

Well-being of Future Generations Bill [HL]

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Make provision for requiring public bodies to act in pursuit of the environmental, social, economic and cultural well-being of the United Kingdom in a way that accords with the future generations principle; to require public bodies to establish and meet well-being objectives and report on these and their actions; to require public bodies to publish future generations impact assessments and account for preventative spending; to establish a Commissioner for Future Generations for the United Kingdom to advise, assist and oversee public bodies in doing things in accordance with this Act; to provide for the establishment of a Joint Parliamentary Committee on Future Generations; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows: –

PART 1

INTRODUCTION

1 Overview

- (1) This section is an overview of the main provisions of the Act.
- (2) Part 2 of this Act – 5
 - (a) explains what is meant by “sustainable development” and requires public bodies to carry out sustainable development;
 - (b) requires the bodies to set well-being objectives that are to contribute to the achievement of well-being goals and to take steps to meet those objectives; 10
 - (c) requires the bodies to do those things in accordance with the future generations principle;
 - (d) explains what the well-being goals are and what it means to do things in accordance with the future generations principle;

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| (e) | requires indicators that measure progress towards achieving the well-being goals, and reports on future trends in the well-being of the United Kingdom, to be published by the appropriate Minister of the Crown; | |
| (f) | requires the bodies to report annually on their progress towards meeting their well-being objectives; | 5 |
| (g) | requires the Comptroller and Auditor General to carry out examinations into the extent to which public bodies set objectives and take steps to meet them in accordance with the future generations principle; | |
| (h) | requires the bodies to publish future generations impact assessments when publishing a proposed policy change; | 10 |
| (i) | requires the bodies to report on and seek to increase their preventative expenditure. | |
| (3) | Part 3 of this Act— | |
| (a) | establishes the office of Future Generations Commissioner for the United Kingdom; | 15 |
| (b) | provides for the Commissioner to promote the needs of future generations by monitoring and reporting on the extent to which public bodies are setting and seeking to meet their well-being objectives in accordance with the future generations principle; | 20 |
| (c) | provides for the Commissioner to carry out reviews of public bodies; | |
| (d) | establishes a panel of advisers to the Commissioner. | |
| (4) | Part 4 of this Act— | |
| (a) | establishes the Joint Committee on Future Generations including its membership and the procedure for appointment; | 25 |
| (b) | establishes the functions of the Joint Committee on Future Generations; | |
| (c) | sets out the reporting requirements of the Joint Committee on Future Generations. | |
| (5) | Part 5 of this Act sets out the final provisions of the Act including provision on regulations and on the commencement, extent and short title. | 30 |

PART 2

IMPROVING WELL-BEING

Sustainable development and well-being duty on public bodies

2 Sustainable development

In this Act, “sustainable development” means the process of improving the economic, social, environmental and cultural well-being of the United Kingdom by taking action, in accordance with the future generations principle, aimed at achieving the well-being goals in section 5. 35

3 Meaning of “public body”

- (1) For the purposes of this Act, a “public body” means any person certain of whose functions are functions of a public nature, but only in respect of the exercise of functions that do not fall within the devolved powers of the Scottish Government, the Welsh Ministers or the Northern Ireland Executive. This does 40

not include either House of Parliament, or a person exercising functions in connection with proceedings in Parliament.

- (2) The Secretary of State may by regulations amend subsection (1) by –
 - (a) adding a person,
 - (b) removing a person, or
 - (c) amending the description of a person.5
- (3) Before making regulations that amend subsection (1), the Secretary of State must consult –
 - (a) the Commissioner;
 - (b) such other persons as the Secretary of State considers appropriate.10
- (4) In relation to a particular act, or any failure to act, a person is not a public body by virtue only of subsection (1) if the nature of the act is private.

4 Well-being duty on public bodies

- (1) Each public body must carry out sustainable development.
- (2) The action a public body takes in carrying out sustainable development must include –
 - (a) setting and publishing objectives (“well-being objectives”) that are designed to maximise its contribution to achieving each of the well-being goals, and
 - (b) meeting, in the exercise of its functions, its well-being objectives.20
- (3) Proceedings and judicial remedies concerning a public body’s failure to fulfil its duties are set out in sections 27 and 28.
- (4) In fulfilling its duties under subsection (2), public bodies must have regard to any relevant future generations impact assessments under section 17.
- (5) A public body that exercises functions in relation to the United Kingdom may set objectives relating to the United Kingdom. 25
- (6) A public body that exercises functions in relation only to a part of the United Kingdom may set objectives relating to that part or any part of it.

5 Consultation and provision for the well-being goals

- (1) The Secretary of State must carry out a public consultation on the proposed well-being goals including with persons the Secretary of State, and the Future Generations Commissioner, deem to be appropriate. 30
- (2) The Secretary of State must begin the consultation within three months of this Act coming into force and the consultation must be completed within six months. 35
- (3) The proposed well-being goals are listed and described in Table 1 –

TABLE 1

<i>Well-being goals</i>	<i>Description</i>	
A more prosperous United Kingdom	An innovative, productive and low-carbon society which recognises the limits of the global environment and uses resources efficiently and proportionately, including acting on climate change and preventing poverty; and which develops a skilled and well-educated population to take advantage of the wealth generated through securing decent work.	5 10
A more resilient United Kingdom	A society which maintains and enhances a biodiverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change, including climate change.	15
A healthier United Kingdom	A society in which people's physical and mental well-being is maximised and in which choices and behaviours that benefit future health are understood and maximised.	20
A more equal United Kingdom	A society that enables people to fulfil their potential and to have equal access to opportunities, no matter what their background or circumstances.	25
A United Kingdom of cohesive communities	A society of viable, well-connected, attractive and safe communities.	30
A United Kingdom of vibrant culture	A society that promotes and protects culture, languages and heritage, and which encourages people to participate in the arts, sports and recreation.	35
A more responsible United Kingdom	A society which, when acting to improve the economic, social, environmental and cultural well-being of the United Kingdom, takes account of whether its actions or intentions make a positive contribution to global well-being.	40
(4) The Secretary of State must lay before both Houses of Parliament a report of the outcome of the public consultation within two months of the consultation concluding, including any recommendations to change the proposed well-		45

being goals in Table 1, and how those recommendations may be incorporated into any revised well-being goals.

- (5) After the report has been laid, the Secretary of State must by regulations make provision for the purposes of establishing the well-being goals.

