

**2005 No. 249**

**PARLIAMENTARY COMMISSIONER**

**The Parliamentary Commissioner Order 2005**

*Made* - - - - - *9th February 2005*  
*Laid before Parliament* *21st February 2005*  
*Coming into force* - - - *14th March 2005*

At the Court at Buckingham Palace, the 9th day of February 2005

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of sections 4(2) and 5(9) of the Parliamentary Commissioner Act 1967(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

**Citation, commencement and interpretation**

- 1.—(1) This Order may be cited as the Parliamentary Commissioner Order 2005.
- (2) This Order comes into force on 14th March 2005.
- (3) In this Order “the Act” means the Parliamentary Commissioner Act 1967.

**Amendment to Schedule 2 to the Act**

2. For Schedule 2 to the Act, there shall be substituted the Schedule set out in Schedule 1 to this Order.

**Amendment to Schedule 4 to the Act**

3. For Schedule 4 to the Act, there shall be substituted the Schedule set out in Schedule 2 to this Order.

*A. K. Galloway*  
Clerk of the Council

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(a) 1967 c.13; amended by the Parliamentary and Health Service Commissioners Act 1987 and the Parliamentary Commissioner Act 1994.

## SCHEDULE 1

Article 2

### SCHEDULE SUBSTITUTED FOR SCHEDULE 2 TO THE PARLIAMENTARY COMMISSIONER ACT 1967

## “SCHEDULE 2

Section 4

### DEPARTMENTS Etc. SUBJECT TO INVESTIGATION

Adult Learning Inspectorate.

Administration of Radioactive Substances Advisory Committee.

Advisory Board on the Registration of Homeopathic Products.

Advisory Committee on Borderline Substances.

Advisory Committee on Clinical Excellence Awards.

Advisory Committee on Dangerous Pathogens.

Advisory Committee on Novel Foods and Processes.

Advisory, Conciliation and Arbitration Service.

Advisory Council on Historical Manuscripts.

Advisory Council on National Records and Archives.

Advisory Council on Public Records.

Advisory Group on Hepatitis.

Advisory Panel on Beacon Councils.

Advisory Panel on Standards for the Planning Inspectorate.

Agricultural Dwelling House Advisory Committees.

Agricultural Wages Board for England and Wales.

Agricultural wages committees.

Alcohol Education and Research Council.

Arts and Humanities Research Council.

Arts Council of England.

The Director of the Assets Recovery Agency.

Authorised Conveyancing Practitioners Board.

Biotechnology and Biological Sciences Research Council.

Board of Trade.

Boundary Commission for England.

Boundary Commission for Northern Ireland.

Boundary Commission for Scotland.

Boundary Commission for Wales.

British Association for Central and Eastern Europe.

British Council.

British Educational Communications and Technology Agency.

British Film Institute.

British Hallmarking Council.

British Library Board.

British Museum.

British Pharmacopoeia Commission.

British Potato Council.

British Tourist Authority.

Building Regulations Advisory Committee.

Cabinet Office.

Council for the Central Laboratory of the Research Councils.

Central Bureau for Educational Visits and Exchanges.

Central Office of Information.

Central Police Training and Development Authority.

The Certification Officer.

Charity Commission.

The Chief Inspector of Criminal Justice for Northern Ireland.

Children and Family Court Advisory and Support Service.

Civil Aviation Authority.

Civil Justice Council.

Coal Authority.

Commission for Architecture and the Built Environment.

Commission for Healthcare Audit and Inspection.

Commission for the New Towns.

Commission for Patient and Public Involvement in Health.

Commission for Racial Equality.

Commission for Social Care Inspection.

Committee on the Biological Safety of Blood and Tissues for Transplantation.

Committee on Carcinogenicity of Chemicals in Food, Consumer Products and the Environment.

Committee on the Medical Aspects of Air Pollutants.

Committee on Medical Aspects of Radiation in the Environment.

Committee on Mutagenicity of Chemicals in Food, Consumer Products and the Environment.

