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

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SCHEDULES

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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...
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...
Constitutional Reform and Governance Act 2010 (c. 25)

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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)... 11 (1) Amend section 81 as follows. (2) In subsection (7)... 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)... 14 (1) Amend section 101 as follows. (2) In subsection (5)...

Regulation of Investigatory Powers Act 2000 (c. 23)

Freedom of Information Act 2000 (c. 36)

Extradition Act 2003 (c. 41)
Constitutional Reform and Governance Act 2010 (c. 25)

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...


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...
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.
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...
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
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...
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....
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...
Changes to legislation:
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