

Crown Employment (Nationality) Bill

[AS AMENDED IN PUBLIC BILL COMMITTEE]

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A

B I L L

[AS AMENDED IN PUBLIC BILL COMMITTEE]

TO

Make provision for and in connection with the removal of general restrictions as to nationality which apply to persons employed or holding office in any civil capacity under the Crown; and for connected purposes.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Removal of existing nationality requirements

- (1) Section 3 of the Act of Settlement (which, subject to exceptions, prevents persons born outside the United Kingdom from holding certain offices) does not prevent any person from being employed or holding office in a civil capacity under the Crown. 5
- (2) In the Aliens Restriction (Amendment) Act 1919 (c. 92), omit section 6 (which, subject to exceptions, prevents the appointment of aliens to posts in the Civil Service).

2 Power to impose new nationality requirements

- (1) Rules may be made imposing requirements as to nationality which must be satisfied by a person employed or holding office in a civil capacity under the Crown— 10
 - (a) in a post of a description specified in the rules, or
 - (b) in a post of a description specified in the rules as one in the case of which a Minister of the Crown considers it necessary that requirements as to nationality must be satisfied. 15
- (2) The rules may also—
 - (a) impose requirements as to nationality which must be satisfied in the case of persons connected with a person who must satisfy requirements imposed under subsection (1), and 20

- (b) provide that any requirement imposed under paragraph (a) may be treated as satisfied if a connected person has or had substantial ties with the United Kingdom.
- (3) For the purposes of this section the following are connected with a person—
- (a) any parent or deceased parent of the person, 5
 - (b) any spouse or civil partner of the person,
 - (c) any person living together with the person as if they were spouses or civil partners, or
 - (d) any parent of a person within paragraph (b) or (c).
- (4) The rules are to be made by a Minister of the Crown. 10
- (5) The rules may include provision—
- (a) exempting persons of a description specified in the rules (and persons connected with them) who were first employed, or first held office, in the post in question before a specified date, and
 - (b) allowing the granting of exemptions by the appropriate person. 15
- (6) In subsection (5)(b) “the appropriate person” means—
- (a) in the case of posts in the Security Service, the Director-General of the Security Service or a person nominated by the Director-General of the Security Service,
 - (b) in the case of posts in the Secret Intelligence Service, the Chief of the Secret Intelligence Service or a person nominated by the Chief of the Secret Intelligence Service, 20
 - (c) in the case of posts in the Government Communications Headquarters, the Director of the Government Communications Headquarters or a person nominated by the Director of the Government Communications Headquarters, and 25
 - (d) otherwise, a Minister of the Crown.
- (7) The references in—
- (a) section 75(5)(b) of the Race Relations Act 1976 (c. 74) (rules relating to nationality etc. of persons employed in service of Crown), and 30
 - (b) Article 71(5)(b) of the Race Relations (Northern Ireland) Order 1997 (S.I. 1997/869 (N.I. 6)) (corresponding provision for Northern Ireland),
- to the implementation of rules include the grant of (or refusal to grant) exemptions under subsection (5)(b).
- (8) The power of a Minister of the Crown to make rules under this section is exercisable by statutory instrument. 35
- (9) A statutory instrument containing rules under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
- (10) Nothing in this section limits any power to impose a requirement which is not a requirement as to nationality even if the ability of a person to satisfy the requirement may be affected by the nationality of the person or any other person. 40

3 Repeals and revocations

The Schedule (repeals and revocations) has effect.

4 Short title, commencement and extent

- (1) This Act may be cited as the Crown Employment (Nationality) Act 2009.
- (2) This Act (apart from this section) comes into force on such day as Her Majesty may by Order in Council appoint; and different days may be appointed for different purposes.
- (3) This Act extends to Northern Ireland (as well as to England and Wales and Scotland).

SCHEDULE

Section 3

REPEALS AND REVOCATIONS

<i>Title and reference</i>	<i>Extent of repeal or revocation</i>	
Aliens Restriction (Amendment) Act 1919 (c. 92)	Section 6.	5
Aliens' Employment Act 1955 (4 & 5 Eliz. 2 c. 18)	The whole Act.	
European Communities (Employment in the Civil Service) Order 1991 (S.I. 1991/1221)	The whole Order.	10
European Communities (Employment in the Civil Service) Order 2007 (S.I. 2007/617)	The whole Order.	15

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