

Status: Point in time view as at 01/07/2012.

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SCHEDULES

[^{F1}SCHEDULE 1

Section 2.

PENSIONS AND OTHER BENEFITS

Textual Amendments

- F1** Sch. 1 (paras. 1-10) substituted (31.3.1995) for Sch. 1 (paras. 1-5) by 1993 c. 8, ss. 25, 31(2), **Sch. 4 Pt. II para.2**; S.I. 1995/631, **art. 2**

Modifications etc. (not altering text)

- C1** Sch. 1 (as substituted by 1993 c. 8) extended (5.2.1994) by 1993 c. 46, ss. 1(3), 22(4), **Sch. 1 para.7**
Sch. 1 (as substituted by 1993 c. 8) modified (5.2.1994) by 1993 c. 46, ss. 1(3), 22(4), Sch. 1 paras.8, **9(5)**
Sch. 1 (as substituted by 1993 c. 8): power to modify conferred (5.2.1994) by 1993 c. 46, ss. 1(3), 22(4), **Sch. 1 para. 9(2)**
Sch. 1 (as substituted by 1993 C. 8): functions transferred (1.4.1995) by 1995/269, art. 3, Sch. para. 3

Persons taking office after the appointed day

- 1 A person who first holds office as the Commissioner on or after the appointed day shall be entitled, if he was a member of a judicial pension scheme immediately before he first holds that office, to elect between—
- (a) the scheme of pensions and other benefits under that judicial pension scheme (his “former scheme”);
 - (b) (if different from his former scheme) the scheme of pensions and other benefits constituted by Part I of the 1993 Act (“the 1993 scheme”); and
 - (c) the scheme of pensions and other benefits applicable under section 1 of the Superannuation Act 1972 to the civil service of the State (“the civil service scheme”);
- and, if he is not entitled to make an election under this paragraph, or if he is so entitled but fails to make such an election, he shall be treated as if he had been so entitled and had elected for the civil service scheme.

Modifications etc. (not altering text)

- C2** Sch. 1 paras. 1, 2 (as substituted by 1993 c. 8) restricted (5.2.1994) by 1993 c. 46, ss. 1(3), 22(4), **Sch. 1 para. 9(3)**

Transitional provision for persons appointed before the appointed day

- 2 (1) If a person who held the office of Commissioner before the appointed day has made an election under the former enactments for the old judicial scheme, he shall be entitled to make an election under this sub-paragraph between—
- (a) the old judicial scheme; and

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(b) the 1993 scheme;

and, if he fails to make an election under this sub-paragraph, he shall be taken to have elected for the old judicial scheme.

(2) If a person who held the office of Commissioner before the appointed day—

(a) has made an election under the former enactments for the civil service scheme, or

(b) has failed to make an election under those enactments (so that he is taken to have elected for the civil service scheme),

he shall be treated as if he had been entitled to make an election under this Schedule and had elected for the civil service scheme.

Modifications etc. (not altering text)

C3 Sch. 1 paras. 1, 2 (as substituted by 1993 c. 8) restricted (5.2.1994) by 1993 c. 46, ss. 1(3), 22(4), **Sch. 1 para. 9(3)**

Effect of election to continue in former scheme

3 Where a person elects under this Schedule for his former scheme, that scheme shall, subject to regulations under this Schedule, apply as if his service as Commissioner were service which was subject, in his case, to that scheme.

Effect of election for the 1993 scheme

4 (1) A person who elects under paragraph 1(b) or 2(1)(b) above for the 1993 scheme, shall be entitled, when he ceases to hold office as Commissioner, to a pension under Part I of the 1993 Act at the appropriate annual rate (within the meaning of that Act) if he has held that office for at least 5 years and either—

(a) he has attained the age of 65; or

(b) he is disabled by permanent infirmity for the performance of the duties of the office;

and, subject to the following provisions of, and regulations under, this Schedule, the provisions of Part I of that Act (other than sections 1(1) to (4) and 2) and of sections 19, 20 and 23 of, and Schedule 2 to, that Act (which provide for benefits in respect of earnings in excess of pension-capped salary, appeals and transfer of accrued rights) shall apply in relation to him and his service in the office of Commissioner as they apply in relation to a person to whom Part I of that Act applies.

