



Commissioner for Older People (Wales) Act 2006

2006 CHAPTER 30

Working with other ombudsmen

16 Working jointly with the Public Services Ombudsman for Wales

- (1) This section applies where it appears to the Commissioner that—
 - (a) he is entitled to examine a particular case under regulations made under section 10; and
 - (b) the case is one which could also be the subject of an investigation by the Public Services Ombudsman for Wales.
- (2) Where the Commissioner considers it appropriate, he must—
 - (a) inform the Ombudsman about the case; and
 - (b) consult him in relation to it.
- (3) Where the Commissioner consults the Ombudsman under this section he and the Ombudsman may—
 - (a) co-operate with each other in relation to the case;
 - (b) conduct a joint examination of the case;
 - (c) prepare and publish a joint report in relation to the examination.
- (4) The [^{F1}Welsh Ministers]^{F1} may by order provide that this section is also to apply where it appears to the Commissioner that a case could be the subject of an investigation by a person who is specified in the order as if references in this section to the Public Services Ombudsman for Wales were references to that person.
- (5) Before making an order under subsection (4), the [^{F2}Welsh Ministers]^{F2} must consult the Commissioner and any other persons [^{F3}they think]^{F3} appropriate.

Changes to legislation: There are currently no known outstanding effects for the Commissioner for Older People (Wales) Act 2006, Cross Heading: Working with other ombudsmen. (See end of Document for details)

Textual Amendments

- F1** Words in s. 16(4) substituted (the amendment coming into force 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) in accordance with art. 1(2)(3) of the amending S.I. and see ss. 46, 161(5) of [Government of Wales Act 2006 \(c. 32\)](#)) by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), arts. 1(2)(3), 3, [Sch. 1 para. 135\(2\)](#)
- F2** Words in s. 16(5) substituted (the amendment coming into force 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) in accordance with art. 1(2)(3) of the amending S.I. and see ss. 46, 161(5) of [Government of Wales Act 2006 \(c. 32\)](#)) by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), arts. 1(2)(3), 3, [Sch. 1 para. 135\(3\)\(a\)](#)
- F3** Words in s. 16(5) substituted (the amendment coming into force 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) in accordance with art. 1(2)(3) of the amending S.I. and see ss. 46, 161(5) of [Government of Wales Act 2006 \(c. 32\)](#)) by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), arts. 1(2)(3), 3, [Sch. 1 para. 135\(3\)\(b\)](#)

17 Working collaboratively with other ombudsmen

- (1) This section applies where it appears to the Commissioner that a case which he is—
 - (a) examining in accordance with regulations made under section 10, or
 - (b) considering whether to examine in accordance with such regulations,
 relates to or raises a matter which could be the subject of an investigation by another ombudsman (the “connected matter”).
- (2) Where the Commissioner considers it appropriate, he [^{F4}may (as respects the Welsh Language Commissioner) or must (as respects another Ombudsman)] inform the other ombudsman about the connected matter.
- (3) Where the Commissioner considers that the case also relates to or raises a matter which he is entitled to examine himself (the “older people matter”), he [^{F5}may (as respects the Welsh Language Commissioner) or must (as respects another Ombudsman)] also if he considers it appropriate—
 - (a) inform the other ombudsman about the Commissioner's proposals for the investigation of the case; and
 - (b) consult the other ombudsman about those proposals.
- (4) Where the Commissioner and the other ombudsman consider that they are entitled to investigate, respectively, the older people matter and the connected matter they may—
 - (a) co-operate with each other in the separate investigation of each of those matters;
 - (b) act together in the investigation of those matters; and
 - (c) prepare and publish a joint report containing their respective conclusions in relation to the matters they have each investigated.
- (5) Where the Commissioner considers—
 - (a) that the case is not one which relates to or raises a matter that he is entitled to examine himself, and
 - (b) that it is appropriate to do so,

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he ^{F6}may (as respects the Welsh Language Commissioner) or must (as respects another Ombudsman)] inform the person whose case it is, or another person interested in it that he thinks fit, about how to secure the referral of the connected matter to the other ombudsman.

- (6) In this section “other ombudsman” means—
- (a) the Public Services Ombudsman for Wales;
 - (b) the Children's Commissioner for Wales.
 - ^{F7}(c) the Welsh Language Commissioner.]
- (7) In this section “investigation” includes examination and inquiry, and cognate expressions are to be construed accordingly.
- (8) The ^{F8}[Welsh Ministers]^{F8} may by order amend subsection (6) by—
- (a) adding a person;
 - (b) omitting a person;
 - (c) changing the description of a person.
- (9) Before making an order under subsection (8), the ^{F9}[Welsh Ministers]^{F9} must consult the Commissioner and any other persons ^{F10}[they think]^{F10} appropriate.

Textual Amendments

- F4** Words in s. 17(2) substituted (7.7.2015) by [Welsh Language \(Wales\) Measure 2011 \(nawm 1\)](#), s. 156(2), **Sch. 3 para. 9(a)**; S.I. 2015/1413, art. 3(g)
- F5** Words in s. 17(3) substituted (7.7.2015) by [Welsh Language \(Wales\) Measure 2011 \(nawm 1\)](#), s. 156(2), **Sch. 3 para. 9(b)**; S.I. 2015/1413, art. 3(g)
- F6** Words in s. 17(5) substituted (7.7.2015) by [Welsh Language \(Wales\) Measure 2011 \(nawm 1\)](#), s. 156(2), **Sch. 3 para. 9(c)**; S.I. 2015/1413, art. 3(g)
- F7** S. 17(6)(c) inserted (7.7.2015) by [Welsh Language \(Wales\) Measure 2011 \(nawm 1\)](#), s. 156(2), **Sch. 3 para. 9(d)**; S.I. 2015/1413, art. 3(g)
- F8** Words in s. 17(8) substituted (the amendment coming into force 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) in accordance with art. 1(2)(3) of the amending S.I. and see ss. 46, 161(5) of [Government of Wales Act 2006 \(c. 32\)](#)) by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), arts. 1(2)(3), 3, **Sch. 1 para. 136(2)**
- F9** Words in s. 17(9) substituted (the amendment coming into force 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) in accordance with art. 1(2)(3) of the amending S.I. and see ss. 46, 161(5) of [Government of Wales Act 2006 \(c. 32\)](#)) by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), arts. 1(2)(3), 3, **Sch. 1 para. 136(3)(a)**
- F10** Words in s. 17(9) substituted (the amendment coming into force 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) in accordance with art. 1(2)(3) of the amending S.I. and see ss. 46, 161(5) of [Government of Wales Act 2006 \(c. 32\)](#)) by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), arts. 1(2)(3), 3, **Sch. 1 para. 136(3)(b)**

Changes to legislation:

There are currently no known outstanding effects for the Commissioner for Older People (Wales) Act 2006, Cross Heading: Working with other ombudsmen.