Committee on the Safety of Devices.

Committee on the Safety of Medicines.

Committee on Standards in Public Life.

Committee on Toxicity of Chemicals in Food, Consumer Products and the Environment.

Commonwealth Scholarship Commission in the United Kingdom.

Community Development Foundation.

Competition Commission.

Construction Industry Training Board.

Consumer Council for Postal Services.

Countryside Agency.

Crown Estate Office.

Culture East Midlands.

Culture North East.

Culture North West.

Culture South East.

Culture South West.

Customs and Excise.

Dental Vocational Training Authority.

Department for Constitutional Affairs.

Department for Culture, Media and Sport.

Department for Education and Skills.

Department for Environment, Food and Rural Affairs.

Department of Health.

Department for International Development.

Department of Trade and Industry.

Department for Transport.

Department for Work and Pensions.

Design Council.

Disability Rights Commission.

Disabled Persons Transport Advisory Committee.

Economic and Social Research Council.

Electoral Commission.

Engineering Construction Industry Training Board

Engineering and Physical Sciences Research Council.

English Nature.

English Sports Council.

English Tourist Board.

Environment Agency.

Equal Opportunities Commission.

Expert Advisory Group on AIDS.

Export Credits Guarantee Department.

The Director of Fair Access to Higher Education.

Fleet Air Arm Museum.

Food from Britain.

Food Standards Agency.

Football Licensing Authority.

Foreign and Commonwealth Office.

Forestry Commission.

Gaming Board for Great Britain.

Gangmasters Licensing Authority.

Gas and Electricity Consumer Council.

Gas and Electricity Markets Authority.

Geffrye Museum.

Gene Therapy Advisory Committee.

General Social Care Council.

Genetics and Insurance Committee.

Government Actuary's Department.

The Great Britain-China Centre.

Health and Safety Commission.

Health and Safety Executive.

Health Protection Agency.

Her Majesty's Stationery Office.

Her Majesty's Treasury.

Higher Education Funding Council for England.

Historic Buildings and Monuments Commission for England.

Historic Royal Palaces.

Home-Grown Cereals Authority.

Home Office.

Horniman Museum and Gardens.

Horserace Betting Levy Board.

Horticultural Development Council.

Housing Corporation.

Human Fertilisation and Embryology Authority.

Human Genetics Commission.

The Immigration Services Commissioner.

Imperial War Museum.

Independent Advisory Group on Sexual Health and HIV.

Independent Reconfiguration Panel.

The Independent Regulator of NHS Foundation Trusts.

Independent Review Body for the Advertising of Medicines.

Independent Review Panel on the Classification of Borderline Medicines.

Independent Scientific Group on Cattle TB.

The Information Commissioner.

Inland Revenue.

The International Rail Regulator.



Investors in People UK.

Joint Committee on Vaccination and Immunisation.

Joint Nature Conservation Committee.

Land Registry.

Learning and Skills Council for England.

Legal Services Commission.

The Legal Services Complaints Commissioner.

The following general lighthouse authorities—

- (a) the Corporation of the Trinity House of Deptford Strond;
- (b) the Commissioners of Northern Lighthouses.

Living East.

The Lord President of the Council's Office.

Marshall Aid Commemoration Commission.

Meat and Livestock Commission.

Medical Research Council.

Medical Workforce Standing Advisory Committee.

Medicines Commission.

Milk Development Council.

Millennium Commission.

Ministry of Defence.

Museum of London.

Museum of Science and Industry in Manchester.

Museums, Archives and Libraries Council.

National Army Museum.

National Biological Standards Board (UK).

National Community Forum.

National Consumer Council.

National Employer Advisory Board.

National Endowment for Science, Technology and the Arts.

National Forest Company.

National Gallery.

National Health Service-wide Clearing Service.

National Heritage Memorial Fund.

National Lottery Charities Board.

National Lottery Commission.

National Maritime Museum.

National Museum of Science and Industry.

National Museums and Galleries on Merseyside.

National Portrait Gallery.

National Radiological Protection Board.

