



British Nationality (Hong Kong) Act 1997

1997 CHAPTER 20

An Act to provide for the acquisition of British citizenship by certain British nationals in Hong Kong. [19th March 1997]

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) Subject to the provisions of this section, the Secretary of State shall, on an application made for the purpose, register as a British citizen any person who—

Acquisition of British citizenship.

- (a) is ordinarily resident in Hong Kong at the time of the application; and
- (b) satisfies the requirements of subsection (2) or (3) below.

(2) The requirements of this subsection are that, immediately before 4th February 1997 (“the relevant date”), the person—

- (a) was ordinarily resident in Hong Kong;
- (b) was a British Dependent Territories citizen by virtue only of his having a connection with Hong Kong (within the meaning given by the Schedule to this Act); and
- (c) would have been a stateless person if he had not been such a citizen, or such a citizen and a British National (Overseas).

(3) The requirements of this subsection are that, immediately before the relevant date, the person—

- (a) was ordinarily resident in Hong Kong;
- (b) was a British Overseas citizen, a British subject or a British protected person; and
- (c) would have been a stateless person if he had not been such a citizen, subject or person.

(4) Subsections (2) and (3) above shall each have effect, in relation to a person who is or was born at any time on or after the relevant date, as if the reference to immediately before that date were a reference to that time.

(5) Paragraphs (b) and (c) of each of those subsections shall have effect, in relation to a person who, at any time on or after the relevant date, becomes or became—

- (a) in the case of subsection (2) above, a British Dependent Territories citizen; or
- (b) in the case of subsection (3) above, a British Overseas citizen, a British subject or a British protected person,

as if the reference to immediately before that date were a reference to that time.

(6) A person shall not be registered under subsection (1) above if, on or after the relevant date, he renounces or renounced, or otherwise gives or gave up of his own volition, the status of a national or citizen of a country or territory outside the United Kingdom.

(7) A person shall not be registered under subsection (1) above before 1st July 1997.

1981 c. 61. (8) In this section expressions which are also used in the British Nationality Act 1981 (“the principal Act”) have the same meanings as in that Act.

Supplementary.

2.—(1) A person who is registered as a British citizen under subsection (1) of section 1 above, and satisfies the requirements of subsection (2) of that section, shall be treated for the purposes of the principal Act as—

- (a) a British citizen by descent; or
- (b) a British citizen otherwise than by descent,

according as, immediately before becoming a British citizen, he was for the purposes of that Act a British Dependent Territories citizen by descent or a British Dependent Territories citizen otherwise than by descent.

(2) A person who is registered as a British citizen under subsection (1) of section 1 above, and satisfies the requirements of subsection (3) of that section, shall be treated for the purposes of the principal Act as a British citizen by descent.

(3) The following provisions of the principal Act shall have effect as if this Act were included in that Act, namely—

- section 37 (Commonwealth citizenship);
- section 40 (deprivation of citizenship);
- section 41 (regulations);
- section 42 (general provisions about registration etc.);
- section 45 (evidence);
- section 46 (offences);
- section 47 (legitimated children);
- section 48 (posthumous children);
- section 50 (interpretation);

section 51(3) (meaning of “citizen of the United Kingdom and Colonies” in other Acts and instruments).

3.—(1) This Act may be cited as the British Nationality (Hong Kong) Act 1997. Short title and extent.

(2) This Act has the same extent as the provisions of the principal Act mentioned in section 2(3) above.

Section 1(2).

