



PRIVY COUNCIL OFFICE (PCO) PROCEDURES

Procedure for Processing Proclamations

The drafting of the Proclamations is the responsibility of the relevant government department. For example, coinage Proclamations are drafted by HM Treasury and Bank Holiday Proclamations are drafted by the Department for Business Innovation and Skills (or the Scottish Executive for Scottish bank holidays).

Once received by the PCO, draft Proclamations are proof-read against previous versions to ensure that the terminology is correct. On receipt of the final version, the PCO prepares the Proclamation ready for The Queen's signature, arranges for the appropriate Gazette notice and enters on to the list of business for Council.

Procedure for processing Orders in Council

Privy Council Statutory Instruments received from government departments

Two weeks before a Privy Council meeting a Government department wishing to table a Statutory Instrument (SI) should send PCO a copy of the draft SI for general checks on the SI, such as on the accuracy of the footnotes, formatting, and that the 21-day rule is complied with. At least one week before Council the department send the final 'package' to the PCO. The PCO check its contents to be assured that there is written evidence of Ministerial approval and that it includes various procedural documents required for registering and laying the SI in Parliament.

The Secretariat Support Team (SST) Manager will then check to ensure all paperwork is correct and pass to a Case Officer to mark any corrections and then in due course to certify the final version and to enter it on to the list of business for Council.

Procedure for Processing Charters

When an informal enquiry about the grant of a Royal Charter is received, the PCO will consult relevant advisors to the Privy Council informally to seek advice on the likely chances of success of a formal Petition. Assuming advisors do not object, the body is asked to draw up a draft Petition and draft Charter. Once received, PCO will write round to the relevant advisors asking for their informal comments on the application and the contents of the draft documents. Once all are content, the organisation will be invited to submit a formal Petition.

Order of Reference

Once a formal Petition is received, the PCO will draft an Order of Reference which has to be approved at a Privy Council meeting and a Gazette notice to publish as soon as it is convenient after the Council (unless the Organisation operates exclusively in Scotland or Northern Ireland, when the Edinburgh or Belfast Gazette would be used instead). The Case Officer will check the Order and enter it on to the list of business for Council. Once the Charter is formally referred to the Privy



Council for consideration, the PCO will arrange for formal consideration and legal checking of the documents.

Order of Grant

Assuming no Petitions are received against the grant of a Charter, the PCO will draft an Order of Grant which is entered onto the list of business for Council.

Charter Amendments (including Universities)

Similar to the process for granting a Royal Charter, when an informal enquiry about amending a Charter is received, the PCO will consult relevant advisors informally to seek their views on the proposed changes. If advisors are content, the Chartered body is asked to follow the guidance on the PCO Website for preparing documentation. Once a formal sealed resolution is received, the PCO draft an Order making the various changes. This is checked and sent to the Chartered body to confirm they are content. Once the draft Order has been cleared, it is entered onto the list of business for Council.

Procedure for Borough Charters (Local Government Act 1972)

The procedure for Borough Charters differs from other Charters only insofar as an Order of Reference is not produced and there is no Gazette notice published. A draft Order of Grant is prepared for the Case Officer's approval and once approved, the Order of Grant is entered onto the list of business for Council.

Amendments to Oxbridge Statutes (Universities of Oxford and Cambridge Act 1923)

Following a process within the university, and informal consultation with the PCO, the University or college submits their sealed statute to the PCO for processing. The Act requires the statute to be published in the London Gazette. After the draft notice is checked, a request is sent to the Gazette to publish it as soon as possible. The PCO then calculates the date that the gazette expires. The Act states that anytime within eight weeks (exclusive of any University vacation) after gazetting, that various affected persons may petition for disallowance of the statute. The Statute must then be laid before Parliament for four weeks within one month of the gazette expiring.

After this four week period the PCO will enquire of both Houses whether there have been any prayers against the statute. If not, an Order is drafted and included in the business for the next Council.

Orders made under The Naval and Marine Pay and Pensions Act 1865

A draft Order is received from the MOD requesting that it be submitted to The Queen in Council for approval. The PCO will check the Order for accuracy and formatting and enter it onto the list of business for Council.

