

These notes refer to the Children's Commissioner for Wales Act 2001 (c.18) which received Royal Assent on 11th May 2001

CHILDREN'S COMMISSIONER FOR WALES ACT 2001

EXPLANATORY NOTES

COMMENTARY

Section 3: Review of exercise of functions of Assembly and other persons

15. **Section 3** inserts section 72B into the 2000 Act. Section 72B(1) introduces a power for the Commissioner to review the effect of the exercise or proposed exercise of the Assembly's functions (including the making or proposed making of any subordinate legislation) and those of the other persons in Wales listed in new Schedule 2A, on children to whom Part 5 applies.
16. New Schedule 2A, inserted into the 2000 Act, lists the persons whose functions are subject to review in accordance with section 72B(1). Section 72B(2) to (5) vests the Assembly with an order-making power to add to, delete from or make alterations to the list of persons in the future. A person or body may be added to the list in respect of some or all of its functions if it has functions in a field in which the Assembly has functions, provided the person is also established under an enactment or by virtue of Her Majesty's prerogative or in any other way by a Minister of the Crown, government department or the Assembly, and at least half of the person's expenditure in relation to its functions in Wales is funded directly by the Assembly. Section 72B(4) confers the same order-making power if the person is not so funded by the Assembly, provided the Secretary of State's consent is given. Section 72B(5) prevents persons being added if their sole or main activity is the investigation of complaints by the public, or the supervision or review of follow-up action resulting from such investigation. Section 72B(6) prevents an order being made under subsection (2) if the effect would be to allow the Commissioner to review functions in a field in which the Assembly has no functions.