

*Status:* Point in time view as at 01/04/2005. This version of this  
schedule contains provisions that are not valid for this point in time.  
*Changes to legislation:* There are currently no known outstanding effects for the  
Parliamentary Commissioner Act 1967, SCHEDULE 3. (See end of Document for details)

SCHEDULES

SCHEDULE 3

MATTERS NOT SUBJECT TO INVESTIGATION

- 1      Action taken in matters certified by a Secretary of State or other Minister of the Crown to affect relations or dealings between the Government of the United Kingdom and any other Government or any international organisation of States or Governments.
- 2      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 [F1other than 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 . . . F2.]

Textual Amendments

F1    Words added by [S.I. 1979/915](#), [art. 2](#)

F2    Words repealed by [S.I. 1988/1985](#), [art. 2](#)

- 3      Action taken in connection with the administration of the government of any country or territory outside the United Kingdom which forms part of Her Majesty's dominions or in which Her Majesty has jurisdiction.
- [F34    Action taken by the Secretary of State under the Extradition Act 2003.]

Textual Amendments

F3    [Sch. 3 para. 4](#) substituted (1.1.2004) by [Extradition Act 2003 \(c. 41\)](#), ss. 219, 221, [Sch. 3 para. 2](#); [S.I. 2003/3103](#), [art. 2](#) (subject to savings in Order)

Modifications etc. (not altering text)

C1    [Para. 4](#) extended by [Fugitive Offenders Act 1967 \(c. 68, SIF 48\)](#), [s. 21\(4\)](#)

- 5      Action taken by or with the authority of the Secretary of State for the purposes of investigating crime or of protecting the security of the State, including action so taken with respect to passports.

Modifications etc. (not altering text)

C2    [Sch. 3 para. 5](#) extended (13.5.1999) by [S.I. 1999/1351](#), [art. 9\(6\)\(a\)](#)

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- 6 The commencement or conduct of civil or criminal proceedings before any court of law in the United Kingdom, of proceedings at any place under the <sup>M1</sup>Naval Discipline Act 1957, the <sup>M2</sup>Army Act 1955 or the <sup>M3</sup>Air Force Act 1955, or of proceedings before any international court or tribunal.

#### Marginal Citations

**M1** 1957 c. 53(7:1).

**M2** 1955 c. 18(7:1).

**M3** 1955 c. 19(7:1).

- [<sup>F4</sup>6A Action taken by any person appointed by the Lord Chancellor as a member of the administrative staff of any court or tribunal, so far as that action is taken at the direction, or on the authority (whether express or implied), of any person acting in a judicial capacity or in his capacity as a member of the tribunal.]

#### Textual Amendments

**F4** Sch. 3 para. 6A inserted by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 110(2)

- [<sup>F5</sup>6B (1) Action taken by any member of the administrative staff of a relevant tribunal, so far as that action is taken at the direction, or on the authority (whether express or implied), of any person acting in his capacity as a member of the tribunal.
- (2) In this paragraph, “relevant tribunal” has the meaning given by section 5(8) of this Act.]

#### Textual Amendments

**F5** Sch. 3 para. 6B inserted (5.9.1994) by 1994 c. 14, ss. 1(2), 3(2)

#### Modifications etc. (not altering text)

**C3** Sch. 3 para. 6B(2) extended (13.5.1999) by S.I. 1999/1351, art. 9(6)(b)

- [<sup>F6</sup>6C Action taken by any person appointed under section 5(3)(c) of the Criminal Injuries Compensation Act 1995, so far as that action is taken at the direction, or on the authority (whether express or implied), of any person acting in his capacity as an adjudicator appointed under section 5 of that Act to determine appeals.]

#### Textual Amendments

**F6** Sch. 3 para. 6C inserted (8.11.1995) by 1995 c. 53, s. 10(2)(3)

- 7 Any exercise of the prerogative of mercy or of the power of a Secretary of State to make a reference in respect of any person to <sup>F7</sup>. . . the High Court of Justiciary or the Courts-Martial Appeal Court.

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#### Textual Amendments

**F7** Sch. 3 para. 7: words repealed (31.3.1997) by 1995 c. 35, s. 29(2), **Sch. 3**; S.I. 1997/402, **arts. 3(f), 4**.

#### Modifications etc. (not altering text)

**C4** Sch. 3 para. 7 extended (13.5.1999) by S.I. 1999/1351, **art. 9(6)(a)**

**C5** Sch. 3 para. 7 continued (28.2.1999) by S.I. 1999/652, **art. 3(2)**

8 <sup>[F8]</sup>(1) Action taken on behalf of the Minister of Health or the Secretary of State by <sup>[F9]</sup>a Strategic Health Authority, <sup>[F10]</sup>a Health Authority, a Primary Care Trust, a Special Health Authority <sup>[F11]</sup>except the Rampton Hospital Review Board <sup>[F12]</sup> . . . <sup>F13</sup> the Rampton Hospital Board, <sup>[F14]</sup>the Broadmoor Hospital Board or the Moss Side and Park Lane Hospitals Board, <sup>[F15]</sup> . . . a Health Board or the Common Services Agency for the Scottish Health Service <sup>[F16]</sup>by the Dental Practice Board or the Scottish Dental Practice Board]. . .

<sup>[F17]</sup>(2) For the purposes of this paragraph, action taken by a <sup>[F18]</sup>Strategic Health Authority, Health Authority, Special Health Authority or Primary Care Trust in the exercise of functions of the Secretary of State shall be regarded as action taken on his behalf.]

