1961 No. 202

BRITISH NATIONALITY

The British Nationality Regulations, 1961

Made - - - - 31*st January*, 1961

Coming into Operation 16*th February*, 1961

In pursuance of the power conferred upon me by subsection (1) of section twenty-nine of the British Nationality Act, 1948(a), as extended by section four of the Cyprus Act, 1960(b), I hereby make with the consent, so far as Regulation 6 is concerned, of the Treasury the following Regulations:—

Form of declaration of intention to resume citizenship of the United Kingdom and Colonies made under section 4 (2) *of the Act of* 1960

1. A declaration of intention to resume citizenship of the United Kingdom and Colonies made under subsection (2) of section four of the Act of 1960 shall be in the form set out in the First Schedule hereto.

Form of application for registration as a citizen of the United Kingdom and Colonies made under section 6 (1) *of the Act of* 1948 *as applied by section* 4 (3) *of the Act of* 1960

2.—(1) An application for registration as a citizen of the United Kingdom and Colonies made under subsection (1) of section six of the Act of 1948 as applied by subsection (3) of section four of the Act of 1960 (not being an application made under the said subsection (1) as extended by subsection (2) of section three of the Act of 1958) shall be in the form set out in the Second Schedule hereto.

(2) An application for the purpose aforesaid made under subsection (1) of section six of the Act of 1948 as extended by subsection (2) of section three of the Act of 1958 and as applied by subsection (3) of section four of the Act of 1960 shall be in the form set out in the Third Schedule hereto.

Form of application for registration as a citizen of the United Kingdom and Colonies made under section 6 (2) *of the Act of* 1948 *as applied by section* 4 (3) *of the Act of* 1960

3. An application for registration as a citizen of the United Kingdom and Colonies made under subsection (2) of section six of the Act of 1948 as applied by subsection (3) of section four of the Act of 1960 shall be in the form set out in the Fourth Schedule hereto.

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

Authority to whom application in accordance with Regulation 2 or 3 is to be made

4.—(1) An application made in accordance with paragraph (1) of Regulation 2 of these Regulations on the ground of ordinary residence, whether or not it is also made on the ground of Crown service under Her Majesty's government in the United Kingdom, shall be made—

(*a*) if the applicant is ordinarily resident in the United Kingdom, to the Secretary of State at the Home Office in London;

(*b*) if the applicant is ordinarily resident in any of the Channel Islands, the Isle of Man, a colony, a protectorate (except Northern Rhodesia or Nyasaland), a protected state to which the provisions of section eight of the Act of 1948 relating to protectorates are extended by Order in Council made under section thirty thereof, or a United Kingdom trust territory, to the Governor.

(2) An application made in accordance with paragraph (1) of Regulation 2 of these Regulations on the ground solely of Crown service under Her Majesty's government in the United Kingdom, and an application made in accordance with Regulation 3 of these Regulations, shall be made—

(*a*) if the applicant is resident in any of the places mentioned in sub-paragraph (*b*) of paragraph (1) of this Regulation, to the Governor;

(*b*) if the applicant is resident in a country mentioned in subsection (3) of section one of the Act of 1948 in which there is a High Commissioner for Her Majesty's government in the United Kingdom, to the High Commissioner in that country;

(*c*) in any other case, to the Secretary of State at the Home Office in London.

(3) An application made in accordance with paragraph (2) of Regulation 2 of these Regulations on the ground of service in the employment of a society, company or body of persons, whether or not it is also made on the ground of service under an international organisation, shall be made—

(*a*) if the society, company or body is established in the United Kingdom and the applicant is serving in its employment in a country mentioned in subsection (3) of section one of the Act of 1948 in which there is a High Commissioner for Her Majesty's government in the United Kingdom, to the High Commissioner in that country;

(*b*) if the society, company or body is established in the United Kingdom and the applicant is serving as aforesaid elsewhere than as mentioned in sub-paragraph (*a*) of this paragraph, to the Secretary of State at the Home Office in London;

(*c*) if the society, company or body is established in any of the Channel Islands, the Isle of Man, a colony, a protectorate (except Northern Rhodesia or Nyasaland), a protected state to which the provisions of subsection (2) of section three of the Act of 1958 relating to protectorates are extended by Order in Council made under section thirty of the Act of 1948, or a United Kingdom trust territory, to the Governor.