6 The future generations principle 5

- (1) In this Act, any reference to a public body doing something “in accordance with the future generations principle” is a reference to the body acting in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

- (2) In acting in that manner, a public body must take account of the following things – 10

(a) the importance of balancing short-term needs with the need to safeguard the ability to meet long-term needs, especially where things done to meet short term needs may have detrimental long-term effect;

(b) how deploying resources to prevent problems occurring or getting worse may contribute to meeting the body’s well-being objectives, or another body’s objectives; 15

(c) the importance of deploying resources to undertake long-term planning in order to forecast and manage emerging risks that may undermine the body’s well-being objectives, or another body’s objectives; 20

(d) the need to take an integrated approach, by considering how –
(i) the body’s well-being objectives may impact upon each of the well-being goals;

(ii) the body’s well-being objectives impact upon each other or upon other public bodies’ objectives, and in particular where steps taken by the body may contribute to meeting one objective but may be detrimental to meeting another; 25

(e) the importance of involving other persons or bodies with an interest in achieving the well-being goals and of ensuring those persons reflect the diversity of the population of – 30

(i) the United Kingdom (where the body exercises functions in relation to the whole of the United Kingdom), or

(ii) the part of the United Kingdom in relation to which the body exercises functions; 35

(f) how acting in collaboration with any other public body (or how different parts of the body acting together) could assist the body to meet its well-being objectives, or assist another body to meet its objectives.

Well-being objectives 40

7 Statements about well-being objectives

- (1) When publishing its well-being objectives (including well-being objectives revised under section 8) a public body must also publish a statement –

(a) explaining why the body considers that meeting the objectives will contribute to the achievement of the well-being goals; 45

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- (b) explaining why the public body considers it has set well-being objectives in accordance with the future generations principle, including how the body proposes to involve other persons with an interest in achieving the well-being goals and ensure that those persons reflect the diversity of the population of— 5
- (i) the United Kingdom (where the body exercises functions in relation to the whole of the United Kingdom), or
- (ii) the part of the United Kingdom in relation to which the body exercises functions;
- (c) setting out the steps the public body proposes to take to meet those objectives in accordance with the principle (including how it proposes to govern itself, how it will keep the steps under review and how it proposes to ensure that resources are allocated annually for the purpose of taking such steps); 10
- (d) specifying the periods of time within which the body expects to meet the objectives; 15
- (e) providing such other information as the body considers appropriate about meeting the objectives.
- 8 Well-being objectives: government departments**
- (1) Each government department must set and publish its well-being objectives— 20
- (a) no later than six months after the earlier of—
- (i) the date on which the first United Kingdom general election is held following the commencement of this section, or
- (ii) the first date on which a new Prime Minister is appointed by the Crown following the commencement of this section, and 25
- (b) no later than six months after the date of each subsequent—
- (i) United Kingdom general election, or
- (ii) appointment of a Prime Minister.
- (2) Each government department must set its well-being objectives for the period— 30
- (a) beginning with the day specified for that purpose in the statement published under subsection (1), and
- (b) ending with the day of the next United Kingdom general election scheduled under section 1 of the Fixed-term Parliaments Act 2011.
- (3) If the well-being goals are amended, each government department must review its well-being objectives. 35
- (4) If, on a review under subsection (3), a government department determines that one or more of its well-being objectives are no longer appropriate, it must revise the objective or objectives concerned.
- (5) A government department may, at any other time, review and revise its well-being objectives. 40
- (6) Well-being objectives revised under subsection (4) or (5) must be set for the remainder of the period referred to in subsection (2).
- (7) Where a government department revises its well-being objectives under subsection (4) or (5), it must, as soon as reasonably practicable, publish the well-being objectives as revised. 45

- (8) In setting or revising its well-being objectives, a government department must take into account the Commissioner’s report under section 29.

9 Other public bodies’ well-being objectives

- (1) In this section references to a public body do not include government departments. 5
- (2) A public body must set and publish its well-being objectives –
- (a) no later than the beginning of the financial year following the commencement of this section, and
 - (b) at such subsequent times as the body considers appropriate.
- (3) If the well-being goals are amended, a public body must review its well-being objectives. 10
- (4) If, on a review under subsection (3), a public body determines that one or more of its well-being objectives are no longer appropriate, it must revise the objective or objectives concerned.
- (5) A public body may at any other time review and revise its well-being objectives. 15
- (6) Where a public body revises its well-being objectives under subsection (3) or (4), it must publish them as soon as is reasonably practicable.
- (7) In setting or revising its well-being objectives, a public body must take into account the Commissioner’s report under section 29. 20

Measuring progress towards achieving the goals

10 Annual well-being goals report

- (1) The Secretary of State must –
- (a) publish indicators (“national indicators”) that must be applied for the purpose of measuring progress towards the achievement of the well-being goals, and 25
 - (b) lay a copy of the national indicators before both Houses of Parliament.
- (2) A national indicator –
- (a) must be expressed as a value or characteristic that can be measured quantitatively or qualitatively against a particular outcome; 30
 - (b) may be measured over such a period of time as the Secretary of State considers appropriate;
 - (c) may be measurable in relation to the United Kingdom or any part of the United Kingdom.
- (3) The Secretary of State must set milestones in relation to the national indicators which he or she considers would assist in measuring whether progress is being made towards the achievement of the well-being goals. 35
- (4) In setting a milestone, the Secretary of State must specify –
- (a) the criteria for determining whether the milestone has been achieved (by reference to the value or characteristic by which the indicator is measured), and 40
 - (b) the time by which the milestone is to be achieved.

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- (5) If the well-being goals are amended, the Secretary of State must review the national indicators and milestones.
- (6) If, on a review under subsection (5), the Secretary of State determines that one or more of the national indicators or milestones are no longer appropriate, he or she must revise it or them. 5
- (7) The Secretary of State may at any other time review and revise the national indicators and milestones.
- (8) Where the Secretary of State revises the national indicators and milestones under subsection (6) or (7), he or she must as soon as reasonably practicable publish the indicators and milestones as revised. 10
- (9) Before publishing national indicators and milestones (including indicators and milestones revised under subsection (6) or (7)), the Secretary of State must consult—
- (a) the Commissioner;
 - (b) the other public bodies; 15
 - (c) such other persons as he or she considers appropriate.
- (10) The Secretary of State must, in respect of each financial year beginning after the date on which national indicators are published under subsection (1), publish a report (an “annual well-being report”) on the progress made towards the achievement of the well-being goals by reference to the national indicators and milestones. 20
- (11) An annual well-being report under subsection (10) must specify the periods of time to which the measurement of each indicator relates.
- 11 Future trends report**
- (1) The Secretary of State must, during the period of 12 months beginning with the date of a United Kingdom general election or the appointment of a new Prime Minister by the Crown, publish a report (a “future trends report”) that contains predictions and plans to manage likely long-term future trends concerning— 25
- (a) the economic, social, environmental and cultural well-being of the United Kingdom, including emerging and existential threats, and 30
 - (b) any related information that the Secretary of State considers appropriate.
- (2) In preparing a future trends report the Secretary of State must—
- (a) take account of any action taken by the United Nations in relation to the UN Sustainable Development Goals and assess the potential impact of that action on the economic, social, environmental and cultural well-being of the United Kingdom, and 35
 - (b) take account of the advice and reports of—
 - (i) the United Kingdom Committee on Climate Change, and
 - (ii) the United Nations Intergovernmental Panel on Climate Change, and 40
 - (c) take account of the views of—
 - (i) primary and secondary school children, and
 - (ii) students in further and higher education, 45
 in the United Kingdom as expressed in an annual survey of their views on economic, social, cultural and environmental well-being, conducted

in cooperation with relevant youth and student bodies including the United Kingdom Youth Parliament, the National Union of Students, and any other persons or bodies the Secretary of State deems appropriate.

