

**Changes to legislation:** Public Services Ombudsman (Wales) Act 2019, SCHEDULE 5 is up to date with all changes known to be in force on or before 15 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.”

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**Commencement Information**

**I1** 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**

**I2** 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**

**I3** 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—

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### 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

**I4** 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

**I5** 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

**I6** 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

**I7** Sch. 5 para. 7 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

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*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**

**I18** 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**

**I19** 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**

**I10** 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**

**I11** 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 ”.

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**Commencement Information**

**I12** 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**

**I13** 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**

**I14** 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**

**I15** 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**

**I16** 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**

**I17** Sch. 5 para. 17 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

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*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**

**I18** 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**

**I19** Sch. 5 para. 19 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

<sup>F1</sup>20 .....

**Textual Amendments**

**F1** 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**

**I20** 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 ”;

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- (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**

I21 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**

I22 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**

I23 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**

I24 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)—

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- (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**

**I25** 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**

**I26** 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**

**I27** Sch. 5 para. 28 in force at 23.7.2019 by S.I. 2019/1096, reg. 2



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**Changes and effects yet to be applied to :**

- 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)