
STATE

PROCLAMATIONS

AT THE COURT AT BUCKINGHAM PALACE THE 12TH DAY OF JUNE 2014 PRESENT, THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL SCHEDULE EXPLANATORY NOTE (THIS NOTE IS NOT PART OF THE ORDER)

The Public Appointments Order in Council 2013 (“the 2013 Order”) makes provision for an independent Commissioner to monitor the procedures adopted by appointing authorities (Ministers of the Crown and others) when making appointments to public bodies.

It is desirable to revoke the 2013 Order and make further provision in relation to these matters.

Her Majesty is pleased, by and with the advice of Her Privy Council, to order as follows:-

Citation commencement and revocation

1 —(1) This Order may be cited as the Public Appointments Order in Council 2014 and comes into force on the day after the day on which it is made.

(2) The Public Appointments Order in Council 2013 is revoked.

Interpretation

2 —(1) The Interpretation Act 1978 (a) applies for the interpretation of this Order as it applies for the interpretation of an Act of Parliament and as if the Order listed in Article 1(2) was an enactment for the purposes of section 16(1) of that Act

(2) In this Order:

“appointing authority” means, in relation to a public appointment—

- a Minister of the Crown or, as the case may be, the Welsh Ministers, the First Minister for Wales or the Counsel General;
- b the National Health Service Trust Development Authority where an appointment is made by it on behalf of a Minister of the Crown, or the Welsh Ministers, the First Minister for Wales or the Counsel General;
- c in relation to the UK Commission for Employment and Skills, a Minister of the Crown or, as the case may be, the Scottish Ministers, the Northern Ireland Ministers or the Welsh Ministers, the First Minister for Wales or the Counsel General;

“audit” means the carrying out of any review by or on behalf of the Commissioner of the appointment procedures and practices followed by appointing authorities in making appointments;

“Commissioner” means the person appointed for the time being by Her Majesty in Council to be Her Majesty’s Commissioner for Public Appointments for the purposes of this Order;

“public appointment” means any appointment (including any re-appointment or extension of an appointment) made by, or on the recommendation of, an appointing authority to a public body or public office;

“public body” means any body that falls under the Schedule;

“public office” means any office that falls under the Schedule.

(3) Where a provisional appointment is to be made before a body or office exists in law or before a body or office has been specified as a public body or public office for the purposes of this Order, the Minister for the Cabinet Office may notify the Commissioner that the appointment is to be treated as if it were a public appointment to a public body or public office for the purposes of this Order.

Functions of the Commissioner

3 —(1) The Commissioner shall, in the manner the Commissioner considers best calculated to promote economy, efficiency, effectiveness, diversity and equality of opportunity in the procedures for making public appointments, exercise the Commissioner’s functions with the object of maintaining the principle of selection on merit in relation to public appointments.

(2) The Commissioner shall prescribe and publish a code of practice on the interpretation and application by appointing authorities of the principle of selection on merit for public appointments and shall adopt and publish from time to time such additional guidance to appointing authorities as the Commissioner shall think fit.

(3) The Commissioner shall audit public appointment policies and practices pursued by appointing authorities to establish whether the code of practice is being observed by appointing authorities.

(4) The Commissioner may require appointing authorities to publish such summary information as may be specified relating to selection for public appointment.

(5) The Commissioner may from time to time conduct an inquiry into the policies and practices followed by an appointing authority in relation to any public appointment or description of public appointment.

(6) The Commissioner may recruit and train public appointment assessors for the purpose of advising and assisting an appointing authority in relation to any public appointment.

(7) For the purposes of paragraphs (3) and (5), appointing authorities must provide the Commissioner with any information the Commissioner reasonably requires.

Additional functions

4 —(1) The Commissioner may, at the request of a Minister of the Crown, carry out such additional functions relating to appointments (whether public or otherwise) as may be agreed between the Minister and the Commissioner.

(2) Public appointment assessors recruited in accordance with article 3(6) may advise and assist in relation to appointments falling under paragraph (1) of this article.

Commissioner’s Annual Report

5 The Commissioner shall publish an annual report which shall include—

- a information as to the application by appointing authorities of the principle of selection on merit and as to the observance by such authorities of the code of practice, and
- b an account of the audit of public appointment procedures and practices.

Exercise of the Commissioner’s powers and duties

6 —(1) Any power or duty of the Commissioner may be exercised by an officer of the Commissioner authorised for that purpose by the Commissioner.

(2) The Commissioner may from time to time, and to such extent as the Commissioner thinks fit, authorise any person to perform any function under article 3(3) or 4.

Richard Tilbrook

SCHEDULE

Article 2(2)

Bodies and Offices Regulated by the Commissioner for Public Appointments

Cabinet Office

Public bodies