

Wellbeing of Future Generations Bill [HL]

CONTENTS

PART 1

INTRODUCTION

- 1 Overview

PART 2

IMPROVING WELLBEING

Sustainable development and wellbeing duty on public bodies

- 2 Sustainable development
- 3 Future generations principle
- 4 Meaning of “public body”
- 5 Wellbeing duty on public bodies: objectives
- 6 Consultation and provision for the wellbeing goals
- 7 Wellbeing duty on public bodies: ways of working

Wellbeing objectives

- 8 Statements about wellbeing objectives
- 9 Wellbeing objectives: government departments
- 10 Other public bodies’ wellbeing objectives

Measuring progress towards achieving the goals

- 11 Annual wellbeing goals report
- 12 Future trends and risks report
- 13 Annual wellbeing objectives report
- 14 Annual reports by other public bodies

Guidance

- 15 Guidance

Role of the Comptroller and Auditor General

- 16 The future generations principle: Comptroller and Auditor General's examinations
- 17 Future generations impact assessments
- 18 Reporting on preventative spending

PART 3

THE FUTURE GENERATIONS COMMISSIONER FOR THE UNITED KINGDOM

The Commissioner

- 19 Future Generations Commissioner for the United Kingdom
- 20 Commissioner's general duty

The Commissioner's functions

- 21 Commissioner's functions
- 22 Reviews by the Commissioner
- 23 Recommendations made by the Commissioner
- 24 Duty to follow recommendations
- 25 Investigations
- 26 Applications to court
- 27 Proceedings
- 28 Judicial remedies
- 29 Future generations report
- 30 Future generations report: activity during the reporting period

Joint working

- 31 Joint working

Advisory panels to the Commissioner

- 32 Advisory panels
- 33 Citizens panel
- 34 Expert panel

PART 4

JOINT COMMITTEE ON FUTURE GENERATIONS

- 35 The Joint Committee on Future Generations
- 36 Functions of the Joint Committee on Future Generations
- 37 Reports of the Joint Committee on Future Generations

PART 5

WELLBEING AND COMPANIES

- 38 Wellbeing duty on companies

PART 6

WELLBEING AND PROCUREMENT

- 39 Social value and procurement
- 40 Wellbeing duty on authorities

PART 7

FINAL PROVISIONS

- 41 Power to make consequential etc. provision
- 42 Regulations
- 43 Interpretation
- 44 Extent, commencement and short title

-
- Schedule 1 – The Citizens’ Assembly
 - Schedule 2 – The Future Generations Commissioner for the United Kingdom
 - Schedule 3 – Investigations by the Future Generations Commissioner for the United Kingdom

A
B I L L

TO

Make provision for requiring public bodies to act in pursuit of the United Kingdom’s environmental, social, economic and cultural wellbeing by meeting wellbeing objectives, publishing future generations impact assessments, accounting for preventative spending, and through public services contracts; to establish a Commissioner for Future Generations for the United Kingdom; to establish a Joint Parliamentary Committee on Future Generations; to require companies to consider the impact of their activities on the United Kingdom’s wellbeing; 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) explains what is meant by “the future generations principle”;
 - (c) requires public bodies to set wellbeing objectives that are to contribute to the achievement of wellbeing goals and to take steps to meet those objectives; 10
 - (d) establishes a public consultation and a Citizens’ Assembly;
 - (e) explains what the wellbeing goals are and the things public bodies must take account of in fulfilling the wellbeing duty;
 - (f) requires indicators that measure progress towards achieving the wellbeing goals, and reports on future trends and risks to wellbeing of the United Kingdom, to be published by the Secretary of State; 15

- | | | |
|-----|---|----|
| (g) | requires the bodies to report annually on their progress towards meeting their wellbeing objectives; | |
| (h) | 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; | 5 |
| (i) | requires the bodies to publish future generations impact assessments when publishing a proposed policy change; | |
| (j) | requires the bodies to report on and seek to increase their preventative expenditure. | 10 |
| (3) | Part 3 of this Act – | |
| (a) | establishes the office of Future Generations Commissioner for the United Kingdom; | |
| (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 wellbeing objectives in accordance with the future generations principle; | 15 |
| (c) | provides for the Commissioner to carry out reviews of public bodies; | |
| (d) | establishes panels of advisers to the Commissioner. | |
| (4) | Part 4 of this Act – | 20 |
| (a) | establishes the Joint Committee on Future Generations including its membership and the procedure for appointment; | |
| (b) | establishes the functions of the Joint Committee on Future Generations; | |
| (c) | sets out the reporting requirements of the Joint Committee on Future Generations. | 25 |
| (5) | Part 5 of this Act requires that every specified company’s directors’ report includes an explanation as to whether the activities of the company advance, detract from or are neutral with respect to the wellbeing goals. | |
| (6) | Part 6 of this Act – | |
| (a) | extends the Public Services (Social Value Act) 2012 to cover all services, goods and works contracts; | 30 |
| (b) | amends the Public Services (Social Value Act) 2012 to include cultural wellbeing and to require authorities to take into account the wellbeing goals. | |
| (7) | Part 7 of this Act sets out the final provisions of the Act including provision on regulations and on commencement, extent and short title. | 35 |

