

PUBLIC SERVICES OMBUDSMAN (WALES) BILL – STAGE 2 AMENDMENTS BY THE MEMBER IN CHARGE

This table provides information about the amendments tabled in the name of Llyr Gruffydd AM on 16 January 2019.

No.	AMENDMENT	GWELLIANT	PURPOSE AND EFFECT
1	<p>Page 1, line 9, leave out section 1 and insert—</p> <p>[] Overview</p> <p>(1) This Part of the Act is an overview of the main provisions of the Act.</p> <p>(2) Part 2 provides for the continuation of the role of the Ombudsman.</p> <p>(3) Part 3 makes provision for—</p> <p>(a) the Ombudsman to investigate listed authorities;</p> <p>(b) who can make and refer complaints to the Ombudsman;</p> <p>(c) the matters that may be investigated by the Ombudsman;</p> <p>(d) the procedures that apply to the Ombudsman’s investigations;</p> <p>(e) the Ombudsman’s powers to deal with obstruction and contempt;</p> <p>(f) the Ombudsman to prepare reports of investigations;</p> <p>(g) the Ombudsman to issue guidance to listed authorities about good administrative practice;</p> <p>(h) listed authorities to compensate persons aggrieved.</p> <p>(4) Part 4 makes provision for—</p>	<p>Tudalen 1, llinell 10, hepgorer adran 1 a mewnosoder—</p> <p>[] Trosolwg</p> <p>(1) Mae’r Rhan hon o’r Ddeddf yn drosolwg o brif ddarpariaethau’r Ddeddf.</p> <p>(2) Mae Rhan 2 yn darparu ar gyfer parhad rôl yr Ombwdsmon.</p> <p>(3) Mae Rhan 3 yn gwneud darpariaeth—</p> <p>(a) i’r Ombwdsmon ymchwilio i awdurdodau rhestredig;</p> <p>(b) o ran pwy sy’n cael gwneud cwynion i’r Ombwdsmon ac atgyfeirio cwynion ato;</p> <p>(c) o ran y materion y caiff yr Ombwdsmon ymchwilio iddynt;</p> <p>(d) o ran y gweithdrefnau sy’n gymwys i ymchwiliadau’r Ombwdsmon;</p> <p>(e) o ran pwerau’r Ombwdsmon i ymdrin â rhwystr a dirmyg;</p> <p>(f) i’r Ombwdsmon baratoi adroddiadau ar ymchwiliadau;</p> <p>(g) i’r Ombwdsmon ddyroddi canllawiau i awdurdodau rhestredig ynghylch arferion gweinyddu da;</p> <p>(h) i awdurdodau rhestredig ddigolledu personau a dramgwyddwyd.</p> <p>(4) Mae Rhan 4 yn gwneud darpariaeth—</p>	<p>The purpose of this amendment is to update and improve the overview section of the Bill.</p> <p>The effect of this amendment is that the overview section will be clearer and reflect better all the changes made to the Bill since introduction.</p>

	<p>(a) the Ombudsman to publish a statement of principles about the complaints-handling procedures of listed authorities, and the Assembly procedure that applies to the statement of principles;</p> <p>(b) the Ombudsman to publish model complaints-handling procedures for listed authorities;</p> <p>(c) requiring a listed authority to comply with a model complaints-handling procedure that applies to the listed authority;</p> <p>(d) the Ombudsman to declare that the complaints-handling procedure of a listed authority does not comply with the model complaints-handling procedure;</p> <p>(e) the Ombudsman to promote best practice in relation to complaints-handling.</p> <p>(5) Part 5 makes provision for—</p> <p>(a) the Ombudsman to investigate social care providers and palliative care providers;</p> <p>(b) who can make and refer complaints to the Ombudsman about social care and palliative care;</p> <p>(c) the social care and palliative care matters that may be investigated by the Ombudsman;</p> <p>(d) the procedures that apply to the Ombudsman’s investigations into social care and palliative care;</p> <p>(e) the Ombudsman to prepare reports of investigations into social care and palliative care.</p>	<p>(a) i’r Ombwdsmon gyhoeddi datganiad o egwyddorion ynghylch gweithdrefnau ymdrin â chwynion awdurdodau rhestredig, a’r weithdrefn Cynulliad sy’n gymwys i’r datganiad o egwyddorion;</p> <p>(b) i’r Ombwdsmon gyhoeddi gweithdrefn enghreifftiol ar gyfer ymdrin â chwynion ar gyfer awdurdodau rhestredig;</p> <p>(c) i’w gwneud yn ofynnol i awdurdod rhestredig gydymffurfio â gweithdrefn enghreifftiol ar gyfer ymdrin â chwynion sy’n gymwys i’r awdurdod rhestredig;</p> <p>(d) i’r Ombwdsmon ddatgan nad yw gweithdrefn ymdrin â chwynion awdurdod rhestredig yn cydymffurfio â’r weithdrefn enghreifftiol ar gyfer ymdrin â chwynion;</p> <p>(e) i’r Ombwdsmon hybu arferion gorau o ran y ffordd yr ymdrinnir â chwynion.</p> <p>(5) Mae Rhan 5 yn gwneud darpariaeth—</p> <p>(a) i’r Ombwdsmon ymchwilio i ddarparwyr gofal cymdeithasol a darparwyr gofal lliniarol;</p> <p>(b) o ran pwy sy’n cael gwneud cwynion i’r Ombwdsmon a’u hatgyfeirio ato ynghylch gofal cymdeithasol a gofal lliniarol;</p> <p>(c) o ran y materion gofal cymdeithasol a gofal lliniarol y caiff yr Ombwdsmon ymchwilio iddynt;</p> <p>(d) o ran y gweithdrefnau sy’n gymwys i ymchwiliadau’r Ombwdsmon i ofal cymdeithasol a gofal lliniarol;</p> <p>(e) i’r Ombwdsmon baratoi adroddiadau ar ymchwiliadau i ofal cymdeithasol a gofal lliniarol.</p>	
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	<p>(6) Part 6 makes supplementary provision for—</p> <p>(a) the Ombudsman to work with other ombudsmen and commissioners etc. in relation to investigations;</p> <p>(b) the disclosure and protection of information and publications in relation to investigations.</p> <p>(7) Part 7 makes miscellaneous provision, including a requirement for the Ombudsman to publish a Welsh language strategy and for the review of the operation of this Act by the Assembly.’.</p>	<p>(6) Mae Rhan 6 yn gwneud darpariaeth atodol—</p> <p>(a) i’r Ombwdsmon weithio gydag ombwdsbyn a chomisiynwyr eraill etc. mewn perthynas ag ymchwiliadau;</p> <p>(b) o ran datgelu a diogelu gwybodaeth a chyhoeddiadau mewn perthynas ag ymchwiliadau.</p> <p>(7) Mae Rhan 7 yn gwneud darpariaeth amrywiol, gan gynnwys ei gwneud yn ofynnol i’r Ombwdsmon gyhoeddi strategaeth ar gyfer y Gymraeg ac i’r Cynulliad adolygu gweithrediad y Ddeddf hon.’.</p>	
2	<p>Section 3, page 2, line 15, leave out ‘or referred’.</p>	<p>Adran 3, tudalen 2, llinell 15, hepgorer ‘neu wedi’i hatgyfeirio’n briodol at yr’ a mewnosoder ‘i’r’.</p>	<p>The purpose of this amendment is to remove reference to complaints that are referred to the Ombudsman, so that section 3(1)(a) refers only to complaints made to the Ombudsman. Section 3(1) as a whole needs to differentiate between references to: (a) complaints made to the Ombudsman, and (b) complaints referred to the Ombudsman, because other sections of the Bill (sections 3(5), 3(7) and 8(5)) need to cross-refer specifically to complaints made to the Ombudsman.</p> <p>The effect of this amendment is that other sections of the Bill will be able to cross-refer specifically to complaints made to the Ombudsman in section 3(1)(a). Although the reference to complaints referred to the Ombudsman is being removed by this</p>

			amendment, it is being included as a new section 3(1)(b) (see amendment 3).
3	Section 3, page 2, line 15, after 'Ombudsman,', insert— 'or () duly referred to the Ombudsman, '.	Adran 3, tudalen 2, llinell 16, ar ôl 'Ombwdsmon,', mewnosoder— 'neu () wedi'i hatgyfeirio'n briodol at yr Ombwdsmon, '.	This amendment is consequential upon amendment 2. Amendment 2 removes reference to complaints referred to the Ombudsman. This amendment inserts reference to complaints referred to the Ombudsman in new section 3(1)(b).
4	Section 3, page 2, line 17, leave out '14' and insert '[section to be inserted by Amendment 24]'. 	Adran 3, tudalen 2, llinell 18, hepgorer '14' a mewnosoder '[yr adran sy'n cael ei mewnosod gan Gwelliant 24]'. 	The purpose of this amendment is to reflect the fact that the matters the Ombudsman is entitled to investigate includes health-related services that are captured under the new section 16 (power to investigate other health-related services, see amendment 24). The effect of this amendment is that people will be able to make a complaint to the Ombudsman about other health-related services and the Ombudsman will be entitled to investigate those other-health related services.
5	Section 3, page 2, line 29, leave out '14' and insert '[section to be inserted by Amendment 24]'. 	Adran 3, tudalen 2, llinell 30, hepgorer '14' a mewnosoder '[yr adran sy'n cael ei mewnosod gan Gwelliant 24]'. 	The purpose and effect of this amendment are the same as the purpose and effect of amendment 4.
6	Section 3, page 2, line 32, after 'investigation', insert '(but see section 8([first paragraph to be inserted by Amendment 19]) for a restriction on the	Adran 3, tudalen 2, llinell 33, ar ôl 'ben', mewnosoder '(ond gweler adran 8([y paragraff cyntaf sy'n cael ei fewnosod gan Gwelliant 19]) am gyfyngiad ar y pŵer i gychwyn ymchwiliad o dan is-adran 1(a))'. 	The purpose of this amendment is to signpost section 8(5)(a) of the Bill, which sets out certain restrictions on the power to begin an investigation.

	power to begin an investigation under subsection 1(a))’.		The effect of this amendment is to signpost the important link that exists between section 3(5) and section 8(5)(a). Both of those sections refer to exercising the power to begin an investigation and therefore need to be read together.
7	Section 3, page 3, line 2, after ‘withdrawn’, insert ‘(but see section 8(<i>first paragraph to be inserted by Amendment 19</i>)) for a restriction on the power to begin an investigation under subsection 1(a))’.	Adran 3, tudalen 3, llinell 3, ar ôl ‘ôl’, mewnosoder ‘(ond gweler adran 8(<i>ly paragraff cyntaf sy’n cael ei fewnosod gan Gwelliant 19</i>)) am gyfyngiad ar y pŵer i gychwyn ymchwiliad o dan is-adran 1(a))’.	The purpose and effect of this amendment are the same as the purpose and effect of amendment 6.
8	Section 3, page 3, line 3, leave out subsection (8).	Adran 3, tudalen 3, llinell 4, hepgorer is-adran (8).	This amendment is consequential upon amendments 6 and 7. By including specific references to section 8(5)(a) in specific places, there is no need for the general reference to section 8(5).
9	Section 4, page 3, line 5, leave out ‘in respect of’.	Nid oes angen diwygio’r fersiwn Cymraeg. There is no need to amend the Welsh version.	The purpose of this amendment is to remove superfluous wording. The effect of this amendment is to improve the drafting of the Bill. There are no other effects.
10	Section 4, page 3, line 6, leave out ‘14’ and insert ‘[<i>section to be inserted by Amendment 24</i>]’.	Adran 4, tudalen 3, llinell 7, hepgorer ‘14’ a mewnosoder ‘[<i>yr adran sy’n cael ei mewnosod gan Gwelliant 24</i>]’.	The purpose and effect of this amendment are the same as the purpose and effect of amendment 4.
11	Section 4, page 3, line 8, leave out subsections (2) to (4) and insert—	Adran 4, tudalen 3, llinell 9, hepgorer is-adrannau (2) hyd at (4) a mewnosoder—	The purpose of this amendment is to set out on the face of the Bill certain requirements that must be satisfied before the Ombudsman

	<p>'(2) Before the Ombudsman begins an investigation under this section, the Ombudsman must—</p> <p>(a) have regard to the public interest in beginning an investigation,</p> <p>(b) have a reasonable suspicion—</p> <p>(i) that there is systemic maladministration, or</p> <p>(ii) in a case where the matter is one which may be investigated by virtue of section 15(2), that systemic injustice has been sustained as a result of the exercise of professional judgement,</p> <p>(c) consult such persons as the Ombudsman considers appropriate (but see section 64 for further duties around consultation), and</p> <p>(d) have regard to the criteria for own initiative investigations published under section 5.</p> <p>(3) Subject to subsection (2)—</p> <p>(a) it is for the Ombudsman to decide whether to begin, continue or discontinue an investigation under this section;</p> <p>(b) the Ombudsman may take any action the Ombudsman thinks may assist in making a decision under subsection (3)(a).'</p>	<p>'(2) Cyn i'r Ombwdsmon gychwyn ymchwiliad o dan yr adran hon, rhaid i'r Ombwdsmon—</p> <p>(a) rhoi sylw i fudd y cyhoedd wrth gychwyn ymchwiliad,</p> <p>(b) amau'n rhesymol—</p> <p>(i) bod camweinyddu systematig, neu</p> <p>(ii) mewn achos pan fo'r mater yn un y caniateir ymchwilio iddo yn rhinwedd adran 15(2), fod anghyfiawnder systematig wedi ei ddioddef o ganlyniad i arfer barn broffesiynol,</p> <p>(c) ymgynghori â'r cyfryw bersonau y mae'r Ombwdsmon o'r farn ei bod yn briodol ymgynghori â hwy (ond gweler adran 64 am ddyletswyddau pellach o ran ymgynghori), a</p> <p>(d) rhoi sylw i'r meini prawf ar gyfer ymchwiliadau ar ei liwt ei hun a gyhoeddir o dan adran 5.</p> <p>(3) Yn ddarostyngedig i is-adran (2)—</p> <p>(a) mater i'r Ombwdsmon yw penderfynu pa un ai i gychwyn ymchwiliad, i barhau ag ymchwiliad neu i roi'r gorau i ymchwiliad o dan yr adran hon;</p> <p>(b) caiff yr Ombwdsmon gymryd unrhyw gamau gweithredu a all, ym marn yr Ombwdsmon, helpu i wneud penderfyniad o dan is-adran (3)(a).'</p>	<p>can use the own initiative power to investigate a matter.</p> <p>The effect of the amendment is that, before the Ombudsman will be able to use the own initiative power to investigate, the Ombudsman must—</p> <p>(a) have regard to the public interest in beginning an investigation,</p> <p>(b) have reasonable suspicion that: (i) there is systemic maladministration, or (ii) in the case of a complaint about the merits of a decision taken in consequence of professional judgment relating to health or social care, systemic injustice has been sustained,</p> <p>(c) consult such persons as the Ombudsman considers appropriate (with a signpost to section 65 which sets out certain other consultation duties), and</p> <p>(d) have regard to the criteria for own initiative investigations published under section 5.</p>
12	<p>Section 5, page 3, line 15, leave out—</p> <p>'(1) Before the Ombudsman begins an investigation under section 4, the Ombudsman must be satisfied that beginning an investigation is in the public</p>	<p>Adran 5, tudalen 3, llinell 18, hepgorer—</p> <p>'(1) Cyn i'r Ombwdsmon gychwyn ymchwiliad o dan adran 4, rhaid i'r Ombwdsmon fod yn fodlon bod cychwyn ymchwiliad er budd y</p>	<p>The purpose of this amendment is to require the Ombudsman to publish criteria that will be used when the Ombudsman decides whether to begin an own initiative investigation, and for the Assembly and the Welsh Ministers to have certain roles in the process.</p>

	<p>interest and that one or more of the criteria in subsection (2) is met.</p> <p>(2) The criteria are—</p> <p>(a) any vulnerable or disadvantaged person (for example, a person who would have particular difficulty in making a complaint to the Ombudsman or a listed authority) is likely to sustain injustice or hardship in consequence of the matter that is being considered for investigation;</p> <p>(b) having regard to complaints received by the Ombudsman, the matter being considered for investigation is likely to amount to a systemic failure that may cause any person to sustain injustice or hardship.</p> <p>(3) The Welsh Ministers may by regulations amend the criteria in subsection (2) by adding criteria, removing criteria or changing the criteria.</p> <p>(4) Before making regulations under subsection (3), the Welsh Ministers must consult the Ombudsman and any other persons they think appropriate.</p> <p>(5) No regulations are to be made under subsection (3)</p> <p>and insert—</p> <p>‘() The Ombudsman must publish criteria to be used in determining whether to begin an investigation under section 4.</p> <p>() The Ombudsman must lay a draft of the first criteria before the Assembly.</p>	<p>cyhoedd a bod un neu ragor o’r meini prawf yn is-adran (2) wedi’u bodloni.</p> <p>(2) Y meini prawf yw—</p> <p>(a) bod unrhyw berson hyglwyf neu dan anfantais (er enghraifft, person a fyddai’n cael anhawster penodol i wneud cwyn i’r Ombwdsmon neu awdurdod rhestredig) yn debygol o ddiodef anghyfiawnder neu galedi o ganlyniad i’r mater yr ystyrir ymchwilio iddo;</p> <p>(b) gan roi sylw i gwynion a gafodd yr Ombwdsmon, fod y mater yr ystyrir ymchwilio iddo yn debygol o fod yn fethiant systemig a all achosi i unrhyw berson ddiodef anghyfiawnder neu galedi.</p> <p>(3) Caiff Gweinidogion Cymru, drwy reoliadau, ddiwygio’r meini prawf yn is-adran (2) drwy ychwanegu meini prawf, dileu meini prawf neu newid y meini prawf.</p> <p>(4) Cyn gwneud rheoliadau o dan is-adran (3), rhaid i Weinidogion Cymru ymgynghori â’r Ombwdsmon ac unrhyw bersonau eraill sy’n briodol, yn eu barn hwy.</p> <p>(5) Ni chaniateir gwneud rheoliadau o dan is-adran (3)’</p> <p>a mewnosoder—</p> <p>() Rhaid i’r Ombwdsmon gyhoeddi meini prawf i’w defnyddio i benderfynu pa un ai i gychwyn ymchwiliad o dan adran 4.</p> <p>() Rhaid i’r Ombwdsmon osod drafft o’r meini prawf cyntaf gerbron y Cynulliad.</p>	<p>The effect of this amendment is that the first criteria (and any subsequent material revisions to the criteria) will follow a negative resolution type of procedure in the Assembly. The Assembly will have a chance to resolve not to approve the criteria.</p> <p>The Welsh Ministers have a power to change the criteria, by regulations that must be approved by the Assembly.</p> <p>The amendment also includes duties to consult before criteria are laid before the Assembly or changed by the Welsh Ministers.</p>
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<p>() If, before the end of the 40 day period, the Assembly resolves not to approve the draft criteria, the Ombudsman must not publish the criteria in the form of the draft.</p> <p>() If no such resolution is made before the end of that period, the Ombudsman must publish the criteria in the form of the draft.</p> <p>() The 40 day period—</p> <p>(a) begins on the day on which the draft is laid before the Assembly, and</p> <p>(b) does not include any time during which the Assembly is dissolved or is in recess for more than four days.</p> <p>() Subsection (3) does not prevent new draft criteria from being laid before the Assembly.</p> <p>() Before laying the draft criteria before the Assembly, the Ombudsman must consult—</p> <p>(a) the Welsh Ministers,</p> <p>(b) the listed authorities in Schedule 3, and</p> <p>(c) such other persons as the Ombudsman thinks appropriate.</p> <p>() The Ombudsman must, in preparing the draft criteria to be laid before the Assembly, have regard to any representations made during the consultation mentioned in subsection (7).</p> <p>() The criteria come into force when they are published by the Ombudsman.</p> <p>() The Ombudsman may from time to time revise and re-publish the criteria.</p> <p>() Where the Ombudsman considers that any revision of the criteria under subsection</p>	<p>() Os yw'r Cynulliad yn penderfynu peidio â chymeradwyo'r meini prawf drafft cyn diwedd y cyfnod o 40 diwrnod, ni chaiff yr Ombwdsmon gyhoeddi'r meini prawf ar eu ffurf drafft.</p> <p>() Os na wneir y cyfryw benderfyniad cyn diwedd y cyfnod hwnnw, rhaid i'r Ombwdsmon gyhoeddi'r meini prawf ar eu ffurf drafft.</p> <p>() O ran y cyfnod o 40 diwrnod—</p> <p>(a) mae'n dechrau ar y diwrnod pryd y gosodir y drafft gerbron y Cynulliad, a</p> <p>(b) nid yw'n cynnwys unrhyw amser pryd y bydd y Cynulliad wedi ei ddiddymu neu ar doriad am fwy na phedwar diwrnod.</p> <p>() Nid yw is-adran (3) yn atal meini prawf drafft newydd rhag cael eu gosod gerbron y Cynulliad.</p> <p>() Cyn gosod y meini prawf drafft gerbron y Cynulliad, rhaid i'r Ombwdsmon ymgynghori â'r canlynol—</p> <p>(a) Gweinidogion Cymru,</p> <p>(b) yr awdurdodau rhestredig yn Atodlen 3, ac</p> <p>(c) y cyfryw bersonau eraill sy'n briodol ym marn yr Ombwdsmon.</p> <p>() Rhaid i'r Ombwdsmon, wrth baratoi'r meini prawf drafft i'w gosod gerbron y Cynulliad, roi sylw i unrhyw sylwadau a wnaed yn ystod yr ymgynghoriad a grybwyllir yn is-adran (7).</p> <p>() Daw'r meini prawf i rym pan gânt eu cyhoeddi gan yr Ombwdsmon.</p> <p>() O dro i dro, caiff yr Ombwdsmon adolygu ac ailgyhoeddi'r meini prawf.</p>	
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	<p>(10) is material, subsections (2) to (8) apply to the criteria as they do to the first criteria.</p> <p>() The Welsh Ministers may by regulations amend the criteria published by the Ombudsman under this section by adding criteria, removing criteria or changing the criteria.</p> <p>() Where the Welsh Ministers make regulations under subsection (12), the Ombudsman must publish the criteria, as amended by the regulations, on the day the regulations come into force.</p> <p>() Before making regulations under subsection (12), the Welsh Ministers must consult—</p> <p>(a) the Ombudsman,</p> <p>(b) the listed authorities in Schedule 3, and</p> <p>(c) such other persons as the Welsh Ministers think appropriate.</p> <p>() No regulations are to be made under subsection (12)'.</p>	<p>() Pan fo'r Ombwdsmon o'r farn bod unrhyw adolygiad o'r meini prawf o dan is-adran (10) yn berthnasol, mae is-adrannau (2) i (8) yn gymwys i'r meini prawf hynny fel y maent yn gymwys i'r meini prawf cyntaf.</p> <p>() Caiff Gweinidogion Cymru drwy reoliadau ddiwygio'r meini prawf a gyhoeddir gan yr Ombwdsmon o dan yr adran hon drwy ychwanegu meini prawf, dileu meini prawf neu newid y meini prawf.</p> <p>() Pan fo Gweinidogion Cymru yn gwneud rheoliadau o dan is-adran (12), rhaid i'r Ombwdsmon gyhoeddi'r meini prawf, fel y'u diwygiwyd gan y rheoliadau, ar y diwrnod y daw'r rheoliadau i rym.</p> <p>() Cyn gwneud rheoliadau o dan is-adran (12), rhaid i Weinidogion Cymru ymgynghori â'r canlynol—</p> <p>(a) yr Ombwdsmon,</p> <p>(b) yr awdurdodau rhestredig yn Atodlen 3 , ac</p> <p>(c) y cyfryw bersonau eraill sy'n briodol ym marn Gweinidogion Cymru.</p> <p>() Ni chaniateir gwneud rheoliadau o dan is-adran (12)'.</p>	
13	<p>Section 7, page 4, line 9, leave out '14' and insert '[section to be inserted by Amendment 24]'.</p>	<p>Adran 7, tudalen 4, llinell 10, hepgorer '14' a mewnosoder '[yr adran sy'n cael ei mewnosod gan Gwelliant 24]'.</p>	<p>The purpose and effect of this amendment are the same as the purpose and effect of amendment 4.</p>
14	<p>Section 7, page 4, line 10, leave out 'by the person aggrieved to act on his or her behalf;' and insert 'in writing by the person aggrieved to act on that person's behalf, or'.</p>	<p>Adran 7, tudalen 4, llinell 11, hepgorer 'gan y person a dramgwyddwyd i weithredu ar ei ran' a mewnosoder 'yn ysgrifenedig gan y person a</p>	<p>The purpose of this amendment is to clarify that the persons entitled to make a complaint to the Ombudsman include a person</p>

		dramgwyddwyd i weithredu ar ran y person hwnnw’.	<p>authorised in writing to do so by the person aggrieved.</p> <p>The effect of this amendment is that if the person aggrieved authorises, in writing, another person to act on their behalf, then that other person can complain to the Ombudsman on behalf of the person aggrieved.</p> <p>The amendment also removes reference to “his or her” to reflect current drafting style, the effect of which will be to improve the drafting style.</p>
15	Section 7, page 4, line 11, leave out ‘a person to act on his or her behalf’ and insert ‘such a person’.	Adran 7, tudalen 4, llinell 12, hepgorer ‘awdurdodi person i weithredu ar ei ran’ a mewnosoder ‘awdurdodi’r cyfryw berson’.	<p>The purpose of this amendment is to remove reference to “his or her” to reflect current drafting style.</p> <p>The effect of this amendment will be to improve the drafting style. There are no other effects.</p>
16	Section 8, page 4, line 23, after ‘matter’, insert ‘alleged in the complaint’.	Adran 8, tudalen 4, llinell 25, ar ôl ‘mater’, mewnosoder ‘a honnir yn y gŵyn’.	<p>The purpose of this amendment is to clarify that the reference to “matter” in section 8(1)(c) is a reference to the matter alleged in the complaint in question.</p> <p>The effect of this amendment will be to clarify what matter is being referred to in section 8(1)(c).</p>

