



CHAPTER 10

An Act to amend the British Nationality Act, 1948, by making provision in relation to the Federation of Rhodesia and Nyasaland and to Ghana, by extending the provisions for registering persons as citizens of the United Kingdom and Colonies, by extending and providing for the discharge of the functions in Commonwealth countries of High Commissioners for Her Majesty's Government in the United Kingdom, and for purposes connected therewith.

[20th February, 1958]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

- 1.—(1) Subject to the following provisions of this section—
- (a) the Federation of Rhodesia and Nyasaland shall be substituted for Southern Rhodesia in subsection (3) of section one of the principal Act (which lists Commonwealth countries with separate citizenship from that of the United Kingdom and Colonies);
- (b) the protectorates of Northern Rhodesia and Nyasaland shall be excepted from the operation of any reference in the principal Act to a protectorate.

(2) Paragraph (a) of subsection (1) of this section shall not extend the meaning of the term "colony" in the principal Act to include Southern Rhodesia.

(3) Paragraph (b) of subsection (1) of this section shall not affect the meaning of the term "British protected person" or "Crown service under Her Majesty's government in the United Kingdom" in the principal Act, or affect the operation of subsection (1) of section thirty of the principal Act (which enables Orders in Council to be made as respects protectorates and protected states and on which the meaning of the term "protectorate" partly depends); nor shall that paragraph be taken as applying to references to a protectorate in any enactment or document in which the meaning of the term depends on its meaning in the principal Act.

(4) Nothing in this section shall affect any provision of the principal Act in so far as it operates with reference to a state of affairs existing before the coming into operation of this section.

(5) This section shall come into operation on such date as the Secretary of State may appoint by order made by statutory instrument at the request of the government of the Federation of Rhodesia and Nyasaland.

Certain
citizens of
Ghana to
cease to be
citizens of the
United
Kingdom
and Colonies.

2.—(1) Subject to the provisions of this section, any person who is a citizen of the United Kingdom and Colonies immediately before the date on which this section comes into operation shall on that date cease to be a citizen of the United Kingdom and Colonies if—

(a) he is then a citizen of Ghana; and

(b) he, his father or his father's father was born in Ghana.

(2) Subject to subsection (7) of this section, a person shall not cease to be a citizen of the United Kingdom and Colonies under this section if he, his father or his father's father—

(a) was born in the United Kingdom or in a colony; or

(b) is or was a person naturalised in the United Kingdom and Colonies; or

(c) was registered as a citizen of the United Kingdom and Colonies; or

(d) became a British subject by reason of the annexation of any territory included in a colony.

(3) A person shall not cease to be a citizen of the United Kingdom and Colonies under this section if he was born in a protectorate, protected state or United Kingdom trust territory, or if his father or his father's father was so born and is or at any time was a British subject.

(4) A woman who is the wife of a citizen of the United Kingdom and Colonies shall not cease to be a citizen of the United Kingdom and Colonies under this section unless her husband does so.

(5) Subsection (2) of section six of the principal Act (which provides for the registration as a citizen of the United Kingdom and Colonies of a woman who has been married to such a citizen) shall not apply to a woman by virtue of her marriage to a person who ceases to be a citizen of the United Kingdom and Colonies under this section, or who would have done so if living on the date on which this section comes into operation.

(6) Subject to subsection (7) of this section, the reference in paragraph (b) of subsection (2) of it to a person naturalised in the United Kingdom and Colonies shall include a person who would, if living immediately before the commencement of the principal Act, have become a person naturalised in the United Kingdom and Colonies by virtue of subsection (6) of section thirty-two of that Act (which relates to persons given local naturalisation before that commencement in a colony or protectorate).

(7) Any reference in this section to any country, or to countries or territories of any description, shall (subject to subsection (8) of this section) be construed as referring to that country or description as it exists at the date of the coming into operation of this section; and subsection (2) shall not apply to a person by virtue of any certificate of naturalisation granted or registration effected by the governor or government of a country or territory outside the United Kingdom which is not at that date a colony, protectorate, protected state or United Kingdom trust territory.

(8) The protectorates of Northern Rhodesia and Nyasaland shall be excepted from the operation of any reference in this section to a protectorate.

3.—(1) Subsection (6) of section twelve of the principal Act (which made temporary provision for the registration as citizens of the United Kingdom and Colonies of certain persons who would have been citizens thereof but for their citizenship or potential citizenship of a country mentioned in subsection (3) of section one of that Act) shall be amended as follows:—

Extension of powers to register persons as citizens of United Kingdom and Colonies.

