



Commissioner for Older People (Wales) Act 2006

2006 CHAPTER 30

Functions

4 Power to amend Schedule 2

- (1) The [^{F1}Welsh Ministers]^{F1} may by order amend Schedule 2 by—
 - (a) adding a person;
 - (b) omitting a person;
 - (c) changing the description of a person.
- (2) An order under subsection (1) may add a person to Schedule 2 only if—
 - (a) the person has functions dischargeable in relation to Wales,
 - (b) some or all of the person's functions are in a field in which [^{F2}functions are exercisable by the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government]^{F2},
 - (c) the person is 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 [^{F3}Welsh Ministers, the First Minister for Wales, the Counsel General to the Welsh Assembly Government]^{F3} or another person mentioned in Schedule 2, and
 - (d) at least half of the person's expenditure on the discharge of its functions in relation to Wales is met directly from payments made by the [^{F4}Welsh Ministers]^{F4}.
- (3) But an order under subsection (1) may add a person to Schedule 2 even if the person does not satisfy the condition in subsection (2)(d), if the Secretary of State consents.
- (4) An order under subsection (1) may not add to Schedule 2 a person whose sole or main activity is—
 - (a) the investigation of complaints by members of the public about the actions of any person, or
 - (b) the supervision or review of, or of steps taken following, such an investigation.

Changes to legislation: There are currently no known outstanding effects for the Commissioner for Older People (Wales) Act 2006, Section 4. (See end of Document for details)

- (5) An order under subsection (1) must make provision about which of the functions of a person mentioned in Schedule 2 and specified in the order are to be relevant functions for the purposes of section 3.
- (6) The provision that may be made by virtue of subsection (5) includes provision amending section 3.
- (7) But a function may be specified as a relevant function by virtue of subsection (5) only if it is in a field in which [^{F5}functions are exercisable by the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government]^{F5}.

Textual Amendments

- F1** Words in s. 4(1) substituted (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)(3) of the amending S.I. and see ss. 46, 161(5) of [Government of Wales Act 2006 \(c. 32\)](#)) by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), arts. 1(2)(3), 3, **Sch. 1 para. 127(2)**
- F2** Words in s. 4(2)(b) substituted (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)(3) of the amending S.I. and see ss. 46, 161(5) of [Government of Wales Act 2006 \(c. 32\)](#)) by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), arts. 1(2)(3), 3, **Sch. 1 para. 127(3)(a)**
- F3** Words in s. 4(2)(c) substituted (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)(3) of the amending S.I. and see ss. 46, 161(5) of [Government of Wales Act 2006 \(c. 32\)](#)) by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), arts. 1(2)(3), 3, **Sch. 1 para. 127(3)(b)**
- F4** Words in s. 4(2)(d) substituted (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)(3) of the amending S.I. and see ss. 46, 161(5) of [Government of Wales Act 2006 \(c. 32\)](#)) by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), arts. 1(2)(3), 3, **Sch. 1 para. 127(3)(c)**
- F5** Words in s. 4(7) substituted (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)(3) of the amending S.I. and see ss. 46, 161(5) of [Government of Wales Act 2006 \(c. 32\)](#)) by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), arts. 1(2)(3), 3, **Sch. 1 para. 127(4)**

Changes to legislation:

There are currently no known outstanding effects for the Commissioner for Older People (Wales) Act 2006, Section 4.