



Public Services Ombudsman (Wales) Act 2005

2005 CHAPTER 10

PART 2

INVESTIGATION OF COMPLAINTS

Listed authorities

28 Listed authorities

- (1) The persons specified in Schedule 3 are listed authorities for the purposes of this Act.
- (2) The Assembly may by order amend Schedule 3 by—
 - (a) adding a person;
 - (b) omitting a person;
 - (c) changing the description of a person.
- (3) An order under subsection (2) adding a person to Schedule 3 may provide for this Act to apply to the person with the modifications specified in the order.
- (4) Before making an order under subsection (2), the Assembly must consult the Ombudsman and any other persons it thinks appropriate.
- (5) Sections 29 and 30 contain further restrictions on the power in subsection (2).

29 Restrictions on power to amend Schedule 3

- (1) An order under section 28(2) may not omit the Assembly from Schedule 3.
- (2) An order under section 28(2) may add a person to Schedule 3 only if—
 - (a) the person has functions dischargeable in relation to Wales or a part of Wales (whether or not the functions are also dischargeable otherwise than in relation to Wales),

Status: This is the original version (as it was originally enacted).

- (b) all or some of the person's functions are in a field in which the Assembly has functions, and
 - (c) the person falls within subsection (3), (4) or (5).
- (3) A person falls within this subsection if—
- (a) it is a body established by or under an enactment or by virtue of Her Majesty's prerogative or in any other way by a Minister of the Crown, a government department, the Assembly or another listed authority,
 - (b) it is a body wholly or partly constituted by appointment made by Her Majesty, a Minister of the Crown, a government department, the Assembly or another listed authority, and
 - (c) at least half of its expenditure on the discharge of its functions in relation to Wales is met directly from payments made by the Assembly or other listed authorities.
- (4) A person falls within this subsection if—
- (a) it is a body established by or under an enactment, and
 - (b) it has power to issue a precept or a levy.
- (5) A person falls within this subsection if—
- (a) it appears to the Assembly that the person discharges functions of a public nature, and
 - (b) at least half of the person's expenditure on the discharge of those functions in relation to Wales is met directly or indirectly from payments by the Assembly or other listed authorities.
- (6) An order under section 28(2) may not add to Schedule 3—
- (a) a Special Health Authority discharging functions only or mainly in England;
 - (b) a person who carries on under national ownership an industry or undertaking or part of an industry or undertaking.

30 Provisions in orders adding persons to Schedule 3

- (1) If the Assembly proposes to make an order under section 28(2) adding a person to Schedule 3, it must also specify in the order—
- (a) whether all or only some of the person's functions are to fall within the remit of the Ombudsman under this Part;
 - (b) if only some of the person's functions are to fall within the remit of the Ombudsman under this Part, which those functions are.
- (2) If the person is to be added to Schedule 3 on the basis that the person falls within section 29(3) or (4), the order may specify a function under subsection (1) only if the function is in a field in which the Assembly has functions.
- (3) If the person is to be added to Schedule 3 on the basis that the person falls within section 29(5), the order may specify a function under subsection (1) only if—
- (a) the function is in a field in which the Assembly has functions, and
 - (b) the function appears to the Assembly to be a function of a public nature.
- (4) The order may specify all a person's functions under subsection (1) only if all the person's functions satisfy the requirements of subsection (2) or (as the case may be) subsection (3).