(2) Subject to regulations under this Schedule, in the application of provisions of the 1993 Act by virtue of sub-paragraph (1) above, a person who elects for the 1993 scheme shall be treated—

(a) as if the office of Commissioner were a qualifying judicial office (within the meaning of that Act) by virtue of inclusion among the offices specified in Part I of Schedule 1 to that Act;

(b) as if his election under this Schedule were an election such as is mentioned in paragraph (d) of section 1(1) of that Act (so that, in particular, section 12 of that Act, which provides for the transfer of accrued rights into the scheme, applies);

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- (c) as if his pension by virtue of this Schedule were a pension under section 2 of that Act (and, accordingly, a judicial pension, within the meaning of that Act); and
- (d) for the purpose of determining, in the event of his death, the rate of any surviving spouse's or children's pension payable under sections 5 to 8 of that Act in respect of his service as Commissioner, as if references in those sections to the annual rate of the deceased's judicial pension were references—
 - (i) where a pension had commenced to be paid to him by virtue of sub-paragraph (1) above, to the appropriate annual rate of that pension; or
 - (ii) where no such pension had commenced to be paid to him, to the rate that would have been the appropriate annual rate of the pension payable to him by virtue of sub-paragraph (1)(b) above, had he not died, but been disabled by permanent infirmity for the performance of the duties of his office on and after the date of death;

and, in the application of that Act to the Commissioner (whether by virtue of paragraph 1(a) or (b) or 2(1)(b) above) the references to the appropriate Minister in sections 13 (election for personal pension), 19 (benefits in respect of earnings in excess of pension-capped salary) and 20 (appeals) of, and Schedule 2 (transfer of accrued rights) to, that Act shall be taken as references to the Treasury and the power conferred by paragraph 2 of that Schedule to make regulations shall be exercisable by the Treasury.

Modifications etc. (not altering text)

- C4 Sch. 1 para. 4 (as substituted by 1993 c. 8) modified (5.2.1994) by 1993 c. 46, ss. 1(3), 22(4), **Sch. 1 para. 9(2)**

Effect of election for, or to continue in, the civil service scheme

- 5 Where a person elects under this Schedule for the civil service scheme, the principal civil service pension scheme within the meaning of section 2 of the Superannuation Act 1972 and for the time being in force shall, subject to regulations under this Schedule, apply as if his service as Commissioner were service in employment in the civil service of the State.

Effect of election to continue in the old judicial scheme

- 6 Where a person elects under this Schedule for the old judicial scheme, that scheme and the former enactments shall, subject to regulations under this Schedule, continue to have effect in relation to him and his service in the office of Commissioner.

Time for, and manner of, election

- 7 Any power to make an election under this Schedule shall be exercisable within such time and in such manner as may be prescribed in regulations under this Schedule.

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Regulations

- 8 (1) The Treasury may make regulations for purposes supplementary to the other provisions of this Schedule.
- (2) Any such regulations may, without prejudice to section 38 or 39A of the Superannuation Act 1965 (employment in more than one public office), make special provision with respect to the pensions and other benefits payable to or in respect of a person to whom—
- (a) his former scheme,
 - (b) the 1993 scheme,
 - (c) the civil service scheme, or
 - (d) the old judicial scheme,
- applies, or has applied, in respect of any service other than service as Commissioner.
- (3) The provision that may be made by virtue of sub-paragraph (2) above includes provision—
- (a) for aggregating—
 - (i) other service falling within his former scheme, the 1993 scheme or the old judicial scheme with service as Commissioner, or
 - (ii) service as Commissioner with such other service,
 for the purpose of determining qualification for, or entitlement to, or the amount of, benefit under the scheme in question;
 - (b) for increasing the amount of the benefit payable under any of the schemes mentioned in paragraph (a)(i) above, in the case of a person to whom that scheme applied in respect of an office held by him before appointment as Commissioner, up to the amount that would have been payable under that scheme if he had retired from that office on the ground of permanent infirmity immediately before his appointment.
- (4) Any statutory instrument made by virtue of this Schedule shall be subject to annulment in pursuance of a resolution of the House of Commons.

Modifications etc. (not altering text)

- C5 Sch. 1 para. 8 (as substituted by 1993 c. 8) modified (5.2.1994) by 1993 c. 46, ss. 1(3), 22(4), Sch. 1 paras. 9(2), 10(b)

Pensions and benefits to be charged on the Consolidated Fund

- 9 Any pension or other benefit granted by virtue of this Schedule shall be charged on, and issued out of, the Consolidated Fund.

