

Changes to legislation: Public Services Ombudsman (Wales) Act 2005, SCHEDULE 6 is up to date with all changes known to be in force on or before 01 October 2023. 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

SCHEDULES

SCHEDULE 6

Section 39

CONSEQUENTIAL AMENDMENTS

Parliamentary Commissioner Act 1967 (c. 13)

- 1 The Parliamentary Commissioner Act 1967 is amended as follows.
- 2 In section 3 (administrative provisions) in subsection (2), for “of the Welsh Administration Ombudsman or of the Health Service Commissioner for Wales” substitute “ of the Public Services Ombudsman for Wales ”.
- 3 In section 4 (departments etc. subject to investigation) in subsection (3A), for “by the Welsh Administration Ombudsman under Schedule 9 to the Government of Wales Act 1998” substitute “ by the Public Services Ombudsman for Wales under the Public Services Ombudsman (Wales) Act 2005 ”.
- 4 In section 11 (provision for secrecy of information) in subsection (2A)—
 - (a) for “holds office as Welsh Administration Ombudsman or a Health Service Commissioner” substitute “ holds office as the Health Service Commissioner for England ”;
 - (b) for “in his capacity as Welsh Administration Ombudsman or a Health Service Commissioner” substitute “ in his capacity as the Health Service Commissioner for England ”.
- 5 (1) Section 11A is amended as follows.
 - (2) In subsection (1)—
 - (a) for the words from “the Welsh Administration Ombudsman” to “the Health Service Commissioner for England or Wales” substitute “ the Public Services Ombudsman for Wales, the Scottish Public Services Ombudsman or the Health Service Commissioner for England ”;
 - (b) in paragraph (b), for the words from “Government of Wales” to “Health Service” substitute “ Public Services Ombudsman (Wales) Act 2005 or the Health Service ”.
 - (3) In subsection (2), for the words from “Welsh Administration Ombudsman” to “Health Service Commissioner” substitute “ Public Services Ombudsman for Wales, the Scottish Public Services Ombudsman or the Health Service Commissioner for England ”.

Superannuation Act 1972 (c. 11)

- 6 In Schedule 1 to the Superannuation Act 1972 (kinds of employment etc. referred to in section 1)—
 - (a) omit “Health Service Commissioner for Wales”;
 - (b) omit “The Local Commissioner for Wales”;

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(c) omit “Welsh Administration Ombudsman”.

Local Government Act 1974 (c. 7)

7 The Local Government Act 1974 is amended as follows.

8 (1) Section 23 (the Commissions for Local Administration) is amended as follows.

(2) In subsection (1)—

- (a) omit paragraph (b) and the word “and” immediately preceding it;
- (b) for “each of the Commissions” substitute “ the Commission ”.

(3) In subsection (2), for “each of the Commissions” substitute “ the Commission ”.

(4) In subsection (3), for “one of the Commissions” substitute “ the Commission ”.

(5) Omit subsection (3A).

(6) In subsection (7), omit the words from “and, in the event” to the end.

(7) In subsection (8), omit the words from “; and where the” to “similar way in Wales”.

(8) In subsection (10)—

- (a) for “Each of the Commissions” substitute “ The Commission ”;
- (b) in paragraph (a), omit the words from “including” to “that other Commission”.

(9) In subsection (11)—

- (a) for the words from “his Commission” to “submit it to the other Commission”, substitute “ the Commission ”;
- (b) omit “to the appropriate Commission”.

(10) In subsection (12)—

- (a) for “the Commissions” substitute “ the Commission ”;
- (b) omit “or the National Assembly for Wales”.

(11) In subsection (12A), for “Each of the Commissions” substitute “ The Commission ”.

(12) In subsection (12B), in paragraph (a) omit the words “in England or, as the case may be, authorities in Wales”.

(13) In subsection (13), for “the Commissions” substitute “ the Commission ”.

9 (1) Section 23A (annual reports for representatives etc.) is amended as follows.

(2) In subsection (1)—

- (a) for “each of the Commissions” substitute “ the Commission ”;
- (b) in paragraph (a), omit the words “in England or, as the case may be, authorities in Wales”.

(3) In subsection (2), for “each Commission” substitute “ the Commission ”.

(4) In subsection (3), for “Each Commission” substitute “ The Commission ”.

