

Wellbeing of Future Generations Bill [HL]

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by Lord Bird, have been ordered to be published as HL Bill 6—EN.

Wellbeing of Future Generations Bill [HL]

[AS INTRODUCED]

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[AS INTRODUCED]

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B I L L

TO

Make provision for a public consultation to inform a set of national wellbeing goals; to require 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 and accounting for preventative spending; to establish a futures and forecasting report; to establish a Commission for Future Generations for the United Kingdom; to extend the duty of the Office of Budget Responsibility to consider wellbeing and the future generations principle in their work; to add onto a Minister in each government department's portfolio a duty to promote the future generations principle across government policy; to establish 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—
 - (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) establishes a public consultation exercise to set national wellbeing goals;
 - (d) 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;
 - (e) explains what the wellbeing goals are, and the things public bodies must take account of in fulfilling the wellbeing duty;

- (f) requires the bodies to report annually on their progress towards meeting their wellbeing objectives;
- (g) requires the bodies to publish future generations impact assessments when publishing a proposed policy change.
- (3) Part 3 of this Act— 5
- (a) requires a futures and forecasting report on the wellbeing of the United Kingdom’s population, to be published by the Secretary of State;
- (b) requires public bodies to report on and justify their preventative expenditure.
- (4) Part 4 of this Act— 10
- (a) requires the Comptroller and Auditor General to carry out examinations into the extent to which public bodies set wellbeing objectives and take steps to meet them in accordance with the future generations principle;
- (b) extends the remit of the Office for Budget Responsibility; 15
- (c) establishes the Joint Committee on Future Generations including its membership, functions and reporting.
- (5) Part 5 of this Act—
- (a) establishes the office of Future Generations Commission for the United Kingdom; 20
- (b) provides for the Commission 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;
- (c) provides for the Commission to carry out reviews of public bodies; 25
- (d) establishes an advisory citizens panel for the Commission;
- (e) establishes a duty for a current Minister in each government department to ensure wellbeing and the national indicators are key considerations within government policy.
- (6) Part 6 of this Act sets out the final provisions of the Act, including provision on regulations and on commencement, extent and short title. 30

PART 2

IMPROVING WELLBEING

Sustainable development and wellbeing duty on public bodies

2 Sustainable development 35

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 5.

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.

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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 Commission;
 - (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 Consultation and provision for the wellbeing goals

- (1) The Secretary of State must provide for a public consultation (to be called a “national conversation”) on a series of wellbeing goals for the United Kingdom, which includes persons the Secretary of State deems to be appropriate.
- (2) The national conversation must engage communities across the population, with particular focus on young people and children from different social backgrounds.
- (3) The public consultation must be concluded within nine months of this Act coming into force.
- (4) The Secretary of State must appoint a coordinating body to organise the public consultation.

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- (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 public consultation coordinating body must produce a report setting out the wellbeing goals recommended through the public consultation within one month of its conclusion. 5
- (7) The Secretary of State must lay before both Houses of Parliament the report on the wellbeing goals recommended through the public consultation, within two months of the public consultation’s conclusion.
- (8) The Secretary of State must by regulations provide for setting the wellbeing goals. 10
- (9) The Secretary of State must review the wellbeing goals every five years through a public consultation.
- (10) The Future Generations Commission must review the results of each consultation carried out under subsection (9) and make recommendations to the Secretary of State on any proposed changes to the wellbeing goals. 15

6 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 – 20
- (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 32 and 33. 25
- (4) In fulfilling its duties under subsection (2), public bodies must have regard to any relevant future generations impact assessments under section 11.
- (5) A public body that exercises functions in relation to the United Kingdom may set objectives relating to the United Kingdom. 30
- (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.