- (3) In subsection (2)(a), “UN Sustainable Development Goals” means the 17 UN Sustainable Development Goals referred to in UN resolution A/RES/70/1 which was adopted by the General Assembly of the United Nations on 25 September 2015. 5
- (4) For the purposes of subsection (2)(c), the Secretary of State may by regulations provide for an annual survey of primary and secondary school children and students in further and higher education. 10

12 National future risk assessment

- (1) The Secretary of State must, within the period of 12 months beginning with the date of a United Kingdom general election or the appointment of a new Prime Minister, publish a report (a “national future risk assessment”) that contains – 15
- (a) an assessment of risks, including environmental and global risks that may emerge or grow in the future, for at least the forthcoming 25 years, and
 - (b) each department’s plans to manage and prepare for the identified future risks. 20
- (2) A national risk assessment must be subsequently produced and published every five years in accordance with subsection (1) until the next general election or appointment of a Prime Minister.

13 Annual well-being objectives report

- (1) Ministers of the Crown must collectively – 25
- (a) publish, in respect of each financial year, a report of the progress they have made towards meeting government departments’ well-being objectives, and
 - (b) lay a copy of the report before both Houses of Parliament.
- (2) In preparing a report under this section, the Ministers of the Crown must review government departments’ well-being objectives with – 30
- (a) the Commissioner,
 - (b) the Future Generations Commissioner for Wales,
 - (c) any public body or body charged with protecting the needs of future generations in Scotland, 35
 - (d) a public body or body charged with protecting the needs of future generations in Northern Ireland,
 - (e) any other commissioner, public body or body deemed to be appropriate by Ministers of the Crown.
- (3) If, on a review under subsection (2), the Ministers of the Crown determine that one or more of their well-being objectives are no longer appropriate, they must revise the objective or objectives concerned and publish the revised objective or objectives as soon as practicable. 40

- (4) Where the Ministers of the Crown revise one or more objectives under subsection (3), the report under subsection (1) must include an explanation of the revision and the reasons for making it.
- (5) A report under this section must be published and laid before both Houses of Parliament as soon as reasonably practicable following the end of the financial year to which the report relates. 5

14 Annual reports by other public bodies

- (1) Each public body other than the Ministers of the Crown must publish annual reports of the progress it has made in meeting its well-being objectives.
- (2) In preparing a report under this section, a public body must review its well-being objectives. 10
- (3) If, on a review under subsection (2), a public body determines that one or more of its well-being objectives are no longer appropriate, it must revise the objective or objectives concerned and publish the revised objective or objectives as soon as practicable. 15
- (4) Where a public body revises one or more of its objectives under subsection (3), the report must include an explanation of the revision and the reasons for making it.

Guidance

- #### **15 Guidance** 20
- (1) The Secretary of State must issue guidance to other public bodies about the exercise of functions under this Part.
- (2) In exercising a function under this Part, a public body must take such guidance into account.

Role of the Comptroller and Auditor General 25

16 The future generations principle: Comptroller and Auditor General's examinations

- (1) The Comptroller and Auditor General may carry out examinations of public bodies for the purposes of assessing the extent to which a body has acted in accordance with the future generations principle when – 30
- (a) setting well-being objectives, and
 - (b) taking steps to meet those objectives.
- (2) The Comptroller and Auditor General must carry out such an examination of each public body at least once during the period mentioned in subsection (6).
- (3) Before the end of the period mentioned in subsection (6), the Comptroller and Auditor General must report on the results of the examinations carried out under subsection (1) during that period to both Houses of Parliament. 35
- (4) The Comptroller and Auditor General must lay any report prepared under subsection (3) before both Houses of Parliament.

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- (5) In carrying out an examination under subsection (1), the Comptroller and Auditor General must –
- (a) take into account any advice or assistance given to the public body, or any review of and recommendations made to the body, by the Commissioner (see Part 3), and 5
 - (b) consult the Commissioner.
- (6) The period referred to in subsections (2) and (3) –
- (a) begins on the date falling one year before the date on which a United Kingdom general election is to be held, or the date on which a new Prime Minister is appointed by the Crown following the commencement of this section, and 10
 - (b) ends on the date falling one day and one year before the date on which the next United Kingdom general election is to be held.
- (7) If a Comptroller and Auditor General’s examination under this section relates to the remit, function or subject matter of a review or inquiry by any other oversight body, the Comptroller and Auditor General may – 15
- (a) inform the other oversight body about the intention to conduct the examination, and
 - (b) consult the other oversight body about the examination, and
 - (c) co-operate with the oversight body in jointly preparing and publishing a document that is to be treated as both – 20
 - (i) the report of the examination required by this section, and
 - (ii) a report of the review or inquiry referred to in this section.

17 Future generations impact assessments

- (1) When publishing a proposal for a change in public expenditure or policy, including but not limited to legislative proposals, a public body to which this Act applies must – 25
- (a) publish an assessment (“future generations impact assessment”) of the likely impact of the proposal on its well-being objectives, or
 - (b) publish a statement setting out its reasons for concluding that it does not need to carry out a future generations impact assessment. 30
- (2) In preparing a future generations impact assessment, a public body shall have regard to the likely impact of proposals on all future generations, including at least 25 years from the date on which the assessment is published.
- (3) A future generations impact assessment must conclude whether or not, overall, the proposed change in expenditure or policy would impact the public body’s well-being objectives. 35
- (4) Where a future generations impact assessment finds that an expenditure or policy change would have an adverse impact on a public body’s well-being objectives, the public body concerned must publish a statement of how it intends to mitigate the adverse impact identified. 40
- (5) Publication under subsection (1) is not required if exemption from publication is required for the purpose of safeguarding national security or for defence purposes.

