

ELIZABETH II



1964 CHAPTER 54

An Act to provide for the acquisition of citizenship of the United Kingdom and Colonies by certain classes of persons who would otherwise be stateless; to restrict the grounds on which persons may be deprived of such citizenship where deprivation would render them stateless; to repeal section 20(4) and section 21 of the British Nationality Act 1948; and to extend the powers exercisable under that Act with respect to British protected persons. [16th July 1964]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) A person shall be entitled, on making application to the Secretary of State in the prescribed manner, to be registered as a citizen of the United Kingdom and Colonies if he satisfies the Secretary of State that he is and always has been stateless and—

Additional grounds for citizenship by registration.

- (a) that his mother was a citizen of the United Kingdom and Colonies at the time when he was born; or
- (b) that he was born at a place which is at the time of the application within the United Kingdom and Colonies; or
- (c) that he is otherwise qualified for registration under this section by parentage, or by residence and parentage, as mentioned in the Schedule to this Act (which deals with certain transitional cases).

(2) Subsection (1) above applies to persons born before as well as to persons born after the commencement of this Act, and paragraph (a) of that subsection applies to persons born illegitimate as well as to persons born legitimate.

(3) An application for the registration under this section of a minor may be made by his parent or guardian or, if he has attained the age of sixteen years, by the minor himself or by his parent or guardian.

(4) Section 8 of the principal Act (registration in Commonwealth countries and territories) and section 9 of that Act (effect of registration as a citizen) shall apply in relation to this section as they apply in relation to section 6 of that Act; but a male person who becomes a citizen of the United Kingdom and Colonies by virtue of paragraph (a) or (c) of subsection (1) above shall be deemed for the purposes of the proviso to section 5(1) of the principal Act (transmission of citizenship) to be a citizen of the United Kingdom and Colonies by descent only.

Additional grounds for citizenship by birth.

2.—(1) A person born within the United Kingdom and Colonies after the commencement of this Act shall be a citizen of the United Kingdom and Colonies by birth if his mother was a citizen of the United Kingdom and Colonies at the time when he was born and he would, apart from this subsection, be stateless.

(2) Where after the commencement of this Act a new-born infant is found abandoned within the United Kingdom and Colonies, that infant shall, unless the contrary is shown, be deemed to have been born within the United Kingdom and Colonies.

Late registration of birth for avoidance of statelessness.

3.—(1) The Secretary of State shall not withhold his permission under paragraph (b) of the proviso to section 5(1) of the principal Act for the registration of the birth of any person after the expiration of the period prescribed by that paragraph if it appears to him that that person is and always has been stateless and would have been a citizen of the United Kingdom and Colonies by descent if his birth had been registered within that period.

6 & 7 Geo. 6.
c. 14.

(2) The Secretary of State shall not withhold his permission under paragraph (b) of section 1(2) of the British Nationality and Status of Aliens Act 1943 (as applied by section 17 of the principal Act) for the registration of the birth of any person if it appears to him that that person is and always has been stateless and would become a citizen of the United Kingdom and Colonies or a British subject without citizenship if his birth were registered in accordance with that paragraph.

4.—(1) The Secretary of State shall not deprive any person of his citizenship on the ground mentioned in section 20(3)(c) of the principal Act (conviction of criminal offence) if it appears to him that that person would thereupon become stateless. Restriction on deprivation of citizenship.

(2) Section 20(4) of the principal Act (deprivation for long residence in foreign countries) and section 21 of that Act (deprivation where person deprived of citizenship elsewhere) are hereby repealed.

5. An Order in Council under section 32(1) of the principal Act (designation of British protected persons) may declare to be British protected persons for the purposes of that Act any class of persons who are connected with a territory which has ceased to be a protectorate, protected state or trust territory when the Order is made and who are not citizens of any country mentioned in section 1(3) of that Act which is constituted by that territory or of which that territory forms part. British protected persons.

6.—(1) This Act may be cited as the British Nationality (No. 2) Act 1964, and shall be included among the Acts which may be cited as the British Nationality Acts 1948 to 1964. Supplemental.

