



# Constitutional Reform and Governance Act 2010

## CHAPTER 25

### CONSTITUTIONAL REFORM AND GOVERNANCE ACT 2010

#### PART 1

#### THE CIVIL SERVICE

#### CHAPTER 1

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- 2 Establishment of the Civil Service Commission

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- 3 Management of the civil service
- 4 Other statutory management powers

##### *Codes of conduct*

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- 6 Diplomatic service code
- 7 Minimum requirements for civil service and diplomatic service codes
- 8 Special advisers code

*Status: Point in time view as at 31/07/2014.**Changes to legislation: There are currently no known outstanding effects for the Constitutional Reform and Governance Act 2010. (See end of Document for details)*

- 9 Conduct that conflicts with a code of conduct: complaints by civil servants

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*Status: Point in time view as at 31/07/2014.*

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**SCHEDULES**

SCHEDULE 1 — The Civil Service Commission  
Part 1 — THE COMMISSIONERS

*Membership of the Commission*

- 1 (1) The Commission is to consist of at least seven...

*Appointment of First Civil Service Commissioner*

- 2 (1) This paragraph is about the appointment of the First...

*Appointment of Civil Service Commissioners*

- 3 (1) This paragraph is about the appointment of Civil Service...

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*Payment of remuneration and allowances etc*

- 4 (1) The terms mentioned in paragraph 2(5) or 3(5) may...

*Resignation or removal from office*

- 5 (1) This paragraph is about resignation or removal from the...

*Compensation for loss of office of First Commissioner or Commissioner*

- 6 The Minister for the Civil Service may direct the Commission...

Part 2 — THE COMMISSION

*Status of the Commission and its property*

- 7 (1) The Commission (including its members and employees) is not...

*Powers*

- 8 (1) The Commission may do anything calculated to facilitate, or...

*Committees*

- 9 (1) The Commission may establish committees. (2) A committee of...

*Procedure and proceedings*

- 10 (1) The Commission may regulate its own procedure, and the...

*Staff*

- 11 The Commission may employ staff.

*Pensions*

- 12 (1) Employment by the Commission is included among the kinds...

*Arrangements for assistance*

- 13 (1) The Commission may make arrangements with other persons for...

*Delegation*

- 14 (1) The Commission may delegate functions to—

*Financial provisions*

- 15 (1) The Minister for the Civil Service must pay to...

*Accounts*

- 16 (1) The Commission must keep proper accounts and proper records...

*Reports*

- 17 (1) The Commission— (a) must, as soon as practicable after...

*Meaning of “financial year”*

- 18 For the purposes of paragraphs 16 and 17, each of...

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*Documentary evidence*

19 (1) The application of the Commission's seal is to be...

SCHEDULE 2 — Consequential amendments and transitional provision relating to Part 1

Part 1 — CONSEQUENTIAL AMENDMENTS TO ACTS OF PARLIAMENT

*Parliamentary Commissioner Act 1967 (c. 13)*

1 In Schedule 2, in the note about the Cabinet Office,...

*Superannuation Act 1972 (c. 11)*

2 In section 2(10) for “home civil service or the diplomatic...

*House of Commons Disqualification Act 1975 (c. 24)*

3 In Schedule 1— (a) in Part 2, at the appropriate...

*Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

4 In Part 2 of Schedule 1, at the appropriate place,...

*House of Commons (Administration) Act 1978 (c. 36)*

5 (1) Amend section 2 as follows. (2) In subsections (2)...

*Civil Service (Management Functions) Act 1992 (c. 61)*

6 (1) Amend section 1 as follows. (2) For subsections (1)...

7 In section 2(1)(a) for “Her Majesty's Home Civil Service” substitute...

*Government of Wales Act 1998 (c. 38)*

8 In paragraph 3(1) and (2) of Schedule 6 for “Her...

*Scotland Act 1998 (c. 46)*

9 (1) Amend section 51 as follows. (2) In subsection (2)...

*Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2)*

10 (1) Amend section 24 as follows. (2) In subsection (3)(c)(iii)...

*Regulation of Investigatory Powers Act 2000 (c. 23)*

11 (1) Amend section 81 as follows. (2) In subsection (7)...

*Freedom of Information Act 2000 (c. 36)*

12 In Part 6 of Schedule 1 for “The Civil Service...

*Tax Credits Act 2002 (c. 21)*

13 (1) Amend section 52 as follows. (2) In subsection (7)...

*Extradition Act 2003 (c. 41)*

14 (1) Amend section 101 as follows. (2) In subsection (5)...

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*Government of Wales Act 2006 (c. 32)*

- 15 (1) Amend section 52 as follows. (2) In subsections (2)...

*Police and Justice Act 2006 (c. 48)*

- 16 In paragraph 7(4)(c) of Schedule 1 for “Her Majesty’s Home...

*Parliament (Joint Departments) Act 2007 (c. 16)*

- 17 (1) Amend section 3 as follows. (2) In subsection (2)...