18 Reporting on preventative spending

- (1) Each public body must publish a report containing its annual draft budget proposal which includes –
- (a) the proportion and total amount of preventative spending, and
 - (b) breakdowns of spending in each category as defined in subsection (3), and
 - (c) the public body’s justification for the categorising of spending in each category in subsection (3). 5
- (2) For the purposes of subsection (1), where appropriate spending and accounting information for the purposes of subsection (1) is not available, public bodies must include estimates for preventative spending. 10
- (3) Preventative spending may be categorised as follows –
- (a) Primary prevention: expenditure which has the purpose of creating societal conditions which mitigate risks to the future generations principle; 15
 - (b) Secondary prevention: expenditure with the purpose of tackling recognised issues in which there is a risk to the future generations principle arising;
 - (c) Tertiary prevention: expenditure on a recognised issue which currently breaches the future generations principle to prevent the issue deteriorating; 20
 - (d) Acute spending: expenditure with the purpose of managing the impact of an issue which breaches the future generations principle but which is unlikely to prevent the issue deteriorating.
- (4) Where a public body has not increased its proportion of preventative spending in a financial year, it must include in its next published report under subsection (1) a statement which sets out – 25
- (a) why it has not done so, and
 - (b) how it intends to increase its proportion of preventative spending in the forthcoming financial year. 30
- (5) The Treasury must publish an annual report which sets out how it intends to promote the future generations principle, including increasing the proportion of preventative spending across Her Majesty’s Government in future years.

PART 3

THE FUTURE GENERATIONS COMMISSIONER FOR THE UNITED KINGDOM 35

The Commissioner

19 Future Generations Commissioner for the United Kingdom

- (1) There is to be a Future Generations Commissioner for the United Kingdom (referred to in this Act as the “Commissioner”).
- (2) The Commissioner is to be an individual appointed by the Prime Minister, in consultation with the First Minister of Scotland, the First Minister of Wales and the First Minister and deputy First Minister of Northern Ireland. 40
- (3) An appointment may not be made under subsection (2) unless –

- (a) a Minister has tabled a motion recommending the appointment of the nominated candidate in each House of Parliament and it has been approved, and
 - (b) each responsible parliamentary committee, including the Joint Committee on Future Generations, and other committees with a remit covering the devolved nations of the United Kingdom, has held a pre-appointment hearing, and recommended the appointment of the nominated candidate. 5
- (4) Schedule 1 makes further provision about the Commissioner.

20 Commissioner’s general duty 10

The general duty of the Commissioner is –

- (a) to promote the future generations principle, in particular to –
 - (i) act as a guardian of the ability of future generations to meet their needs, and
 - (ii) encourage public bodies to take greater account of the long-term impact of the things that they do, and 15
 - (iii) engage members of the public on issues affecting the long-term future of the United Kingdom;
- (b) for that purpose to monitor and assess the extent to which well-being objectives set by public bodies are being met. 20

The Commissioner's functions

21 Commissioner’s functions

- (1) The Commissioner may, in carrying out the Commissioner’s general duty –
- (a) provide advice or assistance to a public body;
 - (b) provide advice to the Comptroller and Auditor General on the future generations principle; 25
 - (c) provide advice or assistance to any other person or public body which the Commissioner considers is taking, or wishes to take, steps that may contribute to the achievement of the well-being goals;
 - (d) encourage best practice amongst public bodies in taking steps to meet their well-being objectives in accordance with the future generations principle; 30
 - (e) promote awareness amongst public bodies of the need to take steps to meet their well-being objectives in accordance with the future generations principle; 35
 - (f) encourage public bodies to work with each other and with other persons to meet their well-being objectives;
 - (g) seek the advice of an advisory panel (see section 32) in relation to the exercise of any of the Commissioner’s functions.
- (2) The Commissioner may undertake research or other study into – 40
- (a) the extent to which the well-being goals and national indicators are consistent with the future generations principle,
 - (b) the extent to which the future generations principle is taken into account in the national indicators,

- (c) the future generations principle itself, including how it is applied to setting and meeting well-being objectives, and
 - (d) anything related to any of those things that impacts upon the economic, social, environmental and cultural well-being of the United Kingdom.
 - (3) References in this section to providing assistance to a public body do not include providing financial assistance. 5
- 22 Reviews by the Commissioner**
- (1) The Commissioner may conduct a review of the extent to which a public body is meeting its well-being duties under section 4, including but not limited to a review of whether a public body is complying with meeting, in the exercise of its functions, its well-being objectives in section 4(2)(b). 10
 - (2) In conducting a review, the Commissioner must have regard to any examination of the body carried out by the Comptroller and Auditor General under section 16.
 - (3) In conducting a review, the Commissioner may make recommendations to the public body about— 15
 - (a) the steps the body has taken or proposes to take to meet its well-being objectives;
 - (b) how to set well-being objectives and take steps to meet them in accordance with the future generations principle. 20
 - (4) The Commissioner may conduct a single review of two or more public bodies.
 - (5) The Commissioner must publish a report of a review (including any recommendations made) and send a copy of it to the Secretary of State.
 - (6) In conducting a review, the Commissioner may require a public body to provide such information as the Commissioner considers relevant to the review. 25
 - (7) But a public body is not required to provide information to the Commissioner if the body is prohibited from providing it by virtue of an enactment or any other rule of law, or if the information is legally privileged material.
- 23 Recommendations made by the Commissioner** 30
- (1) In providing advice or assistance to a public body, the Commissioner may also make recommendations to Her Majesty’s Government about the well-being goals or the national indicators.
 - (2) If the Commissioner makes recommendations under this section, the Commissioner must publish those recommendations. 35
- 24 Duty to follow recommendations**
- (1) A public body must take all reasonable steps to follow the course of action set out in a recommendation made to it by the Commissioner under section 22, unless— 40
 - (a) the public body is satisfied that there is good reason for it not to follow the recommendation in particular categories of case or at all, or

- (b) it decides on an alternative course of action in respect of the subject matter of the recommendation.
- (2) The Secretary of State may issue guidance to other public bodies about how to respond to a recommendation made by the Commissioner.
- (3) In deciding how to respond to such a recommendation, a public body must take such guidance into account. 5
- (4) A public body must publish its response to a recommendation made by the Commissioner, and if the body does not follow a recommendation, the response must include the body's reasons for that and explain what alternative course of action, if any, it proposes to take. 10

25 Investigations

- (1) The Commissioner may conduct an investigation if he or she suspects that the public body concerned has failed to comply with its duties under section 4 or section 24.
- (2) Any person may request the Commissioner to initiate an investigation if they believe that a public body has failed to fulfil its duties under section 4. 15
- (3) The Commissioner, after a period of at least six months after issuing a recommendation or recommendations to a public body in accordance with section 23, may conduct an investigation into whether or not a public body has complied with its duty to follow recommendations in accordance with section 24. 20
- (4) Before finalising a report of an investigation recording a finding that a public body has committed an unlawful act the Commissioner shall –
 - (a) send a draft of the report to the public body,
 - (b) specify a period of at least 28 days during which the body may make written representations about the draft, and 25
 - (c) consider any representations made.
- (5) Schedule 2 makes supplemental provision about investigations.

