



Parliamentary and Health Service Commissioners Act 1987

1987 CHAPTER 39

1 Extension of the jurisdiction of the Parliamentary Commissioner.

- (1) The following section shall be substituted for section 4 of the ^{M1}Parliamentary Commissioner Act 1967 (“the 1967 Act”)—

“4 Departments etc. subject to investigation.

- (1) Subject to the provisions of this section and to the notes contained in Schedule 2 to this Act, this Act applies to the government departments, corporations and unincorporated bodies listed in that Schedule; and references in this Act to an authority to which this Act applies are references to any such corporation or body.
- (2) Her Majesty may by Order in Council amend Schedule 2 to this Act by the alteration of any entry or note, the removal of any entry or note or the insertion of any additional entry or note.
- (3) An Order in Council may only insert an entry if—
- (a) it relates—
 - (i) to a government department; or
 - (ii) to a corporation or body whose functions are exercised on behalf of the Crown; or
 - (b) it relates to a corporation or body—
 - (i) which is established by virtue of Her Majesty’s prerogative or by an Act of Parliament or an Order in Council or order made under an Act of Parliament or which is established in any other way by a Minister of the Crown in his capacity as a Minister or by a government department;
 - (ii) at least half of whose revenues derive directly from money provided by Parliament, a levy authorised by an enactment, a

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- fee or charge of any other description so authorised or more than one of those sources; and
- (iii) which is wholly or partly constituted by appointment made by Her Majesty or a Minister of the Crown or government department.
- (4) No entry shall be made in respect of a corporation or body whose sole activity is, or whose main activities are, included among the activities specified in subsection (5) below.
- (5) The activities mentioned in subsection (4) above are—
- (a) the provision of education, or the provision of training otherwise than under the Industrial Training Act 1982;
 - (b) the development of curricula, the conduct of examinations or the validation of educational courses;
 - (c) the control of entry to any profession or the regulation of the conduct of members of any profession;
 - (d) the investigation of complaints by members of the public regarding the actions of any person or body, or the supervision or review of such investigations or of steps taken following them.
- (6) No entry shall be made in respect of a corporation or body operating in an exclusively or predominantly commercial manner or a corporation carrying on under national ownership an industry or undertaking or part of an industry or undertaking.
- (7) Any statutory instrument made by virtue of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) In this Act—
- (a) any reference to a government department to which this Act applies includes a reference to any of the Ministers or officers of such a department; and
 - (b) any reference to an authority to which this Act applies includes a reference to any members or officers of such an authority.”.
- (2) The Schedule set out in Schedule 1 to this Act shall be substituted for Schedule 2 to the 1967 Act.
- (3) The 1967 Act shall be further amended as follows—
- (a) in section 13(2) (application to Northern Ireland)—
 - (i) after the word “authority, in the first place where it occurs, there shall be inserted the words “or body; and
 - (ii) for the words “ or authority, in the first place where they occur, there shall be substituted the words “authority or body;
 - (b) in section 14(3) (complaints in respect of matters which arose before commencement) for the words “which arose before the commencement of this Act there shall be substituted the words “whenever arising; and
 - (c) in paragraph 10(1) of Schedule 3 (matters not subject to investigation) for the words “listed in Schedule 2 to this Act there shall be substituted the words “to which this Act applies.

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Marginal Citations

M1 1967 c. 13.

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