(5) ^{F1}.....

(6) Omit subsection (6).

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Textual Amendments

F1 Sch. 6 para. 9(5) repealed (1.4.2008) by Local Government and Public Involvement in [Health Act 2007](#) (c. 28), ss. 241, 245, [Sch. 18 Pt. 14](#); S.I. 2008/917, [art. 2\(1\)\(v\)\(ii\)](#)

- 10 In section 25(1) (authorities subject to investigation)—
- (a) in paragraph (ab), at the end insert “ for a National Park in England ”;
 - (b) in paragraph (bd), at the end insert “ for an urban development area in England ”;
 - (c) in paragraph (be), at the end insert “ for a designated area in England ”;
 - (d) in paragraph (bg), after “fire and rescue authority” insert “ in England ”;
 - (e) in paragraph (ca), after “Police Act 1996” insert “ for a police area in England ”;
 - (f) in paragraph (d), at the end insert “ for an area wholly or partly in England ”.
- 11 (1) Section 26 (matters subject to investigation) is amended as follows.
- (2) In subsection (6)(b), omit “or the National Assembly for Wales”.
- (3) After subsection (6) insert—
- “(6A) A Local Commissioner shall not conduct an investigation under this Part of this Act in respect of any action taken in connection with the discharge by an authority of any of the authority's functions otherwise than in relation to England.”
- 12 (1) Section 29 (investigations: further provisions) is amended as follows.
- (2) In subsection (3), omit “or the National Assembly for Wales”.
- (3) in subsection (5)—
- (a) omit paragraph (aa);
 - (b) in paragraph (b), for “or the Health Service Commissioner for Wales, or by any of their officers” substitute “ or by any of his officers ”;
 - (c) after paragraph (b) insert “, or
 - (c) the restriction imposed by section 26 of the Public Services Ombudsman (Wales) Act 2005.”.
- 13 (1) Section 32 (law of defamation and disclosure of information) is amended as follows.
- (2) ^{F2}.....
- (3) ^{F2}.....
- (4) ^{F2}.....
- (5) In subsection (5)—
- (a) omit “or the National Assembly for Wales”;
 - (b) omit “or a member of the Assembly's staff”;
 - (c) omit “or the Assembly”.

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Textual Amendments

F2 Sch 6 para. 13(2)(3)(4) repealed (1.4.2008) by Local Government and Public Involvement in [Health Act 2007 \(c. 10\)](#), ss. 241, 245, {Sch. 18, Pt. 14}; S.I. 2008/917, [art. 2\(1\)\(v\)\(ii\)](#)

- 14 Omit section 32A (use of information by Local Commissioner in other capacity).
- 15 (1) Section 33 (consultation between Local Commissioner and other commissioners and ombudsmen) is amended as follows.
- (2) In subsection (1)—
- (a) omit paragraphs (aa) and (aza);
 - (b) in paragraph (b), omit “or the Health Service Commissioner for Wales”;
 - (c) after paragraph (b) insert—
 - “(ba) by the Public Services Ombudsman for Wales, in accordance with the Public Services Ombudsman (Wales) Act 2005;”;
 - (d) omit “under the Housing Act 1996, under the Government of Wales Act 1998;”;
 - (e) after “the Act of 1993” insert “, the Public Services Ombudsman (Wales) Act 2005 ”.
- (3) In subsection (2)—
- (a) for the words from “the Social” to “Welsh Administration Ombudsman” substitute “ the Public Services Ombudsman for Wales ”;
 - (b) for “one of the Health Service Commissioners” substitute “ the Health Service Commissioner for England ”.
- (4) In subsection (5)—
- (a) omit “in paragraph 13(1) of Schedule 2A to the Housing Act 1996”;
 - (b) for “paragraph 25(1) of Schedule 9 to the Government of Wales Act 1998” substitute “ section 26 of the Public Services Ombudsman (Wales) Act 2005 ”.
- 16 (1) Section 34(1) (interpretation of Part 3) is amended as follows.
- (2) For the definition of “the Commissions” substitute—
- ““the Commission” means the Commission for Local Administration in England.”.
- (3) In the definition of “local authority”—
- (a) after “a county council” insert “ in England ”;
 - (b) omit “a Welsh county council, a county borough council”.
- 17 For the title to Schedule 4, substitute “ The Commission ”.
- 18 (1) Schedule 4 is amended as follows.
- (2) in paragraph 1(3) (disqualifications), omit the words “or in the office of Social Housing Ombudsman for Wales”.
 - (3) In paragraph 2(2), omit the words from “and, if the Commissioner for Local Administration in Wales” to the end.

