

Changes to legislation: Public Services Ombudsman (Wales) Act 2019 is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULE 1

(introduced by section 2)

PUBLIC SERVICES OMBUDSMAN FOR WALES: APPOINTMENT ETC

Appointment

- 1 The Ombudsman is to be appointed by Her Majesty on the nomination of the Assembly.

Commencement Information

- I1** Sch. 1 para. 1 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

Status

- 2 (1) The Ombudsman is a corporation sole.
- (2) The Ombudsman holds office under Her Majesty and discharges functions on behalf of the Crown.
- (3) The Ombudsman is a Crown servant for the purposes of the Official Secrets Act 1989 (c.6).
- (4) But service as the Ombudsman is not service in the civil service of the Crown.

Commencement Information

- I2** Sch. 1 para. 2 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

Term of office

- 3 (1) A person's term of office as the Ombudsman is seven years (subject to sub-paragraphs (3) and (4) and paragraph 6).
- (2) A person appointed as the Ombudsman is not eligible for re-appointment.
- (3) Her Majesty may relieve a person of office as the Ombudsman—
- (a) at the Ombudsman's request, or
 - (b) on Her Majesty being satisfied that the person is incapable for medical reasons of performing the duties of the office.
- (4) Her Majesty may remove a person from office as the Ombudsman on the making of a recommendation, on the ground of the person's misbehaviour, that Her Majesty should do so.
- (5) A recommendation for the removal of a person from office as the Ombudsman may not be made unless—
- (a) the Assembly has resolved that the recommendation should be made, and
 - (b) the resolution of the Assembly is passed on a vote in which the number of Assembly members voting in favour of it is not less than two-thirds of the total number of Assembly seats.

Changes to legislation: Public Services Ombudsman (Wales) Act 2019 is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I3 Sch. 1 para. 3 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

Acting Public Services Ombudsman for Wales

- 4 (1) If the office of the Ombudsman becomes vacant, Her Majesty may, on the nomination of the Assembly, appoint a person to act as the Ombudsman.
- (2) A person appointed to act as the Ombudsman (“an acting Ombudsman”) may have held office as the Ombudsman.
- (3) A person appointed as an acting Ombudsman is eligible for appointment as the Ombudsman (unless the person has already held office as the Ombudsman).
- (4) The power to appoint a person as an acting Ombudsman is not exercisable after the end of the period of two years starting with the date on which the vacancy arose.
- (5) An acting Ombudsman holds office in accordance with the terms of the acting Ombudsman's appointment, subject to sub-paragraph (6) (and paragraph 2, as applied by sub-paragraph (7)).
- (6) An acting Ombudsman must not hold office after—
- (a) the appointment of a person as the Ombudsman, or
 - (b) if sooner, the end of the period of two years starting with the date on which the vacancy arose.
- (7) While an acting Ombudsman holds office, the acting Ombudsman is to be regarded (except for the purposes of paragraphs 1, 3, 6 to 10 and this paragraph) as the Ombudsman.

Commencement Information

I4 Sch. 1 para. 4 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

Further provision: appointment

- 5 The Assembly must determine the terms that apply to an appointment made under paragraph 1 or paragraph 4(1).

Commencement Information

I5 Sch. 1 para. 5 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

Disqualification

- 6 (1) A person is disqualified from being the Ombudsman or an acting Ombudsman if any of the following applies—
- (a) the person is a member of the House of Commons;
 - (b) the person is a listed authority;

Changes to legislation: Public Services Ombudsman (Wales) Act 2019 is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (c) the person is a member, co-opted member, officer or member of staff of a listed authority;
 - (d) the person is disqualified from being a member of the Assembly (other than by virtue of ^{F1}holding office as the Ombudsman or an acting Ombudsman);
 - (e) the person is disqualified from being a member of a local authority in Wales (other than by virtue of paragraph 7 of this Schedule);
 - (f) the person is a care home provider, domiciliary care provider or independent palliative care provider;
 - (g) the person is an officer or member of staff of a provider of that kind.
- (2) For the purposes of sub-paragraph (1)(g) a person is an officer of a provider if the person has control or management of a provider which is not an individual or the affairs of such a provider.
- (3) The appointment of a person as the Ombudsman or an acting Ombudsman is not valid if the person is disqualified under sub-paragraph (1).
- (4) If a person who has been appointed as the Ombudsman or an acting Ombudsman becomes disqualified under sub-paragraph (1), the person ceases to hold office on becoming so disqualified.
- (5) But the validity of anything done by a person appointed as the Ombudsman or an acting Ombudsman is not affected by the fact that the person is or becomes disqualified under sub-paragraph (1).

Textual Amendments

F1 Words in Sch. 1 para. 6(1)(d) substituted (with effect in accordance with s. 42(1)(c) of the amending Act) by *Senedd and Elections (Wales) Act 2020 (anaw 1)*, s. 35(4)(a)

Commencement Information

I6 Sch. 1 para. 6 in force at 23.7.2019 by *S.I. 2019/1096*, reg. 2

- 7 (1) A person who holds office as the Ombudsman or an acting Ombudsman is disqualified from—
- (a) being a listed authority;
 - (b) being a member, co-opted member, officer or member of staff of a listed authority;
 - (c) holding a paid office to which appointment is by a listed authority.