#### Textual Amendments

**F8** Sch. 3 para. 8 renumbered (8.2.2000) as Sch. 3 para. 8(1) by S.I. 2000/90, **art. 3(1)**, **Sch. 1 para. 5** (with **art. 2(5)**)

**F9** Words in Sch. 3 para. 8(1) inserted (1.10.2002) by S.I. 2002/2469, **reg. 4**, **Sch. 1 Pt. 1 para. 3(a)** (with **reg. 2(4)**)

**F10** Words in Sch. 3 para. 8 substituted (8.2.2000) by S.I. 2000/90, **art. 3(1)**, **Sch. 1 para. 5(a)** (with **art. 2(5)**)

**F11** Words inserted by S.I. 1981/736, **art. 2**

**F12** Words inserted by S.I. 1986/1168, **art. 2**

**F13** Word repealed by S.I. 1987/661, **art. 2(a)**

**F14** Words inserted by S.I. 1987/661, **art. 2(b)**

**F15** Sch. 3 para. 8: words repealed (28.6.1995) by 1995 c. 17, s. 5(1), **Sch. 3**

**F16** Words in Sch. 3 para. 8 inserted (5.2.1994) by 1993 c. 46, ss. 20, 22(4), **Sch. 2 para. 2**

**F17** Sch. 3 para. 8(2) inserted (8.2.2000) by S.I. 2000/90, **art. 3(1)**, **Sch. 1 para. 5(b)** (with **art. 2(5)**)

**F18** Words in Sch. 3 para. 8(2) inserted (1.10.2002) by S.I. 2002/2469, **reg. 4**, **Sch. 1 Pt. 1 para. 3(b)** (with **reg. 2(4)**)

#### Modifications etc. (not altering text)

**C6** Sch. 3 para. 8 extended (13.5.1999) by S.I. 1999/1351, **art. 9(6)(a)**

9 Action taken in matters relating to contractual or other commercial transactions, whether within the United Kingdom or elsewhere, being transactions of a government department or authority to which this Act applies or of any such authority or body as is mentioned in paragraph (a) or (b) of subsection (1) of section 6 of this Act and not being transactions for or relating to—

- (a) the acquisition of land compulsorily or in circumstances in which it could be acquired compulsorily;
- (b) the disposal as surplus of land acquired compulsorily or in such circumstances as aforesaid.

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#### Modifications etc. (not altering text)

**C7** Sch. 3 para. 9 extended (13.5.1999) by S.I. 1999/1351, art. 9(6)(c)

10<sup>[F19]</sup>(1) Action taken in respect of appointments or removals, pay, discipline, superannuation or other personnel matters, in relation to—

- (a) service in any of the armed forces of the Crown, including reserve and auxiliary and cadet forces;
- (b) service in any office or employment under the Crown or under any authority <sup>[F20]</sup>to which this Act applies]; or
- (c) service in any office or employment, or under any contract for services, in respect of which power to take action, or to determine or approve the action to be taken, in such matters is vested in Her Majesty, any Minister of the Crown or any such authority as aforesaid.

<sup>[F21]</sup>(2) Sub-paragraph (1)(c) above shall not apply to any action (not otherwise excluded from investigation by this Schedule) which is taken by the Secretary of State in connection with:—

- (a) the provision of information relating to the terms and conditions of any employment covered by an agreement entered into by him under section 12(1) of the <sup>M4</sup>Overseas Development and Co-operation Act 1980 <sup>[F22]</sup>or pursuant to the exercise of his powers under Part I of the International Development Act 2002] or
- (b) the provision of any allowance, grant or supplement or any benefit (other than those relating to superannuation) arising from the designation of any person in accordance with such an agreement.]

#### Textual Amendments

**F19** Sch. 3 para. 10 renumbered as Sch. 3 para. 10(1) by S.I. 1983/1707, art. 2(a)

**F20** Words substituted by Parliamentary and Health Service Commissioners Act 1987 (c. 39 SIF 89), s. 1(3)(c)

**F21** Sch. 3 para. 10(2) inserted by S.I. 1983/1707, art. 21(b)

**F22** Words in Sch. 3 para. 10(2)(a) inserted (17.6.2002) by 2002 c. 1, s. 19, Sch. 3 para. 2; S.I. 2002/1408, art. 2

#### Modifications etc. (not altering text)

**C8** Sch. 3 para. 10 extended (13.5.1999) by S.I. 1999/1351, art. 9(6)(c)

#### Marginal Citations

**M4** 1980 c. 63(88).

11 The grant of honours, awards or privileges within the gift of the Crown, including the grant of Royal Charters.

VALID FROM 03/04/2006

<sup>[F23]</sup>12 (1) Action not otherwise within this Schedule which is taken in the course of administrative functions exercised at the direction, or on the authority (whether express or implied), of a judge of any court established under the law of England and Wales or Northern Ireland.

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(2) In this paragraph “judge” includes—

- (a) a person appointed under section 89 of, and Part 2 or 3 of Schedule 2 to, the Supreme Court Act 1981, and
- (b) a Master or District Judge appointed under section 70 of, and Schedule 3 to, the Judicature (Northern Ireland) Act 1978.]

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**Textual Amendments**

**F23** Sch. 3 para. 12 inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 145, 148, **Sch. 17 para. 6(4)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 28

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