(4) An application made in accordance with paragraph (2) of Regulation 2 of these Regulations on the ground solely of service under an international organisation shall be made—

(*a*) if the applicant is serving as aforesaid in a country mentioned in subsection (3) of section one of the Act of 1948 in which there is a High Commissioner for Her Majesty's government in the United Kingdom, to the High Commissioner in that country;

(*b*) in any other case, to the Secretary of State at the Home Office in London.

Place of registration effected in accordance with the preceding Regulations

5.—(1) A declaration made in accordance with Regulation 1 of these Regulations shall be registered in London at the Home Office.

(2) The registration of a person as a citizen of the United Kingdom and Colonies in pursuance of an application made in accordance with Regulation 2 or 3 of these Regulations shall be effected as follows:—

(*a*) if the application is made to the Secretary of State, at the Home Office in London;

(*b*) in any other case, at such place as the person to whom the application is made may direct.

Application of British Nationality Regulations of 1948 *and* 1958

6.—(1) The provisions of the Regulations of 1948 and of the Regulations of 1958 which are mentioned in paragraph (2) of this Regulation shall apply in relation to applications and declarations made in accordance with these Regulations as they apply in relation to applications and declarations made in accordance with the Regulations of 1948; but, save as aforesaid, nothing in those Regulations shall apply in relation to applications and declarations made in accordance with these Regulations.

(2) The provisions referred to in paragraph (1) of this Regulation are—

(*a*) Regulation 15 of the Regulations of 1948 (which relates to the variation of forms);

(*b*) Regulation 17 of the Regulations of 1948 (which relates to the witnessing of applications and declarations);

(*c*) paragraph (1) of Regulation 19 of the Regulations of 1948, in so far as it relates to the fees for witnessing the signing of an application or declaration, for the registration of a declaration, and for supplying a certified copy of a document;

(*d*) paragraph (2) of Regulation 5 of the Regulations of 1958 (which provides that in certain circumstances the registration of a person as a citizen of the United Kingdom and Colonies under section six of the Act of 1948 shall be effected at such place as the Secretary of State may direct).

Time limit for taking oath of allegiance for purpose of naturalisation

7. In paragraph (2) of Regulation 9 of the Regulations of 1948 (which specifies the time within which the oath of allegiance must be taken on naturalisation) for the words "within such extended time as the Secretary of State or the Governor who granted the certificate, as the case may be, may permit" there shall be substituted the words "within such extended time as the Secretary of State (in the case of any certificate) or the Governor of a place mentioned in paragraph (2) of the last foregoing Regulation

(in the case of a certificate granted by the Governor of that place) may permit".

Interpretation

8.—(1) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"the Act of 1948" means the British Nationality Act, 1948;

"the Act of 1958" means the British Nationality Act, 1958(a);

"the Act of 1960" means the Cyprus Act, 1960;

"Governor" has, in relation to a protected state to which provisions of the Act of 1948 or of the Act of 1958 are extended by Order in Council made under section thirty of the Act of 1948, the same meaning as in the Order;

"the Regulations of 1948" means the British Nationality Regulations, 1948(b), as amended by the British Nationality Regulations, 1951(c), the British Nationality Regulations, 1952(d), and the British Nationality Regulations, 1960(e);

"the Regulations of 1958" means the British Nationality Regulations, 1958(f).

(2) The Interpretation Act, 1889(g), shall apply to the interpretation of these Regulations in like manner as it applies to the interpretation of an Act of Parliament.

Citation and commencement

9. These Regulations may be cited as the British Nationality Regulations, 1961, and shall come into operation on the sixteenth day of February, 1961.

R. A. Butler,
One of Her Majesty's Principal Secretaries of State.

30th January, 1961.

We consent to Regulation 6 of these Regulations.

David Gibson-Watt,
P. E. O. Bryan,
Two of the Lords Commissioners of Her Majesty's Treasury.

31st January, 1961.

