

SCHEDULES

SCHEDULE 7

Section 52(6).

CONSEQUENTIAL AMENDMENTS

ACT OF SETTLEMENT (12 & 13 Will. 3. c. 2.)

In section 3, the words from “That after the said limitation shall take effect” to “in trust for him” (which impose certain disqualifications) shall not apply to Commonwealth citizens or citizens of the Republic of Ireland.

LEGITIMACY DECLARATION ACT 1858 (c. 93)

In section 9 (declaration that person is a subject of Her Majesty in Scottish action of declarator), for “subject of Her Majesty ” substitute “Commonwealth citizen”.

SUBMARINE TELEGRAPH ACT 1885 (c.49)

In section 3(5) (offence for a subject of Her Majesty to abet breaking or injuring of submarine cable outside dominions), for “a subject of Her Majesty ” substitute “a Commonwealth citizen”.

BRITISH NATIONALITY ACT 1948 (c.56)

In section 3 (limitation of criminal liability of citizens of certain countries), after subsection (3) insert—

“(4) In this section “foreign country” and “British protected person” have the same meaning as in the British Nationality Act 1981.”

IRELAND ACT 1949 (c.41)

1. In section 3(1)(a) (certain provisions not affected by fact that Republic of Ireland is not part of Her Majesty's dominions), for sub-paragraph (i) (which lists the British Nationality Act 1948) substitute—

“(i) section 3 of the British Nationality Act 1948 ;”

2. For section 7(2) (interpretation of references to protectorates etc. by reference to 1948 Act) substitute—

“(2) In this Act “the United Kingdom” includes the Channel Islands and the Isle of Man.”

DEFAMATION ACT 1952 (c.66)

In Part III of the Schedule (interpretation), in paragraph 14, for “subsection (3) of section one of that Act” substitute “Schedule 3 to the British Nationality Act 1981”.

Status: This is the original version (as it was originally enacted).

DEFAMATION ACT (NORTHERN IRELAND) 1955 (all) (N.I.)

In Part III of the Schedule (interpretation), in paragraph 14, for “subsection (3) of section one of that Act” substitute “Schedule 3 to the British Nationality Act 1981”.

CYPRUS ACT 1960 (c.52)

In section 6(1) (power to remove Republic of Cyprus from section 1(3) of 1948 Act), for the words from “specified” onwards substitute “mentioned in Schedule 3 to the British Nationality Act 1981, Her Majesty may by Order in Council remove the Republic of Cyprus from that Schedule.”.

EMERGENCY LAWS (RE-ENACTMENTS AND REPEALS) ACT 1964 (c.60)

In section 9 (territorial extent of Part I), in subsection (2)—

- (a) in the definition of “British protected person”, for “the British Nationality Acts 1948 to 1964” substitute “the British Nationality Act 1981”; and
- (b) in the definition of “excepted ship or aircraft”, for “section 1(3) of the British Nationality Act 1948” substitute “Schedule 3 to the British Nationality Act 1981”.

DIPLOMATIC PRIVILEGES ACT 1964 (c.81)

For section 3(2) (disregard, in connection with citizenship of children of certain persons possessing diplomatic immunity, of Orders in Council withdrawing diplomatic privileges and immunities) substitute—

“(2) An Order in Council under this section shall be disregarded for the purposes of section 50(4) of the British Nationality Act 1981 (circumstances in which certain persons entitled to exemption under section 8(3) of the Immigration Act 1971 are to be regarded for the purposes of section 1(1) of the said Act of 1981 as settled in the United Kingdom).”

COMMONWEALTH SECRETARIAT ACT 1966 (c.10)

In Part II of the Schedule (staff of the Secretariat), in paragraphs 5(1) and 7, for “section 1(3) of the British Nationality Act 1948” substitute “Schedule 3 to the British Nationality Act 1981”.

WEST INDIES ACT 1967 (c.4)

1. In section 13(3) (power to make changes in nationality or citizenship law in certain events), for “citizens of the United Kingdom and Colonies” substitute “British Dependent Territories citizens or British Overseas citizens”.
2. In Schedule 3 (modifications of British Nationality Acts)—
 - (a) for paragraph 4(3) substitute—

“(3) This paragraph applies to those functions of the Secretary of State under the British Nationality Act 1981 in the case of which he has power under section 43 of that Act to make arrangements for them to be exercised in a dependent territory which is for the time being a colony by the Governor ; and subsection (4) of that section (approval of Secretary of State) shall apply in relation

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- to a direction under this paragraph as it applies in relation to arrangements under that section.”; and
- (b) in paragraph 6, for the words from “Section 26 ” to “1965) ” substitute “Section 44 of the British Nationality Act 1981”.

