



Public Services Ombudsman (Wales) Act 2005

CHAPTER 10

PUBLIC SERVICES OMBUDSMAN (WALES) ACT 2005

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THE PUBLIC SERVICES OMBUDSMAN FOR WALES

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- 7 (1) A person who has ceased to hold office as...
- 8 The references in paragraphs 6 and 7 to a paid...
- 9 Remuneration etc.
- 10 Expenses
- 11 Staff
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SCHEDULE 2 — Excluded matters

- 1 Action taken by or with the authority of the Assembly...
- 2 The commencement or conduct of proceedings before a court of...
- 3 Action taken by a member of the administrative staff of...
- 4 Action taken in respect of appointments, removals, pay, discipline, superannuation...
- 5 Action relating to the determination of the amount of rent...
- 6 (1) Action taken by an authority specified in sub-paragraph (2)...
- 7 Action taken by the National Council for Education and Training...
- 8 Action which is or has been the subject of an...
- 9 Action taken by a Local Health Board in the discharge...
- 10 Action relating to arrangements for the provision of family health...

SCHEDULE 3 — Listed authorities

SCHEDULE 4 — Conduct of local government members and employees

- 1 The Local Government Act 2000 (c. 22) is amended as...
- 2 In section 49 (principles governing conduct of members of relevant...
- 3 In section 51 (duty of relevant authorities to adopt codes...
- 4 In section 53 (standards committees), in subsection (11)(k), for “the...
- 5 In section 62 (investigations: further provisions) in subsection (7)—
- 6 In section 63 (restrictions on disclosure of information) in subsection...
- 7 In the heading to section 67, for “Local Commissioner” substitute...
- 8 In section 67— (a) after subsection (1) insert—
- 9 For the italic heading immediately preceding section 68 substitute
“Public...
- 10 For the heading to section 68 substitute “Public Services Ombudsman...
- 11 In section 68— (a) in subsection (1), for “A Local...
- 12 For the heading to section 69 substitute “Investigations by the...
- 13 In section 69— (a) in subsection (1), for “A Local...
- 14 In section 70 (investigations: further provisions)— (a) in
subsection (2),...
- 15 In section 71 (reports etc.)— (a) in subsections (1) to...
- 16 In section 72 (interim reports), in subsections (1), (3) and...
- 17 In section 73 (matters referred to monitoring officers) in subsection...
- 18 In section 74 (law of defamation), for “a Local Commissioner...
- 19 In section 78 (decisions of interim case tribunals) in subsection...
- 20 In section 79 (decisions of case tribunals) in subsection (12)(a)(ii),...
- 21 In section 80 (recommendations by case tribunals) in subsection (6)
(b),...
- 22 In section 81 (disclosure and registration of members' interests etc.)...
- 23 In section 82 (code of conduct for local government employees)...
- 24 In section 83 (interpretation of Part 3) in subsection (1)—...

SCHEDULE 5 — Transfer of staff, property etc.

- 1 Interpretation
- 2 Transfer of staff
- 3 The contract of employment of a relevant employee transferred under...
- 4 Accordingly— (a) all rights, powers, duties and liabilities of the...
- 5 But if a relevant employee informs the relevant existing authority...
- 6 Paragraph 5 does not affect any right of a relevant...
- 7 Transfer of property, rights and liabilities
- 8 The reference in paragraph 7 to rights and liabilities does...
- 9 Paragraph 7 has effect in relation to any property, rights...
- 10 Anything (including legal proceedings) which is in the process of...
- 11 Anything done by an existing authority for the purpose of,...
- 12 On and after the commencement date, the Ombudsman is to...

SCHEDULE 6 — Consequential amendments

- 1 Parliamentary Commissioner Act 1967 (c. 13)
- 2 In section 3 (administrative provisions) in subsection (2), for “of...
- 3 In section 4 (departments etc. subject to investigation) in subsection...
- 4 In section 11 (provision for secrecy of information) in subsection...
- 5 (1) Section 11A is amended as follows.
- 6 Superannuation Act 1972 (c. 11)
- 7 Local Government Act 1974 (c. 7)
- 8 (1) Section 23 (the Commissions for Local Administration) is
amended...

