

**2005 No. 3430**

**PARLIAMENTARY COMMISSIONER**

**The Parliamentary Commissioner (No. 2) Order 2005**

*Made* - - - - *14th December 2005*

*Laid before Parliament* *22nd December 2005*

*Coming into force* - - *20th January 2006*

At the Court at Buckingham Palace, the 14th day of December 2005

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of sections 4(2), 5(4) 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 ordered, as follows:

**Citation, commencement and interpretation**

- 1.—(1) This Order may be cited as the Parliamentary Commissioner (No 2) Order 2005.
- (2) This Order comes into force on 20th January 2006.
- (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, substitute the Schedule set out in the Schedule to this Order.

**Amendment to Schedule 3 to the Act**

3. For paragraph 2 of Schedule 3 to the Act, substitute:

“2.—(1) Action taken, in any country or territory outside the United Kingdom, by or on behalf of any officer representing or acting under the authority of Her Majesty in respect of the United Kingdom, or any other officer of the Government of the United Kingdom other than,

- (a) action which is taken by an officer (not being an honorary consular officer) in the exercise of a consular function on behalf of the Government of the United Kingdom;

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(a) 1967 c. 13; section 4 was substituted by the Parliamentary and Health Service Commissioners Act 1987(c. 39), section 1(1); section 5(9) was inserted by the Parliamentary Commissioner Act 1994(c. 14), section 1(1).

- (b) action which is taken by an officer within a control zone or a supplementary control zone; or
  - (c) action which is taken by a British sea-fishery officer.
- (2) In this paragraph—
- (a) “control zone” has the meaning given collectively by Schedule 1 to the Channel Tunnel (International Arrangements) Order 1993, Schedule 1 to the Channel Tunnel (Miscellaneous Provisions) Order 1994 and regulation 2 of the Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls) Order 2003;
  - (b) “supplementary control zone” has the meaning given by Schedule 1 to the Channel Tunnel (International Arrangements) Order 1993;
  - (c) “British sea-fishery officer” has the meaning given by section 7 of the Sea Fisheries Act 1968.”.

**Amendment to Schedule 4 to the Act**

**4. In Schedule 4 to the Act:**

- (a) insert in the appropriate place in alphabetical order:  
 “Asylum Support Adjudicators established under section 102 of the Immigration and Asylum Act 1999.”.
- (b) delete the entries relating to the following:  
     Meat Hygiene Appeals Tribunal  
     Misuse of Drugs Advisory Body  
     Misuse of Drugs Professional Panel  
     Misuse of Drugs Tribunal.

*A.K Galloway*  
 Clerk of the Privy Council

**SCHEDULE**

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 Naturalisation and Integration.
- Advisory Board on the Registration of Homeopathic Products.
- Advisory Committee on Advertising.
- Advisory Committee on Borderline Substances.
- Advisory Committee on Carbon Abatement.

Advisory Committee on Clinical Excellence Awards.  
Advisory Committee on Dangerous Pathogens.  
Advisory Committee on the Government Art Collection.  
Advisory Committee on Novel Foods and Processes.  
Advisory Committee on Organic Standards.  
Advisory Committee on Pesticides.  
Advisory Committee on Releases to the Environment.  
Advisory, Conciliation and Arbitration Service.  
Advisory Council on Historical Manuscripts.  
Advisory Council on Libraries.  
Advisory Council on the Misuse of Drugs.  
Advisory Council on National Records and Archives.  
Advisory Council on Public Records.  
Advisory Group on Hepatitis.  
Advisory Panel on Beacon Councils.  
Advisory Panel on Country Information.  
Advisory Panel on Public Sector Information.  
Advisory Panel on Standards for the Planning Inspectorate.  
Agricultural Dwelling House Advisory Committees.  
Agricultural Wages Board for England and Wales.  
Agricultural wages committees.  
Air Quality Expert Group.  
Alcohol Education and Research Council.  
Animals Procedures Committee.  
Appeal Officer for Community Interest Companies.  
Arts and Humanities Research Council.  
Arts Council of England.  
The Director of the Assets Recovery Agency.  
Authorised Conveyancing Practitioners Board.  
Better Regulation Commission.  
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.

Capacity Builders.

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 Integrated Transport.

Commission for the New Towns.

Commission for Patient and Public Involvement in Health.

Commission for Racial Equality.

Commission for Social Care Inspection.

Commissioner for Victims and Witnesses.

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

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

Commission on Human Medicines.

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 Products and Processes for use in Public Water Supply.

Committee on Radioactive Waste Management.

Committee on the Safety of Devices.

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.

Complaints Audit Committee.

Construction Industry Training Board.

Consumer Council for Postal Services.

Consumer Council for Water.

Correctional Services Accreditation Panel.

Council for Science and Technology.

Countryside Agency.

Crown Estate Office.

Culture East Midlands.

Culture North East.

Culture North West.

Culture South East.

Culture South West.

Culture West Midlands.

Darwin Advisory Committee.

DEFRA Science Advisory Council.

