



# Commissioner for Children and Young People (Scotland) Act 2003

2003 asp 17

## *The Commissioner*

### 1 **Establishment** **S**

- (1) There is to be a Commissioner for Children and Young People in Scotland.
- (2) Schedule 1 makes further provision about the Commissioner.

### 2 **Appointment** **S**

- (1) The Commissioner is to be an individual appointed by Her Majesty on the nomination of the Parliament.
- (2) A person is disqualified from appointment as the Commissioner if that person is, at the date when the appointment is to take effect, or in the year prior to that date has been—
  - (a) a member of the Parliament;
  - (b) a member of the House of Commons; or
  - (c) a member of the European Parliament.
- (3) The Commissioner is to be appointed for such period, not exceeding [<sup>F1</sup>eight] years, as the Parliamentary corporation may determine.
- [<sup>F2</sup>(4) A person who has been appointed Commissioner is ineligible for re-appointment at any time.]

#### **Textual Amendments**

- F1** Word in s. 2(3) substituted (1.4.2011) by [Scottish Parliamentary Commissions and Commissioners etc. Act 2010 \(asp 11\)](#), s. 31(5), **sch. 5 para. 1(a)** (with s. 31(6), sch. 7)
- F2** S. 2(4) substituted (1.4.2011) by [Scottish Parliamentary Commissions and Commissioners etc. Act 2010 \(asp 11\)](#), s. 31(5), **sch. 5 para. 1(b)** (with s. 31(6), sch. 7)

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**Changes to legislation:** Commissioner for Children and Young People (Scotland) Act 2003, Cross Heading:  
The Commissioner is up to date with all changes known to be in force on or before 18 April 2024. There  
are changes that may be brought into force at a future date. Changes that have been made appear in the  
content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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### 3 Removal **S**

(1) The Commissioner may be removed from office by Her Majesty if—

- (a) the Commissioner so requests; or
- <sup>[F3]</sup>(b) subsection (2) applies.]

<sup>[F4]</sup>(2) This subsection applies if—

- (a) the Parliamentary corporation is satisfied that the Commissioner has breached the terms and conditions of appointment and the Parliament resolves that the Commissioner should be removed from office for that breach, or
- (b) the Parliament resolves that it has lost confidence in the Commissioner's willingness, suitability or ability to perform the functions of the Commissioner,

and, in either case, the resolution is voted for by a number of members not fewer than two thirds of the total number of seats for members of the Parliament.]

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#### Textual Amendments

- F3** S. 3(1)(b) substituted (1.4.2011) by [Scottish Parliamentary Commissions and Commissioners etc. Act 2010 \(asp 11\)](#), s. 31(5), **sch. 5 para. 2** (with s. 31(6), sch. 7)
- F4** S. 3(2) substituted (1.4.2011) by [Scottish Parliamentary Commissions and Commissioners etc. Act 2010 \(asp 11\)](#), s. 31(5), **sch. 5 para. 2** (with s. 31(6), sch. 7)

**Changes to legislation:**

Commissioner for Children and Young People (Scotland) Act 2003, Cross Heading: The Commissioner is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4(2A) inserted by [2024 asp 1 s. 11\(2\)](#)