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WELSH STATUTORY INSTRUMENTS

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**2000 No. 3121 (W. 199 )**

**CHILDREN'S COMMISSIONER, WALES**

The Children's Commissioner for  
Wales (Appointment) Regulations 2000

Made - - - - 23rd November 2000

Coming into force - - 8th December 2000

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred on it by section 118 (7) of and paragraph 2 of Schedule 2 to, the Care Standards Act 2000<sup>(1)</sup>:

**Citation, commencement, interpretation and application**

1.—(1) These Regulations may be cited as the Children's Commissioner for Wales (Appointment) Regulations 2000 and shall come into force on 8th December 2000.

(2) In these Regulations —

“the National Assembly” (“*y Cynulliad Cenedlaethol*”) means the National Assembly for Wales;

“the Commissioner” (“*y Comisiynydd*”) means the Children's Commissioner for Wales<sup>(2)</sup>;

“the First Secretary” (“*y Prif Ysgrifennydd*”) means the person elected from time to time as the Assembly First Secretary pursuant to section 53(1) of the Government of Wales Act 1998<sup>(3)</sup>;

“relevant children” (“*plant perthnasol*”) means such children resident in Wales as are selected for the purposes of a particular appointment in such a manner—

(a) as the relevant committee may determine in accordance with the terms of reference of the committee, or

(b) in the absence of such a determination, as the First Secretary shall determine;

“a relevant committee” (“*pwyllogor perthnasol*”) means such a committee as may be established by the National Assembly from time to time under section 54(1)(b) of the Government of Wales Act 1998 for the purpose of providing advice and determining matters relating to the appointment of the Commissioner.

(3) These Regulations apply to Wales only.

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(1) 2000 c. 14.

(2) The office of the Children's Commissioner for Wales is established by section 72(1) of the Care Standards Act 2000.

(3) 1998 c. 38.

### **Appointment of the Commissioner**

- 2.—(1) The Commissioner shall be appointed by the First Secretary.
  - (2) The appointment of the Commissioner shall be made only after taking account of—
    - (a) the advice of a relevant committee,
    - (b) the views of relevant children as to any candidates interviewed for the appointment, and
    - (c) the advice of any selection panel, established for the purpose of interviewing candidates, as to their suitability for appointment.
  - (3) Subject to regulation 3, the term of office of the Commissioner shall be seven years.
  - (4) The Commissioner shall not be eligible for re-appointment upon the expiry or earlier termination of the term of office.
3. The First Secretary may relieve the Commissioner of office prior to the expiry of the term of office -
- (a) at the request of the Commissioner,
  - (b) on the ground of misbehaviour, or
  - (c) on being satisfied that the Commissioner is incapable by reason of mental or physical infirmity of performing the Commissioner's functions.
4. Where the First Secretary exercises functions conferred by these regulations, the exercise of such functions shall be treated as that of the National Assembly.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998

23rd November 2000

*John Marek*  
The Deputy Presiding Officer of the National  
Assembly

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision for the appointment of the Children's Commissioner for Wales whose office is established under Part V of the Care Standards Act 2000.

In particular the Regulations make provision for the appointment to be made by the Assembly First Secretary following advice from any committee of the Assembly which has been established for the purpose of advising as to the appointment and advice, after candidates are interviewed by a selection panel, as to their suitability for appointment. The First Secretary is also under a duty to take account of the views of children resident in Wales as to the proposed appointment. The Regulations also make provision as to the term of office, and as to the circumstances in which the Commissioner may be relieved of office. By way of clarification as to legal responsibility for the exercise of functions by the First Secretary, the regulations contain incidental provision to treat functions so exercised as the exercise of functions by the Assembly.