(ii) that he is in receipt of a pension or other like allowance in respect of service under the Crown."

"(3) Nothing in this Order shall preclude the authorisation of remuneration for an Unofficial Member of the Council in respect of the performance of his duties as such Member."

"(4) If it shall be declared by any law for the time being in force in the Colony that an office shall not be an office of emolument under the Crown for all or any of the purposes of this Order, this Order shall have effect accordingly as if that law were enacted herein."

3. There shall be substituted, for the expression, "Colonial Treasurer", in Article 5 of the Principal Order (as substituted by Article 3 of the British Guiana (Constitution) Amendment Order in Council, 1943(a)) the expression, "Financial Secretary and Treasurer".

E. C. E. Leadbitter.

EXPLANATORY NOTE

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

The purpose of this Order is to implement a decision of the Colonial Government that Unofficial Members of the Executive and Legislative Councils shall receive remuneration for their services.

The opportunity has also been taken at the same time to substitute for the title "Colonial Treasurer" the title "Financial Secretary and Treasurer".

BRITISH NATIONALITY

[*See* also FOREIGN JURISDICTION, below.]

1. *British Protectorates, Protected States and Protected Persons.*
2. *Citizenship Laws*, p. 527.
3. *Registration of Naturalised Persons*, p. 529.

1. BRITISH PROTECTORATES, PROTECTED STATES AND PROTECTED PERSONS

The British Protectorates, Protected States and Protected Persons Order in Council, 1949

1949 No. 140

Made - - - - 28th January, 1949

At the Court at Sandringham, the 28th day of January, 1949

Present,

The King's Most Excellent Majesty in Council

Whereas by Section 30 of the British Nationality Act, 1948(b) (hereinafter referred to as "the Act"), it is provided as follows:—

"(1) His Majesty may, in relation to the states and territories under His protection through His government in the United Kingdom, by Order in Council declare which of those states and territories are protectorates and which of them are protected states for the purposes of this Act.

(a) S.R. & O. 1943 (No. 1792) I, p. 55. (b) 11 & 12 Geo. 6. c. 56.

(2) His Majesty may by Order in Council apply the provisions of this Act to the New Hebrides and to Canton Island as if they were protected states.

(3) His Majesty may by Order in Council direct that in this Act any reference specified in the Order to protectorates shall be construed as including a reference to such protected states as may be so specified, and that in relation to any protected state so specified any reference in this Act to the Governor shall be construed as including a reference to such person as may be specified in the Order;"

And Whereas by Section 32 of the Act it is provided that a British protected person means (for the purposes of the Act) a person who is a member of a class of persons declared by Order in Council made in relation to any protectorate, protected state, mandated territory or trust territory to be for the purposes of the Act British protected persons by virtue of their connection with that protectorate, state or territory:

Now, therefore, His Majesty, in exercise of the powers conferred upon Him by the said sections and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

Short title.

1. This Order may be cited as the British Protectorates, Protected States and Protected Persons Order in Council, 1949.

Interpretation.

2.—(1) In this Order, unless the context otherwise requires—

"British protected person" means a person who is a British protected person by virtue of any provision of this Order;

"trust territory" means a territory named in the Third Schedule to this Order.

(2) A person shall, for the purposes of this Order, be of full age if he has attained the age of 21 years, or if, being a woman under that age, she has been married, and shall be of full capacity if he or she is not of unsound mind.

Legitimated Children.

3.—(1) A person born out of wedlock and legitimated by the subsequent marriage of his parents shall, as from the date of the marriage or of this Order, whichever is later, be treated, for the purpose of determining whether he is a British protected person under section 9 or section 10 of this Order, as if he had been born legitimate.

(2) A person shall be deemed for the purposes of this section to have been legitimated by the subsequent marriage of his parents if by the law of the place in which his father was domiciled at the time of the marriage the marriage operated immediately or subsequently to legitimate him, and not otherwise.

Posthumous Children.

