
STATUTORY INSTRUMENTS

2008 No. 3115

PARLIAMENTARY COMMISSIONER

The Parliamentary Commissioner Order 2008

Made - - - - *10th December 2008*
Laid before Parliament *17th December 2008*
Coming into force - - *13th February 2009*

At the Court at Buckingham Palace, the 10th day of December 2008

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred by sections 4(2), 5(4) and 5(9) of the Parliamentary Commissioner Act 1967(1), is pleased, by and with the advice of Her Privy Council, to make the following order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Parliamentary Commissioner Order 2008 and comes into force on 13th February 2009.

(2) In this Order “the Act” means the Parliamentary Commissioner Act 1967.

Amendment to Schedule 2 to the Act

2. For Schedule 2 to the Act (Departments etc. subject to investigation), substitute the Schedule set out in the Schedule to this Order.

Amendment to Schedule 3 to the Act

3. In paragraph 8(1) of Schedule 3 to the Act(2)—

(1) omit the following—

(a) “the Minister of Health or”,

(1) 1967 c.13. Section 4 was substituted by the Parliamentary and Health Service Commissioners Act 1987 (c.39), section 1(1). Section 5(9) was inserted by the Parliamentary Commissioner Act 1994 (c.14), section 1(1).
(2) Paragraph 8(1) was amended by the National Health Service Reorganisation Act 1973 (c. 32), sections 57 and 58, Sch 4, para 109; S.I. 1981/736, article 2; S.I. 1986/1168, article 2; S.I. 1987/661, article 2; the Health Service Commissioners Act 1993, section 20, Sch 2; S.I. 2002/2469, regulation 4, Sch 1, Part 1, para 3(a). Paragraph 8(1) numbered as such and amended by S.I. 2000/90, article 3(1), Sch 1, para 5.

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- (b) “a Health Authority”, and
- (c) all of the words from “except” to the end.

(2) after the word “Trust,” insert the word “or”.

4. In paragraph 8(2) of Schedule 3 to the Act⁽³⁾, between the words “Strategic Health Authority” and “Special Health Authority”, omit the words “Health Authority”.

Amendment to Schedule 4 to the Act

5. In Schedule 4 to the Act⁽⁴⁾, omit the entry relating to the Mental Health Tribunal for Wales constituted under section 65 of, and Schedule 2 to, the Mental Health Act 1983.

Judith Simpson
Clerk of the Privy Council

(3) Paragraph 8(2) inserted by [S.I. 2000/90](#), article 3(1), Sch 1, para 5(b) and amended by [S.I. 2002/2469](#), regulation 4, Sch 1, Part 1, para 3(b).

(4) Schedule 4 was amended to refer to this tribunal by [S.I. 2008/2833](#), Sch 3, para 26(3).

SCHEDULE

Article 2

Schedule substituted for Schedule 2 to the Parliamentary Commissioner Act 1967

“SCHEDULE 2

Section 4

Departments Etc Subject to Investigation

Administration of Radioactive Substances Advisory Committee.
Advisory Board on the Registration of Homeopathic Products.
Advisory Committee on Advertising.
Advisory Committee on Animal Feedingstuffs.
Advisory Committee on Antimicrobial Resistance and Healthcare Associated Infections.
Advisory Committee on Borderline Substances.
Advisory Committee on Carbon Abatement.
Advisory Committee on Clinical Excellence Awards.
Advisory Committee on Consumer Engagement.
Advisory Committee on Dangerous Pathogens.
Advisory Committee on the Government Art Collection.
Advisory Committee on Hazardous Substances.
Advisory Committee on Historic Wreck Sites.
Advisory Committee on Microbiological Safety of Food.
Advisory Committee on National Historic Ships.
Advisory Committee on Novel Foods and Processes.
Advisory Committee on Organic Standards.
Advisory Committee on Pesticides.
Advisory Committee on Releases to the Environment.
Advisory Committee on the Safety of Blood, Tissues and Organs.
Advisory, Conciliation and Arbitration Service.
Advisory Council on Historical Manuscripts.
Advisory Council on Libraries.
Advisory Council on the Misuse of Drugs.
Advisory Council on National Records and Archives.
Advisory Council on Public Records.
Advisory Group on Hepatitis.
Advisory Group on Medical Countermeasures.
Advisory Panel on Beacon Councils.
Advisory Panel on Public Sector Information.
Advisory Panel on Standards for the Planning Inspectorate.
Agricultural dwelling house advisory committees.
Agricultural Wages Board for England and Wales.
Agricultural wages committees.

