



Commissioner for Older People (Wales) Act 2006

2006 CHAPTER 30

General

21 Restrictions

- (1) This Act does not authorise or require the Commissioner to discharge a function in relation to a matter to the extent that the matter is the subject of legal proceedings before, or has been determined by, a court or tribunal.
- (2) This Act does not authorise or require the Commissioner to discharge a prescribed function which by virtue of an enactment is also dischargeable by a prescribed person.

22 Minor and consequential amendments

Schedule 4 (which makes minor and consequential amendments relating to other ombudsman with whom the Commissioner may work) has effect.

23 Commencement

The preceding provisions of this Act come into force in accordance with provision made by the Assembly by order.

Subordinate Legislation Made

P1 [S. 23](#) power fully exercised: 14.10.2006 appointed for specified provisions by [{S.I. 2006/2699}](#), art. 2

24 Older people in Wales

- (1) This section applies for the purposes of this Act.
- (2) “Older person” means a person aged 60 or over.

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- (3) “Older person in Wales” means an older person—
 - (a) who is ordinarily resident in Wales,
 - (b) to or in respect of whom regulated services in Wales are provided, or
 - (c) to or in respect of whom relevant services (within the meaning of section 6(4)) are provided by or on behalf of, or under arrangements with, a person mentioned in Schedule 3.

25 Interests of older people in Wales

In considering, for the purposes of this Act, what constitutes the interests of older people in Wales, the Commissioner must have regard to the United Nations Principles for Older Persons adopted by the General Assembly of the United Nations on 16 December 1991.

26 Regulated services in Wales

(1) This section applies for the purposes of this Act.

- [^{F1}(2) “Regulated services in Wales” means—
 - (a) regulated services within the meaning of section 2 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2);
 - (b) services provided in Wales by an establishment or agency required to register under Part 2 of the Care Standards Act 2000 (c. 14) to provide the service.]

^{F2}(3)

^{F3}(4)

Textual Amendments	
F1	S. 26(2) substituted (2.4.2018) by The Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Regulations 2018 (S.I. 2018/195) , regs. 2(1) , 39(2)
F2	S. 26(3) omitted (2.4.2018) by virtue of The Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Regulations 2018 (S.I. 2018/195) , regs. 2(1) , 39(3)
F3	S. 26(4) omitted (2.4.2018) by virtue of The Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Regulations 2018 (S.I. 2018/195) , regs. 2(1) , 39(3)

27 Other interpretative provisions

- (1) In this Act—
 - “the Assembly” means the National Assembly for Wales;
 - ^{F4}
 - “the Commissioner” has the meaning given by section 1;
 - “enactment” includes an enactment contained in an Act passed in the Session in which this Act is passed or in a later Session;
 - “family health service provider in Wales” means—
 - (a) a person who provides services under a contract entered into by that person with a Local Health Board under [^{F5}section 42 or 57 of the National Health Service (Wales) Act 2006]^{F5} (c. 49);

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(b) a person who has undertaken to provide in Wales [^{F6}general ophthalmic services [^{F7}, or both general ophthalmic services and other ophthalmic services in accordance with arrangements made with a Local Health Board,] under ^{F8}... that Act, or pharmaceutical services under Chapter 1 of Part 7]^{F6} of that Act;

(c) an individual who provides in Wales [^{F9}primary medical services or primary dental services in accordance with arrangements made under section 50 or 64 of that Act]^{F9}(except as an employee of, or otherwise on behalf of, a Welsh health service body or an independent provider in Wales);

(d) ^{F10}

“family health services” means services provided in Wales which are mentioned in any of paragraphs (a) to (d) of the definition of “family health service provider in Wales”;

“further education” has the meaning given in section 2(3) to (5) of the Education Act 1996 (c. 56);

“further education corporation” has the meaning given in section 17(1) of the Further and Higher Education Act 1992 (c. 13);

“higher education corporation” has the meaning given in section 90(1) of the Further and Higher Education Act 1992;

“independent provider in Wales” means a person who—

(a) provides services of any kind in Wales under arrangements with a Welsh health service body or a family health service provider in Wales, and

(b) is not a Welsh health service body or a family health service provider in Wales;

“independently provided services” means services provided in Wales which are mentioned in paragraph (a) of the definition of “independent provider in Wales”;

