



Constitutional Reform and Governance Act 2010

CHAPTER 25

CONSTITUTIONAL REFORM AND GOVERNANCE ACT 2010

PART 1

THE CIVIL SERVICE

CHAPTER 1

STATUTORY BASIS FOR MANAGEMENT OF THE CIVIL SERVICE

Application

- 1 Application of Chapter

Civil Service Commission

- 2 Establishment of the Civil Service Commission

Power to manage the civil service

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

Codes of conduct

- 5 Civil service code
- 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Status: Point in time view as at 18/10/2012.

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

Appointment

- 10 Selections for appointments to the civil service
11 Recruitment principles
12 Approvals for selections and exceptions
13 Complaints about competitions
14 Monitoring by the Commission

Special advisers

- 15 Definition of “special adviser”
16 Annual reports about special advisers

Additional functions of the Commission

- 17 Agreements for the Commission to carry out additional functions

Final provisions

- 18 Definitions etc

CHAPTER 2

CONSEQUENTIAL AND TRANSITIONAL PROVISION

- 19 Consequential amendments and transitional provision

PART 2

RATIFICATION OF TREATIES

- 20 Treaties to be laid before Parliament before ratification
21 Extension of 21 sitting day period
22 Section 20 not to apply in exceptional cases
23 Section 20 not to apply to certain descriptions of treaties
24 Explanatory memoranda
25 Meaning of “treaty” and “ratification”

PART 3

PARLIAMENTARY STANDARDS ETC

Amendments of the Parliamentary Standards Act 2009

- 26 Compliance Officer
27 Membership of Speaker's Committee
28 Transparency etc
29 MPs' salaries
30 MPs' allowances scheme
31 Allowances claims
32 MPs' code of conduct relating to financial interests
33 Investigations
34 Enforcement
35 Relationships with other bodies etc

Status: Point in time view as at 18/10/2012.

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

- 36 Further functions of the IPSA and Commissioner
- 37 Expiry of provisions of the Parliamentary Standards Act 2009
- 38 Consequential amendments

Other provision

- 39 Resettlement grants for MEPs
- 40 Parliamentary and other pensions

PART 4

TAX STATUS OF MPs AND MEMBERS OF THE HOUSE OF LORDS

- 41 Tax status of MPs and members of the House of Lords
- 42 Tax status of members of the House of Lords: transitional provision

PART 5

TRANSPARENCY OF GOVERNMENT FINANCIAL REPORTING TO PARLIAMENT

- 43 Inclusion in departmental estimates of resources used by designated bodies
- 44 Corresponding provision in relation to Wales

PART 6

PUBLIC RECORDS AND FREEDOM OF INFORMATION

- 45 Transfer of records to Public Record Office
- 46 Freedom of information

PART 7

MISCELLANEOUS AND FINAL PROVISIONS

- 47 Section 3 of the Act of Settlement
- 48 Parliamentary elections: counting of votes
- 49 Meaning of “Minister of the Crown”
- 50 Financial provision
- 51 Power to make consequential provision
- 52 Extent, commencement, transitional provision and short title

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...

Status: Point in time view as at 18/10/2012.

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

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...

Status: Point in time view as at 18/10/2012.

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

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)...

Status: Point in time view as at 18/10/2012.

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

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...

Status: Point in time view as at 18/10/2012.

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

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.

Status: Point in time view as at 18/10/2012.

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

- 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...

Status: Point in time view as at 18/10/2012.

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

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 18/10/2012.

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

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...

Assignment etc

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

Functions

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

Approvals

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

Status: Point in time view as at 18/10/2012.

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

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 (1) Section 27 (pensions for dependants of Prime Minister or...
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...
2 In section 2(3) (exemptions not subject to public interest test)...
3 In section 37(1) (communications with Her Majesty, etc.), for paragraph...

Status: Point in time view as at 18/10/2012.

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

- 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:

Point in time view as at 18/10/2012.

Changes to legislation:

There are currently no known outstanding effects for the Constitutional Reform and Governance Act 2010.