

EXPLANATORY MEMORANDUM TO
THE BRITISH CITIZENSHIP (DESIGNATED SERVICE) (AMENDMENT)
ORDER 2007

2007 No. 744

1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.
2. **Description**
 - 2.1 The Order designates certain “descriptions of service” under section 2(3) of the British Nationality Act 1981. It amends the British Citizenship (Designated Service) Order 2006 No. 1390.
 - 2.2 The effect of designation is that a British citizen who is engaged in designated service outside the United Kingdom and qualifying territories (for which he was recruited in the United Kingdom or a qualifying territory), is able to pass on British citizenship to children born to him during such service. A further consequence is that his foreign spouse or civil partner may, at the discretion of the Secretary of State, be naturalised as a British citizen without satisfying the usual requirements as to residence in the United Kingdom.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None.
4. **Legislative Background**
 - 4.1 Section 2(1) of the British Nationality Act 1981 (the 1981 Act), as amended by the British Overseas Territories Act 2002, provides that a person born outside the United Kingdom and the qualifying territories after 1 January 1983 will be a British citizen in certain circumstances, including where at the time of the birth his father or mother is a British citizen and is serving in designated service, recruitment for that service having taken place in the United Kingdom or a qualifying territory. Section 2(3) of the 1981 Act enables the Secretary of State to designate for these purposes (by order made by statutory instrument) “any description of service which he considers to be closely associated with the activities outside the United Kingdom of Her Majesty’s government in the United Kingdom or in a qualifying territory”.
 - 4.2 Section 50(1) of the 1981 Act, as amended, defines “qualifying territory” as “a British overseas territory other than the Sovereign Base Areas of Akrotiri and Dhekelia”. A “British overseas territory” is a

territory mentioned in Schedule 6 to the 1981 Act, that is Anguilla; Bermuda; British Antarctic Territory; Cayman Islands; Falkland Islands; Gibraltar; Montserrat; Pitcairn, Henderson, Ducie and Oeno Islands; St Helena and Dependencies; South Georgia and the South Sandwich Islands; The Sovereign Base Areas of Akrotiri and Dhekelia; Turks and Caicos Islands; or Virgin Islands.

4.3 The Order amends a previous Order under section 2(3) of the 1981 Act.

5. Extent

5.1 This instrument applies to all of the United Kingdom.

5.2 It additionally applies to the Islands and all of the British overseas territories (the legislatures of which have not been consulted since they have no competence in matters relating to nationality and citizenship).

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The purpose of section 2(3) of the British Nationality Act 1981, under which the Order is made, is to ensure that British citizens engaged in certain types of activity outside the United Kingdom and the qualifying territories are not thereby disadvantaged in terms of the ability of their children and spouses or civil partners to acquire British citizenship. It accordingly enables the Secretary of State to designate such activities (or “descriptions of service”), with the consequences set out in paragraph 2.2 above.

7.2 Service under the Physics and Astronomy Research Council (“PPARC”) was designated under section 2(3) of the 1981 Act in 1994. The designation of service under the Council for the Central Laboratory of the Research Councils (“CCLRC”) followed in 1995. From 1 April 2007 the responsibilities carried out by CCLRC and PPARC immediately before that date will be transferred to a new Research Council, the Science and Technology Facilities Council (“STFC”), which is established under the Science and Technology Act 1965 by virtue of the Science and Technology Facilities Council Order 2007. STFC employees will perform, essentially, the same activities as are currently performed by employees of the present PPARC and CCLRC.

7.3 Except for the fact of being employed by the STFC rather than CCLRC or PPARC, it is intended that existing and future employees of STFC (and their existing and future dependents) should be in exactly the

same position, in all respects, as they would have been if CCLRC and PPARC had continued in existence and they had been employed by CCLRC or PPARC. In order to ensure that employees of the PPARC and CCLRC continue, as employees of the STFC, to benefit under section 2(3) of the 1981 Act after 1 April, and that future STFC employees also enjoy the benefits of designation, it is necessary to designate service under the successor organisation with effect from that date.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 The impact on the public sector is nil.

9. Contact

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