MARINE ETC. BROADCASTING (OFFENCES) ACT 1967 (c. 41)

In section 3(3) (persons prohibited from broadcasting whilst on or over high seas), for paragraphs (a) to (e) substitute—

- “(a) a British citizen, a British Dependent Territories citizen or a British Overseas citizen ; or
- (b) a person who under the British Nationality Act 1981 is a British subject; or
- (c) a British protected person (within the meaning of that Act).”

ANTARCTIC TREATY ACT 1967 (c. 65)

In section 1(3) (persons prohibited from harming Antarctic flora and fauna)—

- (a) for paragraphs (a) to (e) substitute—
- “(a) a British citizen, a British Dependent Territories citizen or a British Overseas citizen ; or
- (b) a person who under the British Nationality Act 1981 is a British subject; or
- (c) a British protected person (within the meaning of that Act),”; and
- (b) for “(a) to (e) ” substitute “(a) to (c)”.

FUGITIVE OFFENDERS ACT 1967 (c. 68)

In section 2(1) (designated Commonwealth countries whose fugitives may be returned by United Kingdom), for " subsection (3) of section 1 of the British Nationality Act 1948 “substitute ”Schedule 3 to the British Nationality Act 1981”.

CONSULAR RELATIONS ACT 1968 (c. 18)

In section 1(2) (meaning of certain terms in Schedule 1), in the definition of “national of the receiving State ”, for the words from “as ” onwards substitute " as meaning—

- (a) a British citizen, a British Dependent Territories citizen or a British Overseas citizen ; or
- (b) a person who under the British Nationality Act 1981 is a British subject; or
- (c) a British protected person (within the meaning of that Act).”.

TANZANIA ACT 1969 (c. 29)

In section 4(3) (enactments excluded from power to apply statutory provisions to Tanzania), for “the British Nationality Acts substitute ”the British Nationality Act 1981”.

INCOME AND CORPORATION TAXES ACT 1970 (c. 10)

1. For “section 1(3) of the British Nationality Act 1948 ”. where ever it occurs (that is, in sections 181(1). 214(1)(b) and 372(2)(b)) substitute " Schedule 3 to the British Nationality Act 1981 .

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2. In section 214, after subsection (5) insert—

“(6) In subsection (1)(b) above, the references to a country mentioned in Schedule 3 to the British Nationality Act 1981 do not include any country which, immediately before the commencement of the British Nationality Act 1981, was mentioned in section 1(3) of the British Nationality Act 1948 otherwise than by virtue of an enactment passed after 1956.”

MERCHANT SHIPPING ACT 1970 (c.36)

1. In section 70(3) (meaning of “British seamen ” in section 70), for “the British Nationality Act 1948 ” substitute “the British Nationality Act 1981”.
2. In section 93(3) (meaning of “independent Commonwealth country” in section 93), for “section 1(3) of the British Nationality Act 1948” substitute “Schedule 3 to the British Nationality Act 1981”.

HIJACKING ACT 1971 (c.70)

In section 1(3) (persons not within exceptions to offence of hijacking), for paragraphs (a) to (e) substitute—

- (a) a British citizen, a British Dependent Territories citizen or a British Overseas citizen ; or
- (b) a person who under the British Nationality Act 1981 is a British subject; or
- (c) a British protected person (within the meaning of that Act)."

CIVIL AVIATION ACT 1971 (c. 75)

In section 64(1) (interpretation), in the definition of “United Kingdom national”, for paragraphs (a) to (e) substitute—

- (a) a British citizen, a British Dependent Territories citizen or a British Overseas citizen ; or
- (b) a person who under the British Nationality Act 1981 is a British subject; or
- (c) a British protected person (within the meaning of that Act)."

PROTECTION OF AIRCRAFT ACT 1973 (c.47)

In section 1(5) (persons not within exception to offence of destroying etc. aircraft), for paragraphs (a) to (e) substitute—

- (a) a British citizen, a British Dependent Territories citizen or a British Overseas citizen; or
- (b) a person who under the British Nationality Act 1981 is a British subject; or
- (c) a British protected person (within the meaning of that Act)."

