



At the Court at Buckingham Palace

THE 13th DAY OF JULY 2016

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY
IN COUNCIL

The Public Appointments Order in Council 2015 ("the 2015 Order") makes provision for an independent Commissioner to monitor the procedures adopted by appointing authorities when making appointments to public bodies.

It is desirable to revoke the 2015 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 2016 and comes into force on a date to be notified in writing to the Minister for the Cabinet Office by the Clerk of the Council.

(2) On that date, the 2015 Order is revoked.

Interpretation

2.—(1) The Interpretation Act 1978^(a) applies to this Order as it applies to an Act of Parliament and, in particular, as if the 2015 Order 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) 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 NHS Trust Development Authority where an appointment is made by it on behalf of a Minister of the Crown or, as the case may be, 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 First Minister for Scotland, the First Minister for Wales or the First Minister and deputy First Minister for Northern Ireland;

"Commissioner" means the person appointed for the time being by Her Majesty in Council to be Her Majesty's Commissioner for Public Appointments^(b);

"Governance Code" means the Governance Code for Public Appointments to be published under article 3 by the Minister for the Cabinet Office;

^(a) 1978 c.30. The interpretative provisions of this Act have been amended extensively but there are no amendments to section 16.

^(b) See the Order in Council dated 19th April 2016, which appoints Peter Riddell as Commissioner.

“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 or public office” means any body or office that is listed in the Schedule.

(3) Where a provisional appointment is to be made before a public body or public office exists in law or before a body or office has been specified 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.

Governance Code

3.—(1) The Minister for the Cabinet Office must prepare, publish and keep under review a Governance Code which sets out—

- (a) the principles of public appointments, and
- (b) guidance on the practices to be followed in relation to making public appointments.

(2) Before publishing the Governance Code, including the principles of public appointments, and any amendments to them, the Minister for the Cabinet Office must consult the Commissioner and the First Minister for Wales.

Functions of the Commissioner

4.—(1) The Commissioner must exercise the Commissioner’s functions under this Order with the object of ensuring that appointing authorities act in accordance with the Governance Code, including the principles of public appointments.

(2) The Commissioner must, in the manner the Commissioner thinks fit, carry out an audit of the procedures and practices followed by appointing authorities in making public appointments, including the interpretation and application by them of the Governance Code including the principles of public appointments.

(3) The Commissioner may conduct an investigation into any aspect of public appointments with the object of improving their quality.

(4) The Commissioner may conduct an inquiry into the procedures and practices followed by an appointing authority in relation to any public appointment whether in response to a complaint or otherwise.

(5) The Commissioner may require appointing authorities to publish specified summary information relating public appointments.

(6) For the purposes of this article, appointing authorities must provide the Commissioner with any information the Commissioner reasonably requires.

Additional functions

5. The Commissioner may, at the request of a Minister of the Crown, carry out such additional functions as may be agreed between the Minister and the Commissioner.

Commissioner’s Annual Report

6. The Commissioner must publish an annual report on public appointments which must include—

- (a) information arising from the audit carried out under article 4(2), including information about non-compliance;

an account of any inquiry into the public appointment procedures and practices of appointing authorities.

Exercise of the Commissioner’s functions, powers and duties

7.—(1) The Commissioner may delegate functions, powers and duties to:—

- (a) an officer of the Commissioner, or
- (b) for the purposes of the functions carried out under article 4(2) or additional functions carried out under article 5, any other person.

(2) A delegation does not prevent the Commissioner from doing anything personally.

(3) A delegation does not prevent the Commissioner's functions, powers and duties from remaining the responsibility of the Commissioner.