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- (4) In paragraph 3—
 - (a) in sub-paragraph (1), for “Each Commission” substitute “ The Commission ”;
 - (b) in sub-paragraph (2), for “the appropriate Commission” substitute “ the Commission ”.
- (5) In paragraph 4—
 - (a) in sub-paragraph (1), for “Each of the Commissions” substitute “ The Commission ”;
 - (b) in sub-paragraph (2), for “Each of the Commissions” substitute “ The Commission ”;
 - (c) in sub-paragraph (3), for “a Commission” substitute “ the Commission ”;
 - (d) omit sub-paragraph (4).
- (6) In the heading before paragraph 5, for “the Commissions” substitute “ the Commission ”.
- (7) In paragraph 5—
 - (a) in sub-paragraph (1), for “The Commissions” substitute “ The Commission ”;
 - (b) in sub-paragraph (2), for “either Commission” substitute “ the Commission ”;
 - (c) in sub-paragraph (3), for “Each of the Commissions” substitute “ The Commission ”.
- (8) In the heading before paragraph 6, for “the Commissions” substitute “ the Commission ”.
- (9) In paragraph 6, in sub-paragraphs (1), (2) and (3), omit “for Local Administration in England”.
- (10) Omit paragraph 6A.
- (11) ^{F3}
- (12) In paragraph 8, omit “for Local Administration in England”.
- (13) Omit paragraph 8A.

Textual Amendments

F3 Sch. 6 para. 18(11) repealed (1.4.2008) by Local Government and Public Involvement in [Health Act 2007 \(c. 28\)](#), ss. 241, 245, [Sch. 18 Pt. 14](#); S.I. 2008/917, [art. 2\(1\)\(v\)\(ii\)](#)

Commencement Information

II Sch. 6 para. 18 wholly in force at 1.4.2006; Sch. 6 para. 18 not in force at Royal Assent see s. 40; Sch. 6 para. 18(11)(13) in force for certain purposes at 12.10.2005 and Sch. 6 para. 18 wholly in force at 1.4.2006 by [S.I. 2005/2800](#), [arts. 3\(b\)](#), 5(1), [Sch. 1 Pt. 2](#) (with [art. 7](#))

House of Commons Disqualification Act 1975 (c. 24)

- 19 In Schedule 1 to the House of Commons Disqualification Act 1975 (offices disqualifying for membership)—

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- (a) in Part 2, omit “The Commission for Local Administration in Wales.”;
- (b) in Part 3—
 - (i) omit “Health Service Commissioner for Wales.”;
 - (ii) at the appropriate place insert “ Public Services Ombudsman for Wales. ”;
 - (iii) omit “Welsh Administration Ombudsman.”.

National Health Service Act 1977 (c. 49)

20 F4

Textual Amendments

F4 Sch. 6 para. 20 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 6, 8, [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

Mental Health Act 1983 (c. 20)

- 21 In section 134 of the Mental Health Act 1983 (correspondence of patients), in subsection (3)(c)—
- (a) for “the Welsh Administration Ombudsman” substitute “ the Public Services Ombudsman for Wales ”;
 - (b) omit “, the Health Service Commissioner for Wales”.

Finance Act 1989 (c. 26)

- 22 In section 182 of the Finance Act 1989 (disclosure of information)—
- (a) in subsection (4)(a), for sub-paragraph (iv) substitute—
 - “(iv) of the Public Services Ombudsman for Wales and any member of his staff, or”;
 - (b) in subsection (6), for “the Welsh Administration Ombudsman” substitute “ the Public Services Ombudsman for Wales ”;
 - (c) in subsection (11)(c), omit “, the Health Service Commissioner for Wales”.

