
STATUTORY INSTRUMENTS

2007 No. 617

**The European Communities (Employment
in the Civil Service) Order 2007**

Amendment of the Aliens' Employment Act 1955

2.—(1) Amend the Aliens' Employment Act 1955(1) as follows.

(2) In subsection (1) of section 1 (provision for civil employment of aliens), for paragraph (c) substitute “(c) if he is a relevant European and he is not employed in a reserved post;”.

(3) After subsection (4) of that section insert—

“(5) In subsection (1)(c) “a relevant European” means—

- (a) a national of a EEA State or a person who is entitled to take up any activity as an employed person in the United Kingdom by virtue of Article 23 of Council Directive [2004/38/EEC](#)(2) (right of family members of nationals of EEA States to take up employment where that national is employed);
- (b) a Swiss national or a person who is entitled to take up any activity as an employed person in the United Kingdom by virtue of Article 7(e) and Article 3(5) of Annex 1 of the Agreement between the European Community and its member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons signed at Luxembourg on 21st June 1999(3) (right of spouses and certain family members of Swiss nationals to take up economic activity, whatever their nationality); or
- (c) a person who is entitled to take up any activity as an employed person in the United Kingdom by virtue of Article 6(1) or 7 (rights of certain Turkish nationals and their family members to take up any economic activity, whatever their nationality) of Decision 1/80 of 19 September 1980 of the Association Council set up by the Agreement establishing an Association between the European Economic Community and Turkey, signed at Ankara on 12 September 1963(4).

(6) In subsection (1)(c) “a reserved post” means—

- (a) a post in the security and intelligence services; or
- (b) a post falling within subsection (7) or (8) which the responsible Minister considers needs to be held otherwise than by a relevant European.

(7) The posts falling within this subsection are—

- (a) a post in Her Majesty's Diplomatic Service and posts in the Foreign and Commonwealth Office; and
- (b) posts in the Defence Intelligence Staff.

(1) 1955 c.18. Section 1 was amended by [S.I. 1991/1221](#).
(2) OJ No L 158/77 30.04.2004, p.35
(3) (Cm 5639)
(4) OJ No L 361/1 31.12.77, p.29

- (8) The posts falling within this subsection are posts whose functions are concerned with—
- (a) access to intelligence information received directly or indirectly from the security and intelligence services;
 - (b) access to other information which, if disclosed without authority or otherwise misused, might damage the interests of national security;
 - (c) access to other information which, if disclosed without authority or otherwise misused, might be prejudicial to the interests of the United Kingdom or the safety of its citizens; or
 - (d) border control or decisions about immigration.
- (9) In this section “the security and intelligence services” means—
- (a) the Security Service;
 - (b) the Secret Intelligence Service; and
 - (c) the Government Communications Headquarters.”.