STATUTORY INSTRUMENTS

1986 No. 2176

BRITISH NATIONALITY

The Status of British National (Overseas) (Deprivation) Rules 1986

Made - - - - -	*9th December* 1986
Laid before Parliament	*18th December* 1986
Coming into Operation	*1st July* 1987

ARRANGEMENT OF RULES

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In exercise of the powers conferred on me by section 40(8) of the British Nationality Act 1981**(a)**, as applied by Article 7(11) of the Hong Kong (British Nationality) Order 1986**(b)**, I hereby make the following Rules:—

Citation and commencement

1. These Rules may be cited as the Status of British National (Overseas) (Deprivation) Rules 1986 and shall come into operation on 1st July 1987.

Notice of inquiry

2.—(1) Where it is proposed to make an order under section 40 of the British Nationality Act 1981 depriving a person of the status of a British National (Overseas) and the person's case is referred to a committee of inquiry under subsection (7) of that section, the committee of inquiry (in these Rules referred to as "the committee") shall, before holding the inquiry, cause notice in writing to be given to the person to whom the inquiry relates, stating the time when and the place where it will be held and the nature thereof and informing him of his rights of attendance and representation under Rule 3 below.

(2) A notice under this Rule may require the person concerned to answer it in writing and to furnish in writing to the committee—

(*a*) a summary of his case; and

(a) 1981 c. 61.

(b) S.I. 1986/948.

(*b*) any other information which they consider material, verified in such manner as they may require.

(3) A notice under this Rule shall be given as soon as practicable and, in any event, not later than 14 days before the holding of the inquiry.

(4) A notice under this Rule may be given—

(*a*) in a case where the whereabouts of the person concerned are known, by causing the notice to be delivered to him personally or by sending it to him by post;

(*b*) in a case where the whereabouts of the person concerned are not known, by sending it by post in a letter addressed to him at his last known address.

Attendance and representation

3. At the inquiry, the person to whom the inquiry relates may be present and may either act in person or be represented by counsel or a solicitor or any other person appearing to the committee to be acting on his behalf; and the Secretary of State or Governor may be represented by counsel or a solicitor or any government officer.

Conduct of proceedings and evidence

4.—(1) The committee shall give to each party at the inquiry an opportunity to address the committee, to give evidence, to call witnesses and to make representations on the evidence (if any) and on the subject matter of the inquiry generally.

(2) The committee may receive oral, documentary or other evidence of any fact which appears to the committee to be relevant to the inquiry, notwithstanding that such evidence would be inadmissible in a court of law.

(3) The committee may at the inquiry request the Secretary of State or Governor to furnish an explanation of the ground or grounds on which the order under the said section 40 is proposed to be made.

(4) No person shall be compelled at an inquiry to give any evidence or produce any document which he could not be compelled to give or produce on the trial of an action at the place where the inquiry is held.

(5) The committee may allow or refuse to allow the public or any portion thereof to be present during the whole or any part of the inquiry.

(6) Subject to these Rules, the procedure at the inquiry shall be such as the committee may determine.

Powers of enforcement

5.—(1) The committee shall have all such powers, rights and privileges as are vested in the High Court or in any judge thereof on the occasion of any action, in respect of the following matters:—

(*a*) the enforcing of the attendance of witnesses and examining them on oath, affirmation or otherwise, and the issue of a commission or request to examine witnesses abroad;

(*b*) the compelling of the production of documents; and

(*c*) the punishing of persons guilty of contempt.

(2) A summons signed by one or more members of the committee may be substituted for and shall be equivalent to any formal process capable of being issued in any action for enforcing the attendance of witnesses and compelling the production of documents.

(3) Where the inquiry is held in a dependent territory, paragraph (1) above shall have effect as if for the reference to the High Court and to any judge thereof there were substituted a reference to the High Court of that territory and any judge thereof.

Postponement and adjournment

6.—(1) The committee may postpone or adjourn the inquiry from time to time.

(2) Where the inquiry is postponed or adjourned, the committee shall as soon as practicable notify the parties of the time when and the place where it is to be resumed.

Quorum and delegation

7.—(1) The committee may act notwithstanding a vacancy in their number, and the quorum of the committee shall be three.

(2) The committee may delegate one or more of their members to inquire into any particular matter relating to the inquiry, and the member or members so delegated shall, for this purpose, have all the powers of the committee other than their powers of punishment.

Notification of committee's conclusions

8.—(1) The committee shall cause their conclusions to be recorded in a document signed by the chairman and shall cause a copy thereof to be sent to each party.

(2) Subject to paragraph (3) below, the committee shall furnish a statement, either written or oral, of the reasons for their conclusions if requested, whether before or after the parties have been notified of their conclusions in accordance with paragraph (1) above, to state the reasons.

(3) The said statement of reasons may be refused, or the specification of the reasons restricted, on grounds of national security, and the committee may refuse to furnish the statement to a person not primarily concerned with the conclusions if of opinion that to furnish it would be contrary to the interests of any person primarily concerned.

Douglas Hurd,
One of Her Majesty's Principal
Secretaries of State.

Home Office.
9th December 1986.

EXPLANATORY NOTE

(*This Note is not part of the Rules.*)

Section 40 of the British Nationality Act 1981 (deprivation of citizenship) is applied in relation to the status of a British National (Overseas) by Article 7(11) of the Hong Kong (British Nationality) Order 1986 (which comes into operation on 1st July 1987). Under that section as so applied a proposal to deprive a person of that status may, and must on request, be referred to a committee of inquiry. These Rules make provision for the practice and procedure to be followed in connection with references to such a committee of inquiry.

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