
STATUTORY INSTRUMENTS

2019 No. 852

The Anguilla Constitution (Amendment) Order 2019

Amendment of section 80 of the Constitution

12.—(1) The heading of section 80 of the Constitution is amended by substituting for the words “Belonger status” the words “Anguillian status”.

(2) Section 80 of the Constitution is amended in subsection (1) by substituting for the words “Anguilla Belonger Commission” the words “Anguillian Status Commission”.

(3) Section 80 of the Constitution is amended by substituting for subsection (2) the following subsections—

“(2) For the purposes of this Constitution a person shall be regarded as an Anguillian if that person—

- (a) is a person born or adopted in or outside Anguilla and who has at least one parent or grandparent who was born or adopted in Anguilla, where such parent or grandparent is regarded as being an Anguillian by virtue of this Constitution or is regarded as belonging to Anguilla by virtue of any previous Constitution;
- (b) is regarded as belonging to Anguilla by virtue of this Constitution (as in force before the commencement of the Anguilla Constitution (Amendment) Order 2019) or of any previous Constitution;
- (c) is a British overseas territories citizen having been born or adopted in Anguilla or having become such a citizen by virtue of registration or naturalisation while resident in Anguilla;
- (d) is domiciled in Anguilla and whose father or mother by virtue of registration or naturalisation while resident in Anguilla became a British Dependent Territories citizen at the commencement of the British Nationality Act 1981⁽¹⁾ (or would have done so but for his or her death) or so became such a citizen after the commencement of that Act;
- (e) has been granted Anguillian status by the Commission on the basis that that person—
 - (i) is a great-grandchild of a person born in Anguilla and who is regarded as being an Anguillian by virtue of this Constitution or is regarded as belonging to Anguilla by virtue of any previous Constitution, where the great-grandchild has resided in Anguilla for a continuous period of at least five years; or
 - (ii) has resided in Anguilla for a continuous period of at least 15 years; or
 - (iii) is born in Anguilla and is a child under the age of 18 years of a person referred to in subparagraph (ii); or
 - (iv) is born outside Anguilla and is a child under the age of 18 years of a person referred to in subparagraph (ii), where the child has resided in Anguilla for a continuous period of at least three years; or

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(v) is born in Anguilla and does not qualify under any of the foregoing provisions of this subsection, but has resided in Anguilla for a continuous period of at least ten years; or

(vi) is married to an Anguillian and has been so married for at least five years.

(3) The Commission may withdraw the status of Anguillian from any person referred to in subsection (2)(e)(ii), (2)(e)(iv) or (2)(e)(vi) if that person is convicted of an indictable offence by a court of Anguilla.

(4) A withdrawal of Anguillian status under subsection (3) does not prejudice the status of an Anguillian who obtained such status by virtue of a relationship to the person whose status has been withdrawn.

(5) Any reference in this section to a period of residence in Anguilla is to be construed as a reference to residing lawfully in Anguilla and not in breach of Anguilla's immigration laws and will be calculated in a manner determined by law.”