



Public Services Ombudsman (Wales) Act 2005

2005 CHAPTER 10

PART 3

MISCELLANEOUS AND GENERAL

General

- 42 Former health care providers [^{F1}social landlords, social care providers and palliative care providers] : modifications**
- (1) The [^{F2}Welsh Ministers] may by regulations provide for this Act to apply with the modifications specified in the regulations to persons who are—
- (a) former family health service providers in Wales;
 - (b) former independent providers in Wales;
 - (c) former social landlords in Wales.
 - [^{F3}(d) former care home providers in Wales;
 - (e) former domiciliary care providers in Wales;
 - (f) former independent palliative care providers in Wales.]
- (2) “Former family health service provider in Wales” means a person who—
- (a) at the relevant time, provided family health services of a particular description, and
 - (b) subsequently ceased to provide services of that description (whether or not he has later started to provide them again).
- (3) “Former independent provider in Wales” means a person who—
- (a) at the relevant time, provided services of a particular description in Wales under arrangements with a Welsh health service body or a family health service provider in Wales,

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- (b) was not a Welsh health service body or a family health service provider in Wales at that time, and
 - (c) subsequently ceased to provide services of that description (whether or not he has later started to provide them again).
- (4) “Former social landlord in Wales” means a person who—
- (a) at the relevant time—
 - (i) was registered as a social landlord in the register maintained by the [^{F4}Welsh Ministers] under section 1 of the Housing Act 1996 (c. 52) (or in the register previously maintained under that section by the Secretary of State or Housing for Wales), or
 - (ii) was registered with Housing for Wales, the Secretary of State [^{F5}, the Assembly constituted by the Government of Wales Act 1998 or the Welsh Ministers] and owned or managed publicly-funded dwellings, and
 - (b) subsequently—
 - (i) ceased to be registered as mentioned in paragraph (a)(i) or (ii) (whether or not he later became so registered again), or
 - (ii) ceased to own or manage publicly-funded dwellings (whether or not he later did so again).

[^{F6}(4A) “Former care home provider in Wales” means a person who—

- (a) at the relevant time, provided accommodation, nursing or [^{F7}care of a particular description at a care home in Wales (see section 32R),] and
- (b) subsequently ceased to do so (whether or not the person has later started to do so again).

(4B) “Former domiciliary care provider in Wales” means a person who—

- (a) at the relevant time, provided domiciliary care services of a particular description in Wales, and
- (b) subsequently ceased to do so (whether or not the person has later started to provide those services again).

(4C) “Former independent palliative care provider in Wales” means a person who—

- (a) at the relevant time, provided a palliative care service of a particular description in Wales, and
- (b) subsequently ceased to do so (whether or not the person has later started to do so again).]

(5) “The relevant time” is the time of action which is the subject of a complaint under this Act.

[^{F8}(6) No regulations are to be made under this section unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, the Assembly.]

Textual Amendments

- F1** Words in s. 42 heading substituted (1.11.2014) by [Social Services and Well-being \(Wales\) Act 2014](#) (anaw 4), s. 199(2), [Sch. 3 para. 28](#); S.I. 2014/2718, art. 2(b)
- F2** Words in s. 42(1) substituted by [Government of Wales Act 2006 \(c. 32\)](#), s. 160(1), [Sch. 10 para. 83\(2\)](#) (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after "the

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- 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** S. 42(1)(d)-(f) inserted (1.11.2014) by [Social Services and Well-being \(Wales\) Act 2014 \(anaw 4\)](#), s. 199(2), **Sch. 3 para. 29(2)**; S.I. 2014/2718, art. 2(b)
- F4** Words in s. 42(4)(a)(i) substituted by [Government of Wales Act 2006 \(c. 32\)](#), s. 160(1), **Sch. 10 para. 83(3)(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.
- F5** Words in s. 42(4)(a)(ii) substituted by [Government of Wales Act 2006 \(c. 32\)](#), s. 160(1), **Sch. 10 para. 83(3)(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.
- F6** S. 42(4A)-(4C) inserted (1.11.2014) by [Social Services and Well-being \(Wales\) Act 2014 \(anaw 4\)](#), s. 199(2), **Sch. 3 para. 29(3)**; S.I. 2014/2718, art. 2(b)
- F7** Words in s. 42(4A) substituted (2.4.2018) by [Regulation and Inspection of Social Care \(Wales\) Act 2016 \(anaw 2\)](#), s. 188(1), **Sch. 3 para. 27**; S.I. 2017/1326, art. 2(3)(h), [Sch. \(with art. 6\)](#)
- F8** S. 42(6) inserted by [Government of Wales Act 2006 \(c. 32\)](#), s. 160(1), **Sch. 10 para. 83(4)** (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, Section 42.