(a) 6 & 7 Eliz. 2. c. 10. (b) S.I. 1948/2721 (Rev. III, p. 209: 1948 I, p. 261).
(c) S.I. 1951/423 (1951 I, p. 86). (d) S.I. 1952/582 (1952 I, p. 434).
(e) S.I. 1960/1150 (1960 I, p. 419). (f) S.I. 1958/655 (1958 I, p. 237).
(g) 52 & 53 Vict. c. 63.

FIRST SCHEDULE Regulation 1

CYPRUS ACT, 1960, SECTION 4 (2)

Declaration of intention to resume citizenship of the United Kingdom and Colonies under section 4 (2) of the Act made by a person who has lost such citizenship under Article 2 of the British Nationality (Cyprus) Order, 1960, owing to having been granted citizenship of the Republic of Cyprus in pursuance of an application made before he attained the age of sixteen years.

1. I, A.B., of [*here insert address of declarant*], was born at on .

2. My father's full name [is] [was] and he was born at on .

3. I ceased to be a citizen of the United Kingdom and Colonies under Article 2 of the British Nationality (Cyprus) Order, 1960, by reason of the fact that I was granted citizenship of the Republic of Cyprus on in pursuance of an application made in accordance with Section [4] [5] of Annex D to the Treaty concerning the Establishment of the Republic of Cyprus. That application was made on before I attained the age of sixteen years.

4. Immediately before I was granted citizenship of the Republic of Cyprus as aforesaid I was a citizen of the United Kingdom and Colonies by reason of the fact that

[*Here state the grounds on which the declarant claims that he or she was such a citizen.*]

5. I hereby declare my intention to resume citizenship of the United Kingdom and Colonies and apply to the Secretary of State to register this declaration.

I, A.B., do solemnly and sincerely declare that the foregoing particulars stated in this declaration are true, and I make this solemn declaration conscientiously believing the same to be true.

(Signed) A.B.

Made and subscribed this day of , 19 , before me,

(Signed) X.Y.,

[*Justice of the Peace, Commissioner or other official title.*]

SECOND SCHEDULE Regulation 2 (1)

BRITISH NATIONALITY ACT, 1948, SECTION 6 (1)

CYPRUS ACT, 1960, SECTION 4 (3)

Application for registration as a citizen of the United Kingdom and Colonies under section 6 (1) of the Act of 1948 as applied by section 4 (3) of the Act of 1960 made by a person who has ceased to be such a citizen under Article 1 of the British Nationality (Cyprus) Order, 1960, and who seeks registration on the ground of ordinary residence in the United Kingdom or in any of the Channel Islands, the Isle of Man, a colony, a protectorate, a protected state to which section 8 (1) of the Act of 1948 has been applied or a United Kingdom trust territory or on the ground of Crown service under Her Majesty's government in the United Kingdom.

1. I, A.B., of [*here insert address of applicant*], am of full age and capacity and was born at on .

2. My father's full name [is] [was] and he was born at on .

3. I am [single] [married] [a widower] [a widow] [divorced from my wife/husband].

4. My [wife's] [husband's] full name [is] [was] .

5. I am not a citizen of a country referred to in subsection (1) of section six of the British Nationality Act, 1948*.

6. I ceased to be a citizen of the United Kingdom and Colonies on the sixteenth day of [February] [August], 1961, under Article 1 of the British Nationality (Cyprus) Order, 1960.

7. Immediately before that date I was a citizen of the United Kingdom and Colonies by reason of the fact that

[*Here state the grounds on which the applicant claims to have been such a citizen.*]

Either or both of sub-paragraphs (a) and (b) should be completed.