CHILDREN ACT 1975 (c.72)

1. In Part II of Schedule 1 (adoption orders)—
 - (a) in paragraph 7(2)(a), for “the British Nationality Acts 1948 to 1965” substitute “the British Nationality Act 1981”; and
 - (b) in paragraph 7(2)(d), for “citizenship of the United Kingdom and Colonies” substitute “British citizenship, British Dependent Territories citizenship or British Overseas citizenship”.
2. In Schedule 2 (status conferred in Scotland by adoption)—

Status: This is the original version (as it was originally enacted).

- (a) in paragraph 1(4)(a), for “the British Nationality Acts 1948 to 1965 ” substitute “the British Nationality Act 1981”; and
- (b) in paragraph 1(4)(a*), for “citizenship of the United Kingdom and Colonies” substitute “British citizenship, British Dependent Territories citizenship or British Overseas citizenship”.

ADOPTION ACT 1976 (c.36)

In section 47(2) (nationality enactments)—

- (a) in paragraph (a), for “the British Nationality Acts 1948 to 1965 ” substitute “the British Nationality Act 1981”; and
- (b) in paragraph (d), for “citizenship of the United Kingdom and Colonies” substitute “British citizenship, British Dependent Territories citizenship or British Overseas citizenship”.

NATIONAL HEALTH SERVICE ACT 1977 (c.49)

In paragraph 3 of Schedule 11 (territorial extent)—

- (a) in the definition of “British protected person”, for “the British Nationality Acts 1948 to 1965” substitute “the British Nationality Act 1981”; and
- (b) in the definition of “excepted ship or aircraft”, for “section 1(3) of the British Nationality Act 1948” substitute “Schedule 3 to the British Nationality Act 1981”.

SOLOMON ISLANDS ACT 1978 (c.15)

In section 6 (construction of nationality provisions)—

- (a) in subsection (1), for “section 1(3) of the 1948 Act” substitute “Schedule 3 to the British Nationality Act 1981”;
- (b) for subsection (2) substitute—
 - “(2) The following provisions of the British Nationality Act 1981, namely sections 45 (evidence), 46 (offences and proceedings), 48 (posthumous children) and 50 (interpretation) shall have effect for the purposes of sections 2 to 6 of this Act as if those sections of this Act were included in that Act.”; and
- (c) in subsection (3), for “section 23(2) of the 1948 Act” substitute “section 47(2) of the British Nationality Act 1981”.

ADOPTION (SCOTLAND) ACT 1978 (c.28)

In section 41(2) (nationality enactments)—

- (a) in paragraph (a), for “the British Nationality Acts 1948 to 1965 ” substitute “the British Nationality Act 1981”; and
- (b) in paragraph (d), for “citizenship of the United Kingdom and Colonies ” substitute “British citizenship, British Dependent Territories citizenship or British Overseas citizenship”.

NATIONAL HEALTH SERVICE (SCOTLAND) ACT 1978 (c.29)

In paragraph 3 of Schedule 10 (territorial extent)—

Status: This is the original version (as it was originally enacted).

- (a) in the definition of “British protected person”, for “the British Nationality Acts 1948 to 1965” substitute “the British Nationality Act 1981”; and
- (b) in the definition of “excepted ship or aircraft”, for “section 1(3) of the British Nationality Act 1948” substitute “Schedule 3 to the British Nationality Act 1981”.

STATE IMMUNITY ACT 1978 (c.33)

In section 4(5) (definition of “national of the United Kingdom”), for the words from “means” onwards substitute “means—

- (a) a British citizen, a British Dependent Territories citizen or a British Overseas citizen ; or
- (b) a person who under the British Nationality Act 1981 is a British subject; or
- (c) a British protected person (within the meaning of that Act)”.

DEEP SEA MINING (TEMPORARY PROVISIONS) ACT 1981 (c. 53)

1. In section 1 (prohibition of unlicensed deep sea mining)—
 - (a) in subsection (4), for “citizen of the United Kingdom and Colonies” substitute “United Kingdom national”;
 - (b) in subsection (5)(a), for “citizens of the United Kingdom and Colonies” and “such citizens” substitute respectively “United Kingdom nationals” and “such nationals” ; and
 - (c) in subsection (6), for the words from “and references” onwards substitute—
 - ““United Kingdom national” means—
 - (a) a British citizen, a British Dependent Territories citizen or a British Overseas citizen ;
 - (b) a person who under the British Nationality Act 1981 is a British subject; or
 - (c) a British protected person (within the meaning of that Act).”.
2. In section 14(3) (persons who may be guilty of offences under regulations), for “a citizen of the United Kingdom and Colonies” substitute “a British citizen, a British Dependent Territories citizen or a British Overseas citizen”.