^{F2}(2)

Textual Amendments

F2 Sch. 1 para. 7(2) omitted (with effect in accordance with s. 42(1)(c) of the amending Act) by virtue of *Senedd and Elections (Wales) Act 2020 (anaw 1)*, s. 35(4)(b)

Commencement Information

I7 Sch. 1 para. 7 in force at 23.7.2019 by *S.I. 2019/1096*, reg. 2

- 8 (1) A person who has ceased to hold office as the Ombudsman or as an acting Ombudsman is disqualified for the relevant period from—

Changes to legislation: Public Services Ombudsman (Wales) Act 2019 is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) holding an office which is a listed authority;
 - (b) being a member, co-opted member, officer or member of staff of a listed authority;
 - (c) holding a paid office to which appointment is by a listed authority;
- unless the Assembly approves otherwise.
- (2) The relevant period—
- (a) starts when the person ceases to hold office as the Ombudsman or, as the case may be, an acting Ombudsman, and
 - (b) ends on the expiry of the financial year following the financial year in which the Ombudsman or, as the case may be, the acting Ombudsman, ceased to hold such office.
- (3) But sub-paragraph (1) does not disqualify a person from—
- (a) being a member of the Assembly or the National Assembly for Wales Commission;
 - (b) holding the office of presiding officer or deputy presiding officer of the Assembly or of First Minister for Wales, Welsh Minister appointed under section 48 of the Government of Wales Act 2006 (c.32), Counsel General to the Welsh Government or Deputy Welsh Minister;
 - (c) being a member or co-opted member of a local authority in Wales;
 - (d) holding the office of chairman, vice-chairman or elected mayor of a local authority in Wales.

Commencement Information

18 Sch. 1 para. 8 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

- 9 The references in paragraphs 7 and 8 to a paid office include an office the holder of which is entitled only to the reimbursement of expenses.

Commencement Information

19 Sch. 1 para. 9 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

Remuneration etc

- 10 (1) The Assembly must—
- (a) pay a person who is the Ombudsman or an acting Ombudsman such salary and allowances, and
 - (b) make such payments towards the provision of superannuation benefits for or in respect of the Ombudsman or an acting Ombudsman,
- as may be provided for by or under the terms of appointment of the Ombudsman or the acting Ombudsman.
- (2) The Assembly must pay to or in respect of a person who has ceased to hold office as the Ombudsman or an acting Ombudsman—
- (a) such amounts by way of pensions and gratuities, and
 - (b) such amounts by way of provision for those benefits,

Changes to legislation: Public Services Ombudsman (Wales) Act 2019 is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

as may have been provided for by or under the terms of appointment of the Ombudsman or the acting Ombudsman.

- (3) If a person ceases to be the Ombudsman or an acting Ombudsman and it appears to the Assembly that there are special circumstances which make it right that the person should receive compensation, the Assembly may pay to that person a sum of such amount as it thinks appropriate.
- (4) The Assembly must pay to the Minister for the Civil Service, at such times as the Minister may direct, such sums as the Minister may determine in respect of any increase attributable to paragraph 9(4) of Schedule 1 to the 2005 Act in the sums payable out of money provided by Parliament under the Superannuation Act 1972 (c.11).
- (5) Sums required for the making of payments under sub-paragraphs (1), (2) and (4) are to be charged on the Welsh Consolidated Fund.

Commencement Information

I10 Sch. 1 para. 10 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

Special financial provisions

- 11 (1) Any sums payable by the Ombudsman in consequence of a breach, in the performance of any of the Ombudsman's functions, of any contractual or other duty are to be charged on the Welsh Consolidated Fund.
- (2) And sub-paragraph (1) applies whether the breach occurs by reason of an act or omission of—
 - (a) the Ombudsman,
 - (b) a member of the Ombudsman's staff, or
 - (c) any other person acting on the Ombudsman's behalf or assisting the Ombudsman in the exercise of functions.
- (3) The Ombudsman may retain income derived from fees charged by virtue of sections 17(6), 23(6), 27(8), 29(2), 51(6), 55(7), 58(8) and 60(7) (rather than pay it into the Welsh Consolidated Fund) for use in connection with the exercise of the functions conferred or imposed by this Act.
- (4) The Ombudsman may retain costs paid to the Ombudsman under a costs recovery notice (see sections 21 and 22) (rather than pay them in to the Welsh Consolidated Fund) for use in connection with the exercise of the functions conferred or imposed by this Act.

Commencement Information

I11 Sch. 1 para. 11 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

Changes to legislation: Public Services Ombudsman (Wales) Act 2019 is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Staff

- 12 (1) The Ombudsman may appoint such staff as is necessary for assisting in the discharge of the Ombudsman's functions, on such terms and conditions as the Ombudsman may determine.
- (2) No member of staff of the Ombudsman is to be regarded as holding office under Her Majesty or as discharging any functions on behalf of the Crown.
- (3) But each member of the Ombudsman's staff is to be treated as being a Crown servant for the purposes of the Official Secrets Act 1989 (c.6).
- (4) The Ombudsman must pay to the Minister for the Civil Service, at such times as the Minister may direct, such sum as the Minister may determine in respect of any increase attributable to paragraph 11(4) of Schedule 1 to the 2005 Act in the sums payable out of money provided by Parliament under the Superannuation Act 1972 (c.11).

