

Status: Point in time view as at 01/04/2018.

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SCHEDULES

SCHEDULE 2

Section 72.

THE CHILDREN’S COMMISSIONER FOR WALES

Status

- 1 (1) The Commissioner is to be a corporation sole.
- (2) The Commissioner is not to be regarded as the servant or agent or the Crown or as enjoying any status, immunity or privilege of the Crown; and the Commissioner’s property is not to be regarded as property of, or property held on behalf of, the Crown.

Commencement Information

I1 Sch. 2 para. 1 in force for W. at 13.11.2000 by [S.I. 2000/2992](#), art. 2(1), [Sch. 1](#)

Appointment and tenure of office

- 2 Regulations may make provision—
 - (a) as to the appointment of the Commissioner (including any conditions to be fulfilled for appointment);
 - (b) as to the filling of vacancies in the office of Commissioner;
 - (c) as to the tenure of office of the Commissioner (including the circumstances in which he ceases to hold office or may be removed or suspended from office).

Commencement Information

I2 Sch. 2 para. 2 in force for W. at 13.11.2000 by [S.I. 2000/2992](#), art. 2(1), [Sch. 1](#)

Remuneration

- 3 The [^{F1}Welsh Ministers] shall—
 - (a) pay the Commissioner such remuneration and allowances; and
 - (b) pay, or make provision for the payment of, such pension or gratuities to or in respect of him,as may be provided for under the terms of his appointment.

Textual Amendments

F1 Words in Sch. 2 para. 3 substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, [Sch. 1 para. 74\(2\)](#), the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first

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appointment of a First Minister on 25.5.2007) in accordance with art. 1(2) of the amending S.I. and see ss. 46, 161(5) of Government of Wales Act 2006 (c. 32)

Commencement Information

I3 Sch. 2 para. 3 in force for W. at 13.11.2000 by S.I. 2000/2992, art. 2(1), Sch. 1

Staff

- 4 (1) The Commissioner may appoint any staff he considers necessary for assisting him in the exercise of his functions, one of whom shall be appointed as deputy Commissioner.
- (2) During any vacancy in the office of Commissioner or at any time when the Commissioner is for any reason unable to act, the deputy Commissioner shall exercise his functions (and any property or rights vested in the Commissioner may accordingly be dealt with by the deputy as if vested in him).
- (3) Without prejudice to sub-paragraph (2), any member of the Commissioner’s staff may, so far as authorised by him, exercise any of his functions.

Commencement Information

I4 Sch. 2 para. 4 in force for W. at 13.11.2000 by S.I. 2000/2992, art. 2(1), Sch. 1

General powers

- 5 (1) Subject to any directions given by the [^{F2}Welsh Ministers], the Commissioner may do anything which appears to him to be necessary or expedient for the purpose of, or in connection with, the exercise of his functions.
- (2) That includes, in particular—
- (a) co-operating with other public authorities in the United Kingdom;
 - (b) acquiring and disposing of land and other property; and
 - (c) entering into contracts.

Textual Amendments

F2 Words in Sch. 2 para. 5 substituted by The Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388), art. 3, Sch. 1 para. 74(3), the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2) of the amending S.I. and see ss. 46, 161(5) of Government of Wales Act 2006 (c. 32)

Commencement Information

I5 Sch. 2 para. 5 in force for W. at 13.11.2000 by S.I. 2000/2992, art. 2(1), Sch. 1

Estimates

- 6 (1) For each financial year after the first, the Commissioner shall prepare, and submit to the [^{F3}Welsh Ministers], an estimate of his income and expenses.

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- (2) Each such estimate shall be submitted to the [^{F4}Welsh Ministers] at least five months before the beginning of the financial year to which it relates.
- (3) The [^{F5}Welsh Ministers] shall examine each such estimate submitted to [^{F6}them] and, after having done so, shall lay the estimate before the Assembly with any such modifications as [^{F7}the Welsh Ministers think] fit.
- (4) Regulations shall specify the periods which are to be treated as the first and subsequent financial years of the Commissioner.
- ^{F8}(5)

