



**AN BILLE UM BAINISTÍOCHT NA SEIRBHÍSE POIBLÍ
(EARCAÍOCHT AGUS CEAPACHÁIN) 2003
PUBLIC SERVICE MANAGEMENT (RECRUITMENT AND
APPOINTMENTS) BILL 2003**

EXPLANATORY AND FINANCIAL MEMORANDUM

The purpose of this Bill is to provide a modern and efficient framework for public service recruitment which will allow for increased flexibility while maintaining the current high standards of probity.

The Bill empowers Government Departments and other public service bodies to recruit staff directly as well as through a centralised system. In particular, the flexibilities being introduced in this Bill will support the Government in its decentralisation programme.

The Bill repeals the Civil Service Commissioners Act 1956 and introduces a new framework for recruitment for the Civil Service, An Garda Síochána and other public service organisations who heretofore used the services of the Local Appointments Commissioners (LAC) in the recruitment of their staff. The framework consists of an oversight body to be known as the **Commission for Public Service Appointments (CPSA)**, a centralised recruitment body to be known as the **Public Appointments Service (PAS)**, and a system of voluntary recruitment licensing.

The PAS will automatically be granted a recruitment licence by the CPSA and will make its services available to Departments and Offices as a centralised recruitment body in the same way as the Civil Service Commission has done heretofore.

Under the voluntary licensing system, Secretaries General and Heads of Office may choose to apply to the CPSA for a recruitment licence in order to recruit staff directly themselves, rather than using the PAS. (The licensing system may later be extended to other public service bodies by order of the Minister for Finance, in consultation with any relevant Ministers.) Eligible public service bodies will be granted licences to recruit if they can satisfy certain terms and conditions which will be specified by the CPSA under the Bill. There will be no obligation upon Departments or Offices to apply for recruitment licences and the services of the PAS will be made available to those who do not wish to recruit themselves.

Recruitment under licence will be subject to codes of practice which will be drawn up by the CPSA. These will prescribe the necessary standards of fairness, equality and probity for all those who recruit under the Bill and will set out requirements in relation to the conduct of candidates at competitions, thereby ensuring that a standardised approach to recruitment is taken by licence holders.

Recruitment licences may be amended or revoked by the CPSA should an organisation fail to meet the required standards of recruitment practice. The Bill also creates offences and sets out punishments for those candidates who breach the Act or CPSA codes of practice.

Arrangement of Bill

Sections 1 to 10 — General and Preliminary provisions

Section 1 contains the short title of the Bill.

Section 2 provides definitions of particular terms as they apply in the Bill.

Section 3 provides that the two new bodies created under the Bill (the Commission for Public Service Appointments (CPSA) and the Public Appointments Service (PAS)) will come into existence on a particular day, which will be appointed by order by the Minister for Finance.

Section 4 provides for the dissolution of the Civil Service Commissioners (CSC) and Local Appointments Commissioners (LAC) on the establishment day appointed by the Minister for Finance.

Section 5 sets out the appointments to which the Bill will apply. The recruitment framework established by the Bill will apply to appointments to:

- all established positions and a number of unestablished positions in the Civil Service;
- the Garda Síochána;
- certain managerial, professional and technical posts in local authorities, health boards and vocational education committees which are currently recruited by the LAC; and
- posts in any public service body as may be prescribed by order of the Minister for Finance under section 6.

Section 6 provides the Minister for Finance with the power to extend by order the application of the Bill to certain appointments to which the Bill does not initially apply (these include the generality of posts in local authorities, health boards and vocational education committees and posts in other non-Civil Service bodies).

The intention of this section is to allow the “roll-out” of the new recruitment framework provided by the Bill to such posts within the public service at the request of, or following consultations with, the relevant Minister of State responsible for that body.

