordance with sub-paragraph (2), the committee or committees must—
- (a) consult the Ombudsman, and
- (b) take into account any representations which the Ombudsman may make.]
- (5) The first financial year is the financial year during which the first person to be appointed as the Ombudsman is appointed.

Textual Amendments

- F17** Words in [Sch. 1 para. 15\(2\)](#) substituted by [Government of Wales Act 2006 \(c. 32\), s. 160\(1\)](#), {[Sch. 10 para. 86\(12\)\(a\)](#) } (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to [s. 161\(4\)\(5\)](#) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see [ss. 46, 161\(1\)\(4\)\(5\)](#) of the amending Act.
- F18** Words in [Sch. 1 para. 15\(3\)](#) substituted by [Government of Wales Act 2006 \(c. 32\), s. 160\(1\)](#), [Sch. 10 para. 86\(12\)\(b\)\(i\)](#) (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to [s. 161\(4\)\(5\)](#) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see [ss. 46, 161\(1\)\(4\)\(5\)](#) of the amending Act.
- F19** Words in [Sch. 1 para. 15\(3\)](#) repealed by [Government of Wales Act 2006 \(c. 32\), s. 160\(1\)](#), [163](#), [Sch. 10 para. 86\(12\)\(b\)\(ii\)](#), [Sch. 12](#) (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to [s. 161\(4\)\(5\)](#) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see [ss. 46, 161\(1\)\(4\)\(5\)](#) of the amending Act.
- F20** Words in [Sch. 1 para. 15\(3\)](#) substituted by [Government of Wales Act 2006 \(c. 32\), s. 160\(1\)](#), [Sch. 10 para. 86\(12\)\(b\)\(iii\)](#) (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to [s. 161\(4\)\(5\)](#) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see [ss. 46, 161\(1\)\(4\)\(5\)](#) of the amending Act.
- F21** [Sch. 1 para. 15\(4\)](#) substituted by [Government of Wales Act 2006 \(c. 32\), s. 160\(1\)](#), [Sch. 10 para. 86\(12\)\(c\)](#) (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to [s. 161\(4\)\(5\)](#) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see [ss. 46, 161\(1\)\(4\)\(5\)](#) of the amending Act.

Status: Point in time view as at 30/09/2013.

Changes to legislation: Public Services Ombudsman (Wales) Act 2005 is up to date with all changes known to be in force on or before 07 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

- 17** Sch. 1 para. 15 partly in force; Sch. 1 para. 15 not in force at Royal Assent see s. 40; Sch. 1 para. 15(1)-(4) in force at 1.4.2006 by S.I. 2005/2800, art. 5(1)(3)

Accounts

- 16 (1) The Ombudsman must—
- (a) keep proper accounting records; and
 - (b) for each financial year, prepare accounts in accordance with directions given to him by the Treasury.
- [^{F22}(1A) The directions which the Treasury may give under sub-paragraph (1)(b) include directions to prepare accounts relating to financial affairs and transactions of persons other than the Ombudsman.]
- (2) The directions which the Treasury may give under sub-paragraph (1)(b) include, in particular, directions as to—
- (a) the information to be contained in the accounts and the manner in which it is to be presented;
 - (b) the methods and principles in accordance with which the accounts are to be prepared;
 - (c) the additional information (if any) that is to accompany the accounts.

Textual Amendments

- F22** Sch. 1 para. 16(1A) inserted (11.11.2010) by Constitutional Reform and Governance Act 2010 (c. 25), ss. 44(7), 52; S.I. 2010/2703, art. 2

Audit

- 17 (1) The accounts prepared by the Ombudsman for a financial year must be submitted by him to the Auditor General for Wales no later than 30 November in the following financial year.
- (2) The Auditor General for Wales must—
- (a) examine, certify and report on each set of accounts submitted to him under this paragraph, and
 - (b) no later than four months after the accounts are so submitted, lay before the Assembly a copy of them as certified by him together with his report on them.
- (3) In examining accounts submitted to him under this paragraph the Auditor General for Wales must, in particular, satisfy himself that the expenditure to which the accounts relate has been incurred lawfully and in accordance with the authority which governs it.

Accounting officer

- 18 (1) The Ombudsman is the accounting officer for the office of the Ombudsman.

Status: Point in time view as at 30/09/2013.

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- (2) If the Ombudsman is incapable of discharging his responsibilities as accounting officer, the [^{F23}Audit Committee] may designate a member of his staff to be the accounting officer for as long as he is so incapable.
- (3) If the office of the Ombudsman is vacant and there is no acting Ombudsman, the [^{F23}Audit Committee] may designate a member of the Ombudsman's staff to be the accounting officer for as long as the office of the Ombudsman is vacant and there is no acting Ombudsman.
- (4) The accounting officer has, in relation to the accounts and the finances of the Ombudsman, the responsibilities which are from time to time specified by the [^{F23}Audit Committee].
- (5) In this paragraph references to responsibilities include in particular—
 - (a) responsibilities in relation to the signing of accounts,
 - (b) responsibilities for the propriety and regularity of the finances of the Ombudsman, and
 - (c) responsibilities for the economy, efficiency and effectiveness with which the resources of the Ombudsman are used.
- (6) The responsibilities which may be specified under this paragraph include responsibilities owed to—
 - (a) the Assembly, the [^{F24}Welsh Ministers] or the Audit Committee, or
 - (b) the House of Commons or its Committee of Public Accounts.
- (7) If requested to do so by the House of Commons Committee of Public Accounts, the Audit Committee may—
 - (a) on behalf of the Committee of Public Accounts take evidence from the accounting officer, and
 - (b) report to the Committee of Public Accounts and transmit to that Committee any evidence so taken.

Textual Amendments

- F23** Words in [Sch. 1 para. 18](#) substituted by [Government of Wales Act 2006 \(c. 32\)](#), s. 160(1), [Sch. 10 para. 86\(13\)\(a\)](#) (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to [s. 161\(4\)\(5\)](#) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see [ss. 46, 161\(1\)\(4\)\(5\)](#) of the amending Act.
- F24** Words in [Sch. 1 para. 18\(6\)\(a\)](#) substituted by [Government of Wales Act 2006 \(c. 32\)](#), s. 160(1), [Sch. 10 para. 86\(13\)\(b\)](#) (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to [s. 161\(4\)\(5\)](#) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see [ss. 46, 161\(1\)\(4\)\(5\)](#) of the amending Act.

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Examinations into the use of resources

- 19 (1) The Auditor General for Wales may carry out examinations into the economy, efficiency and effectiveness with which the Ombudsman has used his resources in discharging his functions.
- (2) Sub-paragraph (1) is not to be construed as entitling the Auditor General for Wales to question the merits of the policy objectives of the Ombudsman.
- (3) In determining how to discharge his functions under this paragraph, the Auditor General for Wales must take into account the views of the Audit Committee as to the examinations which he should carry out.
- (4) The Auditor General for Wales may lay before the Assembly a report of the results of any examination carried out by him under this paragraph.

Examinations by the Comptroller and Auditor General

- 20 (1) For the purposes of enabling him to carry out examinations into, and report to Parliament on, the finances of the Ombudsman, the Comptroller and Auditor General—
- (a) has a right of access at all reasonable times to all such documents in the custody or under the control of the Ombudsman, or of the Auditor General for Wales, as he may reasonably require for that purpose, and
- (b) is entitled to require from any person holding or accountable for any of those documents any assistance, information or explanation which he reasonably thinks necessary for that purpose.
- (2) The Comptroller and Auditor General must—
- (a) consult the Auditor General for Wales, and
- (b) take account of any relevant work done or being done by the Auditor General for Wales,
- before he acts in reliance on sub-paragraph (1) or carries out an examination in respect of the Ombudsman under section 7 of the National Audit Act 1983 (c. 44) (economy etc. examinations).

Supplementary powers

- 21 The Ombudsman may do anything (including acquire or dispose of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of his functions.

SCHEDULE 2

Section 10

EXCLUDED MATTERS

Modifications etc. (not altering text)

- C2** Sch. 2 applied (with modifications) (22.11.2012) by [The Police and Crime Panels \(Application of Local Authority Enactments\) Regulations 2012 \(S.I. 2012/2734\)](#), regs. 1(1), 3-6, **Sch. Pt. 3**

Status: Point in time view as at 30/09/2013.

