

HOUSE OF COMMONS COMMISSION ACT 2015

EXPLANATORY NOTES

INTRODUCTION

1. These explanatory notes relate to the House of Commons Commission Act 2015, which received Royal Assent on 26th March 2015. They have been prepared by the Cabinet Office in order to assist the reader in understanding the Act. They do not form part of the Act and have not been endorsed by Parliament.
2. The notes need to be read in conjunction with the Act. They are not, and are not meant to be, a comprehensive description of the Act. If a section or part of a section does not seem to require any explanation or comment, none is given.

BACKGROUND

3. The House of Commons Commission is responsible for the administration and services of the House of Commons. The House of Commons (Administration) Act 1978 (the '1978 Act') provides the statutory basis for the Commission.
4. On 10 September 2014, the House of Commons agreed to establish the House of Commons Governance Committee. This followed a pause in the process for recruiting a new Clerk of the House of Commons. The Committee's remit was focused on consideration of the question of how the responsibilities of the Clerk and Chief Executive of the House should be allocated in future. The remit also included matters relating to the governance of the House more generally, including the role of the House of Commons Commission.
5. The Committee published its report, 'House of Commons Governance', on 17 December 2014. This report recommended that the House of Commons Commission should have a new explicit statutory responsibility: to set strategic priorities and objectives for the services provided by the House Departments. It also argued that the Commission's parliamentary membership should be expanded, in order to better represent the breadth of views in the House and to make it less likely that a future Government might have a majority on the Commission. It maintained that, with the addition of two external and two official members, an expanded Commission would also enable it to have a closer relationship with the other committees of the House with responsibilities for its administration, as well as the new Executive Committee that it proposed to replace the existing Management Board of House officials.
6. These recommendations are taken forward through this Act.

SUMMARY

7. This is a relatively short Act containing two measures. Section 1 changes the membership of the Commission to add five new members: one extra Member of Parliament and four people who are not MPs.
8. [Section 2](#) alters the Commission's functions in order to give it explicit statutory responsibility for setting the strategic priorities and objectives for services provided by the House Departments.

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9. The Schedule makes further, consequential changes to the membership and procedure of the Commission, including setting requirements for the appointment of external members.

TERRITORIAL EXTENT AND APPLICATION

10. The Act extends to the whole of the UK. The Act addresses matters relating to the Parliament of the United Kingdom, which is an 'excepted matter' under Schedule 2 to the Northern Ireland Act 1998, and a 'reserved matter' under Schedule 5 to the Scotland Act 1998.

COMMENTARY ON SECTIONS

Section 1: Members of the Commission etc.

11. This section amends the House of Commons (Administration) Act 1978 to add five new members to the existing Commission of six MPs: one extra Member of Parliament and four non-Members.
12. *Subsections (1) and (2)* specify that the new Commission consists of seven parliamentary members, two external and two official members.
13. *Subsection (4)* specifies that the official members are the Clerk of the House of Commons and the Director General of the House of Commons, a new position recommended by the Governance Committee. The subsection allows the Commission to appoint other House officials if either of these posts is vacant.
14. *Subsection (4)* also prohibits an external member from being a Member of Parliament, peer, or member of staff of either House and requires that they are appointed by resolution of the House of Commons.

Section 2: Functions of the Commission

15. Under section 2 of the 1978 Act the Commission has responsibility for staff appointments, numbers, pay and pensions. This section gives it the additional function of setting strategic priorities and objectives for services provided by the House Departments.

Section 3: Commencement, extent and short title

16. *Subsections (2) to (4)* set out how the Act will come into force.
17. *Subsection (2)* ensures that the new members of the Commission can be appointed from the day that the Act is passed.
18. *Subsection (3)* provides that those provisions in the Act not relating to appointments come into force on the day after the last of the parliamentary members have been appointed. The Act comes fully into force on this day.
19. *Subsection (4)* ensures that members of the Commission who are appointed before the Act comes fully into force may not sit as members of the Commission until all the parliamentary members of the Commission have been appointed. The new Commission will become operational, with the Clerk and Director General joining it, on this day, regardless of whether the two external members have been appointed or not.

Schedule: Further provision about members and procedure of the Commission

20. *Paragraph 2* places two restrictions on how the House of Commons may make a resolution appointing an external member to the Commission. First, such a motion may be made only with the agreement of the Commission. Second, the person being

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appointed must have been selected by the parliamentary members of the Commission on the basis of fair and open competition.

21. *Paragraphs 3 and 4* amend the 1978 Act to reflect the new terminology of “parliamentary members” introduced by this Act.
22. *Paragraph 3* also amends the 1978 Act to include in the definition of ex officio member of the Commission the Clerk of the House and Director General of the House of Commons.
23. *Paragraph 5* allows the Commission to make formal delegations of its functions concerning staff (such as those relating to pay and conditions) to any member of staff it chooses rather than just the heads of any House Department.
24. *Paragraph 6* provides the Commission with the option to appoint one of its members other than the Speaker to take the Chair at a Commission meeting in circumstances other than the absence of the Speaker, which is the only circumstance in which this can happen at present.

HANSARD REFERENCES

25. The following table sets out the dates and Hansard references for each stage of this Act’s passage through Parliament.

<i>Stage</i>	<i>Date</i>	<i>Hansard Reference</i>
<i>House of Commons</i>		
Introduction	4 February 2015	Vol. 592 Col. 306
Second Reading, Committee, and Third Reading	24 February 2015	Vol. 593 Cols. 223 - 238
<i>House of Lords</i>		
Introduction	25 February 2015	Vol. 759 Col. 1653
Second Reading	12 March 2015	Vol. 760 Cols. 772 - 780
Committee	18 March 2015	Vol. 760 Col. 1070
Third Reading	23 March 2015	Vol. 760 Col. 1232
Royal Assent	26 March 2015	Lords: Vol. 760 Col. 1590 Commons: Vol. 594 Col. 1682