

Status: Point in time view as at 24/05/2011.

Changes to legislation: There are currently no known outstanding effects for the Constitutional Reform and Governance Act 2010, SCHEDULE 1. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 2

THE CIVIL SERVICE COMMISSION

PART 1

THE COMMISSIONERS

Membership of the Commission

- 1 (1) The Commission is to consist of at least seven members.
- (2) One of those is to be the First Civil Service Commissioner appointed under paragraph 2.
- (3) The others are to be Civil Service Commissioners appointed under paragraph 3.

Commencement Information

II Sch. 1 para. 1 in force at 11.11.2010 by S.I. 2010/2703, art. 2(a)

Appointment of First Civil Service Commissioner

- 2 (1) This paragraph is about the appointment of the First Civil Service Commissioner (“First Commissioner”).
- (2) The First Commissioner is appointed by Her Majesty on the recommendation of the Minister for the Civil Service.
- (3) A person's selection for recommendation must be on merit on the basis of fair and open competition.
- (4) Before selecting a person, the Minister must consult—
 - (a) the First Ministers for Scotland and Wales, and
 - (b) the relevant opposition leaders (see sub-paragraph (8)).
- (5) The terms on which the First Commissioner holds office are determined by the Minister for the Civil Service.
- (6) The period of the appointment is to be no more than five years.
- (7) A person cannot be appointed as First Commissioner more than once.
- (8) The relevant opposition leaders are the registered leaders of the registered parties in opposition to Her Majesty's Government in the United Kingdom which had the highest and second highest national vote at the previous parliamentary general election.

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(9) In sub-paragraph (8)—

“registered leader”, in relation to a party, means the person registered as that party's leader in accordance with section 24 of the Political Parties, Elections and Referendums Act 2000;

“registered party” means a party registered in a register of political parties maintained by the Electoral Commission in accordance with section 23 of that Act.

Commencement Information

I2 Sch. 1 para. 2 in force at 11.11.2010 by S.I. 2010/2703, art. 2(a)

Appointment of Civil Service Commissioners

- 3 (1) This paragraph is about the appointment of Civil Service Commissioners (“Commissioners”).
- (2) A Commissioner is appointed by Her Majesty on the recommendation of the Minister for the Civil Service.
- (3) A person's selection for recommendation must be on merit on the basis of fair and open competition.
- (4) A person must not be selected without the agreement of the First Commissioner.
- (5) The terms on which a Commissioner holds office are determined by the Minister.
- (6) The period of the appointment is to be no more than five years.
- (7) The Minister must not make a determination under sub-paragraph (5) without the agreement of the First Commissioner.
- (8) A person cannot be appointed as a Commissioner more than once.
- (9) A person cannot be a Commissioner and the First Commissioner at the same time.
- (10) But, if the office of First Commissioner is vacant, the Minister may authorise a Commissioner to carry out the functions of First Commissioner until the vacancy is filled.
- (11) Sub-paragraphs (12) and (13) apply in relation to the appointment as Commissioner of a person holding another public office (including an office under the Crown) if the Minister and the First Commissioner are both satisfied that the functions of the other public office are concerned with matters similar to matters with which the Commission's functions are concerned.
- (12) The Minister and the First Commissioner may agree to disapply sub-paragraph (3) or (6).
- (13) The terms determined under sub-paragraph (5) may—
- (a) provide for the person to cease to hold office as Commissioner if the person ceases to hold the other public office;
 - (b) restrict the functions that the person may carry out as Commissioner.

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Commencement Information

I3 Sch. 1 para. 3 in force at 11.11.2010 by S.I. 2010/2703, art. 2(a)

Payment of remuneration and allowances etc

- 4 (1) The terms mentioned in paragraph 2(5) or 3(5) may provide for the Commission—
- (a) to pay remuneration and allowances to the person appointed;
 - (b) to make provision for a pension in relation to that person.
- (2) The Commission must make the payments or provision accordingly.

