

1969 No. 1832

## BRITISH NATIONALITY

The British Protectorates, Protected States and  
Protected Persons Order 1969*Made* - - - - 19th December 1969*Coming into Operation* 1st January 1970

At the Court at Buckingham Palace, the 19th day of December 1969

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by sections 29(5), 30 and 32(1) of the British Nationality Act 1948(a), section 5 of the British Nationality (No. 2) Act 1964(b) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the British Protectorates, Protected States and Protected Persons Order 1969 and shall come into operation on 1st January 1970.

Citation and commencement.

2. The Orders specified in Schedule 1 to this Order are revoked.

Revocation.

3.—(1) In this Order, unless the context otherwise requires—

“the Act” means the British Nationality Act 1948 as from time to time amended (whether before or after the commencement of this Order);

Interpretation.

“British protected person” means a British protected person by virtue of any provision of this Order or, in relation to any time before the commencement of this Order, by virtue of any provision of the British Protectorates, Protected States and Protected Persons Order in Council 1949(c) or the British Protectorates, Protected States and Protected Persons Order 1965(d) (as those Orders were from time to time amended) or of any enactment mentioned in the second column of Schedule 3 to this Order;

“former Arabian protectorate” means Kamaran or the Protectorate of South Arabia;

“former protectorate” means a territory named in the first column of Part I of Schedule 3 to this Order and accordingly does not include a former Arabian protectorate;

“former trust territory” means a territory named in the first column of Part II of Schedule 3 to this Order;

“High Commissioner” includes acting High Commissioner;

“protectorate” means a territory referred to in article 6(1) of this Order;

“protected state” means a territory referred to in article 6(2) of this Order.

(a) 11 &amp; 12 Geo. 6. c. 56.

(b) 1964 c. 54.

(c) S.I. 1949/140 (1949 I, p. 522).

(d) S.I. 1965/1864 (1965 III, p. 5649).

(2) A person shall, for the purposes of this Order, be of full age if he has attained the age of eighteen years or if, being a woman under that age, she has been married, and shall be of full capacity if he or she is not of unsound mind.

(3) The Interpretation Act 1889(a) shall apply, with the necessary adaptations, for the purpose of interpreting this Order and otherwise in relation thereto as it applies for the purpose of interpreting and otherwise in relation to Acts of Parliament of the United Kingdom.

Legitimated children.

4.—(1) A person born out of wedlock and legitimated by the subsequent marriage of his parents shall, as from the date of the marriage or 28th January 1949, whichever is later, be treated, for the purpose of determining whether he is a British protected person under article 10, 11, 12(1), 13(2) or, where the relevant parent is the father, article 15 (1) of this Order, as if he had been born legitimate.

(2) A person shall be deemed for the purposes of this article to have been legitimated by the subsequent marriage of his parents if by the law of the place in which his father was domiciled at the time of the marriage the marriage operated immediately or subsequently to legitimate him, and not otherwise.

Posthumous children.

5. Any reference in this Order to the status or description of the father of a person at the time of that person's birth shall, in relation to a person born after the death of his father, be construed as a reference to the status or description of the father at the time of the father's death; and if that death occurred before 28th January 1949 and the birth occurred on or after that date, the status or description which would have been applicable to the father had he died after 28th January 1949 shall be deemed to be the status or description applicable to him at the time of his death.

Protectorates and protected states.

6.—(1) The British Solomon Islands Protectorate, being a territory under the protection of Her Majesty through Her Government in the United Kingdom, is a protectorate for the purposes of the Act.

(2) The states or territories named in the first column of Schedule 2 to this Order, being states or territories under the protection of Her Majesty as aforesaid, are protected states for the purposes of the Act.

New Hebrides and Canton Island.

7. The provisions of the Act and of section 1(5) of the British Nationality Act 1964(b) shall apply to the New Hebrides and to Canton Island as if they were protected states.

Extension to protected states of references in British Nationality Acts to protectorates.

8. The references to protectorates contained in sub-paragraphs (b) and (e) of paragraph 1 of Schedule 2 to the Act and in paragraph 3(6) of the Schedule to the British Nationality (No. 2) Act 1964(c) shall be construed as including references to all the protected states set out in the first column of Schedule 2 to this Order, to the New Hebrides and to Canton Island; and references in the Act, in the British Nationality Act 1958(d), in section 1(5) of the British Nationality Act 1964 and in this Order to the Governor shall be construed as including references, in relation to the said protected states, to the authorities specified in the second column of Schedule 2 to this Order, and in relation to the New Hebrides and Canton Island to the High Commissioner for the Western Pacific, and to the persons for the time being exercising their functions.

