

Status: Point in time view as at 11/11/2010.

Changes to legislation: There are currently no known outstanding effects for the House of Commons (Administration) Act 1978. (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.

[^{F1}(6) In sub-paragraph (5) “trade union”, and “recognised” in relation to a trade union, have the same meaning as in the Trade Union and Labour Relations (Consolidation) Act 1992.]

Textual Amendments

F1 Sch. 1 para. 5(6) substituted (16. 10. 1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c. 52\), ss. 300\(2\), 302, Sch. 2 para.10.](#)

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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SCHEDULE 2

Section 5.

SUPPLEMENTARY AND CONSEQUENTIAL PROVISIONS

Mr. Speaker to act after dissolution of Parliament

- 1 For the purposes of this Act ^{F2} . . . [^{F3}section 195 of the Employment Rights Act 1996], the Speaker at the time of a dissolution of Parliament shall be deemed to remain Speaker for the further period for which he holds office by virtue of paragraph 3(1) of Schedule 1 to this Act.

Textual Amendments

- F2** Words in [Sch. 2 para. 1](#) repealed (16. 10. 1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c. 52\)](#), ss. 300(1), 302, [Sch. 1](#).
- F3** Words in [Sch. 2 para. 1](#) substituted (22.8.1996) by [1996 c. 18, s. 240, Sch. 1 para. 14](#)

Deputy Speaker acting for Mr. Speaker

- 2 (1) While Mr. Speaker is temporarily absent from the House during a session of Parliament a Deputy Speaker having power to act under section 1 of the ^{M1}Deputy Speaker Act 1855 may exercise the functions of Mr. Speaker under this Act.
- (2) The said functions shall include any functions delegated to Mr. Speaker under paragraph 5 of Schedule 1 to this Act, but an appointment made in exercise of functions so delegated shall be only for such time as the Deputy Speaker has power under this paragraph to exercise the functions of Mr. Speaker.

Marginal Citations

- M1** [1855 c. 84](#).

Transitional provision

- 3 All persons employed in the House Departments immediately before the coming into force of section 2 of this Act, other than those mentioned in subsection (4) of that section, shall be treated for all purposes as if their appointments had been made by the Commission.

- 4 ^{F4}

Textual Amendments

- F4** [Schedule 2 paragraph 4](#) repealed by [Statute Law \(Repeals\) Act 1989 \(c.43\)](#), s. 1(1), [Sch. 1 Pt. II Gp. 2](#)

Employment Protection Act 1975 (c.71)

- ^{F5}

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Textual Amendments

- F5** Sch. 2 para. 5 repealed (16. 10. 1992) by Trade Union and Labour Relations Act 1992 (c. 52), ss. 300(1), 302, Sch.1.

SCHEDULE 3

Section 5.

REPEALS

Modifications etc. (not altering text)

- C1** Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

Chapter	Short Title	Extent of Repeal
52 Geo. 3. c. 11.	House of Commons (Offices) Act 1812.	The whole Act.
4 & 5 Will. 4. c. 70.	House of Commons Officers Act 1834.	The whole Act.
9 & 10 Vict. c. 77.	House of Commons Offices Act 1846.	The whole Act.
12 & 13 Vict. c. 72.	House of Commons Offices Act 1849.	The whole Act.
1975 c. 71.	Employment Protection Act 1975.	In section 122, subsection (9). In Part IV of Schedule 16, paragraph 1.

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