



Parliamentary Commissioner Act 1967

1967 CHAPTER 13

The Parliamentary Commissioner for Administration

1 Appointment and tenure of office.

- (1) For the purpose of conducting investigations in accordance with the following provisions of this Act there shall be appointed a Commissioner, to be known as the Parliamentary Commissioner for Administration.
- (2) Her Majesty may by Letters Patent from time to time appoint a person to be the Commissioner ^{F1}
- [^{F2}(2A) A person appointed to be the Commissioner shall hold office until the end of the period for which he is appointed.
- (2B) That period must be not more than seven years.
- (2C) Subsection (2A) is subject to subsections (3) and (3A).]
- [^{F3}(3) A person appointed to be the Commissioner may be—
 - (a) relieved of office by Her Majesty at his own request, or
 - (b) removed from office by Her Majesty, on the ground of misbehaviour, in consequence of Addresses from both Houses of Parliament.]
 - [^{F4}(3A) Her Majesty may declare the office of Commissioner to have been vacated if satisfied that the person appointed to be the Commissioner is incapable for medical reasons—
 - (a) of performing the duties of his office; and
 - (b) of requesting to be relieved of it.]
 - [^{F5}(3B) A person appointed to be the Commissioner is not eligible for re-appointment.]
 - (4) ^{F6}
 - (5) ^{F7}

Status: Point in time view as at 01/10/2006.

Changes to legislation: There are currently no known outstanding effects for the Parliamentary Commissioner Act 1967, Cross Heading: The Parliamentary Commissioner for Administration. (See end of Document for details)

Textual Amendments

- F1** Words in s. 1(2) omitted (1.10.2006 with application in accordance with Sch. 8 para. 6 of the amending S.I.) by virtue of [The Employment Equality \(Age\) Regulations 2006 \(S.I. 2006/1031\)](#), reg. 49(1), **Sch. 8 para. 4(2)** (with regs. 44-46)
- F2** S. 1(2A)-(2C) inserted (1.10.2006 with application in accordance with Sch. 8 para. 6 of the amending S.I.) by [The Employment Equality \(Age\) Regulations 2006 \(S.I. 2006/1031\)](#), reg. 49(1), **Sch. 8 para. 4(3)** (with regs. 44-46)
- F3** S. 1(3) substituted (1.10.2006 with application in accordance with Sch. 8 para. 6 of the amending S.I.) by [The Employment Equality \(Age\) Regulations 2006 \(S.I. 2006/1031\)](#), reg. 49(1), **Sch. 8 para. 4(4)** (with regs. 44-46)
- F4** S. 1(3A) inserted by [Parliamentary and Health Service Commissioners Act 1987 \(c. 39, SIF 89\)](#), s. **2(1)(b)**
- F5** S. 1(3B) inserted (1.10.2006 with application in accordance with Sch. 8 para. 6 of the amending S.I.) by [The Employment Equality \(Age\) Regulations 2006 \(S.I. 2006/1031\)](#), reg. 49(1), **Sch. 8 para. 4(5)** (with regs. 44-46)
- F6** S. 1(4) repealed by [House of Commons Disqualification Act 1975 \(c. 24, SIF 89\)](#), **Sch. 3** and [Northern Ireland Assembly Disqualification Act 1975 \(c. 25, SIF 29:3\)](#), **Sch. 3 Pt. I**
- F7** S. 1(5) repealed by [Tribunals and Inquiries Act 1971 \(c. 62, SIF 127\)](#), **Sch. 4 Pt. I**

2 Salary and pension.

- [^{F8}(1) There shall be paid to the holder of the office of Commissioner the same salary as if he were employed in the civil service of the State in such appointment as the House of Commons may by resolution from time to time determine; and a resolution under this subsection may take effect from the date on which it is passed or from such other date as may be specified in the resolution.
- (2) In relation to any time before the first resolution under subsection (1) above takes effect, the salary payable to the holder of the office of Commissioner shall be the same salary as if he were employed in the civil service of the State as a Permanent Secretary.]
- (3) The provisions of Schedule 1 to this Act shall have effect with respect to the pensions and other benefits to be paid to or in respect of persons who have held office as Commissioner.
- (4) The salary payable to a holder of the office of Commissioner shall be abated by the amount of any pension payable to him in respect of any public office in the United Kingdom or elsewhere to which he had previously been appointed or elected; . . . ^{F9}
- [^{F10}(4A) In computing the salary of a former holder of the office of Commissioner for the purposes of the said Schedule 1—
- (a) any abatement of that salary under subsection (4) above,
 - (b) any temporary abatement of that salary in the national interest, and
 - (c) any voluntary surrender of that salary in whole or in part,
- shall be disregarded.]
- (5) Any salary, pension or other benefit payable by virtue of this section shall be charged on and issued out of the Consolidated Fund.

