



Prime Minister:

Agree to the Lord Pym

Sends proposals?

Yes

JK

8/2

PRIME MINISTER

REVISION OF THE CIVIL SERVICE ORDER IN COUNCIL 1978; THE DIPLOMATIC SERVICE ORDER 1964; AND THE CIVIL SERVICE COMMISSION GENERAL REGULATIONS 1978

^{P410}
On 19 July, I sought your approval to the broad nature of the amendments which it was thought necessary to make to the Civil Service Order in Council 1978, the Diplomatic Service Order 1964, and the Civil Service Commission General Regulations 1978, as a result of the decision that the Commission should on 1 January 1983 cease to have any formal responsibility for recruitment to the junior grades of the Civil Service. The letter of 29 July from your Private Secretary to mine conveyed your agreement in principle.

I now attach a revised draft Civil Service Order in Council 1982 and revised draft Civil Service Commission General Regulations 1983, drawn up in consultation with the Treasury Solicitor. I understand that, following legal advice, it was found that the change in recruitment arrangements does not necessitate amendments to the Diplomatic Service Order 1964 (which is of course Francis Pym's responsibility). Nevertheless, I understand that the opportunity has been taken to bring that Order up to date in one or two other respects, and that a submission about this is being put to Francis Pym.

CIVIL SERVICE ORDER IN COUNCIL 1982

The important amendments are in Articles 1 and 4 of the revised draft Order. They are a direct consequence of the change in recruitment arrangements.

Article 1(2)(f) refers to, and the Schedule lists, those grades in the Home Civil and Diplomatic Services for whose recruitment the responsibility will in future rest with departments themselves.

Articles 1(3)(a) enables you, as Minister for the Civil Service, or the Foreign and Commonwealth Secretary (in respect of posts in the Diplomatic Service), after consultation with the Commissioners, to add any grade to the list of departmentally-recruited grades (provided it has an affinity to a grade already included); or to remove a grade; or to change the title of any such grade.

Articles 4(a)(i) of the draft Order empowers you, as Minister for the Civil Service, to make Regulations or give instructions relating to recruitment to the grades listed in the Schedule. As I proposed in my minute of 19 July, provision has been made in this Article for departmental recruitment to be undertaken on merit in open competition, subject to certain exceptions. These exceptions, which will be set out in detail in the Establishment Officers' Guide, will correspond broadly to the exceptions for which provision is made under present arrangements (and which will continue to be made) in the Civil Service Commissioners' area of responsibility. They will permit departments to dispense with open competition when they are recruiting people to, for example, casual or part-time appointments, or when reinstating someone who has formerly been an established civil servant.

The new order, like the present one, will be a prerogative instrument, and will not require parliamentary approval.

CIVIL SERVICE COMMISSION GENERAL REGULATIONS 1983

It is necessary to issue revised General Regulations under the new Order in Council. The only significant amendment is the alteration to the nationality rules for the Home Civil and Diplomatic Services (Regulation 12), which now reflect the provisions of the British Nationality Act 1981, which comes into force on 1 January 1983.

DISTANCING MINISTERS FROM INDIVIDUAL SELECTION DECISIONS

In the past, Ministers have, in effect, had no powers over appointments to the Civil Service because of the independence of the Commission. However, recruitment to the grades listed in the Schedule to the Order in Council will now be entirely the responsibility of Departments, within the scope of the central instructions and guidance which have already been issued. While it is appropriate for Ministers to be responsible for recruitment in the sense that they will be answerable for the effectiveness of their own systems of recruitment, it is desirable that they should not appear to be concerned in individual selection decisions. That could give rise to suspicions of patronage or partiality. I have therefore come to the conclusion that some form of "distancing" Ministers from individual selection in the departmentally-recruited area would be appropriate.

The distancing could be done administratively, under the powers to be given to the Minister for the Civil Service under Article 4 of the draft Civil Service Order in Council 1982, perhaps by making it clear in the Establishment Officers' Guide that the responsibility for selection decisions in individual cases in the departmentally-recruited area rests with the permanent head of the department concerned. If you agree that this idea should be pursued, I will arrange for appropriate instructions to be given.