Commencement Information

I4 Sch. 1 para. 4 in force at 11.11.2010 by S.I. 2010/2703, art. 2(a)

Resignation or removal from office

- 5 (1) This paragraph is about resignation or removal from the office of First Commissioner or Commissioner.
- (2) A person may resign from office by giving written notice to the Minister for the Civil Service.
- (3) Her Majesty may, on the recommendation of the Minister, remove a person from office if a condition in sub-paragraph (4) is met.
- (4) The conditions are that—
- (a) the person is absent from three successive meetings of the Commission without the Commission's approval;
 - (b) the person is convicted of an offence (see sub-paragraph (5));
 - (c) the person becomes bankrupt (see sub-paragraph (6));
 - (d) the person is unfit or unable to carry out the functions of the office.
- (5) For the purpose of determining if a person is convicted of an offence—
- (a) it does not matter where the person is convicted;
 - (b) an act punishable under the law of a territory outside the United Kingdom constitutes an offence for the purposes of this paragraph (however it is described in that law).
- (6) A person becomes bankrupt if—
- (a) in England and Wales or Northern Ireland, a bankruptcy order is made in relation to the person, or
 - (b) in Scotland, the person's estate is sequestrated.

Commencement Information

I5 Sch. 1 para. 5 in force at 11.11.2010 by S.I. 2010/2703, art. 2(a)

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Compensation for loss of office of First Commissioner or Commissioner

- 6 The Minister for the Civil Service may direct the Commission to pay compensation if—
- (a) a person ceases to hold office as First Commissioner or Commissioner, and
 - (b) the Minister is satisfied that, because of the circumstances in which the person ceased to hold office, compensation should be paid to the person.

Commencement Information

I6 Sch. 1 para. 6 in force at 11.11.2010 by S.I. 2010/2703, art. 2(a)

PART 2

THE COMMISSION

Status of the Commission and its property

- 7 (1) The Commission (including its members and employees) is not to be regarded—
- (a) as the servant or agent of the Crown, or
 - (b) as enjoying any status, immunity or privilege of the Crown.
- (2) The Commission's property is not to be regarded as property of, or held on behalf of, the Crown.

Commencement Information

I7 Sch. 1 para. 7 in force at 11.11.2010 by S.I. 2010/2703, art. 2(a)

Powers

- 8 (1) The Commission may do anything calculated to facilitate, or incidental or conducive to, the carrying out of any of its functions.
- (2) But the Commission may not borrow money except with the agreement of the Minister for the Civil Service.
- (3) Nothing in this Schedule which specifies powers of the Commission limits the generality of sub-paragraph (1).

Commencement Information

I8 Sch. 1 para. 8 in force at 11.11.2010 by S.I. 2010/2703, art. 2(a)

Committees

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

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- (3) Members of a committee or sub-committee may include persons who are not members of the Commission.

Commencement Information

I9 Sch. 1 para. 9 in force at 11.11.2010 by S.I. 2010/2703, art. 2(a)

Procedure and proceedings

- 10 (1) The Commission may regulate its own procedure, and the procedure of its committees and sub-committees, including quorum.
- (2) The validity of proceedings of the Commission or a committee or sub-committee is not affected by—
- (a) a vacancy among the members, or
 - (b) a defect in the appointment of a member.

Commencement Information

I10 Sch. 1 para. 10 in force at 11.11.2010 by S.I. 2010/2703, art. 2(a)

Staff

- 11 The Commission may employ staff.

Commencement Information

I11 Sch. 1 para. 11 in force at 11.11.2010 by S.I. 2010/2703, art. 2(a)

Pensions

- 12 (1) Employment by the Commission is included among the kinds of employment to which a scheme under section 1 of the Superannuation Act 1972 may apply.
- (2) The offices of First Commissioner and Commissioner are included among the offices to which such a scheme may apply.
- (3) Accordingly, in Schedule 1 to the Superannuation Act 1972 (kinds of employment to which a scheme under section 1 of that Act may apply)—
- (a) at the end of the list of “Royal Commissions and other Commissions” insert “ Civil Service Commission ”,
 - (b) in the list of “Offices” insert, at the appropriate place, “ Civil Service Commissioner ”, and
 - (c) in that list the reference to the First Civil Service Commissioner is to be read as a reference to the office of the First Civil Service Commissioner established by this Schedule.
- (4) The Commission must pay the Minister for the Civil Service the sums determined by the Minister in relation to any increase attributable to this paragraph in the sums payable out of money provided by Parliament under the Superannuation Act 1972.

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- (5) The payments must be made at the times directed by the Minister.

Commencement Information

I12 Sch. 1 para. 12 in force at 11.11.2010 by S.I. 2010/2703, art. 2(a)

Arrangements for assistance

- 13 (1) The Commission may make arrangements with other persons for the provision of assistance to the Commission.
- (2) In particular, arrangements may be made with the Minister for the Civil Service for civil servants to provide assistance.
- (3) Arrangements may provide for the making of payments by the Commission.