8. (*a*) I am ordinarily resident in [the United Kingdom] [*or, if the applicant is ordinarily resident in any of the Channel Islands, the Isle of Man, a colony, a protectorate, a protected state to which section* 8 (1) *of the Act of* 1948 *has been applied or a United Kingdom trust territory, here insert the name of the island, colony, etc.*] and have been so ordinarily resident during the past twelve months, as follows:—

[*Here state the addresses at which the applicant was ordinarily resident during the past twelve months, with dates in each case; and if the applicant has been ordinarily resident in the United Kingdom, or in the island, colony, etc., as the case may be, for a shorter period than twelve months, state the special circumstances in which it is desired that the shorter period should be accepted.*]

(*b*) I am in Crown service under Her Majesty's government in the United Kingdom, as follows:—

[*Here state the name of the department in which the applicant is employed, whether the department forms part of the government of the United Kingdom, Northern Ireland, one of the Channel Islands, the Isle of Man, or a colony, protectorate, protected state or United Kingdom trust territory, the capacity in which the applicant is employed, and the date of his or her appointment.*]

9. I hereby apply to be registered as a citizen of the United Kingdom and Colonies.

I, A.B., do solemnly and sincerely declare that the foregoing particulars stated in this application are true, and I make this solemn declaration conscientiously believing the same to be true.

(Signed) A.B.

Made and subscribed this day of , 19 , before me,

(Signed) X.Y.,
[*Justice of the Peace, Commissioner or other official title.*]

* The countries there referred to are Canada, Australia, New Zealand, the Union of South Africa, India, Pakistan, the Federation of Rhodesia and Nyasaland, Ceylon, Ghana, the Federation of Malaya, the State of Singapore, the Republic of Cyprus, Nigeria and the Republic of Ireland.

THIRD SCHEDULE Regulation 2 (2)

BRITISH NATIONALITY ACT, 1948, SECTION 6 (1)

BRITISH NATIONALITY ACT, 1958, SECTION 3 (2)

CYPRUS ACT, 1960, SECTION 4 (3)

Application for registration as a citizen of the United Kingdom and Colonies under section 6 (1) of the Act of 1948 as extended by section 3 (2) of the Act of 1958 and applied by section 4 (3) of the Act of 1960 made by a person who has ceased to be such a citizen under Article 1 of the British Nationality (Cyprus) Order, 1960, and who seeks registration on the ground of service under an international organisation of which the United Kingdom or Her Majesty's government therein is a member or service in the employment of a society, company or body of persons established in the United Kingdom or in any of the Channel Islands, the Isle of Man, a colony, a protectorate, a protected state to which section 3 (2) of the Act of 1958 has been applied or a United Kingdom trust territory.

1. I, A.B., of [*here insert address of applicant*], am of full age and capacity and was born at
on

2. My father's full name [is] [was]
and he was born at
on

3. I am [single] [married] [a widower] [a widow] [divorced from my wife/husband].

4. My [wife's] [husband's] full name [is] [was]
and [he] [she] was born at
on

5. I am not a citizen of a country referred to in subsection (1) of section six of the British Nationality Act, 1948.*

6. I ceased to be a citizen of the United Kingdom and Colonies on the sixteenth day of [February] [August], 1961, under Article 1 of the British Nationality (Cyprus) Order, 1960.

7. Immediately before that date I was a citizen of the United Kingdom and Colonies by reason of the fact that

[*Here state the grounds on which the applicant claims to have been such a citizen.*]

8. (*a*) I am serving under an international organisation of which the United Kingdom or Her Majesty's government therein is a member and have been so serving throughout the past [twelve months] [ ]† as follows:—

[*Here give the name of the organisation together with full details of service thereunder during the past twelve months and the total duration of service thereunder.*]

(*b*) I am serving in the employment of a society, company or body of persons established in [*here insert* " the United Kingdom " *or, if the society, company or body is established in one of the Channel Islands, the Isle of Man, or a colony, a protectorate, a protected state to which section 3 (2) of the Act of 1958 has been applied or a United Kingdom trust territory, the name of the island, colony, etc.*] and have been so serving throughout the past [twelve months] [ ]† as follows:—

Either or both of sub-paragraphs (a) and (b) should be completed.

†If applicant has been serving for less than twelve months delete first [ ] and complete second [ ].

* The countries there referred to are Canada, Australia, New Zealand, the Union of South Africa, India, Pakistan, the Federation of Rhodesia and Nyasaland, Ceylon, Ghana, the Federation of Malaya, the State of Singapore, the Republic of Cyprus, Nigeria and the Republic of Ireland.

