



# British Nationality (Hong Kong) Act 1990

## 1990 CHAPTER 34

### **1 Acquisition of British citizenship**

- (1) Subject to the provisions of this section, the Secretary of State shall register as British citizens up to 50,000 persons recommended to him for that purpose by the Governor of Hong Kong under a scheme or schemes made and approved in accordance with Schedule 1 to this Act.
- (2) No person shall be registered under subsection (1) above after 30th June 1997.
- (3) The Secretary of State may direct the Governor to make not more than a specified proportion of his recommendations in a period or periods specified in the direction; and any such direction may make different provision in relation to recommendations in respect of persons of different classes or descriptions.
- (4) Schedule 2 to this Act shall have effect for enabling the spouse and minor children of a person registered under subsection (1) above to acquire British citizenship by registration; and no spouse or minor child to whom Schedule 2 to this Act applies shall be registered under subsection (1) above.
- (5) Neither the Secretary of State nor the Governor shall be required to give any reason for any decision made by him in the exercise of a discretion vested in him by or under this Act and no such decision shall be subject to appeal or liable to be questioned in any court.

### **2 Consequential nationality provisions**

- (1) A person who is registered as a British citizen by virtue of section 1(1) above shall be treated for the purposes of the British Nationality Act 1981 (in this Act referred to as “the principal Act”) as a British citizen otherwise than by descent; and a person who is registered as a British citizen by virtue of Schedule 2 to this Act shall be treated for the purposes of that Act as a British citizen by descent.
- (2) A British Dependent Territories citizen shall cease to be such a citizen if he becomes, or has before the coming into force of this subsection become, a British citizen by virtue of this Act.

- (3) The following provisions of the principal Act shall have effect as if this Act were included in that Act—
- section 37 (Commonwealth citizenship)
  - section 40 (deprivation of citizenship)
  - section 41 (regulations) other than subsection (2)
  - section 42 (general provisions about registration etc.)
  - section 44(1) (discretions to be exercised without regard to race, colour or religion)
  - section 45 (evidence)
  - section 46 (offences)
  - section 47 (legitimated children)
  - section 48 (posthumous children)
  - section 50 (interpretation).

### **3 Procedure**

- (1) The Governor of Hong Kong may by regulations make provision—
- (a) with respect to the manner in which applications are to be made to him under any scheme made for the purposes of section 1(1) above or under Schedule 2 to this Act and generally with respect to the procedure to be followed in Hong Kong in connection with any such scheme or that Schedule; and
  - (b) for the payment, at such times as may be specified, of fees in respect of such applications and in respect of the registration of any person by virtue of this Act.
- (2) Regulations under subsection (1) above may make different provision for different cases.
- (3) The Governor—
- (a) shall appoint a committee to advise him on such matters arising under any scheme made for the purposes of section 1(1) above or under Schedule 2 to this Act as he may determine; and
  - (b) may authorise such public officers in Hong Kong as he may determine to exercise on his behalf such functions in respect of applications under any such scheme or that Schedule as he may direct,
- but no recommendation shall be made under this Act except by the Governor.
- (4) Section 1(5) above shall apply to a decision made by a public officer by virtue of subsection (3)(b) above as it applies to a decision made by the Governor.

### **4 Governor's annual report**

The Governor of Hong Kong shall submit to the Secretary of State an annual report on the discharge by the Governor of his functions under this Act.

### **5 Expenses and receipts**

- (1) There shall be paid out of money provided by Parliament any administrative expenses incurred by the Secretary of State under this Act.

- (2) The Governor of Hong Kong shall pay to the Secretary of State such sums as the Secretary of State may determine in respect of the expenses mentioned in subsection (1) above and any such sums shall be paid into the Consolidated Fund.

## **6 Short title, savings, commencement and extent**

- (1) This Act may be cited as the British Nationality (Hong Kong) Act 1990.
- (2) A person shall not under this Act be recommended for registration as a British citizen by the Governor of Hong Kong or registered as such a citizen by the Secretary of State if the Governor or, as the case may be, the Secretary of State has reason to believe that he is not of good character.
- (3) Nothing in this Act shall entitle a person to be registered as a British citizen pursuant to a recommendation made for the purposes of section 1(1) above if the Secretary of State has reason to believe that he has ceased to satisfy the requirements of paragraph 4 of Schedule 1 to this Act after the recommendation was made.
- (4) This Act shall come into force on such day as the Secretary of State may appoint by an order made by statutory instrument and different days may be appointed for different provisions or different purposes.
- (5) This Act has the same extent as the provisions of the principal Act mentioned in section 2(3) above.