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- 1 Action taken by or with the authority of the [^{F25}Welsh Ministers, the First Minister for Wales, the Counsel General to the Welsh Assembly Government] or a [^{F26}police and crime commissioner] for a police area in Wales for the purpose of—
- (a) the investigation or prevention of crime, or
 - (b) the protection of the security of the State.

Textual Amendments

F25 Words in Sch. 2 para. 1 substituted by [Government of Wales Act 2006 \(c. 32\), s. 160\(1\), Sch. 10 para. 87](#) (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(1)(4)(5) of the amending Act.

F26 Words in Sch. 2 para. 1 substituted (22.11.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 342; S.I. 2012/2892, art. 2\(i\)](#)

- 2 The commencement or conduct of proceedings before a court of competent jurisdiction.
- 3 Action taken by a member of the administrative staff of a relevant tribunal so far as taken at the direction, or on the authority (whether express or implied), of a person acting in his capacity as a member of the tribunal.
- 4 Action taken in respect of appointments, removals, pay, discipline, superannuation or other personnel matters (apart from procedures for recruitment and appointment) in relation to—
- (a) service in an office or employment under the Crown or under a listed authority;
 - (b) service in an office or employment, or under a contract for services, in respect of which power to take action in personnel matters, or to determine or approve action to be taken in personnel matters, is vested in Her Majesty or a listed authority.
- 5 Action relating to the determination of the amount of rent.
- 6 (1) Action taken by an authority specified in sub-paragraph (2) and relating to—
- (a) the giving of instruction, or
 - (b) conduct, curriculum, internal organisation, management or discipline, in a school or other educational establishment maintained by a local authority in Wales.
- (2) The authorities are—
- (a) a local authority in Wales;
 - (b) an admission appeal panel;
 - (c) the governing body of a community, foundation or voluntary school;
 - (d) an exclusion appeal panel.

7 ^{F27}

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Textual Amendments

F27 Sch. 2 para. 7 omitted (1.4.2006) by virtue of [The National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), art. 9(1), [Sch. 1 para. 93](#) (with art. 7)

[^{F28} Action under—

- (a) the National Health Service Act 1977,
- (b) Part 1 of the National Health Service and Community Care Act 1990,
- (c) Part 1 of the Health Act 1999 (with the exception of sections 33 to 38), or
- (d) Part 1 of the Health and Social Care (Community Health and Standards) Act 2003,

where the action is or has been the subject of an inquiry under the Inquiries Act 2005.]

Textual Amendments

F28 Sch. 2 para. 8 substituted (1.4.2006) by [The Public Services Ombudsman for Wales \(Jurisdiction and Transitional Provisions and Savings\) Order 2006 \(S.I. 2006/363\)](#), [art. 2\(a\)](#)

9 Action taken by a Local Health Board in the discharge of its functions under—

- (a) the National Health Service (Service Committees and Tribunal) Regulations 1992 or any instrument replacing those regulations;
- (b) regulations made under section 38, 39, 41 or 42 of the National Health Service Act 1977 by virtue of section 17 of the Health and Medicines Act 1988 (c. 49) (investigations of matters relating to services).

10 ^{F29}

Textual Amendments

F29 Sch. 2 para. 10 omitted (1.4.2006) by virtue of [The Public Services Ombudsman for Wales \(Jurisdiction and Transitional Provisions and Savings\) Order 2006 \(S.I. 2006/363\)](#), [art. 2\(b\)](#)

SCHEDULE 3

Section 28

LISTED AUTHORITIES

Government of Wales

[^{F30}The Welsh Assembly Government.
The National Assembly for Wales Commission.]

Textual Amendments

F30 Sch. 3: entries substituted by [Government of Wales Act 2006 \(c. 32\)](#), s. 160(1), [Sch. 10 para. 88](#) (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the

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day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(1)(4)(5) of the amending Act.

Local government, fire and police

A local authority in Wales.

A joint board the constituent authorities of which are all local authorities in Wales.

A fire and rescue authority in Wales constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 (c. 21) or a scheme to which section 4 of that Act applies.

A [^{F31}police and crime commissioner] for a police area in Wales.

Textual Amendments

F31 Words in Sch. 3 substituted (22.11.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 343](#); S.I. 2012/2892, art. 2(i)

Environment

[^{F32}The Committee on Climate Change.]

A National Park authority for a National Park in Wales.

[^{F33}The Natural Resources Body for Wales] .

The Environment Agency.

The Forestry Commissioners.

A regional flood defence committee for an area wholly or partly in Wales.

An internal drainage board for an internal drainage district wholly or partly in Wales.

Textual Amendments

F32 Sch. 3: entry inserted (26.11.2008) by [Climate Change Act 2008 \(c. 27\)](#), ss. 32(2), 100(1), [Sch. 1 para. 35](#)

F33 Words in Sch. 3 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), [Sch. 2 para. 430](#) (with Sch. 7)

Health and social care

The Care Council for Wales.

[^{F34}The Board of Community Health Councils in Wales]

A Local Health Board.

An NHS trust managing a hospital or other establishment or facility in Wales.

A Special Health Authority not discharging functions only or mainly in England.

The Wales Centre for Health.

A Community Health Council.

An independent provider in Wales.

A family health service provider in Wales.

A person with functions conferred by regulations made under section 113(2) of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43).

Textual Amendments

F34 Sch. 3: entry inserted (1.4.2006) by [The Public Services Ombudsman for Wales \(Jurisdiction and Transitional Provisions and Savings\) Order 2006 \(S.I. 2006/363\)](#), [art. 3](#)

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Housing

A social landlord in Wales.

Education and training

F35

The Office of Her Majesty's Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru.

The Higher Education Funding Council for Wales.

An admission appeal panel constituted in accordance with regulations under section 94(5) or 95(3) of the School Standards and Framework Act 1998 (c. 31).

The governing body of any community, foundation or voluntary school so far as acting in connection with the admission of pupils to the school or otherwise discharging any of their functions under Chapter 1 of Part 3 of the School Standards and Framework Act 1998.

An exclusion appeal panel constituted in accordance with regulations under section 52 of the Education Act 2002 (c. 32).

Textual Amendments

- F35** Sch. 3: entry omitted (1.4.2006) by virtue of [The National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), art. 9(1), **Sch. 1 para. 94** (with art. 7)

Arts and leisure

The Arts Council of Wales.

The Sports Council for Wales.

F36

Textual Amendments

- F36** Words in Sch. 3 omitted (1.4.2006) by virtue of [The Wales Tourist Board \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3225\)](#), art. 6(2), **Sch. 2 Pt. 1 para. 7** (with art. 3)

Miscellaneous

[^{F37}The Building Regulations Advisory Committee for Wales.]

F38

[^{F39}Comisiynydd y Gymraeg (The Welsh Language Commissioner).]

[^{F40}The Local Democracy and Boundary Commission for Wales.]

Textual Amendments

- F37** Words in Sch. 3 inserted (31.12.2011) by [The Welsh Ministers \(Transfer of Functions\) \(No. 2\) Order 2009 \(S.I. 2009/3019\)](#), arts. 1(2), **12**
- F38** Sch. 3: entry omitted (1.4.2006) by virtue of [The Welsh Development Agency \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3226\)](#), arts. 1(2), 2(1), 7(1)(b), **Sch. 2 Pt. 1 para. 15** (with art. 3(1))
- F39** Words in Sch. 3 substituted (1.4.2012) by [The Welsh Language \(Wales\) Measure 2011 \(Transfer of functions, Transitional and Consequential Provisions\) Order 2012 \(S.I. 2012/990\)](#), arts. 1(2), **9**

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F40 Words in Sch. 3 inserted (30.9.2013) by [Local Government \(Democracy\) \(Wales\) Act 2013 \(anaw 4\)](#), s. 75(2)(d), [Sch. 1 para. 3](#)

SCHEDULE 4

Section 35

CONDUCT OF LOCAL GOVERNMENT MEMBERS AND EMPLOYEES

1 The Local Government Act 2000 (c. 22) is amended as follows.

Commencement Information

I8 Sch. 4 para. 1 wholly in force at 1.4.2006; Sch. 4 para. 1 not in force at Royal Assent see s. 40; Sch. 4 para. 1 in force for certain purposes at 12.10.2005 and wholly in force at 1.4.2006 by [S.I. 2005/2800](#), [arts. 4\(1\)\(2\)](#), [5\(1\)\(3\)](#) (with [art. 4\(3\)](#))

2 In section 49 (principles governing conduct of members of relevant authorities)—
^{F41}(a)
 (b) in subsection (5)(c), for “the Commission for Local Administration in Wales” substitute “ the Public Services Ombudsman for Wales ”.

