



*At the Court at Buckingham Palace*

THE 15th DAY OF NOVEMBER 2023

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY  
IN COUNCIL

The Public Appointments Order in Council 2023 (“the 2023 Order”) makes provision for an independent Commissioner to monitor the procedures adopted by appointing authorities<sup>(1)</sup> when making appointments to public bodies<sup>(2)</sup>.

It is desirable to revoke the 2023 Order and make further provision in relation to these matters. His Majesty is pleased, by and with the advice of His Privy Council, to order as follows—

*Citation, commencement, revocation and saving provision*

**1.**—(1) This Order may be cited as the Public Appointments (No. 2) Order in Council 2023 and comes into force on the day after the day on which it is made.

(2) The Public Appointments Order in Council 2023 is revoked except in relation to a selection process for a public appointment which is not concluded immediately before this Order comes into force.

*Interpretation*

**2.**—(1) The Interpretation Act 1978<sup>(3)</sup> applies to this Order as it applies to an Act of Parliament and, in particular, as if this Order were 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 for Wales;

(b) in relation to the Office of Communications (OFCOM), a Minister of the Crown or, as the case may be, the Welsh Ministers, the Scottish Ministers or the Minister for the Economy in Northern Ireland;

“Commissioner” means the person who is, for the time being, the Commissioner for Public Appointments<sup>(4)</sup>;

“Governance Code” means the Governance Code for Public Appointments as published from time to time under article 3 by the Minister for the Cabinet Office;

“public appointment” means, subject to paragraph (3), any appointment to a public body or public office (including any re-appointment or extension of an appointment) that is made by, or on the recommendation of, an appointing authority;

“public body or public office” means any body or office that is listed in Schedule 1 or an employee post listed in Schedule 2.

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<sup>(1)</sup> See article 2(2)

<sup>(2)</sup> See article 2(2)

<sup>(3)</sup> 1978 c. 30; the interpretative provisions of this Act have been amended extensively but there are no amendments to section 16.

<sup>(4)</sup> See the Order in Council dated 29th September 2021, which appoints William Shawcross as Commissioner.

(3) The appointment of a person who is to be an employee of a public body or public office is not a public appointment for the purposes of this Order except so far as specified in Schedule 2. In this paragraph, “employee” has the same meaning as in section 230(1) of the Employment Rights Act 1996<sup>(5)</sup>.

(4) 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 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.

#### *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 his or her 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 to 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; and

(b) 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—

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<sup>(5)</sup> 1996 c. 18.

- (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, CVO*

## SCHEDULE 1

Article 2(2)

### **Bodies and Offices Regulated by the Commissioner for Public Appointments**

#### **Attorney General's Office**

His Majesty's Crown Prosecution Service Inspectorate

#### **Department for Business and Trade**

Advisory, Conciliation and Arbitration Service

British Business Bank, Chair only

British Hallmarking Council

Central Arbitration Committee

Certification Officer

Competition and Markets Authority Board

Competition Appeal Tribunal

Competition Service

Departmental Board for the Department for Business and Trade, non-executive members only

Financial Reporting Council

Groceries Code Adjudicator

Labour Market Enforcement Director

Low Pay Commission

Post Office Ltd, Chair only

Pubs Code Adjudicator and Deputy Pubs Code Adjudicator

Regulatory Policy Committee

Small Business Commissioner

Trade Remedies Authority

#### **Cabinet Office**

Advisory Committee on Business Appointments, excluding political members

Civil Service Pensions Board

Committee on Standards in Public Life, excluding political appointments

Departmental Board for the Cabinet Office, non-executive members only

Equality and Human Rights Commission

House of Lords Appointment Commission, excluding political members

Office of the Registrar of Consultant Lobbyists

Security Vetting Appeals Panel

Senior Salaries Review Body

Social Mobility Commission

UK Statistics Authority Board

#### **Department for Culture, Media and Sport**

The Advisory Council on National Records and Archives

Arts Council England  
Big Lottery Fund (The National Lottery Community Fund)  
Birmingham Organising Committee for the 2022 Commonwealth Games Ltd  
British Broadcasting Corporation  
British Film Institute  
British Library  
British Museum  
Charity Commission for England and Wales  
Departmental Board for Culture, Media and Sport, non-executive members only  
Gambling Commission  
Geffrye Museum  
Historic Buildings and Monuments Commission for England  
Historic Royal Palaces  
Horniman Public Museum and Public Park Trust  
Horserace Betting Levy Board  
Imperial War Museum  
The National Archives  
National Citizen Service Trust  
National Gallery  
National Heritage Memorial Fund/Heritage Lottery Fund (The National Lottery Heritage Fund)  
National Museums Liverpool  
National Portrait Gallery  
Natural History Museum  
Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest  
The Royal Parks  
Royal Armouries  
Royal Museums Greenwich  
Science Museum Group  
Sianel Pedwar Cymru (S4C)  
Sport England  
Sports Grounds Safety Authority  
Tate  
Theatres Trust  
Treasure Valuation Committee  
UK Sport  
United Kingdom Anti-Doping Ltd  
Victoria and Albert Museum  
VisitBritain  
VisitEngland  
Wallace Collection