National Specialist Commissioning Advisory Group.

Natural Environment Research Council.

Natural History Museum.

New Opportunities Fund.

Northern Ireland Court Service.

Northern Ireland Human Rights Commission.

Northern Ireland Legal Services Commission.

Northern Ireland Office.

Northern Ireland Policing Board.

Nuclear Decommissioning Authority.

Nutrition Forum.

Occupational Pensions Regulatory Authority.

Office of Her Majesty's Chief Inspector of Schools in England.

Office of Communications.

Office of the Deputy Prime Minister.

Office of the Director General of Water Services.

Office of Fair Trading.

Office for National Statistics.

Office of Rail Regulation.

Office of the Regulator of Community Interest Companies.

Office of the Secretary of State for Scotland.

The Official Solicitor to the Supreme Court.

Oil and Pipelines Agency.

Ordnance Survey.

Parole Board.

Particle Physics and Astronomy Research Council.

Patient Information Advisory Group.

Partnerships for Schools.

Pensions Compensation Board.

Police Information Technology Organisation.

Postal Services Commission.

Postgraduate Medical Education and Training Board.

Probation Board for Northern Ireland.

The Registrar of Public Lending Right.

Public Record Office.

Qualifications and Curriculum Authority.

Rail Passengers' Committees.

Rail Passengers' Council.

Regional development agencies (other than the London Development Agency).

Remploy Ltd.

Residuary Bodies.

Reviewing Committee on the Export of Works of Art.

Royal Air Force Museum.

Royal Armouries Museum.

Royal Botanic Gardens, Kew.

Royal Commission on Historical Manuscripts.

Royal Marines Museum.

Royal Mint.

Royal Naval Museum.

Royal Navy Submarine Museum.

Scientific Advisory Committee on Nutrition.

Sea Fish Industry Authority.

Sector Skills Development Agency.

Security Industry Authority.

Service Authority for the National Crime Squad.

Service Authority for the National Criminal Intelligence Service.

SITPRO Ltd.

Sir John Soane's Museum.

Specialist Advisory Committee on Antimicrobial Resistance.

Spongiform Encephalopathy Advisory Committee.

Standards Board for England.

Standing Dental Advisory Committee.

Standing Medical Advisory Committee.

Standing Nursing and Midwifery Advisory Committee.

Standing Pharmaceutical Advisory Committee.

Statistics Commission.

Strategic Rail Authority.

Sustainable Development Commission.

Tate Gallery.

Teacher Training Agency.

Treasure Valuation Committee.

The Treasury Solicitor.

UK Film Council.

United Kingdom Advisory Panel for Healthcare Workers Infected with Blood borne Viruses.

United Kingdom Atomic Energy Authority.

United Kingdom Sports Council.

United Kingdom Xenotransplantation Interim Regulatory Authority.

Unlinked Anonymous Surveys Steering Group.

Unrelated Live Transplant Regulatory Authority.

Urban development corporations established for urban development areas wholly in England.

Urban Regeneration Agency.

Valuation Tribunal Service.

Victoria and Albert Museum.

Wales Office.

Wallace Collection.

War pensions committees.

West Midlands Life.

Westminster Foundation for Democracy.

Wider Health Working Group.

Wine Standards Board.

Women's National Commission.

Yorkshire Culture.

Youth Justice Board for England and Wales.

Zoos Forum.

## *NOTES*

### *General*

In relation to any function exercised on behalf of the Crown by a department or authority to which this Act applies which was previously exercisable on behalf of the Crown by a department or authority to which this Act does not apply, the reference to the department or authority to which this Act applies includes a reference to the other department or authority if the other department or authority—

- (a) ceased to exercise the function before the commencement of this Act; or
- (b) where it exercised the function after the commencement of this Act, did so only when it was a department or authority to which this Act applied.

### *Assets Recovery Agency*

In the case of the Director of the Assets Recovery Agency an investigation may be conducted only in respect of the exercise of functions vested in him by virtue of a notice served on the Commissioners of Inland Revenue under section 317(2), 321(2) or 322(2) of the Proceeds of Crime Act 2002<sup>(a)</sup>(Inland Revenue functions).

