



House of Commons (Administration) Act 1978

1978 CHAPTER 36

1 The House of Commons Commission.

(1) There shall be a body of Commissioners named the House of Commons Commission to perform the functions conferred on it by this Act.

[^{F1}(1A) The Commission is to consist of seven parliamentary members, two external members and two official members.]

(2) The [^{F2}parliamentary members are to be] —

- (a) Mr. Speaker,
- (b) the Leader of the House of Commons,
- (c) a member of the House of Commons nominated by the Leader of the Opposition,
- (d) [^{F3}four] other members of the House of Commons appointed by the House of Commons, none of whom shall be a Minister of the Crown.

[^{F4}(2A) An external member may not be—

- (a) a member of the House of Commons,
- (b) a member of the House of Lords,
- (c) a member of staff in the House Departments, or
- (d) a member of staff of the House of Lords.

(2B) An external member is to be appointed by resolution of the House of Commons.

(2C) The official members are—

- (a) the Clerk of the House of Commons or, if that office is vacant, a member of staff in the House Departments who is appointed as an official member by the Commission, and
- (b) the Director General of the House of Commons or, if that office is vacant or no longer exists, a member of staff in the House Departments who is appointed as an official member by the Commission.]

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- (3) As soon as possible after the end of the year 1978–79, and of each subsequent financial year, the Commission shall prepare and present to the House of Commons a report on the exercise of its functions in that year, and shall cause it to be printed.
- (4) In this section—
- “Leader of the House of Commons” means the Minister of the Crown for the time being nominated as such by the Prime Minister,
- “Leader of the Opposition” means the person who is the Leader of the Opposition in the House of Commons for the purposes of section 2 of the ^{M1}Ministerial and other Salaries Act 1975.
- [^{F5}“member of staff of the House of Lords” means a person who is employed under a contract of employment with the Corporate Officer of the House of Lords.]
- (5) Schedule 1 to this Act has effect as respects the Commission.

Textual Amendments

- F1** S. 1(1A) inserted (26.3.2015 for specified purposes, 10.7.2015 in so far as not already in force) by [House of Commons Commission Act 2015 \(c. 24\), ss. 1\(2\), 3\(2\)\(3\)](#)
- F2** Words in s. 1(2) substituted (26.3.2015 for specified purposes, 10.7.2015 in so far as not already in force) by [House of Commons Commission Act 2015 \(c. 24\), ss. 1\(3\)\(a\), 3\(2\)\(3\)](#)
- F3** Word in s. 1(2)(d) substituted (26.3.2015 for specified purposes, 10.7.2015 in so far as not already in force) by [House of Commons Commission Act 2015 \(c. 24\), ss. 1\(3\)\(b\), 3\(2\)\(3\)](#)
- F4** S. 1(2A)-(2C) inserted (26.3.2015 for specified purposes, 10.7.2015 in so far as not already in force) by [House of Commons Commission Act 2015 \(c. 24\), ss. 1\(4\), 3\(2\)\(3\)](#)
- F5** Words in s. 1(4) inserted (26.3.2015 for specified purposes, 10.7.2015 in so far as not already in force) by [House of Commons Commission Act 2015 \(c. 24\), ss. 1\(5\), 3\(2\)\(3\)](#)

Marginal Citations

- M1** 1975 c. 27.

2 Functions of Commission.

- [^{F6}(A1) The Commission must from time to time set strategic priorities and objectives in connection with services provided by the House Departments.]
- (1) The Commission shall appoint all staff in the House Departments, and shall determine their numbers and their remuneration and other terms and conditions of service.
- (2) The Commission shall ensure that the complementing, grading and pay of staff in the House Departments are kept broadly in line with those in the [^{F7}statutory home civil service], and that, so far as consistent with the requirements of the House of Commons, the other conditions of service of staff in the House Departments are also kept broadly in line with those in the [^{F7}statutory home civil service].
- (3) The Commission shall ensure that the pensions and other similar benefits of staff in or formerly in the House Departments are kept in line with the provisions of [^{F8}, or provided under,]the principal Civil Service Pension Scheme (as it applies for the time being to the [^{F7}statutory home civil service]), but need not do so in the case of staff for whom provision for such benefits was made under another scheme before they

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entered service in the House Departments and continues to be so made in respect of such service.

(4) Subsection (1) above does not apply to the power to appoint, or the tenure of office of, the Clerk of the House of Commons, any Clerk Assistant, the Serjeant at Arms or Mr. Speaker's personal staff.

[^{F9}(5) The statutory home civil service" means the civil service (excluding Her Majesty's diplomatic service) within the meaning of Chapter 1 of Part 1 of the Constitutional Reform and Governance Act 2010 (see section 1(4) of that Act).]