Interpretation

- 10 In this Schedule—
- “the 1981 Act” means the Judicial Pensions Act 1981;
 - “the 1993 Act” means the Judicial Pensions and Retirement Act 1993;
 - “the appointed day” means the day on which Part II of Schedule 4 to the 1993 Act comes into force;

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“the former enactments” means Schedule 1 to this Act, as it had effect from time to time before the appointed day;

“judicial pension scheme” means any public service pension scheme, as defined in—

- (a) [F2]section 1 of the Pension Schemes Act 1993], or
- (b) [F3]section 1 of the Pension Schemes (Northern Ireland) Act 1993],

under which pensions and other benefits are payable in respect of service in one or more qualifying judicial offices, within the meaning of the 1993 Act, but does not include the civil service scheme;

“the old judicial scheme” means the statutory scheme of pensions and other benefits applicable under or by virtue of the 1981 Act to the judicial offices listed in section 1 of that Act.]

Textual Amendments

- F2** Sch. 1 para. 10: Words in definition substituted (7.2.1994) by 1993 c. 48, ss. 190, 193(2), **Sch. 8 para.1**; S. I. 1994/86, **art. 2**
- F3** Sch. 1 para. 10: Words in definition substituted (7.2.1994) by 1993 c. 49, ss. 184, 186(2), **Sch. 7 para.7**; S.R. 1994/17, **art. 2**

[F4]SCHEDULE 2

Section 4

DEPARTMENTS ETC. SUBJECT TO INVESTIGATION

Textual Amendments

- F4** Sch. 2 substituted (6.2.2012) by [The Parliamentary Commissioner \(No. 2\) Order 2011 \(S.I. 2011/2986\)](#), **art. 1(1)**, **Sch.**

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.

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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.
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 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.

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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.

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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.

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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.

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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.

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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.

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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.

[^{F10}Monitor.]

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.

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National Employer Advisory Board.
 National Employment Savings Trust Corporation.
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 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.
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 ...
 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.

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The Pensions Regulator.
Probation trusts.
The Registrar of Public Lending Right.
Public Record Office.
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...
Railway Heritage Committee.
Regional Advisory Committees.
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...
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.
[^{F15}Social Mobility and Child Poverty Commission]
Social Science Research Committee.
Social Security Advisory Committee.
Sports Grounds Safety Authority.
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Statistics Board.
Supreme Court.
Sustainable Development Commission Ltd.
Tate Gallery.
Technology Strategy Board.
The Theatres Trust.
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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.

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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.
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 ...
 Youth Justice Board for England and Wales.

Textual Amendments

- F5** Sch. 2: entry omitted (1.7.2012) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 20 para. 1(a)** (with Sch. 20 para. 4); S.I. 2012/1319, art. 2(3)
- F6** Sch. 2: entry repealed (8.5.2012) by Welfare Reform Act 2012 (c. 5), s. 150(2)(j), **Sch. 13 para. 15(a)**
- F7** Sch. 2: entry omitted (1.7.2012) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 13 para. 3(1)(b)**; S.I. 2012/1319, art. 2(3)
- F8** Sch. 2: entry repealed (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 13 para. 74, **Sch. 25 Pt. 20**; S.I. 2012/628, art. 7
- F9** Sch. 2: entry repealed (2.2.2012) by The Local Better Regulation Office (Dissolution and Transfer of Functions, Etc.) Order 2012 (S.I. 2012/246), arts. 1(2), 2, 4(2), **Sch. 1 para. 17** (with Sch. 2)
- F10** Sch. 2: entry inserted (1.7.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 13 para. 3(1)(a)**; S.I. 2012/1319, art. 2(3)
- F11** Sch. 2: entry omitted (1.4.2012) by virtue of The Public Bodies (Abolition of the National Endowment for Science, Technology and the Arts) Order 2012 (S.I. 2012/964), arts. 1(2), 3(1), **Sch.**
- F12** Sch. 2: entry repealed (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 16 para. 56, **Sch. 25 Pt. 26**; S.I. 2012/628, art. 6(i)(j) (with arts. 9, 11, 14, 15, 17)
- F13** Sch. 2: entry omitted (1.4.2012) by virtue of Education Act 2011 (c. 21), s. 82(3), **Sch. 8 para. 2**; S.I. 2012/924, art. 2
- F14** Sch. 2: entry repealed (1.7.2012 at 0.02 a.m.) by Public Bodies Act 2011 (c. 24), s. 38(3), **Sch. 6 Note 1**; S.I. 2012/1662, art. 2(2)(b)
- F15** Sch. 2: entry inserted (8.5.2012) by Welfare Reform Act 2012 (c. 5), s. 150(2)(j), **Sch. 13 para. 15(b)**
- F16** Sch. 2: entry repealed (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 4 para. 1, **Sch. 25 Pt. 5**; S.I. 2012/628, art. 6(h) (with arts. 9, 11, 14, 15, 17)
- F17** Sch. 2: entry omitted (1.4.2012) by virtue of Education Act 2011 (c. 21), s. 82(3), **Sch. 5 para. 2**; S.I. 2012/924, art. 2

