



Official Secrets Act 1989

1989 CHAPTER 6

12 “Crown servant” and “government contractor”.

- (1) In this Act “Crown servant” means—
- (a) a Minister of the Crown;
 - [^{F1}(aa) a member of the Scottish Executive or a junior Scottish Minister;]
 - (b) a person appointed under section 8 of the ^{M1}Northern Ireland Constitution Act 1973 (the Northern Ireland Executive etc.);
 - (c) any person employed in the civil service of the Crown, including Her Majesty’s Diplomatic Service, Her Majesty’s Overseas Civil Service, the civil service of Northern Ireland and the Northern Ireland Court Service;
 - (d) any member of the naval, military or air forces of the Crown, including any person employed by an association established for the purposes of [^{F2}Part XI of the Reserve Forces Act 1996];
 - (e) any constable and any other person employed or appointed in or for the purposes of any police force (including a police force within the meaning of the [^{M2F3}Police Act (Northern Ireland) 1998]) [^{F4}or of the National Criminal Intelligence Service or the National Crime Squad];
 - (f) any person who is a member or employee of a prescribed body or a body of a prescribed class and either is prescribed for the purposes of this paragraph or belongs to a prescribed class of members or employees of any such body;
 - (g) any person who is the holder of a prescribed office or who is an employee of such a holder and either is prescribed for the purposes of this paragraph or belongs to a prescribed class of such employees.
- (2) In this Act “government contractor” means, subject to subsection (3) below, any person who is not a Crown servant but who provides, or is employed in the provision of, goods or services—
- (a) for the purposes of any Minister or person mentioned in paragraph (a) or (b) of subsection (1) above, [^{F5}of any office-holder in the Scottish Administration,]of any of the services, forces or bodies mentioned in that subsection or of the holder of any office prescribed under that subsection;
 - [^{F6}(aa) for the purposes of the National Assembly for Wales;]or

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Changes to legislation: There are currently no known outstanding effects for the Official Secrets Act 1989, Section 12. (See end of Document for details)

- (b) under an agreement or arrangement certified by the Secretary of State as being one to which the government of a State other than the United Kingdom or an international organisation is a party or which is subordinate to, or made for the purposes of implementing, any such agreement or arrangement.
- (3) Where an employee or class of employees of any body, or of any holder of an office, is prescribed by an order made for the purposes of subsection (1) above—
- (a) any employee of that body, or of the holder of that office, who is not prescribed or is not within the prescribed class; and
- (b) any person who does not provide, or is not employed in the provision of, goods or services for the purposes of the performance of those functions of the body or the holder of the office in connection with which the employee or prescribed class of employees is engaged,
- shall not be a government contractor for the purposes of this Act.

[^{F7}(4) In this section “office-holder in the Scottish Administration” has the same meaning as in section 126(7)(a) of the Scotland Act 1998.]

Textual Amendments

- F1** S. 12(1)(aa) inserted (6.5.1999) by 1998 c. 46, s. 125, **Sch. 8 para. 26(2)**; S.I. 1998/3178, art. 2, **Sch. 3**
- F2** Words in s. 12(1)(d) substituted (1.4.1997) by 1996 c. 14, s. 131(1), **Sch. 10 para. 22** (with s. 72(5)); S.I. 1997/305, **art. 2**
- F3** Words in s. 12(1)(e) substituted (1.4.1999) by 1998 c. 32, s. 74(1), **Sch. 4 para. 17**; S.R. 1999/176, **art. 3**
- F4** Words in s. 12(1)(e) inserted (1.4.1998) by 1997 c. 50, s. 134(1), **Sch. 9 para. 62**; S.I. 1998/354, **art. 2(2)(ay)**
- F5** Words in s. 12(2)(a) inserted (6.5.1999) by 1998 c. 46, s. 125, **Sch. 8 para. 26(3)**; S.I. 1998/3178, art. 2, **Sch. 3**
- F6** S. 12(2)(aa) inserted (1.4.1999) by 1998 c. 38, s. 125, **Sch. 12 para. 30** (with ss. 138(2), 143(2)); S.I. 1999/782, **art. 2**
- F7** S. 12(4) inserted (6.5.1999) by 1998 c. 46, s. 125, **Sch. 8 para. 26(4)**; S.I. 1998/3178, art. 2(2), **Sch. 3**

Modifications etc. (not altering text)

- C1** S. 12: transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1(1), 2, **Sch.** (with art. 7); S.I. 1998/3178, **art. 2(1)**

Marginal Citations

- M1** 1973 c. 36.
- M2** 1970 c. 9 (N.I.).

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Changes to legislation:

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