Local Government and Housing Act 1989 (c. 42)

- 23 The Local Government and Housing Act 1989 is amended as follows.
- 24 (1) Section 5 (designation and reports of monitoring officer) is amended as follows.
- (2) In subsection (2), after paragraph (b) insert “; or
 - (c) a matter which the Public Services Ombudsman for Wales would be entitled to investigate under the Public Services Ombudsman (Wales) Act 2005,”.
 - (3) After subsection (2A) insert—
 - “(2AA) No duty shall arise by virtue of subsection (2)(c) above unless the Public Services Ombudsman for Wales has conducted an investigation under the Public Services Ombudsman (Wales) Act 2005 in relation to the proposal, decision or omission concerned.”

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- 25 (1) Section 5A (reports of monitoring officer: local authorities operating executive arrangements) is amended as follows.
- (2) In subsection (3), after paragraph (b) insert “; or
- (c) a matter which the Public Services Ombudsman for Wales would be entitled to investigate under the Public Services Ombudsman (Wales) Act 2005.”.
- (3) After subsection (4) insert—
- “(4A) No duty shall arise by virtue of subsection (3)(c) above unless the Public Services Ombudsman for Wales has conducted an investigation under the Public Services Ombudsman (Wales) Act 2005 in relation to the proposal, decision or omission concerned.”

Social Security Administration Act 1992 (c. 5)

- 26 In section 123 of the Social Security Administration Act 1992 (unauthorised disclosure of information relating to particular persons) in subsection (8)—
- (a) omit paragraphs (f), (hb) and (hd);
- (b) before paragraph (i) insert—
- “(he) the Public Services Ombudsman for Wales and any member of his staff.”.
- (c) in paragraph (k), for “(hb)” substitute “(ha)”.

Health Service Commissioners Act 1993 (c. 46)

- 27 The Health Service Commissioners Act 1993 is amended as follows.
- 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.
- (2) In subsection (1), omit paragraph (b).
- (3) In subsection (2)—
- (a) for “a Commissioner” substitute “the Commissioner”;
- (b) for “any of the Commissioners” substitute “the Health Service Commissioner for England”.
- (4) In subsection (3), omit the words from “for England” to the end.
- 31 (1) Section 2 (the bodies subject to investigation) is amended as follows.
- (2) In subsection (1), for “the Health Service Commissioner for England” substitute “the Commissioner”.
- (3) Omit subsection (2).
- (4) For subsection (6) substitute—
- “(6) A designation made for the purposes of subsection (5)(b) shall be made by Order in Council; and a statutory instrument containing an Order in Council made by virtue of this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.”.

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- 32 (1) Section 2A (health service providers subject to investigation) is amended as follows.
- (2) In subsection (1), for “the Health Service Commissioner for England” substitute “the Commissioner”.
- (3) Omit subsection (2).
- (4) In subsection (4), for “subsection (1) or (2)” substitute “subsection (1)”.
- 33 (1) Section 2B (independent providers subject to investigation) is amended as follows.
- (2) In subsection (1), for “the Health Service Commissioner for England” substitute “the Commissioner”.
- (3) Omit subsections (2) and (2A).
- (4) In subsection (4), for “subsection (1)(a) or (2)(a)” substitute “subsection (1)(a)”.
- (5) In subsection (5), for “subsection (1) or (2)” substitute “subsection (1)”.
- 34 In the heading to section 3, for “Commissioners” substitute “Commissioner”.
- 35 (1) Section 3 is amended as follows.
- (2) In subsections (1), (1A), (1C), (1E), (2), (3), (4), (5) and (6), for “a Commissioner” substitute “the Commissioner”.
- (3) Omit subsection (1YA).
- 36 (1) Section 4 (availability of other remedy) is amended as follows.
- (2) In subsections (1) and (2), for “A Commissioner” substitute “The Commissioner”.
- (3) In subsection (5), for “a Commissioner” substitute “the Commissioner”.
- 37 In section 6 (general health services and service committees) in subsections (3) and (5)—
- (a) for “A Commissioner” substitute “The Commissioner”;
- (b) omit “or Health Authority”.
- 38 (1) Section 7 (personnel, contracts etc.) is amended as follows.
- (2) In subsection (1)—
- (a) for “A Commissioner” substitute “The Commissioner”;
- (b) omit “or service as a member of the staff of the Assembly”.
- (3) In subsection (2), for “A Commissioner” substitute “The Commissioner”.
- (4) In subsection (3), for “the Health Service Commissioners for England and for Wales” substitute “the Commissioner”.
- (5) In subsection (3A), for “A Commissioner” substitute “The Commissioner”.
- (6) In subsections (3B) and (4), for “a Commissioner” substitute “the Commissioner”.
- 39 (1) Section 9 (requirements to be complied with) is amended as follows.
- (2) In subsection (1), for “a Commissioner” substitute “the Commissioner”.
- (3) In subsection (4A), for “section 2A(1) or (2)” substitute “section 2A(1)”.
- (4) In subsection (4B), for “section 2B(1) or (2)” substitute “section 2B(1)”.

