



# Public Services Ombudsman (Wales) Act 2005

## 2005 CHAPTER 10

### PART 2

#### INVESTIGATION OF COMPLAINTS [F<sup>1</sup>RELATING TO LISTED AUTHORITIES]

##### *Complaints*

#### 4 Who can complain

- (1) The persons entitled to make a complaint to the Ombudsman [F<sup>1</sup>under this Part] are—
  - (a) a member of the public (in this [F<sup>2</sup>Part] referred to as “the person aggrieved”) who claims or claimed to have sustained injustice or hardship in consequence of a matter which the Ombudsman is entitled to investigate under sections 7 to 11;
  - (b) a person authorised by the person aggrieved to act on his behalf;
  - (c) if the person aggrieved is not capable of authorising a person to act on his behalf (for example because he has died), a person who appears to the Ombudsman to be appropriate to act on behalf of the person aggrieved.
- (2) “Member of the public” means any person other than a listed authority acting in its capacity as such.
- (3) It is for the Ombudsman to determine any question of whether a person is entitled under this section to make a complaint to him.

#### Textual Amendments

- F1** Words in s. 4(1) inserted (1.11.2014) by [Social Services and Well-being \(Wales\) Act 2014 \(anaw 4\)](#), s. 199(2), [Sch. 3 para. 16\(a\)](#); S.I. 2014/2718, art. 2(b)

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

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**F2** Word in s. 4(1)(a) substituted (1.11.2014) by [Social Services and Well-being \(Wales\) Act 2014 \(anaw 4\)](#), s. 199(2), [Sch. 3 para. 16\(b\)](#); S.I. 2014/2718, art. 2(b)

## 5 Requirements: complaints made to the Ombudsman

- (1) The requirements mentioned in section 2(2)(b) are that—
  - (a) the complaint must be made in writing;
  - (b) the complaint must be made to the Ombudsman before the end of the period of one year starting on the day on which the person aggrieved first has notice of the matters alleged in the complaint.
- (2) It is for the Ombudsman to determine any question of whether the requirements of subsection (1) are met in respect of a complaint.

## 6 Requirements: complaints referred to the Ombudsman

- (1) The requirements mentioned in section 2(3)(b) are that—
  - (a) the complaint must have been made to the listed authority by a person who would have been entitled under section 4 to make the complaint to the Ombudsman;
  - (b) the complaint must have been made to the listed authority before the end of the period of one year starting on the day on which the person aggrieved first had notice of the matters alleged in the complaint;
  - (c) the complaint must be referred to the Ombudsman in writing;
  - (d) the complaint must be referred to the Ombudsman before the end of the period of one year starting on the day on which the complaint was made to the listed authority.
- (2) It is for the Ombudsman to determine any question of whether the requirements of subsection (1) are met in respect of a complaint.

**Changes to legislation:**

There are currently no known outstanding effects for the Public Services Ombudsman (Wales) Act 2005, Cross Heading: Complaints.