



# Commissioner for Older People (Wales) Act 2006

## 2006 CHAPTER 30

### *Functions*

#### **7 Power to amend Schedule 3**

- (1) The [<sup>F1</sup>Welsh Ministers]<sup>F1</sup> may by order amend Schedule 3 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 3 only if—
  - (a) the person provides a service in Wales,
  - (b) the service is in a field in which [<sup>F2</sup>functions are exercisable by the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government]<sup>F2</sup>,
  - (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 [<sup>F3</sup>Welsh Ministers, the First Minister for Wales, the Counsel General to the Welsh Assembly Government]<sup>F3</sup> or another person mentioned in Schedule 3, 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 [<sup>F4</sup>Welsh Ministers]<sup>F4</sup>.
- (3) But an order under subsection (1) may add a person to Schedule 3 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 3 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.

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*Changes to legislation: There are currently no known outstanding effects for the Commissioner for Older People (Wales) Act 2006, Section 7. (See end of Document for details)*

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- (5) An order under subsection (1) must make provision about which of the services provided by a person mentioned in Schedule 3 and specified in the order are to be relevant services for the purposes of section 5.
- (6) The provision that may be made by virtue of subsection (5) includes provision amending section 6.
- (7) But a service may be specified as a relevant service by virtue of subsection (5) only if—
- (a) the person provides the service in Wales, and
  - (b) the service 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]<sup>F5</sup>.

#### Textual Amendments

- F1** Words in s. 7(1)(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. 129(2)**
- F2** Words in s. 7(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. 129(3)(a)**
- F3** Words in s. 7(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. 129(3)(b)**
- F4** Words in s. 7(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. 129(3)(c)**
- F5** Words in s. 7(7)(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. 129(4)**

**Changes to legislation:**

There are currently no known outstanding effects for the Commissioner for Older People (Wales) Act 2006, Section 7.