### *Cabinet Office*

The reference to the Cabinet Office does not include any of the Secretariats, the Joint Intelligence Organisation or the office of the Secretary of the Cabinet and Head of the Home Civil Service, but includes the executive agencies of the Cabinet Office and the office of any Minister whose expenses are defrayed out of moneys provided by Parliament for the service of the Cabinet Office.

### *Commission for the New Towns*

In the case of the Commission for the New Towns no investigation is to be conducted in respect of any action in connection with functions in relation to housing.

### *Department for Constitutional Affairs*

The reference to the Department for Constitutional Affairs includes the Lord Chancellor's Department and the Public Trustee.

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(a) 2002 c. 29.

#### *Environment Agency*

The reference to the Environment Agency is a reference to that Agency in relation to all its functions other than its flood defence functions, within the meaning of the Water Resources Act 1991(a); and no investigation is to be conducted in respect of any action in connection with functions of the Environment Agency in relation to Wales (within the meaning of the Government of Wales Act 1998(b)).

#### *Forestry Commission*

In the case of the Forestry Commission no investigation is to be conducted in respect of any action in connection with functions of the Forestry Commissioners in relation to Wales (within the meaning of the Government of Wales Act 1998).

#### *Government Actuary's Department*

In the case of the Government Actuary's Department an investigation may be conducted only in respect of the giving of advice by the Government Actuary's Department on or before 26 April 2001 relating to the exercise of functions under—

- (a) Part 2 of the Insurance Companies Act 1982(c), or
- (b) any other enactment relating to the regulation of insurance companies within the meaning of that Act.

#### *Health Protection Agency*

In the case of the Health Protection Agency(d) no investigation is to be conducted in relation to any action taken by or on behalf of that Agency in the exercise in or as regards Scotland of any function to the extent that the function is exercisable within devolved competence (within the meaning of section 54 of the Scotland Act 1998(e)).

#### *HM Treasury*

The reference to Her Majesty's Treasury includes its subordinate departments and the office of any Minister whose expenses are defrayed out of moneys provided by Parliament for the service of Her Majesty's Treasury.

#### *Corporation of the Trinity House of Deptford Strond*

In the case of the Corporation of the Trinity House of Deptford Strond an investigation may be conducted only in respect of action in connection with its functions as a general lighthouse authority.

#### *Lord President of the Council's Office*

The reference to the Lord President of the Council's Office does not include the Privy Council Office.

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(a) 1991 c. 57; section 221(1) substituted by the Environment Act 1995, s 120(1), Sch 22, para 177(1), (7).

(b) 1998 c. 38.

(c) 1982 c. 50; repealed by S.I. 2001/3649.

(d) At the date on which this Order was made, section 1 of the Health Protection Agency Act 2004 which establishes this agency was not in force.

(e) 1998 c. 46.



*Ministry of Defence*

The reference to the Ministry of Defence includes the Defence Council, the Admiralty Board, the Army Board and the Air Force Board.

*Treasury Solicitor*

The reference to the Treasury Solicitor does not include a reference to Her Majesty's Procurator General.

*Urban Development Corporation*

In the case of an urban development corporation no investigation is to be conducted in respect of any action in connection with functions in relation to town and country planning.

*Urban Regeneration Agency*

In the case of the Urban Regeneration Agency no investigation is to be conducted in respect of any action in connection with functions in relation to town and country planning.”

## SCHEDULE 2

Article 3

### SCHEDULE SUBSTITUTED FOR SCHEDULE 4 TO THE PARLIAMENTARY COMMISSIONER ACT 1967

#### “SCHEDULE 4

Section 5(8)

#### RELEVANT TRIBUNALS FOR THE PURPOSES OF SECTION 5(7)

Adjudicators appointed under article 7(1)(b) of the Criminal Injuries Compensation (Northern Ireland) Order 2002(a).

