WELSH STATUTORY INSTRUMENTS

2006 No. 363 (W.49)

WELSH PUBLIC SERVICES OMBUDSMAN

The Public Services Ombudsman for Wales (Jurisdiction and Transitional Provisions and Savings) Order 2006

Made - - - -	*14 February 2006*
Coming into force - -	*1 April 2006*

The National Assembly for Wales, in exercise of powers conferred on it by sections 10(2), 28(2)(a), 41(1) and (3), 43(1)(b) and 44(2)(b) of the Public Services Ombudsman (Wales) Act 2005(**1**), and having carried out such consultation as is required by sections 10(3), 28(4) and 41(4) of that Act, makes the following Order:

Title, commencement, application and interpretation

1.—(1) The title of this Order is the Public Services Ombudsman for Wales (Jurisdiction and Transitional Provisions and Savings) Order 2006 and it comes into force on 1 April 2006.

(2) This Order applies in relation to Wales.

(3) In this Order—

(a) "the Act" ("*y Ddeddf*") means the Public Services Ombudsman (Wales) Act 2005,

(b) "the 1977 Act" ("*Ddeddf 1977*") means the National Health Service Act 1977(**2**), and

(c) "the 2003 Act" ("*Ddeddf 2003*") means the Health and Social Care (Community Health and Standards) Act 2003(**3**).

(4) In this Order references to sections and Schedules are, unless otherwise stated, references to sections of, and Schedules to, the Act.

Amendments to Schedule 2 (excluded matters)

2. In Schedule 2—

(a) for paragraph 8 substitute—

"**8.** Action under—

(a) the National Health Service Act 1977,

(**1**) 2005 c. 10.
(**2**) 1977 c. 49.
(**3**) 2003 c. 43.

(b) Part 1 of the National Health Service and Community Care Act 1990,

(c) Part 1 of the Health Act 1999 (with the exception of sections 33 to 38), or

(d) Part 1 of the Health and Social Care (Community Health and Standards) Act 2003,

where the action is or has been the subject of an inquiry under the Inquiries Act 2005 ." , and

(b) omit paragraph 10.

Amendment to Schedule 3 (listed authorities)

3. In Schedule 3, after the entry relating to the Care Council for Wales insert—

"The Board of Community Health Councils in Wales"

in relation to all its functions.

Amendment of the definition of "family health service provider in Wales"

4. In section 41(1), in the definition of "family health service provider in Wales"—

(a) in paragraph (a) for "section 28Q "substitute "section 28K or 28Q",

(b) in paragraph (c) for "primary medical or dental services" substitute "primary medical services or primary dental services", and

(c) omit paragraph (d).

Saving provisions in relation to the definition of "family health service provider in Wales"

5. In relation to any complaint in respect of a matter which occurred before 1 April 2004—

(a) for paragraph (a) of the definition of "family health service provider in Wales" (as amended by article 4(a) of this Order) substitute—

"(a) individuals undertaking to provide in Wales general medical services or general dental services under Part 2 of the National Health Service Act 1977;" and

(b) for paragraph (c) of the definition of "family health service provider in Wales" (as amended by article 4(b) of this Order) substitute—

"(c) individuals performing in Wales personal medical services or personal dental services in accordance with arrangements made under section 28C of the National Health Service Act 1977 (except as employees of, or otherwise on behalf of, a health service body or an independent provider);".

Transitory provisions in relation to the definition of "family health service provider in Wales"

6.—(1) In circumstances other than those described in article 5 and until section 172(1) of the 2003 Act comes into force in relation to general dental services contracts—

(a) in paragraph (a) of the definition of "family health service provider in Wales" (as amended by article 4(a) of this Order) for "section 28K or 28Q" substitute "section 28Q",

(b) in paragraph (c) of the definition of "family health service provider in Wales" (as amended by article 4(b) of this Order) for "primary dental services" substitute "personal dental services", and