
STATUTORY INSTRUMENTS

1991 No. 1221

TERMS AND CONDITIONS OF EMPLOYMENT

The European Communities (Employment
in the Civil Service) Order 1991

Laid before Parliament in draft

Made - - - - 21st May 1991

Coming into force - - 21st May 1991

At the Court of Saint James, the 21st day of May 1991

Present,

The Counsellors of State in Council

Whereas Her Majesty in pursuance of the Regency Acts 1937 to 1953, was pleased, by Letters Patent dated the 3rd day of May 1991 to delegate to the six Counsellors of State therein named or any two or more of them full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

And whereas a draft of this Order has been laid before Parliament and has been approved by a resolution of each House of Parliament:

Now, therefore His Royal Highness The Prince Andrew, The Duke of York, and His Royal Highness The Prince Edward, being authorised thereto by the said Letters Patent, and in pursuance of the powers conferred on Her Majesty by section 2(2) of the European Communities Act 1972⁽¹⁾, and all other powers enabling Her Majesty, and by and with the advice of Her Majesty's Privy Council, do on Her Majesty's behalf order, and it is hereby ordered, as follows:—

Citation and commencement

1. This Order may be cited as the European Communities (Employment in the Civil Service) Order 1991 and shall come into force forthwith.

(1) 1972 c. 68.

Amendment of Aliens' Employment Act 1955

2. In section 1(1) of the Aliens' Employment Act 1955(2) after paragraph (b) there shall be added the words “or

(c) if he is —

(i) a national of a member State of the Communities, or

(ii) a person who is entitled to take up any activity as an employed person in the United Kingdom by virtue of Article 11 of Council Regulation (EEC) No. 1612/68(3) (right of spouse and certain children of national of member State to be employed in any other member State where that national is employed),

and he is not employed in employment in the public service within the meaning of Article 48(4) of the E.E.C. Treaty (derogation from freedom of movement of workers);”.

Employment of aliens in the Northern Ireland Civil Service

3. Notwithstanding anything in section 3 of the Act of Settlement(4) or in section 6 of the Aliens Restriction (Amendment) Act 1919(5), an alien may be employed in the Civil Service of Northern Ireland if—

(a) he is —

(i) a national of a member State of the Communities, or

(ii) a person who is entitled to take up any activity as an employed person in the United Kingdom by virtue of Article 11 of Council Regulation (EEC) No. 1612/68 (right of spouse and certain children of national of member State to be employed in any other member State where that national is employed); and

(b) he is not employed in employment in the public service within the meaning of Article 48(4) of the E.E.C. Treaty (derogation from freedom of movement of workers).

G. I. de Deney
Clerk of the Privy Council

(2) 1955 c. 18 (4 & 5 Eliz. 2).
(3) OJ No L257/2, 19.10.68, p.1.
(4) 1700 c. 2.
(5) 1919 c. 92.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends section 1(1) of the Aliens' Employment Act 1955 to allow nationals of the member States of the European Communities and certain members of their families to be employed in the Civil Service, in posts other than posts in the public service within the meaning of Article 48(4) of the E.E.C. Treaty. The Order ensures compliance with Article 48 of the E.E.C. Treaty which provides for freedom of movement for workers within the European Community.

Article 3 makes similar provision in relation to the Northern Ireland Civil Service, to which the Aliens' Employment Act 1955 does not extend, thus ensuring that the same position is achieved in the whole of the United Kingdom.