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F18 Sch. 2: entry omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 16 para. 2](#); [S.I. 2012/924](#), art. 2

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.

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

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; 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).

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

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

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

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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.]

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.
- [^{F19}2 (1) 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 other than,
- (a) 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;
 - (b) action which is taken by an officer within a control zone or a supplementary control zone; or
 - (c) action which is taken by a British sea-fishery officer.
- (2) In this paragraph—
- (a) “control zone” has the meaning given collectively by Schedule 1 to the Channel Tunnel (International Arrangements) Order 1993, Schedule 1 to the Channel Tunnel (Miscellaneous Provisions) Order 1994 and regulation 2 of the Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls) Order 2003;
 - (b) “supplementary control zone” has the meaning given by Schedule 1 to the Channel Tunnel (International Arrangements) Order 1993;
 - (c) “British sea-fishery officer” has the meaning given by section 7 of the Sea Fisheries Act 1968.]

Textual Amendments

F19 Sch. 3 para. 2 substituted (20.1.2006) by [The Parliamentary Commissioner \(No. 2\) Order 2005 \(S.I. 2005/3430\)](#), [art. 3](#)

- 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.

[^{F20}4 Action taken by the Secretary of State under the Extradition Act 2003.]

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Textual Amendments

F20 Sch. 3 para. 4 substituted (1.1.2004) by [Extradition Act 2003 \(c. 41\), ss. 219, 221, Sch. 3 para. 2; S.I. 2003/3103, art. 2](#) (subject to savings in Order)

Modifications etc. (not altering text)

C6 Para. 4 extended by [Fugitive Offenders Act 1967 \(c. 68, SIF 48\), s. 21\(4\)](#)

- 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.

Modifications etc. (not altering text)

C7 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 [^{F21}service law proceedings (as defined by section 324(5) of the Armed Forces Act 2006) (anywhere)] or the ^{M1}Air Force Act 1955, or of proceedings before any international court or tribunal.

Textual Amendments

F21 Words in Sch. 3 para. 6 substituted (28.3.2009 for specified purposes and otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\), ss. 378, 383, Sch. 16 para. 48\(a\); S.I. 2009/812, art. 3; S.I. 2009/1167, art. 4](#)

Modifications etc. (not altering text)

C8 Sch. 3 para. 6 modified (24.4.2009 for certain purposes and 31.10.2009 otherwise) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\), art. 205, Sch. 1 para. 9](#)

Marginal Citations

M1 [1955 c. 19\(7:1\)](#).

- [^{F22}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

F22 Sch. 3 para. 6A inserted by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\), s. 110\(2\)](#)

- [^{F23}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.]

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Textual Amendments

F23 Sch. 3 para. 6B inserted (5.9.1994) by 1994 c. 14, ss. 1(2), 3(2)

Modifications etc. (not altering text)

C9 Sch. 3 para. 6B(2) extended (13.5.1999) by S.I. 1999/1351, art. 9(6)(b)

6C ^{F24}

Textual Amendments

F24 Sch. 3 para. 6C omitted (3.11.2008) by virtue of The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 6, Sch. 3 para. 25

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 ^{F25}... the High Court of Justiciary or the [^{F26}Court Martial Appeal Court].

Textual Amendments

F25 Sch. 3 para. 7: words repealed (31.3.1997) by 1995 c. 35, s. 29(2), Sch. 3; S.I. 1997/402, arts. 3(f), 4.