Section 7 provides that the recruitment processes under the Bill will not be applicable to a number of positions. These include appointments to:

- posts established under the Constitution;
- those posts included in the definition of “office holder” at section 2 of the Ethics in Public Office Act 1995 (i.e. Ministers of the Government and of State; the post of Attorney General; the post of Chairman or Deputy Chairman of both Dáil Éireann and Seanad Éireann; appointments of chairman of a

committee of either House, or of a joint committee of both Houses of the Oireachtas);

- Presidential appointments;
- Governmental appointments;
- appointments as officer of the Houses of the Oireachtas; and
- certain appointments to unestablished positions which are made in the public interest.

A number of other occupations outlined at subsection (2) are also excluded from the remit of the Bill, but may be included by virtue of an order of the Minister for Finance made under section 6 above.

These include:

- appointments to the position of special adviser within the meaning of section 19 of the Ethics in Public Office Act 1995;
- appointments made on the recommendation of the Top Level Appointments Committee;
- appointments to positions designated as scheduled occupations under the Act; and
- appointments to a number of other specific posts which are listed at subparagraphs (d) to (i).

Section 8 empowers the CPSA to exclude by order certain positions from the scope of the Act. Orders can only be made for a specified period; at the request of the authority duly authorised to appoint persons to the post concerned; and with the consent of the Minister for Finance. The section also provides for the protection of existing excluding orders made under section 5 of the 1956 Civil Service Commissioners Act.

Section 9 provides that the expenses of the CPSA and of the PAS will be met out of monies provided by the Oireachtas.

Section 10 empowers the CPSA and the PAS to charge fees to clients for services; it also empowers recruitment licence holders to charge fees to candidates. The section also sets out how any fees once collected should be managed. In the case of the CPSA and the PAS, monies shall be paid into the Exchequer in accordance with the directions of the Minister for Finance. In all other cases, monies shall be paid into the Exchequer in accordance with the directions of the relevant Minister, issued with the consent of the Minister for Finance.

Sections 11 to 24 — the Commission for Public Service Appointments (CPSA)

Section 11 provides for the establishment of the CPSA, which will be a body corporate with perpetual succession and a seal.

Section 12 sets out the number, appointment and terms of office of the Commissioners for Public Service Appointments. There will be at least 3 and not more than 9 commissioners. The Ceann Comhairle shall be a commissioner, as will the Secretary General to the

Government and the Secretary General, Public Service Management and Development, Department of Finance.

The section sets out the criteria for selection of the remaining commissioners, who will be appointed by the Government to serve for a (renewable) period of 5 years or less; and who should have the relevant experience and knowledge to enable them to carry out their functions. At least half of the number of commissioners must have relevant civil or public service experience and knowledge and the Government may appoint the Director of the Office of the CPSA (see Section 27) as a commissioner.

The commissioners may be paid such remuneration (if any) and allowances for expenses as the Minister may determine.

Notice of appointments of commissioners will be published in *Iris Oifigiúil*.

Section 13 states that the functions of the CPSA are to:

- establish standards of probity, merit, equity and fairness to govern the recruitment and selection of appointees;
- to publish these standards as codes of practice;
- to meet regularly to carry out their functions, including monitoring, auditing and evaluating the recruitment and selection processes;
- grant recruitment licences and revoke same where appropriate;
- issue instructions to licence holders;
- establish and set down appropriate appeal procedures for licence holders;
- report to both the Oireachtas (annually) and the Government (as the CPSA see fit); and
- to provide information to ministers on the operation of the recruitment and selection processes.

The Minister for Finance may also confer, by order laid before the Houses of the Oireachtas, any other additional duties upon the CPSA as he or she considers appropriate.

Section 14 places upon those involved with a recruitment process a duty to inform the CPSA of any interference or attempted interference with that process. Where the CPSA is of the opinion that interference with the recruitment process may have occurred, it may investigate the matter or cause it to be investigated by a person appointed under section 15.

Section 15 provides for investigations on behalf of the Commission. The CPSA may authorise a person or persons to investigate the exercise of recruitment functions by any licence holder or recruitment agency and provide such person with a warrant allowing them to:

- enter premises at which the licence holder or recruitment agency carries on business;
- inspect those premises;

- request relevant records;
- inspect and copy those records; and
- ask questions about those records of persons who are likely to have information relating to them.

