



# Commissioner for Children and Young People (Scotland) Act 2003

2003 asp 17

## *The Commissioner*

### **1 Establishment**

- (1) There is to be a Commissioner for Children and Young People in Scotland.
- (2) Schedule 1 makes further provision about the Commissioner.

### **2 Appointment**

- (1) The Commissioner is to be an individual appointed by Her Majesty on the nomination of the Parliament.
- (2) A person is disqualified from appointment as the Commissioner if that person is, at the date when the appointment is to take effect, or in the year prior to that date has been—
  - (a) a member of the Parliament;
  - (b) a member of the House of Commons; or
  - (c) a member of the European Parliament.
- (3) The Commissioner is to be appointed for such period, not exceeding five years, as the Parliamentary corporation may determine.
- (4) A person who has been appointed for one period as the Commissioner may be appointed for a second period (whether or not consecutive) but not for any additional period.

### **3 Removal**

- (1) The Commissioner may be removed from office by Her Majesty if—
  - (a) the Commissioner so requests; or
  - (b) the Parliament has passed a resolution for removal on the ground—
    - (i) that the Commissioner has breached the terms of appointment; or

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*Status: This is the original version (as it was originally enacted).*

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- (ii) that the Parliament has lost confidence in the Commissioner's willingness, ability or suitability to carry out the functions of the office.
- (2) A resolution for removal of the Commissioner, if passed on a division, must be voted for by not less than two thirds of those voting.