

2010 No. 239

PARLIAMENTARY COMMISSIONER

The Parliamentary Commissioner Order 2010

Made - - - - *10th February 2010*

Laid before Parliament *17th February 2010*

Coming into force - - *12th March 2010*

At the Court at Buckingham Palace, the 10th day February 2010

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred by 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 make the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Parliamentary Commissioner Order 2010 and comes into force on 12th March 2010.

(2) 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 (Departments etc. subject to investigation), substitute the Schedule set out in the Schedule to this Order.

Amendment to Schedule 4 to the Act

3. In Schedule 4 to the Act (Relevant tribunals for the purposes of section 5(7)), omit the following entries—

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

“Employment Appeal Tribunal continued in existence under section 20 of the Employment Tribunals Act 1996.”

Judith Simpson
Clerk of the Privy Council

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

SCHEDULE

Article 2

SCHEDULE SUBSTITUTED FOR SCHEDULE 2 TO THE PARLIAMENTARY COMMISSIONER ACT 1967

“SCHEDULE 2

Section 4

DEPARTMENTS ETC. SUBJECT TO INVESTIGATION

Administration of Radioactive Substances Advisory Committee.

Advisory Board on the Registration of Homeopathic Products.

Advisory Committee on Animal Feedingstuffs.

Advisory Committee on Antimicrobial Resistance and Healthcare Associated Infections.

Advisory Committee on Borderline Substances.

Advisory Committee on Carbon Abatement Technologies.

Advisory Committee on Clinical Excellence Awards.

Advisory Committee on Consumer Engagement.

Advisory Committee on Dangerous Pathogens.

Advisory Committee on the Government Art Collection.

Advisory Committee on Hazardous Substances.

Advisory Committee on Historic Wreck Sites.

Advisory Committee on Microbiological Safety of Food.

Advisory Committee on National Historic Ships.

Advisory Committee on Novel Foods and Processes.

Advisory Committee on Organic Standards.

Advisory Committee on Pesticides.

Advisory Committee on Releases to the Environment.

Advisory Committee on the Safety of Blood, Tissues and Organs.

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 Group on Military Medicines.

Advisory Panel on Beacon Councils.

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.

Agriculture and Horticulture Development Board.

Air Quality Expert Group.

Alcohol Education and Research Council.

Animal Welfare Advisory Committee.

Animals Procedures Committee.

Appeal Officer for Community Interest Companies.

Arts and Humanities Research Council.

Arts Council of England.

Big Lottery Fund.

Biotechnology and Biological Sciences Research Council.

Board of the Pension Protection Fund.

Board of Trade.

Boundary Commission for England.

Boundary Commission for Northern Ireland.

Boundary Commission for Scotland.

Boundary Commission for Wales.

British Council.

British Educational Communications and Technology Agency.

British Film Institute.

British Hallmarking Council.

British Library Board.

British Museum.

British Pharmacopoeia Commission.

British Tourist Authority.

Building Regulations Advisory Committee.

Cabinet Office.

Capacity Builders.

Capital for Enterprise Limited.

Care Quality Commission.

Central Advisory Committee on Pensions and Compensation.

Central Bureau for Educational Visits and Exchanges.

Central Office of Information.

The Certification Officer.

Charity Commission.

The Chief Inspector of Criminal Justice for Northern Ireland.

Child Maintenance and Enforcement Commission.

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 Equality and Human Rights.

Commission for Integrated Transport.

Commission for Rural Communities.

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.

The Committee on Climate Change.

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 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.

Competition Service.

Construction Industry Training Board.

Consumer Council for Water.

Correctional Services Accreditation Panel.

Council for Science and Technology.

Crown Estate Office.

Cycling England.

Darwin Initiative.

Defence Nuclear Safety Committee.

Defence Scientific Advisory Council.

DEFRA Science Advisory Council.

Department for Business, Innovation and Skills.

Department for Children, Schools and Families.

