

---

WELSH STATUTORY INSTRUMENTS

---

**2006 No. 362**

**The Public Services Ombudsman (Wales)  
Act 2005 (Transitional Provisions and  
Consequential Amendments) Order 2006**

**Title, commencement, application and interpretation**

1.—(1) The title of this Order is the Public Services Ombudsman (Wales) Act 2005 (Transitional Provisions and Consequential Amendments) Order 2006 and it shall come into force on 1 April 2006.

(2) This Order applies in relation to Wales.

(3) In this Order—

“the Act” (“*y Ddeddf*”) means the Public Services Ombudsman (Wales) Act 2005;

“co-opted member” (“*aelod cyfetholedig*”) means, in relation to a relevant authority, a person who is not a member of the authority but who—

(a) is a member of any committee or sub-committee of the authority, or

(b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority,

and who is entitled to vote on any question which falls to be decided at any meeting of that committee or sub-committee; and

“relevant authority” (“*awdurdod perthnasol*”) means a county council, a county borough council, a National Park authority established under section 63 of the Environment Act 1995<sup>(1)</sup> or a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004<sup>(2)</sup> or a scheme to which section 4 of that Act applies.

**Revocation and amendment of subordinate legislation**

2. The subordinate legislation referred to in Schedule 1 is revoked.

3. Schedule 2 contains amendments to subordinate legislation.

**Transitional provisions**

4.—(1) Paragraph (2) applies if—

(a) an allegation has been made to a Local Commissioner in Wales under section 69 of the Local Government Act 2000<sup>(3)</sup> before the date on which section 38 of the Act comes into force, and

(b) the allegation has not been determined by that Commissioner before that date.

---

(1) 1995 c. 25.

(2) 2004 c. 21.

(3) 2000 c. 22.

(2) On and after the date on which section 38 of the Act comes into force, Part III of the Local Government Act 2000 and regulations and orders made thereunder continue to apply for the purposes of the allegation despite the provisions of the Act or this Order.

(3) Paragraph (4) applies if—

- (a) an allegation could (but for the provisions of the Act) have been made to a Local Commissioner in Wales, and
- (b) the allegation is an allegation that a member or co-opted member (or former member or co-opted member) of a relevant authority in Wales has failed or may have failed to comply with the authority's code of conduct before the date on which section 38 of the Act comes into force.

(4) On and after the date on which section 38 of the Act comes into force, Part III of the Local Government Act 2000<sup>(4)</sup> and regulations and orders made thereunder continue to apply for the purposes of enabling the allegation to be made, and for the purposes of the allegation if made, despite the provisions of the Act or this Order.

(5) Where paragraphs (2) and (4) apply, Part III of the Local Government Act 2000 and regulations and orders made thereunder have effect as if for references to the Local Commissioner in Wales there were substituted references to the Public Services Ombudsman for Wales.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998<sup>(5)</sup>.

14 February 2006

*John Marek*  
The Deputy Presiding Officer of the National  
Assembly

---

(4) 2000 c. 22.

(5) 1998 c. 38.