



# Children Act 2004

## 2004 CHAPTER 31

### PART 1

#### CHILDREN'S COMMISSIONER

#### **[<sup>F12</sup> Primary function: children's rights, views and interests**

- (1) The Children's Commissioner's primary function is promoting and protecting the rights of children in England.
- (2) The primary function includes promoting awareness of the views and interests of children in England.
- (3) In the discharge of the primary function the Children's Commissioner may, in particular—
  - (a) advise persons exercising functions or engaged in activities affecting children on how to act compatibly with the rights of children;
  - (b) encourage such persons to take account of the views and interests of children;
  - (c) advise the Secretary of State on the rights, views and interests of children;
  - (d) consider the potential effect on the rights of children of government policy proposals and government proposals for legislation;
  - (e) bring any matter to the attention of either House of Parliament;
  - (f) investigate the availability and effectiveness of complaints procedures so far as relating to children;
  - (g) investigate the availability and effectiveness of advocacy services for children;
  - (h) investigate any other matter relating to the rights or interests of children;
  - (i) monitor the implementation in England of the United Nations Convention on the Rights of the Child;
  - (j) publish a report on any matter considered or investigated under this section.
- (4) In the discharge of the primary function, the Children's Commissioner must have particular regard to the rights of children who are within section 8A (children living

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*Changes to legislation: There are currently no known outstanding effects  
for the Children Act 2004, Section 2. (See end of Document for details)*

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away from home or receiving social care) and other groups of children who the Commissioner considers to be at particular risk of having their rights infringed.

- (5) The Children's Commissioner may not conduct an investigation of the case of an individual child in the discharge of the primary function.]

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**Textual Amendments**

**F1** Ss. 2-2C substituted for s. 2 (1.4.2014) by [Children and Families Act 2014 \(c. 6\)](#), ss. 107, 139(5)

**Changes to legislation:**

There are currently no known outstanding effects for the Children Act 2004, Section 2.