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**Changes to legislation:** There are currently no known outstanding effects for the Public Services Ombudsman (Wales) Act 2005, Cross Heading: Disqualification. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 1

#### PUBLIC SERVICES OMBUDSMAN FOR WALES: APPOINTMENT ETC.

##### *Disqualification*

- 5 (1) A person is disqualified from being the Ombudsman or an acting Ombudsman if any of the following applies—
- (a) he is a member of the House of Commons;
  - (b) he is a listed authority;
  - (c) he is a member, co-opted member, officer or member of staff of a listed authority;
  - (d) he is disqualified from being a member of the Assembly (other than by virtue of paragraph 6 of this Schedule or [<sup>F1</sup>section 16(1)(d) of the Government of Wales Act 2006]);
  - (e) he is disqualified from being a member of a local authority in Wales (other than by virtue of paragraph 6 of this Schedule).
  - [<sup>F2</sup>(f) he is a care home provider, domiciliary care provider or independent palliative care provider;
  - (g) he is an officer or member of staff of a provider of that kind.]
- [<sup>F3</sup>(1A) For the purposes of sub-paragraph (1)(g) a person is an officer of a provider if he or she has control or management of a provider which is not an individual or the affairs of such a provider.]
- (2) The appointment of a person as the Ombudsman or an acting Ombudsman is not valid if the person is disqualified under sub-paragraph (1).
- (3) If a person who has been appointed as the Ombudsman or an acting Ombudsman becomes disqualified under sub-paragraph (1), he ceases to hold office on becoming so disqualified.
- (4) But the validity of anything done by a person appointed as the Ombudsman or an acting Ombudsman is not affected by the fact that he is or becomes disqualified under sub-paragraph (1).

#### Textual Amendments

- F1** Words in Sch. 1 para. 5(1)(d) substituted by [Government of Wales Act 2006 \(c. 32\), s. 160\(1\), Sch. 10 para. 86\(5\)](#) (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(1)(4)(5) of the amending Act.
- F2** Sch. 1 para. 5(1)(f)(g) inserted (1.11.2014) by [Social Services and Well-being \(Wales\) Act 2014 \(anaw 4\), s. 199\(2\), Sch. 3 para. 30\(2\)\(a\)](#); S.I. 2014/2718, art. 2(b)

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**F3** Sch. 1 para. 5(1A) inserted (1.11.2014) by [Social Services and Well-being \(Wales\) Act 2014 \(anaw 4\)](#), s. 199(2), [Sch. 3 para. 30\(2\)\(b\)](#); S.I. 2014/2718, art. 2(b)

#### Commencement Information

**I1** Sch. 1 para. 5 wholly in force at 1.4.2006; Sch. 1 para. 5 not in force at Royal Assent see s. 40; Sch. 1 para. 5(1)-(3) in force for certain purposes at 12.10.2005 and Sch. 1 para. 5 wholly in force at 1.4.2006 by S.I. 2005/2800, [arts. 3\(a\)](#), 5(1)(3), [Sch. 1 Pt. 1](#)

- 6 (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.
- (2) A person is not disqualified under sub-paragraph (1) from being a member of the Assembly.

#### Commencement Information

**I2** Sch. 1 para. 6 wholly in force at 1.4.2006; Sch. 1 para. 6 not in force at Royal Assent see s. 40; Sch. 1 para. 6 in force for certain purposes at 12.10.2005 and wholly in force at 1.4.2006 by [S.I. 2005/2800](#), [arts. 3\(a\)](#), 5(1)(3), [Sch. 1 Pt. 1](#)

- 7 (1) A person who has ceased to hold office as the Ombudsman or as an acting Ombudsman is disqualified for the relevant period from—
- (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.
- (2) The relevant period is the period of three years starting on the date on which the person ceased to hold office as the Ombudsman or (as the case may be) as an acting Ombudsman.
- (3) But sub-paragraph (1) does not disqualify a person from—
- (a) being a member of the Assembly [<sup>F4</sup>or the National Assembly for Wales Commission];
  - (b) holding the office of presiding officer or deputy presiding officer of the Assembly or of [<sup>F5</sup>First Minister for Wales, Welsh Minister appointed under section 48 of the Government of Wales Act 2006, Counsel General to the Welsh Assembly 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.

#### Textual Amendments

**F4** Words in Sch. 1 para. 7(3)(a) inserted by [Government of Wales Act 2006 \(c. 32\)](#), s. 160(1), [Sch. 10 para. 86\(6\)\(a\)](#) (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for

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certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(1)(4)(5) of the amending Act.

- F5** Words in Sch. 1 para. 7(3)(b) substituted by [Government of Wales Act 2006 \(c. 32\)](#), s. 160(1), [Sch. 10 para. 86\(6\)\(b\)](#) (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(1)(4)(5) of the amending Act.

- 8 The references in paragraphs 6 and 7 to a paid office include an office the holder of which is entitled only to the reimbursement of expenses.

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**Commencement Information**

- I3** Sch. 1 para. 8 wholly in force at 1.4.2006; Sch. 1 para. 8 not in force at Royal Assent see s. 40; Sch. 1 para. 8 in force for certain purposes at 12.10.2005 and wholly in force at 1.4.2006 by [S.I. 2005/2800](#), [arts. 3\(a\)](#), [5\(1\)\(3\)](#), [Sch. 1 Pt. 1](#)

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