17	Section 8, page 4, line 29, leave out 'aggrieved' and insert 'who made the complaint'.	Adran 8, tudalen 4, llinell 31, hepgorer 'dramgwyddwyd' a mewnosoder 'wnaeth y gŵyn'.	<p>The purpose of this amendment is to require the Ombudsman to explain to the person who made the complaint (who may or may not be the person aggrieved) about the implications of making an oral complaint.</p> <p>The effect of this amendment is to ensure that, for example, where a person has made a complaint on behalf of the person aggrieved, then the person who made the complaint will be provided with an explanation about what it means to make an oral complaint.</p>
18	Section 8, page 4, line 31, leave out 'aggrieved whether he or she' and insert 'whether the person'.	Adran 8, tudalen 4, llinell 33, hepgorer 'a dramgwyddwyd'.	The purpose and effect of this amendment are the same as the purpose and effect of amendment 17, but this amendment also removes reference to "he or she" to reflect current drafting style.
19	Section 8, page 4, line 34, leave out '3 to investigate the matter' and insert— '3(1)(a) to begin an investigation into the matter alleged in the complaint; (b) may use the power in section 4 to investigate the matter alleged in the complaint'.	Adran 8, tudalen 4, llinell 36, hepgorer '3 i ymchwilio i'r mater' a mewnosoder— '3(1)(a) i ddechrau ymchwiliad i'r mater a honnir yn y gŵyn; (b) caiff yr Ombwdsmon ddefnyddio'r pŵer yn adran 4 i ymchwilio i'r mater a honnir yn y gŵyn'.	<p>The purpose of this amendment is to clarify which investigation powers are available to the Ombudsman in the event that a person who makes an oral complaint says that he or she does not want the complaint to be treated as a formal complaint under the Bill.</p> <p>The effect of this amendment will be that, where a person who makes an oral complaint says that he or she does not want the complaint to be treated as a formal complaint, then the Ombudsman cannot use the section 3 power to begin an investigation into the oral complaint. However, if the Ombudsman has</p>

			<p>already begun an investigation into the oral complaint, then the Ombudsman will be able to continue the investigation.</p> <p>The Ombudsman will also be able to investigate the matter using the section 4 power to investigate on the Ombudsman's own initiative.</p>
20	Section 8, page 4, line 36, leave out 'he or she' and insert 'the person'.	Nid oes angen diwygio'r fersiwn Cymraeg. There is no need to amend the Welsh version.	<p>The purpose of this amendment is to remove reference to "he or she" to reflect current drafting style.</p> <p>The effect of this amendment will be to improve the drafting style. There are no other effects.</p>
21	Section 8, page 5, line 3, leave out subsections (8) to (10).	Adran 8, tudalen 5, llinell 3, hepgorer is-adrannau (8) hyd at (10).	<p>The purpose of this amendment is to remove references to recording complaints. The recording of complaints will be included as a new standalone section (see amendment 22).</p> <p>The effect of this amendment will be that section 8 will no longer set out the requirements for recording complaints.</p>
22	<p>Page 5, after line 20, insert a new section—</p> <p>[] Records of complaints</p> <p>The Ombudsman must maintain a register of every complaint made or referred to the Ombudsman in respect of a matter which</p>	<p>Tudalen 5, ar ôl llinell 21, mewnosoder adran newydd—</p> <p>[] Cofnodion o gwynion</p> <p>Rhaid i'r Ombwdsmon gadw cofrestr o bob cwyn a wnaed i'r Ombwdsmon neu a</p>	<p>The purpose of this amendment is to set out the records of complaints the Ombudsman must keep.</p> <p>The effect of this amendment will be that the Ombudsman will have to keep records of all complaints the Ombudsman receives,</p>

	the Ombudsman is entitled to investigate under this Part.’.	atgyfeiriwyd at yr Ombwdsmon mewn perthynas â mater y mae gan yr Ombwdsmon hawl i ymchwilio iddo o dan y Rhan hon.’.	provided the complaints relate to matters the Ombudsman is entitled to investigate.
23	<p>Section 10, page 5, line 24, leave out— ‘other than a private health services provider in connection with relevant action; (b) an alleged failure in a relevant service provided by a listed authority other than a private health services provider; (c) an alleged failure by a listed authority other than a private health services provider to provide a relevant service; (d) where subsection (2) applies, matters relating to private health services. (2) This subsection applies where in the Ombudsman’s opinion— (a) a person has received medical treatment by way of relevant action taken by a listed authority other than a private health services provider, (b) the person has also received private health services from a private health services provider, and (c) matters relating to the relevant action cannot be investigated effectively or completely without also investigating matters relating to the private health services. (3) Subsection (1) is subject to sections 11 to 14.’</p> <p>and insert—</p>	<p>Adran 10, tudalen 5, llinell 25, hepgorer— ‘heblaw darparwr gwasanaethau iechyd preifat mewn cysylltiad â champau gweithredu perthnasol; (b) methiant honedig mewn gwasanaeth perthnasol a ddarperir gan awdurdod rhestredig heblaw darparwr gwasanaethau iechyd preifat; (c) methiant honedig gan awdurdod rhestredig heblaw darparwr gwasanaethau iechyd preifat i ddarparu gwasanaeth perthnasol; (d) pan fo is-adran (2) yn gymwys, materion sy’n ymwneud â gwasanaethau iechyd preifat. (2) Mae’r is-adran hon yn gymwys pan fo’r Ombwdsmon o’r farn— (a) bod person wedi cael triniaeth feddygol yn sgil camau gweithredu perthnasol a gymerwyd gan awdurdod rhestredig heblaw darparwr gwasanaethau iechyd preifat, (b) bod y person hefyd wedi cael gwasanaethau iechyd preifat gan ddarparwr gwasanaethau iechyd preifat, ac (c) na ellir ymchwilio’n effeithiol nac yn gyflawn i faterion sy’n ymwneud â’r camau gweithredu perthnasol heb hefyd ymchwilio i faterion sy’n ymwneud â’r gwasanaethau iechyd preifat. (3) Mae is-adran (1) yn ddarostyngedig i adrannau 11 i 14.’</p>	<p>The purpose of this amendment is to remove from section 10 the power to investigate certain aspects of private healthcare. The provisions being deleted will be replaced with new provisions in new section 16 (see amendment 24).</p> <p>The effect of this amendment will be that section 10 will not give the Ombudsman any new powers to investigate.</p>

	<p>‘in connection with relevant action; (b) an alleged failure in a relevant service provided by a listed authority; (c) an alleged failure by a listed authority to provide a relevant service. () The matters may relate to action taken before or after this Act receives Royal Assent. () Subsection (1) is subject to sections 12 to 15.’.</p>	<p>a mewnosoder— ‘mewn cysylltiad â chamau gweithredu perthnasol; (b) methiant honedig mewn gwasanaeth perthnasol a ddarperir gan awdurdod rhestredig; (c) methiant honedig gan awdurdod rhestredig i ddarparu gwasanaeth perthnasol. () Caiff y materion ymwneud â chamau gweithredu a gymerwyd cyn i’r Ddeddf hon gael y Cydsyniad Brenhinol neu wedi hynny. () Mae is-adran (1) yn ddarostyngedig i adrannau 12 i 15.’.</p>	
24	<p>Page 8, after line 17, insert a new section—</p> <p><i>‘Ancillary investigations</i></p> <p>[] Power to investigate other health-related services</p> <p>(1) This section applies where— (a) the Ombudsman has power under this Part to investigate— (i) alleged maladministration by a relevant listed authority in connection with relevant action taken by the authority in relation to a person, (ii) an alleged failure in a relevant service provided to a person by a relevant listed authority, or</p>	<p>Tudalen 8, ar ôl llinell 17, mewnosoder adran newydd—</p> <p><i>‘Ymchwiliadau ategol</i></p> <p>[] Pŵer i ymchwilio i wasanaethau eraill sy’n gysylltiedig ag iechyd</p> <p>(1) Mae’r adran hon yn gymwys fel a ganlyn— (a) pan fo gan yr Ombudsmon bŵer o dan y Rhan hon i ymchwilio— (i) i gamweinyddu honedig gan awdurdod rhestredig perthnasol mewn cysylltiad â chamau gweithredu perthnasol a gymerwyd gan yr awdurdod mewn perthynas â pherson,</p>	<p>The purpose of this amendment is to give the Ombudsman new powers to investigate certain health-related services (thereby replacing the provisions deleted by amendment 23).</p> <p>The effect of this amendment will be to give the Ombudsman power to investigate a “health-related service” in certain circumstances. “Health related services” are defined in subsection (4) and include: (a) medical, dental, ophthalmic, nursing, midwifery and pharmaceutical services, and (b) any other service provided in connection with a person’s physical or mental health, but do not include special procedures licensed under Part 4 of the Public Health (Wales) Act</p>

<p>(iii) an alleged failure by a relevant listed authority to provide a relevant service to a person, and</p> <p>(b) a health-related service which is not a relevant service has also been provided to the person.</p> <p>(2) If the Ombudsman considers that the alleged maladministration or failure cannot be investigated effectively or completely without also investigating the health-related service mentioned in subsection (1)(b), the Ombudsman may investigate that service as part of the investigation in respect of the relevant listed authority.</p> <p>(3) If the Ombudsman does so, any reference to a listed authority in section 15, 16, 20(2)(b) or (7)(a), 27(9)(b)(ii) or 28(4)(a) includes, in addition, a reference to the person who provided the health-related service mentioned in subsection (1)(b).</p> <p>(4) In this section—</p> <p>“health-related service” (“<i>gwasanaeth sy’n gysylltiedig ag iechyd</i>”) includes—</p> <p>(a) any medical, dental, ophthalmic, nursing, midwifery or pharmaceutical service, and</p> <p>(b) any other service which is provided in connection with a person’s physical or mental health, other than a special procedure performed under the authority of a special procedure licence (within the meaning of Part 4 of the Public Health (Wales) Act 2017 (anaw 2);</p>	<p>(ii) i fethiant honedig mewn gwasanaeth perthnasol a ddarperir i berson gan awdurdod rhestredig perthnasol, neu</p> <p>(iii) i fethiant honedig gan awdurdod rhestredig perthnasol i ddarparu gwasanaeth perthnasol i berson, a</p> <p>(b) pan fo gwasanaeth sy’n gysylltiedig ag iechyd nad yw’n wasanaeth perthnasol hefyd wedi’i ddarparu i’r person.</p> <p>(2) Os yw’r Ombwdsmon o’r farn na ellir ymchwilio’n effeithiol nac yn gyflawn i’r camweinyddu honedig neu’r methiant honedig heb hefyd ymchwilio i’r gwasanaeth sy’n gysylltiedig ag iechyd a grybwyllir yn is-adran (1)(b), caiff yr Ombwdsmon ymchwilio i’r gwasanaeth hwnnw fel rhan o’r ymchwiliad mewn perthynas â’r awdurdod rhestredig perthnasol.</p> <p>(3) Os gwnaiff yr Ombwdsmon hynny, mae unrhyw gyfeiriad at awdurdod rhestredig yn adran 15, 186, 20(2)(b) neu (7)(a), 27(5)(b)(ii) neu (9)(a), 28(9)(b)(ii) neu 28(4)(a) yn cynnwys hefyd gyfeiriad at y person a ddarparodd y gwasanaeth sy’n gysylltiedig ag iechyd a grybwyllir yn is-adran (1)(b).</p> <p>(4) Yn yr adran hon—</p> <p>ystyr “awdurdod rhestredig perthnasol” (“<i>relevant listed authority</i>”) yw—</p> <p>(a) Bwrdd Cynghorau Iechyd Cymuned yng Nghymru;</p> <p>(b) Bwrdd Iechyd Lleol;</p> <p>(c) Ymddiriedolaeth GIG sy’n rheoli ysbyty neu sefydliad neu gyfleuster arall yng Nghymru;</p>	<p>2017, i.e. acupuncture, body piercing, electrolysis and tattooing.</p> <p>For example, if a Local Health Board has failed in the provision of an NHS service to a person, and the person has also received private medical treatment (excluding medical treatment provided by an “independent provider” as defined in section 76(1)), then, if the Local Health Board failure cannot be investigated effectively or completely without also investigating the health-related service, the Ombudsman can investigate the health-related service as part of the investigation of the Local Health Board.</p>
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	<p>“relevant action” (“<i>camau gweithredu perthnasol</i>”) has the meaning given in section 11(4);</p> <p>“relevant listed authority” (“<i>awdurdod rhestredig perthnasol</i>”) means—</p> <p>(a) the Board of Community Health Councils in Wales;</p> <p>(b) a Local Health Board;</p> <p>(c) an NHS Trust managing a hospital or other establishment or facility in Wales;</p> <p>(d) a Special Health Authority not discharging functions only or mainly in England;</p> <p>(e) a Community Health Council;</p> <p>(f) an independent provider in Wales;</p> <p>(g) a family health service provider in Wales;</p> <p>(h) a person with functions conferred by regulations made under section 113(2) of the Health and Social Care (Community Health Standards) Act 2003 (c.43);</p> <p>(i) the Welsh Health Specialised Services Committee;</p> <p>“relevant service” (“<i>gwasanaeth perthnasol</i>”) has the meaning in section 11(5).</p> <p>(5) This section does not affect the Ombudsman’s power under section 19.’.</p>	<p>(d) Awdurdod Iechyd Arbennig nad yw’n cyflawni swyddogaethau yn Lloegr yn unig neu’n bennaf;</p> <p>(e) Cyngor Iechyd Cymuned;</p> <p>(f) darparwr annibynnol yng Nghymru;</p> <p>(g) darparwr gwasanaeth iechyd teulu yng Nghymru;</p> <p>(h) person â swyddogaethau a roddir gan reoliadau a wneir o dan adran 113(2) o Ddeddf Iechyd a Gofal Cymdeithasol (Iechyd Cymunedol a Safonau) 2003 (p.43);</p> <p>(i) Pwyllgor Gwasanaethau Iechyd Arbenigol Cymru;</p> <p>mae i “camau gweithredu perthnasol” (“<i>relevant action</i>”) yr ystyr a roddir yn adran 11(4);</p> <p>mae i “gwasanaeth perthnasol” (“<i>relevant service</i>”) yr ystyr a roddir yn adran 11(5);</p> <p>mae “gwasanaeth sy’n gysylltiedig ag iechyd” (“<i>health-related service</i>”) yn cynnwys—</p> <p>(a) unrhyw wasanaeth meddygol, deintyddol, offthalmig, nyrsio, bydwreigiaeth neu fferyllol, a</p> <p>(b) unrhyw wasanaeth arall a ddarperir mewn cysylltiad ag iechyd corfforol neu feddyliol person,</p> <p>heblaw triniaeth arbennig a gyflawnir o dan awdurdod trwydded triniaeth arbennig (o fewn ystyr Rhan 4 o Ddeddf Iechyd y Cyhoedd (Cymru) 2017 (dccc2);</p> <p>(5) Nid yw’r adran hon yn effeithio ar bŵer yr Ombwdsmon o dan adran 19.’.</p>	
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25	Section 15, page 8, line 20, leave out 'decides under section 3(5) or section 4(3)'.	Adran 15, tudalen 8, llinell 20, hepgorer 'yn penderfynu o dan adran 3(5) neu adran 4(3)'.	<p>The purpose of this amendment (read with amendment 26) is to improve the clarity and drafting of this section of the Bill.</p> <p>The effect of this amendment (read with amendment 26) will be to improve the clarity and structure of this section of the Bill. The amendment does not change the policy set out in the Bill as introduced.</p>
26	Section 15, page 8, line 21, leave out 'not to begin an investigation' and insert 'decides not to begin an investigation, or to discontinue an investigation, into a matter under section 3(5)'.	Adran 15, tudalen 8, llinell 21, hepgorer 'i beidio â chychwyn ymchwiliad' a mewnosoder 'yn penderfynu peidio â chychwyn ymchwiliad neu roi'r gorau i ymchwiliad, i fater o dan adran 3(5)'.	<p>The purpose of this amendment (read with amendment 25) is to improve the clarity and drafting of the Bill.</p> <p>The effect of this amendment (read with amendment 25) will be to improve the clarity and structure of this section of the Bill. The amendment does not change the policy set out in the Bill as introduced.</p>
27	Section 15, page 8, line 22, leave out 'to discontinue an investigation' and insert 'where the Ombudsman has consulted a person under section [<i>third paragraph of first subsection to be inserted by Amendment 11</i>], decides not to begin an investigation, or to discontinue an investigation, into a matter under section [<i>first paragraph of second subsection to be inserted by Amendment 11</i>]'.	Adran 15, tudalen 8, llinell 22, hepgorer 'i ddod ag ymchwiliad i ben' a mewnosoder 'pan fo'r Omdwdsmon wedi ymgynghori â pherson o dan adran [<i>trydydd paragraff yr is-adran gyntaf sy'n cael ei mewnosod gan Gwelliant 11</i>], yn penderfynu peidio â chychwyn ymchwiliad, neu roi'r gorau i ymchwiliad, i fater o dan adran [<i>paragraff cyntaf yr ail is-adran sy'n cael ei mewnosod gan Gwelliant 11</i>]'.	<p>The purpose of this amendment is to require the Ombudsman to give reasons for not beginning an own initiative investigation, or discontinuing an own initiative investigation, where the Ombudsman has already consulted a person under section 4 (section 4 places a duty on the Ombudsman to consult before carrying out an own initiative investigation).</p> <p>The effect of this amendment will be that when the Ombudsman has consulted a person under section 4, then any decision not to begin an own initiative investigation, or to</p>

			<p>discontinue an own initiative investigation, will require the Ombudsman to prepare a statement of reasons for that decision.</p> <p>However, if the Ombudsman has not yet consulted a person under section 4 and decides not to begin an own initiative investigation, then the duty to prepare a statement of reasons will not apply.</p>
28	Section 15, page 8, line 25, leave out 'the person aggrieved (if any)' and insert 'any person who made a complaint to the Ombudsman in respect of the matter'.	Adran 15, tudalen 8, llinell 25, hepgorer 'y person a dramgwyddwyd (os oes un)' a mewnosoder 'unrhyw berson a wnaeth gŵyn i'r Ombwdsmon mewn perthynas â'r mater'.	<p>The purpose of this amendment is to require the Ombudsman to send a copy of the statement (i.e. the statement of the reasons for the decision not to investigate or to discontinue an investigation) to any person who made a complaint to the Ombudsman, whether that person is the person aggrieved or any other person entitled to make a complaint under section 7.</p> <p>The effect of this amendment will be that the appropriate person (i.e. the person who made the complaint) will get a copy of the statement.</p>
29	Section 16, page 9, line 15, after 'authority', insert 'to which the investigation relates'.	Adran 16, tudalen 9, llinell 16, ar ôl 'rhestredig', mewnosoder 'y mae'r ymchwiliad yn ymwneud ag ef'.	<p>The purpose of this amendment is to clarify the meaning of the reference to listed authority in subsection (1)(a).</p> <p>The effect of this amendment will be to clarify that the reference to listed authority in subsection (1)(a) is a reference to the listed authority being investigated.</p>

30	<p>Section 16, page 9, line 22, after ‘investigated’, insert—</p> <p>‘, and (ii) any person, other than the listed authority, who is identified in the investigation proposal in a negative way’.</p>	<p>Adran 16, tudalen 9, llinell 24, ar ôl ‘iddo’, mewnosoder—</p> <p>‘, a (ii) i unrhyw berson, heblaw’r awdurdod rhestredig, y’i hadwaenir mewn modd negyddol yn y cynnig ymchwilio’.</p>	<p>The purpose of this amendment is to require the Ombudsman to give a copy of an investigation proposal to any person (other than the listed authority being investigated) who is identified in the investigation proposal in a negative way.</p> <p>The effect of this amendment will be that a person identified in an investigation proposal in a negative way will have a copy of the investigation proposal (so that they can comment on the investigation proposal).</p>
31	<p>Section 16, page 9, line 24, leave out ‘has prepared an investigation proposal in respect of an investigation under section’.</p>	<p>Adran 16, tudalen 9, llinell 26, hepgorer ‘wedi paratoi cynnig ymchwiliad sy’n ymwneud ag ymchwiliad o dan adran’.</p>	<p>The purpose of this amendment (read with amendment 32) is to clarify the circumstances when the Ombudsman does not have to prepare an investigation proposal.</p> <p>The effect of this amendment (read with amendment 32) is that if the Ombudsman has begun an investigation under section 3 or section 4 (“the original investigation”) and has begun another investigation under section 4 (“the related investigation”), then the Ombudsman does not have to prepare an investigation proposal in respect of the related investigation.</p>
32	<p>Section 16, page 9, line 27, leave out ‘is conducting another investigation’ and insert ‘has begun another investigation into a matter’.</p>	<p>Adran 16, tudalen 9, llinell 29, hepgorer ‘yn cynnal ymchwiliad arall’ a mewnosoder ‘wedi cychwyn ymchwiliad arall i fater’.</p>	<p>The purpose of this amendment (read with amendment 31) is to clarify the circumstances when the Ombudsman does not have to prepare an investigation proposal.</p>