(a) 52 & 53 Vict. c. 63. (b) 1964 c. 22. (c) 1964 c. 54. (d) 6 & 7 Eliz. 2. c. 10.

**9.—(1)** The references to protectorates contained in sections 8(1), 10(2), 22 and 29(3) and in the definition of “person naturalised in the United Kingdom and Colonies” in section 32(1) of the Act, in paragraph 4 of Schedule 2 to the Act and in section 3 of the British Nationality Act 1958 shall be construed as including references to Brunei.

Extension to Brunei, the New Hebrides and Canton Island of references to protectorates in British Nationality Acts.

**(2)** The references to protectorates contained in section 10(2) and in the definition of “person naturalised in the United Kingdom and Colonies” in section 32(1) of the Act and in paragraph 4 of Schedule 2 to the Act shall be construed as including references to the New Hebrides and to Canton Island.

**10.** Subject to the provisions of article 21 of this Order, a person shall be a British protected person by virtue of his connection with a protectorate—

British protected persons by virtue of connection with a protectorate.

- (a)** if he was born (whether before or after the commencement of this Order) in that protectorate ; or
- (b)** in the case of a person born elsewhere than in a protectorate before 28th January 1949, if his father was born in that protectorate ; or
- (c)** in the case of a person born elsewhere than in a protectorate on or after 28th January 1949, if his father was born in that protectorate and was a British protected person at the time of that person's birth.

**11.** Subject to the provisions of article 21 of this Order, a person shall be a British protected person by virtue of his connection with Canton Island—

British protected persons by virtue of connection with Canton Island.

- (a)** if he was born there before 28th January 1949 and at the time of his birth the territory in which his father was born was a protectorate, protected state, trust territory or mandated territory ; or
- (b)** if he was born there on or after 28th January 1949 and his father was a British subject or a British protected person at the time of that person's birth.

**12.—(1)** A person shall be a British protected person by virtue of his connection with a former Arabian protectorate—

British protected persons by virtue of connection with a former Arabian protectorate.

- (a)** if immediately before 30th November 1967 (being the date upon which the former Arabian protectorates ceased to be territories under Her Majesty's protection) he was, in accordance with the provisions of the British Protectorates, Protected States and Protected Persons Order 1965, a British protected person by virtue of his connection with one of those territories ; or
- (b)** if he was born on or after 30th November 1967 and his father was born in a former Arabian protectorate and is (or would but for his death have been) a British protected person by virtue of sub-paragraph (a) of this paragraph.

**(2)** A person shall not be a British protected person under paragraph (1) of this article if he is or has at any time been a national of the People's Republic of Southern Yemen.

British protected persons by virtue of connection with a former protectorate or trust territory.

**13.—(1)** A person shall be a British protected person by virtue of his connection with a former protectorate or trust territory if he was a British protected person immediately before the commencement of this Order by virtue of section 3(2) of the Botswana Independence Act 1966(a) or by virtue of article 12(1) of the British Protectorates, Protected States and Protected Persons Order 1965 and any other enactment mentioned in the second column of Schedule 3 to this Order.

(2) Subject to the provisions of paragraph (3) of this article, a person shall be a British protected person by virtue of his connection with a former protectorate or trust territory if his father was born there and, at the time of that person's birth, was (or would but for his death have been) such a British protected person by virtue of paragraph (1) of this article or by virtue of any such provisions as are mentioned in that paragraph.

(3) A person shall not be a British protected person under paragraph (2) of this article by virtue of his connection with a former protectorate or trust territory if he is, or has at any time been, a citizen of a country mentioned in section 1(3) of the Act which is constituted by that former protectorate or trust territory or of which that former protectorate or trust territory forms part.

Additional grounds for status of British protected person by birth.

**14.—(1)** For the purposes of this Order, a person born aboard a ship or aircraft which is registered in a protectorate, a former protectorate or trust territory or a former Arabian protectorate, or aboard an unregistered ship or aircraft of the government of a protectorate, or a former protectorate or trust territory or a former Arabian protectorate shall be deemed to have been born in that protectorate, former protectorate or trust territory or former Arabian protectorate.

(2) Where a new-born infant is found on or after 29th October 1965 abandoned in a protectorate, a former protectorate or trust territory or a former Arabian protectorate or in Canton Island, that infant shall, unless the contrary is shown, be deemed for the purposes of this Order to have been born in the territory where he was so found.