26 Applications to court

- If, following an investigation under section 25, the Commissioner concludes that a public body has failed to fulfil its duties under section 4 or section 24, it may apply to the High Court in England and Wales, the Court of Session in Scotland or the High Court in Northern Ireland, for an order requiring the public body – 30
- (a) to comply with recommendations from the Commissioner, and 35
 - (b) to take such other action as the court may specify.

27 Proceedings

- (1) Proceedings may be brought against a public body by a person on the grounds that it has acted (or proposes to act) in a way which breaches its obligations under sections 4 and 24 of this Act. 40
- (2) A person may –

- (a) bring proceedings against a public body under this Act in the appropriate court, or
 - (b) refer the case for investigation to the Commissioner in accordance with section 25.
 - (3) In subsection (2)(a) “appropriate court” means the High Court in England and Wales, the Court of Session in Scotland, or the High Court in Northern Ireland. 5
 - (4) Proceedings under subsection (2)(a) must be brought before the end of—
 - (a) the period of one year beginning with the date on which the act complained of took place or the proposal to act complained of was made; or 10
 - (b) such longer period as the court or tribunal considers equitable having regard to all the circumstances, subject to any rule imposing a stricter time limit in relation to the procedure in question.
- 28 Judicial remedies**
- (1) In relation to any act (or proposed act) of a public body which the court finds is (or would be) a breach of its obligations under sections 4 and 24 of this Act, it may grant such relief or remedy, or make such order within its powers, as it considers just and appropriate. 15
 - (2) A court may, in having regard to guidance published by the Commissioner, impose a fine, payable to the Commissioner, in an amount prescribed by regulations made by the Secretary of State. 20
- 29 Future Generations report**
- (1) The Commissioner must prepare and publish, before the end of each reporting period, a report containing the Commissioner’s assessment of the improvements public bodies should make in order to set and meet well-being objectives in accordance with the future generations principle. 25
 - (2) The Commissioner’s report must include, in particular, an assessment of how public bodies should—
 - (a) better safeguard the ability of future generations to meet their needs, and
 - (b) take greater account of the long-term impact of the things that they do. 30
 - (3) In this section and section 30, the “reporting period” is the period—
 - (a) beginning with the day after that on which a future trends report under section 11 is published, and
 - (b) ending on the date of publication of the next future trends report. 35
 - (4) In addition to the assessment mentioned in subsection (1), a report under this section must also include—
 - (a) a summary of the evidence gathered and activities undertaken by the Commissioner during the reporting period (see section 30);
 - (b) a summary of the reviews conducted by the Commissioner during the reporting period (see section 30); 40
 - (c) a summary of any other action taken by the Commissioner during the reporting period in the exercise of the Commissioner’s functions.
 - (5) A report under this section may include—

- (a) an account of any research or other study undertaken under section 21;
 - (b) any other information the Commissioner considers appropriate.
- (6) The Commissioner must send the Secretary of State a copy of a report published under this section.
- (7) The Secretary of State must lay a copy of the report before both Houses of Parliament. 5
- (8) The Secretary of State may by regulations amend the reporting period.

30 Future Generations report: activity during the reporting period

- (1) During a reporting period (but before the report under section 29 is published) the Commissioner must consult – 10
- (a) the advisory panel (see section 32);
 - (b) each public body;
 - (c) representatives of voluntary organisations;
 - (d) any person who the Commissioner considers is taking steps (or wishes to take steps) that may contribute to the achievement of the well-being goals; 15
 - (e) representatives of persons resident in each local authority area;
 - (f) representatives of persons carrying on business;
 - (g) trade unions representing workers;
 - (h) the Committee on Climate Change; 20
 - (i) representatives of the United Kingdom Youth Parliament and the National Union of Students;
 - (j) any other person or organisations the Commissioner considers appropriate to ensure that economic, social, environmental and cultural interests are fully represented. 25
- (2) In preparing a report under section 29 the Commissioner must (in addition to taking into account representations made by the persons consulted under subsection (1)) take into account –
- (a) each annual well-being goals report under section 10 published during the reporting period; 30
 - (b) the future trends report published under section 11 on the day before the beginning of the reporting period;
 - (c) relevant reports of the Comptroller and Auditor General.

Joint working

- ### **31 Joint working** 35
- (1) This section applies if the Commissioner intends to conduct a review of a public body under section 22 and it appears to the Commissioner that such a review relates to a matter that is the same as, or substantially similar to, the subject matter of a review or inquiry by –
- (a) the Future Generations Commissioner for Wales; 40
 - (b) any person or public body charged with protecting the needs of future generations in Scotland;
 - (c) any person or public body charged with protecting the needs of future generations in Northern Ireland;

- (d) any other commissioner, person or public body deemed to be appropriate by the Commissioner.
- (2) The Commissioner may –
 - (a) inform the other person or public body about the intention to conduct the review, and 5
 - (b) consult the other person or public body about the review.
- (3) The Commissioner and other person or public body, as defined in section 3, may –
 - (a) co-operate with each other;
 - (b) jointly prepare and publish a document that is to be treated as both – 10
 - (i) the report of the review required by section 22, and
 - (ii) a report of the review or inquiry referred to in subsection (1) of this section.

Advisory panel to the Commissioner

32 Advisory panel 15

- (1) There is to be a panel of advisers (the “advisory panel”) for the purpose of providing advice to the Commissioner on the exercise of the Commissioner’s functions.
- (2) The members of the advisory panel are such persons as the Secretary of State, in consultation with the Scottish Government, Welsh Government and Northern Ireland Executive, may appoint. 20

33 Appointed members

- (1) Before appointing a member under section 32, the Secretary of State must consult the Commissioner.
- (2) An appointed member holds office for such period of no less than 3 years and no more than 5 years as the Secretary of State may determine by regulations. 25
- (3) An appointed member may be reappointed once for a further period of no less than 3 years and no more than 5 years (whether or not this period runs consecutively from the member’s first appointment).
- (4) The Secretary of State may pay remuneration to appointed members. 30
- (5) An appointed member may resign from the panel by giving the Secretary of State not less than three months’ notice in writing of the member’s intention to do so.
- (6) The Secretary of State may, following consultation with the Commissioner, dismiss an appointed member if satisfied that the member – 35
 - (a) is unfit to continue as a panel member, or
 - (b) is unable or unwilling to act as a member.

