

SCHEDULES

SCHEDULE 1

Section 2.

REGISTRATION AS CITIZEN BY REASON OF RESIDENCE, CROWN SERVICE ETC.

- 1 The law with respect to registration as a citizen of the United Kingdom and Colonies shall be modified as follows:—
- (a) in the British Nationality Act 1948, immediately before section 6, there shall be inserted as section 5A the provisions set out in Appendix A to this Schedule, and no person shall be entitled to be registered under or by virtue of section 6(1) of that Act except in the transitional cases allowed for by paragraph 2 below ; and
 - (b) in section 8 of the British Nationality Act 1948 (registration outside United Kingdom)—
 - (i) after the words " foregoing sections " there shall be inserted in subsection (1) the words " or, subject to subsection (1A) of this section, under section 5A " and in subsection (2) the words " or under section 5A of this Act" ; and
 - (ii) there shall be omitted in subsection (1) the words from " and as if " onwards (except for purposes of registration by virtue of paragraph 2 below), and there shall be inserted as subsections (1A) and (1B) the provisions set out in Appendix B to this Schedule ; and
 - (c) for section 9 of the British Nationality Act 1948 there shall be substituted the provisions set out in Appendix C to this Schedule (which insert in the section a reference to the new section 5A and add a requirement for the taking in certain cases of an oath of allegiance).
- 2 Notwithstanding anything in paragraph 1 above or any repeal made by this Act (but subject to paragraph 3 below), a person who would but for this Act have been entitled under or by virtue of section 6(1) of the British Nationality Act 1948 to be registered as a citizen of the United Kingdom and Colonies shall be entitled to be so registered in the United Kingdom if he satisfies the Secretary of State that at the date of his application to be registered he had throughout the last five years or, if it is more than five years, throughout the period since the coming into force of this Act been ordinarily resident in the United Kingdom without being subject, by virtue of any law relating to immigration, to any restriction on the period for which he might remain.
- 3 (1) A person in respect of whom a recommendation for deportation is at the date of his application in force shall not be entitled to be registered as a citizen of the United Kingdom and Colonies by virtue of paragraph 2 above.
- (2) Where, in accordance with any regulations relating to appeals, a person, when he applies to be so registered by virtue of paragraph 2 above, has been given notice of a decision to make a deportation order in respect of him, he shall not be entitled to be so registered by virtue of that paragraph, unless before the date of his application an appeal by him against that decision has been finally determined in his favour or the Secretary of State has notified him that the order will not be made.

Status: This is the original version (as it was originally enacted).

- (3) References in this paragraph to recommendations for deportation, deportation orders and other matters shall include any such recommendation, order or matter under the enactments repealed by this Act; and accordingly this paragraph shall apply for purposes of paragraph 2 above in place of the corresponding provision made by section 12(1) of the Commonwealth Immigrants Act 1962 and section 18 of the Immigration Appeals Act 1969.
- 4 (1) Paragraph 2 above shall apply in relation to a colony or protectorate with the substitution for references to the United Kingdom and to the Secretary of State of references to that colony or protectorate and to the Governor; and in relation to a colony or protectorate paragraph 3 (1) and (2) shall have effect (with any necessary adaptations) with reference to deportation from the colony or protectorate.
- (2) In this paragraph "colony", "protectorate" and "Governor" have the same meanings as they have for purposes of the British Nationality Act 1948, except that "colony" does not include an associated state.
- 5 (1) It is hereby declared that this Schedule extends to each of the associated states ; and in the application of paragraphs 2 and 3 to an associated state—
- (a) in paragraph 2 references to the associated state shall be substituted for references to the United Kingdom; and
- (b) paragraph 3(1) and (2) shall have effect (with any necessary adaptations) with reference to deportation from the associated state.
- (2) In paragraph 4 of Schedule 3 to the West Indies Act 1967 (which provides for a person other than the Secretary of State to be given in relation to an associated state certain functions of the Secretary of State, including those under sections of the British Nationality Act 1948 listed in paragraph 4(3)(a)) there shall be inserted at the beginning of sub-paragraph (3)(a) the words " section 5A except as regards registration under section 5A(1) and " : and where by virtue of that paragraph the functions of the Secretary of State under section 6(1) of the British Nationality Act 1948 are exercisable by another person the reference in paragraph 2 above to the Secretary of State shall have effect as a reference to that person.