(3) In paragraph (1) of this article any reference to a ship shall include a reference to a hovercraft within the meaning of the Hovercraft Act 1968(b).

Registration of stateless persons as British protected persons by virtue of connection with a protectorate or one of certain other territories.

**15.—(1)** A person shall be entitled, on making application in the prescribed manner, to be registered as a British protected person if he satisfies the authority to whom application is made that he is and always has been stateless and that he has the following connection with a protectorate or a former protectorate or trust territory, that is to say—

(a) if he was born before 28th January 1949, that his father or mother became (or would but for his or her death have become) a British protected person on 28th January 1949 by virtue of his or her connection with that protectorate or that former protectorate or trust territory ;

(b) if he was born on or after 28th January 1949, that his father or mother was (or would but for his or her death have been) a British

protected person at the time of his birth by virtue of his or her connection with that protectorate or that former protectorate or trust territory.

(2) A person shall be entitled, on making application in the prescribed manner, to be registered as a British protected person if he satisfies the authority to whom application is made that he is and always has been stateless and that he has a connection with a former Arabian protectorate by reason that his father or mother is (or would but for his or her death have been) a British protected person by virtue of paragraph (1)(a) of article 12 of this Order.

(3) An application for the registration under this article of a person who is not of full age may be made by his parent or guardian or, if he has attained the age of sixteen years, by that person himself or by his parent or guardian.

(4) The provisions of paragraph (1) and of paragraph (2) of this article shall apply, where the relevant parent is the mother, to persons born illegitimate as well as to persons born legitimate.

16.—(1) Subject to the provisions of paragraph (2) of this article, a woman may, on making application in the prescribed manner, be registered as a British protected person if she satisfies the authority to whom the application is made that she has been married to a person who, at the time of the application is, or but for his death would be, a British protected person by virtue of his connection with—

Registration of women married to British protected persons.

(a) a protectorate or Canton Island ; or

(b) a former protectorate, a former trust territory or a former Arabian protectorate.

(2) A woman shall not be registered under this article—

(a) where the connection is with a former protectorate or a trust territory, if she is a citizen of a country mentioned in section 1(3) of the Act which is constituted by that former protectorate or trust territory or of which that former protectorate or trust territory forms part ; or

(b) where the connection is with a former Arabian protectorate, if she is, or has at any time been, a national of the People's Republic of Southern Yemen.

17. A person registered under article 15 or 16 of this Order shall be a British protected person by registration as from the date on which he is registered.

Effect of registration as a British protected person.

18.—(1) A person who, by virtue of his connection with a former protectorate or trust territory, is a British protected person by or under any provision of article 13, 15 or 16 of this Order shall cease to be such if he becomes a citizen of a country mentioned in section 1(3) of the Act which is constituted by that former protectorate or trust territory or of which that former protectorate or trust territory forms part.

Loss of status of British protected person in certain cases.

(2) A person who, by virtue of his connection with a former Arabian protectorate, is a British protected person by or under any provision of article 12, 15(2) or 16 of this Order shall cease to be such if he becomes a national of the People's Republic of Southern Yemen.

British protected person by virtue of connection with a protected state.

19.—(1) A person who, under any law providing for citizenship or nationality in force in any protected state, is a citizen or national of that state shall be a British protected person by virtue of his connection with that state.

(2) If in any protected state no law providing for citizenship or nationality of that state is in force, the provisions of articles 10, 14, 15 and 16 of this Order shall have effect in relation to that state as if it were a protectorate.

(3) If any question arises whether any such law as is mentioned in paragraphs (1) and (2) of this article is in force, a certificate of the Secretary of State on the question shall be conclusive.

Renunciation of status of British protected person.

20.—(1) Notwithstanding any other provision of this Order, any person of full age and capacity who is a British protected person by or under any provision, other than article 19(1), of this Order and—

(a) is also a citizen of any country mentioned in section 1(3) of the Act or of the Republic of Ireland or a national of a foreign country as defined in section 32(1) of the Act ; or

(b) satisfies the authority to whom the declaration of renunciation is submitted that after registration of the declaration he will become such a citizen or national,

may by declaration renounce his status as a British protected person.

(2) The authority to whom the declaration is submitted shall cause it to be registered, and upon registration the declarant shall cease to be a British protected person ; but if he is a person who made the declaration in pursuance of the provisions of paragraph (1)(b) of this article and he does not become such a citizen or national within six months from the date of registration he shall be, and be deemed to have remained, a British protected person notwithstanding the registration.

(3) The authority to whom a declaration of renunciation under this article is submitted may withhold registration thereof if it is made during any war in which Her Majesty may be engaged.