F26 Words in Sch. 3 para. 7 substituted (28.3.2009 for specified purposes and otherwise 31.10.2009) by Armed Forces Act 2006 (c. 52), ss. 378, 383, Sch. 16 para. 48(b); S.I. 2009/812, art. 3; S.I. 2009/1167, art. 4

Modifications etc. (not altering text)

C10 Sch. 3 para. 7 extended (13.5.1999) by S.I. 1999/1351, art. 9(6)(a)

C11 Sch. 3 para. 7 continued (28.2.1999) by S.I. 1999/652, art. 3(2)

8 [^{F27}(1)] Action taken on behalf of ^{F28}... the Secretary of State by [^{F29}a Strategic Health Authority,]^{F28}[^{F30}..., a Primary Care Trust, [^{F31}or] a Special Health Authority]^{F28}....

[^{F32}(2) For the purposes of this paragraph, action taken by a [^{F33}Strategic Health Authority,]^{F34}..., Special Health Authority or Primary Care Trust in the exercise of functions of the Secretary of State shall be regarded as action taken on his behalf.]

Textual Amendments

F27 Sch. 3 para. 8 renumbered (8.2.2000) as Sch. 3 para. 8(1) by S.I. 2000/90, art. 3(1), Sch. 1 para. 5 (with art. 2(5))

F28 Words in Sch. 3 para. 8(1) omitted (13.2.2009) by virtue of The Parliamentary Commissioner Order 2008 (S.I. 2008/3115), art. 3(1)

F29 Words in Sch. 3 para. 8(1) inserted (1.10.2002) by S.I. 2002/2469, reg. 4, Sch. 1 Pt. 1 para. 3(a) (with reg. 2(4))

F30 Words in Sch. 3 para. 8 substituted (8.2.2000) by S.I. 2000/90, art. 3(1), Sch. 1 para. 5(a) (with art. 2(5))

F31 Word in Sch. 3 para. 8(1) inserted (13.2.2009) by The Parliamentary Commissioner Order 2008 (S.I. 2008/3115), art. 3(2)

F32 Sch. 3 para. 8(2) inserted (8.2.2000) by S.I. 2000/90, art. 3(1), Sch. 1 para. 5(b) (with art. 2(5))

F33 Words in Sch. 3 para. 8(2) inserted (1.10.2002) by S.I. 2002/2469, reg. 4, Sch. 1 Pt. 1 para. 3(b) (with reg. 2(4))

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F34 Words in Sch. 3 para. 8(2) omitted (13.2.2009) by virtue of [The Parliamentary Commissioner Order 2008 \(S.I. 2008/3115\)](#), [art. 4](#)

Modifications etc. (not altering text)

C12 Sch. 3 para. 8 extended (13.5.1999) by [S.I. 1999/1351](#), [art. 9\(6\)\(a\)](#)

- 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)

C13 Sch. 3 para. 9 extended (13.5.1999) by [S.I. 1999/1351](#), [art. 9\(6\)\(c\)](#)

- 10^[F35](1) Action taken in respect of appointments or removals, pay, discipline, superannuation or other personnel matters, in relation to—
- (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 ^[F36]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.
- ^[F37](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 ^{M2}Overseas Development and Co-operation Act 1980 ^[F38]or pursuant to the exercise of his powers under Part I of the International Development Act 2002] 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

F35 Sch. 3 para. 10 renumbered as Sch. 3 para. 10(1) by [S.I. 1983/1707](#), [art. 2\(a\)](#)

F36 Words substituted by Parliamentary and Health Service Commissioners Act 1987 (c. 39 SIF 89), s. 1(3)(c)

F37 Sch. 3 para. 10(2) inserted by [S.I. 1983/1707](#), [art. 21\(b\)](#)

F38 Words in Sch. 3 para. 10(2)(a) inserted (17.6.2002) by 2002 c. 1, s. 19, [Sch. 3 para. 2](#); [S.I. 2002/1408](#), [art. 2](#)

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Modifications etc. (not altering text)

C14 Sch. 3 para. 10 extended (13.5.1999) by [S.I. 1999/1351](#), [art. 9\(6\)\(c\)](#)

Marginal Citations

M2 [1980 c. 63\(88\)](#).

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

^{F39}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.]

Textual Amendments

F39 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](#)

^{X1}^{F40}SCHEDULE 4

Section 5

RELEVANT TRIBUNALS FOR THE PURPOSES OF SECTION 5(7)

Editorial Information

X1 This version of Sch 4 contains only those entries in force on 3.11.2008 as they stood at that date and reflects insertions, substitutions and repeals made since that date. For information about entries repealed on or before that date and other amendment history, please refer to earlier versions.

