

SCHEDULE 2

Article 3

Application of provisions of the 2000 Act with modifications

Section 60(4)

1. Section 60(4) of the 2000 Act (Conduct of investigations) applies as if, for that subsection, there were substituted—

“(4) The Public Services Ombudsman for Wales—

- (a) may not at any time conduct an investigation under section 69 in relation to a member or co-opted member (or former member or co-opted member) of a relevant authority if, within the period of five years ending with that time, the Public Services Ombudsman for Wales has been a member or an officer of the authority or a member of any committee, sub-committee, joint committee or joint sub-committee of the authority;
- (b) may, where that Ombudsman is precluded from conducting an investigation by paragraph (a), authorise any person to conduct such an investigation in relation to that member or co-opted member (or former member or co-opted member), to the extent so authorised, under paragraph 13 of Schedule 1 to the Public Services Ombudsman (Wales) Act 2005.”.

Section 60(5)

2. Section 60(5) of the 2000 Act (Conduct of investigations) applies as if—

- (a) for “An ethical standards officer who” there is substituted “Where the Public Services Ombudsman for Wales”;
- (b) for “section 59” there is substituted “section 69, the Public Services Ombudsman for Wales”;
- (c) for paragraph (a), there is substituted—
 - “(a) must disclose the nature of the interest to—
 - (i) where section 69(1)(a) applies—
 - (a) the person by whom the allegation is made; and
 - (b) the member or co-opted member (or former member or co-opted member) against whom the allegation is made;
 - (ii) where section 69(1)(b) applies, the member or co-opted member (or former member or co-opted member) concerned; and
 - (iii) the relevant authority concerned;”;
- (d) in paragraph (b), for the full stop, substitute “; and”; and
- (e) after paragraph (b) insert—
 - “(c) may authorise any person to conduct such an investigation in relation to that matter (to the extent so authorised) under paragraph 13 of Schedule 1 to the Public Services Ombudsman (Wales) Act 2005.”.

Section 60(6)

3. Section 60(6) of the 2000 Act (Conduct of investigations) applies as if—

- (a) for “an ethical standards officer” there is substituted “the Public Services Ombudsman for Wales”; and

Status: This is the original version (as it was originally made).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

- (b) the words “or paragraph 3(2) of Schedule 4 or any breach falling within paragraph 3(3) of that Schedule” are omitted.

Section 62(4)

- 4. Section 62(4) of the 2000 Act (Investigations: further provisions) applies as if—
 - (a) for “An ethical standards officer” there is substituted “The Public Services Ombudsman for Wales”;
 - (b) for “such an officer” there is substituted “that Ombudsman”; and
 - (c) in paragraph (a), the words “the National Assembly for Wales or” are inserted after “the authority concerned and”.

Section 63(1)

- 5. Section 63(1) of the 2000 Act (Restrictions on disclosure of information) applies as if—
 - (a) for “by ethical standards officers” there is substituted “by the Public Services Ombudsman for Wales”;
 - (b) in paragraph (a) the words “, the Public Services Ombudsman for Wales” are omitted; and
 - (c) after paragraph (f), the following paragraph is inserted—
 - “(g) the disclosure is for the purposes of an investigation or report of an investigation under Part 2 of the Public Services Ombudsman (Wales) Act 2005.”.

Section 63(2)

- 6. Section 63(2) of the 2000 Act (Restrictions on disclosure of information) applies as if—
 - (a) for “The Secretary of State” there is substituted “The National Assembly for Wales”;
 - (b) for “England” there is substituted “Wales”;
 - (c) for “any ethical standards officer” there is substituted “the Public Services Ombudsman for Wales”; and
 - (d) the words “his or (as the case may be)” are omitted.