

# CONSTITUTIONAL REFORM AND GOVERNANCE ACT 2010

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### *Schedule 1: The Civil Service Commission*

62. *Schedule 1* makes provision for the Civil Service Commission. It contains provisions relating to: membership of the new Civil Service Commission; appointment of the First Civil Service Commissioner (who in practice will chair the Commission); the other Commissioners and their tenure of office; status and powers of the Commission; regulation of its proceedings; appointment of staff; arrangements for assistance; delegation and committees; financial provision and accounts; publication of its annual report; and transitional arrangements relating the old Civil Service Commission.

#### **Part 1: The Commissioners**

63. *Paragraph 1* provides for a minimum of seven members of the Civil Service Commission, one as the First Civil Service Commissioner (“the First Commissioner”) and the others Civil Service Commissioners (“the Commissioners”).
64. *Paragraphs 2 and 3* provide for the appointment of the First Commissioner and Commissioners, and the terms of appointment. Provision is also made for the appointment of ex-officio Commissioners. This might include for example, the appointment of the Public Appointments Commissioner as a Commissioner.
65. *Paragraph 4* makes provision for the terms of appointment of a Commissioner to include provision for remuneration, allowances and pensions.
66. *Paragraph 5* sets out the circumstances in which the First Commissioner or Commissioner may resign or be removed from office by Her Majesty on the recommendation of the Minister for the Civil Service.
67. *Paragraph 6* makes provision for compensation for the loss of the office of First Commissioner or Commissioner.

#### **Part 2: The Commission**

68. *Paragraph 7* establishes the status of the Civil Service Commission as a non-Crown body. It provides that the Commission is not to be regarded as a servant or agent of the Crown and is not to enjoy any status, immunity or privilege of the Crown. It provides that any property held by the Commission is not held on behalf of the Crown.
69. *Paragraph 8* sets out the powers of the Commission and enables it to take any action that facilitates or is incidental or conducive to its functions. Borrowing by the Commission is subject to the agreement of the Minister for the Civil Service.

70. *Paragraph 9* makes provision for committees and sub-committees to assist the Commission in carrying out its functions, and *paragraph 10* makes provision about the procedure of the Commission and its committees and sub-committees.
71. *Paragraph 11* enables the Civil Service Commission to employ staff.
72. *Paragraph 12* enables pension provision to be made for the staff of the Commission, the First Commissioner and the other Commissioners. It provides for such persons to be eligible for membership of a pension scheme under section 1 of the Superannuation Act 1972. It places an obligation on the Civil Service Commission to cover the costs involved in membership of the pension scheme, and to pay the sums involved to the Minister for the Civil Service.
73. *Paragraph 13* enables the Civil Service Commission to enter into arrangements with other parties for the provision of assistance to the Commission. In particular, it enables the Commission to make arrangements with the Minister for the Civil Service for serving civil servants to provide assistance to the Commission.
74. *Paragraph 14* makes provision for the delegation of the Commission's functions.
75. *Paragraph 15* requires the Minister for the Civil Service to make payments to the Civil Service Commission to enable it to carry out its functions. Conditions may be attached. This is in line with the requirements and procedures set down in *Managing Public Money*. The Minister must consult the Commission before setting the level of the payments, or attaching any conditions.
76. *Paragraph 16* makes provision for the accounts and records of the Civil Service Commission. The preparation and content of the annual statement of accounts must comply with HM Treasury requirements, and provide a fair and true view of the Commission's income and expenditure and cash flows over the financial year and the state of its affairs at the end of the financial year. The Commission must send the annual statement of accounts to the Minister for the Civil Service by the date specified by the Minister. The Minister then sends the statement to the Comptroller and Auditor General who is required to examine, certify and report on it, and to lay copies of the statement and report before Parliament, unless the Minister for the Civil Service arranges to do so himself.
77. *Paragraph 17* makes provision for the preparation and laying of the Commission's annual report. The Report is laid before Parliament by the Minister for the Civil Service (unless it has been arranged for the Comptroller and Auditor General to do so, e.g where the annual report has been combined with the annual statement of accounts in a joint document). Copies of the report are also laid before the Scottish Parliament and National Assembly for Wales by the First Ministers of Scotland and Wales respectively.
78. *Paragraph 18* provides a definition of the financial year for the purposes of *paragraphs 16 and 17*. The period begins when *section 2* comes into force (that is, when the Commission is established), and ends with the following 31 March. Thereafter it runs in successive 12 month periods.
79. *Paragraph 19* makes provision for the authentication of the Commission's seal and the execution of documents by the Commission.