Licence holders, recruitment agencies and any other person who may have information which is materially relevant to the exercise of functions under the Bill shall comply with any of the above requests.

A person found guilty of an offence under this section is liable on summary conviction to a fine not exceeding €3,000 or to imprisonment for a term not exceeding 2 years, or to both.

Section 16 provides that where the CPSA discovers a material infringement of the terms and conditions of a recruitment licence or of a direction given to a licence holder, it shall report that matter to the Government; publish that report or any part of it as it sees fit; and include information relating to the infringement in its Annual Report.

Section 17 empowers the CPSA to carry out assessments into recruitment practices under the remit of the Bill and to make a report on the matter to the Minister for Finance.

A report may include such recommendations as the CPSA considers appropriate, including recommendations to the Minister for Finance that the application of the Bill be extended to a public service body by way of an order under section 6. In this case, the Minister will lay a report on the matter before the Houses of the Oireachtas within 2 years of receipt of the recommendation from the CPSA.

Section 18 provides that the CPSA must prepare and submit to the Minister for Finance within 6 months of the establishment date a statement of strategy in accordance with the requirements of section 4(1) of the Public Service Management Act 1997.

Section 19 provides that the CPSA must produce an annual report, the first of which must be produced no later than 6 months after the date of its establishment.

Section 20 provides that the CPSA shall provide itself with a seal, which shall be authenticated by the signatures of one commissioner and another person authorised by the CPSA. Once provided, the seal must be attached to certain official documents issuing from the CPSA as listed in subsection (4) of section 20.

Section 21 provides that each commissioner must declare any interests to the Minister for Finance as they arise. Where a commissioner fails to make a necessary declaration, the Minister shall decide the appropriate action as he or she considers appropriate.

Section 22 provides that where a commissioner has a pecuniary or other interest in relation to matters which fall to be decided by the CPSA, he or she must disclose that interest and take no further part in any action on the matter concerned. A commissioner must also disclose to the CPSA any proposed course of conduct which, if pursued by that commissioner, might constitute a failure to comply with this rule. The CPSA will consider the matter and take any necessary action upon such disclosures. Where the Government is satisfied that a commissioner has knowingly failed to comply with obligations in

relation to disclosure of his/her interests, it may remove that commissioner from office.

Section 23 provides that a commissioner may resign by letter addressed to the Minister for Finance. A commissioner may be removed by the Government in certain circumstances (e.g. the Government considers that he or she is no longer capable of performing the duties of his/her position or he or she is adjudged bankrupt).

Section 24 provides that commissioners are subject to the same restrictions as apply generally to established civil servants above the grade of clerical officer and may not identify themselves actively or publicly with political matters.

Where any commissioner is:

- nominated as a member of Seanad Éireann;
- nominated to stand as a candidate for election as a member of either House of the Oireachtas or to the European Parliament;
- regarded as having been elected to the European Parliament to fill a vacancy; or
- becomes a member of a local authority;

he or she will cease to be a commissioner.

Additionally, any person who is for the time being entitled to sit in either House of the Oireachtas or is a member of the European Parliament shall also be disqualified from becoming a commissioner or member of the staff of the CPSA during that period of time.

Sections 25 to 28 — Codes of Practice and Listed Recruitment Agencies

Section 25 provides that the CPSA will prepare and make publicly available codes of practice. These will set out the principles to be put in place in respect of recruitment and selection procedures and selection for promotion. Each code will include instructions on:

- probity and fairness;
- the need to ensure that candidates are selected on the basis of merit;
- the protection of the public interest;
- the implementation of best practice; and
- the general procedures to be adopted in respect of grievances and complaints brought forward by candidates.

The codes may also set out any specific requirements for a post to which applicants are being recruited.

The CPSA shall also establish codes of practice and procedures to deal with the alleged failure of any applicant to comply with this Act or other relevant legislation; and to outline the consequences of such a failure.

The CPSA will be empowered to consolidate, revoke or amend a code as it sees fit; subject to the caveat that a code may not be revoked unless a replacement code has been published.