TIMING

The Privy Council is due to meet on 22 December to consider the draft Civil Service Order in Council 1982 (and the draft Diplomatic Service Order 1982). The relevant papers will have to be deposited with the Privy Council Office on Thursday 16 December.

This minute seeks

- i. your approval of the revised Civil Service Order in Council 1982 (paragraphs 3-7);
- ii. your approval, and that of the Foreign and Commonwealth Secretary (to whom I am copying this minute), to the revised Civil Service Commission General Regulations 1982 (paragraph 8);
- iii. your agreement that a formal arrangement should be made to distance Ministers from individual selection decisions in the departmentally-recruited area (paragraphs 9-10).

I am also copying this minute to Sir Robert Armstrong.

Baroness Young

BARONESS YOUNG

6 December 1982

THE CIVIL SERVICE ORDER IN COUNCIL 1982

At the Court at Buckingham Palace

THE DAY OF 1982

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY

IN COUNCIL

Whereas by the Civil Service Order in Council 1978 (hereinafter referred to as "the principal Order") as amended by Article 3(4) of the Transfer of Functions (Minister for the Civil Service and Treasury) Order 1981(a) provision was made for certifying the qualifications of persons proposed for appointment to situations in Her Majesty's Home Civil Service or Diplomatic Service and for regulating the conduct of Her Majesty's Home Civil Service and the conditions of service therein:

And whereas it is expedient to make further provision in relation to the matters aforesaid and to make additional provision enabling persons to be appointed to situations in Her Majesty's Home Civil Service and Diplomatic Service without a certificate of qualification and enabling the Minister for the Civil Service to make regulations relating thereto in respect of Her Majesty's Home Civil Service:

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

1.--(1) Subject to any regulations made under Article 2, the qualifications of a person proposed for appointment to a situation, not listed in paragraph (2) below, in Her Majesty's Home Civil Service or Diplomatic Service shall, before he is appointed, be approved by the Commissioners, whose decision shall be final, and no person shall be appointed to such a situation until a certificate of qualification has been issued by the Commissioners.

(2) A certificate of qualification shall not be required in respect of appointments:-

- (a) to situations to which the holder is appointed directly by the Crown;
- (b) to situations filled by the appointment or transfer of classes of persons by or in pursuance of any Act of Parliament which exempts such persons from the requirement that a certificate of qualification shall be issued before appointment;
- (c) such that the period for which the situation is said to be held thereunder by the person appointed terminates at the end of an Administration;
- (d) to situations which normally involve less than eighteen working hours in each week;
- (e) by virtue of which the total period of continuous service of the person appointed does not exceed twelve months;
- (f) to situations in the grades listed in Parts 1, 2 and 3 of the Schedule to this Order;
- (g) by virtue of which the total period of continuous service of the person appointed does not exceed five years, and it has been proved to the satisfaction of the Commissioners that it is desirable that such person be appointed without the issue of a certificate of qualification.

(3)(a) The Minister for the Civil Service^{or,} in respect of any grade within the Diplomatic Service, Her Majesty's Secretary of State for Foreign and Commonwealth Affairs may, after consultation with the Commissioners, by direction -

(i) add any grade to those listed in the said Schedule provided that it wholly involves the performance of duties which are the same as or similar to those performed by one or more of the grades so listed;

(ii) remove any grade from the grades so listed, or

(iii) change the title of any grade so listed.

(b) A direction made under subparagraph (a) above may vary or revoke a previous direction made under that subparagraph.

2. The Commissioners may, subject to the approval of the Minister for the Civil Service or Her Majesty's Secretary of State for Foreign and Commonwealth Affairs, as the case may be, from time to time make General Regulations prescribing the conditions on which the Commissioners may issue certificates of qualification (including certificates expressed to be valid only for a limited period) for the purpose of this Order, and the circumstances in which and the conditions on which persons may be appointed before the issue of a certificate to situations in respect of which a certificate is required.

3. A person -

(a) as respects whom a certificate of qualification has been issued by the Commissioners, or

(b) appointed to a situation mentioned in subparagraphs (b) or (f) of paragraph (2) of Article 1

may be transferred or promoted or otherwise receive a further appointment within Her Majesty's Home Civil Service or Diplomatic Service without, in the case of (a) above, a further certificate of qualification or, in the case of (b) above, a certificate of qualification, except, in either case, in such circumstances as the Commissioners may (after consultation with the Minister for the Civil Service or Her Majesty's Secretary of State for Foreign and Commonwealth Affairs, as the case may be) from time to time prescribe by regulations.

