

*These notes refer to the Children Act 2004 (c.31)
which received Royal Assent on 15th November 2004*

CHILDREN ACT 2004

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1 - Children's Commissioner

Section 5: Functions of Commissioner in Wales

45. *Subsection (1)* gives the Commissioner the function of promoting awareness of the views and interests of children in Wales, but only in relation to those matters which do not already fall within the remit of the Children's Commissioner for Wales under section 72B, 73 or 74 of the Care Standards Act 2000. The functions given to the Children's Commissioner for Wales by those sections (the review of the exercise of functions of the Assembly and other specified bodies, the review and monitoring of various arrangements made by specified bodies, and the examination of particular cases) extend to bodies that have statutory functions in Wales or that provide statutory services that come within the functions of the Assembly. *Subsection (2)* gives the Commissioner the same powers and duties in relation to this function as he has for his function under section 2.
46. *Subsection (3)* places a duty on the Commissioner to take account of the views of and any work undertaken by the Children's Commissioner for Wales when he is carrying out his function under subsection (1).
47. *Subsections (4) and (6)* give to the Commissioner the power to undertake inquiries, at his own initiation and at the direction of the Secretary of State respectively, in relation to the case of an individual child in Wales, so long as it does not fall within the remit of the Children's Commissioner for Wales as described in subsection (1). *Subsections (5) and (7)* import to those inquiry functions the powers and duties given to the Commissioner in respect of inquiries carried out under sections 3 and 4.