

RIGHTS OF CHILDREN AND YOUNG PERSONS (WALES) MEASURE 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 3 – Preparation and publication of the scheme

31. Subsection (1) – This provides that when preparing, remaking or revising the children’s scheme, the Welsh Ministers must have regard to the following documents–
- (i) the Committee’s reports on its activities, which article 44(5) of the Convention requires the Committee to submit every two years to the General Assembly of the United Nations;
 - (ii) any studies on specific issues relating to the rights of the child which have been undertaken by the United Nations’ Secretary-General under article 45(c) of the Convention, and
 - (iii) any other documents issued by the Committee relating to implementation of the Convention or Protocols by the United Kingdom, such as documents relating to the General Days of Discussion.
32. Subsection (2) – This permits the Welsh Ministers to have regard to any other documents (whether or not issued by the Committee) or matters that they consider to be relevant when preparing, remaking or revising the children’s scheme.
33. Subsection (3) – This requires the Welsh Ministers, before making or remaking the children’s scheme, to publish the scheme in draft. If they are revising the scheme they must publish the revisions alone or the scheme as a whole with those revisions included.
34. Subsection (4) – This requires the Welsh Ministers to involve –
- (a) children and young persons,
 - (b) the Children’s Commissioner for Wales, and
 - (c) such other persons or bodies as the Welsh Ministers consider appropriate, when they are preparing the draft scheme, or the draft of any changes to the scheme, to be published under subsection (3).
35. Subsection (5) – This requires the Welsh Ministers, before making, remaking or revising the children’s scheme, to consult certain people on the draft. They must consult children and young people, the Children’s Commissioner for Wales and any other persons or bodies which the Welsh Ministers consider appropriate.
36. Subsection (6) – The effect of this subsection is that the Welsh Ministers must not make or remake the scheme unless a draft of what is to be made or remade has been laid before the Assembly and has been approved by a resolution of the Assembly. The Welsh Ministers must not revise the scheme unless either the revisions alone, or the

whole scheme with the revisions included, has been laid before and approved by the Assembly.

37. Subsection (7) – This requires the Welsh Ministers to lay a draft of the first children’s scheme before the Assembly on or before 31 March 2012.
38. Subsection (8) – This requires the Welsh Ministers to publish the children’s scheme when it is made and whenever it is remade. Where they have revised the scheme they must publish the revisions alone or the whole scheme with the revisions included.
39. Subsection (9) – This requires the Welsh Ministers to lay before the Assembly the document they have published under subsection (8), whether that be the whole scheme or revisions to the scheme.
40. Subsection (10) – This defines terms used in section 3.