Enemy aliens.

21. A person who was an enemy alien on 28th January 1949 shall not be a British protected person under article 10 or 11 of this Order unless the authority specified in article 22 of this Order, on application made to him by that person, so orders.

Authority to whom applications or declarations are to be made or submitted.

22. An application for registration as a British protected person under article 15 or 16, a declaration of renunciation of the status of British protected person under article 20, and an application for an order under article 21, of this Order, shall be made or submitted,—

(a) where a connection is claimed with a protectorate or Canton Island, to the Governor thereof ;

(b) where a connection is claimed with a former protectorate or trust territory which constitutes or is comprised in a country mentioned in section 1(3) of the Act, in which there is a High Commissioner for Her Majesty's Government in the United Kingdom, to the High Commissioner in that country ;

(c) in any other case, to the Secretary of State ;

and the authority to whom the application is made or the declaration is submitted may prescribe the form thereof and the manner of making it.

23. Any application, declaration, order or registration made, given or effected before the commencement of this Order in accordance with any of the provisions of the British Protectorates, Protected States and Protected Persons Order 1965 or of any Order revoked by that Order shall continue to have effect as if made, given or effected in accordance with the corresponding provision of this Order, subject to any such modification or exception as may be necessary to bring it into conformity with that provision.

Transition

W. G. Agnew

## SCHEDULE 1

## Article 2

## ORDERS REVOKED

Title	Number
The British Protectorates, Protected States and Protected Persons Order 1965.	S.I. 1965/1864 (1965 III, p. 5649).
The British Protectorates, Protected States and Protected Persons (Amendment) Order 1967.	S.I. 1967/247 (1967 I, p. 950).
The British Protectorates, Protected States and Protected Persons (Amendment No. 2) Order 1967.	S.I. 1967/1271 (1967 II, p. 3700).

## SCHEDULE 2

## Article 6

Protected States	Authority
Brunei	The High Commissioner for Brunei.
Tonga	The British Commissioner and Consul in Tonga.
The Persian Gulf States, viz: Bahrain Qatar	The Political Resident in the Persian Gulf.
The Trucial States, viz.: Abu Dhabi Ajman Dubai Fujairah Ras al Khaimah Sharjah Umm al Qaiwain	

## SCHEDULE 3

## PART I

## FORMER PROTECTORATES

Bechuanaland Protectorate	Botswana Independence Act 1966, section 3(2)	1966 c. 23.
Gambia Protectorate ...	Gambia Independence Act 1964, section 2(2)	1964 c. 93.
Kenya Protectorate ...	Kenya Independence Act 1963, section 2(1)	1963 c. 54.
Nigeria Protectorate ...	Nigeria Independence Act 1960, section 2(1)	8 & 9 Eliz. 2. c. 55.
Northern Rhodesia ...	Zambia Independence Act 1964, section 3(2)	1964 c. 65.
Northern Territories of the Gold Coast	Ghana Independence Act 1957, section 2	5 & 6 Eliz. 2. c. 6.
Nyasaland Protectorate ...	Malawi Independence Act 1964, section 2(2)	1964 c. 46.
Sierra Leone Protectorate	Sierra Leone Independence Act 1961, section 2(1)	9 & 10 Eliz. 2. c. 16.
Uganda Protectorate ...	Uganda Independence Act 1962, section 2(1)	10 & 11 Eliz. 2. c. 57.

## PART II

## FORMER TRUST TERRITORIES

Tanganyika ...	Tanganyika Independence Act 1961, section 2(1)	10 & 11 Eliz. 2. c. 1.
Cameroons under United Kingdom Trusteeship	Nigeria Independence Act 1960, section 2(1)	8 & 9 Eliz. 2. c. 55.
Togoland under United Kingdom Trusteeship	Ghana Independence Act 1957, section 2	5 & 6 Eliz. 2. c. 6.

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order, made under the British Nationality Act 1948 and the British Nationality (No. 2) Act 1964, supersedes the British Protectorates, Protected States and Protected Persons Orders 1965 and 1967. It makes provision, as in the Orders it supersedes, which specifies the territories which are protectorates or protected states for the purposes of the Acts or to which provisions of the Acts are applied as if they were one or the other, defines who are to be British protected persons for the purposes of the Acts by virtue of their connection with a protectorate, a protected state or a former protectorate or trust territory, and provides for the registration as British protected persons of certain categories of persons who are stateless. The Order includes provision under which the status of British protected person will be restored to certain persons who lost that status when Kamaran and the Protectorate of South Arabia became independent.