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Agriculture and Horticulture Development Board.
Air Quality Expert Group.
Alcohol Education and Research Council.
Animal Welfare Advisory Committee.
Animals Procedures Committee.
Appeal Officer for Community Interest Companies.
Arts and Humanities Research Council.
Arts Council of England.
Authorised Conveyancing Practitioners Board.
Better Regulation Commission.
Big Lottery Fund.
Biotechnology and Biological Sciences Research Council.
Board of Trade.
Boundary Commission for England.
Boundary Commission for Northern Ireland.
Boundary Commission for Scotland.
Boundary Commission for Wales.
British Council.
British Educational Communications and Technology Agency.
British Film Institute.
British Hallmarking Council.
British Library Board.
British Museum.
British Pharmacopoeia Commission.
British Tourist Authority.
Building Regulations Advisory Committee.
Cabinet Office.
Capacity Builders.
Capital for Enterprise Limited.
Care Quality Commission.
Central Advisory Committee on Pensions and Compensation.
Central Bureau for Educational Visits and Exchanges.
Central Office of Information.
The Certification Officer.
Charity Commission.
The Chief Inspector of Criminal Justice for Northern Ireland.
Child Maintenance and Enforcement Commission.
Children and Family Court Advisory and Support Service.
Civil Aviation Authority.
Civil Justice Council.

Coal Authority.
Commission for Architecture and the Built Environment.
Commission for Equality and Human Rights.
Commission for Healthcare Audit and Inspection.
Commission for Integrated Transport.
Commission for the New Towns.
Commission for Rural Communities.
Commission for Social Care Inspection.
Commissioner for Victims and Witnesses.
Committee on the Biological Safety of Blood and Tissues for Transplantation.
Committee on Carcinogenicity of Chemicals in Food, Consumer Products and the Environment.
Commission on Human Medicines.
Committee on the Medical Aspects of Air Pollutants.
Committee on Medical Aspects of Radiation in the Environment.
Committee on Mutagenicity of Chemicals in Food, Consumer Products and the Environment.
Committee on Radioactive Waste Management.
Committee on the Safety of Devices.
Committee on Standards in Public Life.
Committee on Toxicity of Chemicals in Food, Consumer Products and the Environment.
Commonwealth Scholarship Commission in the United Kingdom.
Community Development Foundation.
Competition Commission.
Competition Service.
Construction Industry Training Board.
Consumer Council for Water.
Correctional Services Accreditation Panel.
Council for Science and Technology.
Crown Estate Office.
Culture East Midlands.
Culture North East.
Culture North West.
Culture South East.
Culture South West.
Culture West Midlands.
Cycling England.
Darwin Advisory Committee.
Defence Nuclear Safety Committee.
Defence Scientific Advisory Council.
DEFRA Science Advisory Council.

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Department for Business, Enterprise and Regulatory Reform.
Department for Children, Schools and Families.
Department for Communities and Local Government.
Department for Culture, Media and Sport.
Department for Energy and Climate Change.
Department for Environment, Food and Rural Affairs.
Department for Innovation, Universities and Skills.
Department for International Development.
Department for Transport.
Department for Work and Pensions.
Department of Health.
Design Council.
Disabled Persons Transport Advisory Committee.
Economic and Social Research Council.
Electoral Commission.
Engineering Construction Industry Training Board.
Engineering and Physical Sciences Research Council.
England Implementation Group for the Animal Health and Welfare Strategy for Great Britain.
English Sports Council.
English Tourist Board.
Environment Agency.
The Ethics Group: National DNA Database.
Ethnic Minority Business Forum.
Expert Advisory Group on AIDS.
Expert Panel on Air Quality Standards.
Export Credits Guarantee Department.
The Director of Fair Access to Higher Education.
Farm Animal Welfare Council.
Film Industry Training Board for England and Wales.
Firebuy Limited.
Fleet Air Arm Museum.
Food from Britain.
Food Standards Agency.
Football Licensing Authority.
Foreign and Commonwealth Office.
Forestry Commission.
Fuel Poverty Advisory Group.
Futurebuilders Advisory Panel.
Gambling Commission.
Gangmasters Licensing Authority.

