

Soviet of the USSR of 8 March 1941 "concerning the recovery of USSR citizenship by residents of Bessarabia and the acquisition of USSR citizenship by residents of Northern Bukovina", may, not later than 1 July 1949, register as Soviet citizens with USSR Embassies or Missions in Latin America, in accordance with the procedure laid down in paragraph 2 of each of the above-mentioned Decrees of the Presidium of the Supreme Soviet of the USSR.

2. Persons who fail to register within the time-limit prescribed by this Decree may acquire USSR citizenship under the general conditions.

(1) DECREE OF 26 NOVEMBER 1953 TO REPEAL THE DECREE OF 15 FEBRUARY 1947 WHICH PROHIBITED MARRIAGES BETWEEN CITIZENS OF THE USSR AND ALIENS.¹

The Presidium of the Supreme Soviet of the USSR decides:

1. To repeal the Decree of the Presidium of the Supreme Soviet of the USSR of 15 February 1947 "which prohibited marriages between citizens of the USSR and aliens".

2. To restore the validity of article 5 of the Act of 19 August 1938 on citizenship of the USSR, the text of which is as follows:

"Article 5. Matrimony by a citizen of the Union of Soviet Socialist Republics with one not such a citizen entails no change of citizenship."

3. To instruct the Presidia of the Supreme Soviets of the Union Republics to make such changes in the legislation of the Republics as may be necessitated by the present Decree.

78. United Kingdom

(a) BRITISH NATIONALITY ACT OF 30 JULY 1948.

PART I.

British Nationality

1. (1) Every person who under this Act is a citizen of the United Kingdom and Colonies or who under any enactment for the time being in force in any country mentioned in subsection (3) of this section is a citizen of that country shall by virtue of that citizenship have the status of a British subject.

(2) Any person having the status aforesaid may be known either as a British subject or as a Commonwealth citizen; and accordingly in this Act and in any other enactment or instrument whatever, whether passed or made before or after the commencement of this Act, the expression "British subject" and the expression "Commonwealth citizen" shall have the same meaning.

(3) The following are the countries hereinbefore referred to, that is to say, Canada, Australia, New Zealand, the Union of South Africa, Newfoundland, India, Pakistan, Southern Rhodesia and Ceylon.

2. (1) Any citizen of Eire who immediately before the commencement of this Act was also a British subject shall not by reason of anything contained in section one of this Act be deemed to have ceased to be a

¹ Translation by the Secretariat of the United Nations.

British subject if at any time he gives notice in writing to the Secretary of State claiming to remain a British subject on all or any of the following grounds, that is to say:

(a) That he is or has been in Crown service under His Majesty's Government in the United Kingdom;

(b) That he is the holder of a British passport issued by His Majesty's Government in the United Kingdom or the government of any colony, protectorate, United Kingdom mandated territory or United Kingdom trust territory;

(c) That he has associations by way of descent, residence or otherwise with the United Kingdom or with any colony or protectorate or any such territory as aforesaid.

(2) A claim under the foregoing subsection may be made on behalf of a child who has not attained the age of sixteen years by any person who satisfies the Secretary of State that he is a parent or guardian of the child.

(3) If by any enactment for the time being in force in any country mentioned in subsection (3) of section one of this Act provision corresponding to the foregoing provisions of this section is made for enabling citizens of Eire to claim to remain British subjects, any person who by virtue of that enactment is a British subject shall be deemed also to be a British subject by virtue of this section.

3. (1) A British subject or citizen of Eire who is not a citizen of the United Kingdom and Colonies shall not be guilty of an offence against the laws of any part of the United Kingdom and Colonies or of any protectorate or United Kingdom trust territory by reason of anything done or omitted in any country mentioned in subsection (3) of section one of this Act or in Eire or in any foreign country, unless:

(a) The act or omission would be an offence if he were an alien; and

(b) In the case of an act or omission in any country mentioned in subsection (3) of section one of this Act or in Eire, it would be an offence if the country in which the act is done or the omission made were a foreign country:

Provided that nothing in this subsection shall apply to the contravention of any provision of the Merchant Shipping Acts, 1894 to 1948.