Commencement Information

I12 Sch. 1 para. 12 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

Advisers

- 13 (1) The Ombudsman may obtain advice from any person who, in the Ombudsman's opinion, is qualified to give it, to assist the Ombudsman in the discharge of the Ombudsman's functions.
- (2) The Ombudsman may pay to any person from whom the Ombudsman obtains advice under sub-paragraph (1) such fees or allowances as the Ombudsman may determine.

Commencement Information

I13 Sch. 1 para. 13 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

Delegation

- 14 (1) Any function of the Ombudsman may be discharged on the Ombudsman's behalf—
- (a) by any person authorised by the Ombudsman to do so, and
 - (b) to the extent so authorised.
- (2) Sub-paragraph (1) does not affect the responsibility of the Ombudsman for the discharge of any such function.
- (3) A person authorised by the Ombudsman under sub-paragraph (1) is to be treated as being a Crown servant for the purposes of the Official Secrets Act 1989 (c.6).
- (4) No arrangements may be made between the Ombudsman, on the one hand, and the Welsh Ministers (or the First Minister for Wales or the Counsel General to the Welsh Government), on the other, for—
- (a) any functions of one of them to be exercised by the other,

Changes to legislation: Public Services Ombudsman (Wales) Act 2019 is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (b) any functions of the Welsh Ministers (or the First Minister for Wales or the Counsel General to the Welsh Government) to be exercised by members of staff of the Ombudsman,
 - (c) any functions of the Ombudsman to be exercised by members of the staff of the Welsh Government, or
 - (d) the provision of administrative, professional or technical services by one of them for the other.
- (5) Sub-paragraph (4) applies despite any provision that would otherwise permit such arrangements to be made.

Commencement Information

I14 Sch. 1 para. 14 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

Annual and extraordinary reports

- 15 (1) The Ombudsman—
- (a) must annually prepare a general report on the discharge of the Ombudsman's functions (an “annual report”);
 - (b) may prepare any other report with respect to the Ombudsman's functions that the Ombudsman thinks appropriate (an “extraordinary report”).
- (2) A report prepared under this paragraph may include any general recommendations which the Ombudsman may have arising from the discharge of the Ombudsman's functions.
- (3) The Ombudsman must lay a copy of each report prepared under this paragraph before the Assembly and at the same time send a copy to the Welsh Government and (if the report is an extraordinary report) must send a copy of it to any listed authorities (other than the Welsh Government) the Ombudsman thinks appropriate.
- (4) The Ombudsman may also send a copy of any report prepared under this paragraph to any other persons the Ombudsman thinks appropriate.
- (5) The Ombudsman must, and the Assembly may, publish any report laid before the Assembly under this paragraph.
- (6) The Ombudsman must comply with any directions given by the Assembly with respect to an annual report.
- (7) If a report prepared under this paragraph—
- (a) mentions the name of any person other than a listed authority, care home provider, domiciliary care provider or independent palliative care provider in respect of which—
 - (i) a complaint has been made or referred to the Ombudsman under this Act, or
 - (ii) the Ombudsman has begun to investigate under section 4 or 44, or
 - (b) includes 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 report,

Changes to legislation: Public Services Ombudsman (Wales) Act 2019 is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

that information must not be included in a version of the report laid before the Assembly under sub-paragraph (3), sent to a person under sub-paragraph (3) or (4) or published by the Ombudsman under sub-paragraph (5), subject to sub-paragraph (8).

- (8) Sub-paragraph (7) does not apply in relation to a version of the report 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 that version of the report.

Commencement Information

I15 Sch. 1 para. 15 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

Estimates

- 16 (1) For each financial year, the Ombudsman must prepare an estimate of the income and expenses of the Ombudsman's office.
- (2) The Ombudsman must submit the estimate at least five months before the beginning of the financial year to which it relates to the committee or committees of the Assembly specified in the standing orders of the Assembly.
- (3) The committee or committees must examine an estimate submitted in accordance with sub-paragraph (2) and must then lay the estimate before the Assembly with any modifications thought appropriate.
- (4) Before laying before the Assembly with modifications an estimate submitted in accordance with sub-paragraph (2), the committee or committees must—
- (a) consult the Ombudsman, and
 - (b) take into account any representations which the Ombudsman may make.
- (5) The first financial year is the financial year during which the first person to be appointed as the Ombudsman is appointed.

Commencement Information

I16 Sch. 1 para. 16 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

Accounts

- 17 (1) The Ombudsman must—
- (a) keep proper accounting records, and
 - (b) for each financial year, prepare accounts in accordance with directions given to the Ombudsman by the Treasury.
- (2) The directions which the Treasury may give under sub-paragraph (1)(b) include directions to prepare accounts relating to financial affairs and transactions of persons other than the Ombudsman.
- (3) The directions which the Treasury may give under sub-paragraph (1)(b) include, in particular, directions as to—

Changes to legislation: Public Services Ombudsman (Wales) Act 2019 is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) the information to be contained in the accounts and the manner in which it is to be presented;
- (b) the methods and principles in accordance with which the accounts are to be prepared;
- (c) the additional information (if any) that is to accompany the accounts.

