
STATUTORY INSTRUMENTS

1990 No. 2211

BRITISH NATIONALITY

**The British Nationality (Hong Kong)
(Registration of Citizens) Regulations 1990**

Made - - - - 7th November 1990
Laid before Parliament 15th November 1990
Coming into force - - 1st December 1990

In exercise of the powers conferred upon me by sections 41(1), 42(1), 45(2) and 50(1) of the British Nationality Act 1981⁽¹⁾, as they have effect by virtue of section 2(3) of the British Nationality (Hong Kong) Act 1990⁽²⁾, I hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the British Nationality (Hong Kong) (Registration of Citizens) Regulations 1990 and shall come into force on 1st December 1990.

Interpretation

2. In these Regulations—

“the Act of 1981” means the British Nationality Act 1981 and any reference to a section of that Act is a reference to that section as it has effect by virtue of section 2(3) of the Act of 1990;

“the Act of 1990” means the British Nationality (Hong Kong) Act 1990;

“applicant” means an applicant for a recommendation and, for the purposes of the provisions of these Regulations relating to the notification of decisions, includes a person who applies on behalf of a person not of full age or capacity;

“the Governor” means the Governor of Hong Kong;

“recommendation” means a recommendation by the Governor to the Secretary of State that a person should be registered as a British citizen pursuant to section 1(1) of, or Schedule 2 to, the Act of 1990.

(1) 1981 c. 61.
(2) 1990 c. 34.

Notification of decisions

3.—(1) When the Secretary of State has made a decision as to whether or not to register a person as a British citizen pursuant to a recommendation, he shall cause notice in writing of the decision to be given to the Governor and to the applicant.

(2) Any notice required by paragraph (1) above 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.

Oaths of allegiance

4.—(1) Where an oath of allegiance is required by section 42 of the Act of 1981 to be taken by an applicant it shall be administered in accordance with the requirements of the Schedule to these Regulations.

(2) The oath of allegiance shall be taken within three months of the giving of the notice pursuant to regulation 3 above or such longer time as the Secretary of State may allow.

Evidence

5. A document may be certified to be a true copy of a document for the purpose of section 45(2) of the Act of 1981 by means of a statement in writing to that effect signed by a person authorised by the Secretary of State or the Governor in that behalf.

Home Office
7th November 1990

David Waddington
One of Her Majesty's Principal Secretaries of
State

SCHEDULE

Regulation 4(1)

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 1981 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 an officer holding a commission in any of those forces, whether the oath is made or taken in the United Kingdom or elsewhere.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations contain provisions relating to the registration as British citizens by the Secretary of State of up to 50,000 persons recommended to him for that purpose by the Governor of Hong Kong under section 1(1) of the British Nationality (Hong Kong) Act 1990. Provision is made in relation to the notification of decisions (regulation 3), the taking of oaths of allegiance (regulation 4) and the certification of documents as true copies for the purpose of their production as evidence (regulation 5).