7 Wellbeing duty on public bodies: ways of working

- In fulfilling its wellbeing duty under section 6(2), a public body must take account of the following – 35
- (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 wellbeing objectives, or another body’s objectives;
- (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; 5
- (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; 10
- (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 – 15
 - (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; 20
- (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 25

8 Statements about wellbeing objectives

When publishing its wellbeing objectives (including wellbeing objectives revised under section 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; 30
- (b) explaining how its wellbeing objectives have regard to the futures and forecasting report under section 16 of this Act;
- (c) 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 – 35
 - (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 which the body exercises functions; 40
- (d) 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);
- (e) specifying the periods of time within which the body expects to meet the objectives;
 - (f) providing such other information as the body considers appropriate about meeting the objectives. 5

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 10
 - (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 15
 - (ii) appointment of a Prime Minister.
- (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. 20
- (3) Each government department must review its wellbeing objectives—
 - (a) after every futures and forecasting report (under section 16) is published, and
 - (b) if the wellbeing goals are amended. 25
- (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.
- (5) A government department may, at any other time, review and revise its wellbeing objectives. 30
- (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. 35
- (8) In setting or revising its wellbeing objectives, a government department must take into account the Commission’s report under section 34.

10 Other public bodies' wellbeing objectives

- (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 5
 - (b) at such subsequent times as the body considers appropriate.
- (3) Each public body must review its wellbeing objectives –
 - (a) after every futures and forecasting report (under section 16) is published, and 10
 - (b) at such subsequent times as the body considers appropriate.
- (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.
- (5) A public body may at any other time review and revise its wellbeing objectives. 15
- (6) Where a public body revises its wellbeing objectives under subsection (4) or (5), 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 Commission's report under section 34 and the most recent futures and forecasting report. 20

11 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 – 25
 - (a) publish an assessment ("future generations impact assessment") of the likely impact of the proposal on its wellbeing 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.
- (2) In preparing a future generations impact assessment, a public body must 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. 30
- (3) A future generations impact assessment must conclude whether, overall, the proposed change in expenditure, taxation or policy would impact the public body's wellbeing objectives. 35
- (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.

- (5) Publication under subsection (1) is not required if the change is for the purpose of safeguarding national security or for defence purposes.

Measuring progress towards achieving the goals

12 Annual wellbeing goals report

- (1) The Secretary of State must— 5
- (a) publish indicators (“national indicators”) that must be applied for the purpose of measuring progress towards the achievement of the wellbeing goals, and
 - (b) lay a copy of the national indicators before both Houses of Parliament.
- (2) A national indicator— 10
- (a) must be expressed as a value or characteristic that can be measured quantitatively or qualitatively against a particular outcome;
 - (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. 15
- (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.
- (4) In setting a milestone, the Secretary of State must specify— 20
- (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
 - (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. 25
- (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 them.
- (7) The Secretary of State may at any other time review and revise the national indicators and milestones. 30
- (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. 35
- (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 Commission;
 - (b) the other public bodies; 40

- (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. 5
- (11) An annual wellbeing report under subsection (10) must specify the periods of time to which the measurement of each indicator relates.

13 Annual wellbeing objectives report

- (1) Ministers of the Crown must collectively – 10
 - (a) publish, in respect of each financial year, a report of the progress they have made towards meeting government departments’ wellbeing 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’ wellbeing objectives with – 15
 - (a) the Commission,
 - (b) the Future Generations Commission for Wales,
 - (c) any public body or body charged with protecting the needs of future generations in Scotland, 20
 - (d) any public body or body charged with protecting the needs of future generations in Northern Ireland,
 - (e) any other Commission, 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. 30
- (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.

14 Annual reports by other public bodies 35

- (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.
- (2) In preparing a report under this section, a public body must review its wellbeing objectives. 40

- (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.
- (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. 5

Guidance

15 Guidance

- (1) The Secretary of State must issue guidance to other public bodies about the exercise of functions under this Part. 10
- (2) In exercising a function under this Part, a public body must take such guidance into account.

