

# COMMISSIONER FOR OLDER PEOPLE (WALES) ACT 2006

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## EXPLANATORY NOTES

### COMMENTARY

#### *Section 4: Power to amend Schedule 2*

27. *Subsection (1)* provides the Assembly with an order-making power to add to, delete from or make alterations to the descriptions of persons listed in Schedule 2. *Subsection (2)* sets out the conditions which must be met in respect of a person (which can be either a body or an individual) before he can be added to Schedule 2. These are that the person must have functions dischargeable in relation to Wales in a field in which the Assembly has functions and must be established by an enactment or by Her Majesty, a Minister of the Crown, a government department, the Assembly or a person listed in Schedule 2. In addition, at least half of the person's expenditure on the discharge of its functions in relation to Wales must be funded directly by the Assembly. But under *subsection (3)* a person can nevertheless be added to Schedule 2 if the person is not so funded by the Assembly, provided the Secretary of State's consent is given. *Subsection (4)* prohibits the Assembly from adding a person to Schedule 2 whose main activity is the investigation of complaints or the supervision or review of actions taken following a complaints investigation. *Subsection (5)* requires the Assembly, where it makes an order under subsection (1), to specify which of that person's functions will be relevant functions (and so subject to review by the Commissioner). *Subsection (7)* restricts the functions which may be prescribed as relevant functions in such an order. A function of a person added to Schedule 2 can only be a relevant function if it is a function in a field in which the Assembly has functions.