APPENDIX A TO SCHEDULE 1

PROVISIONS TO HAVE EFFECT AS SECTION 5A OF BRITISH NATIONALITY ACT 1948

- 5A (1) Subject to the provisions of subsections (5) and (6) below, a citizen of any country mentioned in section 1(3) of this Act, being a person of full age and capacity, shall be entitled, on making application therefor 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—
- (a) he is patrial within the meaning of the Immigration Act 1971 by virtue of section 2(1)(d) of that Act or of the reference thereto in section 2(2); and
- (b) he fulfils the condition in subsection (3) below.
- (2) On an application made to the Secretary of State in the prescribed manner, the Secretary of State may cause to be registered as a citizen of the United Kingdom and Colonies any person of full age and capacity who satisfies the Secretary of State that—
- (a) he is a citizen of a country mentioned in section 1(3) of this Act or of Eire ; and

- (b) he fulfils the condition in subsection (3) below; and
 - (c) he is of good character ; and
 - (d) he has sufficient knowledge of the English or Welsh language ; and
 - (e) he intends in the event of his being registered to reside in the United Kingdom or a colony or protectorate or to enter into or continue in relevant employment.
- (3) The condition that a person is required by subsection (1)(b) or (2)(b) above to fulfil is that throughout the period of five years ending with the date of his application to be registered, or such shorter period so ending as the Secretary of State may in the special circumstances of any particular case accept, he has been ordinarily resident in the United Kingdom, or engaged in relevant employment, or partly the one and partly the other.
- (4) For purposes of this section " relevant employment " means—
- (a) Crown service under Her Majesty's Government in the United Kingdom ; or
 - (b) service under an international organisation of which Her Majesty's Government in the United Kingdom is a member ; or
 - (c) service in the employment of a society, company or body of persons established in the United Kingdom ;
- and in subsection (2)(e) includes service in the employment of a society, company or body of persons established either in the United Kingdom or in a colony or protectorate.
- (5) A person shall not be registered under this section wholly or partly by reason of service within subsection (4)(b) or (c) above unless it seems to the Secretary of State fitting that he should be so registered by reason of his close connection with the United Kingdom or, if he is applying for registration under subsection (2), his close connection with the United Kingdom and Colonies.
- (6) A person who has renounced citizenship of the United Kingdom and Colonies under this Act shall not be entitled to be registered as a citizen thereof under subsection (1) above, but may be so registered with the approval of the Secretary of State.
- (7) Where a person is a British subject without citizenship by virtue of section 13 or 16 of this Act or (being a woman) is a British subject by virtue of section 1 of the British Nationality Act 1965 by virtue of her having satisfied the Secretary of State that she has been married to a man who was, or but for his death would have been, a British subject as aforesaid, this section shall apply to that person as it applies to a citizen of a country mentioned in section 1(3) of this Act.

APPENDIX B TO SCHEDULE 1

PROVISIONS TO HAVE EFFECT AS SECTION 8(1A) AND (1B) OF BRITISH NATIONALITY ACT 1948

- (1A) Except in the Channel Islands and the Isle of Man, subsection (1) above shall not apply to the functions of the Secretary of State as regards registration under section 5A(1) of this Act; and in its application to any of those islands that section shall have effect as if a reference to that island were substituted in section 5A(5) for the first reference to the United Kingdom.

Status: This is the original version (as it was originally enacted).

- (1B) Subject to subsection (1A) above, section 5A of this Act shall in its application to any colony or protectorate, have effect as if for the references in subsection (3) and in subsection (4)(c) to the United Kingdom there were substituted references to that colony or protectorate, and as if for the reference to the English or Welsh language in subsection (2)(d) there were substituted a reference to the English language or any other language in current use in that colony or protectorate.

APPENDIX C TO SCHEDULE 1

PROVISIONS TO HAVE EFFECT AS SECTION 9 OF BRITISH NATIONALITY ACT 1948

- 9 (1) A person registered under any of the three last foregoing sections or under section 5A of this Act shall, on taking an oath of allegiance in accordance with subsection (2) below if so required by that subsection, be a citizen of the United Kingdom and Colonies by registration as from the date on which he is registered.
- (2) A person of full age and capacity shall on registration as mentioned in subsection (1) above, if not already a citizen of a country of which Her Majesty is Queen nor a British subject by virtue of section 1 of the British Nationality Act 1965, take an oath of allegiance in the form specified in the First Schedule to this Act.