Commencement Information

I17 Sch. 1 para. 17 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

Audit

- 18 (1) The accounts prepared by the Ombudsman for a financial year must be submitted by the Ombudsman to the Auditor General for Wales no later than 30 November in the following financial year.
- (2) The Auditor General for Wales must—
- (a) examine, certify and report on each set of accounts submitted to the Auditor General for Wales under this paragraph, and
 - (b) subject to sub-paragraph (3), no later than four months after the accounts are so submitted, lay before the Assembly a copy of them as certified by the Auditor General for Wales together with the Auditor General for Wales's report on them (“a copy of the certified accounts and report”).
- (3) The Auditor General for Wales may lay a copy of the certified accounts and report before the Assembly after the four-month deadline mentioned in sub-paragraph (2) (b) where it is not reasonably practicable for the Auditor General for Wales to meet that deadline.
- (4) Where sub-paragraph (3) applies, the Auditor General for Wales must—
- (a) before the four-month deadline mentioned in sub-paragraph (2)(b), lay before the Assembly a statement explaining why it is not reasonably practicable for the Auditor General for Wales to lay a copy of the certified accounts and report before the Assembly before that deadline, and
 - (b) lay a copy of the certified accounts and report before the Assembly as soon as reasonably practicable after that deadline.
- (5) In examining accounts submitted to the Auditor General for Wales under this paragraph the Auditor General for Wales must, in particular, be satisfied that—
- (a) the expenditure to which the accounts relate has been incurred lawfully and in accordance with the authority which governs it, and
 - (b) the Ombudsman has made appropriate arrangements for the economic, efficient and effective use of the Ombudsman's resources.

Commencement Information

I18 Sch. 1 para. 18 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

Accounting officer

- 19 (1) The Ombudsman is the accounting officer for the office of the Ombudsman.

Changes to legislation: Public Services Ombudsman (Wales) Act 2019 is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (2) If the Ombudsman is incapable of discharging the Ombudsman's responsibilities as accounting officer, the Audit Committee may designate a member of the Ombudsman's staff to be the accounting officer for as long as the Ombudsman is so incapable.
- (3) If the office of the Ombudsman is vacant and there is no acting Ombudsman, the Audit Committee may designate a member of the Ombudsman's staff to be the accounting officer for as long as the office of the Ombudsman is vacant and there is no acting Ombudsman.
- (4) The accounting officer has, in relation to the accounts and the finances of the Ombudsman, the responsibilities which are from time to time specified by the Audit Committee.
- (5) In this paragraph references to responsibilities include in particular—
 - (a) responsibilities in relation to the signing of accounts,
 - (b) responsibilities for the propriety and regularity of the finances of the Ombudsman, and
 - (c) responsibilities for the economy, efficiency and effectiveness with which the resources of the Ombudsman are used.
- (6) The responsibilities which may be specified under this paragraph include responsibilities owed to—
 - (a) the Assembly, the Welsh Ministers or the Audit Committee, or
 - (b) the House of Commons or its Committee of Public Accounts.
- (7) If requested to do so by the House of Commons Committee of Public Accounts, the Audit Committee may—
 - (a) on behalf of the Committee of Public Accounts take evidence from the accounting officer, and
 - (b) report to the Committee of Public Accounts and transmit to that Committee any evidence so taken.

Commencement Information

I19 Sch. 1 para. 19 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

Examinations into the use of resources

- 20 (1) The Auditor General for Wales may carry out examinations into the economy, efficiency and effectiveness with which the Ombudsman has used the Ombudsman's resources in discharging the Ombudsman's functions.
- (2) Sub-paragraph (1) is not to be construed as entitling the Auditor General for Wales to question the merits of the policy objectives of the Ombudsman.
- (3) In determining how to discharge the Auditor General for Wales's functions under this paragraph, the Auditor General for Wales must take into account the views of the Audit Committee as to the examinations which the Auditor General for Wales should carry out.
- (4) The Auditor General for Wales may lay before the Assembly a report of the results of any examination carried out by the Auditor General for Wales under this paragraph.

Changes to legislation: *Public Services Ombudsman (Wales) Act 2019 is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

I20 Sch. 1 para. 20 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

Supplementary powers

- 21 The Ombudsman may do anything (including acquire or dispose of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of the Ombudsman's functions.

Commencement Information

I21 Sch. 1 para. 21 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

Previous Ombudsman to continue to be Ombudsman

- 22 (1) This paragraph applies to the person who is the Ombudsman immediately before the appointed day.
- (2) On and after the appointed day the person—
- (a) continues to be the Ombudsman and is treated as having been appointed to that office under this Act;
 - (b) holds the office for seven years less a period equal to that during which the person was the Ombudsman before the appointed day.
- (3) In this paragraph “the appointed day” means the day on which this paragraph comes into force.

Commencement Information

I22 Sch. 1 para. 22 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

SCHEDULE 2

(introduced by section 14)

EXCLUDED MATTERS: PART 3

- 1 Action taken by or with the authority of the Welsh Ministers, the First Minister for Wales, the Counsel General to the Welsh Government or a police and crime commissioner for a police area in Wales for the purpose of—
- (a) the investigation or prevention of crime, or
 - (b) the protection of the security of the State.

Commencement Information

I23 Sch. 2 para. 1 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

- 2 The commencement or conduct of proceedings before a court of competent jurisdiction.

Changes to legislation: Public Services Ombudsman (Wales) Act 2019 is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I24 Sch. 2 para. 2 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

- 3 Action taken by a member of the administrative staff of a relevant tribunal so far as taken at the direction, or on the authority (whether express or implied), of a person acting in the capacity of a member of the tribunal.