PART 3

PLANNING AND SPENDING 15

16 Futures and forecasting report

- (1) The Secretary of State must, during the period of 12 months beginning with the date of a United Kingdom general election publish a futures and forecasting report that contains—
- (a) the possible long-term future trends concerning the economic, social, environmental and cultural wellbeing of the United Kingdom; 20
 - (b) plans to manage these long-term future trends concerning the economic, social, environmental and cultural wellbeing of the United Kingdom;
 - (c) an assessment of risks, including high-impact, low-probability risks, environmental risks, global risks and risks that may emerge or grow in the future, for at least the next 25 years; 25
 - (d) each department’s plans to prevent, manage and prepare for the potential consequences of the identified future risks;
 - (e) details of the assessment process used to assess the future trends and risks. 30
- (2) In preparing a futures and forecasting report the Secretary of State must take account of—
- (a) any long-term global goals and targets set in place by the United Nations in relation to sustainable development; 35
 - (b) the advice and reports of—
 - (i) the UK Committee on Climate Change,
 - (ii) the United Nations Intergovernmental Panel on Climate Change, and

- (iii) the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services,
 - (c) the views of 11–25-year olds in the United Kingdom as expressed in a continuous engagement exercise, reported on every two years regarding their views on economic, social, cultural and environmental wellbeing, conducted in cooperation with relevant youth and student bodies including the UK Youth Parliament, the National Union of Students, and any other persons or bodies the Secretary of State deems appropriate. 5
- (3) For the purposes of subsection (2)(c), the Secretary of State may by regulations provide for a continuous engagement exercise, reported on every 2 years, with 11–25-year olds from across the United Kingdom. 10
- (4) 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. 15

17 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,
 - (b) breakdowns of spending in each category as defined in subsection (3), and 20
 - (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. 25
- (3) Preventative spending may be categorised as follows—
 - (a) Prevention: expenditure which has the purpose of creating societal conditions which mitigate risks to the future generations principle;
 - (b) Present and future spending: expenditure on a recognised issue which currently breaches the future generations principle to prevent the issue deteriorating and so contribute to the alleviation of the problem for current and future generations; 30
 - (c) 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. 35
- (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 why it has not done so.
- (5) The Treasury must publish an annual report which sets out how it intends to promote the future generations principle, including its justifications for the proportion of money it has allocated towards preventative spending. 40

PART 4

TRANSPARENCY AND ACCOUNTABILITY

Role of the Comptroller and Auditor General

- 18 The future generations principle: Comptroller and Auditor General’s examinations** 5
- (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 –
- (a) setting wellbeing objectives, and
 - (b) taking steps to meet those objectives. 10
- (2) Before the end of the period 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.
- (3) In carrying out an examination under subsection (1), the Comptroller and Auditor General must – 15
- (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 Commission under Part 5, and
 - (b) consult the Commission.
- (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. 20
- (5) The Comptroller and Auditor General must subsequently report on the results of the examinations carried out under this section every five years.
- (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 – 25
- (a) inform the other oversight body about the intention to conduct the examination,
 - (b) consult the other oversight body about the examination, and 30
 - (c) cooperate with the oversight body in jointly preparing and publishing a document that is to be treated as both –
 - (i) the report of the examination required by this section, and
 - (ii) a report of the review or inquiry referred to in this subsection.

Role of the Office for Budget Responsibility 35**19 Specifying the functions of the Office for Budget Responsibility**

- (1) The remit of the Office for Budget Responsibility (“the Office”) includes future risk accounting, particularly considering long-term risks.

- (2) In subsection (4)(b) of section 4 of the Budget Responsibility and National Audit Act 2011 (main duty of Office), at end insert –

“(c) an assessment of the extent to which the milestones set in relation to the national indicators as set out in the Wellbeing of Future Generations Act 2021, have been, or are likely to be, achieved.”

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20 Extending the remit of the Office for Budget Responsibility

- (1) Informed by the futures and forecasting report from the Secretary of State, the Office must present Future Generations Risk Assessment advisory documentation, on an ad hoc basis, to the Treasury regarding relevant fiscal risks faced by future generations.
- (2) The Office must seek to identify relevant risks to national wellbeing objectives associated with financial crises and systemic failures, estimating the likelihood of severe economic downturn and of total economic collapse.

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Joint Committee on Future Generations

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21 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”).
- (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.
- (4) A member appointed to the Committee may serve for the duration of that Parliament.

