

1983 No. 882

SAINT CHRISTOPHER AND NEVIS

The Saint Christopher and Nevis Modification of Enactments
Order 1983

<i>Made</i>	- - - -	22nd June 1983
<i>Laid before Parliament</i>		30th June 1983
<i>Coming into Operation</i>		19th September 1983

At the Court at Buckingham Palace, the 22nd day of June 1983

Present,

The Queen's Most Excellent Majesty in Council

Whereas the status of association of Saint Christopher and Nevis with the United Kingdom is terminated as from the date on which this Order comes into operation and it is necessary or expedient in consequence of that event to amend or modify certain enactments as hereinafter provided:

Now, therefore, Her Majesty, by virtue and in exercise of the powers vested in Her in that behalf by sections 13(2) and (3) and section 14 of the West Indies Act 1967 (a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Citation and commencement

1.—(1) This Order may be cited as the Saint Christopher and Nevis Modification of Enactments Order 1983.

(2) This Order shall come into operation on 19th September 1983 (hereinafter called "the appointed day").

Consequential Modifications of British Nationality Act

2.—(1) On and after the appointed day the British Nationality Act 1981(b) (hereinafter called "the 1981 Act") shall have effect as if—

(a) in Schedule 3 to that Act (countries whose citizens are Commonwealth citizens), under the words "Papua New Guinea" there were inserted the words "Saint Christopher and Nevis"; and

(b) in Schedule 6 to that Act (British Dependent Territories), the words "St Christopher and Nevis" were omitted.

(2) Except as provided by article 3 of this Order, any person who immediately before the appointed day is a British Dependent Territories citizen shall on that day cease to be such a citizen if he becomes on that day a citizen of Saint Christopher and Nevis.

(3) On and after the appointed day, Part II of the 1981 Act (British Dependent Territories citizenship) and Schedule 2 to that Act (provisions for reducing statelessness) shall not apply to any person who, but for this provision, would have been entitled to be registered as a British Dependent Territories citizen under those provisions by virtue of his connection with a person who on the appointed day ceases to be such a citizen under paragraph (2) of this article, or who would have done so if living on the appointed day.

Retention of British Dependent Territories citizenship

3.—(1) Subject to paragraph (3) of this article, a person shall not cease to be a British Dependent Territories citizen under article 2(2) of this Order if—

- (a) he or one of his parents or grandparents—
 - (i) was born in a relevant territory; or
 - (ii) is or was a person naturalised in a relevant territory; or
 - (iii) was registered in a relevant territory as a citizen of the United Kingdom and Colonies, in the case of registration before commencement of the 1981 Act, or as a British Dependent Territories citizen, in the case of registration after commencement of the 1981 Act; or
- (b) his father or his father's father would, if living immediately before the commencement of the British Nationality Act 1948(a) (hereinafter called "the 1948 Act"), have been deemed naturalised 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; or
- (c) he is a person in respect of whom the following requirements are satisfied, namely—
 - (i) he was adopted on or after 1st January 1983 by order of a court in a relevant territory; and
 - (ii) his adopter or, in the case of a joint adoption, one of his adopters, was a British Dependent Territories citizen at the date of that order and does not cease to be such a citizen under article 2(2) of this Order.

(2) In paragraph (1) of this article "relevant territory" means any territory which on the appointed day is a dependent territory for the purposes of the 1981 Act (and accordingly does not include Saint Christopher and Nevis).

(3) Paragraph (1) of this article shall not apply—

- (a) in the case of registration before commencement of the 1981 Act, to a woman who was registered as a citizen of the United Kingdom and

(a) 1948 c. 56.

Colonies under section 6(2) of the 1948 Act (registration as citizens of the United Kingdom and Colonies of women who have been married to such citizens); and

(b) in the case of registration after commencement of the 1981 Act, to any person who was registered as a British Dependent Territories citizen under the 1981 Act by virtue of his connection with a person who on the appointed day ceases to be such a citizen under article 2(2) of this Order.

(4) A woman who is a British Dependent Territories citizen, and who was at any time before commencement of the 1981 Act the wife of a citizen of the United Kingdom and Colonies who, on commencement of the 1981 Act, became, or would but for his death have become, a British Dependent Territories citizen, shall not herself cease to be a British Dependent Territories citizen under article 2(2) of this Order unless that person does so or would have done so but for his death.

(5) Part V of the 1981 Act (miscellaneous and supplementary provisions) as in force from time to time, except section 47 (legitimated children), shall have effect for the purposes of this article as if this article were included in that Act.

(6) A person born out of wedlock and legitimated (within the meaning of section 47(2) of the 1981 Act) by the subsequent marriage of his parents shall be treated for the purpose of determining whether he has by virtue of this Order ceased to be a British Dependent Territories citizen as if he had been born legitimate.

