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STATUTORY INSTRUMENTS

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**1986 No. 948**

**The Hong Kong (British Nationality) Order 1986**

**British Nationality Acts**

7.—(1) The British Nationality Act 1981 (“the 1981 Act”) and the British Nationality (Falkland Islands) Act 1983 (“the 1983 Act”) shall have effect subject to the following provisions of this Article.

(2) Section 4(1) of the 1981 Act (acquisition by registration: British Dependent Territories citizens, etc.) shall have effect as if after the words “British Dependent Territories citizen,” there were inserted the words “a British National (Overseas),”.

(3) Section 37 of the 1981 Act (Commonwealth citizenship) shall have effect as if in subsection (1)(a)—

- (a) the reference to the 1981 Act included a reference to this Order;
- (b) after the words “British Dependent Territories citizen,” there were inserted the words “a British National (Overseas),”.

(4) Section 41 of the 1981 Act (regulations and Orders in Council) shall have effect as if—

- (a) any reference in it to the 1981 Act included a reference to this Order;
- (b) in subsection (1)(f) after the word “citizenship” there were inserted the words “or of the status of a British National (Overseas)”;
- (c) in subsection (1)(i) after the words “British Dependent Territories citizens,” there were inserted the words “British Nationals (Overseas),”;
- (d) in subsection (2)—
  - (i) at the end of paragraph (a) there were inserted the words “other than an application for the purpose of acquiring the status of a British National (Overseas)”;
  - (ii) at the end of paragraph (b) there were inserted the words “other than registration as a British National (Overseas)”.

(5) Section 42 of the 1981 Act (registration and naturalisation: general provisions) shall have effect as if—

- (a) in subsection (2)(b) after the words “British Dependent Territories citizen,” there were inserted the words “a British National (Overseas),”;
- (b) in subsection (4)—
  - (i) the reference to the 1981 Act included a reference to this Order;
  - (ii) after the words “British Dependent Territories citizen” there were inserted the words “, or as a British National (Overseas),”;
  - (iii) after the words “as the case may be,” there were inserted the words “a British National (Overseas) or”.

(6) Section 43 of the 1981 Act (exercise of functions of Secretary of State by Governors and others) shall have effect as if—

- (a) any reference in it to the 1981 Act included a reference to this Order;

- (b) in subsection (1)(b) at the end there were inserted the words “and in cases concerning British Nationals (Overseas) or the status of a British National (Overseas)”;
  - (c) in subsection (2) at the end there were inserted the following paragraph:—
    - “(c) renunciation and deprivation of the status of a British National (Overseas).”.
- (7) The following provisions of the 1981 Act shall have effect as if any reference in them to the 1981 Act included a reference to this Order, namely—
- (a) section 45 (evidence);
  - (b) section 46(1) (offences);
  - (c) sections 47 and 48 (legitimated and posthumous children).
- (8) Section 50 of the 1981 Act (interpretation) shall have effect as if in paragraph (1) after the definition of “association” there were inserted the following definitions:—
- “British National (Overseas)” means a person who is a British National (Overseas) under the Hong Kong (British Nationality) Order 1986, and “status of a British National (Overseas)” shall be construed accordingly;
- “British Overseas citizen” includes a person who is a British Overseas citizen under the Hong Kong (British Nationality) Order 1986.
- (9) Section 51 of the 1981 Act (meaning of certain expressions relating to nationality in other Acts and instruments) shall have effect as if in subsection (3)—
- (a) at the end of paragraph (a)(ii) there were inserted the words “or who under the Hong Kong (British Nationality) Order 1986 is a British National (Overseas)”;
  - (b) in paragraph (b) after the words “British Dependent Territories citizen” there were inserted the words “nor a British National (Overseas)”.
- (10) The provisions of section 12 of the 1981 Act (renunciation) shall apply in relation to British Nationals (Overseas) and the status of a British National (Overseas) as they apply in relation to British citizens and British citizenship.
- (11) The provisions of section 40 of the 1981 Act (deprivation of citizenship) shall apply in relation to persons registered as British Nationals (Overseas) under this Order and the status of a British National (Overseas) as they apply in relation to persons registered as British citizens under the 1981 Act and British citizenship.
- (12) Section 2 of the 1983 Act (acquisition of British citizenship by registration) shall have effect as if—
- (a) in subsection (1)(a) at the end there were inserted the words “or who, having become such a citizen by virtue of that section, is a British National (Overseas)”;
  - (b) in subsection (2)(a) at the end there were inserted the words “or who, having become such a citizen by virtue of registration or naturalisation under the 1981 Act, is a British National (Overseas)”.