EXPLANATORY MEMORANDUM TO

THE BRITISH NATIONALITY (MALDIVES) ORDER 2017

2017 No. 568

1. Introduction

1.1 This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This Order amends the British Nationality Act 1981 so that the Republic of Maldives (referred to as "Maldives" in that Act) is removed from Schedule 3, which is a list of "Countries whose citizens are Commonwealth citizens".

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Other matters of interest to the House of Commons

3.2 As this instrument is subject to negative resolution procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

4.1 The Republic of Maldives voluntarily withdrew from the Commonwealth on 13 October 2016.

4.2 Schedule 3 to the British Nationality Act 1981 lists all those countries whose citizens are regarded as Commonwealth citizens. This instrument is being made in order to amend the list in Schedule 3, so that citizens of the Republic of Maldives will no longer be regarded as Commonwealth citizens under United Kingdom law.

5. Extent and Territorial Application

5.1 The extent of this instrument is the United Kingdom. It additionally extends to the Channel Islands, the Isle of Man, and all of the British overseas territories (the legislatures of which have not been consulted since they have no competence in matters relating to nationality and citizenship).

5.2 The territorial application of this instrument is the United Kingdom.

5.3 It additionally applies to the Channel Islands, the Isle of Man, and all of the British overseas territories (again, the legislatures of which have not been consulted since they have no competence in matters relating to nationality and citizenship).

6. European Convention on Human Rights

6.1 The Minister of State for Immigration has made the following statement regarding Human Rights:

In my view the provisions of the British Nationality (Maldives) Order 2017 are compatible with the Convention rights.

7. Policy background

7.1 The Republic of Maldives voluntarily withdrew from the Commonwealth on 13 October 2016.

7.2 Once the Republic of Maldives is removed from the list of Commonwealth countries in Schedule 3 to the British Nationality Act 1981, its citizens will no longer be regarded as Commonwealth citizens for the purpose of United Kingdom law. This means that Maldivian citizens in the UK will not have the right to vote in Parliamentary, local and European elections, to stand for election to Parliament or sit in the House of Lords as a peer or bishop. They will not be eligible to hold certain posts, such as judge, magistrate, minister, police constable, member of the armed forces, or civil servant. They will also not be able to enter the United Kingdom under the Immigration Rules on an ancestry visa or as a working holiday maker, or have a right of abode as a Commonwealth citizen.

Consolidation

7.3 There are no plans to consolidate Schedule 3 to the British Nationality Act 1981.

8. Consultation outcome

8.1 This change has not been the subject of consultation: it is a consequential amendment following the decision of the Government of The Republic of Maldives to leave the Commonwealth.

9. Guidance

9.1 Home Office guidance will be amended to take account of this change. The change itself will be publicised on the Gov.UK website.

10. Impact

10.1 There is no impact on business, charities or voluntary bodies.

10.2 There is no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to activities that are undertaken by small businesses.

12. Monitoring & review

12.1 This change is not subject to review.

13. Contact

13.1 Jane Whitehead at the Home Office Telephone: 0151 213 4442 or email: Jane.Whitehead@homeoffice.gsi.gov.uk can answer any queries regarding the instrument.