

1986 No. 2175

BRITISH NATIONALITY

The British Nationality (Hong Kong) Regulations 1986

Made - - - 9th December 1986

Laid before Parliament 18th December 1986

Coming into Operation 1st July 1987

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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:—

PART I

GENERAL

Citation and commencement

1. These Regulations may be cited as the British Nationality (Hong Kong) Regulations 1986 and shall come into operation on 1st July 1987.

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 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 to a paragraph shall be construed as a reference to a paragraph of that Regulation.

(a) 1981 c. 61; section 41 was amended by the Hong Kong (British Nationality) Order 1986 (S.I. 1986/948), Article 7(4).

PART II

REGISTRATION

Applications

3. Any application for registration as a British National (Overseas) under the Hong Kong (British Nationality) Order 1986(a) shall—

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

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.

PART III

RENUNCIATION AND DEPRIVATION

Declarations of renunciation

6. Any declaration of renunciation of the status of a British National (Overseas) made under section 12 of the Act(b) shall—

- (a) be made to the appropriate authority specified in Regulation 7; and
- (b) satisfy the requirements of Schedule 2.

(a) S.I. 1986/948.

(b) Section 12 is applied in relation to the status of a British National (Overseas) by the Hong Kong (British Nationality) Order 1986, Article 7(10).

Authority to whom declaration of renunciation is to be made

7. 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 status

8.—(1) Where it is proposed to make an order under section 40(a) of the Act depriving a person of the status of a British National (Overseas), 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

9. Where notice has been given to a person in accordance with Regulation 8, 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;
- (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.

(a) Section 40 is applied in relation to the status of a British National (Overseas) by the Hong Kong (British Nationality) Order 1986, Article 7(11).

Cancellation of registration of person deprived of Status

10. Where an order has been made depriving a person who is a British National (Overseas) of that status, the name of that person shall be removed from the relevant register.

PART IV

SUPPLEMENTAL

Evidence

11. A document may be certified to be a true copy of a document for the purpose of section 45(2) of the Act (a) 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.

Douglas Hurd,
One of Her Majesty's Principal
Secretaries of State.

Home Office.
9th December 1986.

(a) Section 45 was amended by the Hong Kong (British Nationality) Order 1986, Article 7(7).

SCHEDULE 1

Regulation 3

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.
3. An application shall contain information showing that the applicant is a British Dependent Territories citizen by virtue of a connection with Hong Kong.

PART II

Applications by persons not of full age or capacity

4. 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.
5. 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 6

REQUIREMENTS AS RESPECTS DECLARATIONS OF RENUNCIATION

1. A declaration shall be made in writing and shall state the name, address and date and place of birth of the declarant.
2. A declaration shall contain information showing that the declarant—
 - (a) is a British National (Overseas);
 - (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 the status of a British National (Overseas).
3. A declaration shall contain a declaration that the particulars stated therein are true.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations contain general provisions for carrying into effect the purposes of the Hong Kong (British Nationality) Order 1986 (which comes into operation on 1st July 1987). In particular they include provisions—

- (a) prescribing how and to whom applications for registration as a British National (Overseas) or declarations of renunciation should be made (Regulations 3, 4, 6 and 7 and Schedules 1 and 2);
- (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 giving of notice where it is proposed to deprive a person of that status and the time within which he may then apply for an inquiry (Regulations 8 and 9).

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