- 9 (1) Section 23A (annual reports for representatives etc.) is amended...
- 10 In section 25(1) (authorities subject to investigation)—
- 11 (1) Section 26 (matters subject to investigation) is amended as...
- 12 (1) Section 29 (investigations: further provisions) is amended as follows...
- 13 (1) Section 32 (law of defamation and disclosure of information)...
- 14 Omit section 32A (use of information by Local Commissioner in...
- 15 (1) Section 33 (consultation between Local Commissioner and other commissioners...
- 16 (1) Section 34(1) (interpretation of Part 3) is amended as...
- 17 For the title to Schedule 4, substitute “The Commission”.
- 18 (1) Schedule 4 is amended as follows.
- 19 House of Commons Disqualification Act 1975 (c. 24)
- 20 National Health Service Act 1977 (c. 49)
- 21 Mental Health Act 1983 (c. 20)
- 22 Finance Act 1989 (c. 26)
- 23 Local Government and Housing Act 1989 (c. 42)
- 24 (1) Section 5 (designation and reports of monitoring officer) is...
- 25 (1) Section 5A (reports of monitoring officer: local authorities operating...
- 26 Social Security Administration Act 1992 (c. 5)
- 27 Health Service Commissioners Act 1993 (c. 46)
- 28 In the heading before section 1, for “Commissioners” substitute “Commissioner”....
- 29 For the heading to section 1, substitute “The Commissioner”.
- 30 (1) Section 1 is amended as follows.
- 31 (1) Section 2 (the bodies subject to investigation) is amended...
- 32 (1) Section 2A (health service providers subject to investigation) is...
- 33 (1) Section 2B (independent providers subject to investigation) is amended...
- 34 In the heading to section 3, for “Commissioners” substitute “Commissioner”....
- 35 (1) Section 3 is amended as follows.
- 36 (1) Section 4 (availability of other remedy) is amended as...
- 37 In section 6 (general health services and service committees) in...
- 38 (1) Section 7 (personnel, contracts etc.) is amended as follows...
- 39 (1) Section 9 (requirements to be complied with) is amended...
- 40 (1) Section 10 (referral of complaint by health service body)...
- 41 (1) Section 11 (procedure in respect of investigations) is amended...
- 42 In section 12 (evidence) in subsections (1), (1A) and (2),...
- 43 In section 13 (obstruction and contempt), in subsection (1), for...
- 44 For the heading to section 14 substitute “Reports by the...
- 45 (1) Section 14 is amended as follows.
- 46 Omit sections 14A to 14C (reports by the Welsh Commissioner)....
- 47 (1) Section 15 (confidentiality of information) is amended as follows....
- 48 In section 16 (information prejudicial to the safety of the...
- 49 (1) Section 17 (use of information by Commissioner in other...
- 50 (1) Section 18 (consultation during investigations) is amended as follows...
- 51 In section 18A (disclosure of information to Information Commissioner) in...
- 52 (1) Section 19 (interpretation) is amended as follows.
- 53 (1) Schedule 1 is amended as follows.

- 54 Omit Schedule 1A (the Welsh Commissioner).
- 55 Deregulation and Contracting Out Act 1994 (c. 40)
- 56 Housing Act 1996 (c. 52)
- 57 In section 51(7) (schemes for investigation of housing complaints), for...
- 58 Omit sections 51A to 51C and Schedule 2A (the Social...
- 59 Audit Commission Act 1998 (c. 18)
- 60 Data Protection Act 1998 (c. 29)
- 61 Government of Wales Act 1998 (c. 38)
- 62 In section 12(1) (disqualification from being Assembly member)—
- 63 In section 13(3) (exceptions and relief from disqualification), for “or...
- 64 In section 70 (openness), in subsection (5)(a) for “the Welsh...
- 65 Omit section 111 (Welsh Administration Ombudsman).
- 66 In section 144 (accounts, audit and reports), in subsection (8)(a)—...
- 67 In section 146 (transfer etc. of functions from Comptroller and...
- 68 In section 156 (defined expressions), omit the entry for the...
- 69 Omit Schedule 9 (Welsh Administration Ombudsman).
- 70 Freedom of Information Act 2000 (c. 36)
- 71 In section 76(1) (disclosure of information between Information
Commission and...
- 72 In Schedule 1 (public authorities), in Part 6—
- 73 Scottish Public Services Ombudsman Act 2002 (asp 11)
- 74 Health and Social Care (Community Health and Standards) Act 2003
(c. 43)
- 75 In section 113 (complaints about health care) in subsection (4)—...
- 76 In section 114 (complaints about social services) in subsection (5)—...
- 77 Public Audit (Wales) Act 2004 (c. 23)

SCHEDULE 7 — Repeals