

*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 3: Removal

17. Subsection (1) sets out the grounds on which the Commissioner may be removed from office by Her Majesty. The Commissioner may resign or may be removed following a resolution of the Parliament. Subsection (1)(a) permits the Commissioner to resign from office. Subsection (1)(b) enables the Parliament to pass a resolution for the removal of the Commissioner. Such a resolution could be passed on the grounds that the Commissioner had breached the terms of appointment or that the Parliament had lost confidence in the Commissioner's willingness, ability or suitability to carry out the functions of Commissioner. A resolution for removal by the Parliament would require the support of two-thirds of the total votes cast by those voting where the number of MSPs voting includes any voting to abstain.