Textual Amendments

F41 Sch. 4 para. 2(a) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 5](#); [S.I. 2012/1463](#), [art. 5\(d\)](#) (with [arts. 6, 7](#)) (as amended (3.7.2012) by [S.I. 2012/1714](#), [art. 2](#)); [S.I. 2012/2913](#), [arts. 1\(2\)](#), [2\(b\)\(c\)](#) (with [arts. 3-6](#))

Commencement Information

I9 Sch. 4 para. 2 wholly in force at 1.4.2006; Sch. 4 para. 2 not in force at Royal Assent see s. 40; Sch. 4 para. 2 in force for certain purposes at 12.10.2005 and wholly in force at 1.4.2006 by [S.I. 2005/2800](#), [arts. 4\(1\)\(2\)](#), [5\(1\)\(3\)](#) (with [art. 4\(3\)](#))

3 In section 51 (duty of relevant authorities to adopt codes of conduct) in subsection (6)(c)(ii), for “Commission for Local Administration in Wales” substitute “ Public Services Ombudsman for Wales ”.

4 In section 53 (standards committees), in subsection (11)(k), for “the Commission for Local Administration in Wales” substitute “ the Public Services Ombudsman for Wales ”.

Commencement Information

I10 Sch. 4 para. 4 wholly in force at 1.4.2006; Sch. 4 para. 4 not in force at Royal Assent see s. 40; Sch. 4 para. 4 in force for certain purposes at 12.10.2005 and wholly in force at 1.4.2006 by [S.I. 2005/2800](#), [arts. 4\(1\)\(2\)](#), [5\(1\)\(3\)](#) (with [art. 4\(3\)](#))

^{F42}5

Status: Point in time view as at 30/09/2013.

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Textual Amendments

F42 Sch. 4 paras. 5-8 repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 5](#); S.I. 2012/1463, art. 5(d) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2); S.I. 2012/2913, arts. 1(2), 2(b)(c) (with arts. 3-6)

F42⁶

Textual Amendments

F42 Sch. 4 paras. 5-8 repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 5](#); S.I. 2012/1463, art. 5(d) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2); S.I. 2012/2913, arts. 1(2), 2(b)(c) (with arts. 3-6)

F42⁷

Textual Amendments

F42 Sch. 4 paras. 5-8 repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 5](#); S.I. 2012/1463, art. 5(d) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2); S.I. 2012/2913, arts. 1(2), 2(b)(c) (with arts. 3-6)

F42⁸

Textual Amendments

F42 Sch. 4 paras. 5-8 repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 5](#); S.I. 2012/1463, art. 5(d) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2); S.I. 2012/2913, arts. 1(2), 2(b)(c) (with arts. 3-6)

9 For the italic heading immediately preceding section 68 substitute “ Public Services Ombudsman for Wales ”.

10 For the heading to section 68 substitute “ Public Services Ombudsman for Wales ”.

11 In section 68—
(a) in subsection (1), for “A Local Commissioner in Wales” substitute “ The Public Services Ombudsman for Wales ”;
(b) in subsection (2), for “The Commission for Local Administration in Wales” substitute “ The Public Services Ombudsman for Wales ”;
(c) for subsection (3) substitute—

“(3) The National Assembly for Wales may by regulations make provision which, for the purpose of any provisions of the Public Services Ombudsman (Wales) Act 2005 specified in the regulations, treats—

- (a) functions of the Public Services Ombudsman for Wales under that Act as including his functions under this Part, or
- (b) expenses of the Public Services Ombudsman for Wales under that Act as including his expenses under this Part.”;
- (d) in subsection (4), omit “Part 3 of”;

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(e) omit subsection (5).

Commencement Information

I11 Sch. 4 para. 11 wholly in force at 1.4.2006; Sch. 4 para. 11 not in force at Royal Assent see s. 40; Sch. 4 para. 11(a)(c)-(e) in force for certain purposes at 12.10.2005 and Sch. 4 para. 11 wholly in force at 1.4.2006 by [S.I. 2005/2800](#), [arts. 4\(1\)\(2\)](#), [5\(1\)\(3\)](#) (with [art. 4\(3\)](#))

- 12 For the heading to section 69 substitute “ Investigations by the Public Services Ombudsman for Wales ”.
- 13 In section 69—
- (a) in subsection (1), for “A Local Commissioner in Wales” substitute “ The Public Services Ombudsman for Wales ”;
 - (b) in subsection (2), for “a Local Commissioner in Wales” substitute “ the Public Services Ombudsman for Wales ”;
 - (c) in subsection (5), for “a Local Commissioner in Wales who reaches a finding under subsection (4)(c)” substitute “ if the Public Services Ombudsman for Wales reaches a finding under subsection (4)(c) he ”.
- 14 In section 70 (investigations: further provisions)—
- (a) in subsection (2), for paragraph (b) substitute—
 - “(b) any provisions of sections 13 to 15, 25 to 27 and 32 of the Public Services Ombudsman (Wales) Act 2005.”;
 - (b) in subsection (3), for “A Local Commissioner in Wales” substitute “ The Public Services Ombudsman for Wales ”;
 - (c) in subsections (4) and (5), for “a Local Commissioner in Wales” substitute “ the Public Services Ombudsman for Wales ”.

Commencement Information

I12 Sch. 4 para. 14 wholly in force at 1.4.2006; Sch. 4 para. 14 not in force at Royal Assent see s. 40; Sch. 4 para. 14(a) in force for certain purposes at 12.10.2005 and Sch. 4 para. 14 wholly in force at 1.4.2006 by [S.I. 2005/2800](#), [arts. 4\(1\)\(2\)](#), [5\(1\)\(3\)](#) (with [art. 4\(3\)](#))

- 15 In section 71 (reports etc.)—
- (a) in subsections (1) to (3), for “a Local Commissioner in Wales” substitute “ the Public Services Ombudsman for Wales ”;
 - (b) in subsection (4)(b), for “a Local Commissioner in Wales who reaches a finding under section 69(4)(c)” substitute “ if the Public Services Ombudsman for Wales reaches a finding under section 69(4)(c) he ”;
 - (c) in subsection (6), for “A Local Commissioner in Wales” substitute “ The Public Services Ombudsman for Wales ”.
- 16 In section 72 (interim reports), in subsections (1), (3) and (4), for “a Local Commissioner in Wales” substitute “ the Public Services Ombudsman for Wales ”.
- 17 In section 73 (matters referred to monitoring officers) in subsection (7), for “a Local Commissioner in Wales” substitute “ the Public Services Ombudsman for Wales ”.
- 18 In section 74 (law of defamation), for “a Local Commissioner in Wales” substitute “ the Public Services Ombudsman for Wales ”.

Status: Point in time view as at 30/09/2013.

Changes to legislation: Public Services Ombudsman (Wales) Act 2005 is up to date with all changes known to be in force on or before 07 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 19 In section 78 (decisions of interim case tribunals) in subsection (5), for “a Local Commissioner in Wales” substitute “ the Public Services Ombudsman for Wales ”.
- 20 In section 79 (decisions of case tribunals) in subsection (12)(a)(ii), for “the Commission for Local Administration in Wales” substitute “ the Public Services Ombudsman for Wales ”.
- F43 21

Textual Amendments

F43 Sch. 4 para. 21 repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 5](#); S.I. 2012/1463, art. 5(d) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2); S.I. 2012/2913, arts. 1(2), 2(b)(c) (with arts. 3-6)

- 22 In section 81 (disclosure and registration of members' interests etc.) in subsection (7)—
- F44 (a)
- (b) at the end insert—
- “(c) if it is a relevant authority in Wales, inform the Public Services Ombudsman for Wales that copies of the register are so available.”.

Textual Amendments

F44 Sch. 4 para. 22(a) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 5](#); S.I. 2012/1463, art. 5(d) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2); S.I. 2012/2913, arts. 1(2), 2(b)(c) (with arts. 3-6)

- 23 In section 82 (code of conduct for local government employees) in subsections F45 ... (6)(c), for “the Commission for Local Administration in Wales” substitute “ the Public Services Ombudsman for Wales ”.

