

Status: Point in time view as at 01/04/2015.

Changes to legislation: There are currently no known outstanding effects for the Public Services Ombudsman (Wales) Act 2005, SCHEDULE 1. (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

II 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).
 - [^{F7}(f) he is a care home provider, domiciliary care provider or independent palliative care provider;
 - (g) he is an officer or member of staff of a provider of that kind.]
- [^{F8}(1A) For the purposes of sub-paragraph (1)(g) a person is an officer of a provider if he or she has control or management of a provider which is not an individual or the affairs of such a provider.]
- (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).

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- (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).

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.
- F7** Sch. 1 para. 5(1)(f)(g) inserted (1.11.2014) by [Social Services and Well-being \(Wales\) Act 2014 \(anaw 4\), s. 199\(2\), Sch. 3 para. 30\(2\)\(a\)](#); S.I. 2014/2718, art. 2(b)
- F8** Sch. 1 para. 5(1A) inserted (1.11.2014) by [Social Services and Well-being \(Wales\) Act 2014 \(anaw 4\), s. 199\(2\), Sch. 3 para. 30\(2\)\(b\)](#); S.I. 2014/2718, art. 2(b)

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.

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- (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 [^{F9}or the National Assembly for Wales Commission];
 - (b) holding the office of presiding officer or deputy presiding officer of the Assembly or of [^{F10}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.

Textual Amendments

- F9** 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.
- F10** 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—

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- (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.”
- (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).
- [^{F11}(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

F11 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.

[^{F12}Special financial provisions]

Textual Amendments

F12 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.

- [^{F13}(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

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- (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

F13 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.

Textual Amendments

F13 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 [^{F14}Ombudsman] must pay to the Minister for the Civil Service, at such times as [^{F15}the Minister] may direct, such sum as [^{F15}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

F14 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

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"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.

- F15** 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.

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).
- [^{F16}(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.

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Textual Amendments

F16 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—
- (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 [^{F17}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 [^{F18}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 [^{F19}, care home provider, domiciliary care provider or independent palliative care provider] 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.

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Textual Amendments

- F17** 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.
- F18** 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.
- F19** Words in Sch. 1 para. 14(7)(a) inserted (1.11.2014) by [Social Services and Well-being \(Wales\) Act 2014 \(anaw 4\), s. 199\(2\), Sch. 3 para. 30\(3\)](#); S.I. 2014/2718, art. 2(b)

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 [^{F20}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 [^{F21}committee or committees] must examine an estimate submitted ^{F22}. . . in accordance with sub-paragraph (2) and must then lay the estimate before the Assembly with any modifications [^{F23}thought] appropriate.
- [^{F24}(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

- F20** 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.
- F21** 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.

Status: Point in time view as at 01/04/2015.

Changes to legislation: There are currently no known outstanding effects for the Public Services Ombudsman (Wales) Act 2005, SCHEDULE 1. (See end of Document for details)

- F22** 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.
- F23** 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.
- F24** 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.

Commencement Information

- I7** 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—
- keep proper accounting records; and
 - for each financial year, prepare accounts in accordance with directions given to him by the Treasury.
- [^{F25}(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—
- the information to be contained in the accounts and the manner in which it is to be presented;
 - the methods and principles in accordance with which the accounts are to be prepared;
 - the additional information (if any) that is to accompany the accounts.

Textual Amendments

- F25** 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](#)

Status: Point in time view as at 01/04/2015.

Changes to legislation: There are currently no known outstanding effects for the Public Services Ombudsman (Wales) Act 2005, SCHEDULE 1. (See end of Document for details)

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.
- (2) If the Ombudsman is incapable of discharging his responsibilities as accounting officer, the [F²⁶Audit 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 [F²⁶Audit 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 [F²⁶Audit 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 [F²⁷Welsh 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.

Status: Point in time view as at 01/04/2015.

Changes to legislation: There are currently no known outstanding effects for the Public Services Ombudsman (Wales) Act 2005, SCHEDULE 1. (See end of Document for details)

Textual Amendments

- F26** 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.
- F27** 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.

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).

Status: Point in time view as at 01/04/2015.

Changes to legislation: There are currently no known outstanding effects for the Public Services Ombudsman (Wales) Act 2005, SCHEDULE 1. (See end of Document for details)

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.

Status:

Point in time view as at 01/04/2015.

Changes to legislation:

There are currently no known outstanding effects for the Public Services Ombudsman (Wales) Act 2005, SCHEDULE 1.