



Public Services Ombudsman (Wales) Act 2019

2019 anaw 3

PART 3

INVESTIGATIONS

Matters which may be investigated

13 Exclusion: other remedies

- (1) The Ombudsman may not investigate a matter under section 3 if the person aggrieved has or had—
 - (a) a right of appeal, reference or review to or before a tribunal constituted under an enactment or by virtue of Her Majesty's prerogative,
 - (b) a right of appeal to a Minister of the Crown, the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Government, or
 - (c) a remedy by way of proceedings in a court of law.
- (2) But subsection (1) does not apply if the Ombudsman is satisfied that, in the particular circumstances, it is not reasonable to expect the person to resort, or to have resorted, to the right or remedy.
- (3) The Ombudsman may investigate a matter under section 3 only if the Ombudsman is satisfied that—
 - (a) the matter has been brought to the attention of the listed authority to which the matter relates by or on behalf of the person aggrieved, and
 - (b) the authority has been given a reasonable opportunity to investigate and respond to it.
- (4) But subsection (3) does not prevent the Ombudsman from investigating a matter if the Ombudsman is satisfied that it is reasonable in the particular circumstances for

Status: This is the original version (as it was originally enacted).

the Ombudsman to investigate the matter despite the fact that the requirements of that subsection have not been met.