Department for Communities and Local Government.

Department for Culture, Media and Sport.

Department for Environment, Food and Rural Affairs.

Department for International Development.

Department for Transport.

Department for Work and Pensions.

Department of Energy and Climate Change.

Department of Health.

Design Council.

Disability Employment Advisory Committee.

Disability Living Allowance Advisory Board.

Disabled Persons Transport Advisory Committee.

Economic and Social Research Council.

Electoral Commission.

Engineering Construction Industry Training Board.

Engineering and Physical Sciences Research Council.

English Sports Council.

English Tourist Board.

Environment Agency.

The Ethics Group: National DNA Database.

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.

Film Industry Training Board for England and Wales.
Firebuy Limited.
Fleet Air Arm Museum.
Food from Britain.
Food Standards Agency.
Football Licensing Authority.
Foreign and Commonwealth Office.
Forestry Commission.
Fuel Poverty Advisory Group.
Gambling Commission.
Gangmasters Licensing Authority.
Gas and Electricity Markets Authority.
Geffrye Museum.
Gene Therapy Advisory Committee.
General Advisory Committee on Science.
General Social Care Council.
Genetics and Insurance Committee.
Government Actuary's Department.
Government Equalities Office.
The Great Britain-China Centre.
Health and Safety Executive.
Health Protection Agency.
Her Majesty's Revenue and Customs.
Her Majesty's Stationery Office.
Her Majesty's Treasury.
Herbal Medicines Advisory Committee.
Higher Education Funding Council for England.
Historic Buildings and Monuments Commission for England.
Historic Royal Palaces.
Home Office.
Homes and Communities Agency.
The Horniman Public Museum and Public Park Trust.
Horseshoe Betting Levy Board.
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 Advisory Panel on Deaths in Custody.
Independent Agricultural Appeals Panel.
Independent Barring Board.
Independent Living Fund (2006).
Independent Reconfiguration Panel.
The Independent Regulator of NHS Foundation Trusts.
Independent Review Panel for Advertising.
Independent Review Panel on the Classification of Borderline Products.
Independent Scientific Group on Cattle TB.
Industrial Development Advisory Board.
Industrial Injuries Advisory Council.
The Information Commissioner.
Infrastructure Planning Commission.
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.
Local Better Regulation Office.
Low Pay Commission.
Marshall Aid Commemoration Commission.
The Marine Management Organisation.

Medical Education England.
Medical Research Council.
Medical Workforce Standing Advisory Committee.
Ministry of Defence.
Ministry of Justice.
Museum of Science and Industry in Manchester.
Museums, Libraries and Archives Council.
The National Archives.
National Army Museum.
National Clinical Audit Advisory Group.
National Community Forum.
National Consumer Council.
National Employer Advisory Board.
National Endowment for Science, Technology and the Arts.
National Forest Company.
National Gallery.
National Heritage Memorial Fund.
National Housing and Planning Advice Unit.
The National Information Governance Board for Health and Social Care.
National Joint Registry Steering Committee.
National Lottery Commission.
National Maritime Museum.
National Museum of Science and Industry.
National Museums and Galleries on Merseyside.
National Policing Improvement Agency.
National Portrait Gallery.
National Standing Committee on Farm Animal Genetic Resources.
Natural England.
Natural Environment Research Council.
Natural History Museum.
Northern Ireland Court Service.
Northern Ireland Human Rights Commission.
Northern Ireland Law Commission.
Northern Ireland Legal Services Commission.
Northern Ireland Office.

