

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the House of Commons (Administration) Act 1978, SCHEDULE 1. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

Section 1.

#### THE COMMISSION

##### *Incorporation*

1 The Commission shall be a body corporate.

##### *Members other than Mr. Speaker and the Leader of the House*

- 2 (1) Subject to paragraph 3 of this Schedule, a member of the Commission, other than an ex officio member, shall vacate his office—
- (a) if he ceases to be a member of the House of Commons, or
  - (b) if another person is nominated or appointed in his place.
- (2) Subject to sub-paragraph (1) above, a member of the Commission, other than an ex officio member, shall hold office for the duration of the Parliament in which he is nominated or appointed, and for the further period provided by paragraph 3 of this Schedule.
- (3) A member of the Commission, other than an ex officio member, may resign at any time by notice to the Commission.
- (4) Past service is no bar to nomination or appointment as a member of the Commission.
- (5) In this paragraph, and paragraph 3 of this Schedule, “ex officio member” means Mr. Speaker and the Leader of the House of Commons.

##### *Dissolution of Parliament*

- 3 (1) On a dissolution of Parliament the person who is then Mr. Speaker shall continue in office as a member of the Commission until a Speaker is chosen by the new Parliament.
- (2) Subject to sub-paragraph (3) below, on a dissolution of Parliament the members of the Commission who are not ex officio members shall continue in office until members are nominated or appointed in their place.
- (3) Where at any time after Parliament has been dissolved it appears that a member of the Commission who is not an ex officio member—
- (a) has not been validly nominated as a candidate at the ensuing general election; or
  - (b) although so nominated, has not been elected a Member of Parliament at that election,
- that member shall resign from the Commission forthwith; but nothing in sub-paragraph (2) above or this sub-paragraph shall be taken as preventing any such member from resigning otherwise than in pursuance of this sub-paragraph.

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### *Chairman*

- 4 Mr. Speaker shall be chairman of the Commission.

### *Delegation of Commission's functions*

- 5 (1) The Commission may delegate to Mr. Speaker any of its functions under section 2 of this Act.
- (2) The Commission may also delegate—
- (a) to any person who is the head of any House Department, or to two or more of those persons jointly, any of its functions concerning staff in the House Departments,
  - (b) to the Accounting Officer, whether he is the head of any House Department or not, any of its functions under subsections (2) and (3) of section 2 of this Act.
- (3) Anything done by or in relation to a person to whom functions are delegated under this paragraph in the discharge of the Commission's functions shall have the same effect as if done by or in relation to the Commission.
- (4) Any delegation made under this paragraph or any amendment or revocation of such a delegation shall be mentioned in the report under section 1(3) of this Act.
- (5) Notwithstanding any delegation under this paragraph, the Commission shall retain the ultimate responsibility for considering representations made in relation to matters affecting the interests, in connection with their employment, of staff in the House Departments by trade unions who are recognised by the Commission in respect of such staff, and for the conduct of consultations and negotiations about such matters with those trade unions.
- (6) In sub-paragraph (5) above, “trade union” has the same meaning as in the <sup>M1</sup>Trade Union and Labour Relations Act 1974 and “recognised”, in relation to a trade union, has the same meaning as in . . . <sup>F1</sup>the <sup>M2</sup>Employment Protection Act 1975.

#### **Textual Amendments**

**F1** Words repealed by [Employment Act 1980 \(c.42, SIF 43:5\)](#), s. 20, [Sch. 2](#)

#### **Marginal Citations**

**M1** 1974 c. 52.

**M2** 1975 c. 71.

### *Proceedings and business*

- 6 (1) The validity of any proceedings of the Commission shall not be affected by any vacancy among the members of the Commission, or by any defect in the appointment or nomination of any Commissioner.
- (2) The Commission may determine its own procedure.
- (3) The Commission may appoint one of the Commissioners to act as chairman at any meeting of the Commission in the absence of Mr. Speaker.

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