
STATUTORY INSTRUMENTS

2010 No. 2703 (C. 125)

CIVIL SERVICE

GOVERNMENT RESOURCES AND ACCOUNTS

PARLIAMENT

The Constitutional Reform and Governance
Act 2010 (Commencement No. 3) Order 2010

Made - - - - 8th November 2010

The Minister for the Cabinet Office makes the following Order in exercise of the powers conferred by section 52(2) of the Constitutional Reform and Governance Act 2010⁽¹⁾:

Citation

1. This Order may be cited as the Constitutional Reform and Governance Act 2010 (Commencement No. 3) Order 2010.

Commencement

2. The following provisions of the Constitutional Reform and Governance Act 2010 come into force on 11th November 2010—

- (a) Part 1 (the civil service);
- (b) Part 2 (ratification of treaties); and
- (c) Part 5 (transparency of government financial reporting to Parliament).

8th November 2010

Francis Maude
Minister for the Cabinet Office
Cabinet Office

EXPLANATORY NOTE

(This note is not part of the Rules)

This Order brings into force Parts 1 (the civil service), 2 (ratification of treaties) and 5 (transparency of government financial reporting to Parliament) of the Constitutional Reform and Governance Act 2010 (“the Act”) on 11th November 2010.

Part 1 applies to “the civil service of the State” as defined in section 1 and —

- (i) provides for the establishment of a Civil Service Commission (section 2 and Schedule 1) with functions in relation to selections for appointment to the civil service (sections 11, 12, 13 and 14) and in relation to hearing complaints that the civil service and diplomatic service codes have been breached (section 9);
- (ii) provides a power for the Minister for the Civil Service to manage the civil service excluding the diplomatic service and a parallel power for the Secretary of State to manage the diplomatic service (section 3) and for other statutory powers to continue to have effect (section 4);
- (iii) provides for the publication of a civil service code (section 5) and a diplomatic service code (section 6) and the minimum requirements of those codes (section 7);
- (iv) provides for a separate code of conduct for special advisers (section 8) as defined in section 15;
- (v) provides for a requirement that appointments to the civil service are to be made on merit on the basis of fair and open competition (section 10);
- (vi) provides that the Minister for the Civil Service, the First Minister for Scotland and the First Minister for Wales must prepare an annual report about special advisers (section 16);
- (vii) provides that the Minister for the Civil Service and the Commission may agree that the Civil Service Commission should carry out additional functions (section 17).

Part 2 strengthens the Parliamentary scrutiny of treaties and in so doing, places the existing convention for the Parliamentary scrutiny of treaties, the Ponsonby Rule, onto a statutory footing. It requires treaties that do not come into force on signature to be laid before both Houses of Parliament for 21 sitting days. If, in this time, neither House resolves that the treaty should not be ratified, then the treaty can be ratified. If, on the other hand, either House resolves that the treaty should not be ratified, then the Act sets out certain procedures that must be followed.

Part 5 provides that government departments must prepare estimates of their resource needs in accordance with directions from the Treasury, and include information which relates to bodies that have been designated by order for that year. Equivalent provision is made for Wales.

A regulatory impact assessment has not been prepared for this Order as no impact on the private or voluntary sectors is foreseen.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Constitutional Reform and Governance Act 2010 have been brought into force by a commencement order made before the date of this order.

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|------------------|-----------------------------|---------------------------|
| Section 26 | 19th April 2010 | 2010/1277 |

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|---|-----------------------------|-----------------|
| Section 27 | 7th May 2010 | 2010/1277 |
| Section 28(1) to (3) | 7th May 2010 | 2010/1277 |
| Section 30 | 7th May 2010 | 2010/1277 |
| Section 31(6) | 7th May 2010 | 2010/1277 |
| Section 32 | 7th May 2010 | 2010/1277 |
| Section 36 | 7th May 2010 | 2010/1277 |
| Section 37 | 7th May 2010 | 2010/1277 |
| Section 38 (in part) | 19th April 2010 | 2010/1277 |
| | 7th May 2010 | 2010/1277 |
| Schedule 3 | 19th April 2010 | 2010/1277 |
| Schedule 5: paragraphs 1, 2(b), 4(1) and (2)(a), 5(1) and (3), 7(1); and 7(4) (in part) | 19th April 2010 | 2010/1277 |
| Schedule 5: paragraphs 2(a), 3, 4(2)(b), 5(2), 6, and 7(2), (3)(c) and (4)(c) | 7th May 2010 | 2010/1277 |
| | 27th July 2010 | 2010/1931 |
| Section 28(4) | 27th July 2010 | 2010/1931 |
| Section 31(1) to (5) | 27th July 2010 | 2010/1931 |
| Section 33 | 27th July 2010 | 2010/1931 |
| Section 34 | 27th July 2010 | 2010/1931 |
| Section 35 | 27th July 2010 | 2010/1931 |
| Section 38 (in part) | 27th July 2010 | 2010/1931 |
| | 27th July 2010 | 2010/1931 |
| Schedule 4 | 27th July 2010 | 2010/1931 |
| Schedule 5: paragraph 4(3) and paragraph 7(3) (b), (4)(b), and (4)(d) so far as not already in force, and (5) | 27th July 2010 | 2010/1931 |