

1980 No. 197

**BRITISH NATIONALITY**

**The British Nationality (Amendment) Regulations 1980**

*Made - - - - 14th February 1980*

*Coming into operation in accordance with Regulation 1*

In exercise of the powers conferred upon me by section 29(1) of the British Nationality Act 1948(a), as extended and amended by section 5(2) of the British Nationality Act 1958(b), section 2(5) of the Immigration Act 1971(c) and Schedule 1 thereto and section 2(2) of the Zimbabwe Act 1979(d) and Schedule 1 thereto, I hereby make the following Regulations:—

1. These Regulations may be cited as the British Nationality (Amendment) Regulations 1980 and shall come into operation on Zimbabwe Independence Day, that is to say the day appointed by Order in Council under section 1(1) of the Zimbabwe Act 1979.

2. In these Regulations the expression “the principal Regulations” means the British Nationality Regulations 1975(e).

3. The principal Regulations shall have effect subject to the amendments set out in the Schedule hereto, being amendments which make provision in respect of applications by citizens of Zimbabwe for registration as citizens of the United Kingdom and Colonies by virtue of section 2(2) of and Schedule 1 to the Zimbabwe Act 1979 (transitional provisions as to applications by citizens of Zimbabwe for registration as citizens of the United Kingdom and Colonies).

*W. S. I. Whitelaw,*  
One of Her Majesty's Principal  
Secretaries of State.

Home Office.  
14th February 1980.

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(a) 1948 c. 56.

(b) 1958 c. 10.

(c) 1971 c. 77.

(d) 1979 c. 60.

(e) S.I. 1975/225, to which there are amendments not relevant to these Regulations.

Regulation 3

SCHEDULE

AMENDMENTS TO PRINCIPAL REGULATIONS

1. In Regulation 2(1) of the principal Regulations, after the definition of "the Act of 1973" there shall be inserted the following definition:—

" 'the Act of 1979' means the Zimbabwe Act 1979;".

2. At the end of paragraph (1) of Regulation 4 of the principal Regulations there shall be added the words "or it is made by a citizen of Zimbabwe by virtue of paragraph 2 of Schedule 1 to the Act of 1979, in which case it shall satisfy the requirements of Schedules 1 and 3A".

3. At the end of Regulation 8 of the principal Regulations there shall be added the following paragraph:—

"(3) An application for registration as a citizen of the United Kingdom and Colonies under section 12(6) of the Act of 1948 made by virtue of paragraph 3 of Schedule 1 to the Act of 1979 shall be made to the appropriate authority specified in Regulation 12(8) and shall satisfy the requirements of Schedules 1 and 9A."

4. In Regulation 12(8) of the principal Regulations, after the words "or (2)" there shall be inserted the words "or (3)".

5. After Schedule 3 to the principal Regulations there shall be inserted the Schedule set out in Appendix A hereto.

6. In Schedule 5 to the principal Regulations—

(a) after paragraph 2 there shall be inserted the following paragraph:—

"2A. In relation to an application made by a citizen of Zimbabwe by virtue of paragraph 2 of Schedule 1 to the Act of 1979, paragraph 1 shall have effect as if for sub-paragraph (a) there were substituted the following sub-paragraph:—

"(a) is a citizen of Zimbabwe;";

(b) in paragraph 3—

(i) after the words "mentioned in paragraph 2" there shall be inserted the words "or 2A";

(ii) after the words "Act of 1973" there shall be inserted the words "or, as the case may be, paragraph 2 of Schedule 1 to the Act of 1979."