Commencement Information

I13 Sch. 1 para. 13 in force at 11.11.2010 by S.I. 2010/2703, art. 2(a)

Delegation

- 14 (1) The Commission may delegate functions to—
- (a) any of its members;
 - (b) any of its committees;
 - (c) any of its employees;
 - (d) a person with whom arrangements are made under paragraph 13 or a person (including a civil servant) assisting the Commission under such arrangements.
- (2) A committee may delegate functions (including functions delegated to it) to a sub-committee.

Commencement Information

I14 Sch. 1 para. 14 in force at 11.11.2010 by S.I. 2010/2703, art. 2(a)

Financial provisions

- 15 (1) The Minister for the Civil Service must pay to the Commission the sums determined by the Minister as appropriate for, or in connection with, the carrying out of the Commission's functions.
- (2) When making a payment, the Minister may impose conditions—
- (a) about how some or all of the money is to be used;
 - (b) requiring the Commission to follow specified procedures in relation to its costs and expenditure.
- (3) Before making a determination under sub-paragraph (1) or imposing a condition under sub-paragraph (2), the Minister must consult the Commission.

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Commencement Information

I15 Sch. 1 para. 15 in force at 11.11.2010 by S.I. 2010/2703, art. 2(a)

Accounts

- 16 (1) The Commission must keep proper accounts and proper records in relation to them.
- (2) The Commission must prepare a statement of accounts for each financial year (see paragraph 18).
- (3) The statement must give a true and fair view of—
- (a) the state of the Commission's affairs at the end of the financial year, and
 - (b) the Commission's income and expenditure and cash flows in the financial year.
- (4) The statement must be in compliance with any directions given by the Minister for the Civil Service with the Treasury's approval as to—
- (a) the information to be contained in the statement,
 - (b) the manner in which the information is to be presented, or
 - (c) the methods and principles according to which the statement is to be prepared.
- (5) The Commission must send the statement to the Minister at such time as the Minister may direct.
- (6) The Minister must then send the statement to the Comptroller and Auditor General.
- (7) The Comptroller and Auditor General must—
- (a) examine, certify and report on the statement, and
 - (b) lay copies of the statement and the report before Parliament (unless it has been arranged for the Minister to do so).

Commencement Information

I16 Sch. 1 para. 16 in force at 11.11.2010 by S.I. 2010/2703, art. 2(a)

Reports

- 17 (1) The Commission—
- (a) must, as soon as practicable after the end of each financial year (see paragraph 18), prepare a report about the carrying out of its functions during the year, and
 - (b) may, in exceptional cases, prepare a report at any other time about any matter relating to the carrying out of its functions.
- (2) As soon as practicable after preparing a report under sub-paragraph (1), the Commission must give a copy of the report to the Minister for the Civil Service and to the First Ministers for Scotland and Wales.
- (3) The Commission must then publish the report in the way the Commission thinks appropriate.

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- (4) The Minister for the Civil Service must lay a copy of the report before Parliament (unless it has been arranged for the Comptroller and Auditor General to do so).
- (5) The First Minister for Scotland must lay a copy of the report before the Scottish Parliament.
- (6) The First Minister for Wales must lay a copy of the report before the National Assembly for Wales.

Commencement Information

I17 Sch. 1 para. 17 in force at 11.11.2010 by S.I. 2010/2703, art. 2(a)

Meaning of “financial year”

- 18 For the purposes of paragraphs 16 and 17, each of the following is a “financial year”—
- (a) the period which begins when section 2 of this Act comes into force and ends with the following 31 March;
 - (b) each successive period of 12 months.

Commencement Information

I18 Sch. 1 para. 18 in force at 11.11.2010 by S.I. 2010/2703, art. 2(a)

Documentary evidence

- 19 (1) The application of the Commission's seal is to be authenticated by the signature of any of the following—
- (a) a member of the Commission;
 - (b) if the Commission's staff includes a chief executive, the chief executive;
 - (c) any person authorised (whether generally or specifically) for the purpose by anyone within paragraph (a) or (b).
- (2) A document purporting to be duly executed under the Commission's seal or signed on its behalf—
- (a) is to be received in evidence, and
 - (b) is to be taken to be executed or signed in that way, unless the contrary is proved.
- (3) This paragraph does not extend to Scotland.

Commencement Information

I19 Sch. 1 para. 19 in force at 11.11.2010 by S.I. 2010/2703, art. 2(a)

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