“maintained school” has the meaning given in section 20(7) of the School Standards and Framework Act 1998 (c. 31);

“NHS trust” has the same meaning as in the [^{F11}National Health Service (Wales) Act 2006]^{F11}(c. 49);

“prescribed” means prescribed in regulations;

“regulations” means regulations made by the [^{F12}Welsh Ministers]^{F12};

“Welsh health service body” means—

(a) the [^{F13}Welsh Ministers]^{F13}, to the extent that [^{F14}they discharge]^{F14} functions in relation to the National Health Service;

(b) a Local Health Board;

(c) an NHS trust managing a hospital or other establishment or facility in Wales;

(d) a Special Health Authority discharging functions in relation to Wales.

(2) The [^{F15}Welsh Ministers]^{F15} may by order amend the definitions of “family health service provider in Wales” and “independent provider in Wales”.

(3) Before making an order under subsection (2), the [^{F16}Welsh Ministers]^{F16} must consult such persons as [^{F17}they think]^{F17} appropriate.

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- (4) Section 13 of the National Audit Act 1983 (c. 44) (interpretation of references to the Committee of Public Accounts) applies for the purposes of this Act as it applies for the purposes of that Act.

Textual Amendments

- F4** S. 27(1): definition of "Assembly Cabinet" omitted (the amendment coming into force 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) in accordance with art. 1(2)(3) of the amending S.I. and see ss. 46, 161(5) of Government of Wales Act 2006 (c. 32)) by virtue of The Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388), arts. 1(2)(3), 3, **Sch. 1 para. 139(2)(a)**
- F5** S. 27(1): in the definition of "family health service provider in Wales" for the words "section 28K or 28Q of the National Health Service Act 1977" there are substituted the words "section 42 or 57 of the National Health Service (Wales) Act 2006" (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 2, 8, **Sch. 1 para. 306(a)(i)** (with Sch. 3 Pt. 1)
- F6** S. 27(1): words in definition of "family health service provider in Wales" substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 2, 8, **Sch. 1 para. 306(a)(ii)** (with Sch. 3 Pt. 1)
- F7** Words in s. 27(1) inserted (20.10.2023) by The National Health Service (Ophthalmic Services) (Wales) Regulations 2023 (S.I. 2023/1053), reg. 1(2), **Sch. 5 para. 2(2)(a)**
- F8** Words in s. 27(1) omitted (20.10.2023) by virtue of The National Health Service (Ophthalmic Services) (Wales) Regulations 2023 (S.I. 2023/1053), reg. 1(2), **Sch. 5 para. 2(2)(b)**
- F9** S. 27(1): words in definition of "family health service provider in Wales" substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 2, 8, **Sch. 1 para. 306(a)(iii)** (with Sch. 3 Pt. 1)
- F10** S. 27(1): para. (d) in definition of "family health service provider in Wales" omitted (1.3.2007) by virtue of National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 2, 8, **Sch. 1 para. 306(a)(iv)** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)
- F11** S. 27(1): in the definition of "NHS trust" for the words "National Health Service Act 1977" there are substituted the words "National Health Service (Wales) Act 2006" (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 2, 8, **Sch. 1 para. 306(b)** (with Sch. 3 Pt. 1)
- F12** S. 27(1): words in definition of "regulations" substituted (the amendment coming into force 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) in accordance with art. 1(2)(3) of the amending S.I. and see ss. 46, 161(5) of Government of Wales Act 2006 (c. 32)) by The Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388), arts. 1(2)(3), 3, **Sch. 1 para. 139(2)(b)**
- F13** S. 27(1): words in definition of "Welsh health service body" substituted (the amendment coming into force 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) in accordance with art. 1(2)(3) of the amending S.I. and see ss. 46, 161(5) of Government of Wales Act 2006 (c. 32)) by The Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388), arts. 1(2)(3), 3, **Sch. 1 para. 139(2)(c)**
- F14** S. 27(1): words in definition of "Welsh health service body" substituted (the amendment coming into force 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) in accordance with art. 1(2)(3) of the amending S.I. and see ss. 46, 161(5) of Government of Wales Act 2006 (c. 32)) by The Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388), arts. 1(2)(3), 3, **Sch. 1 para. 139(2)(c)**
- F15** Words in s. 27(2) substituted (the amendment coming into force 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) in