(2) In this Act “the principal Act” means the British Nationality Act 1948, and Part III of that Act (supplemental provisions) shall have effect as if any reference in it to that Act, except one referring to the date of the commencement of that Act, included a reference to this Act. 11 & 12 Geo. 6. c. 56.

(3) This Act shall come into force at the expiration of the period of two months beginning with the date on which it is passed.

Section 1.

SCHEDULE

TRANSITIONAL QUALIFICATIONS

Parentage

1.—(1) A person born before the commencement of the principal Act is qualified for registration under section 1 of this Act by parentage if—

- (a) his mother was a British subject at the time when he was born or a person who, by virtue of section 14 of that Act, is deemed (or would but for her death be deemed) to have been a British subject immediately before the commencement of that Act; or
- (b) his father or mother was a person who, by virtue of section 15 or 17 of that Act, is deemed (or would but for his or her death be deemed) to have been a British subject immediately before the commencement of that Act;

and, in either case, the relevant parent became (or would but for his or her death have become) a citizen of the United Kingdom and Colonies at the commencement of that Act.

(2) For the purposes of sub-paragraph (1)(a) above a person who by the law in force in any colony or protectorate enjoyed the privileges of naturalisation within that colony or protectorate only shall be treated as having been a British subject.

2. A person born before or after the commencement of the principal Act is qualified for registration under section 1 of this Act by parentage if his father or mother has become (or would but for his or her death have become) a citizen of the United Kingdom and Colonies by virtue of section 13(2) of that Act or has become such a citizen by virtue of section 16(2) of that Act.

Residence and parentage

3.—(1) Subject to sub-paragraph (5) below, a person is qualified for registration under section 1 of this Act by residence and parentage if he has been ordinarily resident in the United Kingdom and Colonies throughout the period of three years ending with the date of his application and he has the qualifications mentioned in sub-paragraph (2), (3) or (4) of this paragraph.

(2) A person born before the commencement of the principal Act has the said qualifications if—

- (a) his mother was a British subject at the time when he was born or a person who, by virtue of section 14 of that Act, is deemed (or would but for her death be deemed) to have been a British subject immediately before the commencement of that Act; or
- (b) his father or mother was a person who, by virtue of section 15 or 17 of that Act, is deemed (or would but for his or her death be deemed) to have been a British subject immediately before the commencement of that Act;

and, in either case, the relevant parent remained (or would but for his or her death have remained) a British subject without citizenship as from the commencement of that Act.

(3) A person born before the commencement of the principal Act has the said qualifications if—

- (a) his father or mother has become a British subject without citizenship by virtue of section 16(2) of that Act; or
- (b) his mother was a British subject at the time when he was born and remained a British subject by virtue of a notice under section 2(1) of that Act.

(4) A person born after the commencement of the principal Act has the said qualifications if his father or mother—

- (a) was a British subject without citizenship at the time when that person was born; or
- (b) has subsequently become a British subject without citizenship by virtue of section 16(2) of that Act; or
- (c) was a British subject at the time when that person was born by virtue of a notice under section 2(1) of that Act (whether given before or after that time).

(5) A person shall not be treated as qualified for registration under section 1 of this Act by virtue of sub-paragraph (2) or (3)(a) above if the relevant parent has become (or would but for his death have become) a citizen of any country mentioned in section 1(3) of the principal Act of which he was (or would but for his death have been) potentially a citizen at the commencement of that Act.

(6) For the purposes of this paragraph residence in a protectorate shall be treated as residence in the United Kingdom and Colonies, and references to a colony or a protectorate shall be construed as references to any territory which is a colony or protectorate at the time of the application.

Legitimacy and legitimation

4. The foregoing provisions of this Schedule apply, where the relevant parent is the mother, to persons born illegitimate as well as to persons born legitimate; and, where the relevant parent is not the mother, section 23 of the principal Act shall apply for the purpose of determining whether a person is qualified under those provisions as it applies for the purposes mentioned in that section.

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