4. As regards Her Majesty's Home Civil Service -

(a) the Minister for the Civil Service may from time to time make regulations or give instructions -

(i) relating to the selection and recruitment of persons to situations in the grades listed in Parts 1, 2 and 3 of the Schedule to this Order (including, in particular, regulations or instructions prescribing the qualifications for appointment to such situations and providing for such appointments being made on merit by means of open competitions, subject only to such exceptions as may be specified);

(ii) for controlling the conduct of the Service, and providing for the classification of all persons employed therein and, so far as they relate to matters other than remuneration, expenses and allowances, the conditions of service of all such persons; and

(b) the Treasury may from time to time make regulations or give instructions providing for the number and grading of posts in the Service, the remuneration, expenses and allowances of all persons employed therein and, so far as they relate to remuneration, expenses or allowances, the conditions of service of all such persons.

5. In this Order the expression "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.

6.--(1) This Order may be cited as the Civil Service Order in Council 1982, and shall come into operation on the first day of January 1983.

(2) The principal Order is hereby revoked.

(3) Without prejudice to paragraph (4) below -

(a) any instrument in force at the commencement of this Order and made or having effect as if made under any provision of the principal Order re-enacted in this Order, and anything whatsoever done under or by virtue of any such provision, shall be deemed to have been made or done under or by virtue of the corresponding provision of this Order;

(b) any instrument or other document referring to the principal Order shall be construed as referring to this Order or the corresponding provision of this Order.

(4) The Interpretation Act 1978(b) shall apply for the interpretation of this Order and of any regulations or orders made under 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. E. Leigh.

SCHEDULE

PART I – SITUATIONS IN NON-INDUSTRIAL GRADES, ESTABLISHED IN THE FIRST INSTANCE

Administrative and Legal Assistant	Judges Clerk
Air Operations Officer	Law Clerk
Animal Health Officer	Lecturer I
Assistant Collector of Taxes	Local Officer 2
Assistant Computer Operator	
Assistant Investigating Officer	
Assistant Mooring, Salvage and Boom Officer	Marine Service Officer III and IV
Assistant Officer	Marine Surveyor II
Assistant Photographer (Qualified)	Mate (Royal Corps of Transport Fleet)
Assistant Scientific Officer	Medical Laboratory Technician
Assistant Teacher	Medical Physics Technician IV
Basic Remedial Gymnast	Nursing Grades
Basic Uniformed Instructional Officer	Assistant Matron
Borstal Matron	Charge Nurse
	Departmental Sister
Cartographer, Cartographic Draughtsman and Surveyor	Enrolled Nurse
Cartographic Assistant	Group Sister
Catering Manager II (Northern Ireland Office)	Matron
Catering Manager III & IV (Civil Service College)	Midwifery Sister
Catering Manager III (Assistant Government Butler)	Nurse
Chart Depot Assistant	Nurse Receptionist
Chef I (Stormont)	Nursery Nurse
Chiropodist	Nursing Officer
Clerical Assistant	Nursing Sister/Charge Nurse II
Clerical Officer	Residential School Nurse
	Senior Enrolled Nurse
Clerk (Scottish Court Service)	Senior Night Sister
Clinical Instructor	Senior Sister
Computer Assistant	Senior Sister I and II
Conservation Officer F & G	Senior State Enrolled Nurse
Curator G	Sister
	Staff Midwife
Deerstalker	Staff Nurse
Defence Courier	State Enrolled Nurse
Demonstrator (MPO)	State Registered Nurse
Dental Hygienist	SRN Staff Nurse
Dental Surgery Assistant (Qualified)	SRN Ward Sister
Dental Technician Grades:	Ward Sister
Basic Dental Technician	Ward Sister (Psychiatric)
Chief Dental Technician I and II	Welfare Nurse
Maxillo Facial Technician	
Senior Dental Technician	
Deputy Superintendent (Chief Whip's Office, MPO)	Observer Lieutenant – Royal Observer Corps
Domestic Bursar	Occupational Therapist Grades:
Domestic Bursar (Wiston House)	Head Occupational Therapist IV
Driving Examiner	Senior Occupational Therapist I and II
	Basic Occupational Therapist
Engineer, Second Class (Royal Corps of Transport Fleet)	Ophthalmic Optician
Engineer Mechanic	
Experimental Flying Support Officer	Personal Secretary
	Pharmacy Technician
Forester	Photographer (Qualified)
	Physiotherapist Grades:
Gliding Instructor	Superintendent Physiotherapist III and IV
Graphics Officer III and IV	Senior Physiotherapist I
	Senior Physiotherapist II
Helper in Occupational Therapy (Osborne House)	Basic Physiotherapist
	Principal Retired Officer
Instructional Officer (up to and including Grade III)	Printing Officer
Instructional Officer (Skipper)	Prison Officer
	Professional and Technology Officer III & IV