(2) Subject to the provisions of this section, any law in force in any part of the United Kingdom and Colonies or in any protectorate or United Kingdom trust territory at the date of the commencement of this Act, whether by virtue of a rule of law or of an Act of Parliament or any other enactment or instrument whatsoever, and any law which by virtue of any Act of Parliament passed before that date comes into force in any such place as aforesaid on or after that date, shall, until provision to the contrary is made by the authority having power to alter that law, continue to have effect in relation to citizens of Eire who are not British subjects in like manner as it has effect in relation to British subjects.

(3) In the Aliens Restriction Acts, 1914 and 1919, and in any order made thereunder the expression "alien" shall not include a British protected person.

PART II

Citizenship of the United Kingdom and Colonies

Citizenship by birth or descent

4. Subject to the provisions of this section, every 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:

Provided that a person shall not be such a citizen by virtue of this section if at the time of his birth:

(a) His father possesses such immunity from suit and legal process as is accorded to an envoy of a foreign sovereign power accredited to His Majesty, and is not a citizen of the United Kingdom and Colonies; or

(b) His father is an enemy alien and the birth occurs in a place then under occupation by the enemy.

5. (1) Subject to the provisions of this section, a person born after the commencement of this Act shall be a citizen of the United Kingdom and Colonies by descent if his father is a citizen of the United Kingdom and Colonies at the time of the birth:

Provided that if the father of such a person is a citizen of the United Kingdom and Colonies by descent only, that person shall not be a citizen of the United Kingdom and Colonies by virtue of this section unless:

(a) That person is born or his father was born in a protectorate, protected state, mandated territory or trust territory or any place in a foreign country where by treaty, capitulation, grant, usage, sufferance, or other lawful means, His Majesty then has or had jurisdiction over British subjects; or

(b) That person's birth having occurred in a place in a foreign country other than a place such as is mentioned in the last foregoing paragraph, the birth is registered at a United Kingdom consulate within one year of its occurrence, or, with the permission of the Secretary of State, later; or

(c) That person's father is, at the time of the birth, in Crown service under His Majesty's government in the United Kingdom; or

(d) That person is born in any country mentioned in subsection (3) of section one of this Act in which a citizenship law has then taken effect and does not become a citizen thereof on birth.

(2) If the Secretary of State so directs, a birth shall be deemed for the purposes of this section to have been registered with his permission notwithstanding that his permission was not obtained before the registration.

Citizenship by registration

6. (1) Subject to the provisions of subsection (3) of this section, a citizen of any country mentioned in subsection (3) of section one of this Act or a citizen of Eire, being a person of full age and capacity, shall be entitled, on making application therefor 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 either:

(a) That he is ordinarily resident in the United Kingdom and has been so resident throughout the period of twelve months, or such shorter period as the Secretary of State may in the special circumstances of any particular case accept, immediately preceding his application; or

(b) That he is in Crown service under His Majesty's government in the United Kingdom.

(2) Subject to the provisions of subsection (3) of this section, a woman who has been married to a citizen of the United Kingdom and Colonies shall be entitled, on making application therefor to the Secretary of State in the prescribed manner, and, if she is a British protected person or an alien, on taking an oath of allegiance in the form specified in the First Schedule to this Act, to be registered as a citizen of the United Kingdom and Colonies, whether or not she is of full age and capacity.

(3) A person who has renounced, or has been deprived of, citizenship of the United Kingdom and Colonies under this Act shall not be entitled to be registered as a citizen thereof under this section, but may be so registered with the approval of the Secretary of State.

7. (1) The Secretary of State may cause the minor child of any citizen of the United Kingdom and Colonies to be registered as a citizen of the United Kingdom and Colonies upon application made in the prescribed manner by a parent or guardian of the child.

(2) The Secretary of State may, in such special circumstances as he thinks fit, cause any minor to be registered as a citizen of the United Kingdom and Colonies.

