

Changes to legislation: Government of Wales Act 2006, Cross Heading: Public Services Ombudsman (Wales) Act 2005 (c. 10) is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 10 **U.K.**

MINOR AND CONSEQUENTIAL AMENDMENTS

Public Services Ombudsman (Wales) Act 2005 (c. 10)

67 The Public Services Ombudsman (Wales) Act 2005 is amended as follows.

Commencement Information

I1 This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

68 In section 7(3)(b) (relevant action: Welsh health service bodies), for “ [F1Assembly] ” substitute “ Welsh Ministers ”.

Textual Amendments

F1 Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))

Commencement Information

I2 This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

69 In section 8(2) (exclusion from investigation for matters not relating to Wales: exception for [F1Assembly]), for “ [F1Assembly] ” substitute “ Welsh F2... Government ”.

Textual Amendments

F1 Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))

F2 Words in Act omitted (17.2.2015) by virtue of [Wales Act 2014 \(c. 29\)](#), s. 4(2)(a) (with s. 4(3))

Commencement Information

I3 This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

70 In section 9(1)(b) (exclusion from investigation of matters: right of appeal to [F1Assembly]), for “or the [F1Assembly] ” substitute “ , the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh F2... Government ”.

Textual Amendments

F1 Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))

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F2 Words in Act omitted (17.2.2015) by virtue of [Wales Act 2014 \(c. 29\), s. 4\(2\)\(a\)](#) (with s. 4(3))

Commencement Information

I4 This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

71 (1) Section 10 (other excluded matters) is amended as follows.

(2) For “ [F1Assembly] ” (in both places) substitute “ Welsh Ministers ”.

(3) After subsection (3) insert—

“(3A) No order is to be made under subsection (2) unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, the [F1Assembly] .”

Textual Amendments

F1 Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\), s. 42\(2\), Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))

Commencement Information

I5 This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

72 In section 12 (decisions not to investigate etc.), omit subsection (9).

Commencement Information

I6 This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

73 (1) Section 16 (reports of investigations) is amended as follows.

(2) In subsection (2)(f)—

(a) for “ [F1Assembly] First Secretary” substitute “ First Minister for Wales ”,
and

(b) for “ [F1Assembly] ” substitute “ Welsh ^{F2}... Government ”.

(3) Omit subsection (9).

Textual Amendments

F1 Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\), s. 42\(2\), Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))

F2 Words in Act omitted (17.2.2015) by virtue of [Wales Act 2014 \(c. 29\), s. 4\(2\)\(a\)](#) (with s. 4(3))

Commencement Information

I7 This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

74 In section 21 (reports: alternative procedure), omit subsection (11).

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Commencement Information

I8 This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

75 In section 23 (special reports: supplementary), omit subsection (6).

Commencement Information

I9 This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

- 76 (1) Section 24 (special reports relating to the [F1Assembly]) is amended as follows.
- (2) In subsection (1), for “ [F1Assembly] ” substitute “ Welsh F2... Government or the National [F1Assembly] for Wales Commission ”.
- (3) In subsection (2)—
- (a) for “ [F1Assembly] First Secretary” substitute “ relevant person ”, and
 - (b) omit paragraph (b).
- (4) After that subsection insert—
- “(2A) In subsection (2) “the relevant person” means—
- (a) if the complaint was made in respect of the Welsh F2... Government, the First Minister for Wales, and
 - (b) if the complaint was made in respect of the National [F1Assembly] for Wales Commission, a member of that Commission.”
- (5) Omit subsection (3).
- (6) In the side-note, for “ [F1Assembly] ” substitute “ Welsh F2... Government etc. ”.

Textual Amendments

F1 Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))

F2 Words in Act omitted (17.2.2015) by virtue of [Wales Act 2014 \(c. 29\)](#), s. 4(2)(a) (with s. 4(3))

Commencement Information

I10 This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

- 77 (1) Section 25 (consultation and co-operation with other ombudsmen) is amended as follows.
- (2) In subsections (8) and (9), for “ [F1Assembly] ” substitute “ Welsh Ministers ”.
- (3) After subsection (9) insert—
- “(10) No order is to be made under subsection (8) unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, the [F1Assembly] .”

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Textual Amendments

- F1** Words in Act substituted (6.5.2020) by *Senedd and Elections (Wales) Act 2020 (anaw 1)*, s. 42(2), **Sch. 1 para. 2(19)** (with **Sch. 1 para. 2(11)-(14)**)

Commencement Information

- I11** This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

- 78 (1) Section 28 (listed authorities) is amended as follows.
- (2) In subsections (2) and (4), for “ [F1Assembly] ” substitute “ Welsh Ministers ”.
- (3) After subsection (4) insert—
- “(4A) No order is to be made under subsection (2) unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, the [F1Assembly] .”

