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## SCHEDULES

### SCHEDULE 3

#### MATTERS NOT SUBJECT TO INVESTIGATION

- 1 Action taken in matters certified by a Secretary of State or other Minister of the Crown to affect relations or dealings between the Government of the United Kingdom and any other Government or any international organisation of States or Governments.
- 2 Action taken, in any country or territory outside the United Kingdom, by or on behalf of any officer representing or acting under the authority of Her Majesty in respect of the United Kingdom, or any other officer of the Government of the United Kingdom [<sup>F1</sup>other than action which is taken by an officer (not being an honorary consular officer) in the exercise of a consular function on behalf of the government of the United Kingdom . . . <sup>F2</sup>.]

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#### Textual Amendments

- F1** Words added by [S.I. 1979/915, art. 2](#)  
**F2** Words repealed by [S.I. 1988/1985, art. 2](#)

- 3 Action taken in connection with the administration of the government of any country or territory outside the United Kingdom which forms part of Her Majesty's dominions or in which Her Majesty has jurisdiction.
- 4 Action taken by the Secretary of State under the <sup>M1</sup>Extradition Act 1870 [<sup>F3</sup>, the Fugitive Offenders Act 1967 or the Extradition Act 1989].

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#### Textual Amendments

- F3** Words substituted by [Extradition Act 1989 \(c. 33, SIF 48\), s. 36\(1\)](#)

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#### Modifications etc. (not altering text)

- C1** [Para. 4](#) extended by [Fugitive Offenders Act 1967 \(c. 68, SIF 48\), s. 21\(4\)](#)

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#### Marginal Citations

- M1** [1870 c. 52\(48\)](#).

- 5 Action taken by or with the authority of the Secretary of State for the purposes of investigating crime or of protecting the security of the State, including action so taken with respect to passports.

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#### Modifications etc. (not altering text)

**C2** Sch. 3 para. 5 extended (13.5.1999) by S.I. 1999/1351, art. 9(6)(a)

- 6 The commencement or conduct of civil or criminal proceedings before any court of law in the United Kingdom, of proceedings at any place under the <sup>M2</sup>Naval Discipline Act 1957, the <sup>M3</sup>Army Act 1955 or the <sup>M4</sup>Air Force Act 1955, or of proceedings before any international court or tribunal.

#### Marginal Citations

**M2** 1957 c. 53(7:1).

**M3** 1955 c. 18(7:1).

**M4** 1955 c. 19(7:1).

- [<sup>F4</sup>6A Action taken by any person appointed by the Lord Chancellor as a member of the administrative staff of any court or tribunal, so far as that action is taken at the direction, or on the authority (whether express or implied), of any person acting in a judicial capacity or in his capacity as a member of the tribunal.]

#### Textual Amendments

**F4** Sch. 3 para. 6A inserted by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 110(2)

VALID FROM 05/09/1994

- [<sup>F5</sup>6B (1) Action taken by any member of the administrative staff of a relevant tribunal, so far as that action is taken at the direction, or on the authority (whether express or implied), of any person acting in his capacity as a member of the tribunal.
- (2) In this paragraph, “relevant tribunal” has the meaning given by section 5(8) of this Act.]

#### Textual Amendments

**F5** Sch. 3 para. 6B inserted (5.9.1994) by 1994 c. 14, ss. 1(2), 3(2)

#### Modifications etc. (not altering text)

**C3** Sch. 3 para. 6B(2) extended (13.5.1999) by S.I. 1999/1351, art. 9(6)(b)

VALID FROM 08/11/1995

- [<sup>F6</sup>6C Action taken by any person appointed under section 5(3)(c) of the Criminal Injuries Compensation Act 1995, so far as that action is taken at the direction, or

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on the authority (whether express or implied), of any person acting in his capacity as an adjudicator appointed under section 5 of that Act to determine appeals.]

#### Textual Amendments

**F6** Sch. 3 para. 6C inserted (8.11.1995) by 1995 c. 53, s. 10(2)(3)

7 Any exercise of the prerogative of mercy or of the power of a Secretary of State to make a reference in respect of any person to the Court of Appeal, the High Court of Justiciary or the Courts-Martial Appeal Court.

