

# **PUBLIC SERVICES OMBUDSMAN (WALES) ACT 2005**

---

## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Schedule 4: Conduct of Local Government Members and Employees***

102. This Schedule makes amendments to Part 3 of the Local Government Act 2000 (“the 2000 Act”). That Part deals with the investigation of complaints as to the standards of conduct of local government members and employees. Until this Schedule comes into force the function, in Wales, of investigating such allegations is vested in the Local Commissioner for Wales, but in England that function is vested in the Standards Board established under that Part 3 of that Act. The Ombudsman is now to take over the investigative functions of the Local Commissioner for Wales and this Schedule makes the necessary amendments to Part 3 of the 2000 Act to give effect to that.
103. There is one substantive change in these amendments. Paragraph 22 of Schedule 4 to this Act amends section 81(7) of the 2000 Act. Section 81 makes provision for the disclosure and registration of members’ interests. Section 81(7) requires the monitoring officer of each relevant authority, whether in Wales or in England, to send a copy of that authority’s register to the Standards Board in England, but not to the Local Commissioner for Wales. That was an unintended effect of that legislation. The opportunity is being taken now to correct that. In future, monitoring officers of all relevant authorities in Wales (including police authorities in Wales) will be required to make copies of the register available to the Ombudsman (but in the case of police authorities in Wales they will still be required, also, to make a copy available to the Standards Board in England).

#### **Abolition of existing bodies and offices**

##### ***Section 36: Abolition of existing bodies and offices***

104. This section provides for the abolition of the Commission for Local Administration in Wales (which will include the abolition of the office of Local Commissioner for Wales) and of the offices of the Welsh Administration Ombudsman, the Health Service Commissioner for Wales and the Social Housing Ombudsman for Wales.

##### ***Section 37: Transfer of property, staff etc.***

105. This section introduces Schedule 5, which makes provision for the transfer of property, staff etc. from the bodies and offices abolished under section 36 to the Ombudsman. See below as to Schedule 5.