

These notes refer to the Public Services Ombudsman (Wales) Act 2005 (c.10) which received Royal Assent on 7 April 2005

PUBLIC SERVICES OMBUDSMAN (WALES) ACT 2005

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Investigation of Complaints

Matters which may be investigated

Section 10: Other excluded matters

36. **Section 10(1)** provides that the Ombudsman cannot investigate the excluded matters set out in Schedule 2 to the Act. **Section 10(2)** allows the Assembly, by order, to add to, remove or alter the entries appearing, from time to time, in Schedule 2 to the Act. Such an order is to be made by statutory instrument (**section 44(1)**) and is to be regarded as Assembly general subordinate legislation (**section 44(3)**). Consequently such orders will be subject to the Assembly's subordinate legislation procedures. Before making such an order, the Assembly must consult the Ombudsman (**section 10(3)**).
37. **Section 10(4)** puts beyond doubt that despite the exclusions in Schedule 2 the Ombudsman may investigate the operation by a listed authority of any procedure established to examine complaints or review decisions. So, for example, the Ombudsman is excluded from investigating a matter that relates to the determination of the amount of rent (paragraph 5 of Schedule 2 to the Act). **Section 10(4)** ensures that this does not prevent him from investigating the manner in which a complaint about the determination of rent was considered under an authority's complaints procedure.