Professor of Music
Programme Assistant V

Queen's Messenger
Queen's Messengers' Escort

Radiographer Grades:
Superintendent Radiographer IV
Senior Radiographer I
Senior Radiographer II
Basic Radiographer
Reproduction Class A, III and IV
Retired Officer, I, II, III
Revenue Assistant
Revenue Constable
Reviser — Sailing Directions

Secretary
Security Officer (Security Officer Branch)
Senior Data Processor
Senior Orthoptist II
Senior Remedial Gymnast
Senior Residential Child Care Officer
Senior Speech Therapist I and II
Sergeant (Police)
Social Case Worker (Qualified)
Specialist Typist
Stamping Officer
Studio Assistant
Supervisor of Telephonists

Tax Officer
Teacher
Technical Assistant II (BAOR)
Telecommunications Technical Officer II & III
Third Class Clerk
Traffic Examiner
Trainee Graphics Officer
Trainee Residential Child Care Officer
Typist

Uniformed Instructional Staff (Basic Grade)

Valuation Clerk

Welfare Assistant
Welfare Recreational Officer

PART 2 — SITUATIONS IN NON-INDUSTRIAL GRADES, UNESTABLISHED IN THE FIRST INSTANCE

Accommodation Stores Accountant
Apprentice Recreation Specialist
Assistant Cinema Projectionist
Assistant Cook
Assistant Curator (Jewel House, Tower of London)
Assistant Fishery Officer
Assistant Gas Meter Examiner
Assistant Graphics Designer

Assistant Head Armouries Warden
Assistant Head Cook
Assistant Hostel Manager
Assistant Hostel Warden (GCHQ)
Assistant Housekeeper/Curator
Assistant Photographer (Unqualified)
Assistant Production Keeper
Assistant Recreation Director
Assistant Storekeeper
Assistant Storeman
Assistant Stores Officer
Assistant Superintendent of Parks
Attendant
Attendant on Medical Officers

Bailiff in County Courts
Blind Telephonist

Car Driver
Care Assistant Class 1
Caretaker
Catering Manager III and IV
Catering Officer II and III
Chaplain's Assistant
Chef I and II
Chief Cook I and II
Cinema Projectionist
Civilian Housekeeper
Civilian Operating Room Assistant
Civilian Radio Operator
Civilian Welfare Officer
Cleaner
Cleaner of Instruments
Cloakroom Attendant
Communication Officer in Ocean Weather Ships
Communications and Cypher Officer (GCHQ)
Community Relations Adviser
Company Sergeant Major
Constable
Cook
Cook/Caterer
Council Chamber Keeper
Court Officer
Crown Office Messenger
Curator (Jewel House, Tower of London)
Custodian of Ancient Monuments
Custodian of Printing Blocks
Cypher Officer II

Daily Help
Data Processor
Deputy Head Armouries Warden
Deputy Hostel Manager/Manageress
Displayman
Divorce Enquiry Officer
Domestic Staff in Judges' Lodgings
Domestic Superintendent III
Doorkeeper
Drawing Office Assistant

Electrical Officer RMAS
Electronics Officer in Ocean Weather Ships
Estate Warden

Film Examiner
Film Repairer

First Aid Attendant
Frontier Service Assistant

Gardens Supervisor
Gas Meter Examiner III
Golf Course Supervisor (Richmond Park)
Government Telephonist
Grade 9c in Diplomatic Service
Graphic Designer