Save in the case of the PAS (which will be granted a recruitment licence on the establishment day), recruitment licences will only be granted for the conduct of competitions where codes of practice for the posts concerned have been published. This will ensure that all competitions are regulated by codes of practice.

Section 26 provides that every code of practice shall include requirements relating to knowledge and ability to discharge the duties of the post concerned, as well as suitability for the post concerned both on the grounds of character and in all other respects.

In the case of codes of practice for local authorities, health boards, vocational education committees and other public service bodies, the relevant Minister may from time to time specify other requirements which candidates must satisfy. These may include requirements as to practical experience, academic or professional qualifications and other relevant conditions. These shall be included in codes of practice which the CPSA will draw up in consultation with the Chief Executive of the Service, having received the written consent of the relevant minister.

In preparing or amending any code of practice, the CPSA may enlist the help of the Public Appointments Service.

If a question arises as to whether or not a candidate is qualified for appointment to a post, the matter is to be decided by the licence holder responsible for the particular competition. Only candidates who have successfully completed the recruitment process (including compliance with the relevant code of practice) shall be deemed eligible for appointment.

Candidates shall be selected for appointment in the order of merit as determined by the recruitment process and candidates shall not be appointed to a post unless they agree to and are fully competent, capable and available to undertake the duties attached to the position, having regard to the conditions under which the duties are to be performed.

Section 27 provides that at least once a year, the CPSA will publish a notice requesting applications from recruitment agencies to be included on a list. Inclusion on this list will be conditional upon the satisfaction of certain criteria which the CPSA will set and make public. These criteria will include possession of a tax clearance certificate and compliance with State licensing requirements. Where the CPSA is satisfied that an agency meets all the criteria, that agency will be added to the list and remain so listed (and shall be referred to as “a listed recruitment agency”) until such time as either the agency requests its removal from the list or the CPSA decides that the agency no longer satisfies the criteria for inclusion on the list.

The CPSA will be responsible for the evaluation, from time to time, of all listed recruitment agencies in order to ensure that they continue to meet the requirements set by the CPSA. Where the CPSA forms the opinion that a listed recruitment agency has failed to meet those requirements, it will be empowered to remove that agency from the list, either immediately or after the agency has been given an opportunity to make representations to it on the matter, depending on the circumstances.

Licence holders will be able to seek the assistance of listed recruitment agencies in respect of some or all of the tasks connected with selection under the licence held. It will remain the duty of the licence holder to ensure that the listed recruitment agency complies with the terms and conditions of the recruitment licence.

Section 28 clarifies that the requirement of possession of a tax clearance certificate in relation to recruitment agencies set out in section 27 relates to a certificate issued under section 1905 (inserted by section 127 of the Finance Act 2002) of the Taxes Consolidation Act 1997.

Sections 29 to 34 — The Office of the CPSA

Section 29 provides for an office (to be known as the Office of the Commission for Public Service Appointments) to assist the CPSA in the exercise of its functions.

Section 30 provides that the Minister for Finance shall appoint a Director of the Office of the CPSA, who will be the principal officer of the Office for the purposes of the Public Service Management Act 1997.

Section 31 provides that the Director of the Office of the CPSA shall also be the accounting officer for that Office.

Section 32 provides that the Director of the Office of the CPSA shall be responsible for the management and control of the Office and in that function be responsible and accountable to the CPSA.

Section 33 provides that the Director of the Office of the CPSA must attend before an Oireachtas Committee or subcommittee thereof, where so requested in writing.

Section 34 provides that the staff of the Office of the CPSA will be appointed by the Minister for Finance and will be civil servants of the State.

Sections 35 to 44 — The Public Appointments Service (PAS)

Section 35 provides that the PAS will be established on the establishment day referred to at section 3.