			<p>The effect of this amendment (read with amendment 31) is that if the Ombudsman has begun an investigation under section 3 or section 4 (“the original investigation”) and has begun another investigation under section 4 (“the related investigation”), then the Ombudsman does not have to prepare an investigation proposal in respect of the related investigation.</p>
33	<p>Section 16, page 9, after line 32, insert—</p> <p>‘() Where the Ombudsman prepares an investigation proposal in relation to a matter, the Ombudsman must—</p> <p>(a) give the listed authority being investigated an opportunity to comment on the investigation proposal;</p> <p>(b) give any person, other than the listed authority, who is identified in the investigation proposal in a negative way, an opportunity to comment on the investigation proposal (as far as the investigation proposal relates to that person).</p> <p>() Where the Ombudsman has begun a related investigation into a matter and no investigation proposal is prepared by virtue of subsection (3), the Ombudsman must—</p> <p>(a) give the listed authority an opportunity to comment on the related investigation;</p> <p>(b) give any person, other than the listed authority, who is identified by the</p>	<p>Adran 16, tudalen 9, ar ôl llinell 34, mewnosoder—</p> <p>‘() Pan fo’r Ombwdsmon yn paratoi cynnig ymchwilio mewn cysylltiad â mater, rhaid i’r Ombwdsmon—</p> <p>(a) rhoi cyfle i’r awdurdod rhestredig yr ymchwilir iddo wneud sylwadau ar y cynnig ymchwilio;</p> <p>(b) rhoi cyfle i unrhyw berson, heblaw’r awdurdod rhestredig, y’i hadwaenir mewn modd negyddol yn y cynnig ymchwilio, wneud sylwadau ar y cynnig ymchwilio (i’r graddau y mae’r cynnig ymchwilio yn ymwneud â’r person hwnnw).</p> <p>() Pan fo’r Ombwdsmon wedi cychwyn ymchwiliad cysylltiedig i fater a phan nad oes cynnig ymchwilio wedi’i baratoi yn rhinwedd is-adran (3), rhaid i’r Ombwdsmon—</p> <p>(a) rhoi cyfle i’r awdurdod rhestredig wneud sylwadau ar yr ymchwiliad cysylltiedig;</p> <p>(b) rhoi cyfle i unrhyw berson, heblaw’r awdurdod rhestredig, y’i hadwaenir gan yr</p>	<p>The purpose of this amendment is to clarify the procedure that applies to investigations, in particular when the Ombudsman must give listed authorities and persons identified in a negative way an opportunity to comment on the investigation.</p> <p>The effect of this amendment will be to clarify the investigation procedure so that listed authorities and other persons can comment on investigations that refer to them.</p> <p>The words inserted by this amendment replace the words deleted by amendment 35.</p>

	Ombudsman in relation to the related investigation in a negative way, an opportunity to comment on the related investigation (as far as the related investigation relates to that person). ‘.	Ombwdsmon mewn modd negyddol mewn perthynas â'r ymchwiliad cysylltiedig, i wneud sylwadau ynghylch yr ymchwiliad cysylltiedig (i'r graddau y mae'r cynnig ymchwilio yn ymwneud â'r person hwnnw).’.	
34	Section 16, page 9, line 33, leave out— ‘include— (a) the reasons for the investigation, and (b) how the criteria specified in’ and insert— ‘set out— () the reasons for the investigation, and () how the criteria published under’.	Adran 16, tudalen 9, llinell 35, hepgorer— ‘gynnwys— (a) y rhesymau am yr ymchwiliad, a (b) y modd y bodlonwyd y meini prawf a bennir yn’ a mewnosoder— ‘nodi— () y rhesymau dros yr ymchwiliad, a () y modd y bodlonwyd y meini prawf a gyhoeddwyd o dan’.	The purpose of this amendment is to reflect the changes made by amendment 12. The effect of this amendment will be to require an investigation proposal to set out how the criteria published under section 5 have been met (as well as the reasons for the investigation).
35	Section 16, page 9, line 36, leave out subsections (6) to (7).	Adran 16, tudalen 9, llinell 38, hepgorer is-adrannau (6) hyd at (7).	The purpose of this amendment is to delete some aspects of the investigation procedure set out in this section. The effect of this amendment is that certain aspects of the investigation procedure will be deleted. They will be replaced by the words inserted by amendment 33).
36	Section 16, page 10, line 17, after ‘investigation’, insert ‘under section 3 or 4’.	Adran 16, tudalen 10, llinell 16, ar ôl ‘ymchwiliad’, mewnosoder ‘o dan adran 3 neu 4’.	The purpose of this amendment is to clarify that the procedure for conducting an investigation under both section 3 and section 4 is left to the Ombudsman (subject to what

			<p>the Bill requires in respect of such procedures).</p> <p>The effect of this amendment will be to clarify that the Ombudsman can (subject to what the Bill says) determine the procedure that applies to own initiative investigations under section 4 as well as investigations under section 3.</p>
37	Section 16, page 10, line 27, leave out 'the person aggrieved (if any) and to any other' and insert 'any'.	Adran 16, tudalen 10, llinell 25, hepgorer 'i'r person a dramgwyddwyd (os oes un) ac'.	<p>The purpose of this amendment is to simplify the drafting of this section of the Bill.</p> <p>There is no change in the effect of this section.</p>
38	Section 16, page 10, after line 33, insert— '() The Ombudsman must publish the procedure that the Ombudsman will follow when conducting an investigation under section 3 or 4.'	Adran 16, tudalen 10, ar ôl llinell 31, mewnosoder— '() Rhaid i'r Ombwdsmon gyhoeddi'r weithdrefn y bydd yr Ombwdsmon yn ei dilyn wrth gynnal ymchwiliad o dan adran 3 neu 4.'	<p>The purpose of this amendment is to require the Ombudsman to publish the investigation procedure that applies to investigations under section 3 and own initiative investigations under section 4.</p> <p>The effect of this amendment will be that the public will be able to see the investigation procedures the Ombudsman must follow when carrying out investigations.</p>
39	Section 20, page 13, leave out line 9 and insert— '() if the investigation relates to a complaint, the person who made the complaint;'	Adran 20, tudalen 13, hepgorer llinell 9 a mewnosoder— '() os yw'r ymchwiliad yn ymwneud â chwyn, y person a wnaeth y gwyn;'	<p>The purpose of this amendment is to require the person who made the complaint to receive a copy of an investigation report (where the investigation relates to a complaint, i.e. an investigation under section 3).</p> <p>The effect of this amendment is that any person who made a complaint (and not just the person aggrieved) will receive a copy of an</p>

			investigation report which relates to the complaint made by that person.
40	Section 23, page 16, line 11, after 'sustained', insert ', or is likely to sustain,'.	Adran 23, tudalen 16, llinell 14, ar ôl 'galedi', mewnosoder ', neu'n debygol o ddiodeff anghyfiawnder neu galedi,'.	<p>The purpose of this amendment is to reflect the fact that the Ombudsman may conclude that a person is likely to sustain injustice or hardship (and not just that a person has sustained injustice or hardship). This reflects the fact that the Ombudsman may use the own initiative investigation power where the Ombudsman foresees that a person is likely to sustain injustice or hardship.</p> <p>The effect of this amendment is that a listed authority must consider a report in which the Ombudsman concludes that a person is likely to sustain injustice or hardship.</p>
41	Page 16, line 22, leave out section 24.	Tudalen 16, llinell 26, hepgorer adran 24.	<p>The purpose of this amendment is to remove the requirement for listed authorities to take certain action following a report of the Ombudsman (i.e. having regard to Ombudsman reports before entering into contracts with private health providers).</p> <p>The effect of this amendment is that that duty to have regard will not apply to listed authorities.</p>
42	Page 16, line 28, leave out section 25.	Tudalen 16, llinell 34, hepgorer adran 25.	The purpose of this amendment is to delete the section that gives the Ombudsman power to refer a listed authority to the High Court (where the listed authority has wilfully

			<p>disregarded an Ombudsman report without lawful excuse).</p> <p>The effect of this amendment is that a redundant section of the Bill is removed (the section was taken from the 2005 Act, where it had never been brought into force because the section does not work).</p>
43	Section 26, page 17, line 3, after 'sustained', insert ', or is likely to sustain,'.	Adran 26, tudalen 17, llinell 4, ar ôl 'galedi', mewnosoder ', neu'n debygol o ddiodeff anghyfiawnder neu galedi,'.	<p>The purpose of this amendment is to reflect the fact that the Ombudsman may conclude that a person is likely to sustain injustice or hardship (and not just that a person has sustained injustice or hardship). This reflects the fact that the Ombudsman may use the own initiative investigation power where the Ombudsman foresees that a person is likely to sustain injustice or hardship.</p> <p>The effect of this amendment is to reflect the fact that the Ombudsman may, after an own initiative investigation under section 4, conclude that a person is likely to sustain injustice or hardship.</p>
44	Section 26, page 17, line 8, after 'sustained', insert ', or is likely to sustain,'.	Adran 26, tudalen 17, llinell 9, ar ôl 'galedi', mewnosoder ', neu'n debygol o ddiodeff anghyfiawnder neu galedi,'.	The purpose and effect of this amendment are the same as the purpose and effect of amendment 43.
45	Section 26, page 17, line 10, after 'authority', insert 'to which the investigation relates'.	Adran 26, tudalen 17, llinell 10, ar ôl 'rhestredig', mewnosoder 'y mae'r ymchwiliad yn ymwneud ag ef'.	The purpose and effect of this amendment are the same as the purpose and effect of amendment 29.

46	Section 26, page 17, line 15, leave out— ' the listed authority and the person aggrieved (if any)' and insert— 'and the listed authority and, if the investigation relates to a complaint, the person who made the complaint'.	Adran 26, tudalen 17, llinell 15, hepgorer— ' , yr awdurdod rhestredig a'r person a dramgwyddwyd (os oes un)' a mewnosoder— 'a'r awdurdod rhestredig ac, os yw'r ymchwiliad yn ymwneud â chwyn, y person a wnaeth y gwyn'.	The purpose of this amendment is to define "permitted period" to include a period that may be agreed between Ombudsman and the listed authority and any person who made a complaint. The effect of this amendment will be that any person who made the complaint may be involved in agreeing the permitted period (as opposed to just any person aggrieved who made the complaint).
47	Section 26, page 17, leave out line 24 and insert— '() if the investigation relates to a complaint, the person who made the complaint;'.	Adran 26, tudalen 17, hepgorer llinell 24 a mewnosoder— '() os yw'r ymchwiliad yn ymwneud â chwyn, y person a wnaeth y gwyn;'.	The purpose and effect of this amendment are the same as the purpose and effect of amendment 39 (only in respect of reports under the alternative procedure).
48	Section 27, page 18, line 15, after 'sustained', insert ', or is likely to sustain,'.	Adran 27, tudalen 18, llinell 16, ar ôl 'galedi', mewnosoder ', neu'n debygol o ddioddef anghyfiawnder eu galedi,'.	The purpose and effect of this amendment are the same as the purpose and effect of amendment 43.
49	Section 27, page 19, line 1, leave out 'in respect of'.	Nid oes angen diwygio'r fersiwn Cymraeg. There is no need to amend the Welsh version.	The purpose and effect of this amendment are the same as the purpose and effect of amendment 9.
50	Section 27, page 19, line 4, after 'sustained', insert ', or is likely to sustain,'.	Adran 27, tudalen 19, llinell 4, ar ôl 'galedi', mewnosoder ', neu'n debygol o ddioddef anghyfiawnder neu galedi,'.	The purpose and effect of this amendment are the same as the purpose and effect of amendment 43.
51	Section 27, page 19, line 16, after 'remedy', insert 'or prevent'.	Adran 27, tudalen 19, llinell 16, hepgorer 'unioni'r' a mewnosoder 'unioni neu i atal yr'.	The purpose of this amendment is to reflect the fact that the Ombudsman may conclude

			<p>that a person is likely to sustain injustice or hardship (and not just that a person has sustained injustice or hardship). This reflects the fact that the Ombudsman may use the own initiative investigation power where the Ombudsman foresees that a person is likely to sustain injustice or hardship.</p> <p>The effect of this amendment is that the Ombudsman will be able to include in a special report recommendations to prevent any person identified in an own initiative investigation (i.e. a person identified as likely to suffer injustice or hardship) from suffering injustice or hardship in future (and not just recommendations to remedy the injustice or hardship already suffered by a person who made a complaint).</p>
52	Section 27, page 19, line 17, after 'caused', insert 'to any person'.	Adran 27, tudalen 19, llinell 17, ar ôl 'achosi', mewnosoder 'i unrhyw berson'.	<p>The purpose of this amendment is to clarify that a special report can recommend that action be taken to prevent similar injustice or hardship being caused to any person in the future.</p> <p>The effect of this amendment will be to clarify that special reports can include recommendations to prevent similar injustice or hardship being caused to any person in the future.</p>

53	Section 27, page 19, line 22, leave out 'aggrieved (if any) and' and insert— '() who made the complaint, if the investigation relates to a complaint; to'.	Adran 27, tudalen 19, llinell 21, hepgorer 'a dramgwyddwyd (os oes un) a'r' a mewnosoder— '() a wnaeth y gŵyn, os yw'r ymchwiliad yn ymwneud â chŵyn; at y'.	The purpose and effect of this amendment are the same as the purpose and effect of amendment 39 (only in respect of special reports).
54	Section 28, page 20, line 13, leave out subsection (7).	Adran 28, tudalen 20, llinell 14, hepgorer is-adran (7).	The purpose and effect of this amendment are the same as the purpose and effect of amendment 41 (only in respect of special reports).
55	Section 31, page 21, line 9, leave out— '(a) the person has functions dischargeable in relation to Wales or a part of Wales (whether or not the functions are also dischargeable otherwise than in relation to Wales), (b) all or some of the person's functions are in a field in which the Welsh Ministers have, or the First Minister or the Counsel General to the Welsh Government has, functions, and (c) the person falls within subsection (3), (4) or (5). (3) A person falls within this subsection if— (a) it is a body established by or under an enactment or by virtue of Her Majesty's prerogative or in any other way by a Minister of the Crown, a government department, the Welsh Ministers, the First Minister for Wales, the Counsel General to	Adran 31, tudalen 21, llinell 9, hepgorer— '(a) os oes gan y person swyddogaethau i'w cyflawni o ran Cymru neu ran o Gymru (pa un a yw'r swyddogaethau hynny hefyd i'w cyflawni yn rhywle heblaw o ran Cymru ai peidio), (b) os yw holl swyddogaethau'r person neu rai ohonynt mewn maes y mae gan Weinidogion Cymru, neu Brif Weinidog Cymru neu'r Cwnsler Cyffredinol i Lywodraeth Cymru swyddogaethau, ac (c) os yw'r person yn dod o fewn is-adran (3), (4) neu (5). (3) Mae person yn dod o fewn yr is-adran hon— (a) os yw'n gorff a sefydlwyd gan ddeddfiad neu o dan ddeddfiad neu yn rhinwedd uchelffaint Ei Mawrhydi neu mewn unrhyw fodd arall gan Weinidog y Goron, adran o'r llywodraeth, Gweinidogion Cymru, Prif Weinidog Cymru, y Cwnsler Cyffredinol i	The purpose of this amendment is to remove the unnecessary restrictions (copied from the 2005 Act) on the power to add persons to the list of listed authorities in Schedule 3. The effect of this amendment will be that a single test will apply to regulations that add a person as a listed authority – the test will be whether adding a person would be within the legislative competence of the Assembly.

	<p>the Welsh Government or another listed authority,</p> <p>(b) it is a body wholly or partly constituted by appointment made by Her Majesty, a Minister of the Crown, a government department, the Welsh Ministers, the First Minister for Wales, the Counsel General to the Welsh Government or another listed authority, and</p> <p>(c) at least half of its expenditure on the discharge of its functions in relation to Wales is met out of the Welsh Consolidated Fund or is met directly from payments made by other listed authorities.</p> <p>(4) A person falls within this subsection if—</p> <p>(a) it is a body established by or under an enactment, and</p> <p>(b) it has power to issue a precept or a levy.</p> <p>(5) A person falls within this subsection if—</p> <p>(a) it appears to the Welsh Ministers that the person discharges functions of a public nature, and</p> <p>(b) at least half of the person's expenditure on the discharge of those functions in relation to Wales is met out of the Welsh Consolidated Fund or directly or indirectly from payments made by other listed authorities.</p> <p>(6) Regulations under section 30(2) may not add to Schedule 3—</p> <p>(a) a Special Health Authority discharging functions only or mainly in England;</p>	<p>Lywodraeth Cymru neu awdurdod rhestredig arall,</p> <p>(b) os yw'n gorff a gyfansoddwyd yn llwyr neu'n rhannol drwy benodiad a wnaed gan Ei Mawrhydi, Gweinidog y Goron, adran o'r llywodraeth, Gweinidogion Cymru, Prif Weinidog Cymru, y Cwnsler Cyffredinol i Lywodraeth Cymru neu awdurdod rhestredig arall, ac</p> <p>(c) os yw o leiaf hanner ei wariant ar gyflawni'i swyddogaethau o ran Cymru yn cael ei dalu o Gronfa Gyfunol Cymru neu'n cael ei dalu'n uniongyrchol o daliadau a wneir gan awdurdodau rhestredig eraill.</p> <p>(4) Mae person yn dod o fewn yr is-adran hon—</p> <p>(a) os yw'n gorff a sefydlwyd gan ddeddfiad neu o dan ddeddfiad, a</p> <p>(b) os oes ganddo bŵer i ddyroddi praesept neu ardoll.</p> <p>(5) Mae person yn dod o fewn yr is-adran hon—</p> <p>(a) os yw'n ymddangos i Weinidogion Cymru fod y person yn cyflawni swyddogaethau o natur gyhoeddus, a</p> <p>(b) os yw o leiaf hanner gwariant y person ar gyflawni'r swyddogaethau hynny o ran Cymru yn cael ei dalu o Gronfa Gyfunol Cymru neu'n uniongyrchol neu'n anuniongyrchol o daliadau a wneir gan awdurdodau rhestredig eraill.</p> <p>(6) Ni chaniateir i reoliadau o dan adran 30(2) ychwanegu at Atodlen 3—</p>	
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	<p>(b) a person who carries on under national ownership an industry or undertaking or part of an industry or undertaking.’</p> <p>and insert—</p> <p>‘the provision made by the regulations would be within the legislative competence of the Assembly.’.</p>	<p>(a) Awdurdod Iechyd Arbennig sy’n cyflawni swyddogaethau yn Lloegr yn unig neu’n bennaf;</p> <p>(b) person sy’n cyflawni, o dan berchnogaeth genedlaethol, ddiwydiant neu ymgymeriad neu ran o ddiwydiant neu ymgymeriad.’</p> <p>a mewnosoder—</p> <p>‘os byddai’r ddarpariaeth a wneir gan y rheoliadau o fewn cymhwysedd deddfwriaethol y Cynulliad.’.</p>	
56	<p>Section 35, page 23, line 20, leave out—</p> <p>‘ensure—</p> <p>(a) it has a complaints-handling procedure in respect of action taken by the listed authority, and</p> <p>(b) any such procedure complies with the statement of principles.</p> <p>(3) A listed authority which is responsible, by virtue of any enactment, for a complaints handling procedure—</p> <p>(a) in relation to, or</p> <p>(b) operated by, another listed authority, must ensure the procedure complies with the statement of principles.</p> <p>(4) The first statement of principles under subsection (1) is not to be published unless a draft of the statement has been laid before, and approved by a resolution of, the Assembly.</p>	<p>Adran 35, tudalen 23, llinell 22, hepgorer—</p> <p>‘sichrau—</p> <p>(a) bod ganddo weithdrefn ar gyfer ymdrin â chwynion mewn cysylltiad â chamau gweithredu a gymerwyd gan yr awdurdod rhestredig, a</p> <p>(b) bod unrhyw weithdrefn o’r fath yn cydymffurfio â’r datganiad o egwyddorion.</p> <p>(3) Rhaid i awdurdod rhestredig sy’n gyfrifol, yn rhinwedd unrhyw ddeddfiad, am weithdrefn ymdrin â chwynion—</p> <p>(a) mewn perthynas â, neu</p> <p>(b) a weithredir gan, awdurdod rhestredig arall, sichrau bod y weithdrefn yn cydymffurfio â’r datganiad o egwyddorion.</p> <p>(4) Ni chaniateir cyhoeddi’r datganiad cyntaf o egwyddorion o dan is-adran (1) oni bai bod drafft o’r datganiad wedi’i osod gerbron y</p>	<p>The purpose of this amendment is to delete the procedure that applies to the publication by the Ombudsman of the statement of principles, and to replace with another procedure.</p> <p>The effect of this amendment will be to require the statement of principles to be subject to a negative resolution type of procedure in the Assembly. The Assembly will have a chance to resolve not to approve the criteria.</p>

	<p>(5) The Assembly may not approve the draft later than two months after being laid.</p> <p>(6) In calculating any period of two months for the purposes of subsection (5), no account is to be taken of any time during which the Assembly is dissolved or is in recess for more than four days.'</p> <p>and insert—</p> <p>'(a) have a complaints-handling procedure, and</p> <p>(b) ensure that any such procedure complies with the statement of principles.</p> <p>() The Ombudsman must lay a draft of the first statement of principles before the Assembly.</p> <p>() If, before the end of the 40 day period, the Assembly resolves not to approve the draft, the Ombudsman must not publish the statement of principles in the form of the draft.</p> <p>() If no such resolution is made before the end of that period, the Ombudsman must publish the statement of principles in the form of the draft.</p> <p>() The 40 day period—</p> <p>(a) begins on the day on which the draft is laid before the Assembly, and</p> <p>(b) does not include any time during which the Assembly is dissolved or is in recess for more than four days.</p>	<p>Cynulliad, ac wedi ei gymeradwyo drwy benderfyniad ganddo.</p> <p>(5) Ni chaniateir i'r Cynulliad gymeradwyo'r drafft ar ôl dau fis wedi iddo gael ei osod.</p> <p>(6) Wrth gyfrifo unrhyw gyfnod o ddau fis at ddibenion is-adran (5), ni chaniateir ystyried unrhyw amser pan fo'r Cynulliad wedi'i ddiddymu neu pan fydd toriad o fwy na phedwar diwrnod.'</p> <p>a mewnosoder—</p> <p>'(a) cael gweithdrefn ar gyfer ymdrin â chwynion, a</p> <p>(b) sicrhau bod unrhyw weithdrefn o'r fath yn cydymffurfio â'r datganiad o egwyddorion.</p> <p>() Rhaid i'r Ombwdsmon osod drafft o'r datganiad cyntaf o egwyddorion gerbron y Cynulliad.</p> <p>() Os yw'r Cynulliad yn penderfynu peidio â chymeradwyo'r drafft cyn diwedd y cyfnod o 40 diwrnod, ni chaiff yr Ombwdsmon gyhoeddi'r datganiad o egwyddorion ar ei ffurf ddrafft.</p> <p>() Os na wneir y cyfryw benderfyniad cyn diwedd y cyfnod hwnnw, rhaid i'r Ombwdsmon gyhoeddi'r datganiad o egwyddorion ar ei ffurf ddrafft.</p> <p>() O ran y cyfnod o 40 diwrnod —</p> <p>(a) mae'n dechrau ar y diwrnod pryd y gosodir y drafft gerbron y Cynulliad, a</p>	
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	() Subsection (4) does not prevent a new draft statement of principles from being laid before the Assembly.’.	(b) nid yw’n cynnwys unrhyw amser pan fo’r Cynulliad wedi’i ddiddymu neu pan fydd toriad o fwy na phedwar diwrnod. () Nid yw is-adran (4) yn atal datganiad drafft newydd o egwyddorion rhag cael ei osod gerbron y Cynulliad.’.	
57	Section 35, page 24, line 4, leave out ‘in accordance with subsection (4)’.	Adran 35, tudalen 24, llinell 4, hepgorer ‘yn unol ag is-adran (4)’.	The purpose of this amendment is to remove reference to subsection (4) which is not needed as a result of the new procedure inserted by amendment 56. The effect of the amendment will be to remove wording that is not required.
58	Section 35, page 24, line 9, leave out ‘in accordance with subsection (4)’.	Adran 35, tudalen 24, llinell 10, hepgorer ‘yn unol ag is-adran (4)’.	The purpose and effect of this amendment are the same as the purpose and effect of amendment 57.
59	Section 35, page 24, line 19, leave out ‘in respect of which a complaint to the Ombudsman can be made and investigated under section 3’ and insert ‘the Ombudsman is entitled to investigate under Part 3’.	Adran 35, tudalen 24, llinell 20, hepgorer ‘gellir gwneud cwyn i’r Ombwdsmon yn ei gylch ac ymchwilio iddo o dan adran 3’ a mewnosoder ‘mae gan yr Ombwdsmon hawl i ymchwilio iddo o dan Ran 3’.	The purpose of this amendment is to reflect the fact that the Ombudsman can carry out investigations under section 3 and own initiative investigations under section 4, both of which come under Part 3 of the Bill. The effect of this amendment is that listed authorities will have to have complaints-handling procedures that deal with matters the Ombudsman can investigate under the whole of Part 3.

