



Parliamentary Commissioner Act 1967

1967 CHAPTER 13

Investigation by the Commissioner

[^{F1}4 Departments etc. subject to investigation.

- (1) Subject to the provisions of this section and to the notes contained in Schedule 2 to this Act, this Act applies to the government departments, corporations and unincorporated bodies listed in that Schedule; and references in this Act to an authority to which this Act applies are references to any such corporation or body.
- (2) Her Majesty may by Order in Council amend Schedule 2 to this Act by the alteration of any entry or note, the removal of any entry or note or the insertion of any additional entry or note.
- (3) An Order in Council may only insert an entry if—
 - (a) it relates—
 - (i) to a government department; or
 - (ii) to a corporation or body whose functions are exercised on behalf of the Crown; or
 - (b) it relates to a corporation or body—
 - (i) which is established by virtue of Her Majesty's prerogative or by an Act of Parliament or an Order in Council or order made under an Act of Parliament or which is established in any other way by a Minister of the Crown in his capacity as a Minister or by a government department;
 - (ii) at least half of whose revenues derive directly from money provided by Parliament, a levy authorised by an enactment, a fee or charge of any other description so authorised or more than one of those sources; and
 - (iii) which is wholly or partly constituted by appointment made by Her Majesty or a Minister of the Crown or government department.

[No entry shall be made if the result of making it would be that the Parliamentary Commissioner could investigate action which can be investigated [^{F3}by the Public

Status: Point in time view as at 01/04/2006. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Parliamentary Commissioner Act 1967, Section 4. (See end of Document for details)

Services Ombudsman for Wales under the Public Services Ombudsman (Wales) Act 2005] .]

[No entry shall be made in respect of—

- ^{F4}(3B) (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.]
- (4) No entry shall be made in respect of a corporation or body whose sole activity is, or whose main activities are, included among the activities specified in subsection (5) below.
- (5) The activities mentioned in subsection (4) above are—
- (a) the provision of education, or the provision of training otherwise than under the ^{M1}Industrial Training Act 1982;
- (b) the development of curricula, the conduct of examinations or the validation of educational courses;
- (c) the control of entry to any profession or the regulation of the conduct of members of any profession;
- (d) the investigation of complaints by members of the public regarding the actions of any person or body, or the supervision or review of such investigations or of steps taken following them.
- (6) No entry shall be made in respect of a corporation or body operating in an exclusively or predominantly commercial manner or a corporation carrying on under national ownership an industry or undertaking or part of an industry or undertaking.
- (7) Any statutory instrument made by virtue of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) In this Act—
- (a) any reference to a government department to which this Act applies includes a reference to any of the Ministers or officers of such a department; and
- (b) any reference to an authority to which this Act applies includes a reference to any members or officers of such an authority].

Textual Amendments

- F1** S. 4 substituted by [Parliamentary and Health Service Commissioners Act 1987 \(c. 39, SIF 89\)](#), **s. 1(1)**
- F2** [S. 4\(3A\)](#) inserted (1.7.1999) by [1998 c. 38, s. 125, Sch. 12 para. 6](#) (with ss. 139(2), 143(2)); [S.I. 1999/1290, art. 4](#)
- F3** Words in [s. 4\(3A\)](#) substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\)](#), ss. 39, 40, **Sch. 6 para. 3**; [S.I. 2005/2800, art. 5\(1\)](#) (with art. 5(2))
- F4** [S. 4\(3B\)](#) substituted (1.7.1999) by [S.I. 1999/1820, arts. 1\(2\), 4, Sch. 2 Pt. I para. 39\(1\)\(2\)](#)

Marginal Citations

- M1** [1982 c. 10\(43:1\)](#).

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