1960 No. 2215

The British Nationality (Cyprus) Order, 1960

Made - - - -	30*th November*, 1960
Laid before Parliament	6*th December*, 1960
Coming into Operation	16*th February*, 1961

At the Court at Buckingham Palace, the 30th day of November, 1960

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by subsections (1) and (3) of section four of the Cyprus Act, 1960(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) Subject to the proviso to subsection (1) of section four of the Cyprus Act, 1960, and to this Article, any person who, immediately before the sixteenth day of February, 1961, is a citizen of the United Kingdom and Colonies shall cease to be such a citizen on that day if he possesses any of the qualifications specified in paragraph 2 of Section 2 of Annex D to the Treaty concerning the Establishment of the Republic of Cyprus concluded on the sixteenth day of August, 1960 (which Annex is set out in the Schedule to this Order and is hereinafter referred to as "Annex D"):

Provided that if any person would, on ceasing to be a citizen of the United Kingdom and Colonies under this paragraph, become stateless, he shall not cease to be such a citizen thereunder until the sixteenth day of August, 1961.

(2) A person shall not cease to be a citizen of the United Kingdom and Colonies under this Article if he possesses any of the qualifications specified in paragraph 2 of Section 3 of Annex D; and for the purposes of this paragraph—

(*a*) save as hereinafter provided, any expression used in the said paragraph 2 shall be construed as having the same meaning as in the British Nationality Act, 1948(b);

(*b*) the reference in sub-paragraph (*b*) of the said paragraph 2 to a person naturalised in the United Kingdom and Colonies shall include a person who would, if living immediately before the commencement of the British Nationality Act, 1948, have become a person naturalised in the United Kingdom and Colonies by virtue of subsection (6) of section thirty-two of that Act (which relates to persons given local naturalisation before that commencement in a colony or protectorate);

(*c*) the protectorates of Northern Rhodesia and Nyasaland shall be excepted from the operation of any reference to a protectorate in sub-paragraph (*f*) or (*g*) of the said paragraph 2.

(a) 8 & 9 Eliz. 2. c. 52. (b) 11 & 12 Geo. 6. c. 56.

(3) A person shall not cease to be a citizen of the United Kingdom and Colonies under this Article if he is such a person as is mentioned in sub-paragraph (*b*) of paragraph 1 of Section 4 of Annex D, and loss of citizenship of the United Kingdom and Colonies would render him stateless.

2. Subject to the proviso to subsection (1) of section four of the Cyprus Act, 1960, any citizen of the United Kingdom and Colonies who is granted citizenship of the Republic of Cyprus in pursuance of an application such as is referred to in Section 4, 5 or 6 of Annex D shall thereupon cease to be a citizen of the United Kingdom and Colonies.

3. Subsection (3) of section four of the Cyprus Act, 1960, shall apply to those persons who cease to be citizens of the United Kingdom and Colonies under Article 1 of this Order.

4. This Order may be cited as the British Nationality (Cyprus) Order, 1960, and shall come into operation on the sixteenth day of February, 1961.

W. G. Agnew.

SCHEDULE

Annex D to the Treaty Concerning the Establishment of the Republic of Cyprus Concluded on the Sixteenth Day of August, 1960

Section 1

For the purposes of this Annex:—

(*a*) "The agreed date" means the 16th of February, 1961;

(*b*) "Colony", "protectorate", "protected State" and "United Kingdom trust territory" refer to territories which have that status immediately after the entry into force of this Treaty for the purpose of the application of the nationality law of the United Kingdom;

(*c*) "The date of this Treaty" means the date on which this Treaty enters into force*;

(*d*) A person born before the agreed date aboard a registered ship or aircraft or aboard an unregistered ship or aircraft of the Government of any country shall be regarded as having been born in the place in which the ship or aircraft was registered, or, as the case may be, in that country;

(*e*) It is understood that a person shall not be regarded as having ceased to be ordinarily resident in a country if it can be shown to the satisfaction of the authorities concerned that his absence from that country was temporary and for the purpose of receiving medical treatment or education.