Textual Amendments

F40 Sch. 4 substituted (30.1.2008) by [The Parliamentary Commissioner Order 2007 \(S.I. 2007/3470\)](#), [art. 3](#), [Sch. 2](#)

^{F41} ...

Agricultural Land Tribunals constituted under section 73 of the Agriculture Act 1947.

Appeal tribunals constituted under Chapter 1 of Part 1 of the Social Security Act 1998.

The appeal tribunal established for Scotland under section 29 of the Betting, Gaming and Lotteries Act 1963 which is known as the Horserace Betting Levy Appeal Tribunal for Scotland.

Tribunals of Appeal constituted under section 109 of the London Building Acts (Amendment) Act 1939.

^{F42} ...

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Central Arbitration Committee constituted under section 259 of the Trade Union and Labour Relations (Consolidation) Act 1992.

F43
...

Competition Appeal Tribunal constituted under section 12 of the Enterprise Act 2002.

Copyright Tribunal constituted under section 145 of the Copyright, Designs and Patents Act 1988.

F44
...

F44
...

Foreign Compensation Commission constituted under section 1 of the Foreign Compensation Act 1950.

Horse Race Betting Levy Appeal Tribunal for England and Wales constituted under section 29 of the Betting, Gaming and Lotteries Act 1963.

F45
...

Insolvency Practitioners Tribunal referred to in section 396 of the Insolvency Act 1986.

F46
...

National Health Service Medicines (Control of Prices and Profits) Appeal Tribunal constituted under regulation 7 of the Health Service Medicines (Price Control Appeals) Regulations 2000.

Ombudsman for the Board of the Pension Protection Fund appointed under section 209 of the Pensions Act 2004.

Pensions Ombudsman established under section 145 of the Pension Schemes Act 1993.

F47
...

F48
...

Plant Varieties and Seeds Tribunal (referred to in section 42 of the Plant Varieties Act 1997).

Reference committees constituted under section 27 of the Forestry Act 1967.

Rent assessment committees constituted under section 65 of, and Schedule 10 to, the Rent Act 1977 (including when exercising the jurisdiction of residential property tribunals as provided for in section 229 of the Housing Act 2004) and also known as leasehold valuation tribunals for the purpose of determinations pursuant to section 21(1), (2) and (3) of the Leasehold Reform Act 1967 and continued as rent tribunals for the purpose of references pursuant to the provisions in Part V of the Rent Act 1977.

F42
...

Traffic commissioners appointed under section 4 of the Public Passenger Vehicles Act 1981.

[^{F49}The Valuation Tribunal for England established under Schedule 11 to the Local Government Finance Act 1988]]

Textual Amendments

- F41** Sch. 4: entry omitted (12.4.2010) by virtue of [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 19 para. 3(3)** (with arts. 28-31)
- F42** Sch. 4: entries omitted (3.11.2008) by virtue of [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 6, **Sch. 3 para. 26(2)**
- F43** Sch. 4: entry repealed (1.12.2010) by [Commons Act 2006 \(c. 26\)](#), s. 56, **Sch. 6 Pt. 1** (with s. 60); [S.I. 2010/2356](#), art. 3(3)
- F44** Sch. 4: entries omitted (12.3.2010) by virtue of [The Parliamentary Commissioner Order 2010 \(S.I. 2010/239\)](#), arts. 1(1), **3**

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- F45** Sch. 4: entry omitted (18.1.2010) by virtue of [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(1), **Sch. 2 para. 2** (with Sch. 5)
- F46** Sch. 4: entry omitted (13.2.2009) by virtue of [The Parliamentary Commissioner Order 2008 \(S.I. 2008/3115\)](#), **art. 5**
- F47** Sch. 4: entry omitted (30.4.2011) by virtue of [The Parliamentary Commissioner Order 2011 \(S.I. 2011/751\)](#), arts. 1(1), **3(a)**
- F48** Sch. 4: entry omitted (1.9.2009) by virtue of [The Transfer of Functions \(Estate Agents Appeals and Additional Scheduled Tribunal\) Order 2009 \(S.I. 2009/1836\)](#), art. 5(1), **Sch. 1 para. 1**
- F49** Sch. 4: entry substituted (30.4.2011) by [The Parliamentary Commissioner Order 2011 \(S.I. 2011/751\)](#), arts. 1(1), **3(b)**

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