8. (1) The functions of the Secretary of State under the last two foregoing sections shall in any colony, protectorate or United Kingdom trust territory be exercised by the Governor; and those sections shall, in their application to any colony, protectorate or United Kingdom trust territory, have effect as if for references therein to the Secretary of State there were substituted references to the Governor, and as if for the reference in the first of the said sections to ordinary residence in the United Kingdom there were substituted a reference to ordinary residence in that colony, protectorate or territory as the case may be.

(2) The Secretary of State may make arrangements for the exercise in any country mentioned in subsection (3) of section one of this Act of any of his functions under the last two foregoing sections by the High Commissioner for His Majesty's government in the United Kingdom.

9. A person registered under any of the last three foregoing sections shall be a citizen of the United Kingdom and Colonies by registration as from the date on which he is registered.

Citizenship by naturalisation

10. (1) The Secretary of State may, if application therefor is made to him in the prescribed manner by any alien or British protected person of full age and capacity who satisfies him that he is qualified under the provisions of the Second Schedule to this Act for naturalisation, grant to him a certificate of naturalisation; and the person to whom the certificate is granted shall, on taking an oath of allegiance in the form specified in the First Schedule to this Act, be a citizen of the United Kingdom and Colonies by naturalisation as from the date on which that certificate is granted.

(2) The functions of the Secretary of State under the last foregoing subsection shall in any colony, protectorate or United Kingdom trust territory be exercised by the Governor; but he shall not grant a certificate of naturalisation except with the approval of the Secretary of State.

Citizenship by incorporation of territory

11. If any territory becomes a part of the United Kingdom and Colonies, His Majesty may by Order in Council specify the persons who shall be citizens of the United Kingdom and Colonies by reason of their connection with that territory; and those persons shall be citizens of the United Kingdom and Colonies as from a date to be specified in the Order.

Transitional

12. (1) A person who was a British subject immediately before the date of the commencement of this Act shall on that date become a citizen of the United Kingdom and Colonies if he possesses any of the following qualifications, that is to say:

(a) That he was born within the territories comprised at the commencement of this Act in the United Kingdom and Colonies, and would have been such a citizen if section four of this Act had been in force at the time of his birth;

(b) That he is a person naturalised in the United Kingdom and Colonies;

(c) That he became a British subject by reason of the annexation of any territory included at the commencement of this Act in the United Kingdom and Colonies.

(2) A person who was a British subject immediately before the date of the commencement of this Act shall on that date become a citizen of the United Kingdom and Colonies if at the time of his birth his father was a British subject and possessed any of the qualifications specified in the last foregoing subsection.

(3) A person who was a British subject immediately before the date of the commencement of this Act shall on that date become a citizen of the United Kingdom and Colonies if he was born within the territory comprised at the commencement of this Act in a protectorate, protected state or United Kingdom trust territory.

(4) A person who was a British subject immediately before the date of the commencement of this Act and does not become a citizen of the United Kingdom and Colonies by virtue of any of the foregoing provisions of this section shall on that date become such a citizen unless:

(a) He is then a citizen of any country mentioned in subsection (3) of section one of this Act under a citizenship law having effect in that country, or a citizen of Eire; or

(b) He is then potentially a citizen of any country mentioned in subsection (3) of section one of this Act.

(5) A woman who was a British subject immediately before the date of the commencement of this Act and has before that date been married to a person who becomes, or would but for his death have become, a citizen of the United Kingdom and Colonies by virtue of any of the foregoing provisions of this section shall on that date herself become such a citizen.

(6) If any person of full age and capacity who would have become a citizen of the United Kingdom and Colonies on the date of the commencement of this Act by virtue of subsection (4) of this section but for his citizenship or potential citizenship of any country mentioned in subsection (3) of section one of this Act makes application to the Secretary of State in the prescribed manner before the first day of January nineteen hundred and fifty for the registration of himself and any of his minor children as

citizens of the United Kingdom and Colonies, and on such application satisfies the Secretary of State:

(a) That he is descended in the male line from a person possessing any of the qualifications specified in subsection (1) of this section; and

(b) That he intends to make his ordinary place of residence within the United Kingdom and Colonies,

then, if it seems to the Secretary of State fitting that that person should by reason of his close connexion with the United Kingdom and Colonies become a citizen thereof, the Secretary of State may cause him, and any minor children to whom the application relates, to be registered as such; and that person, and any such minor children as aforesaid, shall thereupon become citizens of the United Kingdom and Colonies.

