



Public Services Ombudsman (Wales) Act 2005

2005 CHAPTER 10

PART 2

INVESTIGATION OF COMPLAINTS [F¹RELATING TO LISTED AUTHORITIES]

Matters which may be investigated

9 Exclusion: other remedies

- (1) The Ombudsman may not investigate a matter [F¹under this Part] if the person aggrieved has or had—
 - (a) a right of appeal, reference or review to or before a tribunal constituted under an enactment or by virtue of Her Majesty's prerogative,
 - (b) a right of appeal to a Minister of the Crown or the [F², the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government], or
 - (c) a remedy by way of proceedings in a court of law.
- (2) But subsection (1) does not apply if the Ombudsman is satisfied that, in the particular circumstances, it is not reasonable to expect the person to resort, or to have resorted, to the right or remedy.
- (3) The Ombudsman may investigate a matter [F³under this Part] only if he is satisfied that—
 - (a) the matter has been brought to the attention of the listed authority to which it relates by or on behalf of the person aggrieved, and
 - (b) the authority has been given a reasonable opportunity to investigate and respond to it.

Changes to legislation: There are currently no known outstanding effects for the Public Services Ombudsman (Wales) Act 2005, Section 9. (See end of Document for details)

- (4) But subsection (3) does not prevent the Ombudsman from investigating a matter if he is satisfied that it is reasonable in the particular circumstances for him to investigate the matter despite the fact that the requirements of that subsection have not been met.

Textual Amendments

- F1** Words in s. 9(1) inserted (1.11.2014) by [Social Services and Well-being \(Wales\) Act 2014 \(anaw 4\)](#), s. 199(2), [Sch. 3 para. 18\(a\)](#); S.I. 2014/2718, art. 2(b)
- F2** Words in s. 9(1)(b) substituted by [Government of Wales Act 2006 \(c. 32\)](#), s. 160(1), [Sch. 10 para. 70](#) (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. 9(3) inserted (1.11.2014) by [Social Services and Well-being \(Wales\) Act 2014 \(anaw 4\)](#), s. 199(2), [Sch. 3 para. 18\(b\)](#); S.I. 2014/2718, art. 2(b)

Changes to legislation:

There are currently no known outstanding effects for the Public Services Ombudsman (Wales) Act 2005, Section 9.