4. Any reference in this Order to the status or description of the father of a person at the time of that person's birth shall, in relation to a person born after the death of his father, be construed as a reference to the status or description of the father at the time of the father's death; and where that death occurred before, and the birth occurs after, the date of this Order, the status or description which would have been applicable to the father had he died after the date of this Order shall be deemed to be the status or description applicable to him at the time of his death.

Protectorates and protected states.

5.—(1) The territories named in the First Schedule to this Order, being territories under the protection of His Majesty through His Government in the United Kingdom, are protectorates for the purposes of the Act, and are in this Order referred to as protectorates.

(2) The states or territories named in the first column of the Second Schedule to this Order, being states or territories under the protection of His Majesty as aforesaid, are protected states for the purposes of the Act, and are in this Order referred to as protected states.

New Hebrides and Canton Island.

6. The provisions of the Act shall apply to the New Hebrides and to Canton Island as if they were protected states.

References in the Act to protectorates which are extended to all protected states.

7. The references to protectorates contained in sub-paragraphs (*b*) and (*e*) of paragraph 1 of the Second Schedule to the Act shall be construed as including references to all the protected states set out in the first column of the Second Schedule to this Order, to the New Hebrides and to Canton Island; and ~~any reference in the Act~~ and in this Order to the Governor shall include a reference, in relation to the said protected states, to the authority specified in the second column of the Second Schedule to this Order, and in relation to the New Hebrides and Canton Island to the High Commissioner for the Western Pacific, and to the persons for the time being exercising their functions.

References in the Act to protectorates which are extended to the Malay States and Brunei.

8. The references to protectorates contained in section 8 (1), section 10 (2), section 22, section 29 (3) and in the definition of "person naturalised in the United Kingdom and Colonies" in section 32 (1) of the Act, and in paragraph 4 of the Second Schedule to the Act, shall be construed as including references to the following protected states, namely, the ~~Malay States~~ and Brunei.

British protected persons by virtue of connection with a protectorate (other than Zanzibar) or a trust territory.

9.—(1) Subject to the provisions of Section 13 of this Order, a person shall be a British protected person by virtue of his connection with a protectorate or a trust territory—

(*a*) if he was born (whether before or after the date of this Order) in a protectorate or trust territory; or

(*b*) in the case of a person born elsewhere than in a protectorate or trust territory before the date of this Order, if his father was born in a protectorate or trust territory; or

(*c*) in the case of a person born elsewhere than in a protectorate or trust territory after the date of this Order, if his father was born in a protectorate or trust territory and was a British protected person at the time of that person's birth.

(2) For the purposes of this section Zanzibar shall not be regarded as a protectorate.

British protected persons by virtue of connection with Canton Island.

10. Subject to the provisions of section 13 of this Order a person shall be a British protected person by virtue of his connection with Canton Island—

(*a*) if he was born there before the date of this Order, and his father was born in a protectorate, protected state or trust territory; or

(*b*) if he was born there after the date of this Order, and his father was a British subject or a British protected person at the time of that person's birth.

Registration of women married to British protected persons.

11.—(1) A woman who has been married to a person who is a British protected person under section 9 or section 10 of this Order may, upon application to the Governor, be registered by him as a British protected person.

(2) An application by a woman under this section shall be made to the Governor of the territory by virtue of connection with which her husband is a British protected person, and the Governor may prescribe a form of application.

British protected persons by virtue of connection with Zanzibar or a protected state.

12.—(1) A person who, under any law providing for citizenship or nationality in force in any protected state, is a citizen or national of that state shall be a British protected person by virtue of his connection with that state.

(2) If in any protected state no such law as is mentioned in the preceding sub-section is in force, the provisions of section 3, section 4, section 9, section 11 and section 13 of this Order shall have effect in relation to that state as if it were a protectorate.

(3) If any question arises whether any such law as is mentioned in sub-section (1) of this section is in force, a certificate of a Secretary of State on the question shall be conclusive.

(4) For the purposes of this section Zanzibar shall be regarded as a protected state.

Aliens.