PART 2

IMPROVING WELLBEING

Sustainable development and wellbeing duty on public bodies

2 Sustainable development 40

In this Act, “sustainable development” means the process of improving the economic, social, environmental and cultural wellbeing of the United Kingdom by taking action, in accordance with the future generations principle, aimed at achieving the wellbeing goals set under section 6.

3 Future generations principle

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.

5

4 Meaning of “public body”

- (1) For the purposes of this Act, a “public body” means –
 - (a) any body or person that carries out functions of public administration, or
 - (b) any body or person that is under the control of a body or person that has public responsibilities, exercises functions of a public nature, or provides public services, 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.
- (2) A public body does not include either House of Parliament, or a person exercising functions in connection with proceedings in Parliament.
- (3) 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.
- (4) 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.
- (5) 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.

5 Wellbeing duty on public bodies: objectives

- (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 (“wellbeing objectives”) that are designed to maximise its contribution to achieving each of the wellbeing goals, and
 - (b) meeting, in the exercise of its functions, its wellbeing objectives.
- (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.
- (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.

6 Consultation and provision for the wellbeing goals

- (1) The Secretary of State must provide for a public consultation to determine a series of wellbeing goals, including persons the Secretary of State deems to be appropriate.
- (2) The public consultation must conclude with a Citizens' Assembly that must make recommendations on the final wellbeing goals. 5
- (3) The public consultation and Citizens' Assembly must be concluded within nine months of this Act coming into force.
- (4) The Secretary of State must appoint a "public consultation coordinating body" to organise the public consultation under subsection (1) and Citizens' Assembly under subsection (2). 10
- (5) The members of the public consultation coordinating body are to be such persons as the Secretary of State, in consultation with the Scottish Government, Welsh Ministers and Northern Ireland Executive, may appoint.
- (6) The Citizens' Assembly is to deliberate on and recommend the wellbeing goals that have been identified through the public consultation undertaken in accordance with subsection (1), with reasons for its recommendations. 15
- (7) The public consultation coordinating body must produce a report setting out the wellbeing goals recommended by the Citizens' Assembly and its reasons, within one month of the Citizens' Assembly's conclusion. 20
- (8) The Secretary of State must lay before both Houses of Parliament the report on the wellbeing goals recommended by the Citizens' Assembly, within two months of the Citizens' Assembly's conclusion.
- (9) The Secretary of State must by regulations provide for setting the wellbeing goals recommended by the Citizens' Assembly. 25
- (10) Schedule 1 makes further provision about the Citizens' Assembly.
- (11) The Secretary of State must review the wellbeing goals every five years through a public consultation.
- (12) The Future Generations Commissioner must review the results of each consultation carried out under subsection (11) and make recommendations to the Secretary of State on any proposed changes to the wellbeing goals. 30

7 Wellbeing duty on public bodies: ways of working

- (1) In fulfilling its wellbeing duty under section 5(2), a public body must take account of the following things –
 - (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; 35
 - (b) how deploying resources to prevent problems occurring or getting worse may contribute to meeting the body's wellbeing objectives, or another body's objectives; 40
 - (c) the importance of deploying resources to undertake long-term planning;
 - (d) the need to forecast and manage emerging risks that may undermine the body's wellbeing objectives, or another body's objectives;

- (e) the need to take an integrated approach, by considering how –
 - (i) the body’s wellbeing objectives may impact upon each of the wellbeing goals;
 - (ii) the body’s wellbeing 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;
- (f) the importance of involving other persons or bodies with an interest in achieving the wellbeing goals and of ensuring those persons reflect the diversity of the population of –
 - (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;
- (g) 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 wellbeing objectives, or assist another body to meet its objectives.