Agricultural Land Tribunals constituted under section 73 of the Agriculture Act 1947(b).

Appeal tribunals constituted under Chapter 1 of Part 1 of the Social Security Act 1998(c).

The appeal tribunal established for Scotland under section 29 of the Betting, Gaming and Lotteries Act 1963(d) which is known as the Horserace Betting Levy Appeal Tribunal for Scotland.

Tribunals of Appeal constituted under section 109 of the London Building Acts (Amendment) Act 1939(e).

Care Standards Tribunal constituted under section 9 of the Protection of Children Act 1999(f).

Central Arbitration Committee constituted under section 259 of the Trade Union and Labour Relations (Consolidation) Act 1992(g).

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- (a) SI 2002/796 (NI 1).
- (b) 1947 c. 48; section 73 (1) amended or substituted by the Agriculture Act 1958, sections 8(1), Sch 1, Part I, para 3. Section 73(3) amended by the Agriculture Act 1958, s8(1), 10(1), Sch 1, Part I, para 3, Sch 3, Part I and substituted by the Agricultural Holdings Act 1986, s 100, Sch 14, para 18. Section 73(4) amended by the Agriculture Act 1958, ss 8(1), 10(1), Sch 1, Part I, para 3, Sch 3, Part I. Section 73(5) amended by the Agriculture Act 1958, ss 8(1), 10(1), Sch 1, Part I, para 3, Sch 3, Part I.
- (c) 1998 c. 14.
- (d) 1963 c. 2. Section 29(1) amended by the Horserace Betting Levy Act 1981, s 4(6), Sch, para 2. Section 29(2) amended by the Courts and Legal Services Act 1990, s 71(2), Sch 10, para 16 and by the Judicial Pensions and Retirement Act 1993, s 26, Sch 6, para 48. Section 29(2A) inserted by the Judicial Pensions and Retirement Act 1993, s 26, Sch 6, para 48.
- (e) 1939 c. 97. Section 109(1) amended by SI 1986/452, art 3, Sch 2, para 3(h), by SI 2001/3500, art 8, Sch 2, Pt I, para 4(b) and by the Courts and Legal Services Act 1990, s 71(2), Sch 10, para 4. Section 109(2) amended by SI 2001/3500, art 8, Sch 2, Pt I, para 4(b).
- (f) 1999 c. 14. Section 9(2) amended by the Care Standards Act 2000, s 116, Sch 4, para 26(1), (3)(a). Section 9(2) amended by the Criminal Justice and Court Services Act 2000, s 74, Sch 7, Pt II, paras 154, 157(a), the Education Act 2002, s 215(1), Sch 21, para 122(a), s 215(1), Sch 21, para 122(b), s 215(2), Sch 22, Pt 3 and s155, Sch 14, para 6 and the Criminal Justice and Court Services Act 2000, s 74, Sch 7, Pt II, paras 154, 157(d). Section 9(3A)-(3C) inserted by the Care Standards Act 2000, s 116, Sch 4, para 26(1), (3)(b).
- (g) 1992 c. 52.

Commons Commissioners constituted under section 17 of the Commons Registration Act 1965(a).

Competition Appeal Tribunal constituted under section 12 of the Enterprise Act 2002(b).

Copyright Tribunal constituted under section 145 of the Copyright, Designs and Patents Act 1988(c).

Dairy Produce Quota Tribunal for England and Wales constituted under regulation 7 of, and the Schedule to, the Dairy Produce Quotas (General Provisions) Regulations 2002(d).

Dental Vocational Training Authority Appeal body established under regulation 5B National Health Service (General Dental Services) Regulations 1992(e).

Employment Tribunals (England and Wales) and Employment Tribunals (Scotland) established under regulation 5 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004(f).

Employment Appeal Tribunal continued in existence under section 20 of the Employment Tribunals Act 1996(g).

Financial Services and Markets Tribunal constituted under section 132 of the Financial Services and Markets Act 2000(h).

Foreign Compensation Commission constituted under section 1 of the Foreign Compensation Act 1950(i).

