

# CONSTITUTIONAL REFORM AND GOVERNANCE ACT 2010

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### *Schedule 2: Consequential amendments and transitional provision relating to Part 1*

#### **Part 3: Transitional provision relating to the Civil Service Commission**

118. *Paragraphs 25 to 37* make transitional provision relating to the Civil Service Commissioners who operated under the prerogative (“the old Commission”).
119. *Paragraph 26* provides for the First Civil Service Commissioner in the old Commission to become the First Civil Service Commissioner in the statutory Civil Service Commission (“the new Commission”) when it becomes operational. The First Civil Service Commissioner who moves to the new Commission on this basis will be entitled to hold office for the remaining period of their original appointment. For example, where the serving First Civil Service Commissioner has been appointed for a five year term, and has served two years at the time the new Civil Service Commission becomes operational, he or she will be entitled to remain in office for a further three years, making a total period of appointment of five years. The other terms of the original appointment will continue to apply, unless the individual concerned agrees different terms.
120. *Paragraph 27* makes provision to restrict the period of office of the First Commissioner where that person was previously head of the old Commission. The aggregate of time the individual concerned served as First Civil Service Commissioner in the old Commission, and as First Commissioner in the new Commission, must not exceed a total of five years.
121. *Paragraph 28* provides for Commissioners who hold office in the old Commission immediately prior to the establishment of the Commission to become Commissioners in the new Commission when it becomes operational. A Civil Service Commissioner who moves to the new Commission on this basis will be entitled to hold office for the remaining period of their original appointment. For example, where the serving Civil Service Commissioner has been appointed for a three year term, and has served two years at the time the new Civil Service Commission becomes operational, he or she will be entitled to continue to serve as a Commissioner for a further year, making a total period of appointment of three years. Under these transitional arrangements, the other terms of the original appointment will continue to apply, unless the individual concerned agrees to different terms.
122. *Paragraph 29* makes provision to restrict the period of office of a Commissioner where that person was previously a Commissioner in the old Commission. The aggregate of time the individual concerned served as a Civil Service Commissioner under the old arrangements, and as a Civil Service Commissioner in the new Commission, must not exceed a total of five years. *Paragraph 29(4)* contains an exception from that in respect

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

of the Commissioner for Public Appointments who currently holds office as a Civil Service Commissioner on an *ex officio* basis.

123. *Paragraphs 31 to 36* provide that certain functions that the old Commission are performing when the provisions are commenced can be continued by the Civil Service Commission and for property, rights and liabilities to transfer as appropriate to the new Commission.
124. *Paragraph 37* establishes that in the period between the passing of the Act and the new Civil Service Commission becoming operational, the serving First Civil Service Commissioner and the other serving Civil Service Commissioners in the old Commission may undertake functions conferred on the new Civil Service Commission by the Act, on behalf of the new Commission.