Section 2

1. Any citizen of the United Kingdom and Colonies who on the date of this Treaty possesses any of the qualifications specified in paragraph 2 of this Section shall on that date become a citizen of the Republic of Cyprus if he was ordinarily resident in the Island of Cyprus at any time in the period of five years immediately before the date of this Treaty.

2. The qualifications referred to in paragraph 1 of this Section are that the person concerned is—

(*a*) a person who became a British subject under the provisions of the Cyprus (Annexation) Orders in Council, 1914 to 1943; or

* Under Article 12 of the Treaty, it entered into force on 16th August, 1960, on signature by all the parties to it.

(*b*) a person who was born in the Island of Cyprus on or after the 5th of November, 1914; or

(*c*) a person descended in the male line from such a person as is referred to in sub-paragraph (*a*) or (*b*) of this paragraph.

3. Any citizen of the United Kingdom and Colonies born between the date of this Treaty and the agreed date shall become a citizen of the Republic of Cyprus at the date of his birth if his father becomes such a citizen under this Section or would but for his death have done so.

SECTION 3

1. Any citizen of the United Kingdom and Colonies who on the date of this Treaty (or, in the case of a person born between that date and the agreed date, who on the date of his birth) possesses any of the qualifications specified in paragraph 2 of Section 2 of this Annex shall on the agreed date cease to be a citizen of the United Kingdom and Colonies unless he possesses any of the qualifications specified in paragraph 2 of this Section.

2. The qualifications referred to in paragraph 1 of this Section are that the person concerned is—

(*a*) a person born outside the Island of Cyprus in the United Kingdom or in a colony; or

(*b*) a person naturalised in the United Kingdom and Colonies; or

(*c*) a person who was registered as a citizen of the United Kingdom and Colonies; or

(*d*) a person who became a British subject by reason of the annexation of any territory included in a colony outside the Island of Cyprus; or

(*e*) a person whose father or father's father is or was such a person as is referred to in sub-paragraph (*a*), (*b*), (*c*) or (*d*) of this paragraph; or

(*f*) a person born in a protectorate, protected State or United Kingdom trust territory; or

(*g*) a person whose father or father's father was born in a protectorate, protected State or United Kingdom trust territory and was at any time a British subject; or

(*h*) a person who was born on or after the 1st of January, 1949, and whose father was, or would but for his death have been, a British subject without citizenship at the date of that person's birth and immediately before the date of this Treaty; or

(*i*) a person who was born before the 1st of January, 1949, and whose father was, or would but for his death have been, a British subject at the date of that person's birth and a British subject without citizenship immediately before the date of this Treaty; or

(*j*) a person who was immediately before the date of this Treaty ordinarily resident in the United Kingdom or in a colony, protectorate, protected State or United Kingdom trust territory or in the territory of any country within the British Commonwealth of Nations then having separate citizenship from that of the United Kingdom and Colonies or any dependency of that territory; or

(*k*) a person who was born between the date of this Treaty and the agreed date and whose father was a citizen of the United Kingdom and Colonies who was immediately before the date of this Treaty (or, if he was dead at that date, then at the date of his death) ordinarily resident in any country or territory referred to in sub-paragraph (*j*) of this paragraph.

SECTION 4

1. A person who immediately before the date of this Treaty was a citizen of the United Kingdom and Colonies and possessed any of the qualifications specified in paragraph 2 of Section 2 of this Annex but does not under that

Section become a citizen of the Republic of Cyprus shall be entitled, on application to the appropriate authority of the Republic of Cyprus, to be granted on or after the agreed date citizenship of the Republic of Cyprus if—

(*a*) he was immediately before the date of this Treaty ordinarily resident in any country or territory specified in sub-paragraph (*j*) of paragraph 2 of Section 3 of this Annex; or

(*b*) he was immediately before that date ordinarily resident in Greece or Turkey; or

(*c*) he was immediately before that date ordinarily resident elsewhere than in a country or territory mentioned in sub-paragraphs (*a*) and (*b*) of this paragraph and became or may become stateless by reason of this Annex.

