



Children's Commissioner for Wales Act 2001

2001 CHAPTER 18

3 Review of exercise of functions of Assembly and other persons

- (1) After section 72A of the Care Standards Act 2000 (which is inserted by section 2 above) insert—

“72B Review of exercise of functions of Assembly 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 Assembly, 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 Assembly 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 the Assembly has functions;
 - (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 Assembly; and

Status: This is the original version (as it was originally enacted).

- (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 Assembly.
 - (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—
 - (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.
 - (6) The Assembly 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 the Assembly does not have functions.
 - (7) In subsection (1)(a) "subordinate legislation" has the same meaning as in the Interpretation Act 1978 (c. 30).".
- (2) After Schedule 2 to the Care Standards Act 2000 (c. 14), insert the Schedule 2A contained in Part 1 of the Schedule to this Act.