*Crossrail Act 2008 (c. 18)*

- 18 (1) Amend Schedule 12 as follows. (2) In paragraphs 13(3)...
- Part 2 — CONSEQUENTIAL AMENDMENTS TO OTHER LEGISLATION

*Civil Service Orders in Council*

- 19 The following are revoked— (a) the Civil Service Order in...

*Diplomatic Service Orders in Council*

- 20 The following are revoked— (a) the Diplomatic Service Order in...

*Servants of the Crown (Parliamentary, European Assembly  
and Northern Ireland Assembly Candidature) Order 1987*

- 21 This is revoked.

*Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311)*

- 22 (1) Amend Schedule 1 as follows. (2) For “Head of...”  
23 In Schedules 3 and 4 for “Head of the Home...”

*Charities and Trustee Investment (Scotland) Act 2005 (Consequential  
Provisions and Modifications) Order 2006 (S.I. 2006/242)*

- 24 In article 2(2) for “Home Civil Service” substitute “civil...”  
Part 3 — TRANSITIONAL PROVISION RELATING TO THE CIVIL SERVICE  
COMMISSION

*Definitions*

- 25 (1) This paragraph applies for the purposes of this Part...

*Head of the old commission to become First Commissioner*

- 26 (1) The person who is head of the old commission...

*Restriction on period of office if First Commissioner is former head of the old commission*

- 27 (1) This paragraph applies if the person who is the...

*Members of the old commission to become Commissioners*

- 28 (1) The persons who are members of the old commission...

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*Restriction on period of office for former member of old commission*

29 (1) This paragraph applies if a person who is a...

*Audits of recruitment policies and practices*

30 (1) This paragraph applies in relation to an audit under...

*Requirements to publish recruitment information*

31 Any requirement under article 4(4) of the 1995 Order or...

*Appeals by civil servants*

32 (1) This paragraph applies in relation to an appeal under...

33 (1) This paragraph applies in relation to a matter occurring...

*First annual report*

34 (1) This paragraph applies to the first report that the...

*Transfer of property, rights and liabilities*

35 (1) The Minister for the Civil Service may make a...

*Information previously held by old commission*

36 (1) The Minister for the Civil Service must make arrangements...

*Preparatory work*

37 (1) During the preparatory period the old commission may carry...

Part 4 — OTHER TRANSITIONAL PROVISION

*Application of section 16(1) of the Interpretation Act 1978*

38 (1) In this Part of this Schedule “old management functions”...

*Power to manage the civil service*

39 (1) Anything done under old management functions by—

40 (1) So far as— (a) an Order in Council revoked...

*Selection on merit etc*

41 (1) In determining for the purposes of section 10(1) of...

42 For the purpose of determining whether a selection for an...

*Special advisers*

43 (1) This paragraph applies to a person who, immediately before...

SCHEDULE 3 — Parliamentary Standards Act 2009: substituted Schedule 2

SCHEDULE 4 — Parliamentary Standards Act 2009: new Schedule 4

SCHEDULE 5 — Parliamentary standards: consequential amendments

Part 1 — AMENDMENTS OF THE PARLIAMENTARY STANDARDS ACT 2009

1 The Parliamentary Standards Act 2009 is amended as follows.

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- 2 In section 2(2) (effect of Act on House of Lords)—...
- 3 In section 5(8) (allowances) for the words from “and” to...
- 4 (1) Section 12 (interpretation) is amended as follows.
- 5 (1) Section 13 (transitional provision) is amended as follows.
- 6 In section 14 (commencement) omit subsection (2)(d).
- 7 (1) Schedule 1 (the IPSA) is amended as follows.

Part 2 — AMENDMENTS OF OTHER ACTS

*European Parliament (Pay and Pensions) Act 1979 (c. 50)*

- 8 (1) In section 1(2) (salaries of MEPs) for paragraphs (a)...

*Parliamentary and other Pensions Act 1987 (c. 45)*

- 9 In section 5(2) (interpretation) for the words from “such resolutions”...

*Ministerial and other Pensions and Salaries Act 1991 (c. 5)*

- 10 In section 4 (grants to persons ceasing to hold ministerial...

*Scotland Act 1998 (c. 46)*

- 11 (1) Section 82 (limits on salaries of MSPs) is amended...

*Government of Wales Act 2006 (c. 32)*

- 12 (1) Section 21 (limits on salaries of Assembly members) is...

SCHEDULE 6 — Parliamentary and other pensions

Part 1 — PARLIAMENTARY AND OTHER PENSIONS

**THE PARLIAMENTARY CONTRIBUTORY PENSION FUND ETC**

*Continuance of Fund*

- 1 There is to continue to be a fund known as...

*Number and composition of trustees*

- 2 (1) The following are to be the trustees of the...

*Member-nominated trustees*

- 3 (1) The trustees of the Fund must make arrangements for...

*Remuneration*

- 4 (1) The IPSA may, with the consent of the Treasury,...

*Resignation and removal of trustees*

- 5 (1) A person appointed as a trustee of the Fund...

*Proceedings*

- 6 (1) Subject to any provisions contained in a scheme under...



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*Powers of trustees*

- 7 (1) The trustees of the Fund may invest the assets...

