

such appointment pursuant to Schedule 2 as appears to that appointing authority to be appropriate.

Exceptions to selection on merit

6.—(1) Subject to Article 6(2) the Commissioners may except an appointment from the requirements of Article 2(1)(a), either individually or by cases of a class or description, where the appointment falls within one or more of the following categories

- (a) where the total period of service does not exceed five years and the appointment is justified by the needs of the Service;
- (b) where the person is appointed on secondment;
- (c) where immediately before appointment the person is the holder of a situation to which he was appointed on secondment, or under which the period of service (continuous or otherwise) does not exceed five years, and the appointment would be on an exceptional basis;
- (d) where the person has previously held a situation in the Service to which appointment was made on merit on the basis of fair and open competition and is being considered for re-instatement or re-employment;
- (e) where the person holds a situation in a public services;
- (f) where the person is, or has recently been, employed on functions which have been or are being transferred to the Crown;
- (g) where the person has reached an appropriate standard in a fair and open competition for another situation without securing appointment and there is a demonstrable shortage of suitable candidates for the relevant situation.

(2) The Commissioners may except from the requirements of Article 2(1)(a) any appointment to a situation for which their approval is required by Article 5 where they are satisfied that:

- (a) the person proposed for appointment is of proven distinction; or
- (b) that the person proposed for appointment has been assessed in fair and open competition with all other applicants for the situation, and that he is qualified to discharge all the duties of the situation effectively

and, in either case, that the appointment is justified for exceptional reasons relating to the needs of the Service.

Disabled people

7. Without prejudice to their powers under Article 6 of the Commissioners may except an appointment from the requirements of Article 2(1)(a) where it appears to the relevant appointing authority that the person satisfies the relevant standard for entry into Service and has been selected for appointment under arrangements which:

- (a) provide for such selection to be made on merit on the basis of fair and open competition, but
- (b) include provision for encouragement and assistance in the process of selection (by way of guarantee of an interview or otherwise) to be given to any person who is defined as being a disabled person or as having a disability by or under any enactment relating to the employment of disabled persons.

Commissioners' Annual Report

8. The Commissioners shall publish an annual report which shall include:

- (a) summary information as to appointments requiring the Commissioners' approval under Article 5, including the number of persons appointed on the basis of each category of permitted exceptions identified Article 6(1)(c) to (g), Article 6(2) and Article 7, and
- (b) an account of the audit of recruitment policies and practices.

Exercise of the Commissioners' powers and duties

9.—(1) Any power or duty of the Commissioners under this Order may be exercised by:

- (a) the First Civil Service Commissioner, or such Commissioner as the First Civil Service Commissioner may authorise for that purpose; or
 - (b) any officer of the Commissioners authorised for that purpose by the Commissioners.
- (2) The Commissioners may from time to time and to such extent as they think fit authorise any person to perform:
- (a) any function under Article 4(3); or
 - (b) any of their functions relating to the selection and recruitment of persons prior to the exercise by them of their power of approval under Article 5; or
 - (c) any of their functions including the power of approval under Article 5 where the Commissioners have approved the arrangements for selection for particular appointments.

Functions of the Minister

10. The Minister may from time to time make regulations and give instructions:

- (a) providing for the number and grading of posts in the Service, the classification of all persons employed therein, their remuneration, expenses, allowances, holidays, hours of work, part-time and other working arrangements, retirement and redundancy, the re-instatement and re-employment of persons in the Service, the re-development of staff within the Service and the conditions of service of all persons employed in the Service;
- (b) for controlling the conduct of the Service;
- (c) relating to the recruitment of persons to situation in the Service;
- (d) prescribing the qualifications for appointment to situations in the Service including qualifications relating to age, knowledge, ability, professional attainment, aptitude and potential.

Citation etc.

11.—(1) This Order may be cited as the Civil Service Order in Council 1995 and shall come into force on 1st May 1995.

(2) The principal Order is hereby revoked except for Article 5 which is revoked with effect from 1st April 1996.

(3) Without prejudice to paragraph (4) below, nothing in the said revocation shall affect any instrument or other thing whatsoever made or done or having effect as if made or done under the principal Order, and every such instrument or thing shall continue in force and so far as it could have been made or done under this Order shall have effect as if made or done under this Order.

(4) The Interpretation Act 1978(c) shall apply for the interpretation of this Order and of any regulations or orders made this Order as it applies for the interpretation of an Act of Parliament, and as if for the purposes of section 16(1) of that Act this Order were an Act of Parliament and the principal Order were an Act of Parliament thereby repealed.

N. H. Nicholls

(a) The principal Order was amended by the Civil Service (Amendment) Order in Council 1994 and the Civil Service (Amendment) (No. 2) Order in Council 1994.

(b) SI 1995/269.

(c) 1978 c. 30.

SCHEDULE 1

Article 5(1)

Grade 1 to 5 (unified grades)

Actuary
 Agency Chief Executive
 Assistant Director, Office of Passenger Rail Franchising
 Assistant Director, Prison Service
 Assistant Legal Secretary and Deputy Scottish Parliamentary Counsel
 Assistant Legal Secretary and Scottish Parliamentary Counsel
 Captain of the Queen's Flight
 Chief Accountancy Adviser
 Chief Actuary
 Chief Constable, Ministry of Defence Police
 Chief Inspector of Ancient Monuments and Historic Buildings
 Chief Inspector of Probation
 Chief Medical Officer (Scotland)
 Chief Scientific Adviser
 Chief Superintendent, Ministry of Defence Police
 Chief Superintendent of the Royal Parks
 Chief Veterinary Officer
 Civilian Consultant
 Deputy Chief Constable, Ministry of Defence Police
 Deputy Chief Executive, HMSO
 Deputy Inspector General, Insolvency Service
 Deputy Parliamentary Counsel
 Directing Actuary
 Director, General Corporate Services, HMSO
 Director, Royal Mint
 Director, Social Security Information Technology Services Agency
 First Parliamentary Counsel
 Government Actuary
 Grade 5 Pollution Inspector
 Head of Operations, Most Hygiene Service
 Legal Secretary and First Scottish Parliamentary Counsel
 Parliamentary Counsel
 Pay Band 19 and 18, HM Stationery Office
 Pay Band A, Inland Revenue