Hall Porter
Handicraft Instructor
Head Cook
Head Publications Salesman/Saleswoman
Head Porter
Home Security Officer
Hostel Clerk
Hostel Manager/Manageress
Hostel Orderly
Hostel Recreation Officer
Hostel Steward
Hostel Warden (GCHQ)
House Matron
House Porter
House Steward
Housekeeper
Housekeeper Caterer
Houseman

Inseminator
Inspector of Custody Guards

Jewel House Warden
Junior Displayman

Kitchen Porter

Laboratory Attendant
Laminator
Laundress/Seamstress
Leading Photoprinter Operator
Library Assistant
Linen Keeper
Linguist Typist
Livestock Assistant (South Uist)

Macer
Mason's Assistant
Matron Housekeeper
Mechanist
Medal Issuer
Medical Board Assistant
Messenger
Mess Manager, A and B
Model Maker
Museum Packer
Museum Technician III and IV
Museum Warder

Needleworker
Night Patrol
Nursing Assistant
Nursing Auxiliary

Object Cleaner
Ocular Technician
Office Assistant in Government Whips' Office
Orbital Prosthetist

Packer
Paper Keeper
Park Constable
Photographer (Unqualified)
Photoprinter
Porter
Porter/Cleaner
Porter/Messenger
Prison Auxiliary
Process and General Supervisory C, D and E
Production Keeper
Psychological Tester
Publications Salesman/Saleswoman
Pursebearer to the Lord Chancellor

Radio Officer
Radio Officer RMAS
Radio Operator
Radio Operator Technician (Diplomatic Service, Grade 9)
Radio (Meteorological) Technician
Radio Technician
Recreation Director
Regimental Sergeant Major
Repository Assistant II
Repository or Search Rooms Assistant
Reproduction Class A
Reproduction Class B Grade III
Reserve Warden
Resettlement Service Officer
Residential Child Care Officer I, II and III

Sampler Tester
Second Officer RMAS Ocean Tugs and Whitehead
Security Officer IV & V
Senior Cook
Senior Surgery Assistant in HM dockyards
Senior Waitress
Servant
Social Case Worker (Unqualified)
Specialist Teleprinter Operator
Stamping Officer
Starter at Richmond Park Golf Course
Station Warden
Storekeeper
Storekeeper/Domestic Supervisor
Storekeeper IV
Storeman
Stores Officer C and D
Student Dental Surgery Assistant (Unqualified)
Supervisory Traffic Representative
Survey Assistant
Survey Storeman

Telecommunications Operator
Teleprinter Operator
Ticket Assistant
Tipstaff
Tracer
Traffic Handler
Traffic Representative
Trainbearer to the Lord Chancellor
Trainee Data Processor
Trainee Personal Secretary
Trainee Typist

Usher

let
Verbatim Reporter I and II
Viewer

Waitress
Warder (Tower of London Armouries/Kensington
Palace/Hampton Court Palace)
Wireless Technician
Wireless Telegraphy Operator
Workshop Supervisor at Resettlement Units
Writer

Yeoman of Signals
Yeoman Warder

PART 3 – SITUATIONS IN INDUSTRIAL GRADES

All grades

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order revokes and re-enacts with substantial amendments the Civil Service Order in Council 1978 (as amended by the Transfer of Functions (Minister for the Civil Service and Treasury) Order 1981 (S.I. 1981/1670)).

The principal changes are:-

(a) Article 1(2)(f) provides that appointments to situations in the grades in the Home Civil Service and the Diplomatic Service listed in the Schedule will no longer require a certificate of qualification to be issued by the Civil Service Commissioners.

(b) Article 1(3) makes provision for a grade to be added to, or removed from, the Schedule or for its title to be changed.

(c) Article 3(b) provides that a person appointed to a situation which does not require a certificate of qualification by virtue of Article 1(2)(b) or (f) may subsequently be transferred or promoted or otherwise receive a further appointment without the issue of a certificate except in such circumstances as the Commissioners may prescribe in Regulations.

(d) Article 4(a)(i) empowers the Minister for the Civil Service to make regulations or give instructions in respect of the Home Civil Service relating to selection and recruitment to situations in the grades listed in the Schedule.