*Administration scheme*

- 8 (1) The IPSA may make a scheme containing provision about—...

*Procedure for administration scheme*

- 9 (1) The IPSA may make a scheme under paragraph 8...

*Exchequer contribution to Fund*

- 10 (1) In respect of each financial year an Exchequer contribution...

*Power to determine Exchequer contribution*

- 11 (1) The IPSA may, with the relevant consents, make provision...

**MPS' PENSION SCHEME**

*MPs' pension scheme*

- 12 (1) The IPSA may make a scheme containing provision about...

*Meaning of “service as a member of the House of Commons”*

- 13 (1) For the purposes of this Schedule a person is...

*MPs' pension scheme: further provision*

- 14 (1) A scheme under paragraph 12 may in particular—

*Procedure for MPs' pension scheme*

- 15 (1) Before making a scheme under paragraph 12 the IPSA...

**MINISTERS' ETC PENSION SCHEME**

*Ministers' etc pension scheme*

- 16 (1) The Minister for the Civil Service may make a...

*Ministers' etc pension scheme: further provision*

- 17 (1) A scheme under paragraph 16 may in particular—

*Procedure for Ministers' etc pension scheme*

- 18 (1) Before making a scheme under paragraph 16 the Minister...

**SUPPLEMENTARY PROVISION**

*Status: Point in time view as at 31/07/2014.*

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*Protection of accrued rights*

19 (1) This paragraph applies where— (a) the IPSA makes a...

*Meaning of “accrued right”*

20 (1) This paragraph applies for the interpretation of paragraph 19....

*Power to make consequential amendments*

21 (1) The Minister for the Civil Service may by order...

*Interpretation etc*

22 (1) A scheme made by the IPSA under paragraph 8...  
Part 2 — PROVISION WHICH MAY BE INCLUDED IN SCHEMES

*Introductory*

23 (1) In this Part of this Schedule “relevant service”—

*Contributions*

24 Provision authorising or requiring contributions and other sums to be...

*Conditions etc*

25 Provision as to— (a) the circumstances in which there is...

*Pensions not paid out of Fund*

26 (1) Provision for the application of assets of the Fund...

*Transfer values*

27 (1) Provision for the payment and receipt of transfer values...

*Service*

28 Provision authorising service other than relevant service to be taken...

*Repayments*

29 (1) Provision as to the circumstances and manner in which...

*Pension age*

29A (1) Where the scheme provides for the normal or deferred...

*Assignment etc*

30 Provision rendering void— (a) any assignment (or, in Scotland, assignation)...

*Functions*

31 Provision conferring functions under the scheme on persons specified in...

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*Approvals*

- 32 Provision making the approval, satisfaction or opinion of persons on...

*Payments without probate*

- 33 Provision authorising (in relation to such cases, circumstances or persons...

*Application of other provisions*

- 34 Provision which (with or without modifications) applies in relation to...  
Part 3 — AMENDMENTS, TRANSITIONAL PROVISION ETC

*Pensions (Increase) Act 1971 (c. 56)*

- 35 (1) Part 1 of Schedule 2 is amended as follows....

*Parliamentary and other Pensions Act 1972 (c. 48)*

36

- 37 (1) The amendments made by paragraph 36 do not apply...

*European Parliament (Pay and Pensions) Act 1979 (c. 50)*

- 38 (1) Section 4 (pensions) is amended as follows.  
39 (1) Section 6 (block transfer into another pension scheme) is...  
40 (1) Section 7 (expenses and receipts) is amended as follows....  
41 (1) Section 8 is amended as follows.

*House of Commons Members' Fund and Parliamentary Pensions Act 1981 (c. 7)*

- 42 In section 1 (entitlement to payments out of House of...

*Parliamentary and other Pensions Act 1987 (c. 45)*

- 43 Omit— (a) section 1, (b) section 2(1) to (8) and...  
44 (1) The existing regulations have effect (subject to any provision...

*Ministerial and other Pensions and Salaries Act 1991 (c. 5)*

- 45 Omit section 6.

*Pensions Act 2004 (c. 35)*

- 46 In section 249A(3)(c) (schemes to which section 249A does not...

*Parliamentary Standards Act 2009 (c. 13)*

- 47 (1) In section 5(9) (MPs' allowances scheme does not affect...  
48 (1) An order under section 13 of the Parliamentary Standards...

*Trustees of the Fund*

- 49 (1) This paragraph applies if, under an order under section...  
50 (1) In this paragraph “the transitional period” means the period...

SCHEDULE 7 — Amendments of Freedom of Information Act 2000

- 1 The Freedom of Information Act 2000 is amended as follows....

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- 2 In section 2(3) (exemptions not subject to public interest test)...
- 3 In section 37(1) (communications with Her Majesty, etc.), for paragraph...
- 4 (1) Section 62 (interpretation of Part 6) is amended as...
- 5 (1) Section 63 (removal of exemptions: historical records generally) is...
- 6 After section 80 insert— Information held by Northern Ireland bodies...

**Status:**

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**Changes to legislation:**

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