

S T A T U T O R Y I N S T R U M E N T S

1982 No. 987**BRITISH NATIONALITY****The British Nationality (Dependent Territories)
Regulations 1982***Made* - - - - - 18th July 1982*Laid before Parliament* 27th July 1982*Coming into Operation* 1st January 1983

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In exercise of the powers conferred upon me by section 41(1) and (3) of the British Nationality Act 1981(a), I hereby make the following Regulations:—

(a) 1981 c. 61.

PART I
GENERAL

Citation and commencement

1. These Regulations may be cited as the British Nationality (Dependent Territories) Regulations 1982 and shall come into operation on 1st January 1983.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them, that is to say—

“the Act” means the British Nationality Act 1981;

“applicant” in relation to an application made on behalf of a person not of full age or capacity means that person;

“High Commissioner” means, in relation to a country mentioned in Schedule 3 to the Act, the High Commissioner for Her Majesty’s Government in the United Kingdom appointed to that country, and includes the acting High Commissioner.

(2) In the application of the provisions of Regulation 6(2) or Schedule 4 where a function of the Secretary of State under the Act is exercised by the Governor of a dependent territory by virtue of arrangements made under section 43(1) of the Act, any reference in those provisions to the Secretary of State shall be construed as a reference to the Governor.

(3) In the application of the provisions of Regulation 6(2) or 11(b) or Schedule 4 where a function of the Secretary of State under the Act is exercised in relation to an associated state by a person other than the Secretary of State by virtue of a direction given under paragraph 4 of Schedule 3 to the West Indies Act 1967(a), any reference in those provisions to the Secretary of State or the Governor shall be construed as a reference to that person.

(4) In these Regulations, unless the context otherwise requires, any reference to a Regulation or Schedule shall be construed as a reference to a Regulation contained in these Regulations or, as the case may be, to a Schedule thereto; and any reference in a Regulation or Schedule to a paragraph shall be construed as a reference to a paragraph of that Regulation or of that Schedule.

PART II

REGISTRATION AND NATURALISATION

Applications

3. Any application for registration as a British Dependent Territories citizen or for a certificate of naturalisation as a British Dependent Territories citizen shall—

(a) be made to the appropriate authority specified in Regulation 4; and

(a) 1967 c. 4; paragraph 4 of Schedule 3 is amended by the British Nationality Act 1981, section 52(6) and Schedule 7.

- (b) satisfy the requirements of Part I and, if made on behalf of a person not of full age or capacity, Part II of Schedule 1 and such further requirements, if any, as are specified in relation thereto in Schedule 2.

Authority to whom application is to be made

4.—(1) The authority to whom an application is to be made is as follows:—

- (a) if the applicant is in Great Britain or Northern Ireland, to the Secretary of State at the Home Office;
- (b) if the applicant is in any of the Islands, to the Lieutenant-Governor;
- (c) if the applicant is in a dependent territory, to the Governor;
- (d) if the applicant is in a country mentioned in Schedule 3 to the Act, to the High Commissioner or, if there is no High Commissioner, to the Secretary of State at the Home Office;
- (e) if the applicant is elsewhere, to any consular officer, any established officer in the Diplomatic Service of Her Majesty's Government in the United Kingdom or any person authorised by the Secretary of State in that behalf.

Persons not of full age or capacity

5. An application may be made on behalf of someone not of full age or capacity by his father or mother or any person who has assumed responsibility for his welfare.

Oaths of allegiance

6.—(1) Where an oath of allegiance is required by section 42 of the Act to be taken by an applicant for registration or for a certificate of naturalisation, it shall be administered in accordance with the requirements of Schedule 3.

(2) If, on an application for registration or for a certificate of naturalisation by an applicant who is required as aforesaid to take an oath of allegiance, the Secretary of State decides that the registration should be effected or the certificate should be granted he shall cause notice in writing of the decision to be given to the applicant; and the oath of allegiance shall be taken within three months of the giving of the notice or such longer time as the Secretary of State may allow.

(3) Any notice required by paragraph (2) to be given to an applicant may be given—

- (a) in any case where the applicant's whereabouts are known, by causing the notice to be delivered to him personally or by sending it to him by post;
- (b) in a case where the applicant's whereabouts are not known, by sending it by post in a letter addressed to him at his last known address.

Certificates of naturalisation

7. A certificate of naturalisation shall be in the form set out in Schedule 4.

PART III

RENUNCIATION AND DEPRIVATION

Declarations of renunciation

8. Any declaration of renunciation of British Dependent Territories citizenship shall—

- (a) be made to the appropriate authority specified in Regulation 9; and
- (b) satisfy the requirements of Schedule 5.