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- 40 (1) Section 10 (referral of complaint by health service body) is amended as follows.
- (2) In subsections (1), (4) and (5), for “a Commissioner” substitute “ the Commissioner ”.
- (3) Omit subsection (2A).
- 41 (1) Section 11 (procedure in respect of investigations) is amended as follows.
- (2) In subsections (1), (1A), (1B), and (1C), for “a Commissioner” substitute “ the Commissioner ”.
- (3) In subsection (4)—
- (a) for “A Commissioner” substitute “ The Commissioner ”;
- (b) for “the Health Service Commissioner for England” substitute “ the Commissioner ”;
- (c) omit the words from “and payments made by the Health Service Commissioner for Wales” to the end.
- 42 In section 12 (evidence) in subsections (1), (1A) and (2), for “a Commissioner” substitute “ the Commissioner ”.
- 43 In section 13 (obstruction and contempt), in subsection (1), for “A Commissioner” substitute “ The Commissioner ”.
- 44 For the heading to section 14 substitute “ Reports by the Commissioner ”.
- 45 (1) Section 14 is amended as follows.
- (2) In subsections (1), (2), (2A), (2B), (2C), (2D), (2E), (2F), (3) and (5), for “the Health Service Commissioner for England” substitute “ the Commissioner ”.
- (3) In subsection (4), for “The Health Service Commissioner for England” substitute “ The Commissioner ”.
- 46 Omit sections 14A to 14C (reports by the Welsh Commissioner).
- 47 (1) Section 15 (confidentiality of information) is amended as follows.
- (2) In subsection (1), for each occurrence of “a Commissioner” substitute “ the Commissioner ”.
- (3) In subsections (1A), (1C) and (2), for “a Commissioner” substitute “ the Commissioner ”.
- (4) In subsection (3)—
- (a) for “a Commissioner's” substitute “ the Commissioner's ”;
- (b) omit “or paragraph 6(6) of Schedule 1A”.
- 48 In section 16 (information prejudicial to the safety of the State) in subsections (1) and (2), for “a Commissioner” substitute “ the Commissioner ”.
- 49 (1) Section 17 (use of information by Commissioner in other capacity) is amended as follows.
- (2) In subsection (1)—
- (a) for “a Commissioner” substitute “ the Commissioner ”;
- (b) omit the words from “any of the other offices” to “Welsh Administration Ombudsman or”.

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- (3) Omit subsection (3).
- 50 (1) Section 18 (consultation during investigations) is amended as follows.
- (2) In subsection (1)—
- (a) for “a Commissioner” substitute “ the Commissioner ”;
 - (b) omit paragraph (a);
 - (c) for paragraph (ba) substitute—
 - “(ba) by the Public Services Ombudsman for Wales under the Public Services Ombudsman (Wales) Act 2005,”;
 - (d) omit paragraph (e) and the word “or” immediately preceding it.
- (3) In subsection (2)—
- (a) for “a Commissioner” substitute “ the Commissioner ”;
 - (b) for “the Ombudsman” substitute “ the Public Services Ombudsman for Wales ”.
- 51 In section 18A (disclosure of information to Information Commissioner) in subsection (1) for “The Health Service Commissioner for England or the Health Service Commissioner for Wales” substitute “ The Health Service Commissioner ”.
- 52 (1) Section 19 (interpretation) is amended as follows.
- (2) Omit the definitions of “financial year” and “first financial year of the Assembly”.
- (3) In the definition of “officer” omit “and, in the case of the Health Service Commissioner for Wales, any member of his staff”.
- 53 (1) Schedule 1 is amended as follows.
- (2) Omit paragraph A1.
- (3) In the heading before paragraph 1, for “Commissioners” substitute “ Commissioner ”.
- (4) In paragraph 1(1) and (2), for “a Commissioner” substitute “ the Commissioner ”.
- (5) In paragraph 3—
- (a) in sub-paragraph (1), for “a Commissioner” substitute “ the Commissioner ”;
 - (b) in sub-paragraph (2), for “section 2(1) or (2)” substitute “ section 2(1) ”.
- (6) In paragraph 3A—
- (a) in sub-paragraph (1), for “a Commissioner” substitute “ the Commissioner ”;
 - (b) in sub-paragraph (2), for “section 2A(1) or (2)” substitute “ section 2A(1) ”.
- (7) In paragraphs 4, 5 and 7, for “a Commissioner” substitute “ the Commissioner ”.
- (8) In paragraph 11(1), for “A Commissioner” substitute “ The Commissioner ”.
- (9) In paragraph 12—
- (a) for “a Commissioner” substitute “ the Commissioner ”;
 - (b) for “the Health Service Commissioner for Wales, the Parliamentary Commissioner or the Welsh Administration Ombudsman” substitute “ the Parliamentary Commissioner or the Public Services Ombudsman for Wales ”.

