



Public Services Ombudsman (Wales) Act 2005

2005 CHAPTER 10

PART 2

INVESTIGATION OF COMPLAINTS [F¹RELATING TO LISTED AUTHORITIES]

Listed authorities

29 Restrictions on power to amend Schedule 3

- (1) An order under section 28(2) may not omit the [F¹Welsh Assembly Government or the National Assembly for Wales Commission] 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),
 - (b) all or some of the person's functions are in a field in which the [F²Welsh Ministers have, or the First Minister for Wales or the Counsel General to the Welsh Assembly Government 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 [F³Welsh Ministers, the First Minister for Wales, the Counsel General to the Welsh Assembly Government] 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 [F³Welsh Ministers, the First Minister for Wales, the Counsel General to the Welsh Assembly Government] or another listed authority, and

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- (c) at least half of its expenditure on the discharge of its functions in relation to Wales is met [^{F4}out of the Welsh Consolidated Fund or is met directly from payments made by 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 [^{F5}Welsh Ministers] 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 [^{F6}out of the Welsh Consolidated Fund or directly or indirectly from payments made by 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.

Textual Amendments

- F1** Words in s. 29(1) substituted by [Government of Wales Act 2006 \(c. 32\), s. 160\(1\), Sch. 10 para. 79\(2\)](#) (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.
- F2** Words in s. 29(2)(b) substituted by [Government of Wales Act 2006 \(c. 32\), s. 160\(1\), Sch. 10 para. 79\(3\)](#) (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 s. 29(3)(a)(b) substituted by [Government of Wales Act 2006 \(c. 32\), s. 160\(1\), Sch. 10 para. 79\(4\)\(a\)](#) (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.
- F4** Words in s. 29(3)(c) substituted by [Government of Wales Act 2006 \(c. 32\), s. 160\(1\), Sch. 10 para. 79\(4\)\(b\)](#) (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.
- F5** Words in s. 29(5)(a) substituted by [Government of Wales Act 2006 \(c. 32\), s. 160\(1\), Sch. 10 para. 79\(5\)\(a\)](#) (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.

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- F6** Words in s. 29(5)(b) substituted by [Government of Wales Act 2006 \(c. 32\), s. 160\(1\), Sch. 10 para. 79\(5\)\(b\)](#) (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.

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