Authority to whom declaration of renunciation is to be made

9. The authority to whom a declaration of renunciation is to be made is as follows:—

- (a) if the declarant is in Great Britain or Northern Ireland, to the Secretary of State at the Home Office;
- (b) if the declarant is in any of the Islands, to the Lieutenant-Governor;
- (c) if the declarant is in a dependent territory, to the Governor;
- (d) if the declarant is in a country mentioned in Schedule 3 to the Act, to the High Commissioner or, if there is no High Commissioner to the Secretary of State at the Home Office;
- (e) if the declarant is elsewhere, to any consular officer, any established officer in the Diplomatic Service of Her Majesty's Government in the United Kingdom or any person authorised by the Secretary of State in that behalf.

Notice of proposed deprivation of citizenship

10.—(1) Where it is proposed to make an order under section 40(a) of the Act depriving a person of British Dependent Territories citizenship, the notice required by section 40(6) of the Act to be given to that person may be given—

- (a) in a case where that person's whereabouts are known, by causing the notice to be delivered to him personally or by sending it to him by post;
- (b) in a case where that person's whereabouts are not known, by sending it by post in a letter addressed to him at his last known address.

(2) Any notice given as aforesaid shall include a statement of the time within which an application for an inquiry under section 40(7) of the Act must be made.

Time limit for applying for inquiry

11. Where notice has been given to a person in accordance with Regulation 10, application for an inquiry under section 40(7) of the Act shall be made—

- (a) if the notice was given by the Secretary of State and that person is in the United Kingdom (including the Islands) at the time when the notice is given to him, within 21 days from the giving of the notice;

(a) Subsections (1) to (9) of section 40 are applied in relation to British Dependent Territories citizenship by subsection (10) of that section.

- (b) if the notice was given by the Governor of a dependent territory and that person is in that territory at the time when the notice is given to him, within 21 days from the giving of the notice;
- (c) in any other case, within 42 days from the giving of the notice.

Cancellation of registration of person deprived of citizenship

12. Where an order has been made depriving a person who is a British Dependent Territories citizen by virtue of registration (whether under the Act or under the former nationality Acts) of that citizenship, the name of that person shall be removed from the relevant register.

Cancellation of certificate of naturalisation in case of deprivation of citizenship

13. Where an order has been made depriving a person who is a British Dependent Territories citizen by virtue of the grant of a certificate of naturalisation (whether under the Act or under the former nationality Acts) of that citizenship, the person so deprived or any other person in possession of the relevant certificate of naturalisation shall, if required by notice in writing given by the authority by whom the order was made, deliver up the said certificate to such person, and within such time, as may be specified in the notice; and the said certificate shall thereupon be cancelled or amended.

PART IV

SUPPLEMENTAL

Evidence

14. A document may be certified to be a true copy of a document for the purpose of section 45(2) of the Act by means of a statement in writing to that effect signed by a person authorised by the Secretary of State, the Lieutenant-Governor, the High Commissioner or the Governor in that behalf.

Manner of signifying parental consent to registration

15. Where a parent, in pursuance of paragraph (c) of subsection (5) of section 17 of the Act, consents to the registration of a person as a British Dependent Territories citizen under that subsection, the consent shall be expressed in writing and signed by the parent.

Home Office.
18th July 1982.

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

SCHEDULE 1

Regulation 3

GENERAL REQUIREMENTS AS RESPECTS APPLICATIONS

PART I

All applications

1. An application shall be made in writing and shall state the name, address and date and place of birth of the applicant.
2. An application shall contain a declaration that the particulars stated therein are true.

PART II

Applications by persons not of full age or capacity

3. An application in respect of someone not of full age or capacity made by another person on his behalf shall state that that is the case and the name and address of that person.
4. An application made by a person on behalf of someone not of full age or capacity shall indicate the nature of that person's connection with him and, if that person has any responsibility for him otherwise than as a parent, the nature of that responsibility and the manner in which it was assumed.

SCHEDULE 2

Regulation 3

PARTICULAR REQUIREMENTS AS RESPECTS APPLICATIONS

In this Schedule any reference to a section or Schedule is a reference to a section contained in the Act or, as the case may be, to a Schedule thereto.

Application under section 15(3)

1. The application shall contain information showing that the applicant's father or mother became a British Dependent Territories citizen, or became settled in a dependent territory, after the applicant's birth.

