

EXPLANATORY MEMORANDUM TO
THE BRITISH NATIONALITY ACT 1981 (AMENDMENT OF SCHEDULE 6)
ORDER 2009

2009 No. 2744

1. This explanatory memorandum has been prepared by the Foreign and Commonwealth Office and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

Schedule 6 to the British Nationality Act 1981 lists the British overseas territories for the purposes of the Act. This Order changes the entry in the list for “St Helena and Dependencies” to “St Helena, Ascension and Tristan da Cunha”, to reflect the change in the name of the territory made by the St Helena, Ascension and Tristan da Cunha Constitution Order 2009 (S.I. 2009/1751).

3. Matters of special interest to the Joint Committee on Statutory Instruments

None

4. Legislative Context

This instrument is made under section 50(13) of the British Nationality Act 1981. By virtue of the British Overseas Territories Act 2002, the definition of “British overseas territory” in the Interpretation Act 1978 is the same as that in Schedule 6 to the British Nationality Act 1981.

5. Territorial Extent and Application

Like the British Nationality Act 1981, this instrument applies to the United Kingdom, the Channel Islands and the Isle of Man and all British overseas territories.

6. European Convention on Human Rights

Baroness Kinnock, Minister of State (Europe), has made the following statement regarding Human Rights:

In my view the provisions of the British Nationality Act 1981 (Amendment of Schedule 6) Order 2009 are compatible with the Convention rights.

7. Policy background

• *What is being done and why*

This Order is being made to ensure that the new title of the British overseas territory of St Helena, Ascension and Tristan da Cunha is correctly reflected in the British Nationality Act 1981 and the Interpretation Act 1978.

- ***Consolidation***

There are currently no plans to consolidate the British Nationality Act 1981.

8. Consultation outcome

The change of name of the territory follows widespread public consultation in St Helena, Ascension and Tristan da Cunha and agreement with their elected representatives.

9. Guidance

No guidance is required.

10. Impact

No impact on business, charities or voluntary bodies or the United Kingdom public sector. An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

The legislation does not apply to small business.

12. Monitoring & review

None required.

13. Contact

Susan Dickson at the Foreign and Commonwealth Office, Tel: 020 7008 3317 or email: susan.dickson@fco.gov.uk can answer any queries regarding the instrument.