



# Solomon Islands Act 1978

## 1978 CHAPTER 15

### *Nationality law*

#### **2 Effect of independence on British nationality**

- (1) The British Nationality Acts 1948 to 1965 shall have effect, on and after Independence Day, as if in section 1(3) of the 1948 Act (Commonwealth countries having separate citizenship) there were added at the end " and Solomon Islands ".
- (2) A person who, immediately before Independence Day, is a citizen of the United Kingdom and Colonies and has (within section 3 below) a connection with the Solomon Islands protectorate shall cease to be such a citizen on becoming (on that day or later) a citizen of Solomon Islands,
- (3) A person born on or after Independence Day, but before 7th July 1980—
  - (a) who is at birth a citizen of the United Kingdom and Colonies by descent only; and
  - (b) whose father was immediately before Independence Day a citizen of the United Kingdom and Colonies and then had (within section 3) a connection with the protectorate,shall cease to be such a citizen on becoming a citizen of Solomon Islands.
- (4) A person referred to in subsection (2) or (3) above, if before 7th July 1980 he has not become a citizen of Solomon Islands—
  - (a) shall on that day cease to be a citizen of the United Kingdom and Colonies ; and
  - (b) unless he then has another nationality, shall on that day become a British protected person.

#### **3 " Connection with Solomon Islands "**

- (1) A person has a connection with the Solomon Islands protectorate if he or his father—
  - (a) was born in Solomon Islands; or

- (b) became a citizen of the United Kingdom and Colonies by virtue of a certificate of naturalisation granted, or registration effected, at a time when he was resident in Solomon Islands.
- (2) Apart from subsection (1), a woman has a connection with the protectorate if she acquired the status of citizen of the United Kingdom and Colonies (automatically or by registration) on the grounds of marriage to a man who has that connection by virtue of subsection (1), or would have done so had he lived.
- (3) But a person does not have a connection with the protectorate if he, his father or his father's father—
- (a) was born in the United Kingdom or in a relevant territory ; or
  - (b) is or was a person naturalised in the United Kingdom and Colonies by virtue of a certificate of naturalisation granted in the United Kingdom or a relevant territory; or
  - (c) was, in the United Kingdom or a relevant territory, registered as a citizen of the United Kingdom and Colonies, or was so registered by a High Commissioner exercising functions under section 8(2) or 12(7) of the 1948 Act; or
  - (d) became a British subject by reason of the annexation of any territory included in a relevant territory.
- (4) Nor does a person have that connection if his father or his father's father would, if living immediately before the commencement of the 1948 Act, have become a person naturalised in the United Kingdom and Colonies under section 32(6) of that Act (previous local naturalisation in a colony or protectorate) by virtue of having enjoyed the privileges of naturalisation in a relevant territory.
- (5) Subsection (3)(c) above does not apply to a woman by virtue of her registration as a citizen of the United Kingdom and Colonies if that registration was effected under section 6(2) of the 1948 Act (registration as citizens of United Kingdom and Colonies of women who have been married to such citizens).
- (6) In this section " relevant territory " means any territory which on Independence Day is a colony or an associated state, other than any territory which on that day is not a colony for the purposes of the 1948 Act as then in force (and accordingly does not include Solomon Islands).

#### **4 British protected persons**

- (1) A person who immediately before Independence Day is a British protected person by virtue of his connection with the Solomon Islands protectorate—
- (a) shall cease to be a British protected person on that day if he then becomes a citizen of Solomon Islands or is then a citizen of the United Kingdom and Colonies; but
  - (b) otherwise, shall continue on and after that day to be a British protected person, subject to subsection (3) below.
- (2) A person born on or after Independence Day and before 7th July 1980 shall become a British protected person if—
- (a) he does not at birth acquire another nationality or become a citizen of the United Kingdom and Colonies ; and
  - (b) his father was born in Solomon Islands and is, at the date of the birth, a British protected person by virtue of subsection (1).

- (3) A person who continues to be a British protected person under subsection (1), or becomes one under subsection (2), shall cease to be a British protected person—
  - (a) on becoming at any time a citizen of Solomon Islands or of the United Kingdom and Colonies ;
  - (b) on 7th July 1980, if he then has another nationality; or
  - (c) after that day, on acquiring another nationality.
- (4) A person who becomes a British protected person on 7th July 1980 by virtue of section 2(4) of this Act shall cease to be a British protected person if, on or after that day, he becomes a citizen of Solomon Islands or of the United Kingdom and Colonies, or acquires another nationality.
- (5) In section 32(1) of the 1948 Act, at the end of the definition of " British protected person " there shall be added " or is a British protected person by virtue of the Solomon Islands Act 1978 ".

## **5 Married women**

- (1) A woman who is a citizen of the United Kingdom and Colonies, and is the wife of such a citizen, shall not herself cease to be such a citizen under section 2 unless her husband does so.
- (2) A woman who is a British protected person, and is the wife of such a person, shall not herself cease to be a British protected person under section 4 unless her husband does so.
- (3) As from Independence Day, section 6(2) of the 1948 Act shall not apply to a woman by virtue of her marriage (whether before or after that day) to a person who immediately before that day had, within section 3 of this Act, a connection with the Solomon Islands protectorate, or would have done so had he lived.

## **6 Construction of nationality provisions**

- (1) References in this Act to a person having or acquiring another nationality are to his being or (as the case may be) becoming a citizen of any country specified in section 1(3) of the 1948 Act (except Solomon Islands), or of a foreign country or of the Republic of Ireland.
- (2) Part III of the 1948 Act (supplementary provisions) as in force from time to time, except section 23 (legitimated children), shall have effect for the purposes of sections 2 to 6 of this Act as if those sections were included in that Act.
- (3) A person born out of wedlock and legitimated (within the meaning of section 23(2) of the 1948 Act) by the subsequent marriage of his parents shall be treated as if he had been born legitimate for any purpose of determining his status, or any change in his status, under this Act.
- (4) In accordance with section 3(3) of the West Indies Act 1967, it is hereby declared that sections 2 to 6 of this Act extend to all associated states.