

SCHEDULES

SCHEDULE 2

Section 72.

THE CHILDREN’S COMMISSIONER FOR WALES

Status

- 1 (1) The Commissioner is to be a corporation sole.
- (2) The Commissioner is not to be regarded as the servant or agent or the Crown or as enjoying any status, immunity or privilege of the Crown; and the Commissioner’s property is not to be regarded as property of, or property held on behalf of, the Crown.

Appointment and tenure of office

- 2 Regulations may make provision—
 - (a) as to the appointment of the Commissioner (including any conditions to be fulfilled for appointment);
 - (b) as to the filling of vacancies in the office of Commissioner;
 - (c) as to the tenure of office of the Commissioner (including the circumstances in which he ceases to hold office or may be removed or suspended from office).

Remuneration

- 3 The Assembly shall—
 - (a) pay the Commissioner such remuneration and allowances; and
 - (b) pay, or make provision for the payment of, such pension or gratuities to or in respect of him,as may be provided for under the terms of his appointment.

Staff

- 4 (1) The Commissioner may appoint any staff he considers necessary for assisting him in the exercise of his functions, one of whom shall be appointed as deputy Commissioner.
- (2) During any vacancy in the office of Commissioner or at any time when the Commissioner is for any reason unable to act, the deputy Commissioner shall exercise his functions (and any property or rights vested in the Commissioner may accordingly be dealt with by the deputy as if vested in him).
- (3) Without prejudice to sub-paragraph (2), any member of the Commissioner’s staff may, so far as authorised by him, exercise any of his functions.

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General powers

- 5 (1) Subject to any directions given by the Assembly, the Commissioner may do anything which appears to him to be necessary or expedient for the purpose of, or in connection with, the exercise of his functions.
- (2) That includes, in particular—
- (a) co-operating with other public authorities in the United Kingdom;
 - (b) acquiring and disposing of land and other property; and
 - (c) entering into contracts.

Estimates

- 6 (1) For each financial year after the first, the Commissioner shall prepare, and submit to the executive committee, an estimate of his income and expenses.
- (2) Each such estimate shall be submitted to the executive committee at least five months before the beginning of the financial year to which it relates.
- (3) The executive committee shall examine each such estimate submitted to it and, after having done so, shall lay the estimate before the Assembly with any such modifications as the committee thinks fit.
- (4) Regulations shall specify the periods which are to be treated as the first and subsequent financial years of the Commissioner.
- (5) In this paragraph and paragraph 10 “executive committee” has the same meaning as in the Government of Wales Act 1998.

Accounts

- 7 (1) The Commissioner shall keep proper accounting records.
- (2) The Commissioner shall prepare accounts for each financial year in such form as the Assembly may with the consent of the Treasury determine.

Reports

- 8 Regulations may provide for the Commissioner to make periodic or other reports to the Assembly relating to the exercise of his functions and may require the reports to be published in the manner required by the regulations.

Audit

- 9 (1) The accounts prepared by the Commissioner for any financial year shall be submitted by him to the Auditor General for Wales not more than five months after the end of that year.
- (2) The Auditor General for Wales shall—
- (a) examine and certify any accounts submitted to him under this paragraph; and
 - (b) no later than four months after the accounts are submitted to him, lay before the Assembly a copy of them as certified by him together with his report on them.

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- (3) In examining any accounts submitted to him under this paragraph, the Auditor General for Wales shall, in particular, satisfy himself that the expenditure to which the accounts relate has been incurred lawfully and in accordance with the authority which governs it.