Textual Amendments

- F3** Words in Sch. 2 para. 6(1) substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 74(4)(a)**, the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2) of the amending S.I. and see [ss. 46, 161\(5\) of Government of Wales Act 2006 \(c. 32\)](#)
- F4** Words in Sch. 2 para. 6(2) substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 74(4)(b)**, the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2) of the amending S.I. and see [ss. 46, 161\(5\) of Government of Wales Act 2006 \(c. 32\)](#)
- F5** Words in Sch. 2 para. 6(3) substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 74(4)(c)(i)**, the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2) of the amending S.I. and see [ss. 46, 161\(5\) of Government of Wales Act 2006 \(c. 32\)](#)
- F6** Word in Sch. 2 para. 6(3) substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 74(4)(c)(ii)**, the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2) of the amending S.I. and see [ss. 46, 161\(5\) of Government of Wales Act 2006 \(c. 32\)](#)
- F7** Words in Sch. 2 para. 6(3) substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 74(4)(c)(iii)**, the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2) of the amending S.I. and see [ss. 46, 161\(5\) of Government of Wales Act 2006 \(c. 32\)](#)
- F8** Sch. 2 para. 6(5) omitted by virtue of [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 74(4)(d)**, the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2) of the amending S.I. and see [ss. 46, 161\(5\) of Government of Wales Act 2006 \(c. 32\)](#)

Commencement Information

- I6** Sch. 2 para. 6 in force for W. at 13.11.2000 by [S.I. 2000/2992](#), art. 2(1), **Sch. 1**

Accounts

- 7 (1) The Commissioner shall keep proper accounting records.

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- (2) The Commissioner shall prepare accounts for each financial year in such form as the [^{F9}Welsh Ministers] may with the consent of the Treasury determine.

Textual Amendments

- F9** Words in Sch. 2 para. 7 substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 74(5)**, the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2) of the amending S.I. and see ss. 46, 161(5) of [Government of Wales Act 2006 \(c. 32\)](#)

Commencement Information

- I7** Sch. 2 para. 7 in force for W. at 13.11.2000 by [S.I. 2000/2992](#), art. 2(1), **Sch. 1**

Reports

- 8 Regulations may provide for the Commissioner to make periodic or other reports to the [^{F10}Welsh Ministers] relating to the exercise of his functions and may require the reports to be published in the manner required by the regulations.

Textual Amendments

- F10** Words in Sch. 2 para. 8 substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 74(6)**, the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2) of the amending S.I. and see ss. 46, 161(5) of [Government of Wales Act 2006 \(c. 32\)](#)

Commencement Information

- I8** Sch. 2 para. 8 in force for W. at 13.11.2000 by [S.I. 2000/2992](#), art. 2(1), **Sch. 1**

Audit

- 9 (1) The accounts prepared by the Commissioner for any financial year shall be submitted by him to the Auditor General for Wales not more than five months after the end of that year.
- (2) The Auditor General for Wales shall—
- (a) examine and certify any accounts submitted to him under this paragraph; and
 - (b) no later than four months after the accounts are submitted to him, lay before the Assembly a copy of them as certified by him together with his report on them.
- (3) In examining any accounts submitted to him under this paragraph, the Auditor General for Wales shall, in particular, satisfy himself that the expenditure to which the accounts relate has been incurred lawfully and in accordance with the authority which governs it.

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Commencement Information

I9 Sch. 2 para. 9 in force for W. at 13.11.2000 by [S.I. 2000/2992](#), art. 2(1), [Sch. 1](#)

Accounting officer

- 10 (1) The accounting officer for the Commissioner’s Office shall be the Commissioner.
- (2) The accounting officer for the Commissioner shall have, in relation to the accounts of the Commissioner and the finances of the Commissioner’s Office, the responsibilities which are from time to time specified by the Treasury.
- (3) In this paragraph references to responsibilities include in particular—
- (a) responsibilities in relation to the signing of accounts;
 - (b) responsibilities for the propriety and regularity of the finances of the Commissioner’s Office; and
 - (c) responsibilities for the economy, efficiency and effectiveness with which the resources of the Commissioner’s Office are used.
- (4) The responsibilities which may be specified under this paragraph include responsibilities owed to—
- (a) the Assembly, the ^[F11]Welsh Ministers] or the Audit Committee; or
 - (b) the House of Commons or its Committee of Public Accounts.
- (5) If requested to do so by the House of Commons Committee of Public Accounts, the Audit Committee may—
- (a) on behalf of the Committee of Public Accounts take evidence from the accounting officer for the Commissioner’s Office; and
 - (b) report to the Committee of Public Accounts and transmit to that Committee any evidence so taken.
- (6) In this paragraph and paragraphs 11 and 12 “the Commissioner’s Office” means the Commissioner and the members of his staff.

Textual Amendments

F11 Words in Sch. 2 para. 10(4)(a) substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, [Sch. 1 para. 74\(7\)](#), the amendment coming into force immediately after the end of “the initial period” (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2) of the amending S.I. and see [ss. 46, 161\(5\) of Government of Wales Act 2006 \(c. 32\)](#)

Commencement Information

I10 Sch. 2 para. 10 in force for W. at 13.11.2000 by [S.I. 2000/2992](#), art. 2(1), [Sch. 1](#)

Examinations into use of resources

- 11 (1) The Auditor General for Wales may carry out examinations into the economy, efficiency and effectiveness with which the Commissioner has used the resources of the Commissioner’s Office in discharging his functions.

