

# **PUBLIC SERVICES OMBUDSMAN (WALES) ACT 2019**

---

## **EXPLANATORY NOTES**

### **INTRODUCTION**

#### **Part 3**

##### ***Section 5 - Criteria for own initiative investigations***

31. The Ombudsman must publish the criteria that be used by the Ombudsman when deciding whether to carry out an own initiative investigation.
32. Before publishing the criteria, the Ombudsman must lay a draft of the criteria before the Assembly. The draft criteria will be subject to a negative resolution procedure. This means that the Assembly has 40 days to object to the criteria. If the Assembly does not object within those 40 days, the Ombudsman must publish the criteria in the form of the draft laid before the Assembly. If the Assembly resolves not to approve the draft criteria, the Ombudsman must not publish the criteria in the form of the draft, but the Ombudsman may instead lay new draft criteria before the Assembly.
33. Once the criteria have been published the Ombudsman can revise and republish the criteria. But if a revision makes any material changes to the criteria, then the draft revision must be laid before the Assembly and negative resolution procedure will apply to the revision as it applied to the initial criteria
34. The Welsh Ministers may make regulations to amend the criteria published by the Ombudsman. Such regulations follow an affirmative resolution procedure. This means the regulations must be approved by the Assembly – if the Assembly does not approve the regulations then they do not take effect. But if the Assembly does approve the regulations, the Ombudsman must republish the criteria to reflect the changes made by the regulations.
35. Both the Ombudsman and the Welsh Ministers must consult before proposing criteria (or proposing material changes to criteria) under this section.