Wellbeing objectives

8 Statements about wellbeing objectives 20

- (1) When publishing its wellbeing objectives (including wellbeing objectives revised under sections 9 or 10) 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 wellbeing goals;
 - (b) explaining why the public body considers it has set wellbeing objectives in accordance with the future generations principle, including how the body proposes to involve other persons with an interest in achieving the wellbeing goals and ensure that those persons reflect the diversity of the population of –
 - (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);
 - (d) specifying the periods of time within which the body expects to meet the objectives;
 - (e) providing such other information as the body considers appropriate about meeting the objectives.

9 Wellbeing objectives: government departments

- (1) Each government department must set and publish its wellbeing objectives –
 - (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
 - (b) no later than six months after the date of each subsequent –
 - (i) United Kingdom general election, or
 - (ii) appointment of a Prime Minister. 5
 - (2) Each government department must set its wellbeing objectives for the period –
 - (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. 10
 - (3) If the wellbeing goals are amended, each government department must review its wellbeing objectives.
 - (4) If, on a review under subsection (3), a government department determines that one or more of its wellbeing objectives are no longer appropriate, it must revise the objective or objectives concerned. 15
 - (5) A government department may, at any other time, review and revise its wellbeing objectives.
 - (6) Wellbeing 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 wellbeing objectives under subsection (4) or (5), it must, as soon as reasonably practicable, publish the wellbeing objectives as revised. 20
 - (8) In setting or revising its wellbeing objectives, a government department must take into account the Commissioner’s report under section 29.
- 10 Other public bodies’ wellbeing objectives 25**
- (1) In this section references to a public body do not include government departments.
 - (2) A public body must set and publish its wellbeing 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. 30
 - (3) If the wellbeing goals are amended, a public body must review its wellbeing objectives.
 - (4) If, on a review under subsection (3), a public body determines that one or more of its wellbeing objectives are no longer appropriate, it must revise the objective or objectives concerned. 35
 - (5) A public body may at any other time review and revise its wellbeing objectives.
 - (6) Where a public body revises its wellbeing objectives under subsection (3) or (4), it must publish them as soon as is reasonably practicable.
 - (7) In setting or revising its wellbeing objectives, a public body must take into account the Commissioner’s report under section 29. 40

Measuring progress towards achieving the goals

11 Annual wellbeing 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 wellbeing goals, and 5
 - (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; 10
 - (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 wellbeing goals. 15
- (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 20
 - (b) the time by which the milestone is to be achieved.
- (5) If the wellbeing 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. 25
- (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 and lay a copy of them before both Houses of Parliament. 30
- (9) Before publishing national indicators and milestones (including indicators and milestones revised under subsection (6) or (7)), the Secretary of State must consult – 35
 - (a) the Commissioner;
 - (b) the other public bodies;
 - (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 wellbeing report”) on the progress made towards the achievement of the wellbeing goals by reference to the national indicators and milestones. 40

- (11) An annual wellbeing report under subsection (10) must specify the periods of time to which the measurement of each indicator relates.

12 Future trends and risks 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 and risks report”) that contains predictions and plans to manage likely long-term future trends and future risks concerning – 5
- (a) the economic, social, environmental and cultural wellbeing of the United Kingdom, including emerging and global threats, and 10
 - (b) any related information that the Secretary of State considers appropriate.
- (2) The report must include –
- (a) an assessment of risks, including environmental risks, global risks and risks that may emerge or grow in the future, for at least the forthcoming 25 years, 15
 - (b) details of the assessment process used to identify future risks, and
 - (c) each department’s plans to prevent, manage and prepare for the potential consequences of the identified future risks.
- (3) A future trends and risks report 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. 20
- (4) In preparing a future trends and risks 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 wellbeing of the United Kingdom, and 25
 - (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 30
 - (iii) the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, and
 - (c) take account of the views of – 35
 - (i) primary and secondary school children, and
 - (ii) students in further and higher education,
 in the United Kingdom as expressed in engagement exercises every two years regarding their views on economic, social, cultural and environmental wellbeing, 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. 40
- (5) In subsection (4)(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. 45

- (6) For the purposes of subsection (4)(c), the Secretary of State may by regulations provide for an engagement exercise every two years involving primary and secondary school children and students in further and higher education.
- (7) The Secretary of State may omit from any report published in accordance with subsection (1) any material whose publication would be against the interests of national security. 5

