



Care Standards Act 2000

2000 CHAPTER 14

PART V

THE CHILDREN'S COMMISSIONER FOR WALES

[^{F2}72B Review of exercise of functions of [^{F1}Welsh Ministers] and other persons

- (1) The Commissioner may review the effect on children to whom this Part applies of—
 - (a) the exercise or proposed exercise of any function of the [^{F3}Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government], including the making or proposed making of any subordinate legislation; or
 - (b) the exercise or proposed exercise in relation to Wales of any function of any person mentioned in Schedule 2A.
- (2) The [^{F4}Welsh Ministers] may by order amend this section or Schedule 2A by—
 - (a) adding any person to that Schedule;
 - (b) omitting any person from that Schedule;
 - (c) altering the description of any person mentioned in that Schedule; or
 - (d) making provision specifying, in respect of a person mentioned in that Schedule and specified in the order, a function of the person which although exercisable in relation to Wales is not to be treated as such for the purposes of subsection (1)(b).
- (3) An order under subsection (2) may add a person to Schedule 2A only if—
 - (a) some or all of the person's functions are 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];
 - (b) the person is established under an enactment or by virtue of Her Majesty's prerogative or is established in any other way by a Minister of the Crown or government department or by the [^{F6}Welsh Ministers, the First Minister for Wales, or the Counsel General to the Welsh Assembly Government]; and

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- (c) (unless consent is given by the Secretary of State under subsection (4)), at least half of the person’s expenditure on the exercise of functions in relation to Wales (or, where the person’s functions relate only to a part of Wales, in relation to the part of Wales to which they relate) is met directly from payments made by the [^{F7}Welsh Ministers].
- (4) An order under subsection (2) may add to Schedule 2A a person who does not satisfy the condition in subsection (3)(c) if the Secretary of State gives consent.
- (5) An order under subsection (2) must not add to Schedule 2A a person whose sole or main activity is—
- the investigation of complaints by members of the public about the actions of any person; or
 - the supervision or review of, or of steps taken following, such an investigation.
- (6) The [^{F8}Welsh Ministers] may not make an order under subsection (2) if the result would be that the Commissioner could review the effect of the exercise or proposed exercise of a person’s function in a field in which [^{F9}no functions are exercisable by the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government].
- (7) In subsection (1)(a) “subordinate legislation” has the same meaning as in the Interpretation Act 1978 (c. 30).]

Textual Amendments

- F1** S. 72B: words in heading substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\), art. 3, Sch. 1 para. 70\(2\)](#), 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) of the amending S.I. and see [ss. 46, 161\(5\) of Government of Wales Act 2006 \(c. 32\)](#)
- F2** S. 72B inserted (26.8.2001 for W.) by 2001 c. 18, s. 3(1); S.I. 2001/2783, [art. 2\(2\)\(c\)](#)
- F3** Words in s. 72B(1)(a) substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\), art. 3, Sch. 1 para. 70\(3\)](#), 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) of the amending S.I. and see [ss. 46, 161\(5\) of Government of Wales Act 2006 \(c. 32\)](#)
- F4** Words in s. 72B(2) substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\), art. 3, Sch. 1 para. 70\(4\)](#), 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) of the amending S.I. and see [ss. 46, 161\(5\) of Government of Wales Act 2006 \(c. 32\)](#)
- F5** Words in s. 72B(3)(a) substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\), art. 3, Sch. 1 para. 70\(5\)](#), 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) of the amending S.I. and see [ss. 46, 161\(5\) of Government of Wales Act 2006 \(c. 32\)](#)
- F6** Words in s. 72B(3)(b) substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\), art. 3, Sch. 1 para. 70\(6\)](#), 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) of the amending S.I. and see [ss. 46, 161\(5\) of Government of Wales Act 2006 \(c. 32\)](#)

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- F7** Words in s. 72B(3)(c) substituted by The Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388), art. 3, **Sch. 1 para. 70(7)**, 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) of the amending S.I. and see ss. 46, 161(5) of Government of Wales Act 2006 (c. 32)
- F8** Words in s. 72B(6) substituted by The Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388), art. 3, **Sch. 1 para. 70(8)(a)**, 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) of the amending S.I. and see ss. 46, 161(5) of Government of Wales Act 2006 (c. 32)
- F9** Words in s. 72B(6) substituted by The Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388), art. 3, **Sch. 1 para. 70(8)(b)**, 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) of the amending S.I. and see ss. 46, 161(5) of Government of Wales Act 2006 (c. 32)

Commencement Information

- I1** S. 72B in force for W. at 26.8.2001 by S.I. 2001/2782, **art. 2(1)(2)(b)**

Status:

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