Horseshoe Betting Levy Appeal Tribunal for England and Wales constituted under section 29 of the Betting, Gaming and Lotteries Act 1963(j).

Information Tribunal constituted under section 6 of the Data Protection Act 1998(k).

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- (a) 1965 c. 64. Section 17(1) amended by the Courts and Legal Services Act 1990, s 71(2), Sch 10, para 26. Section 17(1A) inserted with savings by the Judicial Pensions and Retirement Act 1993, s 26, Sch 6, para 26.
- (b) 2002 c. 40.
- (c) 1988 c. 48. Section 145(2) amended by SI 1999/678, art 2(1), Sch. Section 145(3) amended by the Courts and Legal Services Act 1990, s 71(2), Sch 10, para 73.
- (d) SI 2002/458.
- (e) SI 1992/661; amended by SI 1993/3172, reg 4.
- (f) SI 2004/1861.
- (g) 1996 c. 17.
- (h) 2000 c. 8.
- (i) 1950 c. 12. Section 1(2) repealed by the Statute Law (Repeals) Act 1974. Section 1(3) amended by the Judicial Pensions and Retirement Act 1993, s 26, Sch 6, para 25. Section 1(3A) inserted by the Judicial Pensions and Retirement Act 1993, s 26, Sch 6, para 25. Section 1(4) repealed by the House of Commons Disqualification Act 1957, s 14(1), Sch 4, Part I.
- (j) 1963 c. 2. Section 29(1) amended by the Horseshoe Betting Levy Act 1981, s 4(6), Schedule, para 2. Section 29(2) amended by the Courts and Legal Services Act 1990, s 71(2), Sch 10, para 16 and by the Judicial Pensions and Retirement Act 1993, s 26, Sch 6, para 48. Section 29(2A) inserted by the Judicial Pensions and Retirement Act 1993, s 26, Sch 6, para 48.
- (k) 1998 c. 29. Section 6(1) amended by the Freedom of Information Act 2000, s 18(4), Sch 2, Pt I, para 13(1), (2). Section 6(3) amended by the Freedom of Information Act 2000, s 18(4), Sch 2, Pt I, para 13(1), (3). Section 6(4) amended by virtue of SI 1999/678, art 2(1), Schedule and by SI 2003/1887, art 9, Sch 2, para 9(1)(a). Section 6(6) amended by the Freedom of Information Act 2000, s 18(4), Sch 2, Pt II, para 16(a) and by the Freedom of Information Act 2000, s 18(4), Sch 2, Pt II, para 16(b).

Insolvency Practitioners Tribunal referred to in section 396 of the Insolvency Act 1986**(a)**.

Meat Hygiene Appeals Tribunal constituted under–

regulation 6(2) of, and Schedule 15 to, the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995**(b)**,

regulation 6(2) of, and Schedule 21 to, the Fresh Meat (Hygiene and Inspection) Regulations 1995**(c)**, or

regulation 5(2) of, and Schedule 12 to, the Wild Game Meat (Hygiene and Inspection) Regulations 1995**(d)**.

Mental Health Review Tribunals constituted under section 65 of, and Schedule 2 to, the Mental Health Act 1983**(e)**.

Misuse of Drugs Advisory Body constituted under section 16(1) of, and Part 2 of Schedule 3 to, the Misuse of Drugs Act 1971**(f)**.

Misuse of Drugs Professional Panel constituted under section 16(1) of, and Part 3 of Schedule 3 to, the Misuse of Drugs Act 1971.

Misuse of Drugs Tribunal constituted under section 16(1) of, and Part 1 of Schedule 3 to, the Misuse of Drugs Act 1971.

National Health Service Medicines (Control of Prices and Profits) Appeal Tribunal constituted under regulation 7 of the Health Service Medicines (Price Control Appeals) Regulations 2000**(g)**.

Ombudsman for the Board of the Pension Protection Fund appointed under section 209 of the Pensions Act 2004 **(h)**.