Richard Tilbrook

SCHEDULE

Article 2(2)

Bodies and Offices Regulated by the Commissioner for Public Appointments

Attorney General's Office

Her Majesty's Crown Prosecution Service Inspectorate

Department for Business, Innovation and Skills

Advisory, Conciliation and Arbitration Service (ACAS)

Arts and Humanities Research Council

Biotechnology and Biological Sciences Research Council

British Business Bank plc

British Hallmarking Council

Central Arbitration Committee

Certification Officer

Competition Appeals Tribunal

Competition Markets Authority, with the exception of the Chief Executive

Competition Service

Construction Industry Training Board

Council for Science and Technology

Economic and Social Research Council

Engineering and Physical Sciences Research Council

Engineering Construction Industry Training Board

Export Guarantees Advisory Council

Film Industry Training Board for England and Wales

Groceries Code Adjudicator

Higher Education Funding Council for England

Independent Assessors for Student Finance Appeals and Complaints

Industrial Development Advisory Board

Innovate UK

Labour Market Enforcement Director

Land Registry

Low Pay Commission

Medical Research Council

National Physical Laboratory (NPL) Management Ltd, Chair only

Natural Environment Research Council

Office for Fair Access, Director of Fair Access only

Ordnance Survey

Post Office Ltd, Chair only

Pubs Code Adjudicator

Regulatory Policy Committee

Science and Technology Facilities Council

Small Business Commissioner

Student Loans Company Ltd

UK Atomic Energy Authority

UK Commission for Employment and Skills

UK Export Finance

UK Green Investment Bank

Cabinet Office

Advisory Committee on Business Appointments

Big Lottery Fund

Boundary Commission for England

Boundary Commission for Wales

Charity Commission for England and Wales

Committee on Standards in Public Life
Civil Service Pensions Board
House of Lords Appointments Commission
Office of the Registrar of Consultant Lobbyists
Security Vetting Appeals Panel
Senior Salaries Review Body
UK Statistics Authority Board

Department for Education

Children's Commissioner for England
Equalities and Human Rights Commission
Her Majesty's Chief Inspector of Education, Children's Services and Skills
Information Standards Board, Chair
Members of Professional Misconduct Panels for Teachers
Office for Standards in Education, Children's Services and Skills
Office of Qualifications and Examinations Regulation
School Teachers' Review Body
Social Mobility and Child Poverty Commission

Department for Communities and Local Government

Ebbsfleet Development Corporation
Homes and Communities Agency
Local Government Ombudsman
Leasehold Advisory Service (LEASE)
The Housing Ombudsman
Valuation Tribunal Service

Department for Culture, Media and Sport

Advisory Council on National Records and Archives
Arts Council England
BBC Trust
British Film Institute
British Library
British Museum
Gambling Commission
Geffrye Museum
Historic Buildings and Monuments Commission for England
Historic Royal Palaces
Horniman Museum and Gardens
Horserace Betting Levy Board
Imperial War Museum
Information Commissioner
National Gallery
National Heritage Memorial Fund/ Heritage Lottery Fund
National Museums Liverpool
National Portrait Gallery
Natural History Museum
Office of Communications (Ofcom)
Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest
Royal Armouries
Royal Museums Greenwich
Science Museum Group
Sianel Pedwar Cymru (S4C)
Sport England
Sports Ground Safety Authority
Tate
The Royal Parks

Theatres Trust
Treasure Valuation Committee
UK Sport
United Kingdom Anti-Doping Ltd
Victoria and Albert Museum
VisitBritain
VisitEngland
Wallace Collection

Department for Environment, Food and Rural Affairs

Advisory Committee on Releases to the Environment
Agriculture and Horticulture Development Board
British Wool Marketing Board, with the exception of the elected members and the executive officers
Broads Authority
Conservation Board for the Chilterns Area of Outstanding Natural Beauty
Conservation Board for the Cotswolds Area of Outstanding Natural Beauty
Consumer Council for Water
Covent Garden Market Authority
Environment Agency
Forestry Commission, with the exception of elected members
Joint Nature Conservation Committee
Marine Management Organisation
National Park authorities, with the exception of parish members
Natural England
Regional Flood and Coastal Committees, with the exception of board members
Royal Botanic Gardens, Kew
Science Advisory Council
Sea Fish Industry Authority
Water Services Regulation Authority (OFWAT)

Department for International Development

CDC Group Plc
Commonwealth Scholarship Commission
Independent Commission for Aid Impact