Textual Amendments

- F1** Words in Act substituted (6.5.2020) by *Senedd and Elections (Wales) Act 2020 (anaw 1)*, s. 42(2), **Sch. 1 para. 2(19)** (with **Sch. 1 para. 2(11)-(14)**)

Commencement Information

- I12** This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

- 79 (1) Section 29 (restrictions on power to amend Schedule 3) is amended as follows.
- (2) In subsection (1), for “ [F1Assembly] ” substitute “ Welsh ^{F2}... Government or the National [F1Assembly] for Wales Commission ”.
- (3) In subsection (2)(b), for “ [F1Assembly] has” substitute “ Welsh Ministers have, or the First Minister for Wales or the Counsel General to the Welsh ^{F2}... Government has, ”.
- (4) In subsection (3)—
- (a) in paragraphs (a) and (b), for “ [F1Assembly] ” substitute “ Welsh Ministers, the First Minister for Wales, the Counsel General to the Welsh ^{F2}... Government ”, and
- (b) in paragraph (c), for “directly from payments made by the [F1Assembly] or other listed authorities” substitute “ out of the Welsh Consolidated Fund or is met directly from payments made by other listed authorities ”.
- (5) In subsection (5)—
- (a) in paragraph (a), for “ [F1Assembly] ” substitute “ Welsh Ministers ”, and
- (b) in paragraph (b), for “directly or indirectly from payments made by the [F1Assembly] or other listed authorities” substitute “ out of the Welsh Consolidated Fund or directly or indirectly from payments made by other listed authorities ”.

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Textual Amendments

- F1** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))
- F2** Words in Act omitted (17.2.2015) by virtue of [Wales Act 2014 \(c. 29\)](#), s. 4(2)(a) (with s. 4(3))

Commencement Information

- I13** This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

80 (1) Section 30 (provisions in orders adding persons to Schedule 3) is amended as follows.

(2) In subsection (1)—

- (a) for “[^{F1}Assembly] proposes” substitute “ Welsh Ministers propose ”, and
- (b) for “it must” substitute “ they must ”.

(3) In subsection (2), for “[^{F1}Assembly] has” substitute “ Welsh Ministers have, or the First Minister for Wales or the Counsel General to the Welsh ^{F2}... Government has, ”.

(4) In subsection (3)—

- (a) in paragraph (a), for “[^{F1}Assembly] has” substitute “ Welsh Ministers have, or the First Minister for Wales or the Counsel General to the Welsh ^{F2}... Government has, ”, and
- (b) in paragraph (b), for “[^{F1}Assembly] ” substitute “ Welsh Ministers ”.

Textual Amendments

- F1** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))
- F2** Words in Act omitted (17.2.2015) by virtue of [Wales Act 2014 \(c. 29\)](#), s. 4(2)(a) (with s. 4(3))

Commencement Information

- I14** This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

81 In section 40 (commencement), for “[^{F1}Assembly] ” substitute “ Welsh Ministers ”.

Textual Amendments

- F1** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))

Commencement Information

- I15** This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

82 (1) Section 41 (interpretation) is amended as follows.

(2) In subsection (1)—

- (a) omit the definition of “[^{F1}Assembly] Cabinet”,
- (b) in the definition of “relevant tribunal”, for “[^{F1}Assembly] ” substitute “ Welsh Ministers ”,
- (c) in the definition of “social landlord in Wales”—

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- (i) in paragraph (a), for “ [F1Assembly] ” substitute “ Welsh Ministers ” and after “section by” insert “ the [F1Assembly] constituted by the Government of Wales Act 1998, ”, and
 - (ii) in paragraph (b), for “or the [F1Assembly] ” substitute “ , the Assembly constituted by the Government of Wales Act 1998 or the Welsh Ministers ”, and
 - (d) in the definition of “Welsh health service body”, for “ [F1Assembly] ” substitute “ Welsh Ministers ”.
- (3) In subsection (2), for “ [F1Assembly] ” (in both places) substitute “ Welsh Ministers ”.
- (4) After that subsection insert—
- “(2A) A statutory instrument containing an order under subsection (1) is subject to annulment in pursuance of a resolution of the [F1Assembly] .”
- (5) In subsection (3), for “ [F1Assembly] ” substitute “ Welsh Ministers ”.
- (6) In subsection (4)—
- (a) for “ [F1Assembly] ” substitute “ Welsh Ministers ”, and
 - (b) for “it thinks” substitute “ they think ”.
- (7) After that subsection insert—
- “(4A) No order is to be made under subsection (3) unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, the [F1Assembly] .”