7. After Schedule 9 to the principal Regulations there shall be inserted the Schedule set out in Appendix B hereto.

Paragraph 5

APPENDIX A

NEW SCHEDULE 3A TO PRINCIPAL REGULATIONS

Regulation 4(1)

SCHEDULE 3A

BRITISH NATIONALITY ACT 1948, SECTION 5A(1)

ZIMBABWE ACT 1979, SCHEDULE 1, PARAGRAPH 2

*Application for registration as a citizen of the United Kingdom and Colonies made by a citizen of Zimbabwe on the grounds of patriality and ordinary residence or Crown or other service.*

1. The application shall contain information showing that the applicant—

(a) is a citizen of Zimbabwe;

(b) is of full age and capacity;

(c) is patrial within the meaning of the Act of 1971 by virtue of section 2(1)(d) of that Act or of the reference thereto in section 2(2);

(d) has (except where paragraph 4 applies) been throughout the period of 5 years ending with the date of the application—

- (i) ordinarily resident in the United Kingdom or, as the case may be, in the Channel Islands or Isle of Man, or
- (ii) engaged in relevant employment (as defined in paragraph 2), or
- (iii) partly the one and partly the other.

2. For the purposes of paragraph 1(d)(ii) “relevant employment” means—

- (a) Crown service under Her Majesty’s Government in the United Kingdom; or
- (b) service under an international organisation of which Her Majesty’s Government in the United Kingdom is a member; or
- (c) service in the employment of a society, company or body of persons established in the United Kingdom or, as the case may be, in the Channel Islands or Isle of Man.

3. The application shall contain such further information as the authority to whom it is made may require in order for it to be determined whether the application was received before the appropriate date specified in paragraph 2 of Schedule 1 to the Act of 1979 and, if not, whether the circumstances are such that the application should be considered.

4. If the applicant desires that a qualifying period shorter than 5 years should be accepted, the application shall specify the special circumstances which the applicant desires should be taken into consideration.

5. If the application is made wholly or partly on the grounds of service within paragraph 2(b) or (c), the application shall state the nature of the applicant’s connection with the United Kingdom or, as the case may be, the Channel Islands or Isle of Man.

6. The application shall show where the applicant has been ordinarily resident throughout the period of 5 years ending with the date of the application, and shall state whether he has been in Crown Service under Her Majesty’s Government in the United Kingdom during that period or any part of it.

## APPENDIX B

## Paragraph 7

### NEW SCHEDULE 9A TO PRINCIPAL REGULATIONS

## SCHEDULE 9A

## Regulation 8(3)

### BRITISH NATIONALITY ACT 1948, SECTION 12(6)

### ZIMBABWE ACT 1979, SCHEDULE 1, PARAGRAPH 3

*Application for registration as a citizen of the United Kingdom and Colonies made by a citizen of Zimbabwe who was a British subject immediately before 1st January 1949.*

1. The application shall contain information showing that the applicant—

- (a) was a British subject immediately before 1st January 1949;
- (b) was, on that date, a citizen or potentially a citizen of a country mentioned in section 1(3) of the Act of 1948 and would, but for that citizenship or potential citizenship, have become a citizen of the United Kingdom and Colonies by virtue of section 12(4) of that Act;

- (c) is a citizen of Zimbabwe;
- (d) (i) is descended in the male line from a person possessing any of the qualifications specified in section 12(1) of the Act of 1948, or
  - (ii) was born, or is descended in the male line from a person born, within the Republic of Ireland, or
  - (iii) 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 8 of the British Nationality and Status of Aliens Act 1914(a) by the government of a country mentioned in section 1(3) of the Act of 1948, as originally enacted;
- (e) intends to make his ordinary place of residence within the United Kingdom and Colonies;
- (f) is of full age and capacity.

2. The application shall state the nature of the applicant's connection with the United Kingdom and Colonies.

3. If the application is not made before the first anniversary of Zimbabwe Independence Day, it shall specify the special circumstances which the applicant desires should be taken into consideration.

4. If the application is intended to relate to any of the children of the applicant, it shall so state and the names, dates of birth and places of birth of the children in question shall be specified.

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#### EXPLANATORY NOTE

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

These Regulations amend the British Nationality Regulations 1975 in consequence of the transitional provisions as to applications for registration as a citizen of the United Kingdom and Colonies contained in Schedule 1 to the Zimbabwe Act 1979.

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(a) 1914 c. 17.

Printed in England by McCorquodale Printers Ltd., and published by Her Majesty's Stationery Office  
17/P26262/8 A 41 K 12 2/80

50p net

ISBN 0 11 006197 7