Gas and Electricity Markets Authority.
Geffrye Museum.
Gene Therapy Advisory Committee.
General Advisory Committee on Science.
General Social Care Council.
Genetics and Insurance Committee.
Government Actuary's Department.
Government Equalities Office.
The Great Britain-China Centre.
Health and Safety Executive.
Health Protection Agency.
Her Majesty's Revenue and Customs.
Her Majesty's Stationery Office.
Her Majesty's Treasury.
Herbal Medicines Advisory Committee.
Higher Education Funding Council for England.
Historic Buildings and Monuments Commission for England.
Historic Royal Palaces.
Home Office.
Homes and Communities Agency.
The Horniman Public Museum and Public Park Trust.
Horserace Betting Levy Board.
Housing Corporation.
Human Fertilisation and Embryology Authority.
Human Genetics Commission.
Human Tissue Authority.
The Immigration Services Commissioner.
Imperial War Museum.
Independent Advisory Group on Sexual Health and HIV.
Independent Barring Board.
Independent Living Fund (2006).
Independent Reconfiguration Panel.
The Independent Regulator of NHS Foundation Trusts.
Independent Review Panel for Advertising.
Independent Review Panel on the Classification of Borderline Products.
Independent Scientific Group on Cattle TB.
Industrial Development Advisory Board.
The Information Commissioner.
The International Rail Regulator.
Investors in People UK.

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Joint Committee on Vaccination and Immunisation.
Joint Nature Conservation Committee.
Land Registry.
Law Commission.
Learning and Skills Council for England.
Leasehold Advisory Service.
Legal Deposit Advisory Panel.
Legal Services Commission.
The Legal Services Complaints Commissioner.
The following general lighthouse authorities—
(a) the Corporation of the Trinity House of Deptford Strond;
(b) the Commissioners of Northern Lighthouses.
Living East.
Local Better Regulation Office.
Low Pay Commission.
Marshall Aid Commemoration Commission.
Medical Research Council.
Medical Workforce Standing Advisory Committee.
Ministry of Defence.
Ministry of Justice.
Museum of Science and Industry in Manchester.
Museums, Libraries and Archives Council.
National Army Museum.
National Biological Standards Board (UK).
National Clinical Audit Advisory Group.
National Community Forum.
National Consumer Council.
National Employer Advisory Board.
National Endowment for Science, Technology and the Arts.
National Forest Company.
National Gallery.
National Heritage Memorial Fund.
National Housing and Planning Advice Unit.
The National Information Governance Board for Health and Social Care.
National Joint Registry Steering Committee.
National Lottery Commission.
National Maritime Museum.
National Museum of Science and Industry.
National Museums and Galleries on Merseyside.
National Policing Improvement Agency.

National Portrait Gallery.
National Specialist Commissioning Advisory Group.
Natural England.
Natural Environment Research Council.
Natural History Museum.
Northern Ireland Court Service.
Northern Ireland Human Rights Commission.
Northern Ireland Law Commission.
Northern Ireland Legal Services Commission.
Northern Ireland Office.
Northern Ireland Police Fund.
Northern Ireland Policing Board.
Nuclear Decommissioning Authority.
Nuclear Liabilities Fund.
Nuclear Research Advisory Council.
Nutrition Forum.
Office for Standards in Education, Children's Services and Skills.
Office for Tenants and Social Landlords.
Office of the Children's Commissioner.
Office of Communications.
Office of Fair Trading.
Office of Public Sector Information.
Office of Rail Regulation.
Office of the Regulator of Community Interest Companies.
Office of the Renewable Fuels Agency.
Office of the Secretary of State for Scotland.
The Official Solicitor to the Supreme Court.
Oil and Pipelines Agency.
Olympic Delivery Authority.
Olympic Lottery Distributor.
Ordnance Survey.
Parades Commission for Northern Ireland.
Parole Board.
Partnerships for Schools.
The Pensions Regulator.
Personal Accounts Delivery Authority.
Pesticide Residues Committee.
Postal Services Commission.
Postgraduate Medical Education and Training Board.
Probation Board for Northern Ireland.

