

**2011 No. 2986**

**PARLIAMENTARY COMMISSIONER**

**The Parliamentary Commissioner (No. 2) Order 2011**

*Made* - - - - *14th December 2011*  
*Laid before Parliament* *21st December 2011*  
*Coming into force* - - *6th February 2012*

At the Court at Buckingham Palace, the 14th day of December 2011

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred by section 4(2) of the Parliamentary Commissioner Act 1967(a), 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 (No. 2) Order 2011 and comes into force on 6th February 2012.

(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.

*Ceri King*  
Deputy Clerk of the Privy Council

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(a) 1967 c.13. Section 4 was substituted by section 1(1) of the Parliamentary and Health Service Commissioners Act 1987 (c.39).

## 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 Animal Feedingstuffs.

Advisory Committee on Antimicrobial Resistance and Healthcare Associated Infections.

Advisory Committee on Borderline Substances.

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 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 Military Medicines.

Advisory Panel on Public Sector Information.

Agricultural dwelling house advisory committees.

Agricultural Wages Board for England and Wales.

Agricultural wages committees.  
Agriculture and Horticulture Development Board.  
Alcohol Education and Research Council.  
Animals Procedures Committee.  
Appeal Officer for Community Interest Companies.  
Arts and Humanities Research Council.  
Arts Council of England.  
Big Lottery Fund.  
Biotechnology and Biological Sciences Research Council.  
Board of the Pension Protection Fund.  
Board of Trade.  
Boundary Commission for England.  
Boundary Commission for Northern Ireland.  
Boundary Commission for Scotland.  
Boundary Commission for Wales.  
British Council.  
British Film Institute.  
British Hallmarking Council.  
British Library Board.  
British Museum.  
British Pharmacopoeia Commission.  
British Tourist Authority.  
Building Regulations Advisory Committee for England.  
Cabinet Office.  
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 Executive of Skills Funding.  
Child Maintenance and Enforcement Commission.  
The Child Poverty 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 Rural Communities.

Commission on Human Medicines.

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.

The Committee on Climate Change.

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.

Competition Commission.

Competition Service.

Construction Industry Training Board.

Consumer Council for Water.

Council for Science and Technology.

Crown Estate Office.

Defence Nuclear Safety Committee.

Defence Scientific Advisory Council.

DEFRA Science Advisory Council.

Department for Business, Innovation and Skills.

Department for Communities and Local Government.

Department for Culture, Media and Sport.

Department for Education.

Department for Environment, Food and Rural Affairs.

Department for International Development.  
Department for Transport.  
Department for Work and Pensions.  
Department of Energy and Climate Change.  
Department of Health.  
Design Council.  
Disability Living Allowance Advisory Board.  
Disabled Persons Transport Advisory Committee.  
Economic and Social Research Council.  
Electoral Commission.  
Engineering Construction Industry Training Board.  
Engineering and Physical Sciences Research Council.  
English Sports Council.  
English Tourist Board.  
Environment Agency.  
Equality 2025.  
The Ethics Group: National DNA Database.  
Ethnic Minority Business Forum.  
Expert Advisory Group on AIDS.  
Export Credits Guarantee Department.  
The Director of Fair Access to Higher Education.  
Film Industry Training Board for England and Wales.  
Food from Britain.  
Food Standards Agency.  
Foreign and Commonwealth Office.  
Forestry Commission.  
Fuel Poverty Advisory Group.  
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.  
High Speed Two (HS2) Ltd.  
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.  
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 Advisory Panel on Deaths in Custody.  
Independent Agricultural Appeals Panel.  
Independent Commission for Aid Impact.  
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 Safeguarding Authority.  
Independent Scientific Group on Cattle TB.  
Industrial Development Advisory Board.  
Industrial Injuries Advisory Council.

The Information Commissioner.

Infrastructure Planning Commission.

The International Rail Regulator.

Joint Committee on Vaccination and Immunisation.

Joint Nature Conservation Committee.

Land Registry.

Law Commission.

The Leasehold Advisory Service.

Legal Services Commission.

The following general lighthouse authorities—

(a) the Corporation of the Trinity House of Deptford Strond;

(b) the Commissioners of Northern Lighthouses.

Local Better Regulation Office.

Local Government Boundary Commission for England.

Low Pay Commission.

The Marine Management Organisation.

Marshall Aid Commemoration Commission.

Medical Education England.

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.

The National Archives.

National Army Museum.

National Clinical Audit Advisory Group.

National Consumer Council.

National Employer Advisory Board.

National Employment Savings Trust Corporation.

National Endowment for Science, Technology and the Arts.

National Forest Company.

National Gallery.

National Heritage Memorial Fund.

The National Information Governance Board for Health and Social Care.

