



# Parliamentary Commissioner Act 1967

## 1967 CHAPTER 13

### *Supplemental*

#### **12 Interpretation.**

(1) In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say—

“action” includes failure to act, and other expressions connoting action shall be construed accordingly;

“the Commissioner” means the Parliamentary Commissioner for Administration;

“the Court” means, in relation to England and Wales the High Court, in relation to Scotland the Court of Session, and in relation to Northern Ireland the High Court of Northern Ireland;

“enactment” includes an enactment of the Parliament of Northern Ireland, and any instrument made by virtue of an enactment;

[<sup>F1</sup>“Local Commissioner” means a Local Commissioner under Part 3 of the Local Government Act 1974;]

“officer” includes employee;

[<sup>F2</sup>“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;]

“tribunal” includes the person constituting a tribunal consisting of one person.

(2) References in this Act to any enactment are references to that enactment as amended or extended by or under any other enactment.

(3) It is hereby declared that nothing in this Act authorises or requires the Commissioner to question the merits of a decision taken without maladministration by a government

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department or other authority in the exercise of a discretion vested in that department or authority.

#### Textual Amendments

- F1** S. 12(1): definition inserted (1.8.2007) by [The Regulatory Reform \(Collaboration etc. between Ombudsmen\) Order 2007 \(S.I. 2007/1889\)](#), [art. 16](#)
- F2** S. 12(1): definition substituted (18.10.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), ss. 47, 60, [Sch. 7 para. 6](#); S.I. 2005/2848, [art. 2\(b\)](#)

### 13 Application to Northern Ireland.

- (1) Subject to the provisions of this section, this Act extends to Northern Ireland.
- (2) Nothing in this section shall be construed as authorising the inclusion among the departments and authorities to which this Act applies of any department of the Government of Northern Ireland, or any authority [<sup>F3</sup>or body] established by or with the authority of the Parliament of Northern Ireland; but this Act shall apply to any such department [<sup>F4</sup>authority or body], in relation to any action taken by them as agent for a department or authority to which this Act applies, as it applies to the last-mentioned department or authority.
- (3) In section 6 of this Act the references to a Minister of the Crown or government department and to Parliament shall include references to a Minister or department of the Government of Northern Ireland and to the Parliament of Northern Ireland.
- (4) In section 8 of this Act the references to the Cabinet shall [<sup>F5</sup>include references to the Executive Committee of the Assembly, and in relation to that Committee for the reference to the Prime Minister there shall be substituted a reference to the First Minister and deputy First Minister acting jointly]

#### Textual Amendments

- F3** Words inserted by [Parliamentary and Health Service Commissioners Act 1987 \(c. 39, SIF 89\)](#), [s. 1\(3\)\(a\)\(i\)](#)
- F4** Words substituted by [Parliamentary and Health Service Commissioners Act 1987 \(c. 39, SIF 89\)](#), [s. 1\(3\)\(a\)\(ii\)](#)
- F5** Words in s. 13(4) substituted (2.12.1999) by S.I. 1999/663, arts. 1(2), 2(1), [Sch. 1 para. 14](#); 1998 c. 47, [s. 3\(1\)](#); S.I. 1999/3208, [art. 2](#)

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

- C1** References to N.I. Prime Minister and Minister to be construed as references to Chief Executive member and heads of N.I. departments respectively: [Northern Ireland Constitution Act 1973 \(c. 36, SIF 29:3\)](#), [Sch. 5 paras. 5, 7\(2\)](#)

### 14 Short title and commencement.

- (1) This Act may be cited as the Parliamentary Commissioner Act 1967.
- (2) This Act shall come into force on such date as Her Majesty may by Order in Council appoint.

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- (3) A complaint under this Act may be made in respect of matters [<sup>F6</sup>whenever arising]; and for the purposes of subsection (3) of section 6 of this Act any time elapsing between the date of the passing and the date of the commencement of this Act (but not any time before the first of those dates) shall be disregarded.

**Textual Amendments**

**F6** Words substituted by [Parliamentary and Health Service Commissioners Act 1987 \(c. 39, SIF 89\)](#), s. **1(3)(b)**

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

**C2** 1.4.1967 appointed under s. 14(2) by [S.I. 1967/485](#)

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**Changes to legislation:**

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