

These notes relate to the Commissioner for Children and Young People (Scotland) Act 2003 (asp 17) which received Royal Assent on 1 May 2003

COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE (SCOTLAND) ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 2: Appointment

12. Subsection (1) provides that the Commissioner will be an individual, who will be appointed by Her Majesty on the nomination of the Parliament.
13. Subsection (2) provides that anyone who is an MSP, MP or MEP or has held such an office in the previous year is disqualified from appointment.
14. Subsection (3) provides that the Commissioner holds office for a maximum period of five years but this must be read with section 3 which provides for the early removal from office of the Commissioner. The Scottish Parliamentary Corporate Body (SPCB), will on appointment determine the period of appointment.
15. The SPCB was created by section 21 of the [Scotland Act 1998 \(c.46\)](#) (the Scotland Act) to provide the Parliament with the property, staff and services which it requires and to represent the Parliament in legal proceedings. As well as the specific functions set out in the Scotland Act, the SPCB is bound to perform functions conferred upon it by other legislation.
16. Subsection (4) provides for the re-appointment of the Commissioner. There can only be one re-appointment which, although it need not be consecutive to the original appointment, cannot be for more than another five years. No further re-appointment is allowed. As a consequence, the maximum period of time which one person can serve as Commissioner is ten years.