



Public Services Ombudsman (Wales) Act 2005

2005 CHAPTER 10

PART 2

INVESTIGATION OF COMPLAINTS [^{F1}RELATING TO LISTED AUTHORITIES]

Investigation procedure and evidence

13 Investigation procedure

- (1) If the Ombudsman conducts an investigation into a complaint in respect of a listed authority, he must—
 - (a) give the listed authority an opportunity to comment on any allegations contained in the complaint;
 - (b) give any other person who is alleged in the complaint to have taken or authorised the action complained of an opportunity to comment on any allegations relating to that person.
- (2) An investigation must be conducted in private.
- (3) Subject to subsections (1) and (2), the procedure for conducting an investigation is to be such as the Ombudsman thinks appropriate in the circumstances of the case.
- (4) In particular, the Ombudsman may—
 - (a) make such inquiries as he thinks appropriate;
 - (b) determine whether any person may be represented in the investigation by [^{F1}an authorised person] or otherwise.

[^{F2}(4A) In subsection (4) “authorised person” means a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the exercise of a right of audience or the conduct of litigation (within the meaning of that Act).]

Changes to legislation: There are currently no known outstanding effects for the Public Services Ombudsman (Wales) Act 2005, Section 13. (See end of Document for details)

- (5) The Ombudsman may pay to the person who made the complaint and to any other person who attends or supplies information for the purposes of the investigation—
- (a) such sums as he may determine in respect of expenses properly incurred by them, and
 - (b) such allowances as he may determine by way of compensation for the loss of their time,
- subject to such conditions as he may determine.
- (6) The conduct of an investigation in respect of a listed authority does not affect—
- (a) the validity of any action taken by the listed authority, or
 - (b) any power or duty of the listed authority to take further action with respect to any matter under investigation.

Textual Amendments

- F1** Words in s. 13(4)(b) substituted (1.1.2010) by *Legal Services Act 2007* (c. 29), ss. 208(1), 211(2), **Sch. 21 para. 151(a)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(h)**
- F2** S. 13(4A) inserted (1.1.2010) by *Legal Services Act 2007* (c. 29), ss. 208(1), 211(2), **Sch. 21 para. 151(b)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(h)**

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