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Textual Amendments

- F8** S. 2(1)(2) substituted (1.1.1975) by Parliamentary and other [Pensions and Salaries Act 1976 \(c. 48, SIF 89\)](#), s **6(2)(5)**
- F9** Words repealed (1.1.1975) by Parliamentary and other [Pensions and Salaries Act 1976 \(c. 48, SIF 89\)](#), s 6(4)(5), [Sch.](#)
- F10** S. 2(4A) inserted (1.1.1975) by Parliamentary and other [Pensions and Salaries Act 1976 \(c. 48, SIF 89\)](#), s. **6(4)(5)**.

3 Administrative provisions.

- (1) The Commissioner may appoint such officers as he may determine with the approval of the Treasury as to numbers and conditions of service.
- (2) Any function of the Commissioner under this Act may be performed by any officer of the Commissioner authorised for that purpose by the Commissioner [^{F11}, by any member of the staff so authorised [^{F12}of the Public Services Ombudsman for Wales] or by any officer so authorised of the Health Service Commissioner for England ^{F13}. . . .]
- (3) The expenses of the Commissioner under this Act, to such amount as may be sanctioned by the Treasury, shall be defrayed out of moneys provided by Parliament.

Textual Amendments

- F11** Words in s. 3(2) substituted (1.7.1999) by [1998 c. 38, s. 125, Sch. 12 para. 5](#) (with ss. 139(2), 143(2)); [S.I. 1999/1290, art. 4](#)
- F12** Words in s. 3(2) substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\)](#), ss. 39, 40, [Sch. 6 para. 2](#); [S.I. 2005/2800, art. 5\(1\)](#) (with art. 5(2))
- F13** Words in s. 3(2) omitted (14.7.2004) by virtue of [The Scottish Public Services Ombudsman Act 2002 \(Consequential Provisions and Modifications\) Order 2004 \(S.I. 2004/1823\)](#), [art. 5\(2\)](#)

Modifications etc. (not altering text)

- C1** S. 3(2) extended (1.7.1999) by [S.I. 1999/1351, arts. 1, 17\(1\)\(a\)](#) (with art.3); [S.I. 1998/3178, art. 3](#)

[^{F14}3A Appointment of acting Commissioner.

- (1) Where the office of Commissioner becomes vacant, Her Majesty may, pending the appointment of a new Commissioner, appoint a person under this section to act as the Commissioner at any time during the period of twelve months beginning with the date on which the vacancy arose.

[A person appointed to act as the Commissioner (“an acting Commissioner”) may have ^{F15}(1A) held office as the Commissioner.

(1B) A person appointed as an acting Commissioner is eligible for appointment as the Commissioner unless he has already held office as the Commissioner.]

- (2) A person appointed [^{F16}as an acting Commissioner] shall hold office during Her Majesty’s pleasure and, subject to that, shall hold office—
 - (a) until the appointment of a new Commissioner or the expiry of the period of twelve months beginning with the date on which the vacancy arose, whichever occurs first; and

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(b) in other respects, in accordance with the terms and conditions of his appointment which shall be such as the Treasury may determine.

[^{F17}(3) A person appointed as an acting Commissioner shall, while he holds office, be treated for all purposes, except for the purposes of section 1 and 2, and this section of this Act, as the Commissioner.]

(4) Any salary, pension or other benefit payable by virtue of this section shall be charged on and issued out of the Consolidated Fund].

Textual Amendments

- F14** S. 3(3A) inserted by [Parliamentary and Health Service Commissioners Act 1987 \(c. 39, SIF 89\)](#), s. **6(1)**
- F15** S. 3A(1A)(1B) inserted (1.10.2006 with application in accordance with Sch. 8 para. 6 of the amending S.I.) by [The Employment Equality \(Age\) Regulations 2006 \(S.I. 2006/1031\)](#), reg. 49(1), **Sch. 8 para. 5(2)** (with regs. 44-46)
- F16** Words in s. 3A(2) substituted (1.10.2006 with application in accordance with Sch. 8 para. 6 of the amending S.I.) by [The Employment Equality \(Age\) Regulations 2006 \(S.I. 2006/1031\)](#), reg. 49(1), **Sch. 8 para. 5(3)** (with regs. 44-46)
- F17** S. 3A(3) substituted (1.10.2006 with application in accordance with Sch. 8 para. 6 of the amending S.I.) by [The Employment Equality \(Age\) Regulations 2006 \(S.I. 2006/1031\)](#), reg. 49(1), **Sch. 8 para. 5(4)** (with regs. 44-46)

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