Textual Amendments

F1 Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))

Commencement Information

I16 This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

- 83 (1) Section 42 (former health care providers and social landlords) is amended as follows.
- (2) In subsection (1), for “ [F1Assembly] ” substitute “ Welsh Ministers ”.
- (3) In subsection (4)(a)—
- (a) in sub-paragraph (i), for “ [F1Assembly] ” substitute “ Welsh Ministers ” and after “section by” insert “ the [F1Assembly] constituted by the Government of Wales Act 1998, ”, and
 - (b) in sub-paragraph (ii), for “or the [F1Assembly] ” substitute “ , the [F1Assembly] constituted by the Government of Wales Act 1998 or the Welsh Ministers ”.
- (4) After subsection (5) insert—
- “(6) No regulations are to be made under this section unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, the [F1Assembly] .”

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Textual Amendments

- F1** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))

Commencement Information

- I17** This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

- 84 (1) Section 43 (consequential and transitional provision) is amended as follows.
- (2) In subsection (1)—
- (a) for “^{F1}Assembly” substitute “Welsh Ministers”, and
- (b) for “it thinks” substitute “they think”.
- (3) After subsection (3) insert—
- “(4) No order is to be made under subsection (1) unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, the ^{F1}Assembly.”

Textual Amendments

- F1** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))

Commencement Information

- I18** This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

- 85 (1) Section 44 (orders, regulations and directions) is amended as follows.
- (2) In subsections (1) and (2), for “^{F1}Assembly” substitute “Welsh Ministers”.
- (3) Omit subsection (3).

Textual Amendments

- F1** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))

Commencement Information

- I19** This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

- 86 (1) Schedule 1 (Public Service Ombudsman for Wales: appointment etc.) is amended as follows.
- (2) For paragraph 1 (appointment) substitute—
- “1 The Ombudsman is to be appointed by Her Majesty on the nomination of the ^{F1}Assembly.”
- (3) In paragraph 3 (term of office)—
- (a) in sub-paragraph (3), for paragraph (b) substitute—

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- “(b) on Her Majesty being satisfied that the person is incapable for medical reasons of performing the duties of the office.”,
 - (b) in sub-paragraph (4), for the words following “Ombudsman” substitute “ on the making of a recommendation, on the ground of the person's misbehaviour, that Her Majesty should do so. ”, and
 - (c) for sub-paragraph (5) substitute—
 - “(5) A recommendation for the removal of a person from office as the Ombudsman may not be made unless—
 - (a) the [F1Assembly] has resolved that the recommendation should be made, and
 - (b) the resolution of the [F1Assembly] is passed on a vote in which the number of [F3Members of the Assembly] voting in favour of it is not less than two-thirds of the total number of [F1Assembly] seats.”
- (4) In paragraph 4 (acting Public Service Ombudsman for Wales), for sub-paragraphs (1) and (2) substitute—
 - “(1) If the office of the Ombudsman becomes vacant, Her Majesty may, on the nomination of the [F1Assembly] , appoint a person to act as the Ombudsman.”
- (5) In paragraph 5(1)(d) (disqualification from being Ombudsman or acting Ombudsman), for “section 12(1)(ca) of the Government of Wales Act 1998 (c. 38)” substitute “ section 16(1)(d) of the Government of Wales Act 2006 ”.
- (6) In paragraph 7(3) (exceptions from disqualifications applying to former Ombudsman or acting Ombudsman)—
 - (a) in paragraph (a), after “ [F1Assembly] ” insert “ or the National [F1 Assembly] for Wales Commission ”, and
 - (b) in paragraph (b), for “ [F1Assembly] First Secretary or [F1Assembly] Secretary” substitute “ First Minister for Wales, Welsh Minister appointed under section 48 of the Government of Wales Act 2006, Counsel General to the Welsh F2... Government or Deputy Welsh Minister ”.
- (7) In paragraph 9 (remuneration etc.), after sub-paragraph (5) insert—
 - “(6) Sums required for the making of payments under sub-paragraphs (1), (2) and (5) are to be charged on the Welsh Consolidated Fund.”
- (8) For paragraph 10 (expenses) substitute—

“ Special financial provisions

- 10 (1) Any sums payable by the Ombudsman in consequence of a breach, in the performance of any of the Ombudsman's functions, of any contractual or other duty are to be charged on the Welsh Consolidated Fund.
- (2) And sub-paragraph (1) applies whether the breach occurs by reason of an act or omission of—
 - (a) the Ombudsman,
 - (b) a member of the Ombudsman's staff, or

