

*Status: Point in time view as at 01/04/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Public Services Ombudsman (Wales) Act 2005, SCHEDULE 4. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 4

Section 35

#### CONDUCT OF LOCAL GOVERNMENT MEMBERS AND EMPLOYEES

1 The Local Government Act 2000 (c. 22) is amended as follows.

##### Commencement Information

- I1** Sch. 4 para. 1 wholly in force at 1.4.2006; Sch. 4 para. 1 not in force at Royal Assent see s. 40; Sch. 4 para. 1 in force for certain purposes at 12.10.2005 and wholly in force at 1.4.2006 by S.I. 2005/2800, arts. 4(1)(2), 5(1)(3) (with art. 4(3))

- 2 In section 49 (principles governing conduct of members of relevant authorities)—
- (a) in subsection (4)(b), for “the Commission for Local Administration in Wales” substitute “ the Public Services Ombudsman for Wales ”;
  - (b) in subsection (5)(c), for “the Commission for Local Administration in Wales” substitute “ the Public Services Ombudsman for Wales ”.

##### Commencement Information

- I2** Sch. 4 para. 2 wholly in force at 1.4.2006; Sch. 4 para. 2 not in force at Royal Assent see s. 40; Sch. 4 para. 2 in force for certain purposes at 12.10.2005 and wholly in force at 1.4.2006 by S.I. 2005/2800, arts. 4(1)(2), 5(1)(3) (with art. 4(3))

- 3 In section 51 (duty of relevant authorities to adopt codes of conduct) in subsection (6)(c)(ii), for “Commission for Local Administration in Wales” substitute “ Public Services Ombudsman for Wales ”.
- 4 In section 53 (standards committees), in subsection (11)(k), for “the Commission for Local Administration in Wales” substitute “ the Public Services Ombudsman for Wales ”.

##### Commencement Information

- I3** Sch. 4 para. 4 wholly in force at 1.4.2006; Sch. 4 para. 4 not in force at Royal Assent see s. 40; Sch. 4 para. 4 in force for certain purposes at 12.10.2005 and wholly in force at 1.4.2006 by S.I. 2005/2800, arts. 4(1)(2), 5(1)(3) (with art. 4(3))

- 5 In section 62 (investigations: further provisions) in subsection (7)—
- (a) in paragraph (b), omit “or the Commission for Local Administration in Wales”;
  - (b) in paragraph (c), for “or the Health Service Commissioner for Wales, or by their officers” substitute “ or by his officers ”;
  - (c) at the end insert “, or

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- (d) the restriction imposed by section 26 of the Public Services Ombudsman (Wales) Act 2005.”.
- 6 In section 63 (restrictions on disclosure of information) in subsection (1)(a), for “the Commission for Local Administration in Wales, a Local Commissioner in Wales” substitute “ the Public Services Ombudsman for Wales ”.
- 7 In the heading to section 67, for “Local Commissioner” substitute “ ombudsmen ”.
- 8 In section 67—
- (a) after subsection (1) insert—
- “(1A) If, at any stage in the course of conducting an investigation under section 59, an ethical standards officer forms the opinion that the matters which are the subject of the investigation relate partly to a matter which could be the subject of an investigation under Part 2 of the Public Services Ombudsman (Wales) Act 2005, he may consult the Public Services Ombudsman for Wales about the investigation and, if he considers it necessary, inform any person who made the allegation which gave rise to the investigation of the steps necessary to initiate a complaint under Part 2 of that Act.”;
- (b) in subsection (2), for “that Act” substitute “ the Local Government Act 1974 ”;
- (c) after subsection (2) insert—
- “(2A) If, at any stage in the course of conducting an investigation under Part 2 of the Public Services Ombudsman (Wales) Act 2005, the Public Services Ombudsman for Wales forms the opinion that the complaint relates partly to a matter which could be the subject of an investigation under section 59 of this Act, he may consult the Standards Board for England about the investigation and, if he considers it necessary, inform the person initiating the complaint of the steps necessary to make an allegation under section 58.”;
- (d) in subsection (3), for “subsection (1) or (2)” substitute “ any of subsections (1) to (2A) ”;
- (e) in subsection (4), after “Local Government Act 1974” insert “ , section 26 of the Public Services Ombudsman (Wales) Act 2005 ”.
- 9 For the italic heading immediately preceding section 68 substitute “ Public Services Ombudsman for Wales ”.
- 10 For the heading to section 68 substitute “ Public Services Ombudsman for Wales ”.
- 11 In section 68—
- (a) in subsection (1), for “A Local Commissioner in Wales” substitute “ The Public Services Ombudsman for Wales ”;
- (b) in subsection (2), for “The Commission for Local Administration in Wales” substitute “ The Public Services Ombudsman for Wales ”;
- (c) for subsection (3) substitute—
- “(3) The National Assembly for Wales may by regulations make provision which, for the purpose of any provisions of the Public Services Ombudsman (Wales) Act 2005 specified in the regulations, treats—

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- (a) functions of the Public Services Ombudsman for Wales under that Act as including his functions under this Part, or
- (b) expenses of the Public Services Ombudsman for Wales under that Act as including his expenses under this Part.”;
- (d) in subsection (4), omit “Part 3 of”;
- (e) omit subsection (5).