SCHEDULE

PERSONS HAVING A CONNECTION WITH HONG KONG

1.—(1) A person shall be taken to have a connection with Hong Kong for the purposes of section 1(2) of this Act if—

- (a) subject to paragraph 2 below, he, his father or his mother was born, naturalised or registered in Hong Kong or found abandoned there as a new-born infant;
- (b) he, his father or his mother was adopted (whether or not in Hong Kong) and the adopter or, in the case of a joint adoption, one of the adopters was at the time of the adoption a British Dependent Territories citizen by virtue of his having a connection with Hong Kong as specified in this Schedule;
- (c) he, his father or his mother (“the registered person”) was registered outside Hong Kong on an application based (wholly or partly) on any of the following—
 - (i) residence in Hong Kong;
 - (ii) descent from a person born in Hong Kong;
 - (iii) descent from a person naturalised, registered or settled in Hong Kong (whether before or after the birth of the registered person);
 - (iv) descent from a person adopted (whether or not in Hong Kong) in the circumstances specified in sub-paragraph (b) above;
 - (v) marriage to a person who is a British Dependent Territories citizen by virtue of his having a connection with Hong Kong as specified in this Schedule or would, but for his death or renunciation of citizenship, be such a citizen by virtue of his having such a connection;
 - (vi) Crown service under the government of Hong Kong;
 - (vii) where the registered person had previously renounced citizenship of the United Kingdom and Colonies, or British Dependent Territories citizenship, birth, naturalisation or registration in Hong Kong;
- (d) at the time of his birth his father or mother was settled in Hong Kong;
- (e) his father or mother was born to a parent who at the time of the birth was a citizen of the United Kingdom and Colonies by virtue of his having a connection with Hong Kong as specified in this Schedule; or
- (f) being a woman, she was married before 1st January 1983 to a man who is a British Dependent Territories citizen by virtue of his having a connection with Hong Kong as specified in this Schedule or would, but for his death or renunciation of citizenship, be such a citizen by virtue of his having such a connection.

(2) In sub-paragraph (1) above “registered” means registered—

- (a) as a British Dependent Territories citizen, or
- (b) before 1st January 1983, as a citizen of the United Kingdom and Colonies;

and “registration” shall be construed accordingly.

2. A person born in Hong Kong on or after 1st January 1983 shall not be taken to have a connection with Hong Kong as specified in paragraph 1(1)(a) above by virtue of his birth there unless, at the time of his birth, one of his parents was—

- (a) settled in Hong Kong; or

SCH.

(b) a British Dependent Territories citizen by virtue of his having a connection with Hong Kong as specified in this Schedule.

© Crown copyright 1997

Printed in the UK by The Stationery Office Limited
under the authority and superintendence of Peter Macdonald, Controller of
Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament

Published by The Stationery Office Limited

and available from:

The Publications Centre

(Mail, telephone and fax orders only)
PO Box 276, London SW8 5DT
General enquiries 0171 873 0011
Telephone orders 0171 873 9090
Fax orders 0171 873 8200

The Stationery Office Bookshops

49 High Holborn, London WC1V 6HB
(counter service and fax orders only)
Fax 0171 831 1326

68-69 Bull Street, Birmingham B4 6AD

0121 236 9696 Fax 0121 236 9699

33 Wine Street, Bristol BS1 2BQ

01179 264306 Fax 01179 294515

9-21 Princess Street, Manchester M60 8AS

0161 834 7201 Fax 0161 833 0634

16 Arthur Street, Belfast BT1 4GD

0123 223 8451 Fax 0123 223 5401

The Stationery Office Oriel Bookshop

The Friary, Cardiff CF1 4AA

01222 395548 Fax 01222 384347

71 Lothian Road, Edinburgh EH3 9AZ

(counter service only)

In addition customers in Scotland may mail,
telephone or fax their orders to:

Scottish Publication Sales,

South Gyle Crescent, Edinburgh EH12 9EB

0131 479 3141 Fax 0131 479 3142

The Parliamentary Bookshop

12 Bridge Street, Parliament Square,

London SW1A 2JX

Telephone orders 0171 219 3890

General enquiries 0171 219 3890

Fax orders 0171 219 3866

Accredited Agents

(see Yellow Pages)

and through good booksellers

LONDON: THE STATIONERY OFFICE

ISBN 0-10-542097-2



9 780105 420972