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22 Functions of the Joint Committee on Future Generations

The Committee’s functions are to –

- (a) examine any bill it deems appropriate 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 they choose to review 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
- (d) participate in the appointment process of the Future Generations Commission, as set out in section 24.

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23 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, 5
 - (b) an annual report to Parliament on the discharge of its functions, and
 - (c) an annual report on the progress and relevance of the national indicators in the annual wellbeing goals report.
- (2) The Committee may make such other reports as it considers appropriate concerning any aspect of its functions. 10

PART 5

PROMOTING GOOD PRACTICE

*The Future Generations Commission***24 Future Generations Commission for the United Kingdom**

- (1) There is to be a Future Generations Commission for the United Kingdom (referred to in this Act as the “Commission”). 15
- (2) The Commission is to be a group of individuals, 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) Appointments may not be made under subsection (2) unless— 20
- (a) a Minister has tabled a motion recommending the appointment of the nominated candidates 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 candidates. 25
- (4) 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. 30
- (5) The Secretary of State may, following consultation with the Commission, 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. 35
- (6) Schedule 1 makes further provision about the Commission.

25 Commission’s general duty

The general duty of the Commission 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, 5
 - (ii) encourage public bodies to take greater account of the long-term impact of the things that they do, and
 - (iii) engage members of the public on issues affecting the long-term future of the United Kingdom;
- (b) to monitor and assess the extent to which wellbeing objectives set by public bodies are being met. 10

The Commission's functions

26 Commission’s functions

- (1) The Commission may, in carrying out the Commission’s general duty—
 - (a) provide advice or assistance to a public body; 15
 - (b) provide advice to the Comptroller and Auditor General on the future generations principle;
 - (c) provide advice or assistance to any other person or public body which the Commission considers is taking, or wishes to take, steps that may contribute to the achievement of the wellbeing goals; 20
 - (d) encourage best practice amongst public bodies in taking steps to meet their wellbeing objectives in accordance with the future generations principle;
 - (e) promote awareness amongst public bodies of the need to take steps to meet their wellbeing objectives in accordance with the future generations principle; 25
 - (f) encourage public bodies to work with each other and with other persons to meet their wellbeing objectives;
 - (g) instigate meetings with the Joint Committee, at any reasonable time, to review the national indicators; 30
 - (h) seek the advice of the advisory citizens panel (see section 37) in relation to the exercise of any of the Commission’s functions.
- (2) The Commission may undertake research or other study into—
 - (a) the extent to which the wellbeing goals and national indicators are consistent with the future generations principle, 35
 - (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
 - (d) anything related to any of those things that impacts upon the economic, social, environmental and cultural wellbeing of the United Kingdom. 40

- (3) References in this section to providing assistance to a public body do not include providing financial assistance.

27 Reviews by the Commission

- (1) The Commission may conduct a review of the extent to which a public body is meeting its wellbeing duties under section 6, including but not limited to a review of whether a public body is meeting, in the exercise of its functions, its wellbeing objectives under section 6(2)(b). 5
- (2) In conducting a review, the Commission must have regard to any examination of the body carried out by the Comptroller and Auditor General under section 18. 10
- (3) In conducting a review, the Commission may make recommendations to the public body about—
- (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. 15
- (4) The Commission may conduct a single review of two or more public bodies.
- (5) The Commission 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 Commission may require a public body to provide such information as the Commission considers relevant to the review. 20
- (7) A public body is not required to provide information to the Commission 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.

28 Recommendations made by the Commission 25

- (1) In providing advice or assistance to a public body, the Commission may also make recommendations to Her Majesty's Government about the wellbeing goals or the national indicators.
- (2) The Commission must publish any recommendations made under this section.