Commencement Information

I25 Sch. 2 para. 3 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

- 4 Action taken in respect of appointments, removals, pay, discipline, superannuation or other personnel matters (apart from procedures for recruitment and appointment) in relation to—
- (a) service in an office or employment under the Crown or under a listed authority;
 - (b) service in an office or employment, or under a contract for services, in respect of which power to take action in personnel matters, or to determine or approve action to be taken in personnel matters, is vested in Her Majesty or a listed authority.

Commencement Information

I26 Sch. 2 para. 4 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

- 5 Action relating to the determination of the amount of rent.

Commencement Information

I27 Sch. 2 para. 5 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

- 6 (1) Action taken by an authority specified in sub-paragraph (2) and relating to—
- (a) the giving of instruction, or
 - (b) conduct, curriculum, internal organisation, management or discipline,
- in a school or other educational establishment maintained by a local authority in Wales.
- (2) The authorities are—
- (a) a local authority in Wales;
 - (b) an admission appeal panel;
 - (c) the governing body of a community, foundation or voluntary school;
 - (d) an exclusion appeal panel.

Commencement Information

I28 Sch. 2 para. 6 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

- 7 Action taken by a Local Health Board in the discharge of its functions under—

Changes to legislation: Public Services Ombudsman (Wales) Act 2019 is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) the National Health Service (Service Committees and Tribunal) Regulations 1992 (S.I.1992/664) or any instrument replacing those regulations;
- (b) regulations made under section 38, 39, 41 or 42 of the National Health Service Act 1977 (c.49) by virtue of section 17 of the Health and Medicines Act 1988 (c.49) (investigations of matters relating to services).

Commencement Information

I29 Sch. 2 para. 7 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

SCHEDULE 3

(introduced by section 31)

LISTED AUTHORITIES

Commencement Information

I30 Sch. 3 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

Government of Wales

The Welsh Government.

The National Assembly for Wales Commission.

Local government, fire and police

A local authority in Wales.

A joint board the constituent authorities of which are all local authorities in Wales.

A fire and rescue authority in Wales constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 (c.21) or a scheme to which section 4 of that Act applies.

A police and crime commissioner for a police area in Wales.

^{F3} ...

[^{F4}A corporate joint committee established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021.]

Environment

The Committee on Climate Change.

A National Park authority for a National Park in Wales.

The Natural Resources Body for Wales.

The Environment Agency.

The Forestry Commissioners.

The Flood and Coastal Erosion Committee.

Health and social care

Social Care Wales.

^{F5} ...

A Local Health Board.

An NHS trust managing a hospital or other establishment or facility in Wales.

A Special Health Authority not discharging functions only or mainly in England.

Changes to legislation: Public Services Ombudsman (Wales) Act 2019 is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

F6

...

An independent provider in Wales.

A family health service provider in Wales.

A person with functions conferred by regulations made under section 113(2) of the Health and Social Care (Community Health and Standards) Act 2003 (c.43).

The Welsh Health Specialised Services Committee.

[^{F7}The Citizen Voice Body for Health and Social Care, Wales.]

Housing

A social landlord in Wales.

Education and training

The Office of Her Majesty's Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru.

The Higher Education Funding Council for Wales.

An admission appeal panel constituted in accordance with regulations under section 94(5) or 95(3) of the School Standards and Framework Act 1998 (c.31).

The governing body of any community, foundation or voluntary school so far as acting in connection with the admission of pupils to the school or otherwise discharging any of their functions under Chapter 1 of Part 3 of the School Standards and Framework Act 1998 (c.31).

An exclusion appeal panel constituted in accordance with regulations under section 52 of the Education Act 2002 (c.32).

Qualifications Wales.

Arts and leisure

The Arts Council of Wales.

The Sports Council for Wales.

Tax

The Welsh Revenue Authority.

Miscellaneous

The Building Regulations Advisory Committee for Wales.

Coity Walia Board for Conservators.

Comisiynydd y Gymraeg (The Welsh Language Commissioner).

Harbour authorities in Wales (and “harbour authority” has the meaning given in section 313(1) of the Merchant Shipping Act 1995 (c.21)) and port authorities in Wales (and “port authority” means a harbour authority or, if there is no such authority, the person having control of the operation of the port)—

- (a) used or required wholly or mainly for the fishing industry, for recreation, or for communication between places in Wales (or for two or more of those purposes);
- (b) so far as acting in connection with protecting human, animal or plant health, animal welfare or the environment.

The Local Democracy and Boundary Commission for Wales.

Towyn Trewan Board for Conservators.

Changes to legislation: Public Services Ombudsman (Wales) Act 2019 is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

- F3** Words in Sch. 3 omitted (21.1.2021) by virtue of Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(1)(e), **Sch. 9 para. 48**
- F4** Words in Sch. 3 inserted (1.4.2021) by The Public Services Ombudsman (Wales) Act 2019 (Amendment of Schedule 3) Regulations 2021 (S.I. 2021/345), regs. 1(2), **2(2)**
- F5** Sch. 3 entry omitted (1.4.2023) by virtue of Health and Social Care (Quality and Engagement) (Wales) Act 2020 (asc 1), s. 29(2), **Sch. 3 para. 17(3)(a)**; S.I. 2023/370, art. 3(1)(t)
- F6** Sch. 3 entry omitted (1.4.2023) by virtue of Health and Social Care (Quality and Engagement) (Wales) Act 2020 (asc 1), s. 29(2), **Sch. 3 para. 17(3)(b)**; S.I. 2023/370, art. 3(1)(t)
- F7** Sch. 3 entry inserted (1.4.2023) by Health and Social Care (Quality and Engagement) (Wales) Act 2020 (asc 1), s. 29(2), **Sch. 3 para. 17(3)(c)**; S.I. 2023/370, art. 3(1)(t)