13 Annual wellbeing objectives report

- (1) Ministers of the Crown must collectively –
 - (a) publish, in respect of each financial year, a report of the progress they have made towards meeting government departments’ wellbeing objectives, and 10
 - (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’ wellbeing objectives with –
 - (a) the Commissioner, 15
 - (b) the Future Generations Commissioner for Wales,
 - (c) any public body or body charged with protecting the needs of future generations in Scotland,
 - (d) a public body or body charged with protecting the needs of future generations in Northern Ireland, 20
 - (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 wellbeing objectives are no longer appropriate, they must revise the objective or objectives concerned and publish the revised objective or objectives as soon as practicable. 25
- (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. 30

14 Annual reports by other public bodies

- (1) Each public body other than those headed by the Ministers of the Crown must publish annual reports of the progress it has made in meeting its wellbeing objectives. 35
- (2) In preparing a report under this section, a public body must review its wellbeing objectives.
- (3) If, on a review under subsection (2), a public body determines that one or more of its wellbeing objectives are no longer appropriate, it must revise the objective or objectives concerned and publish the revised objective or objectives as soon as practicable. 40

- (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 5

- (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 10

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 – 15
- (a) setting wellbeing objectives, and
- (b) taking steps to meet those objectives.
- (2) Before the end of the period mentioned in subsection (4), 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. 20
- (3) In carrying out an examination under subsection (1), the Comptroller and Auditor General must – 25
- (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
- (b) consult the Commissioner.
- (4) The period referred to in subsection (2) begins on the day on which this Act comes into force, and ends on the date falling five years from when this Act comes into force.
- (5) The Comptroller and Auditor General must subsequently report on the results of the examinations carried out under this section every five years. 30
- (6) 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 – 35
- (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 – 40
- (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 proposing a change in public expenditure, taxation or policy, including but not limited to legislative proposals, a public body to which this Act applies must –
 - (a) publish an assessment (“future generations impact assessment“) of the likely impact of the proposal on its wellbeing objectives, or 5
 - (b) publish a statement setting out its reasons for concluding that it does not need to carry out a future generations impact assessment.
- (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. 10
- (3) A future generations impact assessment must conclude whether or not, overall, the proposed change in expenditure, taxation or policy would impact the public body’s wellbeing objectives.
- (4) Where a future generations impact assessment finds that an expenditure, taxation or policy change would have an adverse impact on a public body’s wellbeing objectives, the public body concerned must publish a statement of how it intends to mitigate the adverse impact identified. 15
- (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. 20

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 25
 - (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).
- (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. 30
- (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; 35
 - (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; 40
 - (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. 45

- (4) Where a public body has not increased its proportion of primary and secondary preventative spending in a financial year, it must include in its next published report under subsection (1) a statement which sets out –
- (a) why it has not done so, and
 - (b) how it intends to increase its proportion of preventative spending in the forthcoming financial year. 5
- (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 10

THE FUTURE GENERATIONS COMMISSIONER FOR THE UNITED KINGDOM

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”). 15
- (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.
- (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 20
 - (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. 25
- (4) Schedule 2 makes further provision about the Commissioner.

20 Commissioner’s general duty

- The general duty of the Commissioner is – 30
- (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 35
 - (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 wellbeing objectives set by public bodies are being met.

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; 5
 - (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 wellbeing goals;
 - (d) encourage best practice amongst public bodies in taking steps to meet their wellbeing objectives in accordance with the future generations principle; 10
 - (e) promote awareness amongst public bodies of the need to take steps to meet their wellbeing objectives in accordance with the future generations principle; 15
 - (f) encourage public bodies to work with each other and with other persons to meet their wellbeing objectives;
 - (g) seek the advice of advisory panels (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 – 20
 - (a) the extent to which the wellbeing 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 wellbeing objectives, and 25
 - (d) anything related to any of those things that impacts upon the economic, social, environmental and cultural wellbeing of the United Kingdom.
- (3) References in this section to providing assistance to a public body do not include providing financial assistance. 30

22 Reviews by the Commissioner

- (1) The Commissioner may conduct a review of the extent to which a public body is meeting its wellbeing duties under section 5, including but not limited to a review of whether a public body is complying with meeting, in the exercise of its functions, its wellbeing objectives under section 5(2)(b). 35
- (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 – 40
 - (a) the steps the body has taken or proposes to take to meet its wellbeing objectives;
 - (b) how to set wellbeing objectives and take steps to meet them in accordance with the future generations principle.
- (4) The Commissioner may conduct a single review of two or more public bodies. 45