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- (c) any other person acting on the Ombudsman's behalf or assisting the Ombudsman in the exercise of functions.
- (3) The Ombudsman may retain income derived from fees charged by virtue of sections 12(6), 16(6), 21(8) and 23(2) (rather than pay it into the Welsh Consolidated Fund) for use in connection with the exercise of the functions conferred or imposed by this Act.”
- (9) In paragraph 11(5) (payments by [F1Assembly] to Minister for the Civil Service in respect of superannuation benefits for Ombudsman's staff)—
- (a) for “ [F1Assembly] ” substitute “ Ombudsman ”, and
- (b) for “he” (in both places) substitute “ the Minister ”.
- (10) In paragraph 13 (delegation), for sub-paragraph (4) substitute—
- “(4) No arrangements may be made between the Ombudsman, on the one hand, and the Welsh Ministers (or the First Minister for Wales or the Counsel General to the Welsh F2... Government), on the other, for—
- (a) any functions of one of them to be exercised by the other,
- (b) any functions of the Welsh Ministers (or the First Minister for Wales or the Counsel General to the Welsh F2... Government) to be exercised by members of staff of the Ombudsman,
- (c) any functions of the Ombudsman to be exercised by members of the staff of the Welsh F2... Government, or
- (d) the provision of administrative, professional or technical services by one of them for the other.”
- (11) In paragraph 14(3) (duty to send copy of extraordinary report to listed authorities other than the [F1Assembly])—
- (a) after “time” insert “ send a copy to the Welsh F2... Government and ”, and
- (b) for “than the [F1Assembly] ” substitute “ than the Welsh F2... Government ”.
- (12) In paragraph 15 (estimates)—
- (a) in sub-paragraph (2), for the words following “estimate” substitute “ at least five months before the beginning of the financial year to which it relates to the committee or committees of the [F1Assembly] specified in the standing orders of the [F1Assembly] . ”,
- (b) in sub-paragraph (3)—
- (i) for “ [F1Assembly] Cabinet” substitute “ committee or committees ”,
- (ii) omit “to it”, and
- (iii) for “it thinks” substitute “ thought ”, and
- (c) for sub-paragraph (4) substitute—
- “(4) Before laying before the [F1Assembly] with modifications an estimate submitted in accordance with sub-paragraph (2), the committee or committees must—
- (a) consult the Ombudsman, and
- (b) take into account any representations which the Ombudsman may make.”
- (13) In paragraph 18 (accounting officer)—

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- (a) for “Treasury” (in each place) substitute “ Audit Committee ”, and
(b) in sub-paragraph (6)(a), for “ [F1Assembly] Cabinet” substitute “ Welsh Ministers ”.

Textual Amendments

- F1** Words in Act substituted (6.5.2020) by *Senedd and Elections (Wales) Act 2020* (anaw 1), s. 42(2), **Sch. 1 para. 2(19)** (with *Sch. 1 para. 2(11)-(14)*)
F2 Words in Act omitted (17.2.2015) by virtue of *Wales Act 2014* (c. 29), s. 4(2)(a) (with s. 4(3))
F3 Words in Act substituted (6.5.2020) by *Senedd and Elections (Wales) Act 2020* (anaw 1), s. 42(2), **Sch. 1 para. 2(17)** (with *Sch. 1 para. 2(11)(12)(14)*)

Commencement Information

- I20** This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

- 87 In paragraph 1 of Schedule 2 (excluded matters), for “ [F1Assembly] ” substitute “ Welsh Ministers, the First Minister for Wales, the Counsel General to the Welsh F2... Government ”.

Textual Amendments

- F1** Words in Act substituted (6.5.2020) by *Senedd and Elections (Wales) Act 2020* (anaw 1), s. 42(2), **Sch. 1 para. 2(19)** (with *Sch. 1 para. 2(11)-(14)*)
F2 Words in Act omitted (17.2.2015) by virtue of *Wales Act 2014* (c. 29), s. 4(2)(a) (with s. 4(3))

Commencement Information

- I21** This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

- 88 In Schedule 3 (listed authorities), under the heading “Government of Wales”, for the entry relating to the [F1Assembly] substitute—

“The Welsh F2... Government.

The National [F1Assembly] for Wales Commission.”

Textual Amendments

- F1** Words in Act substituted (6.5.2020) by *Senedd and Elections (Wales) Act 2020* (anaw 1), s. 42(2), **Sch. 1 para. 2(19)** (with *Sch. 1 para. 2(11)-(14)*)
F2 Words in Act omitted (17.2.2015) by virtue of *Wales Act 2014* (c. 29), s. 4(2)(a) (with s. 4(3))

Commencement Information

- I22** This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 155A inserted by [2014 c. 29 s. 10](#)
- Sch. 7A Section C15 para. 92 omitted by [2017 c. 4 s. 48\(1\)\(a\)](#)
- Sch. 7A Section C15 para. 93 words omitted by [2017 c. 4 s. 48\(1\)\(b\)](#)
- Sch. 7B para. 10(2)(o) inserted by [2022 c. 30 s. 143](#)
- Sch. 7B para. 11(6)(b)(x) repealed by [2023 c. 54 Sch. 11 para. 1\(b\)](#)
- Sch. 7B para. 11(6)(b)(x) word omitted by [2023 c. 54 s. 118\(c\)](#)