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## State Intelligence

### PRIVY COUNCIL OFFICE

At the Court at  
Buckingham Palace the 15th Day of March 1995

Present,

The QUEEN'S Most Excellent Majesty in Council

WHEREAS By the Civil Service Order in Council 1991(a) (hereinafter referred to as "the principal Order") provision was made relating to the appointment of persons to situations in Her Majesty's Home Civil Service and for regulating the conduct of Her Majesty's Home Civil Service and the conditions of service therein:

AND WHEREAS by virtue of the Transfer of Functions (Treasury and Minister for the Civil Service) Order 1995(b), certain functions exercised by the Treasury were transferred to the Minister for the Civil Service:

AND WHEREAS it is expedient to make further provision for Her Majesty's Home Civil Service in relation to the matters aforesaid:

NOW, THEREFORE, Her Majesty is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered as follows:

#### Definitions

- In this Order, except where otherwise expressly provided; "the Commissioners" means the persons for the time being appointed by Her Majesty in Council to be Her Majesty's Civil Service Commissioners for the purposes of this Order; "audit" means any review carried out by or on behalf of the Commissioners of the recruitment practices and policies followed by appointing authorities in making an appointment; "public service" means any civil service of the State (other than the Service), and any public authority, or non-governmental body or institution discharging public functions, which the Minister may from time to time determine to be a public service for the purposes of this Order; "the Minister" means the Minister for the Civil Service; "secondment" means a voluntary and temporary transfer from a permanent employer for a fixed period and which does not affect the employment status of the seconded employee; "the Service" means Her Majesty's Home Civil Service; "the Senior Civil Service" means that part of Her Majesty's Home Civil Service whose members are classified by the Minister as members of the Senior Civil Service; "the transitional period" means the period commencing on the coming into force of this Order and expiring on 1st April 1996.

#### Selection on merit

2.—(1) Except as otherwise expressly provided by this Order, no person shall be appointed to a situation in the Service unless

- the selection for appointment is made on merit on the basis of fair and open competition; and
  - the person appointed satisfies such qualifications as may be prescribed pursuant to Article 10(d).
- (2) Notwithstanding Article 2(1)(b), a person may be appointed in accordance with Schedule 2 to this Order.

#### Exemptions from selection on merit

3. Article 2(1)(a) shall not apply to an appointment to any situation

- where the holder is appointed directly by the Crown;
- where the holder is appointed by a Minister of the Crown for the purpose only of providing advice to any Minister, and under which the period for which the situation is to be held terminates at the end of an Administration.

#### Functions of the Commissioners

4.—(1) The Commissioners shall maintain the principle of selection on merit on the basis of fair and open competition in relation to selection for appointment.

(2) The Commissioners shall prescribe and publish a recruitment code on the interpretation and application by appointing authorities of the principle of selection on merit on the basis of fair and open competition, including the circumstances in which exceptions to that principle may be permitted in accordance with Articles 6 and 7 of this Order.

(3) The Commissioners shall audit recruitment policies and practices within the Service to establish whether the recruitment code is being observed by the appointing authority.

(4) The Commissioners may require appointing authorities to publish such summary information as may be specified relating to recruitment and the use by such authorities of permitted exceptions to the principle of selection on merit on the basis of fair and open competition.

#### The Commissioners' approval for appointment

5.—(1) Subject to Article 5(2), no appointment except for an appointment of less than twelve months or an appointment referred to in Article 3 shall be made to any situation in the Senior Civil Service (or for the transitional period to any situation listed in Schedule 1) without the written approval of the Commissioners, whose decision shall be final. Approval may be given conditionally or unconditionally.

(2) Where pursuant to Article 5(1) the Commissioners have given approval conditionally, the relevant appointing authority may make