Textual Amendments

F45 Words in Sch. 4 para. 23 repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 5](#); S.I. 2012/1463, art. 5(d) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2); S.I. 2012/2913, arts. 1(2), 2(b)(c) (with arts. 3-6)

Commencement Information

I13 Sch. 4 para. 23 wholly in force at 1.4.2006; Sch. 4 para. 23 not in force at Royal Assent see s. 40; Sch. 4 para. 23 in force for certain purposes at 12.10.2005 and wholly in force at 1.4.2006 by [S.I. 2005/2800](#), arts. 4(1)(2), 5(1)(3) (with art. 4(3))

- 24 In section 83 (interpretation of Part 3) in subsection (1)—
- (a) omit the definition of “Local Commissioner in Wales”;
- (b) in the definition of “the relevant Adjudication Panel” in paragraph (b), for “a Local Commissioner in Wales” substitute “ the Public Services Ombudsman for Wales ”.

Status: Point in time view as at 30/09/2013.

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SCHEDULE 5

Section 37

TRANSFER OF STAFF, PROPERTY ETC.

Interpretation

- 1 In this Schedule—
- “the commencement date” means the date on which this Schedule comes into force;
- “existing authority” means each of—
- (a) the Welsh Administration Ombudsman;
 - (b) the Health Service Commissioner for Wales;
 - (c) the Commission for Local Administration in Wales;
 - (d) a Local Commissioner who is a member of the Commission for Local Administration in Wales;
 - (e) the Social Housing Ombudsman for Wales;
- “relevant employee” means a person who, immediately before the commencement date, was an officer or member of staff of an existing authority;
- “the relevant existing authority”, in relation to a relevant employee, means the existing authority of which he was an officer or member of staff immediately before the commencement date.

Transfer of staff

- 2 On the commencement date each relevant employee transfers to and becomes a member of the staff of the Ombudsman.
- 3 The contract of employment of a relevant employee transferred under paragraph 2—
- (a) is not terminated by the transfer;
 - (b) has effect on and after the commencement date as if originally made between the employee and the Ombudsman.
- 4 Accordingly—
- (a) all rights, powers, duties and liabilities of the relevant existing authority under or in connection with the contract of employment are transferred to the Ombudsman on the commencement date;
 - (b) anything done before that date by or in relation to the relevant existing authority in respect of that contract or the relevant employee is to be treated on and after that date as having been done by or in relation to the Ombudsman.
- 5 But if a relevant employee informs the relevant existing authority or the Ombudsman before the commencement date that he objects to the transfer—
- (a) paragraphs 2 to 4 do not apply; and
 - (b) the contract of employment is terminated immediately before the commencement date but the relevant employee is not to be treated, for any purpose, as having been dismissed by the relevant existing authority.

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- 6 Paragraph 5 does not affect any right of a relevant employee to terminate his contract of employment if (apart from the change of employer) a substantial change is made to his detriment in his working conditions.

Transfer of property, rights and liabilities

- 7 On the commencement date all property, rights and liabilities to which each existing authority was entitled or subject immediately before that date transfer to and vest in the Ombudsman.

- 8 The reference in paragraph 7 to rights and liabilities does not include any rights and liabilities under a contract of employment transferred to the Ombudsman under paragraph 2.

- 9 Paragraph 7 has effect in relation to any property, rights and liabilities to which it applies despite any provision (of whatever nature) which would otherwise prevent, penalise or restrict their transfer.

- 10 Anything (including legal proceedings) which is in the process of being done by or in relation to an existing authority immediately before the commencement date and which relates to—

- (a) any function of that existing authority, or
- (b) any property, rights or liabilities of that existing authority transferred to the Ombudsman under paragraph 7,

may, on and after the commencement date, be continued by or in relation to the Ombudsman.

- 11 Anything done by an existing authority for the purpose of, or in connection with—

- (a) any function of that existing authority, or
- (b) any property, rights or liabilities of that existing authority transferred to the Ombudsman under paragraph 7,

and which is in effect immediately before the commencement date is to have effect on and after the commencement date as if done by the Ombudsman.

- 12 On and after the commencement date, the Ombudsman is to be substituted for each existing authority in any instruments, contracts or legal proceedings which relate to—

- (a) any function of that existing authority, or
- (b) any property, rights or liabilities of that existing authority transferred to the Ombudsman under paragraph 7,

and which are made or commenced before the commencement date.

SCHEDULE 6

Section 39

CONSEQUENTIAL AMENDMENTS

Parliamentary Commissioner Act 1967 (c. 13)

- 1 The Parliamentary Commissioner Act 1967 is amended as follows.

Status: Point in time view as at 30/09/2013.

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- 2 In section 3 (administrative provisions) in subsection (2), for “of the Welsh Administration Ombudsman or of the Health Service Commissioner for Wales” substitute “ of the Public Services Ombudsman for Wales ”.
- 3 In section 4 (departments etc. subject to investigation) in subsection (3A), for “by the Welsh Administration Ombudsman under Schedule 9 to the Government of Wales Act 1998” substitute “ by the Public Services Ombudsman for Wales under the Public Services Ombudsman (Wales) Act 2005 ”.
- 4 In section 11 (provision for secrecy of information) in subsection (2A)—
- (a) for “holds office as Welsh Administration Ombudsman or a Health Service Commissioner” substitute “ holds office as the Health Service Commissioner for England ”;
 - (b) for “in his capacity as Welsh Administration Ombudsman or a Health Service Commissioner” substitute “ in his capacity as the Health Service Commissioner for England ”.
- 5 (1) Section 11A is amended as follows.
- (2) In subsection (1)—
- (a) for the words from “the Welsh Administration Ombudsman” to “the Health Service Commissioner for England or Wales” substitute “ the Public Services Ombudsman for Wales, the Scottish Public Services Ombudsman or the Health Service Commissioner for England ”;
 - (b) in paragraph (b), for the words from “Government of Wales” to “Health Service” substitute “ Public Services Ombudsman (Wales) Act 2005 or the Health Service ”.
- (3) In subsection (2), for the words from “Welsh Administration Ombudsman” to “Health Service Commissioner” substitute “ Public Services Ombudsman for Wales, the Scottish Public Services Ombudsman or the Health Service Commissioner for England ”.

Superannuation Act 1972 (c. 11)

- 6 In Schedule 1 to the Superannuation Act 1972 (kinds of employment etc. referred to in section 1)—
- (a) omit “Health Service Commissioner for Wales”;
 - (b) omit “The Local Commissioner for Wales”;
 - (c) omit “Welsh Administration Ombudsman”.

Local Government Act 1974 (c. 7)

- 7 The Local Government Act 1974 is amended as follows.
- 8 (1) Section 23 (the Commissions for Local Administration) is amended as follows.
- (2) In subsection (1)—
- (a) omit paragraph (b) and the word “and” immediately preceding it;
 - (b) for “each of the Commissions” substitute “ the Commission ”.
- (3) In subsection (2), for “each of the Commissions” substitute “ the Commission ”.
- (4) In subsection (3), for “one of the Commissions” substitute “ the Commission ”.

Status: Point in time view as at 30/09/2013.

Changes to legislation: Public Services Ombudsman (Wales) Act 2005 is up to date with all changes known to be in force on or before 07 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (5) Omit subsection (3A).
 - (6) In subsection (7), omit the words from “and, in the event” to the end.
 - (7) In subsection (8), omit the words from “; and where the” to “similar way in Wales”.
 - (8) In subsection (10)—
 - (a) for “Each of the Commissions” substitute “ The Commission ”;
 - (b) in paragraph (a), omit the words from “including” to “that other Commission”.
 - (9) In subsection (11)—
 - (a) for the words from “his Commission” to “submit it to the other Commission”, substitute “ the Commission ”;
 - (b) omit “to the appropriate Commission”.
 - (10) In subsection (12)—
 - (a) for “the Commissions” substitute “ the Commission ”;
 - (b) omit “or the National Assembly for Wales”.
 - (11) In subsection (12A), for “Each of the Commissions” substitute “ The Commission ”.
 - (12) In subsection (12B), in paragraph (a) omit the words “in England or, as the case may be, authorities in Wales”.
 - (13) In subsection (13), for “the Commissions” substitute “ the Commission ”.
- 9 (1) Section 23A (annual reports for representatives etc.) is amended as follows.
- (2) In subsection (1)—
 - (a) for “each of the Commissions” substitute “ the Commission ”;
 - (b) in paragraph (a), omit the words “in England or, as the case may be, authorities in Wales”.
 - (3) In subsection (2), for “each Commission” substitute “ the Commission ”.
 - (4) In subsection (3), for “Each Commission” substitute “ The Commission ”.
 - (5) ^{F46}
 - (6) Omit subsection (6).