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(10) In paragraph 13—

- (a) in sub-paragraph (1), for “a Commissioner” substitute “ the Commissioner ”;
- (b) in sub-paragraph (2), for “A Commissioner” substitute “ The Commissioner ”.

(11) In paragraph 14, for “a Commissioner” substitute “ the Commissioner ”.

54 Omit Schedule 1A (the Welsh Commissioner).

Deregulation and Contracting Out Act 1994 (c. 40)

55 In section 79(1) of the Deregulation and Contracting Out Act 1994 (interpretation of Part 2), in the definition of “office-holder”—

- (a) for “the Welsh Administration Ombudsman” substitute “ the Public Services Ombudsman for Wales ”;
- (b) omit “or for Wales”.

Housing Act 1996 (c. 52)

56 The Housing Act 1996 is amended as follows.

57 In section 51(7) (schemes for investigation of housing complaints), for “section 51C” substitute “ section 41 of the Public Services Ombudsman (Wales) Act 2005 ”.

58 Omit sections 51A to 51C and Schedule 2A (the Social Housing Ombudsman for Wales).

Audit Commission Act 1998 (c. 18)

^{F5}59

Textual Amendments

F5 Sch. 6 para. 59 repealed (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), [Sch. 1 Pt. 2](#); S.I. 2015/841, art. 3(a) (with arts. 5-8, Sch.) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

Data Protection Act 1998 (c. 29)

60 In section 31 of the Data Protection Act 1998 (regulatory activity), in subsection (4) (a)—

- (a) in sub-paragraph (ii), omit “or, the Commission for Local Administration in Wales”;
- (b) in sub-paragraph (iii), omit “or, the Health Service Commissioner for Wales”;
- (c) for sub-paragraph (iv) substitute—
“(iv) the Public Services Ombudsman for Wales,”.

Government of Wales Act 1998 (c. 38)

61 The Government of Wales Act 1998 is amended as follows.

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Commencement Information

- I2** Sch. 6 paras. 61-63 wholly in force at 1.4.2006; Sch. 6 paras. 61-63 not in force at Royal Assent see s. 40; Sch. 6 paras. 61-63 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](#)

62 **F6**

Textual Amendments

- F6** Sch. 6 paras. 62-64 repealed by [Government of Wales Act 2006 \(c. 32\)](#), s. 161, 163, [Sch. 12](#) (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.

63 **F7**

Textual Amendments

- F7** Sch. 6 paras. 62-64 repealed by [Government of Wales Act 2006 \(c. 32\)](#), s. 161, 163, [Sch. 12](#) (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.

64 **F8**

Textual Amendments

- F8** Sch. 6 paras. 62-64 repealed by [Government of Wales Act 2006 \(c. 32\)](#), s. 161, 163, [Sch. 12](#) (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.

- 65 Omit section 111 (Welsh Administration Ombudsman).
- 66 In section 144 (accounts, audit and reports), in subsection (8)(a)—
- (a) for “the Welsh Administration Ombudsman” substitute “ the Public Services Ombudsman for Wales ”;
 - (b) omit “the Health Service Commissioner for Wales,”.
- 67 In section 146 (transfer etc. of functions from Comptroller and Auditor General), in subsection (2)(b)—
- (a) for “the Welsh Administration Ombudsman” substitute “ the Public Services Ombudsman for Wales ”;
 - (b) omit “the Health Service Commissioner for Wales,”.
- 68 In section 156 (defined expressions), omit the entry for the Welsh Administration Ombudsman.

