

Crown Employment (Nationality) Bill

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Cabinet Office with the consent of Mr Andrew Dismore, are published separately as EN – 39.

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Schedule – Repeals and revocation

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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 specified in the rules. 10
- (2) The rules may also impose requirements as to nationality which must be satisfied by persons of a description specified in the rules who are related to, or living with, such a person. 15
- (3) The rules may be made—
 - (a) by a Minister of the Crown, or
 - (b) by any person or body to whom that power has been delegated by a Minister of the Crown.
- (4) The rules may include provision— 20

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- (a) exempting persons of a description specified in the rules (and persons related to, or living with, them) who were first employed, or first held office, in the capacity in question before a specified date, and
- (b) allowing any Minister or other person or body to grant exemptions.
- (5) The references in— 5
- (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
- (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 (4)(b). 10
- 3 Repeals and revocation**
- The Schedule (repeals and revocation) has effect.
- 4 Short title, commencement and extent**
- (1) This Act may be cited as the Crown Employment (Nationality) Act 2004. 15
- (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). 20

SCHEDULE

Section 3

REPEALS AND REVOCATION

<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

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