**Department for Education**

Adoption and Special Guardianship Leadership Board, Chair only  
Child Safeguarding Practice Review Panel  
Children's Commissioner for England  
Construction Industry Training Board  
Departmental Board for the Department for Education, non-executive members only  
Engineering Construction Industry Training Board  
Further Education Commissioner's Office, Further Education Commissioner and Deputy Further Education Commissioner only  
His Majesty's Chief Inspector of Education, Children's Services and Skills  
Independent Assessors for Student Finance Appeals and Complaints  
Institute for Apprenticeships and Technical Education  
LocatEd  
Office for Standards in Education, Children's Services and Skills (Ofsted)  
Office for Students  
Office of Qualifications and Examinations Regulation (Ofqual)

School Teachers' Review Body  
Social Work England  
Student Loans Company Ltd

**Department for Energy Security and Net Zero**

Civil Nuclear Police Authority  
Climate Change Committee  
Coal Authority  
Committee on Fuel Poverty  
Committee on Radioactive Waste Management  
Departmental Board for the Department for Energy Security and Net Zero, non-executive members only  
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  
Oil and Gas Authority, Chair only (North Sea Transition Authority)  
Salix Finance Ltd  
UK Atomic Energy Authority

**Department for Environment, Food and Rural Affairs**

Advisory Committee on Releases to the Environment  
Agriculture and Horticulture Development Board  
British Wool Marketing Board  
Broads Authority  
Conservation Board for the Chilterns Area of Outstanding Natural Beauty, with the exception of parish members  
Conservation Board for the Cotswolds Area of Outstanding Natural Beauty, with the exception of parish members  
Consumer Council for Water  
Covent Garden Market Authority  
Departmental Board for the Department for Environment, Food and Rural Affairs, non-executive members only  
Environment Agency  
Forestry Commission  
Joint Nature Conservation Committee  
Marine Management Organisation  
National Park Authorities, with the exception of parish members  
Natural England  
Office for Environmental Protection  
Regional Flood and Coastal Committees, Chair only  
Royal Botanic Gardens, Kew  
Science Advisory Council  
Sea Fish Industry Authority  
Water Services Regulation Authority (OFWAT)

**Department for Levelling Up, Housing and Communities**

Architects Registration Board, excluding temporary Board members  
Boundary Commission for England, members known as Commissioners, excluding the Chair and Deputy Chair  
Boundary Commission for Wales, members known as Commissioners, excluding the Chair and Deputy Chair  
Commission for Local Administration in England (Local Government and Social Care Ombudsman)  
Departmental Board for the Department for Levelling Up, Housing and Communities, non-executive members only  
HM Land Registry  
Homes England

The Housing Ombudsman  
Leasehold Advisory Service (LEASE)  
Regulator of Social Housing  
Valuation Tribunal Service

### **Department for Science, Innovation and Technology**

Building Digital UK  
Departmental Board for the Department for Science, Innovation and Technology, non-executive members only  
Information Commissioner  
National Physical Laboratory (NPL) Management Ltd, Chair only  
Office of Communications (OFCOM)  
Ordnance Survey, Chair only  
UK Research and Innovation

### **Department for Transport**

British Transport Police Authority  
Civil Aviation Authority  
Departmental Board for the Department for Transport, non-executive members only  
Disabled Persons Transport Advisory Committee  
East West Rail Company, with the exception of the shareholder-appointed Special Directors  
Harwich Haven Authority, Chair only  
HS2 Ltd, with the exception of the shareholder-appointed Special Directors  
London and Continental Railways Ltd, Chair only  
Milford Haven Port Authority, Chair only  
National Highways Limited, Chair only  
Network Rail, Chair only  
Office of Rail and Road  
Port of London Authority, Chair only  
Port of Tyne Authority, Chair only  
Traffic Commissioners  
Transport Focus

### **Department for Work and Pensions**

Departmental Board for the Department for Work and Pensions, non-executive members only  
Health and Safety Executive  
Industrial Injuries Advisory Council  
Money and Pensions Service  
National Employment Savings Trust  
Office for Nuclear Regulation  
Pension Protection Fund, Chair only  
Pension Protection Fund Ombudsman, Ombudsman and Deputy Ombudsman only  
Pensions Ombudsman, Ombudsman and Deputy Ombudsman only  
Pensions Regulator  
Social Security Advisory Committee