Section 36 provides that the PAS will be independent in the exercise of its functions. Its functions will include:

- acting as the centralised recruitment, assessment and selection body for the Civil Service and for other public service bodies where requested;
- exercising the functions heretofore under the remit of the LAC;
- ensuring that the CPSA's codes of practice are followed in the recruitment process;
- carrying out all procedures necessary for the recruitment, assessment and selection of suitable candidates for appointment;

- undertaking other selection competitions, including promotion competitions and competitions to posts in organisations outside the Civil Service (including posts in the local authorities, health boards, VECs, and Garda Síochána), where requested by the relevant Minister;
- determining criteria and forms of selection process to be adopted; and
- providing expert services on recruitment, assessment and selection matters.

The Minister for Finance may, after consulting the Commission, confer on the PAS such additional functions relating to recruitment, assessment, and selection, as he or she considers appropriate.

Section 37 provides that a statement of strategy for the PAS should be prepared by the Chief Executive within 6 months of the establishment date.

Section 38 provides for the establishment of the Board of the PAS. This will consist of a chairperson, the Chief Executive of the Service and 7 ordinary members. An official from the Department of the Taoiseach and official from the Department of Finance will be included in the 7 ordinary members. The chairperson and ordinary members will be appointed by the Minister for Finance in consultation with the Ministers for Environment, Heritage and Local Government, Health and Children, and Justice, Equality and Law Reform.

The Board's functions will include:

- representing the interests of the public service;
- considering and approving plans and strategic objectives put forward by the Chief Executive;
- monitoring the PAS in the exercise of its functions;
- ensuring that appropriate review procedures are put in place in relation to recruitment and promotion procedures; and
- publishing the annual report of the PAS and implementing any policy directions issued by the Minister for Finance.

Section 39 sets out the criteria for selection of members of the Board other than the Chief Executive of the Service. At least 2 of the Board members must have relevant civil or public service knowledge and experience which the Minister considers relevant; and at least 2 members must have relevant expertise in human resource management outside the public service.

Members will be appointed to the Board for a renewable period of 3 years and may be paid remuneration and allowances for expenses incurred in the performance of their duties.

Section 40 places similar restrictions upon the Board members relating to political activity as those placed upon Commissioners, which are the same restrictions as apply generally to established civil servants above the grade of clerical officer (i.e. Board members may not identify themselves actively or publicly with political matters).

Where any Board member:

- is nominated as a member of Seanad Éireann;
- is nominated to stand as a candidate for election as a member of either House of the Oireachtas or to the European Parliament;
- is regarded as having been elected to the European Parliament to fill a vacancy, or
- becomes a member of a local authority;

he or she will cease to be a member of the Board.

Additionally, any person who is for the time being entitled to sit in either House of the Oireachtas or is a member of the European Parliament shall also be disqualified from becoming a member of the Board during that period of time.

Section 41 provides for the Chief Executive of the Service, who shall be appointed by the Minister for Finance.

Section 42 sets out the functions of the Chief Executive of the Service. The Chief Executive will:

- be the Head of the Scheduled Office for the purposes of the Public Service Management Act 1997;
- manage and control generally the staff, administration and business of the PAS;
- be the recruitment licence holder and accounting officer for the organisation;
- draw up the strategic plan for the PAS for consideration and approval by the Board;
- liaise with the Board periodically;
- be generally accountable to the Board in the exercise of his or her functions; and
- liaise with the relevant Ministers in relation to competitions for certain posts outside the Civil Service (CEOs or equivalent in the Health Boards, VECs and Local Authorities).

The section also provides for the delegation of certain of the Chief Executive's tasks to a member of the staff of the PAS, subject to the consent of the Board of the PAS to this delegation; and for a person to perform the functions of the Chief Executive in his/her absence.

Section 43 provides that the Chief Executive of the Service shall give account for the general administration of the PAS to an Oireachtas Committee if requested to do so.

Section 44 provides that the staff of the PAS shall be appointed by the Minister for Finance and shall be civil servants of the State.

Section 45 provides that a recruitment licence will be granted by the Commission to the Chief Executive of the Service on its establishment day.

The section also provides that the CPSA may grant recruitment licences to certain other office holders (listed in section 46 below) in

respect of certain posts provided it is satisfied that the applicant can and will observe the appropriate standards and codes of practice.