Textual Amendments

- F3** Words in Sch. 3 omitted (21.1.2021) by virtue of Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(1)(e), **Sch. 9 para. 48**
- F4** Words in Sch. 3 inserted (1.4.2021) by The Public Services Ombudsman (Wales) Act 2019 (Amendment of Schedule 3) Regulations 2021 (S.I. 2021/345), regs. 1(2), **2(2)**
- F5** Sch. 3 entry omitted (1.4.2023) by virtue of Health and Social Care (Quality and Engagement) (Wales) Act 2020 (asc 1), s. 29(2), **Sch. 3 para. 17(3)(a)**; S.I. 2023/370, art. 3(1)(t)
- F6** Sch. 3 entry omitted (1.4.2023) by virtue of Health and Social Care (Quality and Engagement) (Wales) Act 2020 (asc 1), s. 29(2), **Sch. 3 para. 17(3)(b)**; S.I. 2023/370, art. 3(1)(t)
- F7** Sch. 3 entry inserted (1.4.2023) by Health and Social Care (Quality and Engagement) (Wales) Act 2020 (asc 1), s. 29(2), **Sch. 3 para. 17(3)(c)**; S.I. 2023/370, art. 3(1)(t)

SCHEDULE 4

(introduced by section 42)

EXCLUDED MATTERS: PART 5

- 1 The commencement or conduct of proceedings before a court of competent jurisdiction.

Commencement Information

- I31** Sch. 4 para. 1 in force at 23.7.2019 by S.I. 2019/1096, **reg. 2**

- 2 Action taken in respect of appointments or removals, pay, discipline, superannuation or other personnel matters.

Commencement Information

- I32** Sch. 4 para. 2 in force at 23.7.2019 by S.I. 2019/1096, **reg. 2**

Changes to legislation: Public Services Ombudsman (Wales) Act 2019 is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULE 5

(introduced by section 75)

CONSEQUENTIAL AMENDMENTS

PART 1

INVESTIGATIONS

Care Standards Act 2000 (c.14)

1 Insert new section 75ZB—

Working jointly with the Public Services Ombudsman for Wales

- “75ZB(1) This section applies where it appears to the Commissioner that a case which he is—
- (a) examining in accordance with regulations made under section 74, or
 - (b) considering whether to examine in accordance with such regulations,
- relates to or raises a matter which could be the subject of an investigation by the Public Services Ombudsman for Wales (the ‘connected matter’).
- (2) Where the Commissioner considers it appropriate, he must inform the Ombudsman about the connected matter.
 - (3) Where the Commissioner considers that the case also relates to or raises a matter which he is entitled to examine himself (the ‘children matter’), he must also if he considers it appropriate—
 - (a) inform the Ombudsman about the Commissioners proposals for examination of the case, and
 - (b) consult the Ombudsman about those proposals.
 - (4) Where the Commissioner and the Ombudsman consider that they are entitled to examine, respectively, the children matter and the connected matter they may—
 - (a) co-operate with each other in the separate examination of each of those matters;
 - (b) act together in the examination of those matters; and
 - (c) prepare and publish a joint report containing their respective conclusions in relation to the matters they have each examined.
 - (5) Where the Commissioner considers—
 - (a) that the case is not one which relates to or raises a matter that he is entitled to examine himself, and
 - (b) that it is appropriate to do so,

he must inform the person whose case it is, or another person interested in it that he thinks fit, about how to secure referral to the Ombudsman of the connected matter.”

Changes to legislation: Public Services Ombudsman (Wales) Act 2019 is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I33 Sch. 5 para. 1 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

2 Insert new section 75ZC—

Working jointly with the Public Services Ombudsman for Wales

“75ZC(1) This section applies where it appears to the Commissioner that a case which he is—

- (a) examining in accordance with regulations made under section 74, or
- (b) considering whether to examine in accordance with such regulations,

relates to or raises a matter which could be the subject of an investigation by the Public Services Ombudsman for Wales.

(2) Where the Commissioner considers it appropriate, he must—

- (a) inform the Ombudsman about the case, and
- (b) consult him in relation to it.

(3) Where the Commissioner consults the Ombudsman under this section, he and the Ombudsman may—

- (a) co-operate with each other in relation to the case;
- (b) conduct a joint examination into the case;
- (c) prepare and publish a joint report in relation to the case.”

Commencement Information

I34 Sch. 5 para. 2 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

Public Audit (Wales) Act 2004 (c.23)

3 Insert new section 67B—

Protection from defamation claims

“67B For the purposes of the law of defamation, the publication in a communication between the Auditor General for Wales or the Wales Audit Office and the Public Services Ombudsman for Wales of a matter in connection with a joint investigation conducted under section 68(2) of the Public Services Ombudsman (Wales) Act 2019, is absolutely privileged.”

Commencement Information

I35 Sch. 5 para. 3 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

Public Audit (Wales) Act 2013 (anaw 3)

4 Insert new section 29A—

Changes to legislation: Public Services Ombudsman (Wales) Act 2019 is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Working with the Public Services Ombudsman for Wales

- “29A(1) Where the Public Services Ombudsman for Wales consults the Auditor General under section 68 of the Public Services Ombudsman (Wales) Act 2019 (anaw 3), the Ombudsman and the Auditor General may—
- (a) co-operate with each other in relation to the matter,
 - (b) conduct a joint investigation into the matter, and
 - (c) prepare and publish a joint report in relation to the investigation.”

