
WELSH STATUTORY INSTRUMENTS

2006 No. 363

**The Public Services Ombudsman for Wales (Jurisdiction
and Transitional Provisions and Savings) Order 2006**

Title, commencement, application and interpretation

1.—(1) The title of this Order is the Public Services Ombudsman for Wales (Jurisdiction and Transitional Provisions and Savings) Order 2006 and it comes into force on 1 April 2006.

(2) This Order applies in relation to Wales.

(3) In this Order—

- (a) “the Act” (“*y Ddeddf*”) means the Public Services Ombudsman (Wales) Act 2005,
- (b) “the 1977 Act” (“*Ddeddf 1977*”) means the National Health Service Act 1977(1), and
- (c) “the 2003 Act” (“*Ddeddf 2003*”) means the Health and Social Care (Community Health and Standards) Act 2003(2).

(4) In this Order references to sections and Schedules are, unless otherwise stated, references to sections of, and Schedules to, the Act.

Amendments to Schedule 2 (excluded matters)

2. In Schedule 2—

(a) for paragraph 8 substitute—

“8. Action under—

- (a) the National Health Service Act 1977,
- (b) Part 1 of the National Health Service and Community Care Act 1990,
- (c) Part 1 of the Health Act 1999 (with the exception of sections 33 to 38), or
- (d) Part 1 of the Health and Social Care (Community Health and Standards) Act 2003,

where the action is or has been the subject of an inquiry under the Inquiries Act 2005.”, and

(b) omit paragraph 10.

Amendment to Schedule 3 (listed authorities)

3. In Schedule 3, after the entry relating to the Care Council for Wales insert—

“The Board of Community Health Councils in Wales”

in relation to all its functions.

Amendment of the definition of “family health service provider in Wales”

4. In section 41(1), in the definition of “family health service provider in Wales”—
- (a) in paragraph (a) for “section 28Q” substitute “section 28K or 28Q”,
 - (b) in paragraph (c) for “primary medical or dental services” substitute “primary medical services or primary dental services”, and
 - (c) omit paragraph (d).

Saving provisions in relation to the definition of “family health service provider in Wales”

5. In relation to any complaint in respect of a matter which occurred before 1 April 2004—
- (a) for paragraph (a) of the definition of “family health service provider in Wales” (as amended by article 4(a) of this Order) substitute—
 - “(a) individuals undertaking to provide in Wales general medical services or general dental services under Part 2 of the National Health Service Act 1977;” and
 - (b) for paragraph (c) of the definition of “family health service provider in Wales” (as amended by article 4(b) of this Order) substitute—
 - “(c) individuals performing in Wales personal medical services or personal dental services in accordance with arrangements made under section 28C of the National Health Service Act 1977 (except as employees of, or otherwise on behalf of, a health service body or an independent provider);”.

Transitory provisions in relation to the definition of “family health service provider in Wales”

- 6.—(1) In circumstances other than those described in article 5 and until section 172(1) of the 2003 Act comes into force in relation to general dental services contracts—
- (a) in paragraph (a) of the definition of “family health service provider in Wales” (as amended by article 4(a) of this Order) for “section 28K or 28Q” substitute “section 28Q”,
 - (b) in paragraph (c) of the definition of “family health service provider in Wales” (as amended by article 4(b) of this Order) for “primary dental services” substitute “personal dental services”, and
 - (c) after paragraph (c) of the definition of “family health service provider in Wales” (as amended by article 4(b) of this Order) insert —
 - “(d) an individual who, at that time, had undertaken to provide in Wales general dental services under Part 2 of that Act.”
- (2) Until section 28C of the 1977 Act comes into force in relation to Wales then for the purposes of that part of the definition of “family health service provider in Wales” as amended by article 4(b) and as substituted by article 5(b) of this Order that refers to arrangements made under that section it is to be taken as referring only to a pilot scheme under Part 1 of that Act.

Transitional provision in relation to the definition of “family health service provider in Wales”

7. For as long as default contracts entered into pursuant to section 176(3) of the 2003 Act (general medical services: transitional) exist, any reference to a general medical services contract or to a contract under section 28Q of the 1977 Act in the definition of “family health service provider in Wales” as amended by article 4(a) and as substituted by article 5(a) of this Order is to be deemed to include a reference to a default contract.

Valuation tribunals in Wales

8.—(1) A valuation tribunal in Wales is a relevant tribunal for the purposes of the Act.

(2) Nothing in the Valuation Tribunals (Wales) Regulations 2005⁽³⁾ prevents a person from making a complaint to the Ombudsman in relation to relevant action taken by a member of the administrative staff of a valuation tribunal in Wales before 15 February 2006.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998⁽⁴⁾.

14 February 2006

John Marek
The Deputy Presiding Officer of the National
Assembly

(3) S.I.2005/3364 (W.261)

(4) 1998 c. 38.