-
- (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. 5
- (7) 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**
- (1) In providing advice or assistance to a public body, the Commissioner may also make recommendations to Her Majesty’s Government about the wellbeing goals or the national indicators. 10
- (2) If the Commissioner makes recommendations under this section, the Commissioner must publish those recommendations.
- 24 Duty to follow recommendations** 15
- (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 –
- (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 20
- (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. 25
- (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. 30
- 25 Investigations**
- (1) The Commissioner may conduct an investigation if they suspect that the public body concerned has failed to comply with its duties under section 5 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 5. 35
- (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. 40

- (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
 - (c) consider any representations made.
- (5) Schedule 3 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 5 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 –
- (a) to comply with recommendations from the Commissioner, and
 - (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 5 and 24 of this Act.
- (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.
- (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
 - (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 5 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.
- (2) A court may, 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.

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 wellbeing objectives in accordance with the future generations principle. 5
- (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. 10
- (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 12 is published, and
 - (b) ending on the date of publication of the next future trends report.
- (4) In addition to the assessment mentioned in subsection (1), a report under this section must also include – 15
- (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); 20
 - (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. 25
- (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.
- (8) The Secretary of State may by regulations amend the reporting period. 30

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 –
- (a) the advisory panels (see section 32);
 - (b) each public body; 35
 - (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 wellbeing goals;
 - (e) representatives of persons resident in each local authority area; 40
 - (f) representatives of persons carrying on business;
 - (g) trade unions representing workers;
 - (h) the Committee on Climate Change;
 - (i) representatives of the United Kingdom Youth Parliament and the National Union of Students; 45

- (j) any other person or organisations the Commissioner considers appropriate to ensure that economic, social, environmental and cultural interests are fully represented.
- (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 wellbeing goals report under section 11(10) published during the reporting period;
 - (b) the future trends report published under section 12 on the day before the beginning of the reporting period;
 - (c) relevant reports of the Comptroller and Auditor General.

Joint working

31 Joint working

- (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;
 - (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
 - (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 –
 - (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 panels to the Commissioner

32 Advisory panels

There are to be two panels of advisers (the “advisory panels”) to the Commissioner –

- (a) the citizens panel, and
- (b) the expert panel.

33 Citizens panel

- (1) There is to be a panel of residents of the United Kingdom (the “citizens panel”) for the purpose of providing advice to the Commissioner on the exercise of the Commissioner’s functions.
- (2) The citizens panel shall consist of at least 50 persons. 5
- (3) The Secretary of State must provide by regulations for a “citizens panel coordinating body” which must –
 - (a) select the members of the citizens panel, ensuring that the membership of the citizens panel reflects the composition of the population of the United Kingdom as reflected in data obtained by the Office of National Statistics; 10
 - (b) establish an advisory board to recommend to the citizens panel coordinating body which persons and organisations it deems necessary to advise the citizens panel;
 - (c) establish a rotation process for the membership so as to replace members of the citizens panel. 15
- (4) For the purpose of (3)(c), one-third of selected citizens are to be rotated off the citizens panel every six months, with the first rotation held one year after the first meeting of the citizens panel.
- (5) The citizens panel must meet on a minimum of two days every three months. 20
- (6) The Commissioner may require the citizens panel to meet more frequently if he or she deems it appropriate.
- (7) The Commissioner must publish any recommendations made by the citizens panel in meetings with the Commissioner by methods the Commissioner deems appropriate. 25
- (8) The Commissioner must publish a response to the recommendations within one month of the recommendations being made.
- (9) A member may resign from the citizens panel by giving the citizens panel coordinating body not less than three months’ notice in writing.
- (10) The citizens panel coordinating body may, following consultation with the Commissioner, dismiss a member if satisfied that the member – 30
 - (a) is unfit to continue as a citizens panel member, or
 - (b) is unable or unwilling to act as a member.
- (11) The Secretary of State must pay allowances (including travelling and subsistence allowances) and gratuities to the members of the citizens panel. 35
- (12) The Secretary of State must pay remuneration to appointed members of the citizens panel coordinating body, and pay the costs related to the functioning of the citizens panel, out of money provided by Parliament.

