

SCHEDULES

SCHEDULE 7

Section 47

INVESTIGATIONS BY PARLIAMENTARY COMMISSIONER

- 1 The Parliamentary Commissioner Act 1967 (c. 13) is amended as follows.
- 2 (1) Section 5 (matters subject to investigation) is amended as follows.
- (2) After subsection (1) insert—
- “(1A) Subsection (1C) of this section applies if—
- (a) a written complaint is duly made to a member of the House of Commons by a member of the public who claims that a person has failed to perform a relevant duty owed by him to the member of the public, and
 - (b) the complaint is referred to the Commissioner, with the consent of the person who made it, by a member of the House of Commons with a request to conduct an investigation into it.
- (1B) For the purposes of subsection (1A) of this section a relevant duty is a duty imposed by any of these—
- (a) a code of practice issued under section 32 of the Domestic Violence, Crime and Victims Act 2004 (code of practice for victims), or
 - (b) sections 35 to 44 of that Act (duties of local probation boards in connection with victims of sexual or violent offences).
- (1C) If this subsection applies, the Commissioner may investigate the complaint.”
- (3) In subsection (3) for “investigation under this Act” substitute “investigation under subsection (1) of this section”.
- (4) After subsection (4) insert—
- “(4A) Without prejudice to subsection (2) of this section, the Commissioner shall not conduct an investigation pursuant to a complaint under subsection (1A) of this section in respect of—
- (a) action taken by or with the authority of the Secretary of State for the purposes of protecting the security of the State, including action so taken with respect to passports, or
 - (b) any action or matter described in any of paragraphs 1 to 4 and 6A to 11 of Schedule 3 to this Act.
- (4B) Her Majesty may by Order in Council amend subsection (4A) of this section so as to exclude from paragraph (a) or (b) of that subsection such actions or matters as may be described in the Order.
- (4C) Any statutory instrument made by virtue of subsection (4B) of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

Status: This is the original version (as it was originally enacted).

- 3 (1) Section 7 (procedure in respect of investigations) is amended as follows.
- (2) In subsection (1) after “complaint under” insert “section 5(1) of”.
- (3) After subsection (1) insert—
- “(1A) Where the Commissioner proposes to conduct an investigation pursuant to a complaint under section 5(1A) of this Act, he shall give the person to whom the complaint relates an opportunity to comment on any allegations contained in the complaint.”
- (4) In subsection (2) for “such investigation” substitute “investigation under this Act”.
- (5) In subsection (4)—
- (a) after “authority concerned” insert “or the person to whom the complaint relates”;
- (b) for “that department or authority” substitute “that department, authority or person”.
- 4 (1) Section 8 (evidence) is amended as follows.
- (2) In subsection (1) after “investigation under” insert “section 5(1) of”.
- (3) After subsection (1) insert—
- “(1A) For the purposes of an investigation pursuant to a complaint under section 5(1A) of this Act the Commissioner may require any person who in his opinion is able to furnish information or produce documents relevant to the investigation to furnish any such information or produce any such document.”
- (4) In subsection (2) for “such investigation” substitute “investigation under this Act”.
- 5 (1) Section 10 (reports by Commissioner) is amended as follows.
- (2) In subsection (2), after “investigation under” insert “section 5(1) of”.
- (3) After subsection (2) insert—
- “(2A) In any case where the Commissioner conducts an investigation pursuant to a complaint under section 5(1A) of this Act, he shall also send a report of the results of the investigation to the person to whom the complaint relates.”
- (4) In subsection (3) after “investigation under” insert “section 5(1) of”.
- (5) After subsection (3) insert—
- “(3A) If, after conducting an investigation pursuant to a complaint under section 5(1A) of this Act, it appears to the Commissioner that—
- (a) the person to whom the complaint relates has failed to perform a relevant duty owed by him to the person aggrieved, and
- (b) the failure has not been, or will not be, remedied,
- the Commissioner may, if he thinks fit, lay before each House of Parliament a special report upon the case.
- (3B) For the purposes of subsection (3A) of this section “relevant duty” has the meaning given by section 5(1B) of this Act.”
- (6) In subsection (5)(d) after “subsection (2)” insert “or (2A)”.

Status: This is the original version (as it was originally enacted).

6 In section 12(1) (interpretation) for the definition of “person aggrieved” substitute—

““person aggrieved”—

- (a) in relation to a complaint under section 5(1) of this Act, means the person who claims or is alleged to have sustained such injustice as is mentioned in section 5(1)(a) of this Act;
- (b) in relation to a complaint under section 5(1A) of this Act, means the person to whom the duty referred to in section 5(1A)(a) of this Act is or is alleged to be owed;”.