

CONSTITUTIONAL REFORM AND GOVERNANCE ACT 2010

EXPLANATORY NOTES

TERRITORIAL EXTENT

56. The provisions of the Act extend to the whole of the United Kingdom. The Act largely addresses reserved and excepted matters although there are some provisions that affect the executive functions of the devolved administrations.
57. The Act contains provisions that triggered the Sewel Convention in relation to Scotland and so a Legislative Consent Motion in the Scottish Parliament was required. The Sewel Convention provides that the UK Parliament will not normally legislate with regard to devolved matters in Scotland, or to alter the legislative competence of the Scottish Parliament or the executive competence of the Scottish Ministers without the consent of the Scottish Parliament. The Scottish Parliament gave its consent on 28th January 2010 for the following provisions which alter the executive competence of the Scottish Ministers:
- **Civil service code** – *section 5* requires the First Minister of Scotland to lay before the Scottish Parliament any separate civil service code that applies to civil servants serving the Scottish Executive.
 - **Special advisers code** – *section 8* requires the First Minister of Scotland to lay the special advisers code before the Scottish Parliament.
 - **Special advisers** – *section 15* prescribes requirements that the First Minister of Scotland must apply when appointing Special Advisers to assist members of the Scottish Executive.
 - **Special advisers report** – *section 16* requires the First Minister of Scotland to prepare an annual report about special advisers appointed to assist members of the Scottish Executive and to lay this before the Scottish Parliament.
 - **Civil Service Commission's report** – Schedule 1, *paragraph 17(5)* requires the First Minister of Scotland to lay the Civil Service Commission's report before the Scottish Parliament.
 - **Requirements to provide information** – *sections 9(6), 13(4), 14(2) and 17(3)* impose requirements to provide information to the Civil Service Commission. Those requirements can apply to parts of the Scottish Administration.
58. The Act contains provisions which confer functions on Welsh Ministers and affect their responsibilities:
- in Part 1, requiring that the First Minister for Wales is consulted about the Civil Service and special advisers code and requiring the First Minister to lay the codes and the Commission's reports before the Assembly; and

These notes refer to the Constitutional Reform and Governance Act 2010 (c.25) which received Royal Assent on 8th April 2010

- in Part 5, giving the Welsh Ministers the power to designate bodies that must be included in Assembly budget motions.