34 Payment of panel members’ expenses

The Secretary of State may pay allowances (including travelling and subsistence allowances) and gratuities to the members of the advisory panel. 40

PART 4

JOINT COMMITTEE ON FUTURE GENERATIONS

35 The Joint Committee on Future Generations

- (1) There is to be a Joint Committee of both Houses of Parliament known as the Joint Committee on Future Generations (in this Part referred to as “the Committee”). 5
- (2) The Committee is to consist of six members of the House of Lords and six members of the House of Commons.
- (3) Each member of the Committee is to be appointed by resolution of their respective House of Parliament. 10
- (4) A member appointed to the Committee may serve for the duration of that Parliament.

36 Functions of the Joint Committee on Future Generations

- (1) The Committee’s functions are to –
 - (a) examine any bill introduced into either House of Parliament with a long-term perspective in order to consider the impact of the proposals on the future generations principle and the relevant department’s well-being objectives, 15
 - (b) propose amendments to improve the compatibility of bills with the future generations principle and the relevant department’s well-being objectives, 20
 - (c) undertake inquiries to explore specific issues that the Committee decides are of relevance to long-term policy-making and the interests of future generations, and
 - (d) participate in the appointment process of the Future Generations Commissioner, as set out in section 19(3)(b). 25

37 Reports of the Joint Committee on Future Generations

- (1) The Committee must publish –
 - (a) an annual report on long-term economic, social, environmental and cultural trends, which may include recommendations to Her Majesty’s Government, and 30
 - (b) an annual report to Parliament on the discharge of its functions.
- (2) The Committee may make such other reports as it considers appropriate concerning any aspect of its functions.

PART 5

35

FINAL PROVISIONS

38 Power to make consequential etc. provision

- (1) The Secretary of State may by regulations make consequential, incidental, supplemental, transitional or saving provision for the purposes of, or in connection with, giving full effect to a provision of this Act. 40

- (2) The regulations may (among other things) amend, repeal or revoke an enactment contained in, or in an instrument made under, an Act of Parliament.
 - (3) The reference in subsection (2) to an enactment includes a reference to an enactment passed or made after the passing of this Act.
 - (4) The power conferred by this section is not restricted by any other provision of this Act. 5
 - (5) A statutory instrument containing regulations made under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
- 39 Regulations** 10
- (1) Any power to make regulations under this Act is exercisable by statutory instrument.
 - (2) A statutory instrument made under this Act, other than one made under section 38, may not be made unless a draft of the instrument has been laid before and approved by a resolution of both Houses of Parliament. 15
- 40 Interpretation**
- “Financial year” means the period of 12 months ending with 31 March.
- 41 Extent, commencement and short title**
- (1) This Act extends to England, Wales, Scotland and Northern Ireland.
 - (2) This Act comes into force at the end of the period of six months beginning with the day on which it is passed. 20
 - (3) This Act may be cited as the Well-being of Future Generations Act 2019.

SCHEDULES

SCHEDULE 1

Section 19

THE FUTURE GENERATIONS COMMISSIONER FOR THE UNITED KINGDOM

Status

- | | | |
|---|--|---|
| 1 | (1) The Commissioner is a corporation sole. | 5 |
| | (2) The Commissioner is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown. | |
| | (3) The Commissioner's property is not to be regarded as property of, or property held on behalf of, the Crown. | |

Duration of appointment 10

- | | | |
|---|---|--|
| 2 | An individual appointed as Commissioner holds office for a period of 7 years. | |
|---|---|--|

Validity of acts

- | | | |
|---|---|----|
| 3 | (1) The validity of an act of an individual as Commissioner is not affected by a defect in the appointment of –
(a) that individual;
(b) any member of the advisory panel. | 15 |
| | (2) The validity of an act of a person exercising functions on behalf of the Commissioner is not affected by a defect in the appointment of –
(a) that person;
(b) the Commissioner;
(c) any member of the advisory panel. | 20 |

Terms of appointment

- | | | |
|---|---|----|
| 4 | The Commissioner holds office subject to –
(a) the provisions of this Schedule, and
(b) such additional terms of appointment as may be specified from time to time by the Secretary of State. | 25 |
|---|---|----|

Remuneration, allowances and pensions

- | | | |
|---|---|----|
| 5 | (1) The Secretary of State may pay remuneration to the Commissioner. | |
| | (2) The Secretary of State may pay allowances (including travelling and subsistence allowances) and gratuities to the Commissioner. | 30 |

- (3) The Secretary of State may pay –
- (a) pensions to, or in respect of, individuals who have been Commissioner, and
 - (b) amounts for or towards provision of pensions to, or in respect of, individuals who have been Commissioner. 5

Disqualification

- 6 (1) An individual cannot be appointed as Commissioner if the individual is disqualified on any of the grounds specified in sub-paragraph (3).
- (2) An individual ceases to be Commissioner if the individual is disqualified on any of the grounds specified in sub-paragraph (3). 10
- (3) An individual is disqualified from being Commissioner if the individual is –
- (a) a member of the advisory panel;
 - (b) the holder of any other office or position to which a person may be appointed, or recommended or nominated for appointment, by or on behalf of – 15
 - (i) the Crown,
 - (ii) either House of Parliament, or
 - (iii) Her Majesty’s Government;
 - (c) a Member of the House of Commons or House of Lords;
 - (d) a Member of the National Assembly for Wales; 20
 - (e) a Member of the Scottish Parliament;
 - (f) a Member of the Northern Ireland Assembly;
 - (g) a Member of the European Parliament;
 - (h) a member of a local authority in the United Kingdom;
 - (i) a member of the Commissioner’s staff. 25

End of appointment (other than through disqualification)

- 7 (1) The Commissioner may resign from office by giving the Secretary of State not less than three months’ notice in writing of the Commissioner’s intention to do so.
- (2) The Secretary of State may dismiss the Commissioner if satisfied that the Commissioner – 30
- (a) is unfit to continue as Commissioner, or
 - (b) is unable or unwilling to exercise the Commissioner’s functions.

Powers

- 8 (1) The Commissioner may do anything the Commissioner considers appropriate in connection with the Commissioner’s functions, including – 35
- (a) charging for the provision of advice or other services;
 - (b) paying third parties for the provision of advice or other services;
 - (c) accepting gifts of money or other property.
- (2) The Commissioner must not – 40
- (a) provide financial assistance to any person;
 - (b) acquire or dispose of any interest in land, without the approval of the Secretary of State.

- (3) The Commissioner’s power to charge for the provision of advice or another service is limited to charging such amounts as the Commissioner thinks appropriate to recover the actual or estimated costs to the Commissioner of providing that advice or service.

