

# POLICE REFORM ACT 2002

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## EXPLANATORY NOTES

### THE ACT

#### *Commentary on Sections*

#### **Part 6: Miscellaneous**

#### **Section 82: Nationality requirements**

399. **Section 3** of the Act of Settlement 1700 provides that ‘no person born out of the kingdoms of England, Scotland or Ireland or the dominions thereunto belonging... shall... enjoy any office or place of trust either civil [sic] or military.’ Section 6 of the Aliens (Restriction) Amendment Act 1919 provides that no alien shall be appointed to any office or place in the Civil Service of the State, though there are various exceptions to these provisions. The prohibitions do not apply to Commonwealth citizens or to citizens of the Irish Republic by virtue of the British Nationality Act 1981, while the Aliens’ Employment Act 1955 as amended by the [European Communities \(Employment in the Civil Service\) Order 1991 \(SI 1991/1221\)](#) disapplies the prohibitions to various groups, such as British protected persons. Nonetheless, currently – and in consequence of the above – employment as a member of a police force of England and Wales, Scotland, Northern Ireland, NCIS, NCS, BTP, the United Kingdom Atomic Energy Authority Constabulary (UKAEAC), the Royal Parks Constabulary, or the Special Constabulary, is restricted to British citizens, citizens of the Irish Republic and Commonwealth citizens. If an applicant is a citizen of the Irish Republic or a Commonwealth citizen other residential and ancestry conditions must be satisfied.
400. **Subsection (1)** of this section provides that the prohibition on the employment of persons born out of the UK and the prohibition arising from nationality do not apply to employment in the police services of England and Wales, Scotland, Northern Ireland (including the Reserve Police Service of Northern Ireland), NCIS, NCS, BTP, UKAEAC, the Royal Parks Constabulary, and the Special Constabulary. Any person, regardless of birth or nationality, may be attested and may hold office as a constable.
401. **Subsections (2) and (3)** provide that the capability of holding office as a constable or special constable or for membership of any force or constabulary or for appointment to particular ranks, offices or positions will be subject to any regulations as to qualifications for appointment; or (in respect of members of NCIS and NCS) to terms and conditions of service; or (in relation to BTP, UKAEAC and Royal Parks Constabulary) to any other arrangements for appointment.
402. **Subsection (4)** states that these regulations, terms and conditions or arrangements for appointment may include, amongst other things, the setting of standards for competence in written and spoken English, qualification as to residence in the UK, and the ability to reserve certain posts which may be of a particularly sensitive nature for UK nationals or EEA nationals. Regulations covering competence in written and spoken English and

*These notes refer to the Police Reform Act 2002  
(c.30) which received Royal Assent on 24 July 2002*

immigration status must be made in relation to police forces in England and Wales and Scotland, the Police Service of Northern Ireland, NCIS and NCS.

403. All new constables in England and Wales will still be obliged to take the oath of office as amended by section 83 of this Act.