WELSH STATUTORY INSTRUMENTS

2007 No. 396 (W.42)

COMMISSIONER FOR OLDER PEOPLE IN WALES, WALES

The Commissioner for Older People in Wales (Appointment) Regulations 2007

Made - - - -	*14 February 2007*
Coming into force - -	*16 February 2007*

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred on it by section 28(2) of and paragraph 2 of Schedule 1 to, the Commissioner for Older People (Wales) Act 2006.

Title, commencement and interpretation

1.—(1) The title of these Regulations is the Commissioner for Older People in Wales (Appointment) Regulations 2007 and they come into force on 16 February 2007.

(2) These Regulations apply in relation to Wales.

2.—(1) In these Regulations—

"the National Assembly" ("*y Cynulliad Cenedlaethol*") means the National Assembly for Wales as constituted by the Government of Wales Act 1998(**1**);

"the Commissioner" ("*y Comisiynydd*") means the Commissioner for Older People in Wales;

"the First Secretary" ("*y Prif Ysgrifennydd*") means the person elected from time to time as the Assembly First Secretary pursuant to section 53(1) of the Government of Wales Act 1998;

"the First Minister" ("*y Prif Weinidog*") means the person appointed from time to time as the First Minister for Wales under section 46(1) of the Government of Wales Act 2006;

"the initial period" ("*y cyfnod cychwynnol*") means the initial period as defined in section 161(5) of the Government of Wales Act 2006 ;

"relevant older persons" (" *pobl hyn berthnasol* ") means such older people resident in Wales as are selected for the purposes of a particular appointment by and in such manner—

(a) as the relevant committee may determine in accordance with the terms of reference of the committee, or

(**1**) 1998 c. 38

(b) in the absence of such a determination, as the First Secretary may determine;

"a relevant committee" ("*pwyllgor perthnasol*") means such a committee as may be established from time to time by the National Assembly under section 54(1)(b) of the Government of Wales Act 1998 for the purpose of providing advice and determining matters relating to the appointment of the Commissioner.

(2) In these Regulations, a reference —

(a) to a numbered regulation is to the regulation in these Regulations bearing that number;

(b) in a regulation to a numbered paragraph is to the paragraph in that regulation bearing that number.

Appointment of the Commissioner

3.—(1) Until the end of the initial period the Commissioner may be appointed by the First Secretary.

(2) The appointment of the Commissioner under paragraph (1) may be made only after taking account of—

(a) the advice of a relevant committee,

(b) the views of relevant older persons as to any candidates interviewed for the appointment, and

(c) the advice of any selection panel, established for the purpose of interviewing candidates, as to their suitability for appointment.

(3) Following the end of the initial period the Commissioner may be appointed by the First Minister.

(4) The appointment of the Commissioner under paragraph (3) may be made only after taking account of —

(a) the views of such older people resident in Wales as selected by the First Minister as to any candidates interviewed for the appointment; and

(b) the advice of any selection panel, established for the purpose of interviewing candidates, as to their suitability for appointment.

(5) Subject to regulation 4, the term of office of the Commissioner appointed under these Regulations must be four years.

(6) A person who has been appointed for one term as the Commissioner may be appointed for a second term (whether or not consecutive) but not for any additional term.

4.—(1) Until the end of the initial period the First Secretary may relieve the Commissioner of office prior to the expiry of the term of office—

(a) at the request of the Commissioner,

(b) on the ground of misbehaviour, or

(c) on being satisfied that the Commissioner is incapable by reason of mental or physical infirmity of performing the Commissioner's functions.

(2) Following the end of the initial period any functions that were exercisable immediately before the end of the initial period by the First Secretary under paragraph (1) may be exercised by the First Minister.

5.—(1) Where the First Secretary exercises functions conferred by these Regulations, the exercise of such functions is to be treated as that of the National Assembly.