



Public Services Ombudsman (Wales) Act 2005

2005 CHAPTER 10

PART 3

MISCELLANEOUS AND GENERAL

Abolition of existing bodies and offices

38 Undetermined complaints

- (1) Subsection (2) applies if—
 - (a) a complaint has been made or referred to an existing Welsh ombudsman before the commencement date, and
 - (b) the complaint has not been determined by that ombudsman before that date.
- (2) On and after the commencement date, the relevant existing enactment continues to apply for the purposes of the complaint despite the other provisions of this Act.
- (3) Subsection (4) applies if—
 - (a) a complaint could (but for the other provisions of this Act) have been made or referred to an existing Welsh ombudsman, and
 - (b) the complaint relates to action taken by a person before the commencement date.
- (4) On and after the commencement date, the relevant existing enactment continues to apply for the purposes of enabling the complaint to be made or referred, and for the purposes of the complaint if made or referred, despite the other provisions of this Act.
- (5) As applied by subsections (2) and (4), the relevant existing enactment has effect as if for references to the existing Welsh ombudsman in relation to which that enactment applies there were substituted references to the Ombudsman.
- (6) In this section—

Changes to legislation: There are currently no known outstanding effects for the Public Services Ombudsman (Wales) Act 2005, Section 38. (See end of Document for details)

“the commencement date” means the date on which this section comes into force;

“existing Welsh ombudsman” means—

- (a) the Welsh Administration Ombudsman;
- (b) the Health Service Commissioner for Wales;
- (c) a Local Commissioner who is a member of the Commission for Local Administration in Wales;
- (d) the Social Housing Ombudsman for Wales;

“the relevant existing enactment”—

- (a) if the relevant existing Welsh ombudsman is the Welsh Administration Ombudsman, means Schedule 9 to the Government of Wales Act 1998 (c. 38);
- (b) if the relevant existing Welsh ombudsman is the Health Service Commissioner for Wales, means the Health Service Commissioners Act 1993 (c. 46);
- (c) if the relevant existing Welsh ombudsman is a Local Commissioner, means Part 3 of the Local Government Act 1974 (c. 7);
- (d) if the relevant existing Welsh ombudsman is the Social Housing Ombudsman for Wales, means Part 1 of the Housing Act 1996 (c. 52);

“the relevant existing Welsh ombudsman”—

- (a) in relation to a complaint within subsection (1), means the existing Welsh ombudsman to whom the complaint was made or referred;
- (b) in relation to a complaint within subsection (3), means the existing Welsh ombudsman to whom the complaint could have been made or referred.

Changes to legislation:

There are currently no known outstanding effects for the Public Services Ombudsman (Wales) Act 2005, Section 38.