



Public Services Ombudsman (Wales) Act 2005

2005 CHAPTER 10

PART 2

INVESTIGATION OF COMPLAINTS [F¹RELATING TO LISTED AUTHORITIES]

Decisions not to investigate etc.

12 Decisions not to investigate or to discontinue investigation

- (1) If the Ombudsman decides under section 2(5)—
 - (a) not to begin an investigation into a complaint in respect of a listed authority, or
 - (b) to discontinue such an investigation,he must prepare a statement of the reasons for his decision.
- (2) The Ombudsman must send a copy of the statement to—
 - (a) the person who made the complaint, and
 - (b) the listed authority.
- (3) The Ombudsman may send a copy of the statement to any other persons he thinks appropriate.
- (4) The Ombudsman may publish a statement under this section if, after taking account of the interests of the person aggrieved and any other persons he thinks appropriate, he considers it to be in the public interest to do so.
- (5) The Ombudsman may supply a copy of a statement published under subsection (4), or any part of such a statement, to any person who requests it.
- (6) The Ombudsman may charge a reasonable fee for supplying a copy of a statement, or part of a statement, under subsection (5).
- (7) If a statement prepared under subsection (1)—

Changes to legislation: There are currently no known outstanding effects for the Public Services Ombudsman (Wales) Act 2005, Cross Heading: Decisions not to investigate etc.. (See end of Document for details)

- (a) mentions the name of any person other than the listed authority in respect of which the complaint was made, 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 statement,

that information must not be included in a version of the statement sent to a person under subsection (2) or (3) or published under subsection (4), subject to subsection (8).

(8) Subsection (7) does not apply in relation to a version of the statement if, after taking account of the interests of the person aggrieved and any other persons he thinks appropriate, the Ombudsman considers it to be in the public interest to include that information in that version of the statement.

(9) ^{F1}

Textual Amendments

F1 S. 12(9) repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 160(1), 163, Sch. 10 para. 72, [Sch. 12](#) (with [Sch. 11 para. 22](#)), the amending provision coming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.

Changes to legislation:

There are currently no known outstanding effects for the Public Services Ombudsman (Wales) Act 2005, Cross Heading: Decisions not to investigate etc..