

# CONSTITUTIONAL REFORM AND GOVERNANCE ACT 2010

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### *Section 10: Selections for appointments to the civil service*

99. *Section 10* requires that people can only be appointed into the civil service if they have been selected on merit on the basis of fair and open competition. The exceptions to this requirement are set out in *subsections (3)(a) to (c)*.
100. Further provision on special adviser appointments and appointments excepted by the recruitment principles are set out in *sections 12 and 15* respectively.
101. *Subsection (4)* provides that those appointed under *subsection (3)(a) to (c)* (Heads of Mission or Governors of overseas territories in the diplomatic service, special advisers and appointments excepted in the Commission's recruitment principles) are excepted from the requirement for selection on merit on the basis of fair and open competition only for the duration of that particular appointment. The persons holding such appointments would therefore be subject to the requirements of *section 10* (in particular, the requirement of selection on merit on the basis of fair and open competition) in relation to any further appointments to the civil service unless specified to the contrary in the Commission's recruitment principles.