29 Duty to follow recommendations 30

- (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 Commission under section 27, 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 35
 - (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 public bodies about how to respond to a recommendation made by the Commission.
- (3) In deciding how to respond to such a recommendation, a public body must take such guidance into account.
- (4) A public body must publish its response to a recommendation made by the Commission, 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. 5

30 Investigations

- (1) The Commission may conduct an investigation if they suspect that the public body concerned has failed to comply with its duties under section 29. 10
- (2) Any person may request the Commission to initiate an investigation if they believe that a public body has failed to fulfil its duties under section 6.
- (3) The Commission, after a period of at least six months after issuing a recommendation or recommendations to a public body in accordance with section 27, may conduct an investigation into whether or not a public body has complied with its duty to follow recommendations in accordance with section 29. 15
- (4) Before finalising a report of an investigation recording a finding that a public body has committed an unlawful act the Commission must – 20
 - (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 2 makes supplemental provision about investigations. 25

31 Applications to court

If, following an investigation under section 30, the Commission concludes that a public body has failed to fulfil its duties under section 6 or section 29, 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 Commission, and
- (b) to take such other action as the court may specify.

32 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 6 and 29 of this Act. 35
- (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 Commission in accordance with section 30.
- (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.
- 33 Judicial remedies** 15
- (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 6 and 29 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 Commission, impose a fine, payable to the Commission, in an amount prescribed by regulations made by the Secretary of State. 20
- 34 Future generations report**
- (1) The Commission must prepare and publish, before the end of each reporting period, a report containing the Commission’s assessment of the improvements public bodies should make in order to set and meet wellbeing objectives in accordance with the future generations principle. 25
- (2) The Commission’s report must include an assessment of how public bodies should –
- (a) better safeguard the ability of future generations to meet their needs, and 30
 - (b) take greater account of the long-term impact of the things that they do.
- (3) In this section and section 35, the “reporting period” is the period –
- (a) beginning with the day after that on which a futures and forecasting report under section 16 is published, and 35
 - (b) ending on the date of publication of the next futures and forecasting report.
- (4) In addition to the assessment mentioned in subsection (1), a report under this section must also include – 40

- (a) a summary of the evidence gathered and activities undertaken by the Commission during the reporting period (see section 35);
 - (b) a summary of the reviews conducted by the Commission during the reporting period (see section 35);
 - (c) a summary of any other action taken by the Commission during the reporting period in the exercise of the Commission’s functions. 5
- (5) A report under this section may include—
- (a) an account of any research or other study undertaken under section 26(2);
 - (b) any other information the Commission considers appropriate. 10
- (6) The Commission 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. 15

35 Future generations report: activity during the reporting period

- (1) During a reporting period (but before the report under section 34 is published) the Commission must consult—
- (a) the advisory panel (see section 37);
 - (b) each public body; 20
 - (c) representatives of voluntary organisations;
 - (d) any person who the Commission 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; 25
 - (f) representatives of persons carrying on business;
 - (g) trade unions representing workers;
 - (h) the Committee on Climate Change;
 - (i) representatives of the UK Youth Parliament and the National Union of Students; 30
 - (j) any other person or organisations the Commission considers appropriate to ensure that economic, social, environmental and cultural interests are fully represented.
- (2) In preparing a report under section 34 the Commission 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 12 published during the reporting period;
 - (b) the futures and forecasting report published under section 16 on the day before the beginning of the reporting period; 40
 - (c) relevant reports of the Comptroller and Auditor General.

36 Joint working

- (1) This section applies if the Commission intends to conduct a review of a public body under section 27 and it appears to the Commission 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 – 5
- (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; 10
 - (d) any other commissioner, person or public body deemed to be appropriate by the Commission.
- (2) The Commission may –
- (a) inform the other person or public body about the intention to conduct the review, and 15
 - (b) consult the other person or public body about the review.
- (3) The Commission and other person or public body may –
- (a) cooperate with each other;
 - (b) jointly prepare and publish a document that is to be treated as both – 20
 - (i) the report of the review required by section 27, and
 - (ii) a report of the review or inquiry referred to in subsection (1) of this section.

*Advisory panel to the Commission***37 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 Commission on the exercise of the Commission’s functions. 25
- (2) The citizens panel must consist of at least 50 persons.
- (3) The Secretary of State must provide by regulations for a “citizens panel coordinating body” which must – 30
- (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;
 - (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; 35
 - (c) establish a rotation process for the membership so as to replace members of the citizens panel.