60	<p>Section 36, page 24, line 29, leave out subsection (5) and insert—</p> <p>‘ () A model CHP may not, in its application to a listed authority— (a) impose a duty on the listed authority if the listed authority lacks the necessary powers (other than by virtue of this Act) to ensure compliance with the duty; (b) be inconsistent with any enactment (including any code, guidance, scheme or other document made under any enactment) that applies to the listed authority. () The Ombudsman may from time to time revise and re-publish any model CHP; and in doing so— (a) subsection (5) applies, and (b) before re-publishing any model CHP, the Ombudsman must notify such listed authorities or groups of listed authorities as the Ombudsman thinks fit of any revisions to the model CHP.’.</p>	<p>Adran 36, tudalen 24, llinell 32, hepgorer is-adran (5) a mewnosoder—</p> <p>‘ () Ni chaniateir i weithdrefn enghreifftiol, o ran ei chymhwysiad i awdurdod rhestredig — (a) gosod dyletswydd ar yr awdurdod rhestredig os nad oes gan yr awdurdod rhestredig y pwerau angenrheidiol (heblaw yn rhinwedd y Ddeddf hon) i sicrhau cydymffurfiaeth â’r ddyletswydd; (b) bod yn anghyson ag unrhyw ddeddfiad (gan gynnwys unrhyw god, canllawiau, cynllun neu ddogfen arall a wnaed o dan y deddfiad) sy’n gymwys i’r awdurdod rhestredig. () O dro i dro, caiff yr Ombwdsmon adolygu ac ailgyhoeddi unrhyw weithdrefn enghreifftiol; ac wrth wneud hynny — (a) mae is-adran (5) yn gymwys, a (b) cyn ailgyhoeddi unrhyw weithdrefn enghreifftiol, rhaid i’r Ombwdsmon hysbysu’r cyfryw awdurdodau rhestredig neu’r cyfryw grwpiau o awdurdodau rhestredig sy’n briodol ym marn yr Ombwdsmon am unrhyw newidiadau i’r weithdrefn enghreifftiol.’.</p>	<p>The purpose of this amendment is to ensure that a model complaints-handling procedure (CHP):</p> <ul style="list-style-type: none"> - does not impose a duty on a listed authority if the listed authority does not have the power to comply with the duty; - is not inconsistent with any legislation (such as statutory complaints-handling rules, other than the complaints-handling rules in Part 4 of the Bill) that applies to the listed authority. <p>The effect of this amendment will be that model CHPs will have to be drafted in a way that ensures they do not create conflicts for listed authorities.</p> <p>This amendment replaces similar provision which is deleted by amendment 72.</p> <p>The amendment also clarifies that the same requirements will also apply to model CHPs when they are revised (and that the Ombudsman must notify listed authorities of any revisions).</p>
61	<p>Section 36, page 24, leave out line 38 and insert—</p> <p>‘(c) in subsection (3) of that section, reference to receiving notice of the specification under subsection (1) of that</p>	<p>Adran 36, tudalen 24, hepgorer llinell 41 a mewnosoder—</p> <p>‘(c) yn is-adran (3) o’r adran honno, mae cyfeiriad at gael hysbysiad o’r fanyleb o dan is-adran (1) o’r adran honno yn gyfeiriad at gael</p>	<p>The purpose of this amendment is to require a listed authority to submit its CHP to the Ombudsman within 6 months of the Ombudsman revising a model CHP.</p>

	<p>section is a reference to receiving notice of the revision under subsection 6(b) of this section.’.</p>	<p>hysbysiad o’r diwygiad o dan is-adran 6(b) o’r adran hon.’.</p>	<p>The effect of this amendment will be that the Ombudsman will be able to see how listed authorities have updated CHPs as a result of the Ombudsman revising a model CHP.</p>
62	<p>Section 36, page 25, line 1, leave out—</p> <p>‘and any specification under section 37(1) in relation the model CHP ceases to have effect.’</p> <p>and insert—</p> <p>‘(8) Where the Ombudsman withdraws a model CHP under subsection (8)—</p> <p>(a) the Ombudsman must, before withdrawing the model CHP, notify each listed authority to which the model CHP is relevant that the model CHP will be withdrawn and when the withdrawal will happen, and</p> <p>(b) on the day the model CHP is withdrawn—</p> <p>(i) any specification under section 37(1) in relation to the withdrawn model CHP ceases to have effect, and</p> <p>(ii) the duty in section 37(3) ceases to apply to a listed authority notified under subsection (9)(a), in so far as the duty arises in relation to the withdrawn model CHP.’.</p>	<p>Adran 36, tudalen 25, llinell 1, hepgorer—</p> <p>‘a bydd unrhyw fanyleb o dan adran 37(1) mewn perthynas â’r weithdrefn enghreifftiol yn peidio â chael effaith.’</p> <p>a mewnosoder—</p> <p>‘(8) Pan fo’r Ombwdsmon yn tynnu gweithdrefn enghreifftiol yn ôl o dan is-adran (8) —</p> <p>(a) rhaid i’r Ombwdsmon, cyn tynnu’r weithdrefn enghreifftiol yn ôl, hysbysu pob awdurdod rhestredig y mae’r weithdrefn enghreifftiol yn berthnasol iddo y bydd y weithdrefn enghreifftiol yn cael ei thynnu’n ôl a phryd y bydd y tynnu’n ôl yn digwydd, a</p> <p>(b) ar y diwrnod y mae’r weithdrefn yn cael ei thynnu’n ôl —</p> <p>(i) bydd unrhyw fanyleb o dan adran 37(1) mewn perthynas â’r weithdrefn enghreifftiol a dynnwyd yn ôl yn peidio â chael effaith, a</p> <p>(ii) bydd y ddyletswydd yn adran 37(3) yn peidio â bod yn gymwys i awdurdod rhestredig a hysbyswyd o dan is-adran (9)(a), i’r graddau y mae’r ddyletswydd yn codi mewn perthynas â’r weithdrefn enghreifftiol a dynnwyd yn ôl.’.</p>	<p>The purpose of this amendment is to clarify what happens when the Ombudsman withdraws a model CHP.</p> <p>The effect of this amendment is that it will be clear what the Ombudsman must do when withdrawing a model CHP and which duties will no longer apply to listed authorities affected by the withdrawal.</p>

63	<p>Section 37, page 25, line 9, leave out—</p> <p>‘authority must submit a description of the complaints-handling procedure, having taken account of the relevant model CHP, within six months of the specification mentioned in that subsection’</p> <p>and insert—</p> <p>‘listed authority must submit its complaints-handling procedure to the Ombudsman, having taken account of the relevant model CHP, within six months beginning with the day the listed authority receives notice of the specification under subsection (1)’.</p>	<p>Adran 37, tudalen 25, llinell 11, hepgorer—</p> <p>‘gyflwyno disgrifiad o’r weithdrefn ymdrin â chwynion, ar ôl rhoi ystyriaeth i’r weithdrefn enghreifftiol, o fewn chwe mis i’r fanyleb a enwir yn yr is-adran honno’</p> <p>a mewnosoder—</p> <p>‘rhestredig gyflwyno ei weithdrefn ymdrin â chwynion i’r Ombwdsmon, ar ôl rhoi ystyriaeth i’r weithdrefn enghreifftiol berthnasol, o fewn chwe mis yn dechrau â’r diwrnod y cafodd yr awdurdod rhestredig yr hysbysiad o’r fanyleb o dan is-adran (1)’.</p>	<p>The purpose of this amendment is to require listed authorities to submit their CHPs to the Ombudsman within 6 months (as opposed to submitting a description of their CHPs).</p> <p>The effect of this amendment will be that the Ombudsman can see the whole CHP rather than just a description of it.</p>
64	<p>Section 37, page 25, after line 15, insert—</p> <p>‘(6) Where the Ombudsman revokes a specification under subsection (5)—</p> <p>(a) the Ombudsman must, before revoking the specification, notify each listed authority to which the specification applies that the specification will be revoked and when the revocation will happen, and</p> <p>(b) on the day the specification is revoked—</p> <p>(i) the specification ceases to have effect, and</p> <p>(ii) the duty in subsection (3) ceases to apply to a listed authority notified under subsection (6)(a), in so far as the duty arises in relation to the revoked specification.’.</p>	<p>Adran 37, tudalen 25, ar ôl llinell 17, mewnosoder—</p> <p>‘(6) Pan fo’r Ombwdsmon yn diddymu manyleb o dan is-adran (5)—</p> <p>(a) rhaid i’r Ombwdsmon, cyn dirymu’r fanyleb, hysbysu pob awdurdod rhestredig y mae’r fanyleb yn gymwys iddo y bydd y fanyleb yn cael ei dirymu a phryd y bydd y dirymiad yn digwydd, a</p> <p>(b) ar ddiwrnod dirymu’r fanyleb—</p> <p>(i) bydd y fanyleb yn peidio â chael effaith, a</p> <p>(ii) bydd y ddyletswydd yn is-adran (3) yn peidio â bod yn gymwys i awdurdod rhestredig a hysbyswyd o dan is-adran (6)(a), i’r graddau y</p>	<p>The purpose of this amendment is to clarify what happens when the Ombudsman revokes a specification (i.e. a specification that specifies a listed authority to which a model CHP is relevant).</p> <p>The effect of this amendment is that it will be clear what the Ombudsman must do when revoking a specification and which duties will no longer apply to listed authorities affected by the revocation.</p>

		mae'r ddyletswydd yn codi mewn perthynas â'r fanyleb a ddirymwyd.'	
65	Section 38, page 25, line 19, leave out ' a description of which was submitted by the authority under section 37(3) or otherwise,'.	Adran 38, tudalen 25, llinell 21, hepgorer ' y rhoddyd disgrifiad ohoni gan yr awdurdod o dan adran 37(3) neu fel arall,'.	This amendment is consequential upon amendment 63. Amendment 63 deletes reference to a description of a CHP, so the cross-reference to a description of a CHP is no longer needed.
66	Section 38, page 25, line 22, leave out ' a description of which was submitted by the authority under section 39 or otherwise,'.	Adran 38, tudalen 25, llinell 24, hepgorer ' y rhoddyd disgrifiad ohoni gan yr awdurdod o dan adran 39 neu fel arall,'.	The purpose and effect of this amendment are the same as the purpose and effect of amendment 65.
67	Section 38, page 25, line 25, leave out subsections (3) to (5) and insert— '(3) The Ombudsman must publish a declaration under section (1) or (2) on the Ombudsman's website. (4) Before publishing a declaration under subsection (3), the Ombudsman must notify the listed authority to which the declaration relates— (a) that the Ombudsman will make a declaration, including the Ombudsman's reasons for making the declaration; (b) of any modifications to the complaints-handling procedure that would result in the declaration being withdrawn. (5) Where a declaration is made under subsection (1) or (2), the listed authority must revise its complaints-handling procedure and submit it to the	Adran 38, tudalen 25, llinell 26, hepgorer is-adrannau (3) hyd at (5) a mewnosoder— '(3) Rhaid i'r Ombwdsmon gyhoeddi datganiad o dan adran (1) neu (2) ar wefan yr Ombwdsmon. (4) Cyn cyhoeddi datganiad o dan is-adran (3), rhaid i'r Ombwdsmon hysbysu'r awdurdod rhestredig y mae'r datganiad yn ymwneud ag ef— (a) y bydd yr Ombwdsmon yn gwneud datganiad, gan gynnwys rhesymau'r Ombwdsmon dros wneud y datganiad; (b) am unrhyw addasiadau i'r weithdrefn ymdrin â chwynion a fyddai'n arwain at dynnu'r datganiad yn ôl. (5) Pan fo datganiad yn cael ei wneud o dan is-adran (1) neu (2), rhaid i'r awdurdod rhestredig adolygu ei weithdrefn ymdrin â chwynion a'i chyflwyno i'r Ombwdsmon, ar ôl ystyried y	The purpose of this amendment is to provide greater detail around the procedure that applies when the Ombudsman declares that the complaints-handling procedure of a listed authority does not comply with the model CHP or the statement of principles. The effect of this amendment will be that the Ombudsman will have to publish such declarations, having first given notice to the listed authority. The listed authority must revise its complaints-handling procedure within two months. The amendment also clarifies that the Ombudsman can withdraw a declaration, and the procedure that applies to such a withdrawal (for example, the Ombudsman must notify the listed authority and must update the original published declaration to

	<p>Ombudsman, having taken account of the reasons given under subsection (4)(a) and any modifications specified in subsection (4)(b), within two months beginning with the day the declaration is published under subsection (3).</p> <p>(6) The Ombudsman may withdraw a declaration of non-compliance made under subsection (1) or (2) at any time if the Ombudsman thinks fit.</p> <p>(7) Where the Ombudsman withdraws a declaration under subsection (6)—</p> <p>(a) the Ombudsman must immediately—</p> <p>(i) notify the listed authority to which the declaration relates that the declaration has been withdrawn, including the reasons why the declaration has been withdrawn, and</p> <p>(ii) update the declaration published under subsection (3) to reflect that the declaration has been withdrawn, including the reasons why the declaration has been withdrawn;</p> <p>(b) the duty in subsection (5) ceases to apply to the listed authority, in so far as the duty arises in relation to the withdrawn declaration, as soon as the Ombudsman withdraws the declaration.’</p>	<p>rhesymau a roddir o dan is-adran (4)(a) ac unrhyw addasiadau a bennir yn is-adran (4)(b), o fewn dau fis yn dechrau â’r diwrnod y cyhoeddir y datganiad o dan is-adran (3).</p> <p>(6) Caiff yr Ombwdsmon dynnu’n ôl ddatganiad o beidio â chydymffurfio a wneir o dan is-adran (1) neu (2) ar unrhyw adeg os yw’r Ombwdsmon o’r farn bod hynny’n addas.</p> <p>(7) Pan fo’r Ombwdsmon yn tynnu’n ôl ddatganiad o dan is-adran (6)—</p> <p>(a) rhaid i’r Ombwdsmon ar unwaith—</p> <p>(i) hysbysu’r awdurdod rhestredig y mae’r datganiad yn ymwneud ag ef fod y datganiad wedi ei dynnu’n ôl, gan gynnwys y rhesymau pam y tynnwyd y datganiad yn ôl, a</p> <p>(ii) diweddarau’r datganiad a gyhoeddir o dan is-adran (3) i adlewyrchu bod y datganiad wedi ei dynnu’n ôl, gan gynnwys y rhesymau pam y tynnwyd y datganiad yn ôl;</p> <p>(b) bydd y ddyletswydd o dan is-adran (5) yn peidio â bod yn gymwys i’r awdurdod rhestredig, i’r graddau y mae’r ddyletswydd yn codi mewn perthynas â’r datganiad a dynnwyd yn ôl, cyn gynted ag y bo’r Ombwdsmon yn tynnu’r datganiad yn ôl.’.</p>	<p>reflect that the declaration has been withdrawn).</p>
68	<p>Section 39, page 26, line 2, leave out—</p> <p>‘a description of its complaints-handling procedure if the Ombudsman so directs; and must do so within three months of being so directed’</p>	<p>Adran 39, tudalen 26, llinell 2, hepgorer—</p> <p>‘disgrifiad o’i weithdrefn ymdrin â chwynion os yw’r Ombwdsmon yn cyfarwyddo hynny; a rhaid gwneud hynny cyn pen tri mis ar ôl cael cyfarwyddyd o’r fath’</p>	<p>The purpose and effect of this amendment are the same as the purpose and effect of amendment 65.</p>

	<p>and insert—</p> <p>‘its complaints-handling procedure to the Ombudsman if the Ombudsman so directs; and must do so within three months beginning with the day the listed authority receives the Ombudsman’s direction’.</p>	<p>a mewnosoder—</p> <p>‘ei weithdrefn ymdrin â chwynion i’r Ombwdsmon os yw’r Ombwdsmon yn cyfarwyddo hynny; a rhaid gwneud hynny cyn pen tri mis sy’n cychwyn â’r diwrnod y mae’r awdurdod rhestredig yn cael y cyfarwyddyd gan yr Ombwdsmon’.</p>	
69	<p>Section 39, page 26, line 5, leave out subsection (2) and insert—</p> <p>‘(2) The time limits in sections 37(3) and 38(<i>[third subsection to be inserted by Amendment 67]</i>) are subject to any time limits that apply in a direction given under subsection (1).’.</p>	<p>Adran 39, tudalen 26, llinell 6, hepgorer is-adran (2) a mewnosoder—</p> <p>‘(2) Mae’r terfynau amser yn adrannau 37(3) a 38(<i>[y drydedd is-adran sy’n cael ei mewnosod gan Gwelliant 67]</i>) yn ddarostyngedig i unrhyw derfynau amser sy’n gymwys mewn cyfarwyddyd a roddir o dan is-adran (1).’.</p>	<p>The purpose of this amendment is to clarify that it is only the time limits in sections 37(3) and 38(5) that are subject to this subsection (as opposed to the whole of those sections being subject to this subsection).</p> <p>The effect of this amendment will be to be more specific about the scope of this subsection.</p>
70	<p>Section 39, page 26, line 6, leave out—</p> <p>‘a description of its complaints-handling procedure to the Ombudsman under this Act or otherwise, the authority must provide such additional information in relation to that procedure as the Ombudsman may reasonably’</p> <p>and insert—</p> <p>‘its complaints-handling procedure to the Ombudsman under this Act or otherwise,</p>	<p>Adran 39, tudalen 26, llinell 8, hepgorer—</p> <p>‘disgrifiad o’i weithdrefn ymdrin â chwynion i’r Ombwdsmon o dan y Ddeddf hon neu fel arall, rhaid i’r awdurdod ddarparu’r cyfryw wybodaeth ychwanegol mewn perthynas â’r weithdrefn honno y caiff yr Ombwdsmon yn rhesymol’</p> <p>a mewnosoder—</p> <p>‘ei weithdrefn ymdrin â chwynion i’r Ombwdsmon o dan y Ddeddf hon neu fel arall,</p>	<p>The purpose and effect of this amendment are the same as the purpose and effect of amendment 65.</p>

	the authority must provide such additional information in relation to that procedure as the Ombudsman may’.	rhaid i’r awdurdod ddarparu’r cyfryw wybodaeth ychwanegol mewn perthynas â’r weithdrefn honno y caiff yr Ombwdsmon’.	
71	<p>Section 40, page 26, line 19, leave out subsection (3) and insert—</p> <p>‘(3) But the Ombudsman may not require a listed authority to co-operate under subsection (2)—</p> <p>(a) if the listed authority lacks the necessary powers (other than by virtue of this Act) to co-operate under subsection (2);</p> <p>(b) if co-operating under subsection (2) requires the listed authority to act inconsistently with any enactment (including any code, guidance, scheme or other document made under any enactment) that applies to the listed authority.’.</p>	<p>Adran 40, tudalen 26, llinell 22, hepgorer is-adran (3) a mewnosoder—</p> <p>‘(3) Ond ni chaiff yr Ombwdsmon ei gwneud yn ofynnol i awdurdod rhestredig gydweithredu o dan is-adran (2)—</p> <p>(a) os nad oes gan yr awdurdod rhestredig y pwerau angenrheidiol (heblaw yn rhinwedd y Ddeddf hon) i gydweithredu o dan is-adran (2);</p> <p>(b) os yw cydweithredu o dan is-adran (2) yn ei gwneud yn ofynnol i’r awdurdod rhestredig weithredu yn anghyson ag unrhyw ddeddfiad (gan gynnwys unrhyw god, canllaw, cynllun neu ddogfen arall a wneir o dan unrhyw ddeddfiad) sy’n gymwys i’r awdurdod rhestredig.’.</p>	<p>The purpose of this amendment is to clarify that the Ombudsman cannot require a listed authority to co-operate with the Ombudsman under this section to the extent that:</p> <ul style="list-style-type: none"> - the listed authority does not have the power to co-operate, or - co-operating would be inconsistent with any legislation that applies to the listed authority. <p>The effect of this amendment is that the Ombudsman will have to be aware of how a requirement to co-operate under this section will affect listed authorities.</p>
72	Page 26, line 24, leave out section 41.	Tudalen 27, llinell 26, hepgorer adran 41.	<p>The purpose of this amendment is to delete the section 41 provisions about application and interpretation of Part 4 of the Bill.</p> <p>With regard to application, the effect of the amendment is that application is not dealt with in section 41 (it is dealt with by amendment 60).</p> <p>With regard to interpretation, the reference to excluding “private health services providers” is no longer necessary (see amendments 23 and</p>

			150 in particular, which remove references to “private health services providers).
73	Section 43, page 28, line 1, leave out ‘or referred’.	Adran 43, tudalen 28, llinell 1, hepgorer ‘neu wedi’i hatgyfeirio’n briodol at yr’ a mewnosoder ‘i’r’.	The purpose and effect of this amendment are the same as the purpose and effect of amendment 2 (only in respect of investigations under Part 5).
74	Section 43, page 28, line 1, after ‘Ombudsman,’ insert— ‘or () duly referred to the Ombudsman,’.	Adran 43, tudalen 28, llinell 2, ar ôl ‘Ombwdsmon,’ mewnosoder— ‘neu () wedi’i hatgyfeirio’n briodol at yr Ombwdsmon,’.	The purpose and effect of this amendment are the same as the purpose and effect of amendment 3 (only in respect of investigations under Part 5).
75	Section 43, page 28, line 21, leave out ‘48’ and insert ‘48(1)’.	Adran 43, tudalen 28, llinell 21, hepgorer ‘48’ a mewnosoder ‘48(1)’.	The purpose of this amendment is to provide a more specific cross-reference. The effect of this amendment will be to provide a more accurate cross-reference, thus improving the clarity of the Bill.
76	Section 43, page 28, line 25, leave out ‘49’ and insert ‘49(1)’.	Adran 43, tudalen 28, llinell 25, hepgorer ‘49’ a mewnosoder ‘49(1)’.	The purpose and effect of this amendment are the same as the purpose and effect of amendment 75.
77	Section 43, page 28, line 29, leave out ‘48’ and insert ‘48(1)’.	Adran 43, tudalen 28, llinell 29, hepgorer ‘48’ a mewnosoder ‘48(1)’.	The purpose and effect of this amendment are the same as the purpose and effect of amendment 75.
78	Section 43, page 28, line 35, after ‘investigation’, insert ‘(but see section 48(5)(<i>first paragraph to be inserted by Amendment 86</i>)) for a restriction on the	Adran 43, tudalen 28, llinell 35, ar ôl ‘ben’, mewnosoder ‘(ond gweler adran 48(5)(<i>ly paragraff cyntaf sy’n cael ei fewnosod gan</i>	The purpose and effect of this amendment are the same as the purpose and effect of amendment 6 (only in respect of investigations under Part 5 of the Bill).

	power to begin an investigation under subsection (1)(a))’.	<i>Gwelliant 86])</i> am gyfyngiad ar y pŵer i gychwyn ymchwiliad o dan is-adran (1)(a))’.	
79	Section 43, page 28, line 39, after ‘withdrawn’, insert ‘(but see section 48(5)(<i>first paragraph to be inserted by Amendment 86])</i> for a restriction on the power to begin an investigation under subsection (1)(a))’.	Adran 43, tudalen 28, llinell 39, ar ôl ‘ôl’, mewnosoder ‘(ond gweler adran 48(5)(<i>ly paragraff cyntaf sy’n cael ei fewnosod gan Gwelliant 86])</i> am gyfyngiad ar y pŵer i gychwyn ymchwiliad o dan is-adran (1)(a))’.	The purpose and effect of this amendment are the same as the purpose and effect of amendment 6 (only in respect of investigations under Part 5 of the Bill).
80	Section 44, page 29, line 6, leave out subsections (3) to (5) and insert— ‘(3) Before the Ombudsman begins an investigation under this section, the Ombudsman must— (a) have regard to the public interest in beginning an investigation, (b) have a reasonable suspicion that there is systemic maladministration, (c) consult such persons as the Ombudsman considers appropriate (but see section 65 for further duties around consultation), and (d) have regard to the criteria for own initiative investigations published under section 45. (4) Subject to subsection (3)— (a) it is for the Ombudsman to decide whether to begin, continue or discontinue an investigation under this section; (b) the Ombudsman may take any action the Ombudsman thinks may assist in making a decision under subsection (4)(a).’.	Adran 44, tudalen 29, llinell 7, hepgorer is-adrannau (3) hyd at (5) a mewnosoder— ‘(3) Cyn i’r Ombwdsmon gychwyn ymchwiliad o dan yr adran hon, rhaid i’r Ombwdsmon – (a) rhoi sylw i fudd y cyhoedd wrth gychwyn ymchwiliad, (b) bod ag amheuaeth resymol o gamweinyddiaeth systemig, (c) ymgynghori â’r cyfryw bersonau sy’n briodol ym marn yr Ombwdsmon (ond gweler adran 65 am ddyletswyddau pellach ynghylch ymgynghori), a (d) rhoi sylw i’r meini prawf ar gyfer cychwyn ymchwiliadau ar ei liwt ei hun a gyhoeddir o dan adran 45. (4) Yn ddarostyngedig i is-adran (3) — (a) mater i’r Ombwdsmon yw penderfynu pa un ai i gychwyn ymchwiliad, i barhau ag ymchwiliad ai i roi’r gorau i’r ymchwiliad o dan yr adran hon; (b) caiff yr Ombwdsmon gymryd unrhyw gamau gweithredu a all, ym marn yr	The purpose and effect of this amendment are the same as the purpose and effect of amendment 11 (only in respect of investigations under Part 5).