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accordance with art. 1(2)(3) of the amending S.I. and see ss. 46, 161(5) of Government of Wales Act 2006 (c. 32)) by The Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388), arts. 1(2)(3), 3, **Sch. 1 para. 139(3)**

F16 Words in s. 27(3) substituted (the amendment coming into force 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) in accordance with art. 1(2)(3) of the amending S.I. and see ss. 46, 161(5) of Government of Wales Act 2006 (c. 32)) by The Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388), arts. 1(2)(3), 3, **Sch. 1 para. 139(4)(a)**

F17 Words in s. 27(3) substituted (the amendment coming into force 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) in accordance with art. 1(2)(3) of the amending S.I. and see ss. 46, 161(5) of Government of Wales Act 2006 (c. 32)) by The Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388), arts. 1(2)(3), 3, **Sch. 1 para. 139(4)(b)**

28 Orders and regulations

- (1) A power of the [F18Welsh Ministers]^{F18} to make an order or regulations under this Act is exercisable by statutory instrument.
- (2) An order or regulations made by the [F19Welsh Ministers]^{F19} under this Act may—
 - (a) make different provision for different purposes;
 - (b) make consequential, incidental, supplemental, transitory, transitional or saving provision.
- (3) The power to make consequential, incidental and supplemental provision in connection with—
 - (a) an order under section 16(4) specifying a person for the purposes of that section or providing for a person to cease to be specified for those purposes, or
 - (b) an order under section 17(8) adding a person to the list of other ombudsman in that section or omitting a person from that list,includes power to make consequential, incidental and supplemental amendments or repeals in any enactment relating to that person or to his functions.
- (4) But the following consents are required for the making of an order by the [F20Welsh Ministers]^{F20} which (whether by virtue of subsection (3) or otherwise) confers functions on a person other than the Commissioner or modifies the functions of such a person—
 - (a) if the functions relate wholly or partly to a transferred matter, the consent of a Northern Ireland department; and
 - (b) if the functions relate wholly or partly to a matter which (without being a transferred matter) is a matter in respect of which [F21neither the Welsh Ministers, the First Minister for Wales nor the Counsel General to the Welsh Assembly Government have functions]^{F21}, the consent of the Secretary of State.
- (5) In this section “transferred matter” means a transferred matter within the meaning of section 4(1) of the Northern Ireland Act 1998 (c. 47).
- (6) ^{F22}

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Textual Amendments

- F18** Words in s. 28(1) substituted (the amendment coming into force 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) in accordance with art. 1(2)(3) of the amending S.I. and see ss. 46, 161(5) of [Government of Wales Act 2006 \(c. 32\)](#)) by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), arts. 1(2)(3), 3, **Sch. 1 para. 140(2)**
- F19** Words in s. 28(2) substituted (the amendment coming into force 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) in accordance with art. 1(2)(3) of the amending S.I. and see ss. 46, 161(5) of [Government of Wales Act 2006 \(c. 32\)](#)) by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), arts. 1(2)(3), 3, **Sch. 1 para. 140(3)**
- F20** Words in s. 28(4) substituted (the amendment coming into force 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) in accordance with art. 1(2)(3) of the amending S.I. and see ss. 46, 161(5) of [Government of Wales Act 2006 \(c. 32\)](#)) by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), arts. 1(2)(3), 3, **Sch. 1 para. 140(4)(a)**
- F21** Words in s. 28(4)(b) substituted (the amendment coming into force 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) in accordance with art. 1(2)(3) of the amending S.I. and see ss. 46, 161(5) of [Government of Wales Act 2006 \(c. 32\)](#)) by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), arts. 1(2)(3), 3, **Sch. 1 para. 140(4)(b)**
- F22** S. 28(6) omitted (the amendment coming into force 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) in accordance with art. 1(2)(3) of the amending S.I. and see ss. 46, 161(5) of [Government of Wales Act 2006 \(c. 32\)](#)) by virtue of [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), arts. 1(2)(3), 3, **Sch. 1 para. 140(5)**

29 Extent

- (1) Subject to subsections (2) and (3), this Act extends to England and Wales only.
- (2) Section 28 also extends to Northern Ireland.
- (3) An amendment or repeal made by this Act has the same extent as the provision amended or repealed.

30 Short title

This Act may be cited as the Commissioner for Older People (Wales) Act 2006.

Changes to legislation:

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