34 Expert panel

- (1) There is to be an expert panel of advisers (the “expert panel”) for the purpose of providing advice to the Commissioner on the exercise of the Commissioner’s functions. 40

- (2) The members of the expert panel are to be such persons as the Secretary of State, in consultation with the Scottish Government, Welsh Ministers and Northern Ireland Executive, may appoint.
- (3) Before appointing a member, the Secretary of State must consult the Commissioner. 5
- (4) An appointed member holds office for such period of no less than three years and no more than five years as the Secretary of State may determine by regulations.
- (5) An appointed member may be reappointed once for a further period of no less than three years and no more than five years (whether or not this period runs consecutively from the member’s first appointment). 10
- (6) The Secretary of State may pay remuneration to appointed members.
- (7) 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. 15
- (8) The Secretary of State may, following consultation with the Commissioner, dismiss an appointed member if satisfied that the member –
 - (a) is unfit to continue as a panel member, or
 - (b) is unable or unwilling to act as a member.
- (9) The Secretary of State may pay allowances (including travelling and subsistence allowances) and gratuities to the members of the expert panel. 20

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”). 25
- (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. 30
- (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 – 35
 - (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 wellbeing objectives,

- (b) propose amendments to improve the compatibility of bills with the future generations principle and the relevant department’s wellbeing objectives,
 - (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 5
 - (d) participate in the appointment process of the Future Generations Commissioner, as set out in section 19(3)(b).
- 37 Reports of the Joint Committee on Future Generations**
- (1) The Committee must publish— 10
 - (a) an annual report on long-term economic, social, environmental and cultural trends, which may include recommendations to Her Majesty’s Government, and
 - (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. 15

PART 5

WELLBEING AND COMPANIES

- 38 Wellbeing duty on companies**
- (1) The Secretary of State must provide by regulations under section 416(4) (contents of directors’ report: general) of the Companies Act 2006 for a specified company’s directors to include in the directors’ report an explanation as to whether, and how, each of the strategically significant activities of the company advances, detracts from, or is neutral with respect to the wellbeing goals under section 6 of this Act. 20
25
 - (2) Subject to subsection (3), a “specified company” means—
 - (a) a quoted company; or
 - (b) an unquoted company that does not meet either of the exemptions in subsections (4) and (7).
 - (3) This section does not apply to a company if— 30
 - (a) the company is a subsidiary undertaking at the end of the financial year;
 - (b) the company’s activities are included in the group report of a parent undertaking; and
 - (c) the group report is prepared for a financial year of the parent undertaking that ends at the same time as, or before the end of, the company’s financial year and the group report complies with this section. 35
 - (4) Unless the company is a parent company, the company is exempted under this section if— 40
 - (a) in relation to its first financial year the qualifying conditions in subsection (5) are met in that year;
 - (b) in relation to a subsequent financial year—

- (i) the qualifying conditions are met in that year and were also met in relation to the preceding financial year; or
 - (ii) the qualifying conditions are met in that year and the company was otherwise exempted under subsection (3) in relation to the preceding financial year; or 5
 - (iii) the qualifying conditions were met in the preceding financial year and the company was otherwise exempted under subsection (3) in relation to the preceding financial year.
- (5) The qualifying conditions referred to in subsection (4) are met by a company in a year in which it satisfies two or more of the following requirements – 10

1	Turnover	not more than £36 million	
2	Balance sheet total	not more than £18 million	
3	Number of employees	not more than 250	15

- (6) For the purposes of subsection (5) –
- (a) for a period that is a company’s financial year but is not a twelve month period the figure for turnover must be proportionately adjusted;
 - (b) “turnover” means the amounts derived from the provision of goods and services after deduction of – 20
 - (i) trade discounts,
 - (ii) value added tax, and
 - (iii) any other taxes based on the amounts so derived;
 - (c) “balance sheet total” means the aggregate of the amounts shown as assets in the company’s balance sheet; 25
 - (d) “number of employees” means the average number of persons employed by the company in the year, determined as follows – 30
 - (i) finding for each month in the financial year the number of persons employed under contracts of service by the company in that month (whether throughout the month or not),
 - (ii) adding together the monthly totals, and
 - (iii) dividing by the number of months in the financial year.
- (7) A parent company is exempted under this section if –
- (a) in relation to the parent company’s first financial year the qualifying conditions in subsection (8) are met in that year by the group headed by it; 35
 - (b) in relation to a subsequent financial year of the parent company – 40
 - (i) the qualifying conditions are met in that year and the preceding financial year by the group headed by the parent company;
 - (ii) the qualifying conditions are met in that year by the group headed by the parent company, and the parent company was exempted in relation to the preceding financial year; or
 - (iii) the qualifying conditions were met in the preceding financial year by the group headed by the parent company, and the 45

parent company was exempted in relation to the preceding financial year.