		Ombwdsmon, helpu i wneud penderfyniad o dan is-adran (4)(a).’.	
81	<p>Section 45, page 29, line 13, leave out—</p> <p>‘(1) Before the Ombudsman begins an investigation under section 44, the Ombudsman must be satisfied that beginning an investigation is in the public interest and that one or more of the criteria in subsection (2) is met.</p> <p>(2) The criteria are—</p> <p>(a) any vulnerable or disadvantaged person (for example, a person who would have particular difficulty in making a complaint to the Ombudsman or a provider) is likely to sustain injustice or hardship in consequence of the matter that is being considered for investigation;</p> <p>(b) having regard to complaints received by the Ombudsman, the matter being considered for investigation is likely to amount to a systemic failure that may cause any person to sustain injustice or hardship.</p> <p>(3) The Welsh Ministers may by regulations amend the criteria in subsection (2) by adding criteria, removing criteria or changing the criteria.</p> <p>(4) Before making regulations under subsection (3), the Welsh Ministers must consult the Ombudsman and any other persons they think appropriate.</p>	<p>Adran 45, tudalen 29, llinell 16, hepgorer—</p> <p>‘(1) Cyn i’r Ombwdsmon gychwyn ymchwiliad o dan adran 44, rhaid i’r Ombwdsmon fod yn fodlon bod cychwyn ymchwiliad er budd y cyhoedd a bod un neu ragor o’r meini prawf yn is-adran (2) wedi’u bodloni.</p> <p>(2) Y meini prawf yw—</p> <p>(a) bod unrhyw berson hyglwyf neu dan anfantais (er enghraifft, person a fyddai’n cael anhawster penodol i wneud cwyn i’r Ombwdsmon neu ddarparwr) yn debygol o ddioddef anghyfiawnder neu galedi o ganlyniad i’r mater yr ystyrir ymchwilio iddo;</p> <p>(b) gan roi sylw i gwynion a gafodd yr Ombwdsmon, fod y mater yr ystyrir ymchwilio iddo yn debygol o fod yn fethiant systemig a all achosi i unrhyw berson ddioddef anghyfiawnder neu galedi.</p> <p>(3) Caiff Gweinidogion Cymru, drwy reoliadau, ddiwygio’r meini prawf yn is-adran (2) drwy ychwanegu meini prawf, dileu meini prawf neu newid y meini prawf.</p> <p>(4) Cyn gwneud rheoliadau o dan is-adran (3), rhaid i Weinidogion Cymru ymgynghori â’r Ombwdsmon ac unrhyw bersonau eraill sy’n briodol yn eu barn hwy.</p> <p>(5) Ni chaniateir gwneud rheoliadau o dan is-adran (3)’</p>	<p>The purpose and effect of this amendment are the same as the purpose and effect of amendment 12 (only in respect of investigations under Part 5).</p>

	<p>(5) No regulations are to be made under subsection (3)’</p> <p>and insert—</p> <p>‘() The Ombudsman must publish criteria to be used in determining whether to begin an investigation under section 44.</p> <p>() The Ombudsman must lay a draft of the first criteria before the Assembly.</p> <p>() If, before the end of the 40 day period, the Assembly resolves not to approve the draft criteria, the Ombudsman must not publish the criteria in the form of the draft.</p> <p>() If no such resolution is made before the end of that period, the Ombudsman must publish the criteria in the form of the draft.</p> <p>() The 40 day period—</p> <p>(a) begins on the day on which the draft is laid before the Assembly, and</p> <p>(b) does not include any time during which the Assembly is dissolved or is in recess for more than four days.</p> <p>() Subsection (3) does not prevent new draft criteria from being laid before the Assembly.</p> <p>() Before laying the draft criteria before the Assembly, the Ombudsman must consult—</p> <p>(a) the Welsh Ministers,</p> <p>(b) the listed authorities in Schedule 3, and</p> <p>(c) such other persons as the Ombudsman thinks appropriate.</p>	<p>a mewnosoder—</p> <p>‘() Rhaid i’r Ombwdsmon gyhoeddi meini prawf i’w defnyddio wrth benderfynu pa un ai i gychwyn ymchwiliad o dan adran 44 .</p> <p>() Rhaid i’r Ombwdsmon osod drafft o’r meini prawf cyntaf gerbron y Cynulliad.</p> <p>() Os yw’r Cynulliad yn penderfynu peidio â chymeradwyo’r meini prawf drafft cyn diwedd y cyfnod o 40 diwrnod, ni chaiff yr Ombwdsmon gyhoeddi’r meini prawf ar eu ffurf ddrafft.</p> <p>() Os na wneir y cyfryw benderfyniad cyn diwedd y cyfnod hwnnw, rhaid i’r Ombwdsmon gyhoeddi’r meini prawf ar eu ffurf ddrafft.</p> <p>() O ran y cyfnod o 40 diwrnod —</p> <p>(a) mae’n dechrau ar y diwrnod pryd y gosodir y drafft gerbron y Cynulliad, a</p> <p>(b) nid yw’n cynnwys unrhyw amser pan fo’r Cynulliad wedi ei ddiddymu neu pan fydd toriad o fwy na phedwar diwrnod.</p> <p>() Nid yw is-adran (3) yn atal meini prawf drafft newydd rhag cael eu gosod gerbron y Cynulliad.</p> <p>() Cyn gosod y meini prawf drafft gerbron y Cynulliad, rhaid i’r Ombwdsmon ymgynghori â’r canlynol —</p> <p>(a) Gweinidogion Cymru,</p> <p>(b) yr awdurdodau rhestredig yn Atodlen 3, ac</p> <p>(c) y cyfryw bersonau eraill sy’n briodol ym marn yr Ombwdsmon.</p> <p>() Rhaid i’r Ombwdsmon, wrth baratoi’r meini prawf drafft i’w gosod gerbron y Cynulliad, roi</p>	
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	<p>() The Ombudsman must, in preparing the draft criteria to be laid before the Assembly, have regard to any representations made during the consultation mentioned in subsection (7).</p> <p>() The criteria come into force when they are published by the Ombudsman.</p> <p>() The Ombudsman may from time to time revise and re-publish the criteria.</p> <p>() Where the Ombudsman considers that any revision of the criteria under subsection (10) is material, subsections (2) to (8) apply to the criteria as they do to the first criteria.</p> <p>() The Welsh Ministers may by regulations amend criteria published by the Ombudsman under this section by adding criteria, removing criteria or changing the criteria.</p> <p>() Where the Welsh Ministers make regulations under subsection (12), the Ombudsman must publish the criteria, as amended by the regulations, on the day the regulations come into force.</p> <p>() Before making regulations under subsection (12), the Welsh Ministers must consult—</p> <p>(a) the Ombudsman,</p> <p>(b) the listed authorities in Schedule 3, and</p> <p>(c) such other persons as the Welsh Ministers think appropriate.</p> <p>() No regulations are to be made under subsection (12)ʹ.</p>	<p>sylw i unrhyw sylwadau a wnaed yn ystod yr ymgynghoriad a grybwyllir yn is-adran (7).</p> <p>() Dawʹr meini prawf i rym pan gânt eu cyhoeddi gan yr Ombwdsmon.</p> <p>() O dro i dro, caiff yr Ombwdsmon adolygu ac ailgyhoeddiʹr meini prawf.</p> <p>() Pan foʹr Ombwdsmon oʹr farn bod unrhyw adolygiad oʹr meini prawf o dan is-adran (10) yn berthnasol, mae is-adrannau (2) i (8) yn gymwys iʹr meini prawf hynny fel y maent yn gymwys iʹr meini prawf cyntaf.</p> <p>() Caiff Gweinidogion Cymru drwy reoliadau ddiwygioʹr meini prawf a gyhoeddir gan yr Ombwdsmon o dan yr adran hon drwy ychwanegu meini prawf, dileu meini prawf neu newid y meini prawf.</p> <p>() Pan fo Gweinidogion Cymru yn gwneud rheoliadau o dan is-adran (12), rhaid iʹr Ombwdsmon gyhoeddiʹr meini prawf, fel yʹu diwygiwyd gan y rheoliadau, ar y diwrnod y dawʹr rheoliadau i rym.</p> <p>() Cyn gwneud rheoliadau o dan is-adran (12), rhaid i Weinidogion Cymru ymgynghori âʹr canlynol—</p> <p>(a) yr Ombwdsmon,</p> <p>(b) yr awdurdodau rhestredig yn Atodlen 3, ac</p> <p>(c) y cyfryw bersonau eraill syʹn briodol ym marn Gweinidogion Cymru.</p> <p>() Ni chaniateir gwneud rheoliadau o dan is-adran (12)ʹ.</p>	
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82	Section 47, page 30, line 8, leave out 'a person to act on his or her behalf' and insert 'such a person'.	Adran 47, tudalen 30, llinell 8, hepgorer 'awdurdodi person i weithredu ar ei ran' a mewnosoder 'awdurdodi'r cyfryw berson'.	The purpose and effect of this amendment are the same as the purpose and effect of amendment 15 (only in respect of investigations under Part 5).
83	Section 48, page 30, line 23, after 'matter', insert 'alleged in the complaint'.	Adran 48, tudalen 30, llinell 25, ar ôl 'mater', mewnosoder 'a honnir yn y gŵyn'.	The purpose and effect of this amendment are the same as the purpose and effect of amendment 16 (only in respect of investigations under Part 5).
84	Section 48, page 30, line 29, leave out 'aggrieved' and insert 'who made the complaint'.	Adran 48, tudalen 30, llinell 31, hepgorer 'dramgwyddwyd' a mewnosoder 'wnaeth y gŵyn'.	The purpose and effect of this amendment are the same as the purpose and effect of amendment 17 (only in respect of investigations under Part 5).
85	Section 48, page 30, line 31, leave out 'he or she' and insert 'the person'.	Nid oes angen diwygio'r fersiwn Cymraeg. There is no need to amend the Welsh version.	The purpose and effect of this amendment are the same as the purpose and effect of amendment 20 (only in respect of investigations under Part 5).
86	Section 48, page 30, line 34, leave out '43 to investigate the matter' and insert— '43(1)(a) to begin an investigation into the matter alleged in the complaint; (b) may use the power in section 44 to investigate the matter alleged in the complaint'.	Adran 48, tudalen 30, llinell 36, hepgorer 'rhaid i'r Ombwdsmon beidio â defnyddio'r pŵer yn adran 43 i ymchwilio i'r mater' a mewnosoder— 'ni chaiff yr Ombwdsmon ddefnyddio'r pŵer yn adran 43(1)(a) i gychwyn ymchwiliad i'r mater a honnir yn y gŵyn; (b) caiff yr Ombwdsmon ddefnyddio'r pŵer yn adran 44 i ymchwilio i'r mater a honnir yn y gŵyn'.	The purpose and effect of this amendment are the same as the purpose and effect of amendment 19 (only in respect of investigations under Part 5).

87	Section 48, page 30, line 36, leave out 'he or she' and insert 'the person'.	Nid oes angen diwygio'r fersiwn Cymraeg. There is no need to amend the Welsh version.	The purpose and effect of this amendment are the same as the purpose and effect of amendment 20 (only in respect of investigations under Part 5).
88	Section 48, page 31, line 3, leave out subsections (8) to (10).	Adran 48, tudalen 31, llinell 3, hepgorer is-adrannau (8) hyd at (10).	The purpose and effect of this amendment are the same as the purpose and effect of amendment 21 (only in respect of investigations under Part 5).
89	Page 31, after line 20, insert a new section— [] Records of complaints The Ombudsman must maintain a register of every complaint made or referred to the Ombudsman in respect of a matter which the Ombudsman is entitled to investigate under this Part.'.	Tudalen 31, ar ôl llinell 21, mewnosoder adran newydd— [] Cofnodion o gwynion Rhaid i'r Ombwdsmon gynnal cofrestr o bob cwyn a wnaed i'r Ombwdsmon neu a atgyfeiriwyd at yr Ombwdsmon mewn perthynas â mater y mae gan yr Ombwdsmon hawl i ymchwilio iddo o dan y Rhan hon.'.	The purpose and effect of this amendment are the same as the purpose and effect of amendment 22 (only in respect of investigations under Part 5).
90	Section 50, page 31, line 23, leave out— 'under section 43(8) or section 44(4)— (a) not to begin an investigation, or (b) to discontinue an investigation,' and insert— '(a) not to begin an investigation, or to discontinue an investigation, into a matter under section 43(8), or	Adran 50, tudalen 31, llinell 24, hepgorer— 'o dan adran 43(8) neu adran 44(4)— (a) i beidio â dechrau ymchwiliad, neu (b) i ddod ag ymchwiliad i ben,' a mewnosoder— '(a) peidio â chychwyn ymchwiliad, neu roi'r gorau i ymchwiliad, i fater o dan adran 43(8), neu	The purpose and effect of this amendment are the same as the purpose and effect of amendments 25 to 27 (only in respect of investigations under Part 5).

	(b) where the Ombudsman has consulted a person under section 43(<i>[third paragraph of first subsection inserted by Amendment 80]</i>), decides not to begin an investigation, or to discontinue an investigation, into a matter under section 43(<i>[first paragraph of second subsection to be inserted by Amendment 80]</i>),’.	(b) pan fo’r Ombwdsmon wedi ymgynghori â pherson o dan adran 43 (<i>[trydydd paragraff yr is-adran gyntaf sy’n cael ei mewnosod gan Gwelliant 80]</i>), yn penderfynu peidio â chychwyn ymchwiliad, neu roi’r gorau i ymchwiliad, i fater o dan adran 43 (<i>[paragraff cyntaf yr ail is-adran sy’n cael ei mewnosod gan Gwelliant 80]</i>),’.	
91	Section 50, page 31, line 28, leave out ‘the person aggrieved (if any)’ at the second place where it appears and insert ‘any person who made a complaint to the Ombudsman in respect of the matter’.	Adran 50, tudalen 31, llinell 29, hepgorer ‘y person a dramgwyddwyd (os oes un)’ a mewnosoder ‘unrhyw berson a wnaeth gŵyn i’r Ombwdsmon mewn perthynas â’r mater’.	The purpose and effect of this amendment are the same as the purpose and effect of amendment 28 (only in respect of investigations under Part 5).
92	Section 51, page 32, line 23, after ‘investigated’, insert— ‘, and (ii) any person, other than the provider, who is identified in the investigation proposal in a negative way’.	Adran 51, tudalen 32, llinell 24, ar ôl ‘iddo’, mewnosoder— ‘, a (ii) i unrhyw berson, heblaw’r darparwr, y’i hadwaenir mewn modd negyddol yn y cynnig ymchwilio’.	The purpose and effect of this amendment are the same as the purpose and effect of amendment 28 (only in respect of investigations under Part 5).
93	Section 51, page 32, line 25, leave out ‘has prepared an investigation proposal in respect of an investigation under section’.	Adran 51, tudalen 32, llinell 26, hepgorer ‘wedi paratoi cynnig ymchwiliad sy’n ymwneud ag ymchwiliad o dan adran’.	The purpose and effect of this amendment are the same as the purpose and effect of amendment 31 (only in respect of investigations under Part 5).
94	Section 51, page 32, line 28, leave out ‘is conducting another investigation’ at the second place where it appears and insert ‘has begun another investigation into a matter’.	Adran 51, tudalen 32, llinell 29, hepgorer ‘yn cynnal ymchwiliad arall’ a mewnosoder ‘wedi cychwyn ymchwiliad arall i fater’.	The purpose and effect of this amendment are the same as the purpose and effect of amendment 32 (only in respect of investigations under Part 5).

<p>95</p>	<p>Section 51, page 32, line 34, leave out subsection (5) to (7) and insert—</p> <p>‘ () Where the Ombudsman prepares an investigation proposal in relation to a matter, the Ombudsman must—</p> <p>(a) give the provider being investigated an opportunity to comment on the investigation proposal;</p> <p>(b) give any person, other than the provider, who is identified in the investigation proposal in a negative way, an opportunity to comment on the investigation proposal (as far as the investigation proposal relates to that person).</p> <p>() Where the Ombudsman has begun a related investigation into a matter and no investigation proposal is prepared by virtue of subsection (3), the Ombudsman must—</p> <p>(a) give the provider an opportunity to comment on the related investigation;</p> <p>(b) give any person, other than the provider, who is identified by the Ombudsman in relation to the related investigation in a negative way, an opportunity to comment on the related investigation (as far as the related investigation relates to that person).</p> <p>() An investigation proposal must set out—</p> <p>(a) the reasons for the investigation, and</p> <p>(b) how the criteria published under section 45 have been met.’.</p>	<p>Adran 51, tudalen 32, llinell 35, hepgorer is-adrannau (5) hyd at (7) a mewnosoder—</p> <p>‘ () Pan fo’r Ombwdsmon yn paratoi cynnig ymchwilio mewn perthynas â mater, rhaid i’r Ombwdsmon—</p> <p>(a) rhoi cyfle i’r darparwr yr ymchwilir iddo wneud sylwadau ar y cynnig ymchwilio;</p> <p>(b) rhoi cyfle i unrhyw berson, heblaw’r darparwr, y’i hadwaenir mewn modd negyddol, wneud sylwadau ar y cynnig ymchwilio (i’r graddau y mae’r ymchwiliad yn ymwneud â’r person hwnnw).</p> <p>() Pan fo’r Ombwdsmon wedi cychwyn ymchwiliad cysylltiedig i fater ac nad oes cynnig ymchwilio wedi’i baratoi yn rhinwedd is-adran (3), rhaid i’r Ombwdsmon—</p> <p>(a) rhoi cyfle i’r darparwr wneud sylwadau ar yr ymchwiliad cysylltiedig;</p> <p>(b) rhoi cyfle i unrhyw berson, heblaw’r darparwr, y’i hadwaenir gan yr Ombwdsmon mewn modd negyddol mewn perthynas â’r ymchwiliad, wneud sylwadau ar yr ymchwiliad cysylltiedig (i’r graddau y mae’r ymchwiliad yn ymwneud â’r person hwnnw).</p> <p>() Rhaid i gynnig ymchwilio nodi—</p> <p>(a) y rhesymau dros yr ymchwiliad, a</p> <p>(b) y modd y bodlonwyd y meini prawf y cyfeirir atynt yn adran 45.’.</p>	<p>The purpose and effect of this amendment are the same as the purpose and effect of amendments 33 and 34 (only in respect of investigations under Part 5).</p>
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96	Section 51, page 33, line 15, after 'investigation', insert 'under section 43 or 44'.	Adran 51, tudalen 33, llinell 16, ar ôl 'ymchwiliad', mewnosoder 'o dan adran 43 neu 44'.	The purpose and effect of this amendment are the same as the purpose and effect of amendment 36 (only in respect of investigations under Part 5).
97	Section 51, page 33, line 25, leave out 'the person aggrieved (if any) and to any other' and insert 'any'.	Adran 51, tudalen 33, llinell 25, hepgorer 'i'r person a dramgwyddwyd (os oes un) ac i unrhyw berson arall' a mewnosoder 'i unrhyw berson'.	The purpose and effect of this amendment are the same as the purpose and effect of amendment 37 (only in respect of investigations under Part 5).
98	Section 51, page 33, after line 29, insert— '(14) The Ombudsman must publish the procedure that the Ombudsman will follow when conducting an investigation under section 43 or 44.'	Adran 51, tudalen 33, ar ôl llinell 30, mewnosoder— '(14) Rhaid i'r Ombwdsmon gyhoeddi'r weithdrefn y bydd yr Ombwdsmon yn ei dilyn wrth gynnal ymchwiliad o dan adran 43 neu 44.'	The purpose and effect of this amendment are the same as the purpose and effect of amendment 38 (only in respect of investigations under Part 5).
99	Section 54, page 34, leave out line 34 and insert— '() if the investigation relates to a complaint, the person who made the complaint,'.	Adran 54, tudalen 34, hepgorer llinell 37 a mewnosoder— '() os bydd yr ymchwiliad yn ymwneud â chwyn, y person a wnaeth y gŵyn,'.	The purpose and effect of this amendment are the same as the purpose and effect of amendment 39 (only in respect of investigations under Part 5).
100	Section 56, page 36, line 13, leave out 'authority' and insert 'provider'.	Adran 56, tudalen 36, llinell 15, hepgorer 'awdurdod' a mewnosoder 'darparwr'.	The purpose of this amendment is to change an incorrect reference in the Bill. The effect of this will be to include the correct reference to "provider".
101	Section 57, page 36, line 19, after 'sustained', insert ', or is likely to sustain,'.	Adran 57, tudalen 36, llinell 22, ar ôl 'galedi', mewnosoder ', neu'n debygol o ddioddef anghyfiawnder neu galedi,'.	The purpose and effect of this amendment are the same as the purpose and effect of amendment 43 (only in respect of investigations under Part 5).

102	Section 57, page 36, line 25, after 'sustained', insert ', or is likely to sustain,'.	Adran 57, tudalen 36, llinell 28, ar ôl 'galedi', mewnosoder ', neu'n debygol o ddiodef anghyfiawnder neu galedi,'.	The purpose and effect of this amendment are the same as the purpose and effect of amendment 43 (only in respect of investigations under Part 5).
103	Section 57, page 36, line 33, leave out ', the provider and the person aggrieved (if any)' and insert 'and the provider and, if the investigation relates to a complaint, the person who made the complaint'.	Adran 57, tudalen 36, llinell 35, hepgorer ', y darparwr a'r person a dramgwyddwyd (os oes un)' a mewnosoder 'a'r darparwr ac, os yw'r ymchwiliad yn ymwneud â chwyn, y person a wnaeth y gŵyn'.	The purpose and effect of this amendment are the same as the purpose and effect of amendment 46 (only in respect of investigations under Part 5).
104	Section 57, page 37, line 5, leave out 'the person aggrieved (if any) and' and insert— '(i) if the investigation relates to a complaint, the person who made the complaint;'	Adran 57, tudalen 37, llinell 5, hepgorer 'at y person a dramgwyddwyd (os oes un) ac' a mewnosoder— '(i) os yw'r ymchwiliad yn ymwneud â chwyn, at y person a wnaeth y gŵyn;'	The purpose and effect of this amendment are the same as the purpose and effect of amendment 47 (only in respect of investigations under Part 5).
105	Section 58, page 37, line 31, after 'sustained', insert ', or is likely to sustain,'.	Adran 58, tudalen 37, llinell 32, ar ôl 'galedi', mewnosoder ', neu'n debygol o ddiodef anghyfiawnder neu galedi,'.	The purpose and effect of this amendment are the same as the purpose and effect of amendment 43 (only in respect of investigations under Part 5).
106	Section 58, page 38, line 22, after 'sustained', insert ', or is likely to sustain,'.	Adran 58, tudalen 38, llinell 23, ar ôl 'galedi', mewnosoder ', neu'n debygol o ddiodef anghyfiawnder neu galedi,'.	The purpose and effect of this amendment are the same as the purpose and effect of amendment 43 (only in respect of investigations under Part 5).
107	Section 59, page 38, line 36, after 'remedy', insert 'or prevent'.	Adran 59, tudalen 38, llinell 37, hepgorer 'unioni'r' a mewnosoder 'unioni neu atal yr'.	The purpose and effect of this amendment are the same as the purpose and effect of amendment 51 (only in respect of investigations under Part 5).