THE CIVIL SERVICE COMMISSION

GENERAL REGULATIONS 1983

By virtue of the powers conferred on them by Articles 2 and 3 of the Civil Service Order in Council 1982, Her Majesty's Civil Service Commissioners (hereinafter called "the Commissioners"), with the approval of the Minister for the Civil Service and Her Majesty's Secretary of State for Foreign and Commonwealth Affairs, hereby make the following Regulations:

PRELIMINARY

1.1 These Regulations may be cited as "The Civil Service Commission General Regulations 1983" and shall come into operation on 1 January 1983.

1.2 These Regulations are applicable to candidates of both sexes and to all appointments, transfers or promotions in respect of which, by virtue of the Civil Service Order in Council 1982, a certificate of qualification is required to be issued by the Commissioners.

1.3 In these Regulations, unless the contrary intention appears,

- a. words importing the masculine gender shall include females, and
- b. words in the singular shall include the plural and words in the plural shall include the singular, and
- c. the expression "Civil Service" shall mean Her Majesty's Home Civil Service and Diplomatic Service, and
- d. the expression "specified" shall mean specified by memoranda or other official instructions issued from time to time as occasion requires by the Commissioners for the situation or grade or group or class of situations concerned, provided that, where the situation or grade or group or class of situations is peculiar to one Department, the memoranda or other official instructions shall also be agreed with the Head of that Department.

CERTIFICATES OF QUALIFICATION

2. A certificate of qualification for appointment to a situation in the Civil Service will be issued by the Commissioners only when they are satisfied that a candidate is eligible under the provisions of these regulations in respect of age, health, character, knowledge and ability, and nationality, and that he fulfils any other conditions which may be specified.

3.1 In the case of an appointment or appointments of limited duration the validity of a certificate of qualification may be restricted to a limited period terminating on the date specified in the certificate.

3.2 A person in respect of whom a limited period certificate of qualification has been issued under Regulation 3.1 shall not be appointed to a further situation requiring a certificate of qualification until a further certificate has been issued.

3.3 The circumstances in which and the conditions on which persons may be appointed before the issue of a certificate of qualification to situations requiring such a certificate are specified in Regulation 13 hereof.

METHOD OF ENTRY

4. All appointments which require to be certificated under these Regulations, other than those covered by Regulation 11, shall be made solely on merit on the basis of fair and open competition. Recruitment shall be by means of specified competitions, which shall be sufficiently publicised to the satisfaction of the Commissioners and shall be open to all persons who satisfy the specified conditions and who apply at the time and in the manner specified. Such competitions shall be held at such periods and for such situations or grades or groups or classes of situations as the Commissioners shall from time to time determine.

AGE

5. Every candidate shall satisfy the Commissioners that he is within the specified limits of age, but if no limits of age are specified, the candidate shall satisfy the Commissioners that his age is suitable to the duties of the situation which he seeks.

6. The Commissioners may exceptionally at their discretion extend the specified upper age limit for any candidate if they are satisfied that there is due and sufficient cause.

HEALTH AND REGULARITY OF ATTENDANCE

7. Every candidate shall satisfy the Commissioners that his health is such as to qualify him for the situation which he seeks and that he is likely to give regular and effective service for at least five years or for the period of any appointment of shorter duration:

Provided that, in the case of a candidate who is

a. already employed on functions which have been transferred to the Crown and who is being admitted for employment in the Civil Service in consequence of such transfer, or

b. already engaged in an employment or office to which the Principal Civil Service Pension Scheme applies either directly or by analogy,

the Commissioners may at their discretion waive or modify the standard of health required of that candidate for the purposes of the issue of a certificate of qualification.

CHARACTER

8. Every candidate shall satisfy the Commissioners that his character is such as to qualify him for the situation which he seeks.

KNOWLEDGE AND ABILITY

9. The Commissioners shall satisfy themselves that every candidate is qualified in respect of knowledge and ability to discharge the duties of the situation which he seeks.

