

---

## EXPLANATORY NOTE

*(This note is not part of the Rules)*

This Order brings into force Parts 1 (the civil service), 2 (ratification of treaties) and 5 (transparency of government financial reporting to Parliament) of the Constitutional Reform and Governance Act 2010 (“the Act”) on 11th November 2010.

Part 1 applies to “the civil service of the State” as defined in section 1 and —

- (i) provides for the establishment of a Civil Service Commission (section 2 and Schedule 1) with functions in relation to selections for appointment to the civil service (sections 11, 12, 13 and 14) and in relation to hearing complaints that the civil service and diplomatic service codes have been breached (section 9);
- (ii) provides a power for the Minister for the Civil Service to manage the civil service excluding the diplomatic service and a parallel power for the Secretary of State to manage the diplomatic service (section 3) and for other statutory powers to continue to have effect (section 4);
- (iii) provides for the publication of a civil service code (section 5) and a diplomatic service code (section 6) and the minimum requirements of those codes (section 7);
- (iv) provides for a separate code of conduct for special advisers (section 8) as defined in section 15;
- (v) provides for a requirement that appointments to the civil service are to be made on merit on the basis of fair and open competition (section 10);
- (vi) provides that the Minister for the Civil Service, the First Minister for Scotland and the First Minister for Wales must prepare an annual report about special advisers (section 16);
- (vii) provides that the Minister for the Civil Service and the Commission may agree that the Civil Service Commission should carry out additional functions (section 17).

Part 2 strengthens the Parliamentary scrutiny of treaties and in so doing, places the existing convention for the Parliamentary scrutiny of treaties, the Ponsonby Rule, onto a statutory footing. It requires treaties that do not come into force on signature to be laid before both Houses of Parliament for 21 sitting days. If, in this time, neither House resolves that the treaty should not be ratified, then the treaty can be ratified. If, on the other hand, either House resolves that the treaty should not be ratified, then the Act sets out certain procedures that must be followed.

Part 5 provides that government departments must prepare estimates of their resource needs in accordance with directions from the Treasury, and include information which relates to bodies that have been designated by order for that year. Equivalent provision is made for Wales.

A regulatory impact assessment has not been prepared for this Order as no impact on the private or voluntary sectors is foreseen.