- (8) The qualifying conditions referred to in subsection (7) are met by a group in a year in which it satisfies two or more of the following requirements –

1	Aggregate turnover	not more than £36 million net (or £43.2 million gross)	5
2	Aggregate balance sheet total	not more than £18 million net (or £21.6 million gross)	10
3	Aggregate number of employees	not more than 250	15

- (9) For the purposes of subsection (8), the aggregate figures are to be ascertained by aggregating the relevant figures determined in accordance with subsection (5) for each member of the group.
- (10) In relation to the aggregate figures for turnover and balance sheet total –
- (a) “net” means after any set-offs and other adjustments made to eliminate group transactions –
 - (i) in the case of Companies Act 2006 accounts, in accordance with regulations under section 404 of the Companies Act 2006,
 - (ii) in the case of IAS accounts, in accordance with international accounting standards;
 - (b) “gross” means without those set-offs and other adjustments; and
 - (c) a company may satisfy any requirements in subsection (8) on the basis of either the net or the gross figure.
- (11) For the purposes of subsection (8) –
- (a) the figures for each subsidiary undertaking must be those included in its individual accounts for the relevant financial year, that is –
 - (i) if its financial year ends with that of the parent company, that financial year, and
 - (ii) if not, its financial year ending last before the end of the financial year of the parent company; or
 - (b) if those figures cannot be obtained without disproportionate expense or undue delay, the latest available figures may be taken.
- (12) The Secretary of State may by regulations amend the exemptions in subsections (4) and (7) if it appears necessary to them having regard to the wellbeing goals.
- (13) For the purposes of this section, the terms “quoted company” and “unquoted company” have the meanings ascribed to them in section 385 of the Companies Act 2006.

PART 6

WELLBEING AND PROCUREMENT

39 Social value and procurement

In section 1 (contracts of relevant authorities) of the Public Services (Social Value Act) 2012 for subsection (1) substitute – 5

- “(1) If a relevant authority proposes to procure or make arrangements for procuring the provision of services, goods or works by –
- (a) entering into a public procurement contract, or
 - (b) concluding a framework agreement,
- it must comply with the requirements in subsections (3), (6) and (7) before starting the process of procurement.” 10

40 Wellbeing duty on authorities

In section 1 (contracts of relevant authorities) of the Public Services (Social Value) Act 2012, for subsection (3) substitute –

- “(3) The authority must take into account – 15
- (a) how what is proposed to be procured might –
 - (i) improve the economic, social, environmental and cultural wellbeing of the relevant area; and
 - (ii) maximise its contribution to the achievement of the wellbeing goals set out in regulations under section 6 of the Wellbeing of Future Generations Act 2020, and 20
 - (b) how, in conducting the process of procurement, it might act with a view to securing that improvement.”

PART 7

FINAL PROVISIONS 25

41 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.
- (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. 30
- (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. 35
- (5) A statutory instrument containing regulations made under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

42 Regulations

- (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 41, may not be made unless a draft of the instrument has been laid before and approved by a resolution of both Houses of Parliament. 5

43 Interpretation

“Financial year” means the period of 12 months ending with 31 March.

44 Extent, commencement and short title

- (1) This Act extends to England, Wales, Scotland and Northern Ireland. 10
- (2) This Act comes into force at the end of the period of six months beginning with the day on which it is passed.
- (3) This Act may be cited as the Wellbeing of Future Generations Act 2020.

SCHEDULES

SCHEDULE 1

Section 6

THE CITIZENS’ ASSEMBLY

- 1 (1) The Assembly must meet on a minimum of 4 days over the course of a month. 5
- (2) The Assembly shall consist of at least 50 and not more than 100 persons.
- (3) The minimum age of a member of the Assembly is 16 years old.
- (4) The “Citizens’ Assembly coordinating body” under section 6(5) must –
 - (a) select the members for the Citizens’ Assembly, ensuring that the membership of the Assembly reflects the composition of the population of the United Kingdom as reflected in data obtained by the Office of National Statistics; 10
 - (b) establish an expert advisory board to recommend to the coordinating body which persons and organisations it deems necessary to advise the Assembly. 15
- (5) The Secretary of State must pay remuneration to the Citizens’ Assembly and the Citizens’ Assembly coordinating body and pay the costs related to the functioning of the Assembly.

SCHEDULE 2

Section 19

THE FUTURE GENERATIONS COMMISSIONER FOR THE UNITED KINGDOM 20

Status

- 1 (1) The Commissioner is a corporation sole.
- (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. 25

Duration of appointment

- 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. 5
- (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. 10

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. 15

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.
- (3) The Secretary of State may pay – 20
- (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.

