



Public Services Ombudsman (Wales) Act 2019

2019 anaw 3

PART 3

INVESTIGATIONS

Listed authorities

31 Listed authorities

- (1) The persons specified in Schedule 3 are listed authorities for the purposes of this Act.
- (2) The Welsh Ministers may by regulations amend Schedule 3 by—
 - (a) adding a person,
 - (b) omitting a person, or
 - (c) changing the description of a person.
- (3) Regulations under subsection (2) adding a person to Schedule 3 may provide for this Act to apply to the person with the modifications specified in the regulations.
- (4) Before making regulations under subsection (2), the Welsh Ministers must consult the Ombudsman and any other persons they think appropriate.
- (5) No regulations are to be made under subsection (2) unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, the Assembly.
- (6) Sections 32 and 33 contain further restrictions on the power in subsection (2).

32 Restrictions on power to amend Schedule 3

- (1) Regulations under section 31(2) may not omit the Welsh Government or the National Assembly for Wales Commission from Schedule 3.

- (2) Regulations under section 31(2) may add a person to Schedule 3 only if the provision made by the regulations would be within the legislative competence of the Assembly.

33 Provisions in regulations adding persons to Schedule 3

If the Welsh Ministers propose to make regulations under section 31(2) adding a person to Schedule 3, they must also specify in the regulations—

- (a) whether all or only some of the person's functions are to fall within the remit of the Ombudsman under this Part;
- (b) if only some of the person's functions are to fall within the remit of the Ombudsman under this Part, which those functions are.

34 Power to issue guidance

- (1) The Ombudsman may issue to one or more listed authorities such guidance about good administrative practice as the Ombudsman thinks appropriate.
- (2) Before issuing guidance under this section the Ombudsman must consult such listed authorities, or persons appearing to the Ombudsman to represent them, as the Ombudsman thinks appropriate.
- (3) If guidance issued under this section is applicable to a listed authority, the authority must have regard to the guidance in discharging its functions.
- (4) In conducting an investigation in respect of a listed authority, the Ombudsman may have regard to the extent to which the authority has complied with any guidance issued under this section which is applicable to the authority.
- (5) The Ombudsman may publish any guidance issued under this section in any manner that the Ombudsman thinks appropriate, including in particular by putting the guidance in an annual or extraordinary report.
- (6) Guidance issued under this section may contain different provision for different purposes.
- (7) Subject to subsection (8), guidance issued under this section must not—
 - (a) mention the name of any person other than the listed authorities to which it is applicable or a listed authority which has been investigated under this Part, or
 - (b) include any particulars which, in the opinion of the Ombudsman, are likely to identify any such person and which, in the Ombudsman's opinion, can be omitted without impairing the effectiveness of the guidance.
- (8) Subsection (7) does not apply if, after taking account of the interests of any persons the Ombudsman thinks appropriate, the Ombudsman considers it to be in the public interest to include that information in the guidance.