Department for Transport

British Transport Police Authority
Civil Aviation Authority, with the exception of executive members
Disabled Persons Transport Advisory Committee
Harwich Haven
Highways England
HS2 Ltd
London and Continental Railways Ltd
Milford Haven Port Authority
Office of Rail and Road
Network Rail
Port of Tyne
Port of London Authority
Port of Dover
Transport Focus

Department for Work and Pensions

Disabled People's Employment Corporation (GB) Ltd
Health and Safety Executive
Industrial Injuries Advisory Council
National Employment Savings Trust
Office for Nuclear Regulation

Pension Protection Fund
Pension Protection Fund Ombudsman
Pensions Advisory Service
Pensions Ombudsman
Pensions Regulator
Social Security Advisory Committee

Department of Energy and Climate Change

Civil Nuclear Police Authority
Coal Authority
Committee on Climate Change
Committee on Fuel Poverty
Committee on Radioactive Waste Management
Electricity Settlements Company Ltd, Chair and Senior Independent Director only
Gas and Electricity Markets Authority
Low Carbon Contracts Company Ltd, Chair and Senior Independent Director only
National Nuclear Laboratory
Nuclear Decommissioning Authority
Nuclear Liabilities Financing Assurance Board
Nuclear Liabilities Fund
Oil and Gas Authority, Chair and Chair of the Audit Committee only

Department of Health

Administration of Radioactive Substances Advisory Committee
Advisory Committee on Clinical Excellence Awards
British Pharmacopoeia Commission
Care Quality Commission
Commission on Human Medicines
Committee on Mutagenicity of Chemicals in Food, Consumer Products and the Environment
Food Standards Agency
Health and Social Care Information Centre
Health Education England
Health Research Authority
Human Fertilisation and Embryology Authority
Human Tissue Authority
Independent Reconfiguration Panel
Monitor
National Institute for Health and Care Excellence
NHS Blood and Transplant
NHS Business Services Authority
NHS Commissioning Board
NHS Litigation Authority
NHS Pay Review Body
NHS Trust Development Authority
NHS Trusts
Review Body on Doctors' and Dentists' Remuneration

Foreign and Commonwealth Office

Great Britain-China Centre
Marshall Aid Commemoration Commission
Westminster Foundation for Democracy

HM Treasury

Court of Directors of the Bank of England, with the exception of the Governor and Deputy Governors
Crown Estate Commissioners, with the exception of executive members

Financial Conduct Authority, with the exception of executive members
National Savings and Investments
Royal Mint Advisory Committee on the Design of Coins, Medals, Seals and Decorations
UK Financial Investments (UKFI)

Home Office

Advisory Council on the Misuse of Drugs
Animals in Science Committee
Appointed person under the Proceeds of Crime Act 2002
Commissioner for the Retention and Use of Biometric Material
Disclosure and Barring Service
Gangmasters Licensing Authority
Her Majesty's Inspectors of Constabulary
Independent Anti-Slavery Commissioner
Independent Chief Inspector of Borders and Immigration
Independent Monitor of the Disclosure and Barring Service
Independent Police Complaints Commission
Independent Reviewer of Terrorism Legislation
Members of the Visiting Committee of any immigration removal centre or short-term holding facility
Migration Advisory Committee
National Crime Agency Remuneration Review Body
National DNA Database Ethics Group
Office of the Immigration Services Commissioner
Police Advisory Board for England and Wales
Police Negotiating Board
Security Industry Authority
Surveillance Camera Commissioner
Technical Advisory Board (for the Regulation of Investigatory Powers Act 2000), with the exception of Agency Members

Ministry of Defence

Armed Forces Pay Review Body
Defence Nuclear Safety Committee
Defence Scientific Advisory Council
Independent Medical Expert Group
Independent Monitoring Board for the Military Corrective Training Centre
National Employer Advisory Board
Nuclear Research Advisory Council
Oil and Pipelines Agency
Royal Air Force Museum
Science Advisory Committee on the Medical Implications of Less-Lethal Weapons
Service Complaints Ombudsman
Single Source Regulations Office
Veterans Advisory and Pensions Committees