Application under section 15(4)

2. The application shall contain information showing that the applicant possesses the requisite qualifications in respect of residence.
3. If the applicant was absent from the dependent territory in which he was born on more than 90 days in all in any one of the first 10 years of his life and it is desired that the application should nevertheless be considered under section 15(7), it shall specify the special circumstances to be taken into consideration.

Application under section 17(2)

4. The application shall contain information showing—
- (a) that the applicant's father or mother ("the parent in question") was a British Dependent Territories citizen by descent at the time of the applicant's birth;
 - (b) that the father or mother of the parent in question—
 - (i) was a British Dependent Territories citizen otherwise than by descent at the time of the birth of the parent in question; or
 - (ii) became a British Dependent Territories citizen otherwise than by descent at commencement; or
 - (iii) would have become a British Dependent Territories citizen otherwise than by descent at commencement but for his or her death;
 - (c) either—
 - (i) that the parent in question possesses the requisite qualifications in respect of residence; or
 - (ii) that the applicant was born stateless.

5. If the application is not made within 12 months after the applicant's birth and it is desired that the application should nevertheless be considered under section 17(4), it shall specify the special circumstances to be taken into consideration.

Application under section 17(5)

6. The application shall contain information showing—
- (a) that the applicant's father or mother was a British Dependent Territories citizen by descent at the time of the applicant's birth;
 - (b) that the applicant and his father and mother possess the requisite qualifications in respect of residence;
 - (c) that the consent of the applicant's father and/or mother (as required by section 17(5)(c) and (6)) has been signified in accordance with Regulation 15 and, if the consent of one parent only has been signified, the reason for that fact.

Application under section 18(1)

7. The application shall contain information showing—
- (a) that the applicant possesses the requisite qualifications in respect of residence or Crown service, freedom from immigration restrictions, compliance with the immigration laws, good character, knowledge of language and intention with respect to residence or occupation in the event of a certificate of naturalisation being granted to him;
 - (b) that the applicant is of full capacity.

8. If the applicant does not possess the requisite qualifications in respect of residence, freedom from immigration restrictions, compliance with the immigration laws and knowledge of language and it is desired that the application should nevertheless be considered under paragraph 6 of Schedule 1, it shall specify the special circumstances to be taken into consideration.

Application under section 18(2)

9. The application shall contain information showing—

- (a) that the applicant is married to a British Dependent Territories citizen;
- (b) that the applicant possesses the requisite qualifications in respect of residence, freedom from immigration restrictions, compliance with the immigration laws and good character;
- (c) that the applicant is of full capacity.

10. If the applicant does not possess the requisite qualifications in respect of residence and compliance with the immigration laws and it is desired that the application should nevertheless be considered under paragraph 8 of Schedule 1, it shall specify the special circumstances to be taken into consideration.

11. If the applicant does not possess the requisite qualifications in respect of residence and it is desired that the application should nevertheless be considered under paragraph 8(d) of Schedule 1 on the grounds of marriage to a person who is serving in Crown Service under the government of a dependent territory or other designated service, it shall specify the nature of the service and contain information showing that recruitment for that service took place in a dependent territory.

Application under section 19(1)

12. The application shall contain information showing—

- (a) that the applicant is—
 - (i) a citizen of a country mentioned in section 1(3) of the British Nationality Act 1948 **(a)** as in force immediately before commencement; or
 - (ii) a citizen of the Republic of Ireland; or
 - (iii) a British subject by virtue of section 30, having been immediately before commencement a British subject without citizenship by virtue of section 13 or 16 of the said Act of 1948 or a British subject by virtue of section 1 of the British Nationality Act 1965 **(b)** by virtue of marriage to a person mentioned in section 1(1)(a) or (b) of the said Act of 1965;
- (b) that the applicant possesses the requisite qualifications in respect of residence and freedom from immigration restrictions;
- (c) that the applicant has not renounced or been deprived of citizenship of the United Kingdom and Colonies;
- (d) that a recommendation for deportation is not in force in respect of the applicant;
- (e) that the applicant is of full capacity.

13. If the application is not made within 5 years after commencement or, in the case of a person who was a minor at commencement, within 5 years from the date on which he attains full age and it is desired that the application should nevertheless be considered under section 19(3), it shall specify the special circumstances to be taken into consideration.

(a) 1948 c. 56.

(b) 1965 c. 34.

