

SCHEDULES

SCHEDULE 9

WELSH ADMINISTRATION OMBUDSMAN

PART II

INVESTIGATION OF COMPLAINTS

Bodies subject to investigation

- 14 (1) The bodies subject to investigation by the Welsh Administration Ombudsman are—
- (a) the Assembly, and
 - (b) subject to any notes in paragraph 15(1), the bodies listed in sub-paragraph (2).
- (2) The bodies referred to in sub-paragraph (1) are—
- (a) the Arts Council of Wales,
 - (b) the Countryside Council for Wales,
 - (c) the Environment Agency,
 - (d) the Forestry Commissioners,
 - (e) the Office of Her Majesty's Chief Inspector of Schools in Wales,
 - (f) the Sports Council for Wales,
 - (g) urban development corporations established for urban development areas wholly in Wales,
 - (h) the Wales Tourist Board,
 - (i) the Welsh Development Agency, and
 - (j) the Welsh Language Board.
- (3) Subject to paragraph 16, the Assembly may by order amend sub-paragraph (2) by—
- (a) adding any body,
 - (b) omitting any body, or
 - (c) altering the description of any body.
- (4) For the purposes of this paragraph and paragraphs 15 and 16 references to a body include an unincorporated body (as well as a body corporate); and references in this Schedule to a body subject to investigation by the Welsh Administration Ombudsman shall be construed accordingly.
- (5) References in the following provisions of this Schedule to action taken in the exercise of functions of a body subject to investigation by the Welsh Administration Ombudsman include action taken in the exercise of any functions of—
- (a) any of its members, or
 - (b) any of its officers or members of its staff.

Status: This is the original version (as it was originally enacted).

- 15 (1) The notes referred to in paragraph 14(1)(b) are—
- 1 In the case of a body which has functions exercisable otherwise than in relation to Wales (as well as in relation to Wales or a part of Wales) no investigation may be conducted by the Welsh Administration Ombudsman in respect of action in connection with the exercise of the body’s functions otherwise than in relation to Wales.
- 2 In the case of the Environment Agency no investigation may be conducted by the Welsh Administration Ombudsman in respect of action in connection with the exercise of its flood defence functions (within the meaning of the Water Resources Act 1991).
- 3 In the case of an urban development corporation no investigation may be conducted by the Welsh Administration Ombudsman in respect of action in connection with the exercise of its functions in relation to town and country planning.
- (2) Subject to paragraph 16, the Assembly may by order amend sub-paragraph (1) by—
- (a) adding any note,
 - (b) omitting any note, or
 - (c) amending any note.
- (3) If and to the extent that a function is exercisable in relation to the Welsh language or any other aspect of Welsh culture it shall be regarded for the purposes of this paragraph and paragraph 16 as exercisable in relation to Wales.
- 16 (1) An order under paragraph 14(3) may only add a body to paragraph 14(2) if—
- (a) the body has functions exercisable in relation to Wales or a part of Wales (whether or not they are also exercisable otherwise than in relation to Wales),
 - (b) some or all of those functions are in a field in which the Assembly has functions, and
 - (c) the body falls within sub-paragraph (2).
- (2) A body falls within this sub-paragraph if—
- (a) it is established under an enactment or by virtue of Her Majesty’s prerogative or is established in any other way by a Minister of the Crown or government department or by the Assembly,
 - (b) at least half of its expenditure on the exercise of functions in relation to Wales (or, where its functions relate only to a part of Wales, in relation to the part of Wales to which they relate) is met directly from payments made by the Assembly, and
 - (c) it is wholly or partly constituted by appointment made by Her Majesty, a Minister of the Crown or government department or the Assembly.
- (3) An order under paragraph 14(3) shall not add to paragraph 14(2) a body whose sole activity is, or whose main activities are, included among any one or more of the following—
- (a) the provision of education,
 - (b) the development of curricula, the conduct of examinations or the validation of educational courses,
 - (c) the provision of training otherwise than under the Industrial Training Act 1982,
 - (d) the control of entry to any profession or the regulation of the conduct of members of any profession, and

Status: This is the original version (as it was originally enacted).

- (e) the investigation of complaints by members of the public regarding the actions of any person or body or the supervision or review of, or of steps taken following, such an investigation,
or a body operating in an exclusively or predominantly commercial manner or carrying on under national ownership an industry or undertaking or part of an industry or undertaking.
- (4) The Assembly may not make an order under paragraph 15(2) if the result would be that the Welsh Administration Ombudsman could investigate action in connection with the exercise of a body's functions otherwise than in relation to Wales.
- (5) In the case of a body which has functions exercisable in a field in which the Assembly does not have functions (as well as in a field in which it does)—
 - (a) where the Assembly by order under paragraph 14(3) adds the body to paragraph 14(2) it shall (by order under paragraph 15(2)) add to paragraph 15(1) a note relating to the body, and
 - (b) the Assembly may not make an order under paragraph 15(2) if the result would be that the Welsh Administration Ombudsman could investigate action in connection with the exercise of the body's functions in a field in which the Assembly does not have functions.
- (6) In the case of a body which is an authority to which the Parliamentary Commissioner Act 1967 applies—
 - (a) where the Assembly by order under paragraph 14(3) adds the body to paragraph 14(2) it shall (by order under paragraph 15(2)) add to paragraph 15(1) a note relating to the body, and
 - (b) the Assembly may not make an order under paragraph 15(2) if the result would be that the Welsh Administration Ombudsman could investigate action which can be investigated under the Parliamentary Commissioner Act 1967.