Accounting officer

- 10 (1) The accounting officer for the Commissioner’s Office shall be the Commissioner.
- (2) The accounting officer for the Commissioner shall have, in relation to the accounts of the Commissioner and the finances of the Commissioner’s Office, the responsibilities which are from time to time specified by the Treasury.
- (3) In this paragraph references to responsibilities include in particular—
- (a) responsibilities in relation to the signing of accounts;
 - (b) responsibilities for the propriety and regularity of the finances of the Commissioner’s Office; and
 - (c) responsibilities for the economy, efficiency and effectiveness with which the resources of the Commissioner’s Office are used.
- (4) The responsibilities which may be specified under this paragraph include responsibilities owed to—
- (a) the Assembly, the executive committee or the Audit Committee; or
 - (b) the House of Commons or its Committee of Public Accounts.
- (5) If requested to do so by the House of Commons Committee of Public Accounts, the Audit Committee may—
- (a) on behalf of the Committee of Public Accounts take evidence from the accounting officer for the Commissioner’s Office; and
 - (b) report to the Committee of Public Accounts and transmit to that Committee any evidence so taken.
- (6) In this paragraph and paragraphs 11 and 12 “the Commissioner’s Office” means the Commissioner and the members of his staff.

Examinations into use of resources

- 11 (1) The Auditor General for Wales may carry out examinations into the economy, efficiency and effectiveness with which the Commissioner has used the resources of the Commissioner’s Office in discharging his functions.
- (2) Sub-paragraph (1) shall not be construed as entitling the Auditor General for Wales to question the merits of the policy objectives of the Commissioner.
- (3) In determining how to exercise his functions under this paragraph, the Auditor General for Wales shall take into account the views of the Audit Committee as to the examinations which he should carry out under this paragraph.
- (4) The Auditor General for Wales may lay before the Assembly a report of the results of any examination carried out by him under this paragraph.
- (5) The Auditor General for Wales and the Comptroller and Auditor General may cooperate with, and give assistance to, each other in connection with the carrying out

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of examinations in respect of the Commissioner under this paragraph or section 7 of the National Audit Act 1983 (economy etc. examinations).

Examinations by the Comptroller and Auditor General

- 12 (1) For the purpose of enabling him to carry out examinations into, and report to Parliament on, the finances of the Commissioner’s Office, the Comptroller and Auditor General—
- (a) shall have a right of access at all reasonable times to all such documents in the custody or under the control of the Commissioner, or of the Auditor General for Wales, as he may reasonably require for that purpose; and
 - (b) shall be entitled to require from any person holding or accountable for any of those documents any assistance, information or explanation which he reasonably thinks necessary for that purpose.
- (2) The Comptroller and Auditor General shall—
- (a) consult the Auditor General for Wales; and
 - (b) take into account any relevant work done or being done by the Auditor General for Wales,
- before he acts in reliance on sub-paragraph (1) or carries out an examination in respect of the Commissioner under section 7 of the National Audit Act 1983 (economy etc. examinations).

Evidence

- 13 A document purporting to be duly executed under the seal of the Commissioner or to be signed by him or on his behalf is to be received in evidence and, unless the contrary is proved, taken to be so executed or signed.

Payments

- 14 The Assembly may make payments to the Commissioner of such amounts, at such times and on such conditions (if any) as it considers appropriate.

General

- 15 In the House of Commons Disqualification Act 1975, in Part III of Schedule 1 (certain disqualifying offices), the following entries are inserted at the appropriate places—
- “Children’s Commissioner for Wales.”
- “Member of the staff of the Children’s Commissioner for Wales.”
- 16 In the Northern Ireland Assembly Disqualification Act 1975, the same entries as are set out in paragraph 15 are inserted at the appropriate places in Part III of Schedule 1.
- 17 (1) Regulations may provide that the office of Children’s Commissioner for Wales shall be added to the list of “Offices” in Schedule 1 to the Superannuation Act 1972 (offices etc. to which section 1 of that Act applies).
- (2) The Assembly shall pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of any increase attributable to

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provision made under sub-paragraph (1) in the sums payable out of money provided by Parliament under the Superannuation Act 1972.

- 18 In section 144 of the Government of Wales Act 1998 (accounts etc.), in subsection (8)(a), after “the Welsh Administration Ombudsman” there shall be inserted “the Children’s Commissioner for Wales”.