- (a) the words “ before the first day of January, nineteen hundred and fifty ” (which limited the time within which applications for registration must be made) shall be omitted, but except as provided by paragraph (c) below no person shall be registered under the subsection on an application made after the end of the year nineteen hundred and sixty-two;
- (b) an applicant (and any of his minor children) may be registered under the subsection if, as an alternative to

satisfying the Secretary of State of the facts specified in paragraph (a) of the subsection as to his descent, he satisfies the Secretary of State either—

(i) that he was born, or is descended in the male line from a person born, within the territory comprised at the coming into operation of this section in the Republic of Ireland; or

(ii) that he became, or is descended in the male line from a person who became, a British subject by virtue of a certificate of naturalisation granted under section eight of the British Nationality and Status of Aliens Act, 1914, by the government of a country mentioned in subsection (3) of section one of the principal Act, as originally enacted; or

(iii) that having been at the date of the commencement of the principal Act a citizen of such a country, or having (whether before or after the coming into operation of this section) been made one by the coming into operation of any law of such a country, he has lost that citizenship otherwise than by his own act done for the purpose, and has thereby ceased to be a British subject;

(c) an applicant (and any of his minor children) may, if he satisfies the Secretary of State of the facts mentioned in sub-paragraph (iii) of paragraph (b) above, be registered under the subsection on an application made at any time and without showing (as required by paragraph (b) of that subsection) that he intends to make his ordinary place of residence within the United Kingdom and Colonies, and as regards registration by virtue of the said sub-paragraph (iii) references to the Secretary of State (including those in this subsection) shall include references to the governor of a colony, of a protectorate (except Northern Rhodesia or Nyasaland) or of a United Kingdom trust territory.

(2) A person may be registered as a citizen of the United Kingdom and Colonies under subsection (1) of section six of the principal Act (which makes permanent provision for so registering a British subject or citizen of the Republic of Ireland ordinarily resident in the United Kingdom or in Crown service under Her Majesty's government in the United Kingdom), if—

(a) he is serving either—

(i) under an international organisation of which Her Majesty's government in the United Kingdom is a member; or

4 & 5 Geo. 5.
c. 17.

- (ii) in the employment of a society, company or body of persons established in the United Kingdom; and
- (b) he would be entitled to be so registered if the period during which he has been in that service had been a period of ordinary residence in the United Kingdom; and
- (c) it seems to the Secretary of State fitting that he should be so registered by reason of his close connection with the United Kingdom and Colonies.

In relation to registration in a colony, protectorate or United Kingdom trust territory under subsection (1) of the said section six as applied by subsection (1) of section eight of the principal Act, this subsection shall have effect with the substitution of references to that colony, protectorate or territory for the references to the United Kingdom in sub-paragraph (ii) of paragraph (a) and in paragraph (b), and of a reference to the governor for the reference to the Secretary of State.

(3) This section shall come into operation at the end of two months beginning with the date of the passing of this Act.

4.—(1) The power of the Secretary of State to make regulations ^{Functions of High Commissioner in countries mentioned in s. 1 (3) of principal Act.} under paragraph (f) of subsection (1) of section twenty-nine of the principal Act (which enables provision to be made for consular or other officers to register births and deaths in a protected state or foreign country) shall include power to make provision for the births and deaths of persons of any class or description born or dying in a country mentioned in subsection (3) of section one of the principal Act to be registered there by the High Commissioner for Her Majesty's government in the United Kingdom or by members of his official staff.

(2) The power of Her Majesty under subsection (2) of the said section twenty-nine to provide for the application of certain enactments to births and deaths registered by a High Commissioner or members of his official staff in accordance with regulations made by virtue of subsection (1) of this section shall extend also to births and deaths registered by a High Commissioner or members of his official staff in accordance with instructions of the Secretary of State.

(3) In the principal Act and in this section, "High Commissioner" shall include acting High Commissioner.

5.—(1) This Act may be cited as the British Nationality Act, Supplemental, 1958, and this Act and the principal Act may be cited together as the British Nationality Acts, 1948 and 1958.

11 & 12 Geo. 6. c. 56. (2) In this Act "the principal Act" means the British Nationality Act, 1948, and Part III of that Act (which contains supplemental provisions) shall have effect as if any reference in it to that Act, except one referring to the date of the commencement of that Act, included a reference to this Act.

(3) For the purposes of the principal Act references to an international organisation of which Her Majesty's government in the United Kingdom is a member (including the reference in subsection (2) of section three of this Act) shall have effect, and be deemed always to have had effect, as references to international organisations of which the United Kingdom or Her Majesty's government therein is a member, and any reference to an international organisation of which the government of any part of Her Majesty's dominions is a member shall be similarly construed.

Printed by Swift (Printing & Duplicating), Ltd., for
PERCY FAULKNER, C.B.

Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament
LONDON : PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

PRINTED IN ENGLAND