Textual Amendments

F46 Sch. 6 para. 9(5) repealed (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 241, 245, Sch. 18 Pt. 14; S.I. 2008/917, art. 2(1)(v)(ii)

- 10 In section 25(1) (authorities subject to investigation)—
- (a) in paragraph (ab), at the end insert “ for a National Park in England ”;
 - (b) in paragraph (bd), at the end insert “ for an urban development area in England ”;
 - (c) in paragraph (be), at the end insert “ for a designated area in England ”;
 - (d) in paragraph (bg), after “fire and rescue authority” insert “ in England ”;

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- (e) in paragraph (ca), after “Police Act 1996” insert “ for a police area in England ”;
 - (f) in paragraph (d), at the end insert “ for an area wholly or partly in England ”.
- 11 (1) Section 26 (matters subject to investigation) is amended as follows.
- (2) In subsection (6)(b), omit “or the National Assembly for Wales”.
- (3) After subsection (6) insert—
- “(6A) A Local Commissioner shall not conduct an investigation under this Part of this Act in respect of any action taken in connection with the discharge by an authority of any of the authority's functions otherwise than in relation to England.”
- 12 (1) Section 29 (investigations: further provisions) is amended as follows.
- (2) In subsection (3), omit “or the National Assembly for Wales”.
- (3) in subsection (5)—
- (a) omit paragraph (aa);
 - (b) in paragraph (b), for “or the Health Service Commissioner for Wales, or by any of their officers” substitute “ or by any of his officers ”;
 - (c) after paragraph (b) insert “, or
 - (c) the restriction imposed by section 26 of the Public Services Ombudsman (Wales) Act 2005.”.
- 13 (1) Section 32 (law of defamation and disclosure of information) is amended as follows.
- (2) ^{F47}
- (3) ^{F47}
- (4) ^{F47}
- (5) In subsection (5)—
- (a) omit “or the National Assembly for Wales”;
 - (b) omit “or a member of the Assembly's staff”;
 - (c) omit “or the Assembly”.

Textual Amendments

F47 Sch 6 para. 13(2)(3)(4) repealed (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 10), ss. 241, 245, {Sch. 18, Pt. 14}; S.I. 2008/917, art. 2(1)(v)(ii)

- 14 Omit section 32A (use of information by Local Commissioner in other capacity).
- 15 (1) Section 33 (consultation between Local Commissioner and other commissioners and ombudsmen) is amended as follows.
- (2) In subsection (1)—
- (a) omit paragraphs (aa) and (aza);
 - (b) in paragraph (b), omit “or the Health Service Commissioner for Wales”;
 - (c) after paragraph (b) insert—

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- “(ba) by the Public Services Ombudsman for Wales, in accordance with the Public Services Ombudsman (Wales) Act 2005;”;
- (d) omit “under the Housing Act 1996, under the Government of Wales Act 1998;”;
- (e) after “the Act of 1993” insert “ , the Public Services Ombudsman (Wales) Act 2005 ”.
- (3) In subsection (2)—
- (a) for the words from “the Social” to “Welsh Administration Ombudsman” substitute “ the Public Services Ombudsman for Wales ”;
- (b) for “one of the Health Service Commissioners” substitute “ the Health Service Commissioner for England ”.
- (4) In subsection (5)—
- (a) omit “in paragraph 13(1) of Schedule 2A to the Housing Act 1996”;
- (b) for “paragraph 25(1) of Schedule 9 to the Government of Wales Act 1998” substitute “ section 26 of the Public Services Ombudsman (Wales) Act 2005 ”.
- 16 (1) Section 34(1) (interpretation of Part 3) is amended as follows.
- (2) For the definition of “the Commissions” substitute—
- ““the Commission” means the Commission for Local Administration in England.”.
- (3) In the definition of “local authority”—
- (a) after “a county council” insert “ in England ”;
- (b) omit “a Welsh county council, a county borough council”.
- 17 For the title to Schedule 4, substitute “ The Commission ”.
- 18 (1) Schedule 4 is amended as follows.
- (2) in paragraph 1(3) (disqualifications), omit the words “or in the office of Social Housing Ombudsman for Wales”.
- (3) In paragraph 2(2), omit the words from “and, if the Commissioner for Local Administration in Wales” to the end.
- (4) In paragraph 3—
- (a) in sub-paragraph (1), for “Each Commission” substitute “ The Commission ”;
- (b) in sub-paragraph (2), for “the appropriate Commission” substitute “ the Commission ”.
- (5) In paragraph 4—
- (a) in sub-paragraph (1), for “Each of the Commissions” substitute “ The Commission ”;
- (b) in sub-paragraph (2), for “Each of the Commissions” substitute “ The Commission ”;
- (c) in sub-paragraph (3), for “a Commission” substitute “ the Commission ”;
- (d) omit sub-paragraph (4).

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- (6) In the heading before paragraph 5, for “the Commissions” substitute “ the Commission ”.
- (7) In paragraph 5—
 - (a) in sub-paragraph (1), for “The Commissions” substitute “ The Commission ”;
 - (b) in sub-paragraph (2), for “either Commission” substitute “ the Commission ”;
 - (c) in sub-paragraph (3), for “Each of the Commissions” substitute “ The Commission ”.
- (8) In the heading before paragraph 6, for “the Commissions” substitute “ the Commission ”.
- (9) In paragraph 6, in sub-paragraphs (1), (2) and (3), omit “for Local Administration in England”.
- (10) Omit paragraph 6A.
- (11) ^{F48}
- (12) In paragraph 8, omit “for Local Administration in England”.
- (13) Omit paragraph 8A.

Textual Amendments

F48 Sch. 6 para. 18(11) repealed (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 241, 245, Sch. 18 Pt. 14; S.I. 2008/917, art. 2(1)(v)(ii)

Commencement Information

I14 Sch. 6 para. 18 wholly in force at 1.4.2006; Sch. 6 para. 18 not in force at Royal Assent see s. 40; Sch. 6 para. 18(11)(13) in force for certain purposes at 12.10.2005 and Sch. 6 para. 18 wholly in force at 1.4.2006 by S.I. 2005/2800, arts. 3(b), 5(1), Sch. 1 Pt. 2 (with art. 7)

House of Commons Disqualification Act 1975 (c. 24)

- 19 In Schedule 1 to the House of Commons Disqualification Act 1975 (offices disqualifying for membership)—
 - (a) in Part 2, omit “The Commission for Local Administration in Wales.”;
 - (b) in Part 3—
 - (i) omit “Health Service Commissioner for Wales.”;
 - (ii) at the appropriate place insert “ Public Services Ombudsman for Wales. ”;
 - (iii) omit “Welsh Administration Ombudsman.”.

National Health Service Act 1977 (c. 49)

- 20 ^{F49}

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Textual Amendments

- F49** Sch. 6 para. 20 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 6, 8, Sch. 4 (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

Mental Health Act 1983 (c. 20)

- 21 In section 134 of the Mental Health Act 1983 (correspondence of patients), in subsection (3)(c)—
- (a) for “the Welsh Administration Ombudsman” substitute “ the Public Services Ombudsman for Wales ”;
 - (b) omit “, the Health Service Commissioner for Wales”.

Finance Act 1989 (c. 26)

- 22 In section 182 of the Finance Act 1989 (disclosure of information)—
- (a) in subsection (4)(a), for sub-paragraph (iv) substitute—
“(iv) of the Public Services Ombudsman for Wales and any member of his staff, or”;
 - (b) in subsection (6), for “the Welsh Administration Ombudsman” substitute “ the Public Services Ombudsman for Wales ”;
 - (c) in subsection (11)(c), omit “, the Health Service Commissioner for Wales”.