13.—(1) If any person of full age and capacity, who is a British protected person under any provision contained in section 9, section 10 or section 11 of this Order and is also a national of a foreign country as defined in section 32 (1) of the Act, makes a declaration renouncing his status as a British protected person, the Governor shall cause the declaration to be registered, and upon registration that person shall cease to be a British protected person under that provision:

Provided that the Governor may withhold registration of any such declaration if it is made during any war in which His Majesty may be engaged.

(2) A person who is an enemy alien at the date of this Order shall not become a British protected person under section 9 or section 10 of this Order unless the Governor shall, on application made to him by that person, so order.

(3) A declaration or application made under this section shall be sent to the Governor of the territory by virtue of connection with which the person making it is or applies to become a British protected person, and the Governor may prescribe a form of declaration and application and the manner of making it.

And the Right Honourable Ernest Bevin, His Majesty's Principal Secretary of State for Foreign Affairs, and the Right Honourable Arthur Creech Jones, His Majesty's Principal Secretary of State for the Colonies, are to give the necessary directions herein accordingly.

Edward Ford.

THE FIRST SCHEDULE

Protectorates

- Aden Protectorate
- Bechuanaland Protectorate
- British Solomon Islands Protectorate
- Gambia Protectorate
- ~~Kenya Protectorate~~
- ~~Nigeria Protectorate~~
- ~~Northern Rhodesia~~
- ~~Northern Territories of the Gold Coast~~
- ~~Nyasaland Protectorate~~
- ~~Sierra Leone Protectorate~~
- ~~Somaliland Protectorate~~
- Swaziland
- Uganda Protectorate
- ~~Zanzibar Protectorate~~

THE SECOND SCHEDULE

Protected States	*Authority*
~~The Malay States, viz.:~~ Johore Pahang Negri Sembilan Selangor Perak Kedah Perlis Kelantan Trengganu	The High Commissioner for the Federation of Malaya.
Brunei	The High Commissioner for Brunei.
Tonga	~~The High Commissioner for the Western Pacific.~~
The Maldive Islands	The United Kingdom High Commissioner in Ceylon.
The Persian Gulf States, viz.: ~~Koweit~~ Bahrain Qatar The Trucial Sheikdoms of Oman, viz.: Abu Dhabi Ajman Dibai ~~Kalba~~ Ras al Khaimah Sharjah Umm al Qaiwain	The Political Resident in the Persian Gulf.

THE THIRD SCHEDULE

Trust Territories

- ~~Tanganyika~~
- ~~Cameroons under United Kingdom Trusteeship~~
- ~~Togoland under United Kingdom Trusteeship~~

EXPLANATORY NOTE

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

The above Order in Council, made under the British Nationality Act, 1948, specifies the territories which are protectorates and protected states for the purposes of the Act, applies the provisions of the Act to the New Hebrides and Canton Island as if they were protected states, provides for the application to protected states of certain references to protectorates contained in the Act, and defines who are to be British protected persons for the purposes of the Act. The British Protected Persons Orders, 1934 to 1944(a), have been revoked by the British Protected Persons Orders, 1934 to 1944 (Revocation) Order, 1949(b).

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2. CITIZENSHIP LAWS

The Citizenship Law (Australia) Order, 1949

1949 No. 170

Made - - - - 1*st February*, 1949

In pursuance of the power conferred upon me by subsection (8) of section thirty-two of the British Nationality Act, 1948(c), I hereby, at the request of the government of Australia, make the following Order :—

1. The enactment of the legislature of Australia intituled the Nationality and Citizenship Act, 1948 (No. 83 of 1948), is declared to be an enactment making provision for citizenship of Australia and to have taken effect on the twenty-sixth day of January, 1949.

2. This Order may be cited as the Citizenship Law (Australia) Order, 1949.

J. Chuter Ede,
One of His Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
1st February, 1949.

(a) S.R. & O. 1934 (No. 499) I, p. 669; and S.R. & O. 1944 (No. 1128) I, p. 137.
(b) S.I. 1949 No. 131, p. 1766 below.
(c) 11 & 12 Geo. 6. c. 56.