



# Parliamentary Corporate Bodies Act 1992

## 1992 CHAPTER 27

An Act to establish corporate bodies to hold land and perform other functions for the benefit of the Houses of Parliament; to make provision for and in connection with the transfer of certain property, rights and liabilities to those corporate bodies; and for purposes connected therewith. [16th March 1992 ]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### Commencement Information

II Act wholly in force at Royal Assent.

## **1 Establishment of a corporation to be known as “the Corporate Officer of the House of Lords”.**

- (1) By virtue of this Act there shall be a corporation sole, by the name of “The Corporate Officer of the House of Lords”, having perpetual succession, an official seal and power to sue and be sued under that name like any other corporation sole; and in the following provisions of this Act that corporation is referred to as “the Corporate Officer of the Lords”.
- (2) The individual who for the time being is by letters patent appointed to the office of the Clerk of the Parliaments shall be the Corporate Officer of the Lords.
- (3) The Corporate Officer of the Lords shall have power—
  - (a) to acquire, hold, manage and dispose of land and other property of any description for any purpose of the House of Lords;
  - (b) to enter into contracts for any purpose of that House;
  - (c) to do any other thing which, in relation to the House of Lords, the Clerk of the Parliaments can do by virtue of his office; and

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- (d) to do anything reasonably necessary or expedient for, or incidental to, any of the matters referred to in paragraphs (a) to (c) above.
- (4) During any vacancy in the office of the Clerk of the Parliaments, the functions of the Corporate Officer of the Lords may be exercised by the Clerk Assistant.
- (5) As regards the seal of, and any contract entered into by, the Corporate Officer of the Lords,—
  - (a) the seal may be authenticated by the signature of, and
  - (b) the contract may be signed on behalf of the Corporate Officer of the Lords by, the Clerk of the Parliaments, the Clerk Assistant, the Reading Clerk or any other officer of the House of Lords authorised in that behalf by the Clerk of the Parliaments.
- (6) Except in so far as Her Majesty may by Order in Council otherwise provide, the Corporate Officer of the Lords shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown and property vested in the Corporate Officer of the Lords shall not be regarded as property of, or property held on behalf of, the Crown.
- (7) A statutory instrument made in the exercise of the power conferred by subsection (6) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## **2 Establishment of a corporation to be known as “the Corporate Officer of the House of Commons”.**

- (1) By virtue of this Act there shall be a corporation sole, by the name of “The Corporate Officer of the House of Commons”, having perpetual succession, an official seal and power to sue and be sued under that name like any other corporation sole; and in the following provisions of this Act that corporation is referred to as “the Corporate Officer of the Commons”.
- (2) The individual who for the time being is by letters patent appointed to the office of the Under Clerk of the Parliaments (and who is customarily referred to as the Clerk of the House of Commons) shall be the Corporate Officer of the Commons.
- (3) The Corporate Officer of the Commons shall have power—
  - (a) to acquire, hold, manage and dispose of land and other property of any description for any purpose of the House of Commons;
  - (b) to enter into contracts for any purpose of that House;
  - (c) to do any other thing which the Under Clerk of the Parliaments can do by virtue of his office; and
  - (d) to do anything reasonably necessary or expedient for, or incidental to, any of the matters referred to in paragraphs (a) to (c) above.
- (4) During any vacancy in the office of the Under Clerk of the Parliaments, the functions of the Corporate Officer of the Commons may be exercised by the Clerk Assistant.
- (5) As regards the seal of, and any contract entered into by, the Corporate Officer of the Commons,—
  - (a) the seal may be authenticated by the signature of, and
  - (b) the contract may be signed on behalf of the Corporate Officer of the Commons by,

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the Under Clerk of the Parliaments, any Clerk Assistant or any other officer of the House of Commons authorised in that behalf by the Under Clerk.

- (6) Except in so far as Her Majesty may by Order in Council otherwise provide, the Corporate Officer of the Commons shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown and property vested in the Corporate Officer of the Commons shall not be regarded as property of, or property held on behalf of, the Crown.
- (7) A statutory instrument made in the exercise of the power conferred by subsection (6) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### **3 Schemes for transfer of property etc. to the corporations.**

- (1) The Secretary of State may make a scheme or schemes for the transfer to either of the corporations constituted under sections 1 and 2 above, or to both of them jointly, of any property, rights and liabilities—
  - (a) to which, immediately before the appointed day, the Secretary of State or, in the case of copyright, Her Majesty is entitled or subject;
  - (b) which on that day subsist for the purposes of or in connection with or are otherwise attributable to the Crown service known as the Parliamentary Works Office of the Department of the Environment; and
  - (c) which are not rights or liabilities relating to a person's employment.
- (2) In the following provisions of this Act—
  - (a) a scheme made under this section is referred to as a “transfer scheme”; and
  - (b) “the transferee corporation” means, in relation to any property, rights or liabilities transferred by a transfer scheme, the corporation or, as the case may be, the corporations to whom a scheme provides for the property, rights or liabilities to be transferred.
- (3) A transfer scheme shall come into force on such day as may be specified for the purpose in the scheme; and in this section “the appointed day”, in relation to a transfer scheme, means the day so specified.
- (4) On the appointed day such of the property, rights and liabilities falling within subsection (1) above as may be specified in or determined in accordance with the transfer scheme shall be transferred and vest in accordance with the scheme.
- (5) A certificate issued by the Secretary of State—
  - (a) that any property, rights or liabilities specified in the certificate subsist as mentioned in subsection (1)(b) above, or
  - (b) that by virtue of a transfer scheme any property, rights or liabilities specified in the certificate have vested in the transferee corporation specified in the certificate,shall be conclusive evidence for all purposes of that fact.