Local Government and Housing Act 1989 (c. 42)

- 23 The Local Government and Housing Act 1989 is amended as follows.
- 24 (1) Section 5 (designation and reports of monitoring officer) is amended as follows.
- (2) In subsection (2), after paragraph (b) insert “; or
 - (c) a matter which the Public Services Ombudsman for Wales would be entitled to investigate under the Public Services Ombudsman (Wales) Act 2005.”.
- (3) After subsection (2A) insert—
- “(2AA) No duty shall arise by virtue of subsection (2)(c) above unless the Public Services Ombudsman for Wales has conducted an investigation under the Public Services Ombudsman (Wales) Act 2005 in relation to the proposal, decision or omission concerned.”
- 25 (1) Section 5A (reports of monitoring officer: local authorities operating executive arrangements) is amended as follows.
- (2) In subsection (3), after paragraph (b) insert “; or
 - (c) a matter which the Public Services Ombudsman for Wales would be entitled to investigate under the Public Services Ombudsman (Wales) Act 2005.”.
- (3) After subsection (4) insert—
- “(4A) No duty shall arise by virtue of subsection (3)(c) above unless the Public Services Ombudsman for Wales has conducted an investigation under the

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Public Services Ombudsman (Wales) Act 2005 in relation to the proposal, decision or omission concerned.”

Social Security Administration Act 1992 (c. 5)

- 26 In section 123 of the Social Security Administration Act 1992 (unauthorised disclosure of information relating to particular persons) in subsection (8)—
- (a) omit paragraphs (f), (hb) and (hd);
 - (b) before paragraph (i) insert—
 - “(he) the Public Services Ombudsman for Wales and any member of his staff”;
 - (c) in paragraph (k), for “(hb)” substitute “(ha)”.

Health Service Commissioners Act 1993 (c. 46)

- 27 The Health Service Commissioners Act 1993 is amended as follows.
- 28 In the heading before section 1, for “Commissioners” substitute “Commissioner”.
- 29 For the heading to section 1, substitute “The Commissioner”.
- 30 (1) Section 1 is amended as follows.
- (2) In subsection (1), omit paragraph (b).
 - (3) In subsection (2)—
 - (a) for “a Commissioner” substitute “the Commissioner”;
 - (b) for “any of the Commissioners” substitute “the Health Service Commissioner for England”.
 - (4) In subsection (3), omit the words from “for England” to the end.
- 31 (1) Section 2 (the bodies subject to investigation) is amended as follows.
- (2) In subsection (1), for “the Health Service Commissioner for England” substitute “the Commissioner”.
 - (3) Omit subsection (2).
 - (4) For subsection (6) substitute—
 - “(6) A designation made for the purposes of subsection (5)(b) shall be made by Order in Council; and a statutory instrument containing an Order in Council made by virtue of this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.”.
- 32 (1) Section 2A (health service providers subject to investigation) is amended as follows.
- (2) In subsection (1), for “the Health Service Commissioner for England” substitute “the Commissioner”.
 - (3) Omit subsection (2).
 - (4) In subsection (4), for “subsection (1) or (2)” substitute “subsection (1)”.
- 33 (1) Section 2B (independent providers subject to investigation) is amended as follows.

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- (2) In subsection (1), for “the Health Service Commissioner for England” substitute “the Commissioner”.
- (3) Omit subsections (2) and (2A).
- (4) In subsection (4), for “subsection (1)(a) or (2)(a)” substitute “subsection (1)(a)”.
- (5) In subsection (5), for “subsection (1) or (2)” substitute “subsection (1)”.
- 34 In the heading to section 3, for “Commissioners” substitute “Commissioner”.
- 35 (1) Section 3 is amended as follows.
- (2) In subsections (1), (1A), (1C), (1E), (2), (3), (4), (5) and (6), for “a Commissioner” substitute “the Commissioner”.
- (3) Omit subsection (1YA).
- 36 (1) Section 4 (availability of other remedy) is amended as follows.
- (2) In subsections (1) and (2), for “A Commissioner” substitute “The Commissioner”.
- (3) In subsection (5), for “a Commissioner” substitute “the Commissioner”.
- 37 In section 6 (general health services and service committees) in subsections (3) and (5)—
- (a) for “A Commissioner” substitute “The Commissioner”;
- (b) omit “or Health Authority”.
- 38 (1) Section 7 (personnel, contracts etc.) is amended as follows.
- (2) In subsection (1)—
- (a) for “A Commissioner” substitute “The Commissioner”;
- (b) omit “or service as a member of the staff of the Assembly”.
- (3) In subsection (2), for “A Commissioner” substitute “The Commissioner”.
- (4) In subsection (3), for “the Health Service Commissioners for England and for Wales” substitute “the Commissioner”.
- (5) In subsection (3A), for “A Commissioner” substitute “The Commissioner”.
- (6) In subsections (3B) and (4), for “a Commissioner” substitute “the Commissioner”.
- 39 (1) Section 9 (requirements to be complied with) is amended as follows.
- (2) In subsection (1), for “a Commissioner” substitute “the Commissioner”.
- (3) In subsection (4A), for “section 2A(1) or (2)” substitute “section 2A(1)”.
- (4) In subsection (4B), for “section 2B(1) or (2)” substitute “section 2B(1)”.
- 40 (1) Section 10 (referral of complaint by health service body) is amended as follows.
- (2) In subsections (1), (4) and (5), for “a Commissioner” substitute “the Commissioner”.
- (3) Omit subsection (2A).
- 41 (1) Section 11 (procedure in respect of investigations) is amended as follows.

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Changes to legislation: Public Services Ombudsman (Wales) Act 2005 is up to date with all changes known to be in force on or before 07 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (2) In subsections (1), (1A), (1B), and (1C), for “a Commissioner” substitute “ the Commissioner ”.
- (3) In subsection (4)—
- (a) for “A Commissioner” substitute “ The Commissioner ”;
 - (b) for “the Health Service Commissioner for England” substitute “ the Commissioner ”;
 - (c) omit the words from “and payments made by the Health Service Commissioner for Wales” to the end.
- 42 In section 12 (evidence) in subsections (1), (1A) and (2), for “a Commissioner” substitute “ the Commissioner ”.
- 43 In section 13 (obstruction and contempt), in subsection (1), for “A Commissioner” substitute “ The Commissioner ”.
- 44 For the heading to section 14 substitute “ Reports by the Commissioner ”.
- 45 (1) Section 14 is amended as follows.
- (2) In subsections (1), (2), (2A), (2B), (2C), (2D), (2E), (2F), (3) and (5), for “the Health Service Commissioner for England” substitute “ the Commissioner ”.
 - (3) In subsection (4), for “The Health Service Commissioner for England” substitute “ The Commissioner ”.
- 46 Omit sections 14A to 14C (reports by the Welsh Commissioner).
- 47 (1) Section 15 (confidentiality of information) is amended as follows.
- (2) In subsection (1), for each occurrence of “a Commissioner” substitute “ the Commissioner ”.
 - (3) In subsections (1A), (1C) and (2), for “a Commissioner” substitute “ the Commissioner ”.
 - (4) In subsection (3)—
 - (a) for “a Commissioner's” substitute “ the Commissioner's ”;
 - (b) omit “or paragraph 6(6) of Schedule 1A”.
- 48 In section 16 (information prejudicial to the safety of the State) in subsections (1) and (2), for “a Commissioner” substitute “ the Commissioner ”.
- 49 (1) Section 17 (use of information by Commissioner in other capacity) is amended as follows.
- (2) In subsection (1)—
 - (a) for “a Commissioner” substitute “ the Commissioner ”;
 - (b) omit the words from “any of the other offices” to “Welsh Administration Ombudsman or”.
 - (3) Omit subsection (3).
- 50 (1) Section 18 (consultation during investigations) is amended as follows.
- (2) In subsection (1)—
 - (a) for “a Commissioner” substitute “ the Commissioner ”;
 - (b) omit paragraph (a);