Application under section 20(1)

- 14.** The application shall contain information showing—
- (a) that the applicant, immediately before commencement, was the wife of a man who was then a citizen of the United Kingdom and Colonies;
 - (b) that that man became a British Dependent Territories citizen at commencement and has not renounced that citizenship;
 - (c) that the applicant remained married to him from commencement to the date of the application;
 - (d) that the applicant has not renounced or been deprived of citizenship of the United Kingdom and Colonies.

Application under section 20(2)

- 15.** The application shall contain information showing—
- (a) that the applicant has been married to a man who was then a citizen of the United Kingdom and Colonies;
 - (b) that that man became a British Dependent Territories citizen at commencement or would have done so but for his death;
 - (c) that the applicant is no longer married to him;
 - (d) that the applicant has not renounced or been deprived of citizenship of the United Kingdom and Colonies.

Application under section 20(3)

- 16.** The application shall contain information showing—
- (a) that the applicant has been married to a man who was then a citizen of the United Kingdom and Colonies and is still married to him;
 - (b) that that man—
 - (i) acquired British Dependent Territories citizenship at commencement but renounced that citizenship; or
 - (ii) would have acquired British Dependent Territories citizenship at commencement but for his having renounced citizenship of the United Kingdom and Colonies;
 - (c) that the applicant has not renounced or been deprived of citizenship of the United Kingdom and Colonies.

Application under section 21

- 17.** The application shall contain information showing—
- (a) that the applicant, if he had been born before commencement, would, on the registration of his birth at a United Kingdom consulate—
 - (i) have become a citizen of the United Kingdom and Colonies; and
 - (ii) have become, at commencement, a British Dependent Territories citizen;
 - (b) that the applicant's father, immediately before commencement or at his death (whichever was earlier)—
 - (i) was a citizen of the United Kingdom and Colonies by virtue of section 5 of the British Nationality Act 1948 or was under any provision of the British Nationality Acts 1948 to 1965 deemed to be a citizen of the United Kingdom and Colonies by descent only;
 - (ii) was married to the applicant's mother;
 - (iii) was ordinarily resident in a foreign country within the meaning of the British Nationality Act 1948;

- (c) the applicant's father—
 - (i) became a British Dependent Territories citizen at commencement and remained so until the date of the application or until his death, if earlier; or
 - (ii) would have become a British Dependent Territories citizen at commencement but for his death.

Application under section 22(1)

18. The application shall contain information showing—

- (a) that the applicant renounced citizenship of the United Kingdom and Colonies;
- (b) that at the time when he renounced it the applicant was, or was about to become, a citizen of a country mentioned in section 1(3) of the British Nationality Act 1948;
- (c) that the applicant could not have remained or become such a citizen but for renouncing it or had reasonable cause to believe that he would be deprived of his citizenship of that country unless he renounced it;
- (d) that the applicant possessed the requisite qualifying connection with a dependent territory immediately before commencement or, if a woman, was married before commencement to a man who possessed the requisite qualifying connection with a dependent territory immediately before commencement or would if living have possessed such a connection;
- (e) that the applicant has not previously been registered under section 22(1).

Application under section 22(2)

19. The application shall contain information showing—

- (a) that the applicant has renounced citizenship of the United Kingdom and Colonies and his reason for so doing;
- (b) that the applicant possesses the requisite qualifying connection with a dependent territory or, if a woman, has been married to a man who has, or would if living have, such a connection;
- (c) that the applicant is of full capacity.

Application under section 13(1) as applied by section 24

20. The application shall contain information showing—

- (a) that the applicant has renounced British Dependent Territories citizenship;
- (b) that, at the time when he renounced it, the applicant had or was about to acquire some other citizenship or nationality;
- (c) that the renunciation of British Dependent Territories citizenship was necessary to enable him to retain or acquire that other citizenship or nationality;
- (d) that the applicant has not previously been registered under section 13(1) as applied by section 24;
- (e) that the applicant is of full capacity.

Application under section 13(3) as applied by section 24

21. The application shall contain information showing—

- (a) that the applicant has renounced British Dependent Territories citizenship and his reason for so doing;
- (b) that the applicant is of full capacity.

Application under paragraph 3 of Schedule 2

22. The application shall contain information showing—

- (a) that the applicant is and always has been stateless;
- (b) that the applicant seeks British Dependent Territories citizenship and possesses the requisite qualifications in respect of residence.

23. If the applicant does not possess the requisite qualifications in respect of residence and it is desired that the application should nevertheless be considered under paragraph 6 of Schedule 2, it shall specify the special circumstances to be taken into consideration.