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.  
Ethnic Minority Business Forum.  
Expert Advisory Group on AIDS.  
Expert Panel on Air Quality Standards.  
Export Credits Guarantee Department.  
The Director of Fair Access to Higher Education.  
Farm Animal Welfare Council.  
Fleet Air Arm Museum.  
Food from Britain.  
Food Standards Agency.  
Football Licensing Authority.  
Foreign and Commonwealth Office.  
Forestry Commission.  
Fuel Poverty Advisory Group.  
Futurebuilders Advisory Panel.  
Gambling Commission.  
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 Revenue and Customs.  
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.  
The Horniman Public Museum and Public Park Trust.  
Horserace Betting Levy Board.  
Horticultural Development Council.  
Housing Corporation.  
Human Fertilisation and Embryology Authority.  
Human Genetics Commission.  
Human Tissue Authority.  
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.  
Industrial Development Advisory Board.  
The Information Commissioner.

Intellectual Property Advisory Committee.

The International Rail Regulator.

Investors in People UK.

Joint Committee on Vaccination and Immunisation.

Joint Nature Conservation Committee.

Land Registry.

Law Commission.

Learning and Skills Council for England.

Leasehold Advisory Service.

Legal Deposit Advisory Panel.

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.

Low Pay Commission.

Marshall Aid Commemoration Commission.

Measurement Advisory Committee.

Meat and Livestock Commission.

Medical Research Council.

Medical Workforce Standing Advisory Committee.

Milk Development Council.

Millennium Commission.

Ministry of Defence.

Museum of London.

Museum of Science and Industry in Manchester.

Museums, Libraries and Archives 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 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 Police Fund.  
Northern Ireland Policing Board.  
Nuclear Decommissioning Authority.  
Nutrition Forum.  
Office of Her Majesty's Chief Inspector of Schools in England.  
Office of the Children's Commissioner.  
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 Police Oversight Commissioner.  
Office of Public Sector Information.  
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.  
Olympic Lottery Distributor.  
Ordnance Survey.  
Parades Commission for Northern Ireland.  
Parole Board.  
Particle Physics and Astronomy Research Council.  
Patient Information Advisory Group.  
Partnerships for Schools.  
The Pensions Regulator.  
Pesticide Residues Committee.  
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.  
Public Services Productivity Panel.  
Qualifications and Curriculum Authority.  
Rail Passengers' Council.  
Railway Heritage Committee.  
Regional development agencies (other than the London Development Agency).  
Regional Industrial Development Boards.  
Remploy Ltd.  
Renewables Advisory Board.  
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 Commission on Environmental Pollution.  
Royal Marines Museum.  
Royal Mint.  
Royal Naval Museum.  
Royal Navy Submarine Museum.

Royal Ulster Constabulary George Cross Foundation.

Scientific Advisory Committee on Nutrition.

Sea Fish Industry Authority.

Sector Skills Development Agency.

Security Industry Authority.

Sentencing Advisory Panel.

Sentencing Guidelines Council.

Service Authority for the National Crime Squad.

Service Authority for the National Criminal Intelligence Service.

SITPRO Ltd.

Sir John Soane's Museum.

Small Business Council.

Small Business Investment Taskforce.

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.

Sustainable Energy Policy Advisory Board.

Tate Gallery.

Training and Development Agency for Schools.

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.

UK National Authority Advisory Group.

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.  
Veterinary Products Committee.  
Veterinary Residues Committee.  
Victims Advisory Panel.  
Victoria and Albert Museum.  
Wales Office.  
Wallace Collection.  
War pensions committees.  
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 for Her Majesty's Revenue and Customs under section 317(2), 321(2) or 322(2) of the Proceeds of Crime Act 2002(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 Architecture and the Built Environment*

As from the time that section 87 of the Clean Neighbourhoods and Environment Act 2005 is brought into force, this reference includes a reference to the body established by that section.

#### *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.

#### *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; 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).

#### *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, 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 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).

*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; but it does not include National Savings and Investments.

*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.

*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 Corporations*

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.”.

## **EXPLANATORY NOTE**

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

Article 2 of this Order substitutes the Schedule to this Order for Schedule 2 to the Parliamentary Commissioner Act 1967 (Departments etc subject to investigation).

Article 3 amends paragraph 2 of Schedule 3 to the 1967 Act by extending the limitations to the exclusions from the Parliamentary Commissioner's jurisdiction in that paragraph. It removes from the exclusions, and thus brings within the investigatory remit of the Parliamentary Commissioner, the actions of officers in control zones and supplementary control zones, and the actions of British sea-fishery officers taken outside the United Kingdom.

Article 4 adds the Asylum Support Adjudicators to the list of tribunals the administrative functions of whose administrative staff may be subject to investigation by the Parliamentary Commissioner under the terms of section 5(7) of the Act; and deletes the tribunals referred to in article 4(b) from that list.

**2005 No. 3430**

**PARLIAMENTARY COMMISSIONER**

The Parliamentary Commissioner (No. 2) Order 2005

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