8 Action taken on behalf of the Minister of Health or the Secretary of State by a [<sup>F7</sup>Regional Health Authority, an Area Health Authority [<sup>F8</sup>a District Health Authority], a special health authority [<sup>F9</sup>except the Rampton Hospital Review Board][<sup>F10</sup> . . . <sup>F11</sup> the Rampton Hospital Board], [<sup>F12</sup>the Broadmoor Hospital Board or the Moss Side and Park Lane Hospitals Board,] a Family Practitioner Committee, a Health Board or the Common Services Agency for the Scottish Health Service], or by the Public Health Laboratory Service Board.

#### Textual Amendments

**F7** Words substituted by National Health Service Reorganisation Act 1973 (c. 32, SIF 113:2), Sch 4. para. 109

**F8** Words added (E.W.S.) by Health Services Act 1980 (c. 53, SIF 113:2), Sch. 1 para. 16

**F9** Words inserted by S.I. 1981/736, art. 2

**F10** Words inserted by S.I. 1986/1168, art. 2

**F11** Word repealed by S.I. 1987/661, art. 2(a)

**F12** Words inserted by S.I. 1987/661, art. 2(b)

9 Action taken in matters relating to contractual or other commercial transactions, whether within the United Kingdom or elsewhere, being transactions of a government department or authority to which this Act applies or of any such authority or body as is mentioned in paragraph (a) or (b) of subsection (1) of section 6 of this Act and not being transactions for or relating to—

- (a) the acquisition of land compulsorily or in circumstances in which it could be acquired compulsorily;
- (b) the disposal as surplus of land acquired compulsorily or in such circumstances as aforesaid.

#### Modifications etc. (not altering text)

**C4** Sch. 3 para. 9 extended (13.5.1999) by S.I. 1999/1351, art. 9(6)(c)

10<sup>[F13(1)]</sup> Action taken in respect of appointments or removals, pay, discipline, superannuation or other personnel matters, in relation to—

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- (a) service in any of the armed forces of the Crown, including reserve and auxiliary and cadet forces;
- (b) service in any office or employment under the Crown or under any authority [<sup>F14</sup>to which this Act applies]; or
- (c) service in any office or employment, or under any contract for services, in respect of which power to take action, or to determine or approve the action to be taken, in such matters is vested in Her Majesty, any Minister of the Crown or any such authority as aforesaid.

[<sup>F15</sup>(2) Sub-paragraph (1)(c) above shall not apply to any action (not otherwise excluded from investigation by this Schedule) which is taken by the Secretary of State in connection with:—

- (a) the provision of information relating to the terms and conditions of any employment covered by an agreement entered into by him under section 12(1) of the <sup>M5</sup>Overseas Development and Co-operation Act 1980 or
- (b) the provision of any allowance, grant or supplement or any benefit (other than those relating to superannuation) arising from the designation of any person in accordance with such an agreement.]

#### Textual Amendments

**F13** Sch. 3 para. 10 renumbered as Sch. 3 para. 10(1) by [S.I. 1983/1707, art. 2\(a\)](#)

**F14** Words substituted by Parliamentary and Health Service Commissioners Act 1987 (c. 39 SIF 89), s. 1(3)(c)

**F15** Sch. 3 para. 10(2) inserted by [S.I. 1983/1707, art. 21\(b\)](#)

#### Modifications etc. (not altering text)

**C5** Sch. 3 para. 10 extended (13.5.1999) by [S.I. 1999/1351, art. 9\(6\)\(c\)](#)

#### Marginal Citations

**M5** [1980 c. 63\(88\)](#).

- 11 The grant of honours, awards or privileges within the gift of the Crown, including the grant of Royal Charters.

VALID FROM 03/04/2006

[<sup>F16</sup>12 (1) Action not otherwise within this Schedule which is taken in the course of administrative functions exercised at the direction, or on the authority (whether express or implied), of a judge of any court established under the law of England and Wales or Northern Ireland.

(2) In this paragraph “judge” includes—

- (a) a person appointed under section 89 of, and Part 2 or 3 of Schedule 2 to, the Supreme Court Act 1981, and
- (b) a Master or District Judge appointed under section 70 of, and Schedule 3 to, the Judicature (Northern Ireland) Act 1978.]

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**Textual Amendments**

**F16** Sch. 3 para. 12 inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 145, 148, **Sch. 17 para. 6(4)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 28

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