108	Section 59, page 38, line 37, after 'caused', insert 'to any person'.	Adran 59, tudalen 38, llinell 38, ar ôl 'achosi', mewnosoder 'i unrhyw berson'.	The purpose and effect of this amendment are the same as the purpose and effect of amendment 52 (only in respect of investigations under Part 5).
109	Section 59, page 39, line 5, leave out 'the person aggrieved (if any) and' and insert— '(a) if the investigation relates to a complaint, the person who made the complaint;'.	Adran 59, tudalen 39, llinell 5, hepgorer 'at y person a dramgwyddwyd (os oes un) a'r' a mewnosoder— '(a) os yw'r ymchwiliad yn ymwneud â chwyn, at y person a wnaeth y gŵyn; at y'.	The purpose and effect of this amendment are the same as the purpose and effect of amendment 53 (only in respect of investigations under Part 5).
110	Section 64, page 42, line 5, leave out '4(3), 43(8), 44(4)' and insert '4(3)(<i>first paragraph of second subsection to be inserted by Amendment 11</i>), 43(8), 44(4)(<i>first paragraph of second subsection to be inserted by Amendment 80</i>)'.	Adran 64, tudalen 42, llinell 6, hepgorer '4(3), 43(8) neu 44(4)' a mewnosoder '4(3)(<i>paragraff cyntaf yr ail is-adran sy'n cael ei mewnosod gan Gwelliant 11</i>), 43(8), 44(4)(<i>paragraff cyntaf yr ail is-adran sy'n cael ei mewnosod gan Gwelliant 80</i>) neu'.	This amendment is consequential upon amendments 11 and 80. Amendments 11 and 80 create new subsections and this amendment updates the cross reference to those new subsections.
111	Section 65, page 43, line 10, leave out 'examination' and insert 'investigation'.	Adran 65, tudalen 43, llinell 10, hepgorer 'archwiliad' a mewnosoder 'ymchwiliad'.	The purpose of this amendment is to clarify the reference to investigations that can be carried out by the Children's Commissioner, the Commissioner for Older People etc. The effect of this amendment (along with amendment 136) will be to ensure that the Ombudsman and Commissioners etc. are clear as to when they can work jointly on matters.
112	Section 65, page 43, leave out lines 17 to 19 and insert—	Adran 65, tudalen 43, hepgorer llinellau 17 hyd at 19 a mewnosoder—	The purpose of this amendment is to include the Welsh Ministers as persons with whom the Ombudsman can work jointly on a matter,

	<p>'(e) where the matter relates to health or social care, the Welsh Ministers.'</p>	<p>'(e) pan fo'r mater yn ymwneud ag iechyd neu ofal cymdeithasol, Gweinidogion Cymru. '.</p>	<p>where the matter relates to health or social care.</p> <p>The effect of this amendment will be to allow the Ombudsman to work jointly with the Welsh Ministers (i.e. Healthcare Inspectorate Wales and Care Inspectorate Wales who inspect health and social care matters on behalf of the Welsh Ministers) in relation to health and social care investigations.</p>
113	<p>Section 65, page 43, line 20, leave out—</p> <p>'(3) Where the Ombudsman considers it appropriate, the Ombudsman must—</p> <p>(a) inform the relevant specified person about the matter, and</p> <p>(b) consult the specified person in relation to it.</p> <p>(4) Where the Ombudsman consults the Children's Commissioner for Wales, the Commissioner for Older People in Wales or the Welsh Language Commissioner'</p> <p>and insert—</p> <p>'() Subject to subsection (4), where the Ombudsman considers it appropriate, the Ombudsman must—</p> <p>(a) inform the relevant specified person about the matter, and</p> <p>(b) consult the specified person in relation to it.</p>	<p>Adran 65, tudalen 43, llinell 20, hepgorer—</p> <p>'(3) Pan fo'r Ombwdsmon o'r farn bod hynny'n briodol, rhaid i'r Ombwdsmon—</p> <p>(a) rhoi gwybod i'r person a bennir perthnasol am y mater, a</p> <p>(b) ymgynghori â'r person a bennir mewn perthynas ag ef.</p> <p>(4) Pan fo'r Ombwdsmon yn ymgynghori â Chomisiynydd Plant Cymru, Comisiynydd Pobl Hŷn Cymru, Comisiynydd Cenedlaethau'r Dyfodol Cymru neu Gomisiynydd y Gymraeg'</p> <p>a mewnosoder—</p> <p>'() Yn ddarostyngedig i is-adran (4), pan fo'r Ombwdsmon o'r farn bod hynny'n briodol, rhaid i'r Ombwdsmon—</p> <p>(a) rhoi gwybod i'r person a bennir perthnasol am y mater, a</p> <p>(b) ymgynghori â'r person a bennir mewn perthynas ag ef.</p>	<p>The purpose of this amendment is to clarify the Ombudsman's duties to inform and consult Commissioners etc.</p> <p>The effect of this amendment will be that the Ombudsman will have to inform and consult the relevant Commissioner etc. where it is appropriate to do so (but where the Ombudsman can only investigate a matter via an own initiative investigation, the Ombudsman must always inform the relevant Commissioner etc. and must, where appropriate, consult the relevant Commissioner etc.).</p>

	<p>() Where the Ombudsman may investigate the matter under section 4 or 44 only, the Ombudsman must—</p> <p>(a) inform the relevant specified person about the matter, and</p> <p>(b) where the Ombudsman considers it appropriate, consult the specified person in relation to it.</p> <p>() Where the Ombudsman consults a specified person,‘.</p>	<p>() Pan gaiff yr Ombwdsmon ymchwilio i’r mater o dan adran 4 neu 44 yn unig, rhaid i’r Ombwdsmon—</p> <p>(a) rhoi gwybod i’r person a bennir perthnasol am y mater, a</p> <p>(b) pan fo’r Ombwdsmon o’r farn bod hynny’n briodol, ymgynghori â’r person a bennir mewn perthynas ag ef.</p> <p>() Pan fo’r Ombwdsmon yn ymgynghori â pherson a bennir ‘.</p>	
114	<p>Section 66, page 44, line 2, leave out ‘matter could be the subject of an examination’ and insert—</p> <p>‘(a) complaint, or</p> <p>(b) a matter the Ombudsman is considering investigating under section 4 or 44, relates to or raises a matter which could be the subject of an investigation’.</p>	<p>Adran 66, tudalen 44, llinell 2, hepgorer ‘y gallai mater fod yn destun archwiliad’ a mewnosoder—</p> <p>‘bod</p> <p>(a) cwyn, neu</p> <p>(b) mater y mae’r Ombwdsmon yn ystyried ymchwilio iddo o dan adran 4 neu 44, yn ymwneud â mater, neu’n codi mater, a allai fod yn destun ymchwiliad’.</p>	<p>The purpose of this amendment is to specify more precisely the scope of the powers of the Ombudsman to work collaboratively with Commissioners (i.e. the Children’s Commissioner for Wales, the Commissioner for Older People in Wales and the Welsh Language Commissioner).</p> <p>The effect of this amendment will be that the Ombudsman will be able to work with other Commissioners where a complaint, or a matter the Ombudsman is considering investigating using the own initiative power, relates to a matter that one of the Commissioners could also investigate.</p>
115	<p>Section 66, page 44, line 7, leave out ‘also’.</p>	<p>Adran 66, tudalen 44, llinell 7, hepgorer ‘hefyd’.</p>	<p>This amendment is consequential upon amendment 114. Amendment 114 addresses the point that the powers to work collaboratively can only be used where there is a matter that both the Ombudsman and a</p>

			Commissioner can investigate, so there is no need for the word “also” in this subsection.
116	Section 67, page 44, line 33, after ‘matter’, insert ‘to which the investigation relates’.	Adran 67, tudalen 44, llinell 34, ar ôl ‘mater’, mewnosoder ‘y mae’r ymchwiliad yn ymwneud ag ef’.	<p>The purpose of this amendment is to clarify the meaning of the reference to matter in subsection (2)(a).</p> <p>The effect of this amendment will be to clarify that the reference to matter in subsection (2)(a) is a reference to the matter to which the investigation relates.</p>
117	Section 68, page 45, line 10, after ‘23’, insert ‘or 56’.	Adran 68, tudalen 45, llinell 10, ar ôl ‘23’, mewnosoder ‘neu 56’.	<p>The purpose of this amendment is to apply this section to information received by the Ombudsman in connection with notifications received by the Ombudsman under Part 5 (i.e. notifications that a provider must send to the Ombudsman which set out the action the provider has taken or proposes to take in response to an Ombudsman report, and the period during which the provider proposes to take the action (if not already taken)).</p> <p>The effect of this amendment will be that information contained in notifications received under Part 5 (as well as those received under Part 3) must not be disclosed, except in the circumstances specified elsewhere in this section.</p>
118	Section 68, page 45, after line 24, insert—	Adran 68, tudalen 45, ar ôl llinell 25, mewnosoder—	The purpose of this amendment is to allow the Auditor General for Wales to share any relevant information with the Ombudsman

	'() for the purpose of any function of the Auditor General for Wales;'	'() at ddiben unrhyw un neu ragor o swyddogaethau Archwilydd Cyffredinol Cymru;'	<p>when the Auditor General and the Ombudsman work together.</p> <p>The effect of this amendment will be to allow the Auditor General to share relevant information with the Ombudsman, without fear that the Auditor General could not further disclose that information. The amendment ensures that the Auditor General can further disclose that information for the purpose of any of the Auditor General's functions (and not just for the purpose of working with the Ombudsman).</p>
119	Section 68, page 45, line 30, leave out 'Act' and insert 'Acts'.	Adran 68, tudalen 45, llinell 31, hepgorer 'Ddeddf' a mewnosoder 'Ddeddfau'.	<p>The purpose of this amendment is to correct a typing error.</p> <p>The effect of this amendment is to change "Act" to "Acts" which is necessary because there is reference to more than one Act.</p>
120	Section 68, page 46, line 7, leave out 'an investigation and of any report to be made under section 69' and insert 'the Ombudsman's functions under Chapters 3 and 4 of Part 3'.	Adran 68, tudalen 46, llinell 7, hepgorer 'ymchwiliad ac unrhyw adroddiad sydd i'w wneud o dan adran 69' a mewnosoder 'swyddogaethau'r Ombwdsmon o dan Benodau 3 a 4 o Ran 3'.	<p>The purpose of this amendment is to clarify the scope of disclosures that are allowed under this subsection.</p> <p>The effect of this amendment will be that this subsection will cover disclosures for the purposes of the Ombudsman's functions under Chapters 3 and 4 of Part 3 of the Local Government Act 2000 (i.e. for the purpose of deciding whether to undertake an investigation or explaining why an investigation is not being undertaken, or for</p>

			the purpose of requiring authorities to publish statements).
121	Section 68, page 46, line 14, leave out 'Part 5 of the Data Protection Act 1998 (c.29)' and insert 'sections 142 to 154, 160 to 164 or 174 to 176 of, or Schedule 15 to, the Data Protection Act 2018 (c.12) (certain provisions relating to'.	Adran 68, tudalen 46, hepgorer llinell 15 a mewnosoder— '(a) adrannau 142 i 154, 160 i 164 neu 174 i 176 o Ddeddf Diogelu Data 2018 (p.12) (darpariaethau penodol yn ymwneud â gorfodi), neu Atodlen 15 i'r Ddeddf honno;'	The purpose of this amendment is to include references to the Data Protection Act 2018, which received Royal Assent after the Bill was introduced. The effect of this amendment will be that information about investigations can be disclosed to the Information Commissioner, where it appears to the Ombudsman that the information relates to matters the Information Commissioner could investigate under the Data Protection Act or offences under that Act.
122	Section 68, page 46, after line 17, insert— '() Subsection (4)(a) has effect as if the matters to which it refers include a matter in respect of which the Information Commissioner could exercise a power conferred by a provision of Part 5 of the Data Protection Act 1998, as it has effect by virtue of Schedule 20 to the Data Protection Act 2018.'	Adran 68, tudalen 46, ar ôl llinell 17, mewnosoder— '() Mae is-adran (4)(a) yn cael effaith fel pe bai'r materion y mae'n cyfeirio atynt yn cynnwys mater y gallai'r Comisiynydd Gwybodaeth arfer, mewn perthynas ag ef, bŵer a roddir gan ddarpariaeth yn Rhan 5 o Ddeddf Diogelu Data 1998, fel y mae'n cael effaith yn rhinwedd Atodlen 20 i Ddeddf Diogelu Data 2018.'	The purpose and effect of this amendment are the same as the purpose and effect of amendment 121.
123	Section 68, page 46, leave out lines 19 to 20 and insert—	Adran 68, tudalen 46, hepgorer llinellau 19 hyd at 20 a mewnosoder—	The purpose and effect of this amendment are the same as the purpose and effect of amendment 121.

	‘ () a provision of the Data Protection Act 2018 (c.12) other than paragraph 15 of Schedule 15 to that Act (obstruction of execution of warrant etc);’.	‘ () darpariaeth yn Neddf Diogelu Data 2018 (p.12) heblaw paragraff 15 o Atodlen 15 i’r Ddeddf honno (rhwystro gweithredu gwarant);’.	
124	Section 70, page 47, after line 8, insert— ‘(ii) section 21 as modified by section 22; (iii) sections 21 and 22 as they apply to special reports (see section 28(6));’.	Adran 70, tudalen 47, ar ôl llinell 7, mewnosoder— ‘(ii) adran 21 fel y’i haddasir gan adran 22; (iii) adrannau 21 a 22 yn yr un modd ag y maent yn gymwys i adroddiadau arbennig (gweler adran 28(6));’.	The purpose of this amendment is to clarify which publications are protected from defamation claims. The effect of this amendment will be to clarify that when a health care provider is complying with the duty to publicise an Ombudsman report (including a special report), that publication by the health care provider is protected from defamation claims.
125	Section 70, page 47, line 9, after ‘with’, insert ‘a complaint or’.	Adran 70, tudalen 47, llinell 8, hepgorer ‘ag’ a mewnosoder ‘â chŵyn neu’.	The purpose of this amendment is to clarify which publications are protected from defamation claims. The effect of this amendment will be that publication of matters in connection with complaints (even where there is no investigation) is protected from defamation claims.
126	Section 70, page 47, line 18, after ‘with’, insert ‘a complaint or’.	Adran 70, tudalen 47, llinell 16, hepgorer ‘ag’ a mewnosoder ‘â chŵyn neu’.	The purpose and effect of this amendment are the same as the purpose and effect of amendment 125.
127	Section 70, page 47, line 27, after ‘with’, insert ‘a complaint or’.	Adran 70, tudalen 47, llinell 24, hepgorer ‘ag’ a mewnosoder ‘â chŵyn neu’.	The purpose and effect of this amendment are the same as the purpose and effect of amendment 125.

128	<p>Page 48, line 21, leave out section 72 and insert—</p> <p>[] Review of Act</p> <p>(1) An Assembly committee must, as soon as practicable after the end of the 5 year period, lay before the Assembly a report on the operation and effect of this Act during the 5 year period.</p> <p>(2) An Assembly committee may lay before the Assembly a report on the operation and effect of this Act at any time.</p> <p>(3) In preparing a report under this section, the Assembly committee must consult such persons as the Assembly committee considers appropriate.</p> <p>(4) In this section, “the 5 year period” means the period of 5 years beginning with the day this Act receives Royal Assent.’.</p>	<p>Tudalen 48, llinell 20, hepgorer adran 72 a mewnosoder—</p> <p>[] Adolygiad o’r Ddeddf</p> <p>(1) Rhaid i bwyllgor Cynulliad, cyn gynted ag y bo’n ymarferol ar ddiwedd y cyfnod 5 mlynedd, osod gerbron y Cynulliad adroddiad ar weithrediad ac effaith y Ddeddf hon yn ystod y cyfnod 5 mlynedd.</p> <p>(2) Caiff pwyllgor Cynulliad osod gerbron y Cynulliad adroddiad ar gweithrediad ac effaith y Ddeddf hon ar unrhyw adeg.</p> <p>(3) Wrth baratoi adroddiad o dan yr adran hon, rhaid i’r pwyllgor Cynulliad ymgynghori â’r cyfryw bersonau sydd, ym marn y pwyllgor Cynulliad, yn briodol.</p> <p>(4) Yn yr adran hon, ystyr “y cyfnod 5 mlynedd” yw’r cyfnod o 5 mlynedd sy’n dechrau â’r diwrnod y caiff y Ddeddf hon y Cydsyniad Brenhinol.’.</p>	<p>The purpose of this amendment is to require an Assembly Committee to review the Act.</p> <p>The effect of this amendment will be to require an Assembly Committee to report on the operation and effect of the Act, after consulting such persons as the Assembly Committee considers appropriate. The Assembly Committee must report on the Act as soon as practicable five years after the Act receives Royal Assent, and may report at any other time.</p>
129	<p>Section 74, page 49, line 4, leave out—</p> <p>‘(investigations commenced before sections 3, 4, 43 and 44 come into force);</p> <p>(b) section 35 of the 2005 Act continues to have effect.</p> <p>(2) Schedule 5 (consequential amendments)’</p> <p>and insert—</p>	<p>Adran 74, tudalen 49, llinell 5, hepgorer—</p> <p>‘(ymchwiliadau a gychwynnir cyn y daw adrannau 3, 4, 43 a 44 i rym);</p> <p>(b) mae adran 35 o Ddeddf 2005 yn parhau i gael effaith.</p> <p>(2) Mae Atodlen 5 (diwygiadau canlyniadol)’</p> <p>a mewnosoder—</p>	<p>The purpose of this amendment is to save certain provisions of the 2005 Act from being repealed.</p> <p>The effect of this amendment is that paragraphs 9(4) and 11(4) of Schedule 1, and Schedule 6, to the 2005 Act will not be repealed. These provisions made changes to other legislation and those changes need to survive and continue to apply when the Bill becomes an Act.</p>

	<p>'of this Act (investigations commenced before sections 3, 4, 42 and 43 of this Act come into force);</p> <p>(b) subsection (1) does not apply to—</p> <p>(i) paragraphs 9(4) and 11(4) of Schedule 1 to the 2005 Act (which amend the Superannuation Act 1972 (c.11)) and section 1 of the 2005 Act (to the extent that it gives effect to paragraphs 9(4) and 11(4) of the 2005 Act);</p> <p>(ii) Schedule 4 to the 2005 Act (which amends the Local Government Act 2000 (c.22)) and section 35 of the 2005 Act (which gives effect to Schedule 4 to the 2005 Act);</p> <p>(iii) Schedule 6 to the 2005 Act (consequential amendments) and section 39(1) of the 2005 Act (which gives effect to Schedule 6 to the 2005 Act);</p> <p>(iv) the extent that it would revoke any subordinate legislation (within the meaning of section 21(1) of the Interpretation Act 1978 (c.30)) made under the 2005 Act.</p> <p>() Schedule 5 (which makes consequential amendments of primary legislation in consequence of this Act)'. </p>	<p>'o'r Ddeddf hon (ymchwiliadau a gychwynnir cyn y daw adrannau 3, 4, 42 a 43 o'r Ddeddf hon i rym);</p> <p>(b) nid yw is-adran (1) yn gymwys i —</p> <p>(i) paragraffau 9(4) ac 11(4) o Atodlen 1 i Ddeddf 2005 (sy'n diwygio Deddf Blwydd-daliadau 1972 (p.11)) ac adran 1 o Ddeddf 2005 (i'r graddau y mae'n rhoi effaith i baragraffau 9(4) ac 11(4) o Ddeddf 2005);</p> <p>(ii) Atodlen 4 i Ddeddf 2005 (sy'n diwygio Deddf Llywodraeth Leol 2000 (p.22)) ac adran 35 o Ddeddf 2005 (sy'n rhoi effaith i Atodlen 4 i Ddeddf 2005);</p> <p>(iii) Atodlen 6 i Ddeddf 2005 (diwygiadau canlyniadol) ac adran 39(1) o Ddeddf 2005 (sy'n rhoi effaith i Atodlen 6 i Ddeddf 2005);</p> <p>(iv) y graddau y byddai'n dirymu unrhyw is-ddeddfwriaeth (o fewn ystyr adran 21(1) o Ddeddf Dehongli 1978 (p.30)) a wneir o dan Ddeddf 2005.</p> <p>() Mae Atodlen 5 (sy'n gwneud diwygiadau canlyniadol i ddeddfwriaeth sylfaenol o ganlyniad i'r Ddeddf hon)'. </p>	<p>The amendment also saves any subordinate legislation made under the 2005 Act, again because that subordinate legislation needs to survive and continue to apply when the Bill becomes an Act.</p>
130	<p>Section 75, page 49, line 9, leave out—</p> <p>'come into force in accordance with provision made by the Welsh Ministers by regulations.'</p>	<p>Adran 75, tudalen 49, llinell 10, hepgorer—</p> <p>'yn dod i rym yn unol â darpariaeth a wneir gan Weinidogion Cymru drwy reoliadau.'</p> <p>a mewnosoder—</p>	<p>The purpose of this amendment is to clarify which sections come into force when the Bill receives Royal Assent and which sections come into force when the Welsh Ministers make commencement regulations.</p>

	<p>and insert—</p> <p>‘, and the Schedules to this Act, come into force in accordance with provision made by the Welsh Ministers by regulations.</p> <p>() This section and sections 76 to 80 come into force on the day this Act receives Royal Assent.’.</p>	<p>‘, a’r Atodlenni i’r Ddeddf hon, yn dod i rym yn unol â darpariaeth a wneir gan Weinidogion Cymru drwy reoliadau.</p> <p>() Mae’r adran hon ac adrannau 76 i 80 yn dod i rym ar y diwrnod y caiff y Ddeddf hon y Cydsyniad Brenhinol.’.</p>	<p>The effect of this amendment is to clarify that the Schedules to the Bill come into force when the Welsh Ministers make commencement regulations that bring the Schedules come into force.</p> <p>The amendment also sets out exactly which sections come into force when the Bill receives Royal Assent.</p>
131	<p>Section 76, page 50, after line 10, insert—</p> <p>“enactment” (“<i>deddfiad</i>”) means an enactment (whenever enacted or made) which is, or contained in—</p> <p>(a) an Act or a Measure of the Assembly,</p> <p>(b) an Act of Parliament, or</p> <p>(c) subordinate legislation (within the meaning of section 21(1) of the Interpretation Act 1978 (c.30)) made under—</p> <p>(i) an Act or a Measure of the Assembly, or</p> <p>(ii) an Act of Parliament.’.</p>	<p>Adran 76, tudalen 51, ar ôl llinell 35, mewnosoder—</p> <p>‘ystyr “deddfiad” (“<i>enactment</i>”) yw deddfiad (pa bryd bynnag y’i deddfwyd neu y’i gwnaed) sy’n un o’r canlynol neu sydd wedi’i gynnwys mewn un o’r canlynol—</p> <p>(a) Deddf neu Fesur Cynulliad,</p> <p>(b) Deddf Seneddol, neu</p> <p>(c) is-ddeddfwriaeth (o fewn ystyr adran 21(1) o Ddeddf Dehongli 1978 (p.30)) a wneir o dan—</p> <p>(i) Deddf neu Fesur Cynulliad, neu</p> <p>(ii) Deddf Seneddol.’.</p>	<p>The purpose of this amendment is to insert a new definition of “enactment”.</p> <p>The effect of this amendment is that any reference to enactment in the Bill means an enactment in an Assembly Act, an Assembly Measure, an Act of Parliament or any subordinate legislation made under an Assembly Act, an Assembly Measure or an Act of Parliament.</p> <p>See also amendment 139.</p>
132	<p>Section 76, page 50, line 16, after ‘3’, insert ‘of this Act’.</p>	<p>Adran 76, tudalen 51, llinell 10, ar ôl ‘3’, mewnosoder ‘o’r Ddeddf hon’.</p>	<p>The purpose of this amendment is to clarify the meaning of the reference to “Part 3” in the definition of “family health service provider in Wales”.</p> <p>The effect of this amendment will be to clarify that the reference to Part 3 is a reference to Part 3 of the Bill.</p>

133	Section 76, page 50, leave out lines 26 to 27.	Adran 76, tudalen 51, hepgorer llinellau 22 hyd a 24.	<p>The purpose of this amendment is to remove unnecessary wording.</p> <p>The effect of this amendment will be to improve clarity and avoid duplication of subsection (7) of this section.</p>
134	Section 76, page 50, after line 31, insert— “in writing” (“ <i>yn ysgrifenedig</i> ”) includes in electronic form;’.	Adran 76, tudalen 53, ar ôl llinell 2, mewnosoder— ‘mae “yn ysgrifenedig” (“ <i>in writing</i> ”) yn cynnwys ar ffurf electronig;’.	<p>The purpose of this amendment is to include a new definition of “in writing”.</p> <p>The effect of this amendment is that anything that may be done “in writing” under the Bill may be done by writing in electronic form such as e-mail.</p>
135	Section 76, page 50, line 35, leave out ‘a complaint under’ and insert ‘an investigation under Part 3 of’.	Adran 76, tudalen 50, llinell 20, hepgorer ‘cwyn o dan y’ a mewnosoder ‘ymchwiliad o dan Ran 3 o’r’.	<p>The purpose of this amendment is to reflect the fact that the Ombudsman may investigate a matter even where there has been no complaint.</p> <p>The effect of this amendment will be to clarify that the reference to “action” in the definition of “independent provider in Wales” is a reference to action which is the subject of an investigation (which may or may not have been instigated by a complaint).</p>
136	Section 76, page 51, line 4, after ‘examination’, insert ‘, inquiry or review’.	Adran 76, tudalen 52, llinell 26, ar ôl ‘archwiliad’, mewnosoder ‘, ymchwiliad neu adolygiad’.	The purpose of this amendment is to capture inquiries and reviews within the definition of “investigation” as it applies in the Bill to persons other than the Ombudsman.