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- (c) for paragraph (ba) substitute—
 - “(ba) by the Public Services Ombudsman for Wales under the Public Services Ombudsman (Wales) Act 2005,”;
 - (d) omit paragraph (e) and the word “or” immediately preceding it.
- (3) In subsection (2)—
- (a) for “a Commissioner” substitute “ the Commissioner ”;
 - (b) for “the Ombudsman” substitute “ the Public Services Ombudsman for Wales ”.
- 51 In section 18A (disclosure of information to Information Commissioner) in subsection (1) for “The Health Service Commissioner for England or the Health Service Commissioner for Wales” substitute “ The Health Service Commissioner ”.
- 52 (1) Section 19 (interpretation) is amended as follows.
- (2) Omit the definitions of “financial year” and “first financial year of the Assembly”.
 - (3) In the definition of “officer” omit “and, in the case of the Health Service Commissioner for Wales, any member of his staff”.
- 53 (1) Schedule 1 is amended as follows.
- (2) Omit paragraph A1.
 - (3) In the heading before paragraph 1, for “Commissioners” substitute “ Commissioner ”.
 - (4) In paragraph 1(1) and (2), for “a Commissioner” substitute “ the Commissioner ”.
 - (5) In paragraph 3—
 - (a) in sub-paragraph (1), for “a Commissioner” substitute “ the Commissioner ”;
 - (b) in sub-paragraph (2), for “section 2(1) or (2)” substitute “ section 2(1) ”.
 - (6) In paragraph 3A—
 - (a) in sub-paragraph (1), for “a Commissioner” substitute “ the Commissioner ”;
 - (b) in sub-paragraph (2), for “section 2A(1) or (2)” substitute “ section 2A(1) ”.
 - (7) In paragraphs 4, 5 and 7, for “a Commissioner” substitute “ the Commissioner ”.
 - (8) In paragraph 11(1), for “A Commissioner” substitute “ The Commissioner ”.
 - (9) In paragraph 12—
 - (a) for “a Commissioner” substitute “ the Commissioner ”;
 - (b) for “the Health Service Commissioner for Wales, the Parliamentary Commissioner or the Welsh Administration Ombudsman” substitute “ the Parliamentary Commissioner or the Public Services Ombudsman for Wales ”.
 - (10) In paragraph 13—
 - (a) in sub-paragraph (1), for “a Commissioner” substitute “ the Commissioner ”;
 - (b) in sub-paragraph (2), for “A Commissioner” substitute “ The Commissioner ”.
 - (11) In paragraph 14, for “a Commissioner” substitute “ the Commissioner ”.
- 54 Omit Schedule 1A (the Welsh Commissioner).

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Changes to legislation: Public Services Ombudsman (Wales) Act 2005 is up to date with all changes known to be in force on or before 07 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Deregulation and Contracting Out Act 1994 (c. 40)

- 55 In section 79(1) of the Deregulation and Contracting Out Act 1994 (interpretation of Part 2), in the definition of “office-holder”—
- (a) for “the Welsh Administration Ombudsman” substitute “ the Public Services Ombudsman for Wales ”;
 - (b) omit “or for Wales”.

Housing Act 1996 (c. 52)

- 56 The Housing Act 1996 is amended as follows.
- 57 In section 51(7) (schemes for investigation of housing complaints), for “section 51C” substitute “ section 41 of the Public Services Ombudsman (Wales) Act 2005 ”.
- 58 Omit sections 51A to 51C and Schedule 2A (the Social Housing Ombudsman for Wales).

Audit Commission Act 1998 (c. 18)

- 59 In section 49(1) of the Audit Commission Act 1998 (restriction on disclosure of information), for the second paragraph (dd) substitute—
- “(de) for the purposes of the functions of an ethical standards officer or the Public Services Ombudsman for Wales under Part 3 of the Local Government Act 2000;”.

Data Protection Act 1998 (c. 29)

- 60 In section 31 of the Data Protection Act 1998 (regulatory activity), in subsection (4) (a)—
- (a) in sub-paragraph (ii), omit “or, the Commission for Local Administration in Wales”;
 - (b) in sub-paragraph (iii), omit “or, the Health Service Commissioner for Wales”;
 - (c) for sub-paragraph (iv) substitute—
“(iv) the Public Services Ombudsman for Wales.”.

Government of Wales Act 1998 (c. 38)

- 61 The Government of Wales Act 1998 is amended as follows.

Commencement Information

I15 Sch. 6 paras. 61-63 wholly in force at 1.4.2006; Sch. 6 paras. 61-63 not in force at Royal Assent see s. 40; Sch. 6 paras. 61-63 in force for certain purposes at 12.10.2005 and wholly in force at 1.4.2006 by S.I. 2005/2800, arts. 3(a), 5(1)(3), Sch. 1 Pt. 1

Status: Point in time view as at 30/09/2013.

Changes to legislation: Public Services Ombudsman (Wales) Act 2005 is up to date with all changes known to be in force on or before 07 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

F50 Sch. 6 paras. 62-64 repealed by Government of Wales Act 2006 (c. 32), s. 161, 163, Sch. 12 (with Sch. 11 para. 22), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(1)(4)(5) of the amending Act.

63 F51

Textual Amendments

F51 Sch. 6 paras. 62-64 repealed by Government of Wales Act 2006 (c. 32), s. 161, 163, Sch. 12 (with Sch. 11 para. 22), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(1)(4)(5) of the amending Act.

64 F52

Textual Amendments

F52 Sch. 6 paras. 62-64 repealed by Government of Wales Act 2006 (c. 32), s. 161, 163, Sch. 12 (with Sch. 11 para. 22), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(1)(4)(5) of the amending Act.

- 65 Omit section 111 (Welsh Administration Ombudsman).
- 66 In section 144 (accounts, audit and reports), in subsection (8)(a)—
 - (a) for “the Welsh Administration Ombudsman” substitute “ the Public Services Ombudsman for Wales ”;
 - (b) omit “the Health Service Commissioner for Wales,”.
- 67 In section 146 (transfer etc. of functions from Comptroller and Auditor General), in subsection (2)(b)—
 - (a) for “the Welsh Administration Ombudsman” substitute “ the Public Services Ombudsman for Wales ”;
 - (b) omit “the Health Service Commissioner for Wales,”.
- 68 In section 156 (defined expressions), omit the entry for the Welsh Administration Ombudsman.
- 69 Omit Schedule 9 (Welsh Administration Ombudsman).

Freedom of Information Act 2000 (c. 36)

- 70 The Freedom of Information Act 2000 is amended as follows.
- 71 In section 76(1) (disclosure of information between Information Commission and ombudsmen), in the table—

Status: Point in time view as at 30/09/2013.

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- (a) omit the entries relating to the Health Service Commissioner for Wales and the Social Housing Ombudsman for Wales;
- (b) for the entry relating to the Welsh Administration Ombudsman substitute—

“The Public Services Ombudsman for Wales Part 2 of the Public Services Ombudsman (Wales) Act 2005”.

- 72 In Schedule 1 (public authorities), in Part 6—
- (a) omit “The Commission for Local Administration in Wales”, “The Health Service Commissioner for Wales” and “The Welsh Administration Ombudsman”;
 - (b) at the appropriate place, insert “The Public Services Ombudsman for Wales”.

Scottish Public Services Ombudsman Act 2002 (asp 11)

- 73 In section 21(1) of the Scottish Public Services Ombudsman Act 2002 (consultation and co-operation with other commissioners and ombudsmen)—
- (a) in paragraph (b), for “either of the Health Service Commissioners” substitute “the Health Service Commissioner”;
 - (b) for paragraph (c) substitute—
 - “(c) by the Public Services Ombudsman for Wales under the Public Services Ombudsman (Wales) Act 2005,”.

Health and Social Care (Community Health and Standards) Act 2003 (c. 43)

- 74 The Health and Social Care (Community Health and Standards) Act 2003 is amended as follows.

- 75 In section 113 (complaints about health care) in subsection (4)—
- (a) in paragraph (a), at the beginning insert “in the case of regulations under subsection (1), ”;
 - (b) after paragraph (a) insert—
 - “(aa) in the case of regulations under subsection (2), to be referred to the Public Services Ombudsman for Wales for him to consider whether to investigate the complaint or matter under the Public Services Ombudsman (Wales) Act 2005 (and to be treated by him as a complaint duly referred to him under section 2(3) of that Act);”.

- 76 In section 114 (complaints about social services) in subsection (5)—
- (a) in paragraph (a), omit “who is a member of the Commission for Local Administration in England”;
 - (b) for paragraph (b) substitute—
 - “(b) in the case of regulations under subsection (3), to be referred to the Public Services Ombudsman for Wales for him to consider whether to investigate the complaint or matter under the Public Services Ombudsman (Wales) Act 2005 (and to be treated by him as a complaint duly referred to him under section 2(3) of that Act).”