Transitional Provisions

4.—(1) This article applies to any person who, but for article 2(2) of this Order, would have been entitled on the appointed day to be registered as a British citizen under section 4(2) of the 1981 Act (acquisition of British citizenship by registration).

(2) A person to whom this article applies shall be entitled, on an application for his registration as a British citizen made within one year of the appointed day, to be registered as such a citizen.

Consequential modifications of other enactments

5.—(1) On and after the appointed day the provisions specified in the Schedule to this Order shall have effect subject to the amendments specified respectively in that Schedule.

(2) Paragraph (1) of this article and the Schedule to this Order shall not extend to Saint Christopher and Nevis as part of its law.

N. E. Leigh,
Clerk of the Privy Council.

SCHEDULE

AMENDMENTS NOT AFFECTING THE LAW OF SAINT CHRISTOPHER AND NEVIS

The Services

1. In the definitions—

- (a) of “Commonwealth force” in section 225(1) of the Army Act 1955(a) and section 223(1) of the Air Force Act 1955(b), and
- (b) of “Commonwealth country” in section 135(1) of the Naval Discipline Act 1957(c),

at the end there shall be added the words “or Saint Christopher and Nevis”.

Visiting Forces

2. In the Visiting Forces (British Commonwealth) Act 1933(d), section 4 (attachment and mutual powers of command) shall apply in relation to forces raised in Saint Christopher and Nevis as it applies to forces raised in Dominions within the meaning of the Statute of Westminster 1931(e).

3. In the Visiting Forces Act 1952(f), in section 1(1)(a) (countries to which the Act applies) at the end there shall be added the words “Saint Christopher and Nevis”.

4. Until express provision with respect to Saint Christopher and Nevis is made by an Order in Council under section 8 of that Act (application to visiting forces of law relating to home forces), any such Order for the time being in force shall be deemed to apply to visiting forces of Saint Christopher and Nevis.

Ships

5. In section 427(2) of the Merchant Shipping Act 1894(g), as set out in section 2 of the Merchant Shipping (Safety Convention) Act 1949(h), before the words “or in any” there shall be inserted the words “or Saint Christopher and Nevis”.

6. In the Whaling Industry (Regulation) Act 1934(i), the expression “British ship to which this Act applies” shall not include a British ship registered in Saint Christopher and Nevis.

Commonwealth Institute

7. In section 8(2) of the Imperial Institute Act 1925(j), as amended by the Commonwealth Institute Act 1958(k) (power to vary the provisions of the said Act of 1925 if an agreement for the purpose is made with the governments of certain territories which for the time being are contributing towards the expenses of the Commonwealth Institute), at the end there shall be added the words “and Saint Christopher and Nevis”.

(a) 1955 c. 18.	(b) 1955 c. 19.	(c) 1957 c. 53.	(d) 1933 c. 6.
(e) 1931 c. 4.	(f) 1952 c. 67.	(g) 1894 c. 60.	(h) 1949 c. 43.
(i) 1934 c. 49.	(j) 1925 c. xvii.	(k) 1958 c. 16.	

Colonial Stock

8. Section 20 of the Colonial Stock Act 1877(a) (which relates to the jurisdiction of courts in the United Kingdom as to colonial stock) shall, in its application to stock of Saint Christopher and Nevis have effect as if for the second paragraph there were substituted—

“(2) Any person claiming to be interested in colonial stock to which this Act applies, or in any dividend thereon, may institute civil proceedings in the United Kingdom against the registrar in relation to that stock or dividend.

(3) Notwithstanding anything in the foregoing provisions of this section, the registrar shall not by virtue of an order made by any court in the United Kingdom in any such proceedings as are referred to in this section be liable to make any payment otherwise than out of moneys in his possession in the United Kingdom as registrar.”

Appeals to Privy Council

9. The West Indies Associated States (Appeals to Privy Council) Order 1967(b) shall, in its application to Saint Christopher and Nevis, have effect as if references in the Order to the Courts Order included references to any law in force in Saint Christopher and Nevis amending the Courts Order; and the Order, as so amended, may be cited in relation to Saint Christopher and Nevis as the Saint Christopher and Nevis Appeals to Privy Council Order.

Medical Profession

10. The words “the Associated State of” in Article 2 of the Medical Practitioners (Saint Christopher and Nevis) Order 1969(c) shall be deleted.

EXPLANATORY NOTE

(This Note is not part of the Order.)

The status of association of Saint Christopher and Nevis with the United Kingdom terminates with effect from 19th September 1983. This Order effects amendments and modifications to certain enactments that appear to Her Majesty to be necessary or expedient in consequence of that event.

(a) 1877 c. 59. (b) S.I. 1967/224.
(c) S.I. 1969/1079, as amended by S.I. 1981/603.

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