
Changes to legislation: Government of Wales Act 2006, Paragraph 86 is up to date with all changes known to be in force on or before 22 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 10

MINOR AND CONSEQUENTIAL AMENDMENTS

Public Services Ombudsman (Wales) Act 2005 (c. 10)

- 86 (1) Schedule 1 (Public Service Ombudsman for Wales: appointment etc.) is amended as follows.
- (2) For paragraph 1 (appointment) substitute—
- “1 The Ombudsman is to be appointed by Her Majesty on the nomination of the [F1Assembly].”
- (3) In paragraph 3 (term of office)—
- (a) in sub-paragraph (3), for paragraph (b) substitute—
- “(b) on Her Majesty being satisfied that the person is incapable for medical reasons of performing the duties of the office.”,
- (b) in sub-paragraph (4), for the words following “Ombudsman” substitute “on the making of a recommendation, on the ground of the person's misbehaviour, that Her Majesty should do so.”, and
- (c) for sub-paragraph (5) substitute—
- “(5) A recommendation for the removal of a person from office as the Ombudsman may not be made unless—
- (a) the [F1Assembly] has resolved that the recommendation should be made, and
- (b) the resolution of the [F1Assembly] is passed on a vote in which the number of [F2Members of the Assembly] voting in favour of it is not less than two-thirds of the total number of [F1Assembly] seats.”
- (4) In paragraph 4 (acting Public Service Ombudsman for Wales), for sub-paragraphs (1) and (2) substitute—
- “(1) If the office of the Ombudsman becomes vacant, Her Majesty may, on the nomination of the [F1Assembly], appoint a person to act as the Ombudsman.”
- (5) In paragraph 5(1)(d) (disqualification from being Ombudsman or acting Ombudsman), for “section 12(1)(ca) of the Government of Wales Act 1998 (c. 38)” substitute “section 16(1)(d) of the Government of Wales Act 2006”.
- (6) In paragraph 7(3) (exceptions from disqualifications applying to former Ombudsman or acting Ombudsman)—
- (a) in paragraph (a), after “ [F1Assembly] ” insert “ or the National [F1 Assembly] for Wales Commission ”, and

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- (b) in paragraph (b), for “ [F1Assembly] First Secretary or [F1Assembly] Secretary” substitute “ First Minister for Wales, Welsh Minister appointed under section 48 of the Government of Wales Act 2006, Counsel General to the Welsh ^{F3}... Government or Deputy Welsh Minister ”.

(7) In paragraph 9 (remuneration etc.), after sub-paragraph (5) insert—

“(6) Sums required for the making of payments under sub-paragraphs (1), (2) and (5) are to be charged on the Welsh Consolidated Fund.”

(8) For paragraph 10 (expenses) substitute—

“ Special financial provisions

10 (1) Any sums payable by the Ombudsman in consequence of a breach, in the performance of any of the Ombudsman's functions, of any contractual or other duty are to be charged on the Welsh Consolidated Fund.

(2) And sub-paragraph (1) applies whether the breach occurs by reason of an act or omission of—

- (a) the Ombudsman,
- (b) a member of the Ombudsman's staff, or
- (c) any other person acting on the Ombudsman's behalf or assisting the Ombudsman in the exercise of functions.

(3) The Ombudsman may retain income derived from fees charged by virtue of sections 12(6), 16(6), 21(8) and 23(2) (rather than pay it into the Welsh Consolidated Fund) for use in connection with the exercise of the functions conferred or imposed by this Act.”

(9) In paragraph 11(5) (payments by [F1Assembly] to Minister for the Civil Service in respect of superannuation benefits for Ombudsman's staff)—

- (a) for “ [F1Assembly] ” substitute “ Ombudsman ”, and
- (b) for “he” (in both places) substitute “ the Minister ”.

(10) In paragraph 13 (delegation), for sub-paragraph (4) substitute—

“(4) No arrangements may be made between the Ombudsman, on the one hand, and the Welsh Ministers (or the First Minister for Wales or the Counsel General to the Welsh ^{F3}... Government), on the other, for—

- (a) any functions of one of them to be exercised by the other,
- (b) any functions of the Welsh Ministers (or the First Minister for Wales or the Counsel General to the Welsh ^{F3}... Government) to be exercised by members of staff of the Ombudsman,
- (c) any functions of the Ombudsman to be exercised by members of the staff of the Welsh ^{F3}... Government, or
- (d) the provision of administrative, professional or technical services by one of them for the other.”

(11) In paragraph 14(3) (duty to send copy of extraordinary report to listed authorities other than the [F1Assembly])—

- (a) after “time” insert “ send a copy to the Welsh ^{F3}... Government and ”, and

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- (b) for “than the [F1 Assembly] ” substitute “ than the Welsh F3... Government ”.
- (12) In paragraph 15 (estimates)—
- (a) in sub-paragraph (2), for the words following “estimate” substitute “ at least five months before the beginning of the financial year to which it relates to the committee or committees of the [F1 Assembly] specified in the standing orders of the [F1 Assembly] . ”,
- (b) in sub-paragraph (3)—
- (i) for “ [F1 Assembly] Cabinet” substitute “ committee or committees ”,
- (ii) omit “to it”, and
- (iii) for “it thinks” substitute “ thought ”, and
- (c) for sub-paragraph (4) substitute—
- “(4) Before laying before the [F1 Assembly] with modifications an estimate submitted in accordance with sub-paragraph (2), the committee or committees must—
- (a) consult the Ombudsman, and
- (b) take into account any representations which the Ombudsman may make.”
- (13) In paragraph 18 (accounting officer)—
- (a) for “Treasury” (in each place) substitute “ Audit Committee ”, and
- (b) in sub-paragraph (6)(a), for “ [F1 Assembly] Cabinet” substitute “ Welsh Ministers ”.

Textual Amendments

- F1** Words in Act substituted (6.5.2020) by *Senedd and Elections (Wales) Act 2020 (anaw 1)*, s. 42(2), **Sch. 1 para. 2(19)** (with *Sch. 1 para. 2(11)-(14)*)
- F2** Words in Act substituted (6.5.2020) by *Senedd and Elections (Wales) Act 2020 (anaw 1)*, s. 42(2), **Sch. 1 para. 2(17)** (with *Sch. 1 para. 2(11)(12)(14)*)
- F3** Words in Act omitted (17.2.2015) by virtue of *Wales Act 2014 (c. 29)*, s. 4(2)(a) (with s. 4(3))

Commencement Information

- II** This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 155A inserted by [2014 c. 29 s. 10](#)
- Sch. 7A Section C15 para. 92 omitted by [2017 c. 4 s. 48\(1\)\(a\)](#)
- Sch. 7A Section C15 para. 93 words omitted by [2017 c. 4 s. 48\(1\)\(b\)](#)
- Sch. 7B para. 10(2)(o) inserted by [2022 c. 30 s. 143](#)
- Sch. 7B para. 11(6)(b)(x) repealed by [2023 c. 54 Sch. 11 para. 1\(b\)](#)
- Sch. 7B para. 11(6)(b)(x) word omitted by [2023 c. 54 s. 118\(c\)](#)