Northern Ireland Police Fund.
Northern Ireland Policing Board.
Nuclear Decommissioning Authority.
Nuclear Liabilities Financing Assurance Board.
Nuclear Liabilities Fund.
Nuclear Research Advisory Council.
Nutrition Forum.
Office for Standards in Education, Children's Services and Skills.
Office for Tenants and Social Landlords.
Office of the Children's Commissioner.
Office of Communications.
Office of Fair Trading.
Office of Public Sector Information.
Office of Rail Regulation.
Office of the Regulator of Community Interest Companies.
Office of the Renewable Fuels Agency.
Office of the Secretary of State for Scotland.
Official receiver.
The Official Solicitor to the Supreme Court.
Oil and Pipelines Agency.
Olympic Delivery Authority.
Olympic Lottery Distributor.
Ordnance Survey.
Parades Commission for Northern Ireland.
Parole Board.
Partnerships for Schools.
The Pensions Regulator.
Personal Accounts Delivery Authority.
Pesticide Residues Committee.
Postal Services Commission.
Postgraduate Medical Education and Training Board.
Probation Board for Northern Ireland.
Probation trusts.
The Registrar of Public Lending Right.
Public Record Office.

Qualifications and Curriculum Authority.
Rail Passengers' Council.
Railway Heritage Committee.
Regional Advisory Committees.
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 and Objects of Cultural Interest.
Royal Air Force Museum.
Royal Armouries Museum.
Royal Botanic Gardens, Kew.
Royal Commission on Environmental Pollution.
Royal Commission on Historical Manuscripts.
Royal Marines Museum.
Royal Mint.
Royal Naval Museum.
Royal Navy Submarine Museum.
Royal Ulster Constabulary George Cross Foundation.
The School Food Trust.
Science Advisory Committee on the Medical Implications of Less Lethal Weapons.
Science and Technology Facilities Council.
Scientific Advisory Committee on Nutrition.
Sea Fish Industry Authority.
Security Industry Authority.
Sentencing Advisory Panel.
Sentencing Guidelines Council.
The Serious Organised Crime Agency.
Sir John Soane's Museum.
SITPRO Ltd.
Social Fund Commissioner.
Social Science Research Committee.
Social Security Advisory Committee.
Spongiform Encephalopathy Advisory Committee.

Standards Board for England.

Standing Dental Advisory Committee.

Statistics Board.

Strategic Advisory Board for Intellectual Property Policy.

Sustainable Development Commission.

Tate Gallery.

Technology Strategy Board.

The Theatres Trust.

Training and Development Agency for Schools.

Treasure Valuation Committee.

The Treasury Solicitor.

UK Anti-Doping Ltd.

UK Chemical Weapons Convention National Authority Advisory Committee.

UK Commission for Employment and Skills.

UK Film Council.

UK National Authority Advisory Group.

Union Modernisation Fund Supervisory Board.

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.

Valuation Tribunal Service.

Veterinary Products Committee.

Veterinary Residues Committee.

Victims Advisory Panel.

Victoria and Albert Museum.

Wales Office.

Wallace Collection.

War pensions committees.

Waste Electrical and Electronic Equipment Advisory Body.

Water Services Regulation Authority.

Westminster Foundation for Democracy.

Women's National Commission.
Working Ventures UK.
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.

Board of the Pension Protection Fund

In the case of the Board of the Pension Protection Fund, an investigation may be conducted only in respect of action in connection with its functions relating to the financial assistance scheme established by regulations under section 286(1) of the Pensions Act 2004(a).

Cabinet Office

The reference to the Cabinet Office does not include any of the Secretariats (including the intelligence and security functions carried out by the Chairman of the Joint Intelligence Committee and the Prime Minister's Security Adviser respectively) or the office of the Secretary of the Cabinet and Head of the Home Civil Service. The reference to the Cabinet Office includes the Lord President of the Council's Office, 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.

Committee on Climate Change

In the case of the Committee on Climate Change, no investigation is to be conducted in respect of any action taken by or on behalf of the Committee—

- (a) 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(b)), or
- (b) in connection with functions of the Committee in relation to Wales (within the meaning of the Government of Wales Act 2006(c)).

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

(a) 2004 c.35.
(b) 1998 c.46.
(c) 2006 c.32.

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 2006).

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 2006).