10. Subject to the provisions of Regulation 11 hereof, the tests in respect of knowledge and ability shall be such as are specified in the relevant memoranda or other official instructions and may include qualifying or competitive tests, examinations or interviews or a combination of these; the tests or examinations may be written, oral or practical. Candidates may also be required to possess specified academic, professional or technical qualifications or appropriate experience, or a combination of these.

Without prejudice to the provisions of Regulation 9 hereof the Commissioners may, if they think fit, dispense with or modify any tests in respect of knowledge and ability, if

- a. the Head of the Department or other appointing authority has satisfied the Commissioners that the admission of a particular candidate to a particular situation is for special and exceptional reasons justified by the needs of the public service and the proved merits of the candidate, or
- b. it has been proved to the satisfaction of the Commissioners that it is desirable that the candidate concerned, having been employed on functions which have been transferred to the Crown, should be admitted for employment in the Civil Service, or
- c. it has been proved to the satisfaction of the Commissioners that it is desirable that a candidate already holding a situation in another public service should be admitted for employment in the Civil Service, or
- d. it has been proved to the satisfaction of the Commissioners that it is desirable, by reason of a shortage of qualified candidates, to admit to a particular situation a candidate who has reached an appropriate standard in a competition for an equivalent or higher situation but has failed to secure appointment to that situation, or
- e. a candidate for whom the Commissioners have previously issued a certificate of qualification, or who had been appointed under the provisions of Article 1(2)(b) or (f) of the Civil Service Order in Council 1982, and is put forward by the Head of the Department or other appointing authority for reinstatement, or for appointment to a situation inferior to that which he previously held, and the Commissioners are satisfied as to his knowledge and ability.

NATIONALITY

12.1 To be eligible for appointment (other than to a situation to which Regulation 12.2, Regulation 12.3 or Regulation 12.4 applies) a candidate must be:

- a. a British citizen; or
- b. a Commonwealth citizen (other than a British citizen), or a British protected person, or a citizen of the Irish Republic, in which case he must satisfy one of the following conditions:
 - i. at least one of his parents must be, or have been at death, a Commonwealth citizen, a British protected person, or a citizen of the Irish Republic; or
 - ii. he must have resided in a country or territory within the Commonwealth, or in the Irish Republic, or have been employed elsewhere in the service of the Crown, or partly have so resided and partly been so employed, for at least five years out of the last eight years preceding the date of his appointment.
- c. if not qualified under sub-paragraphs b.i or b.ii of this Regulation, he must satisfy the Civil Service Commissioners that he is so closely connected with a country or territory within the Commonwealth either by ancestry, upbringing or residence, or by reason of national service, that an exception may properly be made in his favour.

12.2 A candidate will be eligible for appointment to a situation in the Cabinet Office or Ministry of Defence (other than the Meteorological Office, to which Regulation 12.1 applies) only if:

- a. at all times since his birth he has been a Commonwealth citizen or a citizen of the Irish Republic; and
- b. he was born in a country or territory which is (or then was) within the Commonwealth or in the Irish Republic; and
- c. each of his parents was born in such a country or territory or in the Irish Republic and has always been, or (if dead) always was, a Commonwealth citizen or a citizen of the Irish Republic:

Provided that in cases where these conditions are not satisfied a candidate may be admitted to appointment by special permission of the Minister responsible for the department concerned, if the conditions specified in Regulation 12.1 are satisfied.

12.3 A candidate will be eligible for appointment to a situation in the Diplomatic Service only if:

- a. he is a British citizen; and
- b. at least one of his parents has been a Commonwealth citizen continuously from a date thirty years or more prior to the candidate's appointment or, if dead, was a Commonwealth citizen continuously from a date thirty years prior to the appointment until his or her death; and
- c. the Secretary of State for Foreign and Commonwealth Affairs is satisfied that the candidate is so closely connected with the United Kingdom, taking into account such considerations as upbringing and residence, that he may properly be appointed.

12.4 In the case of certain appointments under the Secretary of State for Foreign and Commonwealth Affairs, other than appointments in the Diplomatic Service, the requirements in Regulation 12.3 above may apply or particular requirements may be prescribed.

12.5 In Regulations 12.1, 12.2 and 12.3 the term 'Commonwealth citizen' means any British citizen, British Dependent Territories citizen or British Overseas citizen, as defined in the British Nationality Act 1981, any British subject under that Act and any citizen of an independent Commonwealth country.