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The Registrar of Public Lending Right.
Public Record Office.
Qualifications and Curriculum Authority.
The Quality Improvement Agency.
Rail Passengers' Council.
Railway Heritage Committee.
Regional development agencies (other than the London Development Agency).
Regional industrial development boards.
Remploy Ltd.
Renewables Advisory Board.
Residuary Bodies.
Reviewing Committee on the Export of Works of Art.
Royal Air Force Museum.
Royal Armouries Museum.
Royal Botanic Gardens, Kew.
Royal Commission on Environmental Pollution.
Royal Commission on Historical Manuscripts.
Royal Marines Museum.
Royal Mint.
Royal Naval Museum.
Royal Navy Submarine Museum.
Royal Ulster Constabulary George Cross Foundation.
The School Food Trust.
Science and Technology Facilities Council.
Scientific Advisory Committee on Nutrition.
Sea Fish Industry Authority.
Security Industry Authority.
Sentencing Advisory Panel.
Sentencing Guidelines Council.
The Serious Organised Crime Agency.
Sir John Soane's Museum.
SITPRO Ltd.
Social Fund Commissioner.
Social Science Research Committee.
Spongiform Encephalopathy Advisory Committee.
Standards Board for England.
Standing Dental Advisory Committee.
Statistics Board.
Strategic Advisory Board for Intellectual Property Policy.
Sustainable Development Commission.

Tate Gallery.
Technology Strategy Board.
The Theatres Trust.
Training and Development Agency for Schools.
Treasure Valuation Committee.
The Treasury Solicitor.
UK Chemical Weapons Convention National Authority Advisory Committee.
UK Commission for Employment and Skills.
UK Film Council.
UK National Authority Advisory Group.
Union Modernisation Fund Supervisory Board.
United Kingdom Atomic Energy Authority.
United Kingdom Sports Council.
United Kingdom Xenotransplantation Interim Regulatory Authority.
Unlinked Anonymous Surveys Steering Group.
Unrelated Live Transplant Regulatory Authority.
Urban development corporations established for urban development areas wholly in England.
Urban Regeneration Agency.
Valuation Tribunal Service.
Veterinary Products Committee.
Veterinary Residues Committee.
Victims Advisory Panel.
Victoria and Albert Museum.
Wales Office.
Wallace Collection.
War pensions committees.
Water Services Regulation Authority.
Westminster Foundation for Democracy.
Women's National Commission.
Working Ventures UK.
Yorkshire Culture.
Youth Justice Board for England and Wales.
Zoos Forum.

NOTES

General

In relation to any function exercised on behalf of the Crown by a department or authority to which this Act applies which was previously exercisable on behalf of the Crown by a department or authority to which this Act does not apply, the reference to the department or authority to which this Act applies includes a reference to the other department or authority if the other department or authority—

- (a) ceased to exercise the function before the commencement of this Act; or

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- (b) where it exercised the function after the commencement of this Act, did so only when it was a department or authority to which this Act applied.

Cabinet Office

The reference to the Cabinet Office does not include any of the Secretariats (including the intelligence and security functions carried out by the Chairman of the Joint Intelligence Committee and the Prime Minister's Security Adviser respectively) or the office of the Secretary of the Cabinet and Head of the Home Civil Service. The reference to the Cabinet Office includes the Lord President of the Council's Office, the executive agencies of the Cabinet Office and the office of any Minister whose expenses are defrayed out of moneys provided by Parliament for the service of the Cabinet Office.

Commission for the New Towns

In the case of the Commission for the New Towns, no investigation is to be conducted in respect of any action in connection with functions in relation to housing.

Environment Agency

The reference to the Environment Agency is a reference to that Agency in relation to all its functions other than its flood defence functions, within the meaning of the Water Resources Act 1991⁽⁵⁾; and no investigation is to be conducted in respect of any action in connection with functions of the Environment Agency in relation to Wales (within the meaning of the Government of Wales Act 2006⁽⁶⁾).

Forestry Commission

In the case of the Forestry Commission no investigation is to be conducted in respect of any action in connection with functions of the Forestry Commissioners in relation to Wales (within the meaning of the Government of Wales Act 2006).

Government Actuary's Department

In the case of the Government Actuary's Department an investigation may be conducted only in respect of the giving of advice by the Government Actuary's Department on or before 26 April 2001 relating to the exercise of functions under—

- (a) Part 2 of the Insurance Companies Act 1982⁽⁷⁾, or
(b) any other enactment relating to the regulation of insurance companies within the meaning of that Act.