			<p>The effect of this amendment will be to reflect the fact that the use of “investigation” in the Bill captures examinations, inquiries and reviews carried out by other persons (such as the Commissioner for Older People in Wales, the Welsh Ministers etc.).</p> <p>See also amendment 111.</p>
137	Section 76, page 52, leave out lines 1 to 2.	Adran 76, tudalen 51, hepgorer llinellau 39 hyd at 40.	This amendment is consequential upon amendment 23. That amendment removed reference to “private health services” and therefore that definition is no longer needed.
138	Section 76, page 52, leave out lines 3 to 12.	Adran 76, tudalen 51, hepgorer llinellau 25 hyd a 35.	This amendment is consequential upon amendment 23. That amendment removed reference to “private health services provider” and therefore that definition is no longer needed.
139	Section 78, page 55, after line 15, insert— () Regulations under subsection (1) may amend, revoke or repeal any enactment (including any enactment contained in or made under this Act).’.	Adran 78, tudalen 55, ar ôl llinell 16, mewnosoder— () Caiff rheoliadau o dan is-adran (1) ddiwygio, dirymu neu ddiddymu unrhyw ddeddfiad (gan gynnwys unrhyw ddeddfiad sydd wedi’i gynnwys yn y Ddeddf hon neu a wneir o dan y Ddeddf hon).’.	<p>This purpose of this amendment is to give the Welsh Ministers power to make regulations that amend etc. any enactment, including an enactment in this Bill.</p> <p>The effect of this amendment (along with the new definition of “enactment” inserted by amendment 131) will be that the Welsh Ministers can use the power to make consequential, transitional provisions etc. to amend primary legislation.</p>

140	Section 78, page 55, line 19, leave out subsection (3).	Adran 78, tudalen 55, llinell 20, hepgorer is-adran (3).	The purpose of this amendment is to delete the requirement for references in legislation to the Ombudsman established under the 2005 Act to be read as references to the Ombudsman as continued under the Bill. The effect of this amendment will be that such references are not dealt with under this subsection (instead, they are dealt with in greater detail by amendments 155 to 170).
141	Schedule 1, page 59, leave out lines 10 to 13.	Atodlen 1, tudalen 59, hepgorer llinellau 10 hyd at 14.	This amendment is consequential on amendment 129. Amendment 129 saved, among other things, paragraph 9(4) of Schedule 1 to the 2005 Act. Therefore, there is no need to repeat paragraph 9(4) in the Bill.
142	Schedule 1, page 59, line 16, leave out 'sub-paragraph (4)' and insert 'paragraph 9(4) of Schedule 1 to the 2005 Act'.	Atodlen 1, tudalen 59, llinell 17, hepgorer 'is-baragraff (4)' a mewnosoder 'baragraff 9(4) o Atodlen 1 i Ddeddf 2005'.	This amendment is consequential upon amendment 141. By deleting paragraph 9(4) of Schedule 1 to the Bill, there is no need to cross-refer to paragraph 9(4) of Schedule to the Bill. Instead, a new cross-reference is included, i.e. a cross-reference to paragraph 9(4) of Schedule 1 to the 2005 Act (which is saved by amendment 129).
143	Schedule 1, page 59, line 31, leave out 'and 28(2)' and insert ', 28(2), 50(6), 54(7), 57(8) and 59(7)'.	Atodlen 1, tudalen 59, llinell 33, hepgorer 'a 28(2)' a mewnosoder ', 28(2), 50(6), 54(7), 57(8) a 59(7)'.	The purpose of this amendment is to allow the Ombudsman to retain more of the fees that the Ombudsman is allowed to charge under the Bill. The effect of this amendment will be to allow the Ombudsman to retain the fees that the

			Ombudsman is allowed to charge under Part 5 of the Bill (as opposed to just Part 3).
144	Schedule 1, page 60, leave out lines 3 to 6.	Atodlen 1, tudalen 60, hepgorer llinellau 3 hyd at 7.	This amendment is consequential on amendment 129. Amendment 129 saved, among other things, paragraph 11(4) of Schedule 1 to the 2005 Act. Therefore, there is no need to repeat paragraph 11(4) in the Bill.
145	Schedule 1, page 60, line 9, leave out 'sub-paragraph (4)' and insert 'paragraph 11(4) of Schedule 1 to the 2005 Act'.	Atodlen 1, tudalen 60, llinell 10, hepgorer 'is-baragraff (4)' a mewnosoder 'baragraff 11(4) o Atodlen 1 i Ddeddf 2005'.	This amendment is consequential upon amendment 144. By deleting paragraph 11(4) of Schedule 1 to the Bill, there is no need to cross-refer to paragraph 11(4) of Schedule to the Bill. Instead, a new cross-reference is included, i.e. a cross-reference to paragraph 11(4) of Schedule 1 to the 2005 Act (which is saved by amendment 129).
146	Schedule 1, page 61, line 23, leave out— 'a matter which may be investigated by the Ombudsman under this Act' and insert— 'which— (i) a complaint has been made or referred to the Ombudsman under this Act, or (ii) the Ombudsman has begun to investigate under section 4 or 44'.	Atodlen 1, tudalen 61, llinell 22, hepgorer— 'mewn perthynas â mater y caiff yr Ombwdsmon ymchwilio iddo o dan y Ddeddf hon' a mewnosoder— '(i) y mae cwyn wedi'i gwneud i'r Ombwdsmon amdano neu wedi'i hatgyfeirio at yr Ombwdsmon yn ei gylch o dan y Ddeddf hon neu (ii) y mae'r Ombwdsmon wedi cychwyn ymchwiliad iddo o dan adran 4 neu 44'.	The purpose of this amendment is to clarify that the words "in respect of a matter which may be investigated" relate to the listed authority, care home provider, domiciliary care provider or independent palliative care provider, and not the person mentioned in an annual or extraordinary report. The effect of this amendment will be to clarify when the restriction on including the details of a person in an annual or extraordinary report apply.

147	Schedule 1, page 61, line 36, leave out 'other than the first financial year'.	Atodlen 1, tudalen 61, llinell 37, hepgorer 'heblaw'r flwyddyn ariannol gyntaf'.	<p>The purpose of this amendment is to delete reference to the first financial year, which is no longer required.</p> <p>This amendment has no effect because the first financial year of the Ombudsman's office has already been (it started when the Ombudsman was established in 2005).</p>
148	<p>Schedule 1, page 62, leave out lines 32 to 38 and insert—</p> <p>'(b) subject to sub-paragraph (3), no later than four months after the accounts are so submitted, lay before the Assembly a copy of them as certified by the Auditor General for Wales together with the Auditor General for Wales's report on them ("a copy of the certified accounts and report").</p> <p>(3) The Auditor General for Wales may lay a copy of the certified accounts and report before the Assembly after the four-month deadline mentioned in sub-paragraph (2)(b) where it is not reasonably practicable for the Auditor General for Wales to meet that deadline.</p> <p>(4) Where sub-paragraph (3) applies, the Auditor General for Wales must—</p> <p>(a) before the four-month deadline mentioned in sub-paragraph (2)(b), lay before the Assembly a statement explaining why it is not reasonably practicable for the Auditor General for Wales to lay a copy of</p>	<p>Atodlen 1, tudalen 62, hepgorer llinellau 30 hyd at 36 a mewnosoder—</p> <p>'(b) yn ddarostyngedig i is-baragraff (3), heb fod yn hwyrach na phedwar mis ar ôl i'r cyfrifon gael eu cyflwyno, osod gerbron y Cynulliad gopi ohonynt fel y'u hardystiwyd gan Archwilydd Cyffredinol Cymru ynghyd ag adroddiad Archwilydd Cyffredinol Cymru arnynt ("copi o'r cyfrifon ardystiedig a'r adroddiad").</p> <p>(3) Caiff Archwilydd Cyffredinol Cymru osod copi o'r cyfrifon ardystiedig a'r adroddiad gerbron y Cynulliad ar ôl y terfyn amser o bedwar mis a grybwyllir yn is-baragraff (2)(b) pan na fo'n rhesymol ymarferol i Archwilydd Cyffredinol Cymru gadw at y terfyn amser hwnnw.</p> <p>(4) Pan fo is-baragraff (3) yn gymwys, rhaid i Archwilydd Cyffredinol Cymru—</p> <p>(a) cyn y terfyn amser o bedwar mis a grybwyllir yn is-baragraff (2)(b), osod gerbron y Cynulliad ddatganiad yn esbonio pam nad yw'n rhesymol ymarferol i Archwilydd Cyffredinol</p>	<p>The purpose of this amendment is to allow the Ombudsman flexibility to submit certified accounts and reports after the default four-month deadline, and to require the Auditor General for Wales to be satisfied that the Ombudsman has made appropriate arrangements for the economic, efficient and effective use of the Ombudsman's resources.</p> <p>The effect of this amendment is that where it is not reasonably practicable for the Ombudsman to lay a copy of the certified accounts and report before the Assembly within four months of the Ombudsman submitting accounts to the Auditor General, then the Auditor General can lay a copy of the certified accounts and report after the four-month deadline.</p> <p>If the Auditor General relies on this flexibility, the Auditor General must explain to the Assembly why a copy of the certified accounts and report will not be laid before the four-month deadline, and the Auditor General must</p>

	<p>the certified accounts and report before the Assembly before that deadline, and</p> <p>(b) lay a copy of the certified accounts and report before the Assembly as soon as reasonably practicable after that deadline.</p> <p>(5) In examining accounts submitted to the Auditor General for Wales under this paragraph the Auditor General for Wales must, in particular, be satisfied that—</p> <p>(a) the expenditure to which the accounts relate has been incurred lawfully and in accordance with the authority which governs it, and</p> <p>(b) the Ombudsman has made appropriate arrangements for the economic, efficient and effective use of the Ombudsman’s resources.’.</p>	<p>Cymru osod copi o’r cyfrifon ardystiedig a’r adroddiad gerbron y Cynulliad cyn y terfyn amser hwnnw, a</p> <p>(b) gosod copi o’r cyfrifon ardystiedig a’r adroddiad gerbron y Cynulliad cyn gynted ag y bo’n rhesymol ymarferol ar ôl y terfyn amser hwnnw.</p> <p>(5) Wrth archwilio cyfrifon a gyflwynir i Archwilydd Cyffredinol Cymru o dan y paragraff hwn rhaid i Archwilydd Cyffredinol Cymru, yn benodol, fod wedi ei fodloni—</p> <p>(a) yr aethpwyd yn gyfreithiol i’r gwariant y mae’r cyfrifon yn ymwneud ag ef, ac yn unol â’r awdurdod sy’n llywodraethu’r gwariant, a</p> <p>(b) bod yr Ombwdsmon wedi gwneud trefniadau priodol i ddefnyddio adnoddau’r Ombwdsmon yn ddarbodus, yn effeithlon ac yn effeithiol.’.</p>	<p>then proceed to lay a copy of the certified accounts and report as soon as reasonably practicable after the four-month deadline.</p> <p>The effect is also that when the Auditor General examines the Ombudsman’s accounts, the Auditor General must be satisfied that the Ombudsman has made appropriate arrangements for the economic, efficient and effective use of the Ombudsman’s resources.</p>
149	<p>Schedule 2, page 65, line 31, leave out paragraph 7.</p>	<p>Atodlen 2, tudalen 65, llinell 36, hepgorer baragraff 7.</p>	<p>The purpose of this amendment is to delete references to health legislation that no longer applies in the context of Ombudsman investigations.</p> <p>This amendment has no effect other than tidying up the Bill to remove references to legislation that is no longer applicable to the Bill.</p>
150	<p>Schedule 3, page 68, leave out line 4.</p>	<p>Atodlen 3, tudalen 68, hepgorer llinell 4.</p>	<p>This amendment is consequential upon amendment 23. That amendment removed reference to “private health services provider”</p>

			and therefore private health services providers are no longer listed authorities.
151	Schedule 3, page 69, leave out line 7.	Atodlen 3, tudalen 69, hepgorer llinell 10.	The purpose of this amendment is to remove the Wales Audit Office as a listed authority. The effect of this amendment is that the Wales Audit Office will not be a body that can be investigated by the Ombudsman.
152	Schedule 5, page 71, line 5, leave out paragraph 1 and insert— ‘[] Insert new section 75ZB— “75ZB Working jointly with the Public Services Ombudsman for Wales (1) This section applies where it appears to the Commissioner that a case which he is— (a) examining in accordance with regulations made under section 74, or (b) considering whether to examine in accordance with such regulations, relates to or raises a matter which could be the subject of an investigation by the Public Services Ombudsman for Wales (the ‘connected matter’). (2) Where the Commissioner considers it appropriate, he must inform the Ombudsman about the connected matter. (3) Where the Commissioner considers that the case also relates to or raises a matter	Atodlen 5, tudalen 71, llinell 5, hepgorer paragraff 1 a mewnosoder— ‘[] Mewnosoder adran newydd 75ZB — “75ZB Working jointly with the Public Services Ombudsman for Wales (1) This section applies where it appears to the Commissioner that a case which he is— (a) examining in accordance with regulations made under section 74, or (b) considering whether to examine in accordance with such regulations, relates to or raises a matter which could be the subject of an investigation by the Public Services Ombudsman for Wales (the ‘connected matter’). (2) Where the Commissioner considers it appropriate, he must inform the Ombudsman about the connected matter. (3) Where the Commissioner considers that the case also relates to or raises a matter which he	The purpose of this amendment is to set out the powers of the Children’s Commissioner for Wales to work jointly with the Ombudsman on the face of the Bill. The effect of the amendment is that the joint working provisions will be included in the Care Standards Act 2000, rather than being left to an order to be made by the Welsh Ministers. This provides clarity on the face of the Bill as to how the Children’s Commissioner for Wales and the Ombudsman can work jointly on matters.

	<p>which he is entitled to examine himself (the ‘children matter’), he must also if he considers it appropriate—</p> <p>(a) inform the Ombudsman about the Commissioners proposals for examination of the case, and</p> <p>(b) consult the Ombudsman about those proposals.</p> <p>(4) Where the Commissioner and the Ombudsman consider that they are entitled to examine, respectively, the children matter and the connected matter they may—</p> <p>(a) co-operate with each other in the separate examination of each of those matters;</p> <p>(b) act together in the examination of those matters; and</p> <p>(c) prepare and publish a joint report containing their respective conclusions in relation to the matters they have each examined.</p> <p>(5) Where the Commissioner considers—</p> <p>(a) that the case is not one which relates to or raises a matter that he is entitled to examine himself, and</p> <p>(b) that it is appropriate to do so, he must inform the person whose case it is, or another person interested in it that he thinks fit, about how to secure referral to the Ombudsman of the connected matter.”.</p>	<p>is entitled to examine himself (the ‘children matter’), he must also if he considers it appropriate—</p> <p>(a) inform the Ombudsman about the Commissioners proposals for examination of the case, and</p> <p>(b) consult the Ombudsman about those proposals.</p> <p>(4) Where the Commissioner and the Ombudsman consider that they are entitled to examine, respectively, the children matter and the connected matter they may—</p> <p>(a) co-operate with each other in the separate examination of each of those matters;</p> <p>(b) act together in the examination of those matters; and</p> <p>(c) prepare and publish a joint report containing their respective conclusions in relation to the matters they have each examined.</p> <p>(5) Where the Commissioner considers—</p> <p>(a) that the case is not one which relates to or raises a matter that he is entitled to examine himself, and</p> <p>(b) that it is appropriate to do so, he must inform the person whose case it is, or another person interested in it that he thinks fit, about how to secure referral to the Ombudsman of the connected matter.”.</p>	
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153	Schedule 5, page 71, line 29, leave out paragraph 3.	Atodlen 5, tudalen 71, llinell 29, hepgorer paragraff 3.	This amendment is consequential upon amendment 152. Amendment 152 removed the power for the Welsh Ministers to make an order about joint working, therefore the procedure for that order is no longer required.
154	<p>Schedule 5, page 71, after line 32, insert—</p> <p><i>'Public Audit (Wales) Act 2004 (c.23)</i></p> <p>[] Insert new section 67B—</p> <p>“67B Protection from defamation claims For the purposes of the law of defamation, the publication in a communication between the Auditor General for Wales or the Wales Audit Office and the Public Services Ombudsman for Wales of a matter in connection with a joint investigation conducted under section 67(2) of the Public Services Ombudsman (Wales) Act 2019, is absolutely privileged.”.</p>	<p>Atodlen 5, tudalen 71, ar ôl llinell 32, mewnosoder—</p> <p><i>'Deddf Archwilio Cyhoeddus (Cymru) 2004 (p.23)</i></p> <p>[] Mewnosoder adran newydd 67B —</p> <p>“67B Protection from defamation claims For the purposes of the law of defamation, the publication in a communication between the Auditor General for Wales or the Wales Audit Office and the Public Services Ombudsman for Wales of a matter in connection with a joint investigation conducted under section 67(2) of the Public Services Ombudsman (Wales) Act 2019, is absolutely privileged.”.</p>	<p>The purpose of this amendment is to protect the Auditor General from claims for defamation in respect of communications between the Auditor General and the Ombudsman relating to joint investigations carried out by the Auditor General and the Ombudsman under the Bill.</p> <p>The effect of this amendment will be that no one will be able to bring a defamation claim against the Auditor General or the Wales Audit Office based on the content of any communication between either of them and the Ombudsman, where the communication relates to a joint investigation carried out by the Auditor General and the Ombudsman under the Bill.</p>
155	<p>Schedule 5, page 72, after line 18, insert—</p> <p><i>'Parliamentary Commissioner Act 1967 (c.13)</i></p> <p>[] In section 4 (departments etc. subject to investigation), in subsection (3A), for “the Public Services Ombudsman (Wales) Act</p>	<p>Atodlen 5, tudalen 72, ar ôl llinell 18, mewnosoder—</p> <p><i>'Deddf y Comisiynydd Seneddol 1967 (p.13)</i></p> <p>[] Yn adran 4 (adrannau etc. sy'n ddarostyngedig i ymchwiliad), yn is-adran (3A), yn lle “the Public Services Ombudsman (Wales)</p>	<p>Amendments 155 to 170 make consequential amendments to various pieces of primary legislation that refer to the 2005 Act.</p> <p>The purpose of the amendments is to update references in primary legislation to the 2005 Act to references to the Bill (i.e. the Public Services Ombudsman (Wales) Act 2019).</p>

	<p>2005” substitute “the Public Services Ombudsman (Wales) Act 2019”.</p> <p>[] In section 11A (consultations between Parliamentary Commissioner and other Commissioners or Ombudsmen), in subsection (1)(b), for “the Public Services Ombudsman (Wales) Act 2005” substitute “the Public Services Ombudsman (Wales) Act 2019”.’.</p>	<p>Act 2005” rhodder “the Public Services Ombudsman (Wales) Act 2019”.</p> <p>[] Yn adran 11A (ymgyngoriadau rhwng y Comisiynydd Seneddol a Chomisiynwyr neu Ombwdsmyn eraill), yn is-adran (1)(b), yn lle “the Public Services Ombudsman (Wales) Act 2005” rhodder “the Public Services Ombudsman (Wales) Act 2019”.’.</p>	<p>The effect of the amendments is that all current primary legislation that refers to the 2005 Act will refer to the Bill / the Public Services Ombudsman (Wales) Act 2019, allowing that primary legislation to continue to operate seamlessly when the Bill comes into force.</p>
156	<p>Schedule 5, page 72, after line 18, insert—</p> <p><i>‘Local Government Act 1974 (c.7)</i></p> <p>[] In section 34M (consultation with other Commissioners), in subsection (1)(d), at the end insert “or the PSOWA 2019”.</p> <p>[] In section 34T (interpretation of Part 3A), in subsection (1), after the definition of “the PSOWA 2005” insert—</p> <p>““the PSOWA 2019” means the Public Services Ombudsman (Wales) Act 2019,”’.</p>	<p>Atodlen 5, tudalen 72, ar ôl llinell 18, mewnosoder—</p> <p><i>‘Deddf Llywodraeth Leol 1974 (p.7)</i></p> <p>[] Yn adran 34M (ymgyngori â Chomisiynwyr eraill), yn is-adran (1)(d), ar y diwedd mewnosoder “or the PSOWA 2019”.</p> <p>[] Yn adran 34T (dehongli Rhan 3A), yn is-adran (1), ar ôl y diffiniad o “the PSOWA 2005” mewnosoder—</p> <p>““the PSOWA 2019” means the Public Services Ombudsman (Wales) Act 2019,”’.</p>	<p>Amendments 155 to 170 make consequential amendments to various pieces of primary legislation that refer to the 2005 Act.</p> <p>The purpose of the amendments is to update references in primary legislation to the 2005 Act to references to the Bill (i.e. the Public Services Ombudsman (Wales) Act 2019).</p> <p>The effect of the amendments is that all current primary legislation that refers to the 2005 Act will refer to the Bill / the Public Services Ombudsman (Wales) Act 2019, allowing that primary legislation to continue to operate seamlessly when the Bill comes into force.</p>
157	<p>Schedule 5, page 72, after line 18, insert—</p> <p><i>‘Ancient Monuments and Archaeological Areas Act 1979 (c.46)</i></p>	<p>Atodlen 5, tudalen 72, ar ôl llinell 18, mewnosoder—</p> <p><i>‘Deddf Henebion Hynafol ac Ardaloedd Archaeolegol 1979 (p.46)</i></p>	<p>Amendments 155 to 170 make consequential amendments to various pieces of primary legislation that refer to the 2005 Act.</p>