Commencement Information

I36 Sch. 5 para. 4 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

Well-being of Future Generations (Wales) Act 2015 (anaw 2)

- 5 In section 25, after subsection 1(c), insert—
- “(d) an investigation under the Public Services Ombudsman (Wales) Act 2019 (anaw 3) by the Public Services Ombudsman for Wales (and references in this section to the other Commissioner or the Commissioners include the Ombudsman).”

Commencement Information

I37 Sch. 5 para. 5 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

PART 2

MISCELLANEOUS

Parliamentary Commissioner Act 1967 (c.13)

- 6 In section 4 (departments etc. subject to investigation), in subsection (3A), for “the Public Services Ombudsman (Wales) Act 2005” substitute “ the Public Services Ombudsman (Wales) Act 2019 ”.

Commencement Information

I38 Sch. 5 para. 6 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

- 7 In section 11A (consultations between Parliamentary Commissioner and other Commissioners or Ombudsmen), in subsection (1)(b), for “the Public Services Ombudsman (Wales) Act 2005” substitute “ the Public Services Ombudsman (Wales) Act 2019 ”.

Commencement Information

I39 Sch. 5 para. 7 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

Changes to legislation: *Public Services Ombudsman (Wales) Act 2019 is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Local Government Act 1974 (c.7)

- 8 In section 34M (consultation with other Commissioners), in subsection (1)(d), at the end insert “ or the PSOWA 2019 ”.

Commencement Information

I40 Sch. 5 para. 8 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

- 9 In section 34T (interpretation of Part 3A), in subsection (1), after the definition of “the PSOWA 2005” insert—

““the PSOWA 2019” means the Public Services Ombudsman (Wales) Act 2019.”.

Commencement Information

I41 Sch. 5 para. 9 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

Ancient Monuments and Archaeological Areas Act 1979 (c.46)

- 10 In Schedule A2 (decisions on reviews by person appointed by Welsh Ministers), in paragraph 7, for “the Public Services (Ombudsman) Wales Act 2005” substitute “ the Public Services Ombudsman (Wales) Act 2005 and the Public Services Ombudsman (Wales) Act 2019 ”.

Commencement Information

I42 Sch. 5 para. 10 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

Local Government and Housing Act 1989 (c.42)

- 11 In section 5 (designation and reports of monitoring officer)—
- (a) in subsection (2)(c), at the end insert “ or the Public Services Ombudsman (Wales) Act 2019 ”;
 - (b) in subsection (2AA), after “the Public Services Ombudsman (Wales) Act 2005” insert “ or the Public Services Ombudsman (Wales) Act 2019 ”.

Commencement Information

I43 Sch. 5 para. 11 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

- 12 In section 5A (reports of monitoring officer – local authorities operating executive arrangements)—

- (a) in subsection (3)(c), at the end insert “ or the Public Services Ombudsman (Wales) Act 2019 ”;
- (b) in subsection (4A), after “the Public Services Ombudsman (Wales) Act 2005” insert “ or the Public Services Ombudsman (Wales) Act 2019 ”.

Changes to legislation: Public Services Ombudsman (Wales) Act 2019 is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I44 Sch. 5 para. 12 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)

- 13 In Schedule 1B (decisions on reviews by person appointed by Welsh Ministers), in paragraph 7, after “the Public Services Ombudsman (Wales) Act 2005” insert “ and the Public Services Ombudsman (Wales) Act 2019 ”.

Commencement Information

I45 Sch. 5 para. 13 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

- 14 In Schedule 3 (determination of certain appeals by person appointed by Secretary of State), in paragraph 7(3), after “the Public Services Ombudsman (Wales) Act 2005” insert “ and the Public Services Ombudsman (Wales) Act 2019 ”.

Commencement Information

I46 Sch. 5 para. 14 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

Health Service Commissioners Act 1993 (c.46)

- 15 In section 18 (consultation during investigations), in subsection (1)(ba), at the end insert “ or the Public Services Ombudsman (Wales) Act 2019 ”.

Commencement Information

I47 Sch. 5 para. 15 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

Housing Act 1996 (c.52)

- 16 In section 50C (grounds for giving notice), in subsection (10), at the end insert “ or section 23 of the Public Services Ombudsman (Wales) Act 2019 ”.

Commencement Information

I48 Sch. 5 para. 16 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

- 17 In section 51 (schemes for investigation of complaints), in subsection (7), for “section 41 of the Public Services Ombudsman (Wales) Act 2005” substitute “ section 78 of the Public Services Ombudsman (Wales) Act 2019 ”.

Commencement Information

I49 Sch. 5 para. 17 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

Changes to legislation: *Public Services Ombudsman (Wales) Act 2019 is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Freedom of Information Act 2000 (c.36)

- 18 In section 76 (disclosure of information between Commissioner and ombudsmen), in the second column of the row that refers to the Public Services Ombudsman for Wales in the table in subsection (1), at the end insert “ or Part 3 of the Public Services Ombudsman (Wales) Act 2019 ”.