National Joint Registry Steering Committee.  
National Lottery Commission.  
National Maritime Museum.  
National Museum of the Royal Navy.  
National Museum of Science and Industry.  
National Museums and Galleries on Merseyside.  
National Policing Improvement Agency.  
National Portrait Gallery.  
Natural England.  
Natural Environment Research Council.  
Natural History Museum.  
Northern Ireland Human Rights Commission.  
Northern Ireland Office.  
Nuclear Decommissioning Authority.  
Nuclear Liabilities Financing Assurance Board.  
Nuclear Liabilities Fund.  
Nuclear Research Advisory Council.  
Nutrition Forum.  
Office for Budget Responsibility.  
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 Qualifications and Examinations Regulation.  
Office of Rail Regulation.  
Office of the Regulator of Community Interest Companies.  
Office of the Secretary of State for Scotland.  
Official receiver.  
The Official Solicitor to the Supreme Court.  
Olympic Delivery Authority.  
Olympic Lottery Distributor.  
Ordnance Survey.  
Parades Commission for Northern Ireland.

Parole Board.

Partnerships for Schools.

Passengers' Council.

The Pensions Regulator.

Probation trusts.

The Registrar of Public Lending Right.

Public Record Office.

Qualifications and Curriculum Development Agency.

Railway Heritage Committee.

Regional Advisory Committees.

Regional development agencies (other than the London Development Agency).

Registrar General for England and Wales.

Remploy Ltd.

Renewables Advisory Board.

Residuary Bodies.

Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest.

Royal Air Force Museum.

Royal Armouries Museum.

Royal Botanic Gardens, Kew.

Royal Commission on Historical Manuscripts.

Royal Mint.

Science Advisory Committee on the Medical Implications of Less Lethal Weapons.

Science and Technology Facilities Council.

Scientific Advisory Committee on Nutrition.

Sea Fish Industry Authority.

Security Industry Authority.

Sentencing Council for England and Wales.

The Serious Organised Crime Agency.

Sir John Soane's Museum.

Social Fund Commissioner.

Social Science Research Committee.

Social Security Advisory Committee.

Sports Grounds Safety Authority.

Standards Board for England.

Statistics Board.

Supreme Court.

Sustainable Development Commission Ltd.

Tate Gallery.

Technology Strategy Board.

The Theatres Trust.

Training and Development Agency for Schools.

Treasure Valuation Committee.

The Treasury Solicitor.

UK Anti-Doping Ltd.

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.

Valuation Tribunal Service.

Veterinary Products 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.

The Young People's Learning Agency for England.

Youth Justice Board for England and Wales."

## “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
- (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.

### **Board of the Pension Protection Fund**

In the case of the Board of the Pension Protection Fund, an investigation may be conducted only in respect of action in connection with its functions relating to the financial assistance scheme established by regulations under section 286(1) of the Pensions Act 2004(a).

### **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. 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.

### **Committee on Climate Change**

In the case of the Committee on Climate Change, no investigation is to be conducted in respect of any action taken by or on behalf of the Committee—

- (a) 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(b)), or
- (b) in connection with functions of the Committee in relation to Wales (within the meaning of the Government of Wales Act 2006(c)).

### **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(d); 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).

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(a) 2004 c.35.  
(b) 1998 c.46.  
(c) 2006 c.32.  
(d) 1991 c.57.

### **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 26th April 2001 relating to the exercise of functions under—

- (a) Part 2 of the Insurance Companies Act 1982(a), 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).

### **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.

### **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

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

Commissioners for Her Majesty’s Revenue and Customs under section 317(2), 321(2) or 322(2) of the Proceeds of Crime Act 2002(a) (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)(b).

**Supreme Court**

In the case of the Supreme Court an investigation may be conducted only in respect of action taken by administrative staff but not 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.

**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.  
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**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 addition of the Office for Budget Responsibility is to correct an omission inadvertently made by the Parliamentary Commissioner Order 2011 (S.I. 2011/751). The following table shows the changes that have been made to Schedule 2 by this Order.

<i>Bodies added</i>	<i>Bodies omitted</i>
Independent Commission for Aid Impact	Advisory Committee on Organic Standards
Office for Budget Responsibility	Air Quality Expert Group
	British Educational Communications and Technology Agency
	Capacity Builders
	Community Development Foundation
	Cycling England
	Darwin Advisory Committee
	Farm Animal Welfare Council
	Firebuy Limited
	National Standing Committee on Farm Animal Genetic Resources
	Pesticide Residues Committee
	Royal Commission on Environmental Pollution

(a) 2002 c.29; section 317(2) was amended by section 50(1) and (7) of the Commissioners for Revenue and Customs Act 2005 (c.11).

(b) 2007 c.18.

The School Food Trust  
Spongiform Encephalopathy Advisory  
Committee  
Veterinary Residues Committee  
Zoos Forum

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A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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STATUTORY INSTRUMENTS

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