2. A person of Cypriot origin who immediately before the date of this Treaty was not a citizen of the United Kingdom and Colonies shall be entitled, on application to the appropriate authority of the Republic of Cyprus, to be granted on or after the agreed date citizenship of the Republic of Cyprus. For the purpose of this paragraph, "a person of Cypriot origin" means a person who was, on the 5th of November, 1914, an Ottoman subject ordinarily resident in the Island of Cyprus or who is descended in the male line from such a person.

3. A woman who was married before the date of this Treaty to a person who is entitled to make an application for citizenship of the Republic of Cyprus under paragraph 1 or 2 of this Section and is making or has made such an application shall be entitled, on application during the subsistence of the marriage made to the appropriate authority of the Republic of Cyprus, to be granted on or after the agreed date citizenship of the Republic of Cyprus.

4. A woman who is a citizen of the United Kingdom and Colonies and was married before the date of this Treaty to a person possessing any of the qualifications specified in paragraph 2 of Section 2 of this Annex but whose marriage has been terminated by death or divorce shall be entitled, on application to the appropriate authority of the Republic of Cyprus, to be granted on or after the agreed date citizenship of the Republic of Cyprus if at the date of this Treaty any of the conditions specified in sub-paragraph (*a*), (*b*) or (*c*) of paragraph 1 of this Section were satisfied in the case of her husband (or, if the marriage was terminated before the date of this Treaty, then in her case).

5. A woman who was married before the date of this Treaty to a person of Cypriot origin within the meaning of paragraph 2 of this Section not being a citizen of the United Kingdom and Colonies but whose marriage has been terminated by death or divorce shall be entitled, on application to the appropriate authority of the Republic of Cyprus, to be granted on or after the agreed date citizenship of the Republic of Cyprus.

6. A person born between the date of this Treaty and the agreed date shall be entitled, on application to the appropriate authority of the Republic of Cyprus, to be granted on or after the agreed date citizenship of the Republic of Cyprus if either of his parents is entitled to make an application for such citizenship under paragraphs 1 to 5 of this Section and is making or has made such an application.

7.—(*a*) Subject to paragraph 8 of this Section, the number of applications which may be granted under paragraphs 1 to 6 of this Section on the basis of such residence as is referred to in sub-paragraph (*a*) or (*b*) of paragraph 1 or on the basis of Cypriot origin as referred to in paragraph 2 of this Section shall be limited in each calendar year to the numbers given in the Table below in respect of each class of applicants. Applications shall be granted up to the full number given in each space in that Table in respect of applicants of each class irrespective of the number of applications made by or granted to applicants of any other class.

TABLE

Application	Column A Persons who are to become members of the Greek Community including those persons who are to be associated with it	Column B Persons who are to become members of the Turkish Community
I On the basis of such residence as is referred to in sub-paragraph (*a*) of paragraph 1...	1,200	300
II On the basis of such residence as is referred to in sub-paragraph (*b*) of paragraph 1...	160	40
III On the basis of such Cypriot origin as is referred to in paragraph 2	560	140

(*b*) The numbers in the Table above may be altered for any year by agreement between the President and Vice-President of the Republic of Cyprus.

(*c*) If, in any year, the number of persons who become members of the Greek community, having been granted citizenship of the Republic of Cyprus under sub-paragraph (*c*) of paragraph 1 of this Section and having taken up permanent residence in the Republic of Cyprus, exceeds the number required to maintain the ratio of 4 to 1 between the number of such persons and the number of persons who become members of the Turkish community, having been granted citizenship of the Republic of Cyprus under that sub-paragraph and having taken up permanent residence in the Republic of Cyprus, the excess shall be set-off in the immediately following one or more years, as may be required, against the total number in Column A in the Table in sub-paragraph (*a*) of this paragraph.

(*d*) If, in any year, the number of persons who become members of the Turkish community, having been granted citizenship of the Republic of Cyprus under sub-paragraph (*c*) of paragraph 1 of this Section and having taken up permanent residence in the Republic of Cyprus, exceeds the number required to maintain the ratio of 1 to 4 between the number of such persons and the number of persons who become members of the Greek community, having been granted citizenship of the Republic of Cyprus under that sub-paragraph and having taken up permanent residence in the Republic of Cyprus, the excess shall be set-off in the immediately following one or more years, as may be required, against the total number in Column B in the Table in sub-paragraph (*a*) of this paragraph.