Commencement Information

I50 Sch. 5 para. 18 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

Local Government Act 2000 (c.22)

- 19 In section 68 (Public Services Ombudsman for Wales), in subsection (3), for “the Public Services Ombudsman (Wales) Act 2005” substitute “ the Public Services Ombudsman (Wales) Act 2019 ”.

Commencement Information

I51 Sch. 5 para. 19 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

^{F8}20

Textual Amendments

F8 Sch. 5 para. 20 omitted (5.5.2022) by virtue of [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(7), [Sch. 8 para. 10](#); S.I. 2022/98, art. 2(b) (with art. 3)

Health and Social Care (Community Health and Standards) Act 2003 (c.43)

- 21 In section 113 (complaints about health care), in subsection (4)(aa)—
(a) for “the Public Services Ombudsman (Wales) Act 2005” substitute “ the Public Services Ombudsman (Wales) Act 2019 ”;
(b) for “section 2(3)” substitute “ section 3(3) ”.

Commencement Information

I52 Sch. 5 para. 21 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

National Health Service (Wales) Act 2006 (c.42)

- 22 In section 187 (independent advocacy services), in subsection (3)—
(a) in the definition of “health service body”, for “the Public Services Ombudsman (Wales) Act 2005 (c.10)” substitute “ the Public Services Ombudsman (Wales) Act 2019 ”;
(b) in the definition of “independent palliative care provider”, for “section 34T of the Public Services Ombudsman (Wales) Act 2005” substitute “ section 64 of the Public Services Ombudsman (Wales) Act 2019 ”;

Changes to legislation: Public Services Ombudsman (Wales) Act 2019 is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (c) in the definition of “independent provider”, for “the Public Services Ombudsman (Wales) Act 2005” substitute “ the Public Services Ombudsman (Wales) Act 2019 ”.

Commencement Information

I53 Sch. 5 para. 22 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

Commissioner for Older People (Wales) Act 2006 (c.30)

- 23 In section 18 (power to disclose information), in subsection (1)(b), at the end insert “ or section 66 of the Public Services Ombudsman (Wales) Act 2019 (working jointly with specified persons) ”.

Commencement Information

I54 Sch. 5 para. 23 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

Government of Wales Act 2006 (c.32)

- 24 In Schedule 8 (Auditor General for Wales), in paragraph 17(8)(ba), for “the Public Services Ombudsman (Wales) Act 2005” substitute “ the Public Services Ombudsman (Wales) Act 2019 ”.

Commencement Information

I55 Sch. 5 para. 24 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

Local Government and Public Involvement in Health Act 2007 (c.28)

- 25 In section 223A (independent advocacy services), in subsection (10)—
- (a) in the definition of “health service body”, for “the Public Services Ombudsman (Wales) Act 2005” substitute “ the Public Services Ombudsman (Wales) Act 2019 ”;
 - (b) in the definition of “independent provider”, for “the Public Services Ombudsman (Wales) Act 2005” substitute “ the Public Services Ombudsman (Wales) Act 2019 ”;
 - (c) in the definition of “Welsh health body”, for “the Public Services Ombudsman (Wales) Act 2005” substitute “ the Public Services Ombudsman (Wales) Act 2019 ”.

Commencement Information

I56 Sch. 5 para. 25 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

Social Services and Well-being (Wales) Act 2014 (anaw 4)

- 26 In section 171 (complaints about social services), in subsection (3)(a)—

Changes to legislation: *Public Services Ombudsman (Wales) Act 2019 is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (a) for “the Public Services Ombudsman (Wales) Act 2005” substitute “ the Public Services Ombudsman (Wales) Act 2019 ”;
- (b) for “section 2(3)” substitute “ section 3(3) ”.

Commencement Information

I57 Sch. 5 para. 26 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

- 27 In section 177 (further consideration of representations), in subsection (4)(a)—
- (a) for “the Public Services Ombudsman (Wales) Act 2005” substitute “ the Public Services Ombudsman (Wales) Act 2019 ”;
 - (b) for “section 2(3)” substitute “ section 3(3) ”.

Commencement Information

I58 Sch. 5 para. 27 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

Data Protection Act 2018 (c.12)

- 28 In Schedule 2 (exemptions etc from the GDPR), in paragraph 10(2)(c)(iv), at the end insert “ or Part 5 of the Public Services Ombudsman (Wales) Act 2019 ”.

Commencement Information

I59 Sch. 5 para. 28 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

Changes to legislation:

Public Services Ombudsman (Wales) Act 2019 is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Sch. 3 words substituted by [2022 asc 1 Sch. 4 para. 41](#)
- Sch. 5 para. 13 omitted by [2023 asc 3 Sch. 13 para. 195\(b\)](#)
- Sch. 5 para. 14 omitted by [2023 asc 3 Sch. 13 para. 195\(b\)](#)
- Sch. 5 para. 10 and cross-heading omitted by [2023 asc 3 Sch. 13 para. 195\(a\)](#)
- Sch. 5 para. 13 cross-heading omitted by [2023 asc 3 Sch. 13 para. 195\(b\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act modified by [2023 asc 3 Sch. 2 para. 6](#)
- Act modified by [2023 asc 3 Sch. 12 para. 7\(2\)](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 65(7)(f) inserted by [2022 c. 30 Sch. 10 para. 6\(2\)\(a\)](#) (Welsh language text)
- s. 65(7)(f) inserted by [2022 c. 30 Sch. 10 para. 6\(2\)\(b\)](#) (English language text)