### **Department of Health and Social Care**

Advisory Committee on Clinical Impact Awards, Chair and Medical Director only  
Advisory Committee on Resource Allocation, Chair only  
British Pharmacopoeia Commission  
Care Quality Commission  
Commission on Human Medicines  
Committee on Mutagenicity of Chemicals in Food, Consumer Products and the Environment  
Departmental Board for the Department of Health and Social Care, non-executive members only  
Food Standards Agency  
Health Research Authority  
Human Fertilisation and Embryology Authority

Human Tissue Authority  
Independent Reconfiguration Panel  
National Data Guardian  
National Institute for Health and Care Excellence  
NHS Blood and Transplant  
NHS Business Services Authority  
NHS Counter Fraud Authority  
NHS England  
NHS Litigation Authority (NHS Resolution)  
NHS Pay Review Body  
Office for Strategic Coordination of Health Research, Chair only  
Patient Safety Commissioner  
Review Body on Doctors' and Dentists' Remuneration

**Export Credits Guarantee Department (UK Export Finance)**  
Export Guarantees Advisory Council

**Foreign, Commonwealth and Development Office**  
CDC Group Plc (British International Investment Plc), Chair and two non-executive Directors only  
Commonwealth Scholarship Commission  
Departmental Board for the Foreign, Commonwealth and Development Office, non-executive members only  
Great Britain-China Centre, Chair only  
Independent Commission for Aid Impact  
Marshall Aid Commemoration Commission  
Westminster Foundation for Democracy, excluding political appointments

**HM Treasury**  
Court of Directors of the Bank of England, with the exception of the Governor and Deputy Governors  
Crown Estate Commissioners  
Departmental Board for HM Treasury, non-executive members only  
Financial Conduct Authority  
National Savings and Investments  
Reclaim Fund Ltd, Chair only  
Royal Mint Advisory Committee on the Design of Coins, Medals, Seals and Decorations  
UK Government Investments

**Home Office**  
Advisory Council on the Misuse of Drugs  
Animals in Science Committee  
Appointed Person under the Proceeds of Crime Act 2002  
Biometric and Forensics Ethics Group  
College of Policing Board of Directors  
Commissioner for the Retention and Use of Biometric Material  
Departmental Board for the Home Office, non-executive members only  
Domestic Abuse Commissioner  
Disclosure and Barring Service  
Firefighters' Pension Scheme Advisory Board, Chair only  
Forensic Science Regulator  
Gangmasters and Labour Abuse Authority  
His Majesty's Inspectorate of Constabulary and Fire & Rescue Services  
Independent Anti-Slavery Commissioner  
Independent Chief Inspector of Borders and Immigration  
Independent Family Returns Panel  
Independent Monitor of the Disclosure and Barring Service  
Independent Office for Police Conduct  
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  
Office of the Immigration Services Commissioner  
Police Advisory Board for England and Wales  
Police Remuneration Review Body  
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 Expert Committee  
Departmental Board for the Ministry of Defence, non-executive members only  
Independent Medical Expert Group  
Independent Monitoring Board for the Military Corrective Training Centre  
Nuclear Research Advisory Council  
Oil and Pipelines Agency  
Royal Air Force Museum  
Scientific Advisory Committee on the Medical Implications of Less-Lethal Weapons  
Service Complaints Ombudsman  
Service Police Complaints Commissioner  
Single Source Regulations Office  
Veterans Advisory and Pensions Committees

### **Ministry of Justice**

Advisory Committees on Justices of the Peace  
Advisory Committee on Conscientious Objectors  
Children and Family Court Advisory and Support Service  
Civil Justice Council  
Civil Procedure Rule Committee  
Commissioner for Victims and Witnesses (Victims' Commissioner)  
Court Examiners  
Court of Protection Visitors  
Criminal Cases Review Commission  
Criminal Procedure Rule Committee, with the exception of members appointed under section 70(2)(k) of the Courts Act 2003 (members who appear to represent voluntary organisations with a direct interest in the work of criminal courts)  
Departmental Board for the Ministry of Justice, non-executive members only  
Family Procedure Rule Committee, with the exception of members nominated by the Children and Family Court Advisory and Support Service and the Welsh Ministers  
His Majesty's Chief Inspector of Prisons  
His Majesty's Chief Inspector of Probation  
Independent Advisory Panel on Deaths in Custody  
Independent Monitoring Authority  
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  
Lay Observers, appointed in accordance with section 81(1)(b) of the Criminal Justice Act 1991  
Legal Services Board  
Mother and Baby Units, Chairs only  
Multi-Agency Public Protection Arrangements Lay Advisers  
National Chair of the Independent Monitoring Boards



