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*Changes to legislation: There are currently no known outstanding effects for the  
Constitutional Reform and Governance Act 2010, Part 1. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 1

#### THE CIVIL SERVICE COMMISSION

##### PART 1

##### THE COMMISSIONERS

###### *Membership of the Commission*

- 1 (1) The Commission is to consist of at least seven members.
- (2) One of those is to be the First Civil Service Commissioner appointed under paragraph 2.
- (3) The others are to be Civil Service Commissioners appointed under paragraph 3.

###### **Commencement Information**

**II** Sch. 1 para. 1 in force at 11.11.2010 by S.I. 2010/2703, art. 2(a)

###### *Appointment of First Civil Service Commissioner*

- 2 (1) This paragraph is about the appointment of the First Civil Service Commissioner (“First Commissioner”).
- (2) The First Commissioner is appointed by Her Majesty on the recommendation of the Minister for the Civil Service.
- (3) A person's selection for recommendation must be on merit on the basis of fair and open competition.
- (4) Before selecting a person, the Minister must consult—
- (a) the First Ministers for Scotland and Wales, and
  - (b) the relevant opposition leaders (see sub-paragraph (8)).
- (5) The terms on which the First Commissioner holds office are determined by the Minister for the Civil Service.
- (6) The period of the appointment is to be no more than five years.
- (7) A person cannot be appointed as First Commissioner more than once.
- (8) The relevant opposition leaders are the registered leaders of the registered parties in opposition to Her Majesty's Government in the United Kingdom which had the highest and second highest national vote at the previous parliamentary general election.

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(9) In sub-paragraph (8)—

“registered leader”, in relation to a party, means the person registered as that party's leader in accordance with section 24 of the Political Parties, Elections and Referendums Act 2000;

“registered party” means a party registered in a register of political parties maintained by the Electoral Commission in accordance with section 23 of that Act.

**Commencement Information**

**I2** Sch. 1 para. 2 in force at 11.11.2010 by S.I. 2010/2703, art. 2(a)

*Appointment of Civil Service Commissioners*

- 3 (1) This paragraph is about the appointment of Civil Service Commissioners (“Commissioners”).
- (2) A Commissioner is appointed by Her Majesty on the recommendation of the Minister for the Civil Service.
- (3) A person's selection for recommendation must be on merit on the basis of fair and open competition.
- (4) A person must not be selected without the agreement of the First Commissioner.
- (5) The terms on which a Commissioner holds office are determined by the Minister.
- (6) The period of the appointment is to be no more than five years.
- (7) The Minister must not make a determination under sub-paragraph (5) without the agreement of the First Commissioner.
- (8) A person cannot be appointed as a Commissioner more than once.
- (9) A person cannot be a Commissioner and the First Commissioner at the same time.
- (10) But, if the office of First Commissioner is vacant, the Minister may authorise a Commissioner to carry out the functions of First Commissioner until the vacancy is filled.
- (11) Sub-paragraphs (12) and (13) apply in relation to the appointment as Commissioner of a person holding another public office (including an office under the Crown) if the Minister and the First Commissioner are both satisfied that the functions of the other public office are concerned with matters similar to matters with which the Commission's functions are concerned.
- (12) The Minister and the First Commissioner may agree to disapply sub-paragraph (3) or (6).
- (13) The terms determined under sub-paragraph (5) may—
- (a) provide for the person to cease to hold office as Commissioner if the person ceases to hold the other public office;
  - (b) restrict the functions that the person may carry out as Commissioner.

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**I3** Sch. 1 para. 3 in force at 11.11.2010 by S.I. 2010/2703, art. 2(a)

*Payment of remuneration and allowances etc*

- 4 (1) The terms mentioned in paragraph 2(5) or 3(5) may provide for the Commission—
- (a) to pay remuneration and allowances to the person appointed;
  - (b) to make provision for a pension in relation to that person.
- (2) The Commission must make the payments or provision accordingly.

**Commencement Information**

**I4** Sch. 1 para. 4 in force at 11.11.2010 by S.I. 2010/2703, art. 2(a)

*Resignation or removal from office*

- 5 (1) This paragraph is about resignation or removal from the office of First Commissioner or Commissioner.
- (2) A person may resign from office by giving written notice to the Minister for the Civil Service.
- (3) Her Majesty may, on the recommendation of the Minister, remove a person from office if a condition in sub-paragraph (4) is met.
- (4) The conditions are that—
- (a) the person is absent from three successive meetings of the Commission without the Commission's approval;
  - (b) the person is convicted of an offence (see sub-paragraph (5));
  - (c) the person becomes bankrupt (see sub-paragraph (6));
  - (d) the person is unfit or unable to carry out the functions of the office.
- (5) For the purpose of determining if a person is convicted of an offence—
- (a) it does not matter where the person is convicted;
  - (b) an act punishable under the law of a territory outside the United Kingdom constitutes an offence for the purposes of this paragraph (however it is described in that law).
- (6) A person becomes bankrupt if—
- (a) in England and Wales or Northern Ireland, a bankruptcy order is made in relation to the person, or
  - (b) in Scotland, the person's estate is sequestrated.

**Commencement Information**

**I5** Sch. 1 para. 5 in force at 11.11.2010 by S.I. 2010/2703, art. 2(a)

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*Compensation for loss of office of First Commissioner or Commissioner*

- 6 The Minister for the Civil Service may direct the Commission to pay compensation if—
- (a) a person ceases to hold office as First Commissioner or Commissioner, and
  - (b) the Minister is satisfied that, because of the circumstances in which the person ceased to hold office, compensation should be paid to the person.

**Commencement Information**

**I6** Sch. 1 para. 6 in force at 11.11.2010 by S.I. 2010/2703, art. 2(a)

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