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 26th April 2001 relating to the exercise of functions under—

- (a) Part 2 of the Insurance Companies Act 1982(b), 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.

Homes and Communities Agency

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

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.

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.

Ministry of Justice

The reference to the Ministry of Justice includes the Public Trustee but does not include the Privy Council Office or the Office of the Judicial Committee of the Privy Council.

(a) 1991 c.57.
(b) 1982 c.50. Repealed by S.I. 2001/3649.

Serious Organised Crime Agency

In the case of the Serious Organised Crime Agency, an investigation may be conducted only in respect of the exercise of functions vested in it 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(a) (Revenue functions).

Statistics Board

In the case of the Statistics Board, no investigation is to be conducted in relation to any action taken by or on behalf of the Board in the exercise of any of its functions where the function is being exercised only in relation to Scottish devolved statistics (within the meaning of section 66 of the Statistics and Registration Service Act 2007)(b).

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.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Parliamentary Commissioner Act 1967 ("the Act"). Article 2 of this Order substitutes the Schedule to this Order for Schedule 2 to the Act (Departments etc. subject to investigation). The addition of the Committee on Climate Change is to correct an omission inadvertently made by the Parliamentary Commissioner Order 2008 (S.I. 2008/3115). It is subject to a note, which provides that no investigation is to be conducted in respect of action taken by or on behalf of the Committee in the exercise in or as regards Scotland of any function to the extent that the function is exercisable within devolved competence in Scotland, or in connection with functions of the Committee in relation to Wales. The following table shows the changes that have been made to Schedule 2 by this Order.

<i>Bodies added</i>	<i>Bodies omitted</i>	<i>Changes of name</i>
The Committee on Climate Change	Advisory Committee on Advertising	From "Advisory Committee on Carbon Abatement" to "Advisory Committee on Carbon Abatement Technologies"
Disability Employment Advisory Committee	Better Regulation Commission	From "Advisory Group on Medical Countermeasures" to "Advisory Group on Military Medicines"
Disability Living Allowance Advisory Board	Culture East Midlands	From "Darwin Advisory Committee" to "Darwin Initiative"
Independent Advisory Panel on	Culture North East	From "Department for

(a) 2002 c.29; section 317(2) was amended by section 50(1) and (7) of the Commissioners for Revenue and Customs Act 2005 (c.11).

(b) 2007 c.18.

Deaths in Custody		Energy and Climate Change” to “Department of Energy and Climate Change”
Independent Agricultural Appeals Panel	Culture North West	From “Reviewing Committee on the Export of Works of Art” to “Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest”
Industrial Injuries Advisory Council	Culture South East	
Medical Education England	Culture South West	
The National Archives	Culture West Midlands	
National Standing Committee on Farm Animal Genetic Resources	England Implementation Group for the Animal Health and Welfare Strategy for Great Britain	
Nuclear Liabilities Financing Assurance Board	Futurebuilders Advisory Panel	
Regional Advisory Committees	Living East	
Science Advisory Committee on the Medical Implications of Less Lethal Weapons	National Specialist Commissioning Advisory Group	
Social Security Advisory Committee	The Quality Improvement Agency	
UK Anti-Doping Ltd.	Yorkshire Culture	
Waste Electrical and Electronic Equipment Advisory Board		

Article 3 of this Order removes from Schedule 4 to the Act, the references to the Employment Tribunals (England and Wales) and Employment Tribunals (Scotland) and the Employment Appeal Tribunal. The administrative staff of these tribunals are now part of the Tribunals Service, an Executive Agency of the Ministry of Justice. They are appointed by the Lord Chancellor and as such are covered by section 5(6) of the Act.

© Crown copyright 2010

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty’s Stationery Office and Queen’s Printer of Acts of Parliament.

STATUTORY INSTRUMENTS

2010 No. 239

PARLIAMENTARY COMMISSIONER

The Parliamentary Commissioner Order 2010

£5.50