Pensions Ombudsman established under section 145 of the Pension Schemes Act 1993**(i)**.

Pensions Regulator Tribunal constituted under section 102 of the Pensions Act 2004**(j)**.

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- (a) 1986 c. 45.  
(b) SI 1995/540. Schedule 15 para 2, 3 and 4 amended by SI 2000/656, reg 6(4), Sch 4, Pt IV, para 2, and by SSI 2000/62, reg 6(4), Sch 4, Pt IV, para 2.  
(c) SI 1995/539. Schedule 21 para 2 amended by SI 2000/656, reg 6(3), Sch 4, Pt III, para 7, and SSI 2000/62, reg 6(3), Sch 4, Pt III, para 7 and by SI 1995/3189, reg 2(29). Schedule 21 para 2, 3 and 4 amended by SI 2000/656, reg 6(3), Sch 4, Pt III, para 2, and SSI 2000/62, reg 6(3), Sch 4, Pt III, para 2(1), (2).  
(d) SI 1995/2148. Para 2: Schedule 12 paras 1, 2 and 3 amended by SI 2000/656, reg 6(6), Sch 4, Pt VI, para 2, and SSI 2000/62, reg 6(6), Sch 4, Pt VI, para 2.  
(e) 1983 c. 20. Section 65(1)–(1C) amended by the Health Authorities Act 1995, s 2(1), Sch 1, para 107(6). Schedule 2 para 2 amended by the Judicial Pensions and Retirement Act 1993, s 26, Sch 6, para 40. Schedule 2 para 2A inserted by the Judicial Pensions and Retirement Act 1993, s 26, Sch 6, para 40.  
(f) 1971 c. 38. Schedule 3, Part 2 para 13(1A) inserted by the Judicial Pensions and Retirement Act 1993, s 26, Sch 6, para 42(3).  
(g) SI 2000/124.  
(h) 2004 c.35. At the date on which this Order was made, section 209 of the Pensions Act 2004 was not in force.  
(i) 1993 c. 48. Section 145(1A)–(1C) inserted by the Pensions Act 2004, s 319(1), Sch 12, paras 9, 23. Section 145(2) amended by the Pensions Act 2004, s 274(1). Section 145(3) amended by the Pensions Act 2004, s 274(2). Section 145(4A)–(4C) inserted by the Pensions Act 1995, s 156. Section 145(5) amended by the Pensions Act 1995, ss 173, 177, Sch 6, para 7, Sch 7, Part IV.  
(j) 2004 c.35. At the date on which this Order was made, section 102 of the Pensions Act 2004 was not in force.

Persons hearing consumer credit licensing appeals appointed under regulation 24 of the Consumer Credit Licensing (Appeals) Regulations 1998**(a)**.

Persons hearing estate agents' appeals appointed under regulation 19 of the Estate Agents (Appeals) Regulations 1981**(b)**.

Plant Varieties and Seeds Tribunal (referred to in section 42 of the Plant Varieties Act 1997**(c)**).

Reference Committees constituted under section 27 of the Forestry Act 1967**(d)**.

Registered Inspectors of Schools Appeal Tribunals constituted under section 9 of, and Schedule 2 to, the Schools Inspections Act 1996**(e)**.

Rent Assessment Committees constituted under section 65 of, and Schedule 10 to, the Rent Act 1977**(f)** and also known as Leasehold Valuation Tribunals for the purpose of determinations pursuant to section 21(1), (2) and (3)**(g)** of the Leasehold Reform Act 1967**(h)** and continued as rent tribunals for the purpose of references pursuant to the provisions in Part V of the Rent Act 1977.

Special Educational Needs and Disability Tribunal constituted under section 333 of the Education Act 1996**(i)**.

Traffic Commissioners appointed under section 4 of the Public Passenger Vehicles Act 1981**(j)**.

Valuation Tribunals continued in existence under regulation 3 of the Valuation and Community Charge Tribunals Regulations 1989**(k)**."

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**(a)** SI 1998/1203.