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- (2) Sub-paragraph (1) shall not be construed as entitling the Auditor General for Wales to question the merits of the policy objectives of the Commissioner.
- (3) In determining how to exercise his functions under this paragraph, the Auditor General for Wales shall take into account the views of the Audit Committee as to the examinations which he should carry out under this paragraph.
- (4) The Auditor General for Wales may lay before the Assembly a report of the results of any examination carried out by him under this paragraph.
- (5) The Auditor General for Wales and the Comptroller and Auditor General may cooperate with, and give assistance to, each other in connection with the carrying out of examinations in respect of the Commissioner under this paragraph or section 7 of the ^{M1}National Audit Act 1983 (economy etc. examinations).

Commencement Information

I11 Sch. 2 para. 11 in force for W. at 13.11.2000 by [S.I. 2000/2992](#), art. 2(1), **Sch. 1**

Marginal Citations

M1 1983 c. 44.

Examinations by the Comptroller and Auditor General

^{F12}12

Textual Amendments

F12 Sch. 2 para. 12 omitted (1.4.2018) by virtue of [Wales Act 2017 \(c. 4\)](#), s. 71(4), **Sch. 6 para. 56** (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), reg. 3(r)

Evidence

- 13 A document purporting to be duly executed under the seal of the Commissioner or to be signed by him or on his behalf is to be received in evidence and, unless the contrary is proved, taken to be so executed or signed.

Commencement Information

I12 Sch. 2 para. 13 in force for W. at 13.11.2000 by [S.I. 2000/2992](#), art. 2(1), **Sch. 1**

Payments

- 14 The [^{F13}Welsh Ministers] may make payments to the Commissioner of such amounts, at such times and on such conditions (if any) as it considers appropriate.

Textual Amendments

F13 Words in Sch. 2 para. 14 substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 74(8)**, the amendment

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coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2) of the amending S.I. and see ss. 46, 161(5) of Government of Wales Act 2006 (c. 32)

Commencement Information

I13 Sch. 2 para. 14 in force for W. at 13.11.2000 by S.I. 2000/2992, art. 2(1), **Sch. 1**

General

15 In the ^{M2}House of Commons Disqualification Act 1975, in Part III of Schedule 1 (certain disqualifying offices), the following entries are inserted at the appropriate places—

“Children’s Commissioner for Wales.”

“Member of the staff of the Children’s Commissioner for Wales.”

Commencement Information

I14 Sch. 2 para. 15 in force for W. at 13.11.2000 by S.I. 2000/2992, art. 2(1), **Sch. 1**

Marginal Citations

M2 1975 c. 24.

16 In the ^{M3}Northern Ireland Assembly Disqualification Act 1975, the same entries as are set out in paragraph 15 are inserted at the appropriate places in Part III of Schedule 1.

Commencement Information

I15 Sch. 2 para. 16 in force for W. at 13.11.2000 by S.I. 2000/2992, art. 2(1), **Sch. 1**

Marginal Citations

M3 1975 c. 25.

17 (1) Regulations may provide that the office of Children’s Commissioner for Wales shall be added to the list of “ Offices ” in Schedule 1 to the ^{M4}Superannuation Act 1972 (offices etc. to which section 1 of that Act applies).

(2) The [^{F14}Welsh Ministers] shall pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of any increase attributable to provision made under sub-paragraph (1) in the sums payable out of money provided by Parliament under the Superannuation Act 1972.

Textual Amendments

F14 Words in Sch. 2 para. 17(2) substituted by The Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388), art. 3, **Sch. 1 para. 74(9)**, the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2) of the amending S.I. and see ss. 46, 161(5) of Government of Wales Act 2006 (c. 32)

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Commencement Information

I16 Sch. 2 para. 17 in force for W. at 13.11.2000 by [S.I. 2000/2992](#), art. 2(1), [Sch. 1](#)

Marginal Citations

M4 [1972 c.11.](#)

18 In section 144 of the ^{M5}Government of Wales Act 1998 (accounts etc.), in subsection (8)(a), after “the Welsh Administration Ombudsman” there shall be inserted “ the Children’s Commissioner for Wales ”.

Commencement Information

I17 Sch. 2 para. 18 in force for W. at 13.11.2000 by [S.I. 2000/2992](#), art. 2(1), [Sch. 1](#)

Marginal Citations

M5 [1998 c. 38.](#)

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