

2023 No. 1166 (W. 204)

**COMMISSIONER FOR OLDER
PEOPLE IN WALES, WALES**

The Commissioner for Older
People in Wales (Appointment)
(Amendment, Transitional and
Revocation) Regulations 2023

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under powers given to the National Assembly for Wales, now vested in the Welsh Ministers, by the Commissioner for Older People (Wales) Act 2006 (c. 30) (“the Act”). The Act establishes the office of the Commissioner for Older People in Wales (“the Commissioner”).

The Commissioner for Older People in Wales (Appointment) Regulations 2007 (“the 2007 Regulations”) (as amended by the Commissioner for Older People in Wales (Appointment) (Amendment) Regulations 2016) make provision in relation to the appointment of the Commissioner.

The 2007 Regulations specify the Commissioner’s term of office. These Regulations amend that term to ensure that the Commissioner’s term of office is in line with the respective terms of office for which the Children’s Commissioner for Wales, the Future Generations Commissioner and Welsh Language Commissioner are appointed.

Regulation 3 amends the term of office for which the Commissioner must be appointed from a period of four to seven years, and provides that the Commissioner may only be appointed for a single term of office.

Regulation 4 removes the power to extend the Commissioner’s term of office for a period of two years.

Regulation 5 makes transitional arrangements in respect of these amendments.

Regulation 6 revokes the Commissioner for Older People in Wales (Appointment) (Amendment) Regulations 2016.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Department of Health and Social Services, Welsh Government, Cathays Park, Cardiff, CF10 3NQ and is published on www.gov.wales.

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Made 1 November 2023

Laid before Senedd Cymru 3 November 2023

Coming into force 16 December 2023

The Welsh Ministers, in exercise of the powers conferred by section 28(2) of, and paragraph 2 of Schedule 1 to, the Commissioner for Older People (Wales) Act 2006(1), make the following Regulations(2).

Title and coming into force

1. The title of these Regulations is the Commissioner for Older People in Wales (Appointment) (Amendment, Transitional and Revocation) Regulations 2023 and they come into force on 16 December 2023.

(1) 2006 c. 30 (“the Act”). The powers to make regulations are exercisable by the Welsh Ministers: *see* paragraphs 139(2)(b) and 140 of Schedule 1 to the Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388). In accordance with paragraph 35(4) of Schedule 11 to the Government of Wales Act 2006 (c. 32), these Regulations are subject to annulment in pursuance of a resolution of Senedd Cymru.

(2) *See* the definition of “regulations” in section 27 of the Act.

Amendment of the Commissioner for Older People in Wales (Appointment) Regulations 2007

2. The Commissioner for Older People in Wales (Appointment) Regulations 2007⁽¹⁾ are amended in accordance with regulations 3 and 4.

3. In regulation 3 (appointment of the Commissioner)—

- (a) in paragraph (5), for “regulations 4 and 4A” substitute “regulation 4”;
- (b) in paragraph (5), for “four” substitute “seven”;
- (c) for paragraph (6), substitute—

“(6) A person who has been appointed as the Commissioner may not be appointed for a second term.”

4. Omit regulation 4A.

Transitional Provision

5. The following provisions have no effect in so far as they relate to the appointment of a Commissioner made before the coming into force of these Regulations in accordance with regulation 1—

- (a) the amendments made by regulations 2 to 4 of these Regulations;
- (b) the revocation made by regulation 6 of these Regulations.

Revocation

6. The Commissioner for Older People in Wales (Appointment) (Amendment) Regulations 2016 are revoked.

Mark Drakeford
First Minister, one of the Welsh Ministers
1 November 2023

(1) S.I. 2007/396 (W. 42), amended by S.I. 2016/154 (W. 68).