8. The provisions of paragraph 7 of this Section shall not apply to an application made under paragraph 2 of this Section by a person born in the Island of Cyprus who was ordinarily resident there for the period of twenty years immediately before the date of this Treaty or by the wife of such a person.

9. Section 3 of this Annex shall not apply to such a person as is mentioned in sub-paragraph (*b*) of paragraph 1 of this Section if loss of citizenship of the United Kingdom and Colonies under Section 3 of this Annex would render him stateless.

10. Notwithstanding Section 3 of this Annex, the United Kingdom may provide that the citizenship of the United Kingdom and Colonies of persons who may become stateless on the agreed date by the operation of that Section may continue to subsist until the 16th of August, 1961. Where a child is born to such a person during such subsistence of citizenship of the United Kingdom and Colonies, paragraph 6 of this Section shall apply to that child as if he had been born before the agreed date.

11. Applications to the appropriate authority of the Republic of Cyprus pursuant to sub-paragraph (*c*) of paragraph 1 of this Section may be made on or after the 16th of November, 1960.

12. Applications under this Section shall be dealt with in the order in which they are received; and any application which cannot be granted by reason of paragraph 7 of this Section in any calendar year, or which is received too late to be dealt with in that year, shall be dealt with in the following calendar year as part of the number authorised for that year and before the applications received in that year.

13. An application under this Section may be made on behalf of a child who has not attained the age of sixteen years by any person who satisfies the appropriate authority that he is the father or guardian of the child.

14. A citizen of the United Kingdom and Colonies who becomes a citizen of the Republic of Cyprus under this Section shall thereupon cease to be a citizen of the United Kingdom and Colonies. The United Kingdom may provide that any person who loses citizenship of the United Kingdom and Colonies under this paragraph as a result of an application made on his behalf under paragraph 13 of this Section shall be entitled to resume that citizenship after he attains the age of 21 years.

15. Particulars of every grant of citizenship under this Section to a person who is a citizen of the United Kingdom and Colonies shall be notified by the Government of the Republic of Cyprus to the Government of the United Kingdom.

SECTION 5

1. Any citizen of the United Kingdom and Colonies shall be entitled, on application to the appropriate authority of the Republic of Cyprus not later than 12 months after the agreed date, to be granted on or after the agreed date citizenship of the Republic of Cyprus if he satisfies the authority that he possesses any of the qualifications specified in paragraph 2 of this Section and was ordinarily resident in the Island of Cyprus at any time in the period of five years immediately before the date of this Treaty.

2. The qualifications referred to in paragraph 1 of this Section are that the person concerned is—

(*a*) a person who was granted a certificate of naturalisation by the Governor of Cyprus, or whose name was included in such a certificate; or

(*b*) a person who was registered as a citizen of the United Kingdom and Colonies (otherwise than on the ground of marriage to such a citizen) by the Governor of Cyprus; or

(*c*) a person descended in the male line from such a person as is referred to in sub-paragraph (*a*) or (*b*) of this paragraph.

3. A citizen of the United Kingdom and Colonies born between the date of this Treaty and the agreed date shall be entitled, on application to the appropriate authority of the Republic of Cyprus not later than 12 months after the agreed date, to be granted citizenship of the Republic of Cyprus if—

(*a*) his father is entitled to make an application for citizenship of the Republic of Cyprus under this Section and is making or has made such an application; or

(*b*) his mother is entitled to make an application for citizenship of the Republic of Cyprus under paragraph 2 of Section 6 of this Annex by virtue of the

fact that his father possessed any of the qualifications specified in paragraph 2 of this Section and she is making or has made such an application.

4. An application under this Section may be made on behalf of a child who has not attained the age of 16 years by any person who satisfies the appropriate authority that he is the father or guardian of the child.