(7) The Secretary of State may make arrangements for the exercise in any country mentioned in subsection (3) of section one of this Act of any of his functions under the last foregoing subsection by the High Commissioner for His Majesty's Government in the United Kingdom.

(8) A male person who becomes a citizen of the United Kingdom and Colonies by virtue only of subsection (2), (4) or (6) of this section shall be deemed for the purposes of the proviso to subsection (1) of section five of this Act to be a citizen of the United Kingdom and Colonies by descent only.

13. (1) A person who was a British subject immediately before the date of the commencement of this Act and is at that date potentially a citizen of any country mentioned in subsection (3) of section one of this Act, but is not at that date a citizen of the United Kingdom and Colonies or of any country mentioned in that subsection or of Eire, shall as from that date remain a British subject without citizenship until he becomes a citizen of the United Kingdom and Colonies, a citizen of any country mentioned in subsection (3) of section one of this Act, a citizen of Eire or an alien; and the provisions of the Third Schedule to this Act shall have effect in relation to a person who remains a British subject without citizenship by virtue of this section.

(2) A person remaining a British subject without citizenship as aforesaid shall become a citizen of the United Kingdom and Colonies on the day on which a citizenship law has taken effect in each of the countries mentioned in subsection (3) of section one of this Act of which he is potentially a citizen, unless he then becomes or has previously become a citizen of any country mentioned in subsection (3) of section one of this Act, or has previously become a citizen of the United Kingdom and Colonies, a citizen of Eire or an alien.

(3) A male person who becomes a citizen of the United Kingdom and Colonies by virtue of the last foregoing subsection shall be deemed for the purposes of the proviso to subsection (1) of section five of this Act to be a citizen thereof by descent only.

14. A woman who, having before the commencement of this Act married any person, ceased on that marriage or during the continuance thereof to be a British subject shall be deemed for the purposes of this Act to have been a British subject immediately before the commencement of this Act.

15. (1) Where any person whose British nationality depended upon his birth having been registered at a consulate of His Majesty has, under any enactment in force at any time before the commencement of this Act, ceased to be a British subject by reason of his failure to make a

declaration of retention of British nationality after becoming of full age, that person shall, if he would but for that failure have been a British subject immediately before the commencement of this Act, be deemed for the purposes of this Act then to have been a British subject.

(2) In determining for the purposes of this section whether a woman who has married an alien would but for her failure to make a declaration of retention of British nationality have been a British subject immediately before the commencement of this Act the marriage shall be disregarded.

16. (1) This section shall apply to any person who:

(a) Ceased to be a British subject under the provisions of subsection (1) of section twelve of the British Nationality and Status of Aliens Act, 1914 (which provided, subject to certain exceptions, that where a person being a British subject ceased to be such, whether by declaration of alienage or otherwise, every child of that person being a minor should thereupon cease to be a British subject), and

(b) Would but for the provisions of that subsection have been either a citizen of the United Kingdom and Colonies or a British subject without citizenship under section thirteen of this Act;

and in determining for the purposes of this section whether a woman who has married an alien would but for those provisions have been such a citizen or subject the marriage shall be disregarded.

(2) If any person to whom this section applies makes a declaration in the prescribed manner, within one year after the commencement of this Act or after his attaining the age of twenty-one years, whichever is later, or such longer period as the Secretary of State may allow, of his intention to resume British nationality, the Secretary of State shall cause the declaration to be registered; and thereupon that person shall become a citizen of the United Kingdom and Colonies or, as the case may be, a British subject without citizenship; and if he becomes a British subject without citizenship section thirteen of this Act shall apply to him accordingly.

17. Notwithstanding the repeal by this Act of the British Nationality and Status of Aliens Act, 1943, the birth of a person born before the date of the commencement of this Act may be registered after that date at a consulate of His Majesty as defined in that Act; and if the birth is registered in the circumstances specified in subsection (2) of section one of that Act, that person shall be deemed for the purposes of this Act to have been a British subject immediately before the commencement of this Act.