Recruitment licences may be granted in relation to particular positions, which will be identified in the licence itself. Each licence will also include the terms and conditions upon which the licence is held.

Sections 46 to 54 — Recruitment Licences and Office Holders

Section 46 identifies the office holders who may apply for a recruitment licence. These will include:

- the Secretary General of a Department;
- the chief executive officer of a health board;
- the manager of a county council;
- the chief executive officer of a vocational education committee;
- the Commissioner of the Garda Síochána; and
- the chief executive officer (or equivalent officer) of any other public service body.

The section provides that recruitment licences may be applied for either generally or in respect of one or more classes of employees or positions.

Under *subsection (3)* of this section, applications for recruitment licences cannot be made for certain posts/offices which are subject to section 2 of the Local Authorities (Officers and Employees) Act 1926. This is because recruitment to the relevant posts was formerly undertaken by the LAC. In the interests of probity and fairness, the former powers of the LAC in relation to the conduct of these competitions will be given to the Chief Executive of the Service.

Section 47 allows for applications and maintenance of recruitment licences by persons who are for the time being entitled to exercise the functions of the office concerned (i.e. the exercise of the recruitment function is not affected if the relevant office holder post is vacant for a time).

Section 48 provides that office holders who are granted recruitment licences may delegate all or part of the task of recruitment to the PAS. The section states that, where such a delegation is made, the Chief Executive of the Service, rather than the office holder concerned, will be responsible for adherence to the terms of the licence.

Section 49 provides that recruitment under the framework provided by the Bill may only be undertaken by the PAS or other licence holder concerned with the authority of the relevant office holder and may only be undertaken within the terms and conditions of the recruitment licence.

Section 50 provides that the CPSA may issue instructions to licence holders in situations where it is of the opinion that an aspect of the recruitment process has been or is likely to be compromised.

Section 51 provides that the CPSA may issue advices to licence

holders, to which the licence holders must have regard. These advices can relate to concerns regarding the distortion of the recruitment market (e.g. where a number of licence holders recruit for the same type of staff at the same time).

Section 52 provides that licence holders must inform the CPSA where they are aware that it is possible that the recruitment market could be distorted.

Section 53 provides for the amendment of recruitment licences. The CPSA may amend a licence in certain circumstances (e.g. at the request of a licence holder, where it forms the opinion that a licence should be amended, etc.). Where the CPSA wishes to amend a licence and a recruitment process under that licence is in train the CPSA may make any necessary transitional arrangements it considers appropriate in the circumstances.

Section 54 provides that the CPSA may revoke a licence where a licence holder fails to meet the terms and conditions of the licence, or where the CPSA otherwise deem revocation to be necessary. Where it is deemed necessary to revoke a licence and a recruitment process is already in train, the CPSA will have the power to make the necessary transitional arrangements it considers necessary in the circumstances.

Sections 55 to 58 — Obligations of Candidates in respect of Recruitment and Selection Procedures

Section 55 provides that the rules contained in this part of the Act apply to the carrying out of recruitment and selection within the public service and the selection for promotion of civil servants or the staff of any other public service body.

Section 56 provides that in respect of any recruitment, selection or promotion competition within the public service, persons shall not:

- provide false information;
- canvass any person, with or without inducements;
- personate a candidate at any stage of the process; or
- interfere with or compromise the competition in any way.

Section 57 provides that a person who contravenes the provisions of *section 56* is guilty of an offence. Additionally, a person who is involved as a secondary actor in the commission of an act proscribed under *section 56* will also be guilty of an offence under the Act. A person who is found guilty of an offence will be liable to a fine and/or imprisonment.

Section 58 provides that where a person has been found guilty of an offence and was or is a candidate at a competition, then:

- where he or she has not been appointed to a post, he or she will be disqualified as a candidate; and
- where he or she has been appointed subsequent to the competition in question, he or she shall forfeit that appointment.

