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WELSH STATUTORY INSTRUMENTS

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**2002 No. 3146 (W.292)**

**CONSTITUTIONAL LAW, WALES**

**Welsh Administration Ombudsman (Jurisdiction) Order 2002**

*Made* - - - - *17th December 2002*

*Coming into force* - - *31st December 2002*

The National Assembly for Wales makes the following Order, in exercise of the powers conferred upon it by paragraphs 14(3) and 15(2) of Schedule 9 to the Government of Wales Act 1998(1):

1. This Order may be cited as the Welsh Administration Ombudsman (Jurisdiction) Order 2002 and shall come into force on 31st December 2002.

2. Schedule 9 to the Government of Wales Act 1998 shall have effect subject to the following amendments:

(a) In paragraph 14(2) of the said Schedule after “the Forestry Commissioners,” insert—

“(da) the Higher Education Funding Council for Wales,

(db) the National Council for Education and Training for Wales,”

(b) In paragraph 15(1) of the said Schedule, after note 2 add—

“2A. In the case of the National Council for Education and Training for Wales no investigation may be conducted by the Welsh Administration Ombudsman in respect of action taken by virtue of paragraph 11 or 12 of Schedule 10 to the Learning and Skills Act 2000.”(2).

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998

17th December 2002

*D. Elis-Thomas*  
The Presiding Officer of the Assembly

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(1) 1998 c. 38; paragraph 14(2) of Schedule 9 was amended by section 6 (3) of, and paragraph 27 (c) of Schedule 1, to the Care Standards Act 2000 (c. 14) and by section 73 (1) and (3) (a) of the Learning and Skills Act 2000 (c. 21).  
(2) 2000 c. 21.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

Paragraph 14(1) of Schedule 9 to the Government of Wales Act 1998 provides that the bodies that are subject to investigation by the Welsh Administration Ombudsman (the Ombudsman) are the National Assembly for Wales (the Assembly) and the bodies listed in paragraph 14(2) of that Schedule.

Paragraph 14(3) of that Schedule provides that the Assembly may by order amend paragraph 14(2) by adding or deleting any body or by altering the description of any body.

This Order adds the National Council for Education and Training for Wales (in respect of which see Part 2 of the Learning and Skills Act 2000) and the Higher Education Funding Council for Wales (in respect of which see Part 2 of the Further and Higher Education Act 1992) to the bodies listed in the said paragraph 14(2).

Paragraph 15(1) of that Schedule contains notes that limit the extent of the Ombudsman's investigatory functions in respect of some or all of the bodies referred to in paragraph 14(2).

Paragraph 15(2) provides that the Assembly may by order amend paragraph 15(1) by adding, omitting or amending any note.

This Order adds a Note to paragraph 15(1). That Note provides that the Ombudsman may not investigate any complaint against the National Council for Education and Training for Wales where the complaint relates to action originally taken by the Further Education Funding Council for Wales and which is only treated as having been taken by the National Council for Education and Training for Wales by virtue of paragraph 11 or 12 of Schedule 10 to the Learning and Skills Act 2000.