Ministry of Justice

Advisory Committee on Conscientious Objectives
Advisory Committees on Justices of the Peace in England and Wales
Chair of the National Council of Prisoner Escort and Custody Services Lay Observers
Children and Family Court Advisory and Support Service
Civil Justice Council
Civil Procedure Rule Committee
Commissioner for Victims and Witnesses
Court Examiners
Court of Protection Visitors
Criminal Cases Review Commission
Criminal Procedure Rule Committee
Family Procedure Rule Committee
Her Majesty's Chief Inspector of Prisons for England and Wales
Her Majesty's Chief Inspector of Probation
Independent Advisory Panel on Deaths in Custody
Independent Monitoring Board of any prison or young offender institution
Insolvency Rules Committee
Judicial Appointments and Conduct Ombudsman
Judicial Appointments Commission
Judicial Pension Board, independent Chair and independent members only
Law Commission, with the exception of the Chair
Legal Services Board
Multi-Agency Public Protection Arrangements Lay Advisers
National Mental Capacity Forum, Chair only
Non-Judicial Members of Disciplinary Panels of the Judicial Conduct Investigations Office
Parole Board, with the exception of judicial members
Persons appointed by the Lord Chancellor under section 2 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012
President of the National Council for Independent Monitoring Boards
Prison Service Pay Review Body
Prisoner Escort and Custody Services Lay Observers
Prisons and Probation Ombudsman
Sentencing Council for England and Wales
Tribunal Procedure Committee
Youth Justice Board for England and Wales

Northern Ireland Office

Chief Electoral Officer for Northern Ireland
Boundary Commission for Northern Ireland
Equality Commission for Northern Ireland
Northern Ireland Human Rights Commission
Parades Commission for Northern Ireland

Scotland Office

Boundary Commission for Scotland

Welsh Government

Abertawe Bro Morgannwg Community Health Council
Abertawe Bro Morgannwg University Health Board
Advisory Panel on Substance Misuse
Advisory Panel to the Welsh Language Commissioner
Agricultural Advisory Panel for Wales
All Wales Medicines Strategy Group
All Wales Programme Monitoring Committee for the European Structural Funds
Amgueddfa Cymru - National Museum of Wales
Aneurin Bevan Community Health Council

Aneurin Bevan Health Board
 Animal Health and Welfare Framework Group
 Arts Council of Wales
 Betsi Cadwaladr Community Health Council
 Betsi Cadwaladr University Health Board
 Board of Community Health Councils
 Brecon Beacons National Park Authority
 Building Regulations Advisory Committee for Wales
 Cardiff & Vale Community Health Council
 Cardiff & Vale University Health Board
 Care Council for Wales
 Career Choices Dewis Gyrfa
 Children's Commissioner for Wales
 Commissioner for Older People in Wales
 Cwm Taf Community Health Council
 Cwm Taf University Health Board
 Design Commission for Wales
 Education & Skills Ministerial Advisory Group
 Education Workforce Council
 Future Generations Commissioner
 Higher Education Funding Council for Wales
 Hybu Cig Cymru
 Hywel Dda Community Health Council
 Hywel Dda University Health Board
 ICT Sector Panel
 Independent Adjudicator to Local Authorities in Wales
 Independent Remuneration Panel for Wales
 Industry Wales
 Innovation Point – Chair only
 Life Sciences Hub Wales Board
 Local Government Boundary Commission for Wales
 National Adviser for Violence Against Women and other forms of Gender-based Violence, Domestic Abuse and Sexual Violence
 National Library of Wales
 Natural Resources Wales
 Pembrokeshire Coast National Park Authority
 Powys Community Health Council
 Powys Teaching University Health Board
 Public Health Wales NHS Trust
 Qualifications Wales
 Regulatory Board for Wales
 Royal Commission on the Ancient and Historical Monuments of Wales
 Snowdonia National Park Authority
 Sports Council for Wales
 Velindre National Health Service Trust
 Welsh Ambulance Services National Health Service Trust
 Welsh Industrial Development Advisory Board
 Welsh Language Commissioner