



Children Act 2004

2004 CHAPTER 31

PART 1

CHILDREN'S COMMISSIONER

5 Functions of Commissioner in Wales

(1) The Children's Commissioner has the function of [^{F1}promoting and protecting the rights of children in Wales], except in so far as relating to any matter falling within the remit of the Children's Commissioner for Wales under section 72B, 73 or 74 of the Care Standards Act 2000 (c. 14).

[^{F2}(1A) The function under subsection (1) includes promoting awareness of the views and interests of children in Wales.]

[^{F3}(2) Subsections (3) to (5) of section 2 and sections 2A to 2C, 2E and 2F apply in relation to the Children's Commissioner's function under subsection (1) as in relation to the Commissioner's primary function.

(2A) For the purposes of subsection (2)—

- (a) section 2(3)(i) has effect as if for "in England" there were substituted " in Wales, except in so far as relating to any matter falling within the remit of the Children's Commissioner for Wales under section 72B, 73 or 74 of the Care Standards Act 2000, ",
- (b) sections 2(4) and 2B(3) have effect as if for "children who are within section 8A (children living away from home or receiving social care) and other groups of children" there were substituted " groups of children ",
- (c) section 2E(1) has effect as if "and the function under section 2D" were omitted, and
- (d) section 2F(1) has effect as if "or the function under section 2D" were omitted.]

(3) In discharging his function under subsection (1) above the Children's Commissioner must take account of the views of, and any work undertaken by, the Children's Commissioner for Wales.

Changes to legislation: There are currently no known outstanding effects for the Children Act 2004, Section 5. (See end of Document for details)

(4) Where the Children’s Commissioner considers that the case of an individual child in Wales raises issues of public policy of relevance to other children, other than issues relating to a matter referred to in subsection (1) above, he may hold an inquiry into that case for the purpose of investigating and making recommendations about those issues.

(5) Subsections (2) to (8) of section 3 apply in relation to an inquiry under subsection (4) above.

^{F4}(6)

^{F5}(7)

Textual Amendments

- F1** Words in s. 5(1) substituted (1.4.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(5\), Sch. 5 para. 3\(2\)](#)
- F2** S. 5(1A) inserted (1.4.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(5\), Sch. 5 para. 3\(3\)](#)
- F3** S. 5(2)(2A) substituted for s. 5(2) (1.4.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(5\), Sch. 5 para. 3\(4\)](#)
- F4** S. 5(6) omitted (1.4.2014) by virtue of [Children and Families Act 2014 \(c. 6\), s. 139\(5\), Sch. 5 para. 2\(2\)\(a\)](#)
- F5** S. 5(7) omitted (1.4.2014) by virtue of [Children and Families Act 2014 \(c. 6\), s. 139\(5\), Sch. 5 para. 2\(2\)\(a\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Children Act 2004, Section 5.