#### Commencement Information

**I4** Sch. 4 para. 11 wholly in force at 1.4.2006; Sch. 4 para. 11 not in force at Royal Assent see s. 40; Sch. 4 para. 11(a)(c)-(e) in force for certain purposes at 12.10.2005 and Sch. 4 para. 11 wholly in force at 1.4.2006 by S.I. 2005/2800, arts. 4(1)(2), 5(1)(3) (with art. 4(3))

- 12 For the heading to section 69 substitute “ Investigations by the Public Services Ombudsman for Wales ”.
- 13 In section 69—
- (a) in subsection (1), for “A Local Commissioner in Wales” substitute “ The Public Services Ombudsman for Wales ”;
  - (b) in subsection (2), for “a Local Commissioner in Wales” substitute “ the Public Services Ombudsman for Wales ”;
  - (c) in subsection (5), for “a Local Commissioner in Wales who reaches a finding under subsection (4)(c)” substitute “ if the Public Services Ombudsman for Wales reaches a finding under subsection (4)(c) he ”.
- 14 In section 70 (investigations: further provisions)—
- (a) in subsection (2), for paragraph (b) substitute—  
“(b) any provisions of sections 13 to 15, 25 to 27 and 32 of the Public Services Ombudsman (Wales) Act 2005.”;
  - (b) in subsection (3), for “A Local Commissioner in Wales” substitute “ The Public Services Ombudsman for Wales ”;
  - (c) in subsections (4) and (5), for “a Local Commissioner in Wales” substitute “ the Public Services Ombudsman for Wales ”.

#### Commencement Information

**I5** Sch. 4 para. 14 wholly in force at 1.4.2006; Sch. 4 para. 14 not in force at Royal Assent see s. 40; Sch. 4 para. 14(a) in force for certain purposes at 12.10.2005 and Sch. 4 para. 14 wholly in force at 1.4.2006 by S.I. 2005/2800, arts. 4(1)(2), 5(1)(3) (with art. 4(3))

- 15 In section 71 (reports etc.)—
- (a) in subsections (1) to (3), for “a Local Commissioner in Wales” substitute “ the Public Services Ombudsman for Wales ”;
  - (b) in subsection (4)(b), for “a Local Commissioner in Wales who reaches a finding under section 69(4)(c)” substitute “ if the Public Services Ombudsman for Wales reaches a finding under section 69(4)(c) he ”;
  - (c) in subsection (6), for “A Local Commissioner in Wales” substitute “ The Public Services Ombudsman for Wales ”.
- 16 In section 72 (interim reports), in subsections (1), (3) and (4), for “a Local Commissioner in Wales” substitute “ the Public Services Ombudsman for Wales ”.

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- 17 In section 73 (matters referred to monitoring officers) in subsection (7), for “a Local Commissioner in Wales” substitute “ the Public Services Ombudsman for Wales ”.
- 18 In section 74 (law of defamation), for “a Local Commissioner in Wales” substitute “ the Public Services Ombudsman for Wales ”.
- 19 In section 78 (decisions of interim case tribunals) in subsection (5), for “a Local Commissioner in Wales” substitute “ the Public Services Ombudsman for Wales ”.
- 20 In section 79 (decisions of case tribunals) in subsection (12)(a)(ii), for “the Commission for Local Administration in Wales” substitute “ the Public Services Ombudsman for Wales ”.
- 21 In section 80 (recommendations by case tribunals) in subsection (6)(b), for “a Local Commissioner in Wales” substitute “ the Public Services Ombudsman for Wales ”.
- 22 In section 81 (disclosure and registration of members' interests etc.) in subsection (7)—
- (a) in paragraph (b) insert at the beginning “ if it is a relevant authority in England or a police authority in Wales, ”;
  - (b) at the end insert—
    - “(c) if it is a relevant authority in Wales, inform the Public Services Ombudsman for Wales that copies of the register are so available.”.
- 23 In section 82 (code of conduct for local government employees) in subsections (5)(b) and (6)(c), for “the Commission for Local Administration in Wales” substitute “ the Public Services Ombudsman for Wales ”.

**Commencement Information**

- I6** [Sch. 4 para. 23](#) wholly in force at 1.4.2006; [Sch. 4 para. 23](#) not in force at Royal Assent see [s. 40](#); [Sch. 4 para. 23](#) in force for certain purposes at 12.10.2005 and wholly in force at 1.4.2006 by [S.I. 2005/2800](#), [arts. 4\(1\)\(2\), 5\(1\)\(3\)](#) (with [art. 4\(3\)](#))

- 24 In section 83 (interpretation of Part 3) in subsection (1)—
- (a) omit the definition of “Local Commissioner in Wales”;
  - (b) in the definition of “the relevant Adjudication Panel” in paragraph (b), for “a Local Commissioner in Wales” substitute “ the Public Services Ombudsman for Wales ”.

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