

SCHEDULES

SCHEDULE 6

CONSEQUENTIAL AMENDMENTS

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 ”;

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(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).

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F1 Sch. 6 para. 9(5) repealed (1.4.2008) by Local Government and Public Involvement in [Health Act 2007](#) (c. 28), ss. 241, 245, [Sch. 18 Pt. 14](#); S.I. 2008/917, [art.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

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(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”.

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.

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- (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.
- (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)**

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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](#))

Changes to legislation:

There are currently no known outstanding effects for the Public Services Ombudsman (Wales) Act 2005, Cross Heading: Local Government Act 1974 (c. 7).