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). 25
- (2) An individual ceases to be Commissioner if the individual is disqualified on any of the grounds specified in sub-paragraph (3).
- (3) An individual is disqualified from being Commissioner if the individual is – 30
- (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 –
 - (i) the Crown, 35
 - (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;
 - (e) a Member of the Scottish Parliament; 40
 - (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.

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. 5
- (2) The Secretary of State may dismiss the Commissioner if satisfied that the Commissioner –
 - (a) is unfit to continue as Commissioner, or
 - (b) is unable or unwilling to exercise the Commissioner’s functions. 10

Powers

- 8 (1) The Commissioner may do anything the Commissioner considers appropriate in connection with the Commissioner’s functions, including –
 - (a) charging for the provision of advice or other services;
 - (b) paying third parties for the provision of advice or other services; 15
 - (c) accepting gifts of money or other property.
- (2) The Commissioner must not –
 - (a) provide financial assistance to any person;
 - (b) acquire or dispose of any interest in land, 20without 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 25

- 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. 30
- (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 – 35
 - (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 – 40
 - (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. 5

Deputy Commissioner

- 11 The functions of the Commissioner are exercisable by the Deputy Commissioner if—
- (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. 10

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”). 15
- (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;
 - (c) the period within which consideration of a complaint must begin and be concluded; 20
 - (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— 25
- (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. 30
- (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 35

- 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); 40

- (b) “interest” means an interest of any kind (including gifts, hospitality, donations received, other financial interests, and all activities and occupations).
- (3) The Commissioner must keep the register of interests up to date.
- 14 (1) The Commissioner must— 5
- (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. 10
- (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.
- Conflicts of interest* 15
- 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. 20
- (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. 25
- Annual reports*
- 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. 30
- (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; 35
- (b) an analysis of the effectiveness of that action in enabling the general duty of the Commissioner to be fulfilled (see section 20);
- (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; 40
- (e) a summary of the complaints made in accordance with the procedure established under paragraph 12.

(4)	An annual report may include—	
(a)	the Commissioner’s assessment of the improvements that public bodies should make in order to meet their wellbeing objectives in accordance with the future generations principle;	
(b)	any other information the Commissioner considers appropriate.	5
(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 in the following financial year.	10
(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.	
<i>Accounting officer</i>		15
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.	20
	(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.	25
	(4) The responsibilities that may be specified under this paragraph include responsibilities owed to both Houses of Parliament, the Secretary of State, the House of Commons or the Committee of Public Accounts of that House.	
<i>Estimates</i>		30
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.	
	(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.	35
	(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.	
<i>Accounts</i>		
20	(1) The Commissioner must—	40
	(a) keep proper accounting records;	

- (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;
 - (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.
- (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.
- (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.
- (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

- 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.
- (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.
- (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.

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,
- is to be received in evidence and, unless the contrary is proved, taken to be so executed or signed. 5

SCHEDULE 3

Section 25

INVESTIGATIONS BY THE FUTURE GENERATIONS COMMISSIONER FOR THE UNITED
KINGDOM 10

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, 15
 - (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, 20
 - (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. 25
- (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. 30
- (4) Arrangements under this paragraph may (but need not) include arrangements for oral representations.
- (5) The Commissioner must consider representations made in relation to an investigation. 35

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—
- (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— 5
- (a) the form of information, documents or evidence;
 - (b) timing.
- (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, 10
 - (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.
- 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— 15
- (a) unnecessary having regard to the purpose of the investigation to which the notice relates, or
 - (b) otherwise unreasonable. 20
- 7 (1) Sub-paragraph (2) applies where the Commissioner thinks that a public body—
- (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. 25
- (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. 30
- 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 35
 - (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.
- Reports* 40
- 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

- (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
 - (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.

Intelligence services

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

Wellbeing of Future Generations Bill [HL]

A

B I L L

To make provision for requiring public bodies to act in pursuit of the United Kingdom's environmental, social, economic and cultural wellbeing by meeting wellbeing objectives, publishing future generations impact assessments, accounting for preventative spending, and through public services contracts; to establish a Commissioner for Future Generations for the United Kingdom; to establish a Joint Parliamentary Committee on Future Generations; to require companies to consider the impact of their activities on the United Kingdom's wellbeing; and for connected purposes.

Lord Bird

Ordered to be Printed, 8th January 2020

© Parliamentary copyright House of Lords 2020

This publication may be reproduced under the terms of the Open Parliament Licence, which is published at www.parliament.uk/site-information/copyright

PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS