

*Changes to legislation: Public Services Ombudsman (Wales) Act 2019, Cross Heading: Disqualification is up to date with all changes known to be in force on or before 12 April 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) View outstanding changes*

## SCHEDULE 1

### PUBLIC SERVICES OMBUDSMAN FOR WALES: APPOINTMENT ETC

#### *Disqualification*

- 6 (1) A person is disqualified from being the Ombudsman or an acting Ombudsman if any of the following applies—
- (a) the person is a member of the House of Commons;
  - (b) the person is a listed authority;
  - (c) the person is a member, co-opted member, officer or member of staff of a listed authority;
  - (d) the person is disqualified from being a member of the Assembly (other than by virtue of <sup>F1</sup>holding office as the Ombudsman or an acting Ombudsman);
  - (e) the person is disqualified from being a member of a local authority in Wales (other than by virtue of paragraph 7 of this Schedule);
  - (f) the person is a care home provider, domiciliary care provider or independent palliative care provider;
  - (g) the person is an officer or member of staff of a provider of that kind.
- (2) For the purposes of sub-paragraph (1)(g) a person is an officer of a provider if the person has control or management of a provider which is not an individual or the affairs of such a provider.
- (3) The appointment of a person as the Ombudsman or an acting Ombudsman is not valid if the person is disqualified under sub-paragraph (1).
- (4) If a person who has been appointed as the Ombudsman or an acting Ombudsman becomes disqualified under sub-paragraph (1), the person ceases to hold office on becoming so disqualified.
- (5) But the validity of anything done by a person appointed as the Ombudsman or an acting Ombudsman is not affected by the fact that the person is or becomes disqualified under sub-paragraph (1).

#### **Textual Amendments**

- F1** Words in [Sch. 1 para. 6\(1\)\(d\)](#) substituted (with effect in accordance with s. 42(1)(c) of the amending Act) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\), s. 35\(4\)\(a\)](#)

#### **Commencement Information**

- I1** Sch. 1 para. 6 in force at 23.7.2019 by [S.I. 2019/1096, reg. 2](#)

- 7 (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.

<sup>F2</sup>(2) . . . . .

*Changes to legislation: Public Services Ombudsman (Wales) Act 2019, Cross Heading: Disqualification is up to date with all changes known to be in force on or before 12 April 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) View outstanding changes*

#### Textual Amendments

- F2** Sch. 1 para. 7(2) omitted (with effect in accordance with s. 42(1)(c) of the amending Act) by virtue of Senedd and Elections (Wales) Act 2020 (anaw 1), s. 35(4)(b)

#### Commencement Information

- I2** Sch. 1 para. 7 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

- 8 (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;
- unless the Assembly approves otherwise.
- (2) The relevant period—
- (a) starts when the person ceases to hold office as the Ombudsman or, as the case may be, an acting Ombudsman, and
  - (b) ends on the expiry of the financial year following the financial year in which the Ombudsman or, as the case may be, the acting Ombudsman, ceased to hold such office.
- (3) But sub-paragraph (1) does not disqualify a person from—
- (a) being a member of the Assembly or the National Assembly for Wales Commission;
  - (b) holding the office of presiding officer or deputy presiding officer of the Assembly or of First Minister for Wales, Welsh Minister appointed under section 48 of the Government of Wales Act 2006 (c.32), Counsel General to the Welsh 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.

#### Commencement Information

- I3** Sch. 1 para. 8 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

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

#### Commencement Information

- I4** Sch. 1 para. 9 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

**Changes to legislation:**

Public Services Ombudsman (Wales) Act 2019, Cross Heading: Disqualification is up to date with all changes known to be in force on or before 12 April 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.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act modified by [2023 asc 3 Sch. 2 para. 6](#)
- Act modified by [2023 asc 3 Sch. 12 para. 7\(2\)](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 65(7)(f) inserted by [2022 c. 30 Sch. 10 para. 6\(2\)\(a\)](#) (Welsh language text)
- s. 65(7)(f) inserted by [2022 c. 30 Sch. 10 para. 6\(2\)\(b\)](#) (English language text)