Procedure for BBC Appointments, Civil Service, Public Appointments and Diplomatic Service Orders

The PCO receives a draft Order from the originating department which is passed to a Case Officer for checking. Once all are content, a final version of the Order and confirmation of Ministerial approval are submitted to the PCO and checked (again) and entered on to the list of business for Council.



Privy Counsellor Appointments

Once formally notified of a new Privy Counsellor appointment, the PCO prepares the relevant Orders, checks them for accuracy and makes various administrative arrangements relating to the attendance of the person to be appointed at a meeting of the Privy Council. The Order is then entered on to the list of business for Council

Burial Orders

Burial Notices

When the PCO receives notification of the intention to discontinue burials in certain church-yards a draft Order in Council and a draft Gazette Notice are prepared, which are checked by the Case Officer. Once the Case Officer is satisfied with both documents he/she will enter the Order onto the list of business for the Council.

Burials Finals

On receipt of the Certificates confirming that notice has been given in the parish for one month of the intention to close a burial ground, the PCO prepares the Final Closure Order in Council and enters on to the list of business for Council.

Channel Islands and Isle of Man Legislation

The MoJ send the PCO the sealed law, together with confirmation of Ministerial approval. An Order is then drafted and the Case Officer checks that the format of the approval Order is correct. Final approval is sought from the Privy Council Committee for the Affairs of the Channel Islands and the laws entered on to the list of business for Council.

Procedure for dealing with Orders of Council.

Statutory Regulators (and post 1993 Universities)

The Statutory Health regulators draft their rules/Orders and submit to the PCO in draft. Department of Health officials and lawyers check the drafting and once the instrument is approved by the Regulator, it is formally submitted to a quorum of the Privy Council for approval. Once approved, the PCO arrange for registration of the Instrument and for laying before Parliament (if required). A similar process exists for amending the instrument of the post-1993 Scottish universities, on the advice of the Scottish Executive and for various rule changes under the Veterinary Surgeons Act 1966 (as amended), on the advice of the Department for Food and Rural Affairs.

Bye-law and statute amendments

Similar to the process for Charter amendments, when an informal enquiry about amending Bye-laws or Statutes is received, the PCO will consult relevant advisors informally to seek their views on the proposed changes. If advisors are content, the Chartered body is asked to follow the guidance on the PCO Website for preparing documentation. Once a formal sealed resolution is received, the PCO draft an Order of Council making the various changes. This is checked and sent to the Chartered body to confirm they are content. Once the draft Order has been cleared,



it is formally approved by the Privy Council. A similar process applies to Instrument of Government changes for the post-1993 Universities in England and Wales..

Procedure for Degree Awarding Powers

Applications for Degree Awarding Powers (DAPs) are formally referred to BIS for advice (for England), Wales Office (for Wales) and Scottish Executive (for Scotland). Once the PCO has received a recommendation from the relevant HE policy officials, on behalf of their Ministers, the PCO prepares a draft of an Order under section 76(a) or (b) of the Further and Higher Education Act 1992. The Case Officer checks for accuracy.

Appointments to the Architects Registration Board

The PCO receives a letter from the Department for Communities and Local Government (DCLG) requesting the appointment of persons as lay members of the Architects Registration Board (ARB), for 3 year terms. The PCO confirms ministerial approval and the Clerk writes to invite prospective appointees to join the ARB. Once the appointment is accepted, the PCO prepares a draft Order for approval by DCLG.

Formalities connected with Ministerial Changes

Once formally notified of ministerial changes, the PCO liaises with Buckingham Palace to arrange a meeting at which new Ministers can be sworn in. The PCO prepares the relevant Orders, checks them for accuracy and makes various administrative arrangements relating to Ministerial seals of office. Once checked, the Orders are entered on to the list of business for Council.

N.B. There are many other Orders of and in Council which are dealt with infrequently, but the process is usually the same; i.e. once approved by Ministers (or the relevant authority) the PCO drafts an Order for approval, which is checked for accuracy and formatting against precedent. These might include, amongst other things, miscellaneous appointments, Ecclesiastical matters, sealing Orders (for Proclamations), Channel Island Petition Orders and Orders dealing with the Prorogation of Parliament.