[*Here give the name of the society, company or body together with full details of service thereunder during the past twelve months and the total duration of service thereunder.*]

9. (*a*) I have been ordinarily resident during the past twelve months as follows:—

[*Here state the addresses at which the applicant was ordinarily resident during the past twelve months, with dates in each case.*]

(*b*) Immediately before I entered into the service mentioned in paragraph 8 I was ordinarily resident at:—

[*Here state the address.*]

To be completed if applicable.

10. The special circumstances in which I desire that the period of service shorter than twelve months which is mentioned in paragraph 8 should be accepted are as follows:—

11. I have a close connection with the United Kingdom and Colonies for the following reasons:—

12. I hereby apply to be registered as a citizen of the United Kingdom and Colonies.

I, A.B., do solemnly and sincerely declare that the foregoing particulars stated in this application are true, and I make this solemn declaration conscientiously believing the same to be true.

(Signed) A.B.

Made and subscribed this day of , 19 , before me,

(Signed) X.Y.,
[*Justice of the Peace, Commissioner or other official title.*]

Regulation 3

FOURTH SCHEDULE

BRITISH NATIONALITY ACT, 1948, SECTION 6 (2)

CYPRUS ACT, 1960, SECTION 4 (3)

Application for registration as a citizen of the United Kingdom and Colonies under section 6 (2) of the Act of 1948 as applied by section 4 (3) of the Act of 1960 made by a woman who has ceased to be such a citizen under Article 1 of the British Nationality (Cyprus) Order, 1960, and who seeks registration on the ground of her marriage to a citizen of the United Kingdom and Colonies.

1. I, A.B., of [*here insert address of applicant*],
was born at
on .

2. My father's full name [is] [was]
and he was born at
on .

3. I was married at
on
to C.D. [*here insert full name of husband*] [of] [late of] [*here insert husband's address, or last address if he is deceased*]

4. My husband was born at
on

5. My husband's father's full name [is] [was]
and he was born at
on .

6. My marriage [is still subsisting] [has terminated by reason of]

[*If the marriage is not subsisting, state whether it was terminated by the husband's death or by divorce.*]

7. My husband [is] [was] a citizen of the United Kingdom and Colonies by reason of the fact that

[*Here state the grounds on which it is claimed that the applicant's husband is or was a citizen of the United Kingdom and Colonies.*]

8. I am not a citizen of a country referred to in subsection (1) of section six of the British Nationality Act, 1948*.

9. I ceased to be a citizen of the United Kingdom and Colonies on the sixteenth day of [February] [August], 1961, under Article 1 of the British Nationality (Cyprus) Order, 1960.

10. Immediately before the said date I was a citizen of the United Kingdom and Colonies by reason of the fact that

[*Here state the grounds on which the applicant claims to have been such a citizen.*]

11. I have contracted the following other marriages:—

[*Here state place and date of marriage and name and nationality or citizenship of husband in each case.*]

12. I hereby apply to be registered as a citizen of the United Kingdom and Colonies.

I, A.B., do solemnly and sincerely declare that the foregoing particulars stated in this application are true, and I make this solemn declaration conscientiously believing the same to be true.

(Signed) A.B.

Made and subscribed this day of , 19 , before me,

(Signed) X.Y.,

[*Justice of the Peace, Commissioner or other official title.*]

* The countries there referred to are Canada, Australia, New Zealand, the Union of South Africa, India, Pakistan, the Federation of Rhodesia and Nyasaland, Ceylon, Ghana, the Federation of Malaya, the State of Singapore, the Republic of Cyprus, Nigeria and the Republic of Ireland.

EXPLANATORY NOTE

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

Regulations 1 to 6 prescribe the procedure for the making and registration of declarations of intention to resume citizenship of the United Kingdom and Colonies lost under section 4 of the Cyprus Act, 1960, and for the registration of persons as such citizens on application in accordance with that section.

Regulation 7 provides that where a person is granted a certificate of naturalisation as a citizen of the United Kingdom and Colonies by the Governor of a territory outside the United Kingdom the Secretary of State, as well as the Governor, may extend the time within which the grantee has to take the oath of allegiance.