Staff 5

- 9 (1) The Commissioner may appoint such staff as the Commissioner considers appropriate in connection with the exercise of the Commissioner’s functions and must appoint a member of staff to be the Deputy Commissioner (see paragraph 11).
- (2) The Commissioner may pay remuneration to the members of the Commissioner’s staff. 10
- (3) The Commissioner may pay allowances (including travelling and subsistence allowances) and gratuities to the members of the Commissioner’s staff.
- (4) The Commissioner may pay – 15
- (a) pensions to, or in respect of, persons who have been members of the Commissioner’s staff, and
 - (b) amounts for or towards provision of pensions to, or in respect of, persons who have been members of the Commissioner’s staff.
- (5) The Commissioner must obtain the approval of the Secretary of State for – 20
- (a) the number of staff that may be appointed;
 - (b) the terms and conditions of service of the staff;
 - (c) any payments that may be made under sub-paragraphs (2) to (4).

Delegation

- 10 A function of the Commissioner may be discharged on the Commissioner’s behalf by any person including any member of the Commissioner’s staff, but only to the extent authorised by the Commissioner. 25

Deputy Commissioner

- 11 The functions of the Commissioner are exercisable by the Deputy Commissioner if – 30
- (a) the office of Commissioner is vacant, or
 - (b) the Secretary of State is satisfied that for any reason the Commissioner is unable to exercise the functions of Commissioner.

Complaints procedure

- 12 (1) The Commissioner must establish a procedure for the investigation of complaints about the exercise of the Commissioner’s functions (“the complaints procedure”). 35
- (2) The complaints procedure must include provision about –
- (a) how a complaint may be made;
 - (b) the person to whom a complaint may be made; 40
 - (c) the period within which consideration of a complaint must begin and be concluded;

- (d) the action that the Commissioner must consider taking in response to a complaint.
- (3) The Commissioner may amend the complaints procedure, subject to the requirement to include provisions in accordance with sub-paragraph (2).
- (4) The Commissioner must – 5
- (a) make a copy of the complaints procedure available for inspection at the Commissioner’s office, and
- (b) ensure that copies of the complaints procedure are made available at such other places and by such other means as the Commissioner considers appropriate. 10
- (5) The Commissioner must ensure that the arrangements for inspecting and gaining access to copies of the complaints procedure are published in such a way as to bring those arrangements to the attention of persons whom the Commissioner thinks likely to have an interest in the procedure.
- Register of interests* 15
- 13 (1) The Commissioner must create and maintain a register containing all of the Commissioner’s and the Deputy Commissioner’s registrable interests.
- (2) For the purposes of this paragraph and paragraph 14 –
- (a) “registrable interests” means any interests specified as such by the Secretary of State in regulations (and this may include interests of persons with whom the Commissioner or Deputy Commissioner has a connection whether familial, financial or of any other kind); 20
- (b) “interest” means an interest of any kind (including gifts, hospitality, donations received, other financial interests, and all activities and occupations). 25
- (3) The Commissioner must keep the register of interests up to date.
- 14 (1) The Commissioner must –
- (a) make a copy of the register of interests available for inspection at the Commissioner’s office, and
- (b) ensure that copies of the register are made available at such other places and by such other means as the Commissioner considers appropriate. 30
- (2) The Commissioner must ensure that the arrangements for inspecting and gaining access to copies of the register of interests are published in such a way as to bring those arrangements to the attention of persons whom the Commissioner thinks likely to have an interest in the register. 35
- Conflicts of interest*
- 15 (1) The Commissioner must not exercise a function if the Commissioner has a registrable interest that relates to the exercise of the function.
- (2) If that prevents the Commissioner from exercising a function, the Commissioner must delegate that function (so far as necessary to enable it to be exercised) to a member of the Commissioner’s staff. 40
- (3) This paragraph applies to the Deputy Commissioner exercising a function of the Commissioner under paragraph 11 as it applies to the Commissioner.

Payments by the Secretary of State

- 16 The Secretary of State may pay the Commissioner such amounts, at such times and on such conditions (if any), as they think appropriate in respect of expenditure incurred in carrying out the functions of Commissioner.

Annual reports

5

- 17 (1) The Commissioner must produce a report in relation to each financial year (an “annual report”).
- (2) The Commissioner’s first financial year is the period beginning on the day the first appointment to the office of Commissioner is made under section 19 and ending on the following 31 March. 10
- (3) An annual report must include –
- (a) a summary of the action taken in that financial year in the exercise of the Commissioner’s functions;
 - (b) an analysis of the effectiveness of that action in enabling the general duty of the Commissioner to be fulfilled (see section 20); 15
 - (c) a summary of the Commissioner’s work programme for that financial year;
 - (d) the Commissioner’s proposals for a work programme for the following financial year;
 - (e) a summary of the complaints made in accordance with the procedure established under paragraph 12. 20
- (4) An annual report may include –
- (a) the Commissioner’s assessment of the improvements that public bodies should make in order to meet their well-being objectives in accordance with the future generations principle; 25
 - (b) any other information the Commissioner considers appropriate.
- (5) In preparing an annual report, the Commissioner must consult –
- (a) the advisory panel, and
 - (b) any other person the Commissioner considers appropriate.
- (6) The Commissioner must publish the annual report no later than 31 August 30
in the following financial year.
- (7) The Commissioner must send a copy of each annual report to the Secretary of State.
- (8) The Secretary of State must lay a copy of each annual report sent to them before both Houses of Parliament. 35

Accounting officer

- 18 (1) The Commissioner is the accounting officer for the office of the Commissioner.
- (2) The accounting officer has, in relation to the accounts and the finances of the Commissioner, the responsibilities that are from time to time specified by the Treasury. 40
- (3) In this paragraph references to responsibilities include –

- (a) responsibilities in relation to the signing of accounts;
 - (b) responsibilities for the propriety and regularity of the finances of the Commissioner;
 - (c) responsibilities for the economy, efficiency and effectiveness with which the resources of the Commissioner are used. 5
- (4) The responsibilities that may be specified under this paragraph include responsibilities owed to both Houses of Parliament, the Secretaries of State, the House of Commons or the Committee of Public Accounts of that House.

Estimates

- 19 (1) For each financial year other than the first, the Commissioner must prepare an estimate of the income and expenses of the Commissioner and the Commissioner's staff. 10
- (2) The Commissioner must submit the estimate to the Secretary of State at least five months before the beginning of the financial year to which it relates.
- (3) The Secretary of State must examine an estimate submitted to them in accordance with this paragraph and must then lay the estimate before both Houses of Parliament with any modifications they think appropriate. 15

Accounts

- 20 (1) The Commissioner must—
- (a) keep proper accounting records; 20
 - (b) prepare accounts in respect of each financial year in accordance with directions given, with the consent of the Treasury, by the Secretary of State.
- (2) The directions that the Secretary of State may give under this paragraph include directions as to—
- (a) the information to be contained in the accounts and the manner in which the accounts are to be presented; 25
 - (b) the methods and principles in accordance with which the accounts are to be prepared;
 - (c) any additional information that is to accompany the accounts. 30
- (3) The Secretary of State may vary or revoke a direction they have given under this paragraph.