Health Protection Agency

In the case of the Health Protection Agency no investigation is to be conducted in relation to any action taken by or on behalf of that Agency in the exercise in or as regards Scotland of any function to the extent that the function is exercisable within devolved competence (within the meaning of section 54 of the Scotland Act 1998⁽⁸⁾).

HM Treasury

The reference to Her Majesty's Treasury includes its subordinate departments and the office of any Minister whose expenses are defrayed out of moneys provided by Parliament for the service of Her Majesty's Treasury; but it does not include National Savings and Investments.

Homes and Communities Agency

In the case of the Homes and Communities Agency no investigation is to be conducted in respect of any action in connection with functions in relation to town and country planning.

(5) 1991 c.57.

(6) 2006 c.32.

(7) 1982 c.50. Repealed by S.I. 2001/3649.

(8) 1998 c.46.

Corporation of the Trinity House of Deptford Strond

In the case of the Corporation of the Trinity House of Deptford Strond an investigation may be conducted only in respect of action in connection with its functions as a general lighthouse authority.

Ministry of Defence

The reference to the Ministry of Defence includes the Defence Council, the Admiralty Board, the Army Board and the Air Force Board.

Ministry of Justice

The reference to the Ministry of Justice includes the Public Trustee but does not include the Privy Council Office or the Office of the Judicial Committee of the Privy Council.

Serious Organised Crime Agency

In the case of the Serious Organised Crime Agency, an investigation may be conducted only in respect of the exercise of functions vested in it by virtue of a notice served on the Commissioners for Her Majesty's Revenue and Customs under section 317(2), 321(2) or 322(2) of the Proceeds of Crime Act 2002⁽⁹⁾ (Revenue functions).

Statistics Board

In the case of the Statistics Board, no investigation is to be conducted in relation to any action taken by or on behalf of the Board in the exercise of any of its functions where the function is being exercised only in relation to Scottish devolved statistics (within the meaning of section 66 of the Statistics and Registration Service Act 2007)⁽¹⁰⁾.

Treasury Solicitor

The reference to the Treasury Solicitor does not include a reference to Her Majesty's Procurator General.

Urban development corporations

In the case of an urban development corporation no investigation is to be conducted in respect of any action in connection with functions in relation to town and country planning.

Urban Regeneration Agency

In the case of the Urban Regeneration Agency no investigation is to be conducted in respect of any action in connection with functions in relation to town and country planning.”

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Parliamentary Commissioner Act 1967 ('the Act'). Article 2 of this Order substitutes the Schedule to this Order for Schedule 2 to the Act (Departments etc. subject to investigation). The following table shows the changes that have been made to Schedule 2 by this Order.

⁽⁹⁾ 2002 c.29. Section 317(2) amended by the Commissioners for Revenue and Customs Act 2005 (c.11), sections 50(1), (7).

⁽¹⁰⁾ 2007 c.18

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<i>Bodies added</i>	<i>Bodies omitted</i>	<i>Changes of name</i>
Advisory Committee on Consumer Engagement	Advisory Board on Naturalisation and Integration	From “Central Advisory Committee on War Pensions” to “Central Advisory Committee on Pensions and Compensation”
Capital for Enterprise Limited	Advisory Panel on Country Information	From “England Implementation Group” to “England Implementation Group for the Animal Health and Welfare Strategy for Great Britain”
Department for Energy and Climate Change	British Association for Central and Eastern Europe	From “Defence Scientific Advisory Committee” to “Defence Scientific Advisory Council”.
The Ethics Group: National DNA Database	Complaints Audit Committee	
Film Industry Training Board for England and Wales	Independent Living (1993) Fund	
Government Equalities Office	Independent Living (Extension) Fund	
Independent Barring Board	Museum of London	
National Clinical Audit Advisory Group	National Victims Advisory Panel	
National Joint Registry Steering Committee	Sector Skills Development Agency	
Northern Ireland Law Commission		
Social Fund Commissioner		
Social Science Research Committee		
Strategic Advisory Board for Intellectual Property Policy		
UK Commission for Employment and Skills		
Working Ventures UK		

Articles 3 and 4 of this Order omit from paragraph 8 of Schedule 3 to the Act a number of bodies that are no longer in existence.

Article 5 removes from Schedule 4 to the Act, the reference to the Mental Health Tribunal for Wales.