Changes to legislation: Public Services Ombudsman (Wales) Act 2005, SCHEDULE 6 is up to date with all changes known to be in force on or before 01 October 2023. 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

69 Omit Schedule 9 (Welsh Administration Ombudsman).

Freedom of Information Act 2000 (c. 36)

70 The Freedom of Information Act 2000 is amended as follows.

71 In section 76(1) (disclosure of information between Information Commission and ombudsmen), in the table—

- (a) omit the entries relating to the Health Service Commissioner for Wales and the Social Housing Ombudsman for Wales;
- (b) for the entry relating to the Welsh Administration Ombudsman substitute—

“The Public Services Ombudsman for Wales	Part 2 of the Public Services Ombudsman (Wales) Act 2005”.
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72 In Schedule 1 (public authorities), in Part 6—

- (a) omit “The Commission for Local Administration in Wales”, “The Health Service Commissioner for Wales” and “The Welsh Administration Ombudsman”;
- (b) at the appropriate place, insert “ The Public Services Ombudsman for Wales ”.

Scottish Public Services Ombudsman Act 2002 (asp 11)

73 In section 21(1) of the Scottish Public Services Ombudsman Act 2002 (consultation and co-operation with other commissioners and ombudsmen)—

- (a) in paragraph (b), for “either of the Health Service Commissioners” substitute “ the Health Service Commissioner ”;
- (b) for paragraph (c) substitute—
 - “(c) by the Public Services Ombudsman for Wales under the Public Services Ombudsman (Wales) Act 2005,”.

Health and Social Care (Community Health and Standards) Act 2003 (c. 43)

74 The Health and Social Care (Community Health and Standards) Act 2003 is amended as follows.

75 In section 113 (complaints about health care) in subsection (4)—

- (a) in paragraph (a), at the beginning insert “ in the case of regulations under subsection (1), ”;
- (b) after paragraph (a) insert—
 - “(aa) in the case of regulations under subsection (2), to be referred to the Public Services Ombudsman for Wales for him to consider whether to investigate the complaint or matter under the Public Services Ombudsman (Wales) Act 2005 (and to be treated by him as a complaint duly referred to him under section 2(3) of that Act),”.

76 In section 114 (complaints about social services) in subsection (5)—

- (a) in paragraph (a), omit “who is a member of the Commission for Local Administration in England”;

Changes to legislation: Public Services Ombudsman (Wales) Act 2005, SCHEDULE 6 is up to date with all changes known to be in force on or before 01 October 2023. 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

^{F9}(b)

Textual Amendments

F9 Sch. 6 para. 76(b) omitted (6.4.2016) by virtue of [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **230**

Public Audit (Wales) Act 2004 (c. 23)

77 In section 54 of the Public Audit (Wales) Act 2004 (restriction on disclosure of information) in subsection (2)(d), for “a Local Commissioner in Wales” substitute “ the Public Services Ombudsman for Wales ”.

Changes to legislation:

Public Services Ombudsman (Wales) Act 2005, SCHEDULE 6 is up to date with all changes known to be in force on or before 01 October 2023. 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.

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Changes and effects yet to be applied to :

- Sch. 6 para. 12(3) repealed by [2009 c. 21 Sch. 6](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 25A title words substituted by [2011 nawm 1 Sch. 3 para. 5\(a\)](#) (This amendment not applied to legislation.gov.uk. Sch. 3 paras. 4-6 omitted (1.11.2014) without ever being in force by virtue of 2014 anaw 4, ss. 179, 199(2), Sch. 3 para. 36(3); S.I. 2014/2718, art. 2(b))
- s. 25B title words substituted by [2011 nawm 1 Sch. 3 para. 6\(a\)](#) (This amendment not applied to legislation.gov.uk. Sch. 3 paras. 4-6 omitted (1.11.2014) without ever being in force by virtue of 2014 anaw 4, ss. 179, 199(2), Sch. 3 para. 36(3); S.I. 2014/2718, art. 2(b))