National Council of Lay Observers, Chair only  
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  
Prisons and Probation Ombudsman  
Prison Service Pay Review Body  
Sentencing Council for England and Wales  
Tribunal Procedure Committee  
Youth Justice Board for England and Wales

#### **Northern Ireland Office**

Boundary Commission for Northern Ireland, members known as Commissioners excluding the Chair and Deputy Chair  
Chief Electoral Officer for Northern Ireland  
Departmental Board for the Northern Ireland Office, non-executive members only  
Equality Commission for Northern Ireland  
Independent Commission for Reconciliation and Information Recovery, excluding the Chief Commissioner  
Northern Ireland Human Rights Commission  
Parades Commission for Northern Ireland

#### **Office of the Secretary of State for Scotland**

Boundary Commission for Scotland, members known as Commissioners excluding the Chair and Deputy Chair

#### **Office of the Secretary of State for Wales**

Departmental Board for the Office of the Secretary of State for Wales, non-executive members only

#### **Welsh Government**

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 - Museum of Wales  
Aneurin Bevan University Health Board  
Animal Health and Welfare Framework Group  
Arts Council of Wales  
Awdurdod Parc Cenedlaethol Arfordir Penfro / Pembrokeshire Coast National Park Authority  
Awdurdod Parc Cenedlaethol Bannau Brycheiniog / Brecon Beacons National Park Authority  
Awdurdod Parc Cenedlaethol Eryri / Snowdonia National Park Authority  
Betsi Cadwaladr University Health Board  
Board of Community Health Councils  
Cardiff & Vale University Health Board  
Career Choices Dewis Gyrfu Ltd  
Children's Commissioner for Wales  
Commission for Tertiary Education and Research  
Cwm Taf Morgannwg University Health Board  
Design Commission for Wales  
Digital Health and Care Wales  
Education & Skills Ministerial Advisory Group  
Education Workforce Council  
Future Generations Commissioner  
Health Education and Improvement Wales  
Higher Education Funding Council for Wales

Hybu Cig Cymru  
Hywel Dda University Health Board  
Independent Remuneration Panel for Wales  
Life Sciences Hub Wales Board  
Llais Citizen Voice Body for Health and Social Care, Wales  
Local Democracy and Boundary Commission for Wales  
National Academy for Educational Leadership  
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  
Older People's Commissioner for Wales  
Powys Teaching Health Board  
Public Health Wales NHS Trust  
Qualifications Wales  
Royal Commission on the Ancient and Historical Monuments of Wales  
Social Care Wales  
Sport Wales  
Swansea Bay University Health Board  
Velindre National Health Services Trust  
Welsh Ambulance Services National Health Service Trust  
Welsh Industrial Development Advisory Board  
Welsh Language Commissioner  
Welsh Revenue Authority

## SCHEDULE 2

Article 2(2), (3)

### **Specified employee posts which are to be public appointments**

Arts and Humanities Research Council, Executive Chair only  
Biotechnology and Biological Sciences Research Council, Executive Chair only  
Economic and Social Research Council, Executive Chair only  
Engineering and Physical Sciences Research Council, Executive Chair only  
Innovate UK, Executive Chair only  
Medical Research Council, Executive Chair only  
Natural Environment Research Council, Executive Chair only  
Research England, Executive Chair only  
Science and Technology Facilities Council, Executive Chair only

### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order replaces the Public Appointments Order in Council 2023 (“the 2023 Order”). It sets out the functions of the Commissioner for Public Appointments (“the Commissioner”).

This Order largely restates the provisions of the 2023 Order.

The principal provisions of the Order are:

Article 2, which makes interpretative provision. Amongst other things, it defines “public appointment” for the purposes of this Order. The appointment to a department board, body or office listed in Schedule 1 will not be a public appointment where that person will be an employee of that body or office. However, the

appointment of a person to a post listed in Schedule 2 will be a “public appointment” within the Commissioner’s remit.

Article 3, which requires the Minister for the Cabinet Office to maintain a Governance Code setting out the principles, and guidance on the making, of public appointments and to consult before amending that Code.

Article 4, which sets out the functions of the Commissioner.

Article 5, which enables the Commissioner to undertake additional functions relating to appointments at the request of a Minister of the Crown.

Article 6, which requires the Commissioner to publish an annual report.

Article 7, which allows the delegation of any power of the Commissioner to any officer of the Commissioner. The Commissioner may also authorise any person to perform the functions of auditing selection practices and policies or any additional functions relating to appointments at the request of a Minister of the Crown under Article 5.