- (4) For the purpose of subsection (3)(c), one-third of members 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.
- (6) The Commission may require the citizens panel to meet more frequently if the Commission deems it appropriate. 5
- (7) The Commission must publish any recommendations made by the citizens panel in meetings with the Commission by methods the Commission deems appropriate.
- (8) The Commission must publish a response to the recommendations within one month of the recommendations being made. 10
- (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 Commission, dismiss a member if satisfied that the member – 15
 - (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.
- (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. 20

Ministers for Future Generations

38 Added duties for existing Ministers

- (1) A duty to promote the Future Generations principle must be added to an existing Minister in each government department's portfolio for the purpose of ensuring the wellbeing goals and national indicators are being considered across departments, when formulating policy. 25
- (2) The Ministers are to be chosen 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. 30

39 Ministers' general duty

The general duty of the Ministers is –

- (a) to promote the future generations principle, and in particular to – 35
 - (i) act as a guardian of the ability of future generations to meet their needs,
 - (ii) encourage government departments to take greater account of the long-term impact of the things that they do, and

- (iii) ensure the futures and forecasting report builds on the horizon scanning work that the Government Office of Science undertakes, and is incorporated into the long-term vision of each department’s policy agendas.
- (b) to monitor and assess the extent to which wellbeing objectives set by Government departments are being met. 5

40 Ministers’ functions

- (1) The Ministers may, in carrying out their general duty –
 - (a) provide advice or assistance to a Secretary of State or another Minister;
 - (b) encourage best practice amongst government officials in taking steps to meet their wellbeing objectives in accordance with the future generations principle; 10
 - (c) encourage best practice amongst government officials in accounting for the futures and forecasting report in their work;
 - (d) promote awareness amongst government departments of the need to take steps to meet their wellbeing objectives in accordance with the future generations principle; 15
 - (e) encourage government departments to work with each other and with other persons to meet their wellbeing objectives; and
 - (f) instigate meetings with the Joint Committee and Future Generations Commission, at any reasonable time, to review the national indicators. 20
- (2) References in this section to providing assistance do not include providing financial assistance.

PART 6

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.

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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 and 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.
- (3) This Act may be cited as the Wellbeing of Future Generations Act 2021.

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SCHEDULES

SCHEDULE 1

Section 24

THE FUTURE GENERATIONS COMMISSION FOR THE UNITED KINGDOM

Status

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

Duration of appointment

- 2 Individuals appointed to the Commission hold office for a period of 7 years. 10

Validity of acts

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

Terms of appointment

- 4 The Commission 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 Commission.
- (2) The Secretary of State may pay allowances (including travelling and subsistence allowances) and gratuities to the Commission.
- (3) The Secretary of State may pay— 30
- (a) pensions to, or in respect of, individuals who have been on the Commission, and
- (b) amounts for or towards provision of pensions to, or in respect of, individuals who have been on the Commission.

Disqualification

- 6 (1) An individual cannot be appointed as part of the Commission if the individual is disqualified on any of the grounds specified in sub-paragraph (3).
- (2) An individual ceases to be on the Commission if the individual is disqualified on any of the grounds specified in sub-paragraph (3). 5
- (3) An individual is disqualified from being on the Commission if the individual is –
- (a) a member of the citizens 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,
 - (ii) either House of Parliament, or
 - (iii) Her Majesty’s Government; 10
 - (c) a member of the House of Commons or House of Lords;
 - (d) a member of Senedd Cymru;
 - (e) a member of the Scottish Parliament;
 - (f) a member of the Northern Ireland Assembly;
 - (g) a member of a local authority in the United Kingdom; 20
 - (h) a member of the Commission’s staff.

End of appointment (other than through disqualification)

- 7 (1) A member of the Commission may resign from office by giving the Secretary of State not less than three months’ notice in writing of their intention to do so. 25
- (2) The Secretary of State may dismiss members of the Commission if satisfied that they are –
- (a) unfit to continue as part of the Commission, or
 - (b) unable or unwilling to exercise their functions.

