WELSH STATUTORY INSTRUMENTS

2006 No. 362 (W.48)

WELSH PUBLIC SERVICES OMBUDSMAN

The Public Services Ombudsman (Wales) Act 2005 (Transitional Provisions and Consequential Amendments) Order 2006

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

The National Assembly for Wales, in exercise of powers conferred on it by sections 43(1) and (2) and 44(1) of the Public Services Ombudsman (Wales) Act 2005(**1**) hereby makes the following Order:

Title, commencement, application and interpretation

1.—(1) The title of this Order is the Public Services Ombudsman (Wales) Act 2005 (Transitional Provisions and Consequential Amendments) Order 2006 and it shall come into force on 1 April 2006.

(2) This Order applies in relation to Wales.

(3) In this Order—

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

"co-opted member" ("*aelod cyfetholedig*") means, in relation to a relevant authority, a person who is not a member of the authority but who—

(a) is a member of any committee or sub-committee of the authority, or

(b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority,

and who is entitled to vote on any question which falls to be decided at any meeting of that committee or sub-committee; and

"relevant authority" ("*awdurdod perthnasol*") means a county council, a county borough council, a National Park authority established under section 63 of the Environment Act 1995(**2**) or a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004(**3**) or a scheme to which section 4 of that Act applies.

(**1**) 2005 c. 1
(**2**) 1995 c. 25.
(**3**) 2004 c. 21.

Revocation and amendment of subordinate legislation

2. The subordinate legislation referred to in Schedule 1 is revoked.

3. Schedule 2 contains amendments to subordinate legislation.

Transitional provisions

4.—(1) Paragraph (2) applies if—

(a) an allegation has been made to a Local Commissioner in Wales under section 69 of the Local Government Act 2000(**4**) before the date on which section 38 of the Act comes into force, and

(b) the allegation has not been determined by that Commissioner before that date.

(2) On and after the date on which section 38 of the Act comes into force, Part III of the Local Government Act 2000 and regulations and orders made thereunder continue to apply for the purposes of the allegation despite the provisions of the Act or this Order.

(3) Paragraph (4) applies if—

(a) an allegation could (but for the provisions of the Act) have been made to a Local Commissioner in Wales, and

(b) the allegation is an allegation that a member or co-opted member (or former member or co-opted member) of a relevant authority in Wales has failed or may have failed to comply with the authority's code of conduct before the date on which section 38 of the Act comes into force.

(4) On and after the date on which section 38 of the Act comes into force, Part III of the Local Government Act 2000(**5**) and regulations and orders made thereunder continue to apply for the purposes of enabling the allegation to be made, and for the purposes of the allegation if made, despite the provisions of the Act or this Order.

(5) Where paragraphs (2) and (4) apply, Part III of the Local Government Act 2000 and regulations and orders made thereunder have effect as if for references to the Local Commissioner in Wales there were substituted references to the Public Services Ombudsman for Wales.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**6**).

John Marek
The Deputy Presiding Officer of the National Assembly

14 February 2006

(**4**) 2000 c. 22.
(**5**) 2000 c. 22.
(**6**) 1998 c. 38.

SCHEDULE 1

Article 2

SUBORDINATE LEGISLATION REVOKED

The following subordinate legislation is revoked—

(a) The Government of Wales Act (Complaints of Maladministration) (Transitional and Saving Provisions) Order 1999(**7**);

(b) The Commission for Local Administration in Wales and Local Commissioner in Wales (Functions and Expenses) Regulations 2001(**8**); and

(c) The Regulatory Reform (Local Commissioner for Wales) Order 2004(**9**).

SCHEDULE 2

Article 3

SUBORDINATE LEGISLATION AMENDED

Official Secrets Act 1989 (Prescription) Order 1990

1. In the Official Secrets Act 1989 (Prescription) Order 1990(**10**), in Schedule 2 (Prescriptions), in the entry in the first column for "Officer of the Health Service Commissioner for England or Wales" omit the words "or Wales".

Child Support (Information, Evidence and Disclosure) Regulations 1992

2. In the Child Support (Information, Evidence and Disclosure) Regulations 1992(**11**), in Regulation 11 (Employment to which section 50 of the Act applies)—

(a) omit paragraph (d);

(b) omit "and" after paragraph (h);

(c) after paragraph (i), insert—

"; and

(j) the Public Services Ombudsman for Wales, a member of his or her staff, or another person acting on his or her behalf or assisting him or her in the discharge of any of his or her functions".

Public Services Contracts Regulations 1993

3. In the Public Services Contracts Regulations 1993(**12**), in Schedule 3 (GPA Annex I Contracting Authorities)—

(a) for the entry "Office of the Parliamentary Commissioner for Administration and Health Service Commissioners", substitute "Office of the Parliamentary Commissioner for Administration";

(b) after the entry referred to in paragraph (a) above insert, "Office of the Public Services Ombudsman for Wales";

(**7**) S.I.1999/1791.
(**8**) S.I 2001/2275 (W.165).
(**9**) S.I. 2004/2359.
(**10**) S.I. 1990/200, amended by S.I. 1999/1042 and S.I 2004/1823; there are other amending instruments but none is relevant.
(**11**) S.I.1992/1812, amended by S.I.2004/1823; there are other amending instruments but none is relevant.
(**12**) S.I. 1993/3228, amended by the Police (Northern Ireland) Act 2000 (c. 32), and by S.I. 2000/2009, S.I. 2001/1149, and S.S.I. 2003/242, there are other amendments but none is relevant.