Section 59 — Selection and Promotion

Section 59 deals with selection for promotion and provides that the Minister for Finance, following consultation with any relevant Ministers, may request the PAS to hold promotion competitions for civil servants or other public servants.

Any promotion competitions undertaken by the PAS shall be conducted in accordance with the codes of practice published by the CPSA.

Where promotion competitions are not conducted by the PAS (e.g. in the case of internal promotion competitions etc.) these shall be subject to so much of any codes of practice relating to selection for the post concerned as have been published by the CPSA.

Public service bodies may either ask the PAS to undertake all or part of a promotion competition or ask the PAS for assistance in conducting promotion competitions.

Successful candidates may be selected for appointment to the posts concerned in the order of merit as determined by the recruitment process and candidates shall not be appointed to a post unless they agree to and are fully competent, capable and available to undertake the duties attached to the position, having regard to the conditions under which the duties are to be performed.

Section 60 — Ministerial Functions

Section 60 sets out the powers and responsibilities of the Minister for Finance and other Ministers in relation to recruitment and selection.

The section provides that the Minister for Finance may consult with other relevant people (e.g. relevant minister/s, the CPSA, the Board of the PAS or the Chief Executive) where, in the exercise of any of his/her functions as the Minister responsible for working conditions of civil servants, he or she believes that consultation with those persons would be appropriate.

Sections 61 to 66 — Transitional provisions, Repeals and Consequential Amendments

Section 61 provides that for the purposes of *sections 62 to 66*, the expression “dissolved bodies” relates to the Civil Service Commissioners (CSC) and Local Appointments Commissioners (LAC).

Section 62 provides that all rights, liabilities and property of the CSC and LAC in relation to the conduct of competitions will transfer to the Board of PAS and that all other rights of the CSC and LAC will be transferred to the CPSA.

Additionally, anything commenced but not completed before the establishment day by either or both the CSC and LAC may be carried on and completed after that day by the PAS if it relates to the conduct of a competition or by the CPSA in all other cases.

Section 63 relates to repeals, revocations and amendments. The Acts and Statutory Instruments referred to in the section are set out in the Parts 1 and 2 of Schedule 2 to the Bill.

Section 64 provides that where there are currently in force any regulations made under section 16 of the Civil Service Commissioners Act 1956 (i.e. provisions on the type of tests, mode of application for the competition or how the order of merit is to be determined), or under section 8 of the Local Authorities (Officers and Employees) Act (similar to section 16 CSC Act 1956) these shall be deemed to be codes of practice.

Similarly, where there are in force any rules made under section 30 of the Civil Service Commissioners Act 1956 (relating to the conduct of candidates at competitions etc.) these shall be deemed to be codes of practice also.

Where immediately before the establishment day there is in force any order under section 2 of the Local Authorities (Officers and Employees) Act 1926 declaring an office to be an office to which that Act applies (i.e. recruitment to certain posts was undertaken by the LAC) then such order will remain in force until it is duly amended or revoked.

Section 65 provides that the Minister for Finance may, after consultation with the CPSA and any relevant minister, by regulations provide for the modification, adaptation, amendment, repeal, revocation or termination of any provision which would otherwise be inconsistent with the Act.

Where the Minister proposes to make such regulations, a draft of the same must be laid before and approved by each House of the Oireachtas before the regulation can be made.

Section 66 provides that final accounts of the CSC and LAC will be drawn up by the Chief Executive of the Service and submitted to the Comptroller and Auditor General for audit, thereafter to be submitted to the Minister for laying before the Houses of the Oireachtas.

Schedules

Schedule 1 — Scheduled Occupations

This part of the Bill sets out the posts which have been designated as “scheduled occupations”. Recruitment to these positions will be outside the remit of the Bill.

Schedule 2 — Repeals, Revocations and amendments relating to Civil Service Commissioners and Local Appointments Commissioners

This part of the Bill sets out consequential repeals, revocations and amendments to Acts and Statutory Instruments.

Financial Implications

There are no financial implications associated with the implementation of the Bill.

*An Roinn Airgeadais,
Nollaig, 2003.*