Status: Point in time view as at 30/09/2013.

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Public Audit (Wales) Act 2004 (c. 23)

- 77 In section 54 of the Public Audit (Wales) Act 2004 (restriction on disclosure of information) in subsection (2)(d), for “a Local Commissioner in Wales” substitute “the Public Services Ombudsman for Wales”.

SCHEDULE 7

Section 39

REPEALS

Commencement Information

- I16** Sch. 7 wholly in force at 1.4.2006; Sch. 7 not in force at Royal Assent see s. 40; Sch. 7 in force for certain purposes at 12.10.2005 and wholly in force at 1.4.2006 by S.I. 2005/2800, arts. 3(b), 5(1)(3), Sch. 1 Pt. 2 (with arts. 5(2), 7, Sch. 2)

Short title and chapter

Extent of repeal

Superannuation Act 1972 (c. 11)

In Schedule 1, the words “Health Service Commissioner for Wales”, “The Local Commissioner for Wales” and “Welsh Administration Ombudsman”.

Local Government Act 1974 (c. 7)

In section 23—

- (a) in subsection (1), paragraph (b) and the word “and” immediately preceding it;
- (b) subsection (3A);
- (c) in subsection (7), the words from “and, in the event” to the end;
- (d) in subsection (8), the words from “; and where the” to “similar way in Wales”;
- (e) in subsection (10)(a), the words from “including” to “that other Commission”;
- (f) in subsection (11), the words “to the appropriate Commission”;
- (g) in subsection (12), the words “or the National Assembly for Wales”;
- (h) in subsection (12B), the words “in England or, as the case may be, authorities in Wales”.

In section 23A—

- (a) in subsection (1)(a), the words “in England or, as the case may be, authorities in Wales”;
- (b) subsection (6).

In section 26(6)(b), the words “or the National Assembly for Wales”.

In section 29—

- (a) in subsection (3), the words “or the National Assembly for Wales”;

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	(b) subsection (5)(aa). In section 32(5), the words “or the National Assembly for Wales”, “or a member of the Assembly’s staff” and “or the Assembly”. Section 32A. In section 33(1)—
	(a) paragraphs (aa) and (aza); (b) in paragraph (b), the words “or the Health Service Commissioner for Wales”; (c) the words “under the Housing Act 1996, under the Government of Wales Act 1998,”.
	In section 33(5), the words “in paragraph 13(1) of Schedule 2A to the Housing Act 1996”.
	In section 34(1), in the definition of “local authority”, the words “a Welsh county council, a county borough council”.
	In Schedule 4—
	(a) in paragraph 1(3), the words “or in the office of Social Housing Ombudsman for Wales”; (b) in paragraph 2(2), the words from “and, if the Commissioner for Local Administration in Wales” to the end; (c) paragraph 4(4); (d) in paragraph 6, in sub-paragraphs (1), (2) and (3), the words “for Local Administration in England”; (e) paragraph 6A; (f) in paragraph 8, the words “for Local Administration in England”; (g) paragraph 8A.
House of Commons Disqualification Act 1975 (c. 24)	In Schedule 1— (a) in Part 2, the words “The Commission for Local Administration in Wales.”; (b) in Part 3, the words “Health Service Commissioner for Wales.” and “Welsh Administration Ombudsman.”.
Mental Health Act 1983 (c. 20)	In section 134(3)(c), the words “, the Health Service Commissioner for Wales”.
Finance Act 1989 (c. 26)	In section 182(11)(c), the words “, the Health Service Commissioner for Wales”.
Social Security Administration Act 1992 (c. 5)	In section 123(8), paragraphs (f), (hb) and (hd).
Health Service Commissioners Act 1993 (c. 46)	In section 1— (a) subsection (1)(b); (b) in subsection (3), the words from “for England” to the end.

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	Section 2(2).
	Section 2A(2).
	Section 2B(2) and (2A).
	Section 3(1YA).
	In section 6, in subsections (3) and (5), the words “or Health Authority”.
	In section 7(1), the words “or service as a member of the staff of the Assembly”.
	Section 10(2A).
	In section 11(4), the words from “and payments made by the Health Service Commissioner for Wales” to the end.
	Sections 14A to 14C.
	In section 15(3), the words “or paragraph 6(6) of Schedule 1A”.
	In section 17(1), the words from “any of the other offices” to “Welsh Administration Ombudsman or”.
	Section 17(3).
	In section 18(1)—
	(a) paragraph (a);
	(b) paragraph (e) and the word “or” immediately preceding it.
	In section 19—
	(a) the definitions of “financial year” and “first financial year of the Assembly”;
	(b) in the definition of “officer”, the words “and, in the case of the Health Service Commissioner for Wales, any member of his staff”.
	In Schedule 1, paragraph A1.
	Schedule 1A.
Deregulation and Contracting Out Act 1994 (c. 40)	In section 79(1) in the definition of “office-holder”, the words “or for Wales”.
Local Government (Wales) Act 1994 (c. 19)	In Schedule 16, paragraph 108.
Health Authorities Act 1995 (c. 17)	In Schedule 1, paragraph 126(2)(b) and (3).
Housing Act 1996 (c. 52)	Sections 51A to 51C. Schedule 2A.
Data Protection Act 1998 (c. 29)	In section 31(4)(a)—
	(a) in sub-paragraph (ii), the words “or, the Commission for Local Administration in Wales”;
	(b) in sub-paragraph (iii), the words “or, the Health Service Commissioner for Wales”.
Government of Wales Act 1998 (c. 38)	In section 12(1)(c), the words “or the office of Welsh Administration Ombudsman”. Section 111. In section 144(8)(a), the words “the Health Service Commissioner for Wales,”.

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	In section 146(2)(b), the words “the Health Service Commissioner for Wales.”.
	In section 156, the entry for the Welsh Administration Ombudsman.
	Schedule 9.
	In Schedule 10—
	(a) paragraph 3(2);
	(b) paragraphs 4 to 6;
	(c) paragraph 8;
	(d) paragraph 9(b);
	(e) paragraphs 11 and 12;
	(f) paragraph 15(3) and (4);
	(g) paragraph 16(3);
	(h) paragraph 17.
	In Schedule 12—
	(a) paragraph 12(4);
	(b) paragraph 15(2) and (3);
	(c) paragraph 16;
	(d) paragraph 32(b).
Health Act 1999 (c. 8)	In Schedule 4, paragraph 85(2)(b).
Care Standards Act 2000 (c. 14)	In Schedule 1, paragraph 27(c).
Government Resources and Accounts Act 2000 (c. 20)	In Schedule 1—
	(a) paragraph 19;
	(b) paragraph 23(d) and the word “and” immediately preceding it.
Local Government Act 2000 (c. 22)	In section 62(7)(b), the words “or the Commission for Local Administration in Wales”.
	In section 68—
	(a) in subsection (4), the words “Part 3 of”;
	(b) subsection (5).
	In section 83(1), the definition of “Local Commissioner in Wales”.
Health Service Commissioners (Amendment) Act 2000 (c. 28)	In section 1, subsections (2)(b) and (3)(c) and (d).
Freedom of Information Act 2000 (c. 36)	In section 76(1) in the table, the entries relating to the Health Service Commissioner for Wales and the Social Housing Ombudsman for Wales.
	In Schedule 1 in Part 6, the words “The Commission for Local Administration in Wales”, “The Health Service Commissioner for Wales” and “The Welsh Administration Ombudsman”.
	In Schedule 7, paragraphs 7 and 8.
National Health Service Reform and Health Care Professions Act 2002 (c. 17)	In Schedule 5, paragraph 38.
Local Government Act 2003 (c. 26)	In Schedule 7, paragraph 5(3) and (5).

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Health and Social Care (Community Health and Standards) Act 2003 (c. 43)

In section 114(5)(a), the words “who is a member of the Commission for Local Administration in England”.
In Schedule 11, paragraphs 61(b) and 62(3).

Housing Act 2004 (c. 34)

Section 228(2) to (4) and Schedule 12.
In Schedule 15, paragraphs 1, 7, 37, 45 and 46.

Status:

Point in time view as at 30/09/2013.

Changes to legislation:

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