

HOUSE OF COMMONS COMMISSION ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 1: Members of the Commission etc.

11. This section amends the House of Commons (Administration) Act 1978 to add five new members to the existing Commission of six MPs: one extra Member of Parliament and four non-Members.
12. *Subsections (1) and (2)* specify that the new Commission consists of seven parliamentary members, two external and two official members.
13. *Subsection (4)* specifies that the official members are the Clerk of the House of Commons and the Director General of the House of Commons, a new position recommended by the Governance Committee. The subsection allows the Commission to appoint other House officials if either of these posts is vacant.
14. *Subsection (4)* also prohibits an external member from being a Member of Parliament, peer, or member of staff of either House and requires that they are appointed by resolution of the House of Commons.

Section 2: Functions of the Commission

15. Under section 2 of the 1978 Act the Commission has responsibility for staff appointments, numbers, pay and pensions. This section gives it the additional function of setting strategic priorities and objectives for services provided by the House Departments.

Section 3: Commencement, extent and short title

16. *Subsections (2) to (4)* set out how the Act will come into force.
17. *Subsection (2)* ensures that the new members of the Commission can be appointed from the day that the Act is passed.
18. *Subsection (3)* provides that those provisions in the Act not relating to appointments come into force on the day after the last of the parliamentary members have been appointed. The Act comes fully into force on this day.
19. *Subsection (4)* ensures that members of the Commission who are appointed before the Act comes fully into force may not sit as members of the Commission until all the parliamentary members of the Commission have been appointed. The new Commission will become operational, with the Clerk and Director General joining it, on this day, regardless of whether the two external members have been appointed or not.

Schedule: Further provision about members and procedure of the Commission

20. *Paragraph 2* places two restrictions on how the House of Commons may make a resolution appointing an external member to the Commission. First, such a motion

*These notes refer to the House of Commons Commission Act
2015 (c.24) which received Royal Assent on 26th March 2015*

may be made only with the agreement of the Commission. Second, the person being appointed must have been selected by the parliamentary members of the Commission on the basis of fair and open competition.

21. *Paragraphs 3 and 4* amend the 1978 Act to reflect the new terminology of “parliamentary members” introduced by this Act.
22. *Paragraph 3* also amends the 1978 Act to include in the definition of ex officio member of the Commission the Clerk of the House and Director General of the House of Commons.
23. *Paragraph 5* allows the Commission to make formal delegations of its functions concerning staff (such as those relating to pay and conditions) to any member of staff it chooses rather than just the heads of any House Department.
24. *Paragraph 6* provides the Commission with the option to appoint one of its members other than the Speaker to take the Chair at a Commission meeting in circumstances other than the absence of the Speaker, which is the only circumstance in which this can happen at present.