

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the British Nationality (Hong Kong) Act 1990. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 1(1).

SELECTION SCHEMES

- 1 Effect shall be given to any scheme for the purposes of section 1(1) of this Act by an Order in Council setting out the terms of the scheme; and no such Order shall be made unless a draft of it has been laid before and approved by a resolution of each House of Parliament.
- 2 The scheme set out in an Order in Council under this Schedule shall—
- (a) in the case of the first Order to be made under this Schedule, be a scheme submitted to the Secretary of State by the Governor of Hong Kong with such modifications (if any) as the Secretary of State may think necessary or expedient; and
 - (b) in the case of any subsequent Order, be a scheme which amends, supplements or replaces a previous scheme and is either such a scheme as is mentioned in paragraph (a) above or a scheme made by the Secretary of State after consulting the Governor.
- 3 A scheme under this Schedule shall make provision for the selection by the Governor of persons to be recommended by him under section 1(1) of this Act.
- 4 (1) Any such scheme shall apply to persons who are settled in Hong Kong and who—
- (a) are British Dependent Territories citizens by virtue of a connection with Hong Kong or have before the passing of this Act applied for registration or naturalisation as such citizens by virtue of such a connection and whose applications would have been successful in the absence of registration under this Act; or
 - (b) are British Nationals (Overseas), British Overseas citizens, British subjects by virtue of Part IV of the principal Act or British protected persons.
- (2) Directions under section 1(3) of this Act may include provisions specifying for the purposes of sub-paragraph (1)(a) above a date or dates later than the passing of this Act.
- (3) References in this paragraph to a connection with Hong Kong shall be construed in accordance with Article 2 of the ^{M1}Hong Kong (British Nationality) Order 1986.

Marginal Citations

M1 S.I. 1986/948

- 5 (1) Without prejudice to the provisions that may be made in a scheme by virtue of paragraph 3 above, a scheme may in particular—
- (a) prescribe different criteria or quotas for persons of different classes or descriptions;

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- (b) specify different methods of selection as between persons of different classes or descriptions;
 - (c) authorise the Governor to decide at his discretion between persons equally qualified under the scheme; and
 - (d) make provision for incidental and supplementary matters.
- (2) A scheme may also in particular include provisions authorising the Governor to make a recommendation in respect of any person who, having regard to such matters as are specified in the scheme, he considers should be recommended in view of his special contribution to the economy of Hong Kong.

SCHEDULE 2

Section 1(4).

REGISTRATION OF SPOUSES AND MINOR CHILDREN

- 1 The Secretary of State shall register as a British citizen—
- (a) the spouse of a person registered under section 1(1) of this Act; and
 - (b) any minor child of any such person,
- if the spouse or child is recommended to the Secretary of State for that purpose by the Governor of Hong Kong.
- 2 No such recommendation shall be made by the Governor except in pursuance of an application made to him by or on behalf of the spouse or child in question before such date, if any, as he may specify.
- 3 This Schedule applies to a spouse whether the marriage took place before or after the registration of the person mentioned in paragraph 1(a) above except that if it took place after that registration this Schedule applies only if that person was at the time of the marriage settled in Hong Kong.
- 4 (1) References in this Schedule to a minor child of a person registered under section 1(1) of this Act are to a person who is his child on the date of registration and is a minor on the date of the application under paragraph 2 above.
- (2) Subject to sub-paragraph (1) above, references in this Schedule to a child include—
- (a) an adopted child if the order authorising the adoption was made by a court in Hong Kong; and
 - (b) where the person mentioned in that sub-paragraph is a woman, an illegitimate child of that person.
- 5 For the purposes of this Schedule it is immaterial whether the spouse or child in question is settled in Hong Kong or has any citizenship or nationality otherwise than under the principal Act.

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