APPOINTMENT BEFORE THE ISSUE OF A CERTIFICATE OF QUALIFICATION

13. The Commissioners may authorise appointments on the basis of a period of service on specified conditions designed to enable the Commissioners to satisfy themselves regarding a person's suitability for a certificate of qualification in respect of any of the requirements governing health, character, knowledge and ability or nationality, as stated in these Regulations, in the following circumstances:

- a. If there is a shortage of fully qualified candidates a person who does not fully satisfy the specified conditions of knowledge and ability but has nevertheless reached an appropriate standard and who is otherwise acceptable may exceptionally be offered an appointment on the basis of a period of trial service of not less than the probationary period for the situation; and provided such service has been satisfactory the Commissioners will accept the nomination of such a candidate for the issue of a certificate of qualification.

b. For a candidate who does not fully satisfy the health regulation the Commissioners may authorise an appointment, specifying the manner and time for a further consideration of the health of the candidate in order that the candidate may subsequently satisfy the Commissioners that he is fully qualified in respect of the health regulation for the issue of a certificate of qualification. If, on review, there is still a doubt as to the ability of the candidate to satisfy the health regulation, the Commissioners may authorise an extension of the period of trial service.

c. If there are doubts about a candidate's character which are insufficient to justify rejection and he is otherwise acceptable for appointment the Commissioners may authorise a period of trial service in order that the candidate may subsequently satisfy the Commissioners that he is qualified in respect of character for the issue of a certificate of qualification.

d. For candidates who do not satisfy the nationality regulation for the issue of a certificate of qualification, but who may do so at a later date, the Commissioners may authorise a period of service on specified terms.

e. If it is considered urgently necessary that a candidate should be appointed to a particular situation before the Commissioners' enquiries have been completed, a department may so appoint him on a conditional basis pending certification, provided that there is no prima facie doubt as to his eligibility for a certificate of qualification.

f. If there is a shortage of candidates for a particular situation or grade, and a department wishes to appoint a person of high ability to that situation or grade without open competition, the Commissioners may authorise such appointment on a provisional basis for a period not exceeding 12 months, on condition that the person concerned competes in the next open competition for the situation or grade in question.

REVOCATION

14. The General Regulations made by the Commissioners on 1 December 1978 are hereby revoked:

Provided that, save as laid down in this Regulation, all regulations, rules and notices made or issued by the Commissioners regarding the admission of candidates to situations in the Civil Service shall remain in force until revoked or cancelled by further memoranda or other official instructions issued by the Commissioners.

CIVIL SERVICE COMMISSION
MANAGEMENT AND PERSONNEL OFFICE

1 January 1983

Civil Service, Long Term, Pt II



Foreign and Commonwealth Office

London SW1A 2AH

15 December 1982

Dear Mary,

15/12

Revision of Civil Service Order
in Council 1978

TRM - The Foreign and Commonwealth Secretary has seen the Lord Privy Seal's minute of 6 December to the Prime Minister and Mrs Thatcher's reply. He is content with the revised draft Civil Service Order in Council 1982 and revised draft Civil Service Commission General Regulations 1983.

I am copying this letter to John Coles (No 10) and Richard Hatfield (Cabinet Office).

Yours sincerely,

(R B Bone)
Private Secretary

Mrs Mary Brown
PS/Lord Privy Seal
Management and Personnel Office
Whitehall
LONDON SW1



10 DOWNING STREET

From the Private Secretary

9 December 1982

The Prime Minister has now seen the Lord Privy Seal's minute of 6 December about the revision of the Civil Service Order in Council and other matters. She has approved the revised Civil Service Order in Council 1982 attached to the Lord Privy Seal's minute and subject to the agreement of the Foreign and Commonwealth Secretary the revised Civil Service Commission General Regulations 1982. Mrs. Thatcher has also agreed to the Lord Privy Seal's proposals that a formal arrangement should be made to distance Ministers from individual selection decisions in the departmentally-recruited grades.

I am sending a copy of this letter to John Holmes (Foreign and Commonwealth Office) and Richard Hatfield (Cabinet Office).

T. FLESHER

Mrs. Mary Brown,
Lord Privy Seal's Office.

HL