### **4 Transferred staff.**

Where, by reason of the operation of the <sup>M1</sup>Transfer of Undertakings (Protection of Employment) Regulations 1981 in relation to the transfer of any property, rights or

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liabilities by virtue of a transfer scheme, a person ceases to be employed in the civil service of the State and becomes employed by the transferee corporation—

- (a) he shall not, on so ceasing, be treated for the purposes of any scheme under section 1 of the <sup>M2</sup>Superannuation Act 1972 as having retired on redundancy; and
- (b) his ceasing to be employed in that service shall not be regarded as an occasion of redundancy for the purpose of the agreed redundancy procedures applicable to persons employed in that service.

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**Marginal Citations**

- M1** S.I. 1981/1794.  
**M2** 1972 c. 11.

**5 Schemes and transfers: supplementary provisions.**

- (1) A transfer scheme may contain such supplementary, incidental, consequential or transitional provisions as appear to the Secretary of State to be necessary or expedient and may revoke or vary any provision of an earlier transfer scheme.
- (2) An agreement, transaction or other thing (not contained in an enactment) which has been made, effected or done by, to or in relation to the Secretary of State (or has effect as if so made, effected or done) and which—
  - (a) immediately before the appointed day is in force or effective, and
  - (b) relates to any property, right or liability to be transferred from the Secretary of State in accordance with a transfer scheme,
 shall on and after that day have effect as if made, effected or done by, to or in relation to the transferee corporation.
- (3) Where any agreement, transaction or other thing has effect in accordance with subsection (2) above, any reference to the Secretary of State in any document incorporating or otherwise connected with the agreement, transaction or other thing (and any reference required to be construed as such a reference) shall on and after the appointed day be construed as a reference to the transferee corporation.
- (4) Stamp duty shall not be chargeable on any instrument which is certified to the Commissioners of Inland Revenue by the Secretary of State as being a transfer scheme.
- (5) Nothing in subsection (4) above affects the provisions of the <sup>M3</sup>Stamp Act 1891 so far as they make an instrument which is not duly stamped inadmissible in evidence unless it is stamped with a particular stamp denoting that it is not chargeable to duty.
- (6) In this section “the appointed day” has the meaning given by section 3(3) above.

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**Marginal Citations**

- M3** 1891 c. 39.

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## 6 Gifts to either House to take effect as gifts to corporate officers.

- (1) Where, by will or otherwise, any property is (by whatever words used) expressed to be given to the House of Lords the gift shall take effect as a gift to the Corporate Officer of the Lords.
- (2) Where, by will or otherwise, any property is (by whatever words used) expressed to be given to the House of Commons the gift shall take effect as a gift to the Corporate Officer of the Commons.

## 7 Transitional and consequential provisions.

- (1) Any agreement—
  - (a) which has been entered into for any purpose of the House of Lords by the Clerk of the Parliaments or any other officer of the House of Lords, and
  - (b) which, immediately before the day on which this section comes into force, is in force or effective,shall on and after that day have effect as if made by the Corporate Officer of the Lords.
- (2) Where an agreement has effect in accordance with subsection (1) above, any reference to the Clerk of the Parliaments or an officer of the House of Lords in any document incorporating or otherwise connected with the agreement shall on and after that day be construed as a reference to the Corporate Officer of the Lords.
- (3) Any agreement—
  - (a) which has been entered into for any purpose of the House of Commons by the Under Clerk of the Parliaments or any other officer of the House of Commons, and
  - (b) which immediately before the day on which this section comes into force is in force or effective.shall on and after that day have effect as if made by the Corporate Officer of the Commons.
- (4) Where an agreement has effect in accordance with subsection (3) above, any reference to the Under Clerk of the Parliaments or an officer of the House of Commons in any document incorporating or otherwise connected with the agreement shall on and after that day be construed as a reference to the Corporate Officer of the Commons.
- (5) With effect from such day as the Secretary of State may by order made by statutory instrument appoint, section 21 of the <sup>M4</sup>Crown Lands Act 1851 (by virtue of which the Secretary of State has certain functions once discharged by the Surveyor General of Her Majesty's Works and Public Buildings) shall cease to have effect in relation to the Palace of Westminster.

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### Subordinate Legislation Made

P1 S. 7(5) power fully exercised (27.3.1992): 1.4.1992 appointed day by S.I. 1992/902, art. 2

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### Marginal Citations

M4 1851 c. 42.

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**8 Short title and extent.**

- (1) This Act may be cited as the Parliamentary Corporate Bodies Act 1992.
- (2) This Act extends to Northern Ireland.

**Changes to legislation:**

There are currently no known outstanding effects for the Parliamentary Corporate Bodies Act 1992.