

Changes to legislation: There are currently no known outstanding effects for the Public Services Ombudsman (Wales) Act 2005, SCHEDULE 2. (See end of Document for details)

SCHEDULES

SCHEDULE 2

Section 10

EXCLUDED MATTERS [F1: PART 2]

Textual Amendments

- F1** Words in Sch. 2 title inserted (1.11.2014) by [Social Services and Well-being \(Wales\) Act 2014 \(anaw 4\)](#), s. 199(2), [Sch. 3 para. 31](#); S.I. 2014/2718, art. 2(b)

Modifications etc. (not altering text)

- C1** Sch. 2 applied (with modifications) (22.11.2012) by [The Police and Crime Panels \(Application of Local Authority Enactments\) Regulations 2012 \(S.I. 2012/2734\)](#), regs. 1(1), 3-6, [Sch. Pt. 3](#)

- 1 Action taken by or with the authority of the [F2 Welsh Ministers, the First Minister for Wales, the Counsel General to the Welsh Assembly Government] or a [F3 police and crime commissioner] for a police area in Wales for the purpose of—
- (a) the investigation or prevention of crime, or
 - (b) the protection of the security of the State.

Textual Amendments

- F2** Words in Sch. 2 para. 1 substituted by [Government of Wales Act 2006 \(c. 32\)](#), s. 160(1), [Sch. 10 para. 87](#) (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.
- F3** Words in Sch. 2 para. 1 substituted (22.11.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 342](#); S.I. 2012/2892, art. 2(i)

- 2 The commencement or conduct of proceedings before a court of competent jurisdiction.
- 3 Action taken by a member of the administrative staff of a relevant tribunal so far as taken at the direction, or on the authority (whether express or implied), of a person acting in his capacity as a member of the tribunal.
- 4 Action taken in respect of appointments, removals, pay, discipline, superannuation or other personnel matters (apart from procedures for recruitment and appointment) in relation to—
- (a) service in an office or employment under the Crown or under a listed authority;
 - (b) service in an office or employment, or under a contract for services, in respect of which power to take action in personnel matters, or to determine

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or approve action to be taken in personnel matters, is vested in Her Majesty or a listed authority.

5 Action relating to the determination of the amount of rent.

6 (1) Action taken by an authority specified in sub-paragraph (2) and relating to—
(a) the giving of instruction, or
(b) conduct, curriculum, internal organisation, management or discipline,
in a school or other educational establishment maintained by a local authority in Wales.

(2) The authorities are—
(a) a local authority in Wales;
(b) an admission appeal panel;
(c) the governing body of a community, foundation or voluntary school;
(d) an exclusion appeal panel.

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Textual Amendments
F4 Sch. 2 para. 7 omitted (1.4.2006) by virtue of [The National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), art. 9(1), [Sch. 1 para. 93](#) (with art. 7)

^{F58} Action under—
(a) the National Health Service Act 1977,
(b) Part 1 of the National Health Service and Community Care Act 1990,
(c) Part 1 of the Health Act 1999 (with the exception of sections 33 to 38), or
(d) Part 1 of the Health and Social Care (Community Health and Standards) Act 2003,
where the action is or has been the subject of an inquiry under the Inquiries Act 2005 .]

Textual Amendments
F5 Sch. 2 para. 8 substituted (1.4.2006) by [The Public Services Ombudsman for Wales \(Jurisdiction and Transitional Provisions and Savings\) Order 2006 \(S.I. 2006/363\)](#), [art. 2\(a\)](#)

9 Action taken by a Local Health Board in the discharge of its functions under—
(a) the National Health Service (Service Committees and Tribunal) Regulations 1992 or any instrument replacing those regulations;
(b) regulations made under section 38, 39, 41 or 42 of the National Health Service Act 1977 by virtue of section 17 of the Health and Medicines Act 1988 (c. 49) (investigations of matters relating to services).

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Textual Amendments

- F6** Sch. 2 para. 10 omitted (1.4.2006) by virtue of [The Public Services Ombudsman for Wales \(Jurisdiction and Transitional Provisions and Savings\) Order 2006 \(S.I. 2006/363\)](#), **art. 2(b)**

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