Textual Amendments

- F6** S. 2(A1) inserted (10.7.2015) by [House of Commons Commission Act 2015 \(c. 24\)](#), [ss. 2, 3\(3\)](#)
- F7** Words in s. 2(2)(3) substituted (11.11.2010) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), [s. 52](#), [Sch. 2 para. 5\(2\)](#); [S.I. 2010/2703](#), [art. 2\(a\)](#); [S.I. 2010/2703](#), [art. 2\(a\)](#)
- F8** Words in s. 2(3) inserted (1.4.2014) by [Public Service Pensions Act 2013 \(c. 25\)](#), [s. 41\(2\)](#), [Sch. 8 para. 13](#) (with [Sch. 11 para. 8](#)); [S.I. 2014/839](#), [art. 4\(2\)\(f\)](#)
- F9** S. 2(5) inserted (11.11.2010) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), [s. 52](#), [Sch. 2 para. 5\(3\)](#); [S.I. 2010/2703](#), [art. 2\(a\)](#)

[^{F103} **Financial provisions.**

- (1) For each financial year the Commission shall prepare and lay before the House of Commons an estimate for that year of the use of resources for the service of the House of Commons.
- (2) The Commission may appoint a member of the staff in the House Departments, to be known as the accounting officer, to be responsible for accounting for the use of resources for the service of the House of Commons.
- (3) Subject to subsection (4), all fees and other sums payable to the House of Commons shall be paid into the Consolidated Fund.
- (4) The Commission may, subject to any relevant limit set by an Appropriation Act—
- direct that resources to a specified value may be applied as an appropriation in aid of resources authorised by Parliament to be used for the service of a particular year, and
 - make provision similar to section 2(3) to (5) of the Government Resources and Accounts Act 2000 about money received in connection with an appropriation in aid.
- (5) In this section a reference to the use of resources is a reference to their expenditure, consumption or reduction in value.]

Textual Amendments

- F10** S. 3 substituted (22.12.2000) by [2000 c. 20](#), [s. 29](#), [Sch. 1 para. 17](#); [S.I. 2000/3349](#), [art. 2\(f\)](#)

4 The House Departments.

- (1) In this Act "House Departments" means—

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- (a) the Department of the Clerk of the House of Commons,
 - (b) the Department of the Speaker,
 - (c) the Department of the Serjeant at Arms,
 - (d) the Department of the Library,
 - (e) the Administration Department,
 - (f) the Department of the Official Report of the House of Commons,
- and any other House Department provided for under subsection (3) below.
- (2) In this section “the Department of the Official Report of the House of Commons” means that branch of the Department of the Speaker which immediately before the passing of this Act had the function of producing that report, and accordingly on that passing that branch shall become a separate department and shall cease to be part of the Department of the Speaker, without prejudice however to any power exercisable by the Commission in relation to either department under subsection (3) below.
- (3) The Commission may from time to time—
- (a) increase or reduce the number of House Departments,
 - (b) allocate functions to any House Department,
 - (c) for those purposes make such arrangements for and in connection with the creation, division, amalgamation or abolition of any House Department (including one created after the passing of this Act) as appear to the Commission expedient.
- (4) The Commission may from time to time direct that all or any of the provisions of this Act relating to staff in the House Departments shall apply to any office or post which is not in a House Department but falls within subsection (5) below, and to the staff appointed, or to be appointed, to any such office or post, and may further direct that the holder of any such office or post shall be treated as having been appointed by the Commission.
- (5) An office or post falls within this subsection if staff appointed to it are employed in or for the purposes of the House of Commons.
- (6) Subsection (4) above does not apply to the power to appoint, or the tenure of office of, Mr. Speaker’s personal staff.

Modifications etc. (not altering text)

- C1** S. 4 excluded by [National Audit Act 1983 \(c.44, SIF 99:1\)](#), **s. 1(4)**
- C2** S. 4(4) excluded (1.4.2012) by [Budget Responsibility and National Audit Act 2011 \(c. 4\)](#), **ss. 12(2), 29** (with [Sch. 4](#)); [S.I. 2011/2576](#), art. 5

5 Short title, etc.

- (1) This Act may be cited as the House of Commons (Administration) Act 1978.
- (2) In this Act—
- “the Accounting Officer” has the meaning given by section 3(2) of this Act,
 - “the Commission” means the House of Commons Commission,
 - “House Departments” has the meaning given by section 4(1) of this Act.
- (3) Schedule 2 to this Act (supplementary and consequential provisions) shall have effect.

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- (4) The enactments in Schedule 3 to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (5) The following provisions of this Act, namely—
section 2,
paragraphs 3 to 5 of Schedule 2, and
Schedule 3,
shall not come into force until 1st January 1979.

Modifications etc. (not altering text)

- C3** S. 5 (4) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

Changes to legislation:

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