

SCHEDULE 2

PART I

MODIFICATIONS OF ACTS OF PARLIAMENT

Parliamentary Commissioner Act 1967 (c. 13)

39.—(1) The Parliamentary Commissioner Act 1967 is amended as follows.

(2) In section 4 (departments etc. subject to investigation)⁽¹⁾, for subsection (3B) there is substituted—

“(3B) No entry shall be made in respect of—

- (a) the Scottish Administration of any part of it;
- (b) any Scottish public authority with mixed functions or no reserved functions within the meaning of the Scotland Act 1998; or
- (c) the Scottish Parliamentary Corporate Body.”

(3) In section 5 (matters subject to investigation)—

(a) after subsection (5) there is inserted—

“(5A) For the purposes of this section, administrative functions of a government department to which this Act applies include functions exercised by the department on behalf of the Scottish Ministers by virtue of section 93 of the Scotland Act 1998.

(5B) The Commissioner shall not conduct an investigation under this Act in respect of any action concerning Scotland and not relating to reserved matters which is taken by or on behalf of a cross-border public authority within the meaning of the Scotland Act 1998.”; and

(b) after subsection (9) there is inserted—

“(9A) No entry shall be made in the said Schedule 4 in respect of the holder of any office in the Scottish Administration which is not a ministerial office or in respect of any Scottish public authority with mixed functions or no reserved functions within the meaning of the Scotland Act 1998.”.

(4) For section 6(1)(b) (provisions relating to complaints), there is substituted—

“(b) any other authority or body within subsection (1A) below.

(1A) An authority or body is within this subsection if—

- (a) its members are appointed by—
 - (i) Her Majesty;
 - (ii) any Minister of the Crown;
 - (iii) any government department;
 - (iv) the Scottish Ministers;
 - (v) the First Minister; or
 - (vi) the Lord Advocate, or
- (b) its revenues consist wholly or mainly of—
 - (i) money provided by Parliament; or

(1) Subsection (3B) of section 4 was inserted by [S.I. 1999/1042](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (ii) sums payable out of the Scottish Consolidated Fund (directly or indirectly).”.
- (5) In Schedule 2 (departments etc. subject to investigation by Parliamentary Commissioner)(2)–
- (a) the following entries are omitted–
- the entries relating to–
 - the Accounts Commission for Scotland(3),
 - the Scottish Arts Council(4),
 - the Crofters Commission,
 - the Deer Commission for Scotland(5),
 - the General Teaching Council for Scotland(6),
 - the Local Government Boundary Commission for Scotland(6),
 - the National Galleries of Scotland(6),
 - the National Library of Scotland(7),
 - the National Museums of Scotland(7),
 - the Parole Board for Scotland(7),
 - the Department of the Registers of Scotland,
General Register Office, Scotland,
 - the Royal Botanic Garden, Edinburgh(7),
 - the Royal Commission on the Ancient and Historical Monuments of Scotland(7),
 - the Scottish Agricultural Wages Board(7),
 - the Scottish Children’s Reporter Administration(7),
 - the Scottish Community Education Council(7),
 - the Scottish Consultative Council on the Curriculum(7),
 - the Scottish Council for Educational Technology(7),
 - Scottish Courts Administration,
 - the Scottish Environment Protection Agency(8),
 - the Scottish Further Education Funding Council(9),

(2) Schedule 2 was substituted by the Parliamentary and Health Service Commissioners Act 1987 (c. 39), section 1(2) and Schedule 1.

(3) Inserted in Schedule 2 by S.I. 1999/277, article 2.

(4) Inserted in Schedule 2 by S.I. 1995/1615, article 2.

(5) Inserted in Schedule 2 by the Deer (Amendment) (Scotland) Act 1996 (c. 44), section 13, Schedule 1, paragraph 3.

(6) Inserted in Schedule 2 by S.I. 1999/277, article 2.

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(8) Inserted in Schedule 2 by the Environment Act 1995 (c. 25), section 120 and Schedule 22, paragraph 11.

(9) Inserted in Schedule 2 by S.I. 1999/277, article 2.

the Scottish Further Education Unit(9),
the Scottish Higher Education Funding Council(9),
Scottish Homes(10),
the Scottish Legal Aid Board(11),
the Scottish Medical Practices Committee,
Scottish Natural Heritage(12),
the Scottish Office,
the Scottish Record Office,
the Scottish Qualifications Authority(13),
Scottish Screen Limited(13),
the Scottish Sports Council,
the Scottish Studentship Selection Committee(13),
the Scottish Tourist Board,
the Scottish Water and Sewerage Customers' Council(13); and

(b) the following entry shall be inserted at the appropriate place—
“Office of the Secretary of State for Scotland”.

(6) In Schedule 4 (relevant tribunals for purposes of section 5(7))(14), the following entries are omitted—

the entries relating to—
the Court of the Lord Lyon,
the Dairy Produce Quota Tribunal for Scotland,
the Independent Schools Tribunals for Scotland,
the Lands Tribunal for Scotland,
Rent Assessment Committees for Scotland,
the Scottish Land Court,

and, at the end of the entry relating to the Meat Hygiene Appeals Tribunal there is inserted the words “other than a Tribunal any of whose members was appointed by the Secretary of State for Scotland or by the Scottish Ministers”.

(9) Inserted in Schedule 2 by S.I. 1999/277, article 2.

(9) Inserted in Schedule 2 by S.I. 1999/277, article 2.

(10) Inserted in Schedule 2 by the Housing (Scotland) Act 1988 (c. 43), sections 1 and 3 and Schedule 2, paragraph 2.

(11) Inserted in Schedule 2 by S.I. 1988/585, article 2.

(12) Inserted in Schedule 2 by the Natural Heritage (Scotland) Act 1991 (c. 28), section 27(1) and Schedule 10, paragraph 3.

(13) Inserted in Schedule 2 by S.I. 1999/277, article 2.

(13) Inserted in Schedule 2 by S.I. 1999/277, article 2.

(13) Inserted in Schedule 2 by S.I. 1999/277, article 2.

(13) Inserted in Schedule 2 by S.I. 1999/277, article 2.

(14) Schedule 4 was inserted by the Parliamentary Commissioner Act 1994 (c. 14), section 1(3) and amended by S.I. 1996/1914.