Powers

- 8 (1) The Commission may do anything the Commission considers appropriate in connection with the Commission’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;
 - (c) accepting gifts of money or other property. 30
- (2) The Commission must not –
- (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 Commission’s power to charge for the provision of advice or another service is limited to charging such amounts as the Commission thinks appropriate to recover the actual or estimated costs to the Commission of providing that advice or service.

Staff

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- 9 (1) The Commission may appoint such staff as the Commission considers appropriate in connection with the exercise of the Commission’s functions.

- (2) The Commission may pay remuneration to the members of the Commission’s staff.

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- (3) The Commission may pay allowances (including travelling and subsistence allowances) and gratuities to the members of the Commission’s staff.

- (4) The Commission may pay –

- (a) pensions to, or in respect of, persons who have been members of the Commission’s staff, and

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- (b) amounts for or towards provision of pensions to, or in respect of, persons who have been members of the Commission’s staff.

- (5) The Commission must obtain the approval of the Secretary of State for –

- (a) the number of staff that may be appointed;

- (b) the terms and conditions of service of the staff;

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- (c) any payments that may be made under sub-paragraphs (2) to (4).

Delegation

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

25

Complaints procedure

- 11 (1) The Commission must establish a procedure for the investigation of complaints about the exercise of its functions (“the complaints procedure”).

- (2) The complaints procedure must include provision about –

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- (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;

- (d) the action that the Commission must consider taking in response to a complaint.

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- (3) The Commission may amend the complaints procedure, subject to the requirement to include provisions in accordance with sub-paragraph (2).

- (4) The Commission must –

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- (a) make a copy of the complaints procedure available for inspection at the Commission’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 Commission considers appropriate. 5
- (5) The Commission 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 Commission thinks likely to have an interest in the procedure.

Register of interests 10

- 12 (1) The Commission must create and maintain a register containing all of the Commission’s registrable interests.
- (2) For the purposes of this paragraph and paragraph 13—
- (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 Commission has a connection whether familial, financial or of any other kind); 15
 - (b) “interest” means an interest of any kind (including gifts, hospitality, donations received, other financial interests, and all activities and occupations). 20
- (3) The Commission must keep the register of interests up to date.
- 13 (1) The Commission must—
- (a) make a copy of the register of interests available for inspection at the Commission’s office, and
 - (b) ensure that copies of the register are made available at such other places and by such other means as the Commission considers appropriate. 25
- (2) The Commission 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 Commission thinks likely to have an interest in the register. 30

Conflicts of interest

- 14 (1) A member of the Commission must not exercise a function if the member has a registrable interest that relates to the exercise of the function. 35
- (2) If that prevents the Commission from exercising a function, the Commission must delegate that function (so far as necessary to enable it to be exercised) to a member of the Commission’s staff.

Payments by the Secretary of State

- 15 The Secretary of State may pay the Commission 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 the Commission.

Annual reports

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- 16 (1) The Commission must produce a report in relation to each financial year (an “annual report”).
- (2) The Commission’s first financial year is the period beginning on the day the first appointments to the Commission are made under section 24 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 Commission’s functions;
 - (b) an analysis of the effectiveness of that action in enabling the general duty of the Commission to be fulfilled (see section 25); 15
 - (c) a summary of the Commission’s work programme for that financial year;
 - (d) the Commission’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 11. 20
- (4) An annual report may include –
- (a) the Commission’s assessment of the improvements that public bodies should make in order to meet their wellbeing objectives in accordance with the future generations principle; 25
 - (b) any other information the Commission considers appropriate.
- (5) In preparing an annual report, the Commission must consult –
- (a) the citizens panel, and
 - (b) any other person the Commission considers appropriate.
- (6) The Commission must publish the annual report no later than 31 August in the following financial year. 30
- (7) The Commission 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

- 17 (1) A member or members of the Commission are to be elected by the Commission as the accounting officer, who will be in charge of accounting for the office of the Commission.

