

Draft Order laid before the National Assembly for Wales under paragraph 35(3) of Schedule 11 to the Government of Wales Act 2006 for approval by resolution of the Assembly.

D R A F T W E L S H
S T A T U T O R Y I N S T R U M E N T S

2008 No. (W.)

**COMMISSIONER FOR OLDER
PEOPLE IN WALES, WALES**

**Commissioner for Older People in
Wales (Amendment) Regulations
2008**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Commissioner for Older People in Wales Regulations 2007 (“the 2007 Regulations”) made under the Commissioner for Older People (Wales) Act 2006.

The 2007 Regulations make provision in relation to the functions of the Commissioner for Older People in Wales. These include requirements relating to the Assembly for the provision of information by prescribed persons, the provision of assistance to older persons in prescribed proceedings, the examination of specific descriptions of cases and the preparation and distribution of specific reports.

The Government of Wales Act 2006 (“the 2006 Act”) makes new provisions for the Government of Wales. These Regulations modify the 2007 Regulations as considered appropriate in consequence of the 2006 Act. Each reference to the Assembly in the 2007 Regulations is modified to specify whether it applies to the Assembly as constituted by the Government of Wales Act 1998; the Welsh Assembly Government; the Assembly Commission; the Assembly (as constituted by the Government of Wales Act 2006); the Welsh Ministers; the First Minister or the Counsel General.

2008 No. (W.)

**COMMISSIONER FOR OLDER
PEOPLE IN WALES, WALES**

**Commissioner for Older People in
Wales (Amendment) Regulations
2008**

Made 2008

Coming into force 2008

The Welsh Ministers, in exercise of the powers conferred on the National Assembly for Wales by sections 5(4)(b), 6(5), 8(1)(e), 10(1) and (5), 15(1) and (3) of, and paragraph 8 of Schedule 1 to, the Commissioner for Older People (Wales) Act 2006⁽¹⁾ and now vested⁽²⁾ in them, make the following Regulations.

In accordance with paragraph 35(3) of Schedule 11 to the Government of Wales Act 2006⁽³⁾, a draft of these Regulations has been laid before the National Assembly for Wales and approved by a resolution of the National Assembly for Wales.

Title, commencement and interpretation

1.—(1) The title of these Regulations is the Commissioner for Older People in Wales (Amendment) Regulations 2008 and they come into force on 2008.

(2) These Regulations apply in relation to Wales.

2. In these Regulations—

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- (1) The Commissioner for Older People (Wales) Act 2006 is amended by the Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388).
- (2) The powers conferred on the National Assembly for Wales are transferred to the Welsh Ministers by operation of paragraph 30 of Schedule 11 to the Government of Wales Act 2006.
- (3) 2006 c.32, as amended by the Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388).

“the 1998 Assembly” (“*Cynulliad 1998*”) means the National Assembly for Wales as constituted by the Government of Wales Act 1998⁽¹⁾;

“the 2006 Act” (“*Deddf 2006*”) means the Government of Wales Act 2006⁽²⁾;

“the Act” (“*y Ddeddf*”) means the Commissioner for Older People (Wales) Act 2006⁽³⁾;

“the Assembly” (“*y Cynulliad*”) means the National Assembly for Wales as constituted by section 1 of the 2006 Act;

“the Counsel General” (“*y Cwnsler Cyffredinol*”) means the person appointed under section 49 of the 2006 Act;

“the First Minister” (“*y Prif Weinidog*”) means the person appointed under section 46 of the 2006 Act;

“the Welsh Assembly Government” (“*Llywodraeth Cynulliad Cymru*”) means the Welsh Assembly Government as defined by section 45(1) of the 2006 Act;

“the Welsh Ministers” (“*Gweinidogion Cymru*”) means the persons appointed under section 48 of the 2006 Act.

Amendment of the Commissioner for Older People in Wales Regulations 2007

3.—(1) The Commissioner for Older People in Wales Regulations 2007 are amended in accordance with the following provisions of this regulation.

(2) In regulation 4 (provision of information by prescribed persons)—

- (a) in sub-paragraph (a) of paragraph (2)—
 - (i) after “and members and employees” insert “of the Welsh Assembly Government”;
 - (ii) after “and former members and employees of the” insert “1998”; and
 - (iii) after “Assembly” insert “and the Welsh Assembly Government”;
- (b) in paragraph (3)—
 - (i) after “means the” insert “1998”; and
 - (ii) after “Assembly,” insert “the Welsh Assembly Government,”.

(3) In regulation 5 (provision of assistance in proceedings)—

- (a) in sub-paragraph (c) of paragraph (2)—
 - (i) before “Assembly” insert “1998”; and

⁽¹⁾ 1998 c.38.

⁽²⁾ 2006 c.32.

⁽³⁾ 2006 c.30.

- (ii) after “Assembly” insert “,the Welsh Ministers, the First Minister or the Counsel General”.
- (4) In regulation 8 (cases subject to examination)—
- (a) in paragraph (c)—
 - (i) before “Assembly” insert “1998”; and
 - (ii) after “Assembly” insert “,the Welsh Ministers, the First Minister or the Counsel General”.
- (5) In regulation 11 (provision of information in connection with an examination)—
- (a) in sub-paragraph (a) of paragraph (3)—
 - (i) after “and members and employees” insert “of the Welsh Assembly Government”;
 - (ii) after “and former members and employees of the” insert “1998”; and
 - (iii) after “Assembly” insert “and the Welsh Assembly Government”;
 - (b) in paragraph (4)—
 - (i) before the first reference to “Assembly” after the words “means the” insert “1998”;
 - (ii) after the first reference to “Assembly,” insert “the Welsh Assembly Government,”; and
 - (iii) for the second reference to “Assembly” substitute “Welsh Ministers, the First Minister or the Counsel General”.
- (6) In regulation 14 (reports) for sub-paragraph (b) of paragraph (5) substitute “the Assembly and the Houses of Parliament”.
- (7) In regulation 15 (further action following a report) in paragraph (1) for “Assembly” substitute “Welsh Ministers, the First Minister or the Counsel General”.
- (8) In regulation 16 (reports to the Assembly)—
- (a) in paragraph (1) for “Assembly” substitute “First Minister”;
 - (b) in paragraph (2) for “Assembly” substitute “First Minister”;
 - (c) for paragraph (4) substitute—

“Subject to paragraph (3), the Commissioner must, no later than 1 October in each year, send a copy of the report referred to in paragraph (1), (2) and (3) to the Assembly and the Houses of Parliament”.

Minister for Health and Social Services, one of the
Welsh Ministers

[Date]