	<p>[] In Schedule A2 (decisions on reviews by person appointed by Welsh Ministers), in paragraph 7, for “the Public Services (Ombudsman) Wales Act 2005” substitute “the Public Services Ombudsman (Wales) Act 2005 and the Public Services Ombudsman (Wales) Act 2019”.’.</p>	<p>[] Yn Atodlen A2 (penderfyniadau ar adolygiadau gan berson a benodir gan Weinidogion Cymru), ym mharagraff 7, yn lle “the Public Services (Ombudsman) Wales Act 2005” rhodder “the Public Services Ombudsman (Wales) Act 2005 and the Public Services Ombudsman (Wales) Act 2019”.’.</p>	<p>The purpose of the amendments is to update references in primary legislation to the 2005 Act to references to the Bill (i.e. the Public Services Ombudsman (Wales) Act 2019).</p> <p>The effect of the amendments is that all current primary legislation that refers to the 2005 Act will refer to the Bill / the Public Services Ombudsman (Wales) Act 2019, allowing that primary legislation to continue to operate seamlessly when the Bill comes into force.</p>
158	<p>Schedule 5, page 72, after line 18, insert—</p> <p><i>‘Local Government and Housing Act 1989 (c.42)</i></p> <p>[] In section 5 (designation and reports of monitoring officer)—</p> <p>(a) in subsection (2)(c), at the end insert “or the Public Services Ombudsman (Wales) Act 2019”;</p> <p>(b) in subsection (2AA), after “the Public Services Ombudsman (Wales) Act 2005” insert “or the Public Services Ombudsman (Wales) Act 2019”.</p> <p>[] In section 5A (reports of monitoring officer – local authorities operating executive arrangements)—</p>	<p>Atodlen 5, tudalen 72, ar ôl llinell 18, mewnosoder—</p> <p><i>‘Deddf Llywodraeth Leol a Thai 1989 (p.42)</i></p> <p>[] Yn adran 5 (dynodiad ac adroddiadau'r swyddog monitro) —</p> <p>(a) yn is-adran (2)(c), ar y diwedd mewnosoder “or the Public Services Ombudsman (Wales) Act 2019”;</p> <p>(b) yn is-adran (2AA), ar ôl “the Public Services Ombudsman (Wales) Act 2005” mewnosoder “or the Public Services Ombudsman (Wales) Act 2019”.</p> <p>[] Yn adran 5A (adroddiadau'r swyddog monitro – awdurdodau lleol yn gweithredu trefniadau gweithrediaeth)—</p>	<p>Amendments 155 to 170 make consequential amendments to various pieces of primary legislation that refer to the 2005 Act.</p> <p>The purpose of the amendments is to update references in primary legislation to the 2005 Act to references to the Bill (i.e. the Public Services Ombudsman (Wales) Act 2019).</p> <p>The effect of the amendments is that all current primary legislation that refers to the 2005 Act will refer to the Bill / the Public Services Ombudsman (Wales) Act 2019, allowing that primary legislation to continue to operate seamlessly when the Bill comes into force.</p>

	<p>(a) in subsection (3)(c), at the end insert “or the Public Services Ombudsman (Wales) Act 2019”;</p> <p>(b) in subsection (4A), after “the Public Services Ombudsman (Wales) Act 2005” insert “or the Public Services Ombudsman (Wales) Act 2019”.’.</p>	<p>(a) yn is-adran (3)(c), ar y diwedd mewnosoder “or the Public Services Ombudsman (Wales) Act 2019”;</p> <p>(b) yn is-adran (4A), ar ôl “the Public Services Ombudsman (Wales) Act 2005” mewnosoder “or the Public Services Ombudsman (Wales) Act 2019”.’.</p>	
159	<p>Schedule 5, page 72, after line 18, insert—</p> <p><i>‘Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)</i></p> <p>[] In Schedule 1B (decisions on reviews by person appointed by Welsh Ministers), in paragraph 7, after “the Public Services Ombudsman (Wales) Act 2005” insert “and the Public Services Ombudsman (Wales) Act 2019”.</p> <p>[] In Schedule 3 (determination of certain appeals by person appointed by Secretary of State), in paragraph 7(3), after “the Public Services Ombudsman (Wales) Act 2005” insert “and the Public Services Ombudsman (Wales) Act 2019”.’.</p>	<p>Atodlen 5, tudalen 72, ar ôl llinell 18, mewnosoder—</p> <p><i>‘Deddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990 (p.9)</i></p> <p>[] Yn Atodlen 1B (penderfyniadau ar adolygiadau gan berson a benodir gan Weinidogion Cymru), ym mharagraff 7, ar ôl “the Public Services Ombudsman (Wales) Act 2005” mewnosoder “and the Public Services Ombudsman (Wales) Act 2019”.</p> <p>[] Yn Atodlen 3 (penderfynu ar apelau penodol gan berson a benodir gan Ysgrifennydd Gwladol), ym mharagraff 7(3), ar ôl “the Public Services Ombudsman (Wales) Act 2005” mewnosoder “and the Public Services Ombudsman (Wales) Act 2019”.’.</p>	<p>Amendments 155 to 170 make consequential amendments to various pieces of primary legislation that refer to the 2005 Act.</p> <p>The purpose of the amendments is to update references in primary legislation to the 2005 Act to references to the Bill (i.e. the Public Services Ombudsman (Wales) Act 2019).</p> <p>The effect of the amendments is that all current primary legislation that refers to the 2005 Act will refer to the Bill / the Public Services Ombudsman (Wales) Act 2019, allowing that primary legislation to continue to operate seamlessly when the Bill comes into force.</p>
160	<p>Schedule 5, page 72, after line 18, insert—</p> <p><i>‘Health Service Commissioners Act 1993 (c.46)</i></p>	<p>Atodlen 5, tudalen 72, ar ôl llinell 18, mewnosoder—</p> <p><i>‘Deddf Comisiynwyr y Gwasanaeth Iechyd 1993 (p.46)</i></p>	<p>Amendments 155 to 170 make consequential amendments to various pieces of primary legislation that refer to the 2005 Act.</p>

	<p>[] In section 18 (consultation during investigations), in subsection (1)(ba), at the end insert “or the Public Services Ombudsman (Wales) Act 2019”.’.</p>	<p>[] Yn adran 18 (ymgyngori yn ystod ymchwiliadau), yn is-adran (1)(ba), ar y diwedd mewnosoder “or the Public Services Ombudsman (Wales) Act 2019”.’.</p>	<p>The purpose of the amendments is to update references in primary legislation to the 2005 Act to references to the Bill (i.e. the Public Services Ombudsman (Wales) Act 2019).</p> <p>The effect of the amendments is that all current primary legislation that refers to the 2005 Act will refer to the Bill / the Public Services Ombudsman (Wales) Act 2019, allowing that primary legislation to continue to operate seamlessly when the Bill comes into force.</p>
161	<p>Schedule 5, page 72, after line 18, insert—</p> <p><i>‘Housing Act 1996 (c.52)</i></p> <p>[] In section 50C (grounds for giving notice), in subsection (10), at the end insert “or section 22 of the Public Services Ombudsman (Wales) Act 2019”.</p> <p>[] In section 51 (schemes for investigation of complaints), in subsection (7), for “section 41 of the Public Services Ombudsman (Wales) Act 2005” substitute “section 76 of the Public Services Ombudsman (Wales) Act 2019”.’.</p>	<p>Atodlen 5, tudalen 72, ar ôl llinell 18, mewnosoder—</p> <p><i>‘Deddf Tai 1996 (p.52)</i></p> <p>[] Yn adran 50C (seiliau ar gyfer rhoi hysbysiad), yn is-adran (10), ar y diwedd mewnosoder “or section 22 of the Public Services Ombudsman (Wales) Act 2019”.</p> <p>[] Yn adran 51 (cynlluniau ar gyfer ymchwilio i gwynion), yn is-adran (7), yn lle “section 41 of the Public Services Ombudsman (Wales) Act 2005” rhodder “section 76 of the Public Services Ombudsman (Wales) Act 2019”.’.</p>	<p>Amendments 155 to 170 make consequential amendments to various pieces of primary legislation that refer to the 2005 Act.</p> <p>The purpose of the amendments is to update references in primary legislation to the 2005 Act to references to the Bill (i.e. the Public Services Ombudsman (Wales) Act 2019).</p> <p>The effect of the amendments is that all current primary legislation that refers to the 2005 Act will refer to the Bill / the Public Services Ombudsman (Wales) Act 2019, allowing that primary legislation to continue to operate seamlessly when the Bill comes into force.</p>
162	<p>Schedule 5, page 72, after line 18, insert—</p> <p><i>‘Freedom of Information Act 2000 (c.36)</i></p>	<p>Atodlen 5, tudalen 72, ar ôl llinell 18, mewnosoder—</p>	<p>Amendments 155 to 170 make consequential amendments to various pieces of primary legislation that refer to the 2005 Act.</p>

	<p>[] In section 76 (disclosure of information between Commissioner and ombudsmen), in the second column of the row that refers to the Public Services Ombudsman for Wales in the table in subsection (1), at the end insert “or Part 3 of the Public Services Ombudsman (Wales) Act 2019”.’.</p>	<p><i>‘Deddf Rhyddid Gwybodaeth 2000 (p.36)</i></p> <p>[] Yn adran 76 (datgelu gwybodaeth rhwng Comisiynydd ac ombwdsmyn), yn yr ail golofn o’r rhes sy’n cyfeirio at Ombwdsmon Gwasanaethau Cyhoeddus Cymru yn y tabl yn is-adran (1), ar y diwedd mewnosoder “or Part 3 of the Public Services Ombudsman (Wales) Act 2019”.’.</p>	<p>The purpose of the amendments is to update references in primary legislation to the 2005 Act to references to the Bill (i.e. the Public Services Ombudsman (Wales) Act 2019).</p> <p>The effect of the amendments is that all current primary legislation that refers to the 2005 Act will refer to the Bill / the Public Services Ombudsman (Wales) Act 2019, allowing that primary legislation to continue to operate seamlessly when the Bill comes into force.</p>
163	<p>Schedule 5, page 72, after line 18, insert—</p> <p><i>‘Local Government Act 2000 (c.22)</i></p> <p>[] In section 68 (Public Services Ombudsman for Wales), in subsection (3), for “the Public Services Ombudsman (Wales) Act 2005” substitute “the Public Services Ombudsman (Wales) Act 2019”.</p> <p>[] In section 70 (investigations: further provisions), in subsection (2)(b), for “sections 13 to 15 and Part 2B of the Public Services Ombudsman (Wales) Act 2005” substitute “sections 18 to 20 and Part 6 of the Public Services Ombudsman (Wales) Act 2019”.’.</p>	<p>Atodlen 5, tudalen 72, ar ôl llinell 18, mewnosoder—</p> <p><i>‘Deddf Llywodraeth Leol 2000 (p.22)</i></p> <p>[] Yn adran 68 (Ombwdsmon Gwasanaethau Cyhoeddus Cymru), yn is-adran (3), yn lle “the Public Services Ombudsman (Wales) Act 2005” rhodder “the Public Services Ombudsman (Wales) Act 2019”.</p> <p>[] Yn adran 70 (ymchwiliadau: darpariaethau pellach), yn is-adran (2)(b), yn lle “sections 13 to 15 and Part 2B of the Public Services Ombudsman (Wales) Act 2005” rhodder “sections 18 to 20 and Part 6 of the Public Services Ombudsman (Wales) Act 2019”.’.</p>	<p>Amendments 155 to 170 make consequential amendments to various pieces of primary legislation that refer to the 2005 Act.</p> <p>The purpose of the amendments is to update references in primary legislation to the 2005 Act to references to the Bill (i.e. the Public Services Ombudsman (Wales) Act 2019).</p> <p>The effect of the amendments is that all current primary legislation that refers to the 2005 Act will refer to the Bill / the Public Services Ombudsman (Wales) Act 2019, allowing that primary legislation to continue to operate seamlessly when the Bill comes into force.</p>

164	<p>Schedule 5, page 72, after line 18, insert—</p> <p><i>‘Health and Social Care (Community Health and Standards) Act 2003 (c.43)</i></p> <p>[] In section 113 (complaints about health care), in subsection (4)(aa)—</p> <p>(a) for “the Public Services Ombudsman (Wales) Act 2005” substitute “the Public Services Ombudsman (Wales) Act 2019”;</p> <p>(b) for “section 2(3)” substitute “section 3(3)”’.</p>	<p>Atodlen 5, tudalen 72, ar ôl llinell 18, mewnosoder—</p> <p><i>‘Deddf Iechyd a Gofal Cymdeithasol (Iechyd Cymunedol a Safonau) 2003 (p.43)</i></p> <p>[] Yn adran 113 (cwynion ynghylch gofal iechyd), yn is-adran (4)(aa)—</p> <p>(a) yn lle “the Public Services Ombudsman (Wales) Act 2005” rhodder “the Public Services Ombudsman (Wales) Act 2019”;</p> <p>(b) yn lle “section 2(3)” rhodder “section 3(3)”’.</p>	<p>Amendments 155 to 170 make consequential amendments to various pieces of primary legislation that refer to the 2005 Act.</p> <p>The purpose of the amendments is to update references in primary legislation to the 2005 Act to references to the Bill (i.e. the Public Services Ombudsman (Wales) Act 2019).</p> <p>The effect of the amendments is that all current primary legislation that refers to the 2005 Act will refer to the Bill / the Public Services Ombudsman (Wales) Act 2019, allowing that primary legislation to continue to operate seamlessly when the Bill comes into force.</p>
165	<p>Schedule 5, page 72, after line 18, insert—</p> <p><i>‘National Health Service (Wales) Act 2006 (c.42)</i></p> <p>[] In section 187 (independent advocacy services), in subsection (3)—</p> <p>(a) in the definition of “health service body”, for “the Public Services Ombudsman (Wales) Act 2005 (c.10)” substitute “the Public Services Ombudsman (Wales) Act 2019”;</p> <p>(b) in the definition of “independent palliative care provider”, for “section 34T of the Public Services Ombudsman (Wales) Act</p>	<p>Atodlen 5, tudalen 72, ar ôl llinell 18, mewnosoder—</p> <p><i>‘Deddf Gwasanaeth Iechyd Cyhoeddus (Cymru) 2006 (p.42)</i></p> <p>[] Yn adran 187 (gwasanaethau eirioli annibynnol), in is-adran (3)—</p> <p>(a) yn y diffiniad o “health service body”, yn lle “the Public Services Ombudsman (Wales) Act 2005 (p.10)” rhodder “the Public Services Ombudsman (Wales) Act 2019”;</p> <p>(b) yn y diffiniad o “independent palliative care provider”, yn lle “section 34T of the Public Services Ombudsman (Wales) Act 2005”</p>	<p>Amendments 155 to 170 make consequential amendments to various pieces of primary legislation that refer to the 2005 Act.</p> <p>The purpose of the amendments is to update references in primary legislation to the 2005 Act to references to the Bill (i.e. the Public Services Ombudsman (Wales) Act 2019).</p> <p>The effect of the amendments is that all current primary legislation that refers to the 2005 Act will refer to the Bill / the Public Services Ombudsman (Wales) Act 2019, allowing that primary legislation to continue to operate seamlessly when the Bill comes into force.</p>

	2005” substitute “section 63 of the Public Services Ombudsman (Wales) Act 2019”; (c) in the definition of “independent provider”, for “the Public Services Ombudsman (Wales) Act 2005” substitute “the Public Services Ombudsman (Wales) Act 2019”.’.	rhodder “section 63 of the Public Services Ombudsman (Wales) Act 2019”; (c) yn y diffiniad o “independent provider”, yn lle “the Public Services Ombudsman (Wales) Act 2005” rhodder “the Public Services Ombudsman (Wales) Act 2019”.’.	
166	Schedule 5, page 72, after line 18, insert— <i>‘Commissioner for Older People (Wales) Act 2006 (c.30)</i> [] In section 18 (power to disclose information), in subsection (1)(b), at the end insert “or section 65 of the Public Services Ombudsman (Wales) Act 2019 (working jointly with specified persons)”.’.	Atodlen 5, tudalen 72, ar ôl llinell 18, mewnosoder— <i>‘Deddf Comisiynydd Pobl Hŷn (Cymru) 2006 (p.30)</i> [] Yn adran 18 (pŵer i ddatgelu gwybodaeth), yn is-adran (1)(b), ar y diwedd mewnosoder “or section 65 of the Public Services Ombudsman (Wales) Act 2019 (cydweithio â phersonau a bennir)”.’.	Amendments 155 to 170 make consequential amendments to various pieces of primary legislation that refer to the 2005 Act. The purpose of the amendments is to update references in primary legislation to the 2005 Act to references to the Bill (i.e. the Public Services Ombudsman (Wales) Act 2019). The effect of the amendments is that all current primary legislation that refers to the 2005 Act will refer to the Bill / the Public Services Ombudsman (Wales) Act 2019, allowing that primary legislation to continue to operate seamlessly when the Bill comes into force.
167	Schedule 5, page 72, after line 18, insert— <i>‘Government of Wales Act 2006 (c.32)</i> [] In Schedule 8 (Auditor General for Wales), in paragraph 17(8)(ba), for “the Public Services Ombudsman (Wales) Act	Atodlen 5, tudalen 72, ar ôl llinell 18, mewnosoder— <i>‘Deddf Llywodraeth Cymru 2006 (p.32)</i> [] Yn Atodlen 8 (Archwilydd Cyffredinol Cymru), ym mharagraff 17(8)(ba), yn lle “the Public Services Ombudsman (Wales) Act 2005”	Amendments 155 to 170 make consequential amendments to various pieces of primary legislation that refer to the 2005 Act. The purpose of the amendments is to update references in primary legislation to the 2005 Act to references to the Bill (i.e. the Public Services Ombudsman (Wales) Act 2019).

	2005” substitute “the Public Services Ombudsman (Wales) Act 2019”.’.	rhodder “the Public Services Ombudsman (Wales) Act 2019”.’.	The effect of the amendments is that all current primary legislation that refers to the 2005 Act will refer to the Bill / the Public Services Ombudsman (Wales) Act 2019, allowing that primary legislation to continue to operate seamlessly when the Bill comes into force.
168	<p>Schedule 5, page 72, after line 18, insert—</p> <p><i>‘Local Government and Public Involvement in Health Act 2007 (c.28)</i></p> <p>[] In section 223A (independent advocacy services), in subsection (10)—</p> <p>(a) in the definition of “health service body”, for “the Public Services Ombudsman (Wales) Act 2005” substitute “the Public Services Ombudsman (Wales) Act 2019”;</p> <p>(b) in the definition of “independent provider”, for “the Public Services Ombudsman (Wales) Act 2005” substitute “the Public Services Ombudsman (Wales) Act 2019”;</p> <p>(c) in the definition of “Welsh health body”, for “the Public Services Ombudsman (Wales) Act 2005” substitute “the Public Services Ombudsman (Wales) Act 2019”.’.</p>	<p>Atodlen 5, tudalen 72, ar ôl llinell 18, mewnosoder—</p> <p><i>‘Deddf Llywodraeth Leol a Chynnwys y Cyhoedd mewn Iechyd 2007 (p.28)</i></p> <p>[] Yn adran 223A (gwasanaethau eirioli annibynnol), yn is-adran (10)—</p> <p>(a) yn y diffiniad o “health service body”, yn lle “the Public Services Ombudsman (Wales) Act 2005” rhodder “the Public Services Ombudsman (Wales) Act 2019”;</p> <p>(b) yn y diffiniad o “independent provider”, yn lle “the Public Services Ombudsman (Wales) Act 2005” rhodder “the Public Services Ombudsman (Wales) Act 2019”;</p> <p>(c) yn y diffiniad o “Welsh health body”, yn lle “the Public Services Ombudsman (Wales) Act 2005” rhodder “the Public Services Ombudsman (Wales) Act 2019”.’.</p>	<p>Amendments 155 to 170 make consequential amendments to various pieces of primary legislation that refer to the 2005 Act.</p> <p>The purpose of the amendments is to update references in primary legislation to the 2005 Act to references to the Bill (i.e. the Public Services Ombudsman (Wales) Act 2019).</p> <p>The effect of the amendments is that all current primary legislation that refers to the 2005 Act will refer to the Bill / the Public Services Ombudsman (Wales) Act 2019, allowing that primary legislation to continue to operate seamlessly when the Bill comes into force.</p>
169	Schedule 5, page 72, after line 18, insert—	Atodlen 5, tudalen 72, ar ôl llinell 18, mewnosoder—	Amendments 155 to 170 make consequential amendments to various pieces of primary legislation that refer to the 2005 Act.

	<p><i>'Social Services and Well-being (Wales) Act 2014 (anaw 4)</i></p> <p>[] In section 171 (complaints about social services), in subsection (3)(a)— (a) for “the Public Services Ombudsman (Wales) Act 2005” substitute “the Public Services Ombudsman (Wales) Act 2019”; (b) for “section 2(3)” substitute “section 3(3)”.</p> <p>[] In section 177 (further consideration of representations), in subsection (4)(a)— (a) for “the Public Services Ombudsman (Wales) Act 2005” substitute “the Public Services Ombudsman (Wales) Act 2019”; (b) for “section 2(3)” substitute “section 3(3)”.</p>	<p><i>'Deddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 (dccc 4)</i></p> <p>[] Yn adran 171 (cwynion ynghylch gwasanaethau cymdeithasol), yn is-adran (3)(a)— (a) yn lle “Ddeddf Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) 2005” rhodder “Ddeddf Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) 2019”; (b) yn lle “adran 2(3)” rhodder “adran 3(3)”.</p> <p>[] Yn adran 177 (rhoi ystyriaeth bellach i sylwadau), yn is-adran (4)(a)— (a) yn lle “Ddeddf Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) 2005” rhodder “Ddeddf Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) 2019”; (b) yn lle “adran 2(3)” rhodder “adran 3(3)”.</p>	<p>The purpose of the amendments is to update references in primary legislation to the 2005 Act to references to the Bill (i.e. the Public Services Ombudsman (Wales) Act 2019).</p> <p>The effect of the amendments is that all current primary legislation that refers to the 2005 Act will refer to the Bill / the Public Services Ombudsman (Wales) Act 2019, allowing that primary legislation to continue to operate seamlessly when the Bill comes into force.</p>
170	<p>Schedule 5, page 72, after line 18, insert—</p> <p><i>'Data Protection Act 2018 (c.12)</i></p> <p>[] In Schedule 2 (exemptions etc from the GDPR), in paragraph 10(2)(c)(iv), at the end insert “or Part 3 of the Public Services Ombudsman (Wales) Act 2019”.</p>	<p>Atodlen 5, tudalen 72, ar ôl llinell 18, mewnosoder—</p> <p><i>'Deddf Diogelu Data 2018 (p.12)</i></p> <p>[] Yn Atodlen 2 (eithriadau etc o'r GDPR), ym mharagraff 10(2)(c)(iv), ar y diwedd mewnosoder “or Part 3 of the Public Services Ombudsman (Wales) Act 2019”.</p>	<p>Amendments 155 to 170 make consequential amendments to various pieces of primary legislation that refer to the 2005 Act.</p> <p>The purpose of the amendments is to update references in primary legislation to the 2005 Act to references to the Bill (i.e. the Public Services Ombudsman (Wales) Act 2019).</p> <p>The effect of the amendments is that all current primary legislation that refers to the 2005 Act will refer to the Bill / the Public Services Ombudsman (Wales) Act 2019,</p>

			allowing that primary legislation to continue to operate seamlessly when the Bill comes into force.
171	Schedule 1, page 58, line 13, leave out 'the National Assembly for Wales Commission' and insert 'a committee of the Assembly'.	Atodlen 1, tudalen 58, llinell 15, hepgorer 'Comisiwn Cynulliad Cenedlaethol Cymru' a mewnosoder 'pwyllgor o'r Cynulliad'.	<p>The purpose of this amendment is to allow an Assembly Committee to give approval under paragraph 7(1) of Schedule 1.</p> <p>The effect of this amendment will be that, where a person who has ceased to be the Ombudsman or an acting Ombudsman wishes to hold office as a listed authority or a member of staff of a listed authority etc. within the relevant period, then the person will not be able to hold that office etc. unless an Assembly Committee (as opposed to the Assembly Commission) approves otherwise.</p> <p>The full list of restricted offices is set out in paragraph 7(1), and the "relevant period" is defined in paragraph 7(2).</p>