Audit

- 21 (1) The Commissioner must submit the accounts prepared for a financial year to the Comptroller and Auditor General no later than 31 August in the following financial year. 35
- (2) The Comptroller and Auditor General must—
- (a) examine, certify and report on accounts submitted under this paragraph, and
 - (b) no later than four months after the accounts are submitted, lay a copy of the certified accounts and the report on them before both Houses of Parliament. 40

- (3) In examining accounts submitted under this paragraph, the Comptroller and Auditor General must not certify the accounts unless satisfied that the expenditure to which the accounts relate has been incurred lawfully and in accordance with the authority that governs it.

Examinations into the use of resources 5

- 22 (1) The Comptroller and Auditor General may carry out examinations into the economy, efficiency and effectiveness with which resources have been used in discharging the Commissioner’s functions.
- (2) But the Comptroller and Auditor General is not entitled to question the merits of the policy objectives of the Commissioner. 10
- (3) Before carrying out an examination under this paragraph, the Comptroller and Auditor General must –
- (a) consult the Committee of Public Accounts of the House of Commons, and
 - (b) take into account the views of the Committee as to whether or not an examination should be carried out. 15
- (4) The Comptroller and Auditor General must –
- (a) as soon as is reasonably practicable, publish a report of the results of an examination carried out under this paragraph, and
 - (b) lay a copy of the report before both Houses of Parliament. 20

Seal and validity of documents

- 23 (1) The Commissioner may have a seal.
- (2) A document purporting to be –
- (a) duly executed under the seal of the Commissioner, or
 - (b) signed by or on behalf of the Commissioner, 25
- is to be received in evidence and, unless the contrary is proved, taken to be so executed or signed.

SCHEDULE 2

Section 25

INVESTIGATIONS BY THE FUTURE GENERATIONS COMMISSIONER FOR THE UNITED KINGDOM 30

Terms of Reference

- 1 This Schedule applies to investigations under section 25.
- 2 Before conducting an investigation the Commissioner must –
- (a) prepare terms of reference specifying the public body to be investigated and the nature of the unlawful act which the Commissioner suspects, 35
 - (b) give the public body to be investigated notice of the proposed terms of reference,
 - (c) give the public body to be investigated an opportunity to make representations about the proposed terms of reference, 40

- (d) consider any representations made, and
- (e) publish the terms of reference once settled.

Representations

- | | | |
|---|--|----|
| 3 | (1) The Commissioner must make arrangements for giving public bodies an opportunity to make representations in relation to investigations. | 5 |
| | (2) In particular, in the course of an investigation the Commissioner must give any public body specified in the terms of reference an opportunity to make representations. | |
| | (3) In cases which have been referred by a person (not the Commissioner) for investigation, the Commissioner must make arrangements for that person to make representations in relation to investigations. | 10 |
| | (4) Arrangements under paragraph 3 may (but need not) include arrangements for oral representations. | |
| | (5) The Commissioner must consider representations made in relation to an investigation. | 15 |

Evidence

- | | | |
|---|---|----|
| 4 | In the course of an investigation the Commissioner may give a notice under paragraph 5 to any public body. | |
| 5 | (1) A notice given to a public body under this paragraph may require it— | 20 |
| | (a) to provide information in its possession, | |
| | (b) to produce documents in its possession, or | |
| | (c) to give oral evidence. | |
| | (2) A notice under paragraph 5(1) may include provision about— | |
| | (a) the form of information, documents or evidence; | |
| | (b) timing. | 25 |
| | (3) A notice under paragraph 5(1)— | |
| | (a) may not require a public body to provide information that it is prohibited from disclosing by virtue of an enactment, | |
| | (b) may not require a public body to do anything that it could not be compelled to do in proceedings before the High Court or the Court of Session. | 30 |
| 6 | The recipient of a notice under paragraph 5 may apply to the High Court in England and Wales, the Court of Session in Scotland or the High Court in Northern Ireland to have the notice cancelled on the grounds that the requirement imposed by the notice is— | 35 |
| | (a) unnecessary having regard to the purpose of the investigation to which the notice relates, or | |
| | (b) otherwise unreasonable. | |
| 7 | (1) Sub-paragraph (2) applies where the Commissioner thinks that a public body— | 40 |
| | (a) has failed without reasonable excuse to comply with a notice under paragraph 5, or | |

- (b) is likely to fail without reasonable excuse to comply with a notice under paragraph 5.
- (2) The Commissioner may apply to the High Court in England and Wales, the Court of Session in Scotland or the High Court in Northern Ireland for an order requiring a public body to take such steps as may be specified in the order to comply with the notice. 5
- 8 (1) A public body commits an offence if without reasonable excuse it—
- (a) fails to comply with a notice under paragraph 5 or an order under paragraph 7(2),
- (b) falsifies anything provided or produced in accordance with a notice under paragraph 5, or 10
- (c) makes a false statement in giving oral evidence in accordance with a notice under paragraph 5.
- (2) A public body which is guilty of an offence under this paragraph shall be liable to the penalties set out in section 28 of this Act. 15

Reports

- 9 The Commissioner shall publish a report of the findings of an investigation.

Recommendations

- 10 The Commissioner may make recommendations—
- (a) as part of a report of an investigation under paragraph 9, or 20
- (b) in respect of a matter arising in the course of an investigation.

Effect of report

- 11 A court or tribunal—
- (a) may have regard to a finding of the report of an investigation and its recommendations, but 25
- (b) shall not treat it as conclusive.
- 12 A public body to whom a recommendation in the report of an investigation is addressed shall have regard to it.

Courts and tribunals

- 13 An investigation may not question (whether expressly or by necessary implication) the findings of a court or tribunal. 30

Intelligence services

- 14 An inquiry may not consider whether an intelligence service has acted (or is acting) in accordance with the well-being goals or future generations principle. 35

Well-being of Future Generations Bill [HL]

A

B I L L

To make provision for requiring public bodies to act in pursuit of the environmental, social, economic and cultural well-being of the United Kingdom in a way that accords with the future generations principle; to require public bodies to establish and meet well-being objectives and report on these and their actions; to require public bodies to publish future generations impact assessments and account for preventative spending; to establish a Commissioner for Future Generations for the United Kingdom to advise, assist and oversee public bodies in doing things in accordance with this Act; to provide for the establishment of a Joint Parliamentary Committee on Future Generations; and for connected purposes.

Lord Bird

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