5. A person who becomes a citizen of the Republic of Cyprus under this Section shall thereupon cease to be a citizen of the United Kingdom and Colonies. The United Kingdom may provide that a person who loses citizenship of the United Kingdom and Colonies under this paragraph as a result of an application made on his behalf under paragraph 4 of this Section shall be entitled to resume that citizenship after he attains the age of 21 years.

6. Particulars of every grant of citizenship of the Republic of Cyprus under this Section shall be notified by the Government of the Republic of Cyprus to the Government of the United Kingdom.

SECTION 6

1. A woman who is a citizen of the United Kingdom and Colonies and was married before the date of this Treaty to a person who becomes a citizen of the Republic of Cyprus under Section 2 or 5 of this Annex shall be entitled, upon application to the appropriate authority of the Republic of Cyprus during the subsistence of the marriage and not later than one year after the date when her husband becomes such a citizen, to be granted on or after the agreed date citizenship of the Republic of Cyprus.

2. A woman who is a citizen of the United Kingdom and Colonies and was married before the date of this Treaty to a person possessing any of the qualifications specified in paragraph 2 of Section 2 or in paragraph 2 of Section 5 of this Annex, but whose marriage has been terminated by death or divorce shall be entitled, upon application to the appropriate authority of the Republic of Cyprus not later than two years after the agreed date, to be granted on or after the agreed date citizenship of the Republic of Cyprus if either of the conditions specified in paragraph 3 of this Section is satisfied in her case.

3. The conditions referred to in paragraph 2 of this Section are—

(*a*) that, at any time in the period of five years immediately before the date of this Treaty and during the subsistence of the marriage, the husband of the woman concerned was ordinarily resident in the Island of Cyprus; or

(*b*) that, at any time in the period of five years aforesaid and after the termination of the marriage, the woman concerned was ordinarily resident in the Island of Cyprus.

4. A woman who acquires citizenship of the Republic of Cyprus under this Section shall thereupon cease to be a citizen of the United Kingdom and Colonies.

5. Particulars of every grant of citizenship of the Republic of Cyprus under this Section shall be notified by the Government of the Republic of Cyprus to the Government of the United Kingdom.

6. A woman who is the wife of a citizen of the United Kingdom and Colonies shall not cease to be a citizen of the United Kingdom and Colonies under any provision of this Annex unless her husband ceases to be such a citizen under this Annex.

SECTION 7

Any person who ceases to be a citizen of the United Kingdom and Colonies under Section 3 of this Annex shall, until the expiration of a period of two years after the agreed date, have the same right to acquire citizenship of the United Kingdom and Colonies by registration as if he were a British subject who is not a citizen of the United Kingdom and Colonies.

SECTION 8

The Republic of Cyprus shall provide that any citizen of the Republic of Cyprus who has attained the age of 21 years (or is a woman who has been married) and is not of unsound mind and also possesses the nationality or citizenship of another country is entitled to renounce ciitzenship of the Republic of Cyprus by declaration made to the appropriate authority; but, during any period when the Republic of Cyprus is at war, this right may be made subject to the consent of the appropriate authority.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

Articles 1 and 2 of this Order, which is made under section 4 of the Cyprus Act, 1960, specify the persons who are to cease to be citizens of the United Kingdom and Colonies under section 4 (1) of the Act in accordance with the agreement for the establishment of the Republic of Cyprus.

Article 3 relates to the re-acquisition of citizenship of the United Kingdom and Colonies lost, by virtue of the Order, under section 4 (1) of the Act. Section 6 of the British Nationality Act, 1948, includes provisions enabling a citizen of a Commonwealth country to acquire citizenship of the United Kingdom and Colonies by registration. Section 4 (3) of the Cyprus Act provides that until 16th February, 1963, certain persons who cease to be citizens of the United Kingdom and Colonies by virtue of the Order shall have the same rights as citizens of a Commonwealth country to apply for registration as citizens of the United Kingdom and Colonies under section 8 of the British Nationality Act; the persons who are to have this right are those persons to whom section 4 (3) of the Cyprus Act is applied by the Order. Article 3 applies section 4 (3) to those persons who cease to be citizens of the United Kingdom and Colonies automatically by virtue of Article 1.