



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;]
- ^{F2}(ab) the First Minister for Wales, a Welsh Minister appointed under section 48 of the Government of Wales Act 2006, the Counsel General to the Welsh Assembly Government or a Deputy Welsh Minister;]
- ^{F3}(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 [^{F4}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 [^{F5}(including the Police Service of Northern Ireland and the Police Service of Northern Ireland Reserve)] [^{F6} or] [^{F7}an NCA special (within the meaning of Part 1 of the Crime and Courts Act 2013)] ;
- (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) [^{F8} , (ab)] or (b) of subsection (1) above, [^{F9}of any office-holder in the Scottish

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Administration,]of any of the services, forces or bodies mentioned in that subsection or of the holder of any office prescribed under that subsection;

^{F10}[(aa)]

(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.

^{F11}[(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.]

^{F12}[(4A) In this section the reference to a police force includes a reference to the Civil Nuclear Constabulary.]

^{F13}[(5) This Act shall apply to the following as it applies to persons falling within the definition of Crown servant—

(a) the First Minister and deputy First Minister in Northern Ireland; and

(b) Northern Ireland Ministers and junior Ministers.]

Textual Amendments

F1 S. 12(1)(aa) inserted (6.5.1999) by 1998 c. 46, s. 125, **Sch. 8 para. 26(2)**

F2 S. 12(1)(ab) inserted by **Government of Wales Act 2006 (c. 32)**, s. 160, Sch. 10 para. 34(a) (with Sch. 11 para. 22), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(1)(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(5) of the amending Act.

F3 S. 12(1)(b) repealed (2.12.1999) by 1998 c. 47, ss. 99, 100(2), **Sch. 13 para. 9(2)**, **Sch. 15** (with s. 95); **S.I. 1999/3209**, art. 2, **Sch.**

F4 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

F5 Words in s. 12(1)(e) substituted (4.11.2001) by 2000 c. 32, s. 74, **Sch. 6 para. 9**; **S.R. 2001/396**, art. 2, **Sch.**

F6 Words in s. 12(1)(e) substituted (1.4.2006) by **Serious Organised Crime and Police Act 2005 (c. 15)**, s. 178(8), **Sch. 4 para. 58**; **S.I. 2006/378**, art. 4(1), Sch. para. 10

F7 Words in s. 12(1)(e) substituted (7.10.2013) by **Crime and Courts Act 2013 (c. 22)**, s. 61(2), **Sch. 8 para. 36**; **S.I. 2013/1682**, art. 3(v)

F8 Words in s. 12(2)(a) inserted by **Government of Wales Act 2006 (c. 32)**, s. 160, Sch. 10 para. 34(b) (with Sch. 11 para. 22), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(1)(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial

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period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(5) of the amending Act.

- F9** Words in s. 12(2)(a) inserted (6.5.1999) by 1998 c. 46, s. 125, **Sch. 8 para. 26(3)**
- F10** S. 12(2)(aa) repealed by **Government of Wales Act 2006 (c. 32)**, s. 160, Sch. 10 para. 34(b) (with Sch. 11 para. 22), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(1)(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(5) of the amending Act.
- F11** S. 12(4) inserted (6.5.1999) by 1998 c. 46, s. 125, **Sch. 8 para. 26(4)**
- F12** S. 12(4A) inserted (1.3.2005) by **Energy Act 2004 (c. 20)**, s. 198(2), **Sch. 14 para. 6**; S.I. 2005/442, art. 2(1), **Sch. 1**
- F13** S. 12(5) inserted (2.12.1999) by 1998 c. 47, s. 99, **Sch. 13 para. 9(3)** (with s. 95); S.I. 1999/3209, art. 2, **Sch.**

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.

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