- (2) The accounting officer or officers have, in relation to the accounts and the finances of the Commission, responsibilities that are from time to time specified by the Treasury.
- (3) In this paragraph references to responsibilities include –
 - (a) responsibilities in relation to the signing of accounts; 5
 - (b) responsibilities for the propriety and regularity of the finances of the Commission;
 - (c) responsibilities for the economy, efficiency and effectiveness with which the resources of the Commission are used.
- (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. 10

Estimates

- 18 (1) For each financial year other than the first, the Commission must prepare an estimate of the income and expenses of the Commission and the Commission’s staff. 15
- (2) The Commission must submit the estimate to the Secretary of State at least five months before the beginning of the financial year to which it relates. 20
- (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.

Accounts

- 19 (1) The Commission must – 25
 - (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 – 30
 - (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; 35
 - (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

- 20 (1) The Commission 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— 5
- (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. 10
- (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 15

- 21 (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 Commission’s functions.
- (2) The Comptroller and Auditor General is not entitled to question the merits of the policy objectives of the Commission. 20
- (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. 25
- (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. 30

Seal and validity of documents

- 22 (1) The Commission may have a seal.
- (2) A document purporting to be—
- (a) duly executed under the seal of the Commission, or
- (b) signed by or on behalf of the Commission, 35
- is to be received in evidence and, unless the contrary is proved, taken to be so executed or signed.

SCHEDULE 2

Section 30

INVESTIGATIONS BY THE FUTURE GENERATIONS COMMISSION FOR THE UNITED KINGDOM

Terms of reference

- 1 This Schedule applies to investigations under section 30.
- 2 Before conducting an investigation the Commission must – 5
 - (a) prepare terms of reference specifying the public body to be investigated and the nature of the unlawful act which the Commission suspects,
 - (b) give the public body to be investigated notice of the proposed terms of reference, 10
 - (c) give the public body to be investigated an opportunity to make representations about the proposed terms of reference,
 - (d) consider any representations made, and
 - (e) publish the terms of reference once settled.

Representations

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- 3 (1) The Commission must make arrangements for giving public bodies an opportunity to make representations in relation to investigations.
- (2) In particular, in the course of an investigation the Commission must give any public body specified in the terms of reference an opportunity to make representations. 20
- (3) In cases which have been referred by a person (not the Commission) for investigation, the Commission must make arrangements for that person to make representations in relation to investigations.
- (4) Arrangements under this paragraph may (but need not) include arrangements for oral representations. 25
- (5) The Commission must consider representations made in relation to an investigation.

Evidence

- 4 In the course of an investigation the Commission may give a notice under paragraph 5 to any public body. 30
- 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 – 35
 - (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,
- (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. 5
- 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 –
- (a) unnecessary having regard to the purpose of the investigation to which the notice relates, or 10
- (b) otherwise unreasonable.
- 7 (1) Sub-paragraph (2) applies where the Commission thinks that a public body –
- (a) has failed without reasonable excuse to comply with a notice under paragraph 5, or 15
- (b) is likely to fail without reasonable excuse to comply with a notice under paragraph 5.
- (2) The Commission 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. 20
- 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), 25
- (b) falsifies anything provided or produced in accordance with a notice under paragraph 5, or
- (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 is liable to the penalties set out in section 33 of this Act. 30

Reports

- 9 The Commission must publish a report of the findings of an investigation.

Recommendations

- 10 The Commission may make recommendations – 35
- (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.

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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.

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Wellbeing of Future Generations Bill [HL]

[AS INTRODUCED]

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Make provision for a public consultation to inform a set of national wellbeing goals; to require 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 and accounting for preventative spending; to establish a futures and forecasting report; to establish a Commission for Future Generations for the United Kingdom; to extend the duty of the Office of Budget Responsibility to consider wellbeing and the future generations principle in their work; to add onto a Minister in each government department's portfolio a duty to promote the future generations principle across government policy; to establish a Joint Parliamentary Committee on Future Generations; and for connected purposes.

Lord Bird

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