

BRITISH NATIONALITY (NO.2) ACT, 1964

99 of 1964

[16th July, 1964]

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An Act to provide for the acquisition of citizenship of the United Kingdom and Colonies by certain classes of persons who would otherwise be stateless to reitricit the grounds on which persons may be deprived of such citizenship where deprivation would render them stateless; to repeal section 20(4) and S.21 of the British Nationality Act, 1949; and to extend the powers exercisable under that Act with reipeet to British protected persons.

1. Additional grounds for citizenship by registration :-

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(1) A person shall be entitled, on making application to the Secretary of State in the prescribed manner; to be registered as a citizen of the United Kingdom and Colonies if he satisfies the Secretary of State that he is and always has been stateless and-

(a) that his mother was a citizen of the United Kingdom and Colonies at the time when he was born; or

(b) that he was born at a place which is at the time of the application within the United Kingdom udColonies; or

(c) that he is otherwise qualified for registration under this section

by parentage, or by residence and parentage, as mentioned in the Schedule to this Act (which deals with certain transitional cases.).

(2) Sub-section (1) above applies to persons born before as well as to persons born after the commencement of this Act, and paragraph (a) of that sub-section applies to persons born illegitimate as well as to persons born legitimate.

(3) An application for the registration under this section of a minor may be made by his parent or guardian or, if he has attained the age of sixteen years, by the minor himself or by his parent or guardian.

(4) Section 8 of the Principal Act (registration in Commonwealth Countries and territories) and section 9 of that Act (effect of registration as a citizen) shall apply in relation to this section as they apply in relation to section 6 of that Act: but a male person who becomes a citizen of the United Kingdom and Colonies by virtue of paragraph (a) or (c) of sub-section (1) above shall be deemed for the purposes of the proviso to Section 5 (1) of the Principal Act (transmission of citizenship) to be a citizen of the United Kingdom and Colonies by descent only.

1. The Act, came into force two months after the Royal Assent i.e. from [16-9-1964].

2. Additional grounds for citizenship by birth :-

(1) A person born within the United Kingdom and Colonies after the commencement of this Act shall be a citizen of the United Kingdom and Colonies by birth if his mother was a citizen of the United Kingdom and Colonies at the time when he was born and he would, apart from this sub-section, be stateless.

(2) Where after the commencement of this Act a new-born infant is found abandoned within the United Kingdom and Colonies that infant shall, unless the contrary is shown, be deemed to have been born within the United Kingdom and Colonies.

3. Late registration of birth for avoidance of statelessness :-

(1) The Secretary of State shall not withhold his permission under paragraph (b) of the proviso to Section 5 (1) of the Principal Act for the registration of the birth of any person after the expiration of the period prescribed by that paragraph if it appears to him that that person is and always has been stateless and would have been a

citizen of the United Kingdom and Colonies by descent if his birth had been registered within that period.

(2) The Secretary of State shall not withhold his permission under paragraph (b) of S.1(2) of the British Nationality and Status of Aliens Act, 1943 (as applied by section 17 of the Principal Act), for the registration of the birth of any person if it appears to him that that person is and always has been stateless and would become a citizen of the United Kingdom and Colonies or a British subject without citizenship if his birth were registered in accordance with that paragraph.

4. Restriction on deprivation of citizenship :-

(1) The Secretary of state shall not deprive any person of the citizenship on the ground mentioned in Section 20 (3) (c) of the Principal Act (conviction of criminal offence) if it appears to him that that person would thereupon become stateless.

(2) Section 20 (4) of the Principal Act (deprivation for long residence in foreign countries) and Section 21 of that Act (deprivation where person deprived of citizenship elsewhere) are hereby repealed.

5. British protected persons :-

An Order in Council under Section 32 (1) of the Principal Act (designation of British protected persons) may declare to be British protected persons for the purposes of that Act any class of persons who are connected with a territory which has ceased to be a protectorate, protected state or trust territory when the order is made and who are not citizens of any country mentioned in section 1 (3) of that Act which is constituted by that territory or of which that territory forms part.

6. Supplemental :-

(1) This Act may be cited as the British Nationality (No. 2) Act, 1964, and shall be included among the Acts which may be cited as the British Nationality Acts, 1948 to 1964.

(2) In this Act "the Principal Act" means the British Nationality Act, 1948, and Part III of that Act (supplemental provisions) shall have effect as if any reference in it to that Act, except one referring to the date of the commencement of that Act, included a reference to this Act.

(3) This Act shall come into force at the expiration of the period of two months beginning with the date on which it is passed.