

PUBLIC SERVICES OMBUDSMAN (WALES) ACT 2019

EXPLANATORY NOTES

INTRODUCTION

Part 3

Section 20 - Obstruction and contempt

100. **Sections 20(1) and 20(2)** enable the Ombudsman to certify to the High Court that, in the Ombudsman's opinion, a person has
 - a) without lawful excuse obstructed the Ombudsman (or a member of the Ombudsman's staff etc.) in the discharge of the Ombudsman's functions under Part 3, or
 - b) that the person has acted in a way, in relation to an investigation, that, if the act was done in relation to High Court proceedings, would amount to a contempt of court.
101. The Ombudsman cannot issue such a certificate if the alleged obstruction or contempt arises merely because the person concerned has taken some further action in respect of the matter under investigation (see section 20(3) and section 18(14)).
102. If the Ombudsman issues such a certificate then the High Court may inquire into the matter and if the High Court finds that the person concerned has obstructed the Ombudsman, the High Court may deal with the person as if the person had committed contempt in relation to the High Court (section 20(5)).