Application under paragraph 4 of Schedule 2

24. The application shall contain information showing—

- (a) that the applicant is and always has been stateless;
- (b) that the father or mother of the applicant was a British Dependent Territories citizen at the time of the applicant's birth;
- (c) that the applicant seeks British Dependent Territories citizenship and possesses the requisite qualifications in respect of residence.

25. If the applicant does not possess the requisite qualifications in respect of residence and it is desired that the application should nevertheless be considered under paragraph 6 of Schedule 2, it shall specify the special circumstances to be taken into consideration.

Application under paragraph 5 of Schedule 2

26. The application shall contain information showing—

- (a) that the applicant is and always has been stateless;
- (b) if he was not born at a place which is at the date of the application within the United Kingdom and dependent territories—
 - (i) that the applicant's mother was a citizen of the United Kingdom and Colonies at the time of his birth; or
 - (ii) that he possesses the requisite qualifications in respect of parentage or residence and parentage;
- (c) that the applicant seeks British Dependent Territories citizenship and that that citizenship is available to the applicant in accordance with paragraph 5(2) of Schedule 2.

Regulation 6

SCHEDULE 3

ADMINISTRATION OF OATH OF ALLEGIANCE

An oath of allegiance shall be administered by one of the following persons:—

- (a) in England and Wales or Northern Ireland—
 - any justice of the peace, commissioner for oaths or notary public;
- (b) in Scotland—
 - any sheriff principal, sheriff, justice of the peace or notary public;

- (c) in the Channel Islands, the Isle of Man or any dependent territory—
any judge of any court of civil or criminal jurisdiction, any justice of the peace or magistrate, or any person for the time being authorised by the law of the place where the applicant, declarant or deponent is, to administer an oath for any judicial or other legal purpose;
- (d) in any country mentioned in Schedule 3 to the Act of which Her Majesty is Queen, or in any territory administered by the government of any such country—
any person for the time being authorised by the law of the place where the deponent is to administer an oath for any judicial or other legal purpose, any consular officer or any established officer of the Diplomatic Service of Her Majesty's Government in the United Kingdom;
- (e) elsewhere—
any consular officer, any established officer of the Diplomatic Service of Her Majesty's Government in the United Kingdom or any person authorised by the Secretary of State in that behalf:

Provided that, if the deponent is serving in Her Majesty's naval, military or air forces, the oath may be administered by any officer holding a commission in any of those forces, whether the oath is made or taken in the United Kingdom or elsewhere.

SCHEDULE 4

Regulation 7

FORM OF CERTIFICATE OF NATURALISATION
AS A BRITISH DEPENDENT TERRITORIES CITIZEN

BRITISH NATIONALITY ACT 1981

CERTIFICATE OF NATURALISATION AS A BRITISH DEPENDENT
TERRITORIES CITIZEN

The Secretary of State, in exercise of the powers conferred by the British Nationality Act 1981, hereby grants this certificate of naturalisation to the person named below, who shall be a British Dependent Territories citizen from the date of this certificate.

Full name

Name at birth if different

Date of birth

Place and country of birth

Regulation 8

SCHEDULE 5

REQUIREMENTS AS RESPECTS DECLARATION OF RENUNCIATION

1. A declaration shall be made in writing and shall state the name, address, date and place of birth of the declarant.
 2. A declaration shall contain information showing that the declarant—
 - (a) is a British Dependent Territories citizen;
 - (b) is of full age or, if not, has been married;
 - (c) is of full capacity;
 - (d) will, after the registration of the declaration, have or acquire some citizenship or nationality other than British Dependent Territories citizenship.
 3. A declaration shall contain a declaration that the particulars stated therein are true.
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EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations contain general provisions for carrying into effect the purposes of the British Nationality Act 1981 (which comes into force on 1st January 1983—see S.I. 1982/933) in respect of British Dependent Territories citizenship. In particular they include provisions—

- (a) prescribing how and to whom applications for registration or naturalisation or declarations of renunciation should be made (Regulations 3, 4, 8 and 9 and Schedules 1, 2 and 5);
- (b) as to the persons who may make applications on behalf of persons not of full age or capacity (Regulation 5);
- (c) as to the administration of oaths of allegiance and the time within which they should be taken (Regulation 6 and Schedule 3);
- (d) as to the giving of notice where it is proposed to deprive a person of citizenship and the time within which he may then apply for an inquiry (Regulations 10 and 11);
- (e) prescribing the manner of signifying parental consent to registration (Regulation 15).

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