STATUTORY INSTRUMENTS

1973 No. 1491

BRITISH NATIONALITY

The British Nationality (Amendment) Regulations 1973

Made - - - -	*22nd August* 1973
Coming into Operation	*1st September* 1973

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 3(2) of the British Nationality Act 1964**(c)**, section 2(5) of the Immigration Act 1971**(d)** and Schedule 1 thereto and section 1(3) of the Pakistan Act 1973**(e)** and Schedule 2 thereto, I hereby make, with the consent so far as paragraph 4 of the Schedule is concerned of the Treasury, the following Regulations:—

1. These Regulations may be cited as the British Nationality (Amendment) Regulations 1973 and shall come into operation on 1st September 1973.

2. In these Regulations the expression "the principal Regulations" means the British Nationality Regulations 1972**(f)**.

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 Pakistan for registration as citizens of the United Kingdom and Colonies by virtue of section 1(3) of and Schedule 2 to the Pakistan Act 1973 (transitional provisions as to applications for registration by citizens of Pakistan).

Robert Carr,
One of Her Majesty's Principal Secretaries of State.

17th August 1973.

We consent to these Regulations, so far as paragraph 4 of the Schedule is concerned.

Anthony Barber,
Tim Fortescue,
Two of the Lords Commissioners of Her Majesty's Treasury.

22nd August 1973.

(a) 1948 c. 56. (b) 1958 c. 10. (c) 1964 c. 22. (d) 1971 c. 77.
(e) 1973 c. 48. (f) S.I. 1972/2061 (1972 III, p. 6121).

SCHEDULE

AMENDMENTS TO PRINCIPAL REGULATIONS

1. In Regulation 2(1) of the principal Regulations, after the definition of "the Act of 1971" there shall be inserted the following definition:—

" 'the Act of 1973' means the Pakistan Act 1973;".

2. At the end of paragraph (1) of Regulation 4 of the principal Regulations there shall be added the words "unless it is made by a citizen of Pakistan by virtue of paragraph 2 of Schedule 2 to the Act of 1973, in which case it shall satisfy the requirements of Schedules 1 and 2A.".

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

"(2) 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 4 of Schedule 2 to the Act of 1973 shall be made to the appropriate authority specified in Regulation 12(8) and shall satisfy the requirements of Schedules 1 and 7A.".

4. After paragraph (2) of Regulation 28 of the principal Regulations there shall be added the following paragraph:—

"(3). In the case of the registration of a citizen of Pakistan as a citizen of the United Kingdom and Colonies under section 6(2) or 7 of the Act of 1948, the person registered shall be treated for the purposes of this Regulation and of Schedule 17 as if he were a British subject.".

5. After Schedule 2 to the principal Regulations there shall be inserted the Schedule set out in Appendix A hereto.

6. After paragraph 6 of Schedule 3 to the principal Regulations there shall be added the following paragraph:—

"7. In relation to an application made by a citizen of Pakistan by virtue of paragraph 2 of Schedule 2 to the Act of 1973—

(*a*) paragraph 1 shall have effect subject to the following amendments:—

(i) for sub-paragraph (*a*) there shall be substituted the following sub-paragraph:—

"(*a*) is, and was on 14th May 1973, a citizen of Pakistan;";

(ii) in sub-paragraph (*c*) for the words from "has been throughout" to "date of the application" there shall be substituted the words "has been throughout the period beginning immediately before 14th May 1973 and ending with the date of the application and (except where paragraph 4 applies) throughout the period of 5 years ending with that date";

(*b*) At the end of paragraph 3 there shall be added the following words "or whether the application was received before the appropriate date specified in paragraph 2 of Schedule 2 to the Act of 1973 and, if not, whether the circumstances are such that the application should be considered".".

7. At the end of Schedule 4 to the principal Regulations there shall be added the following paragraphs:—

"2. In relation to an application made by a citizen of Pakistan by virtue of paragraph 2 of Schedule 2 to the Act of 1973, paragraph 1 shall have effect as if for sub-paragraph (*a*) there were substituted the following sub-paragraph:—

"(*a*) is, and was on 14th May 1973, a citizen of Pakistan;".

3. Such an application as is mentioned in paragraph 2 shall contain such further information as the authority to whom it is made may require in order to determine whether the application was received before the appropriate date specified in paragraph 2 of Schedule 2 to the Act of 1973 and, if not, whether the circumstances are such that the application should be considered.".

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

9. In paragraph 4 of Schedule 8 to the principal Regulations, after the words "as defined in paragraph 2" there shall be inserted the words "or if the application is made after 28th February 1975 by virtue of paragraph 3 of Schedule 2 to the Act of 1973".

APPENDIX A

NEW SCHEDULE 2A TO PRINCIPAL REGULATIONS

SCHEDULE 2A

Regulation 4(1)

BRITISH NATIONALITY ACT 1948, SECTION 5A(1)

PAKISTAN ACT 1973, SCHEDULE 2, PARAGRAPH 2

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

1. The application shall contain sufficient information to enable the authority to whom it is made (hereinafter referred to as "the appropriate authority") to satisfy himself that the applicant—

(*a*) is, and was on 14th May 1973, a citizen of Pakistan;

(*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;

(*e*) whether or not paragraph 4 applies, has been throughout the period beginning immediately before 14th May 1973 and ending with the date of the application—

(i) ordinarily resident in the United Kingdom or a colony or protectorate specified in the application, 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 paragraphs 1(*d*)(ii) and 1(*e*)(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,

except that, for the purposes of paragraph 1(*e*)(ii) sub-paragraph (*c*) of this paragraph shall have effect as if for the reference to the Channel Islands or Isle of Man there were substituted a reference to a colony or protectorate specified in the application.

3. The application shall contain such further information as the appropriate authority may require to enable him to determine whether the application was received before the appropriate date specified in paragraph 2 of Schedule 2 to the Act of 1973 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 by the appropriate authority.

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 the 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

NEW SCHEDULE 7A TO THE PRINCIPAL REGULATIONS

Regulation 8(2)

SCHEDULE 7A

BRITISH NATIONALITY ACT 1948, SECTION 12(6)

PAKISTAN ACT 1973, SCHEDULE 2, PARAGRAPH 4

Application for registration as a citizen of the United Kingdom and Colonies by a former British subject by virtue of citizenship of Pakistan

1. The application shall contain sufficient information to enable the authority to whom it is made (hereinafter called "the appropriate authority") to satisfy himself that the applicant—

(*a*) was a British subject immediately before 1st January 1949;

(*b*) was, on that date, potentially a citizen of Pakistan and would, but for that potential citizenship, have become a citizen of the United Kingdom and Colonies by virtue of section 12(4) of the Act of 1948;

(*c*) was, on 1st September 1973, a citizen of Pakistan;

(*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 made after 28th February 1975 it shall state the factors which the applicant wishes the appropriate authority to take into account in considering the application.

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.

(a) 4 & 5 Geo. 5. c. 17.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the British Nationality Regulations 1972 and take account of the transitional provisions as to applications for registration as a citizen of the United Kingdom and Colonies contained in Schedule 2 to the Pakistan Act 1973. They also provide that a citizen of Pakistan who is registered as a citizen of the United Kingdom and Colonies under section 6(2) or 7 of the British Nationality Act 1948 (registration of wives of citizens of the United Kingdom and Colonies and of minors) shall not be charged the fee normally required in the case of an alien.

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