**(b)** SI 1981/1518.

**(c)** 1997 c. 66.

**(d)** 1967 c.10. Section 27(1) amended by SI 1999/1747, art 3, Sch 12, Pt II, para 4(1), (22)(a) and by SI 1999/1747, art 3, Sch 12, Pt II, para 4(1), (22)(b). Section 27(2) amended by SI 1999/1747, art 3, Sch 12, Pt II, para 4(1), (22)(b). Section 27(3) amended by SI 1999/1747, art 3, Sch 12, Pt II, para 4(1), (9) and by SI 1999/1747, art 3, Sch 12, Pt II, para 4(1), (22)(b). Section 27(4) amended by SI 1999/1747, art 3, Sch 12, Pt II, para 4(1), (22)(c) and by SI 1999/1747, art 3, Sch 12, Pt II, para 4(1), (22)(d).

**(e)** 1996 c. 57.

**(f)** 1977 c. 42. Schedule 10 para 2 amended by the Housing Act 1980, s 152, Sch 25, para 56, Sch 26. Schedule 10 para 2A inserted by the Judicial Pensions and Retirement Act 1993, s 26, Sch 6, para 56. Schedule 10 para 5 amended by the Housing Act 1980, s 71(2). Schedule 10 para 6A inserted by the Housing Act 1980, s 71(2). Schedule 10 paras 8, 10 amended by the Housing Act 1996, ss 222, 227, Sch 18, para 22(1)(a), Sch 19, Part XIII. Para 8 amended by Housing Act 1980 s 152, Sch 25, para 56(b) and Sch 26. Schedule 10 para 7A inserted by the Housing Act 1980, s 148 and amended by the Housing Act 1996, ss 222, 227, Sch 18, para 22(1)(a), Sch 19, Part XIII. Schedule 10 para 9 amended by the Housing Act 1996, s 222, Sch 18, para 22(2). Schedule 10 para 10 amended by the Housing Act 1980, s 152, Sch 25, para 56, Sch 26.

**(g)** Repealed with savings by SI 2003/1986, articles 1(2), 2(c)(iv), Sch 1, Pt 1 and Sch 2, para 13.

**(h)** 1967 c. 88. Section 21(1) amended by the Housing Act 1980, s 142, Sch 22. Section 21(1)(ba) inserted by the Housing Act 1996, ss 115, 116, Sch 11, para 1(2). Section 21(1)(cza) inserted by the Commonhold and Leasehold Reform Act 2002, s 149(2) and section 21(1)(ca) inserted by the Housing Act 1996, ss 115, 116, Sch 11, para 1(2). Section 21(2) amended by the Housing Act 1980, s 142, Sch 22.

**(i)** 1996 c. 56. Section 333(1Z) inserted by the Education Act 2002, s 195, Sch 18, paras 1, 4. Section 333(1) amended by the Special Educational Needs and Disability Act 2001, s 42(1), Sch 8, Pt 1, paras 1, 2.

**(j)** 1981 c. 14.

**(k)** SI 1989/439.

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

Article 2 of this Order substitutes Schedule 2 (departments etc subject to investigation) to the Parliamentary Commissioner Act 1967 with Schedule 1 to this Order. The new schedule 2 includes a reference to the Health Protection Agency which will only have effect when section 1 of the Health Protection Agency 2004 is brought into force pursuant to section 12(1) of that Act.

Article 3 of this Order in Council substitutes Schedule 4 (relevant tribunals for the purpose of section 5(7)) to the Parliamentary Commissioner Act 1967 with Schedule 2 to this Order. The new schedule 4 includes references to the Ombudsman for the Board of the Pension Protection Fund and the Pensions Regulator Tribunal which will only have effect when sections 209 and 102 of the Pensions Act 2004 are brought into force pursuant to section 322(1) of that Act.



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STATUTORY INSTRUMENTS

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**2005 No. 249**

**PARLIAMENTARY COMMISSIONER**

The Parliamentary Commissioner Order 2005

£4.00

ISBN 0-11-072241-8



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