18. (1) Any application for a certificate of naturalisation, or for the inclusion of the name of a child in a certificate of naturalisation, made before the date of the commencement of this Act but not granted at that date may be treated as if it were an application for a certificate of naturalisation or for the registration of a minor child as a citizen of the United Kingdom and Colonies under this Act if the Secretary of State, or the Governor or other person to whom the application is made, is satisfied that the person to whom the application relates is qualified therefor.

(2) Where a certificate of naturalisation has been granted before, and the applicant takes the oath of allegiance after, the commencement of this Act, the certificate shall be deemed for the purposes of this Act to have taken effect immediately before the commencement of this Act.

Renunciation and Deprivation of citizenship

19. (1) If any citizen of the United Kingdom and Colonies of full age and capacity who is also—

(a) A citizen of any country mentioned in subsection (3) of section one of this Act or of Eire; or

(b) A national of a foreign country, makes a declaration in the prescribed manner of renunciation of citizenship of the United Kingdom and Colonies, the Secretary of State shall cause the declaration to be registered; and, upon the registration, that person shall cease to be a citizen of the United Kingdom and Colonies:

Provided that the Secretary of State may withhold registration of any such declaration if it is made during any war in which His Majesty may be engaged by a person who is a national of a foreign country.

(2) For the purposes of this section, any woman who has been married shall be deemed to be of full age.

20. (1) A citizen of the United Kingdom and Colonies who is such by registration (including a person registered under subsection (6) of section twelve of this Act) or is a naturalised person shall cease to be a citizen of the United Kingdom and Colonies if he is deprived of that citizenship by an order of the Secretary of State made under this or the next following section.

(2) Subject to the provisions of this section, the Secretary of State may by order deprive any such citizen of his citizenship if he is satisfied that the registration or certificate of naturalisation was obtained by means of fraud, false representation or the concealment of any material fact.

(3) Subject to the provisions of this section, the Secretary of State may by order deprive any citizen of the United Kingdom and Colonies who is a naturalised person of that citizenship if he is satisfied that that citizen:

(a) Has shown himself by act or speech to be disloyal or disaffected towards His Majesty; or

(b) Has, during any war in which His Majesty was engaged, unlawfully traded or communicated with an enemy or been engaged in or associated with any business that was to his knowledge carried on in such a manner as to assist an enemy in that war; or

(c) Has within five years after becoming naturalised been sentenced in any country to imprisonment for a term of not less than twelve months.

(4) The Secretary of State may by order deprive any person naturalised in the United Kingdom and Colonies of his citizenship of the United Kingdom and Colonies if he is satisfied that that person has been ordinarily resident in foreign countries for a continuous period of seven years and during that period has neither:

(a) Been at any time in the service of His Majesty or of an international organisation of which the government of any part of His Majesty's dominions was a member; nor

(b) Registered annually in the prescribed manner at a United Kingdom consulate his intention to retain his citizenship of the United Kingdom and Colonies.

(5) The Secretary of State shall not deprive a person of citizenship under this section unless he is satisfied that it is not conducive to the public good that that person should continue to be a citizen of the United Kingdom and Colonies.

(6) Before making an order under this section the Secretary of State shall give the person against whom the order is proposed to be made notice in writing informing him of the ground on which it is proposed to be made and, if the order is proposed to be made on any of the grounds specified in subsections (2) and (3) of this section, of his right to an inquiry under this section.

(7) If the order is proposed to be made on any of the grounds specified in subsections (2) and (3) of this section and that person applies in the prescribed manner for an inquiry, the Secretary of State shall, and in any other case the Secretary of State may, refer the case to a committee of inquiry consisting of a chairman, being a person possessing judicial experience, appointed by the Secretary of State and of such other members appointed by the Secretary of State as he thinks proper.

21. (1) Where a naturalised person who was a citizen of any country mentioned in subsection (3) of section one of this Act or of Eire has been deprived of that citizenship on grounds which, in the opinion of the Secretary of State, are substantially similar to any of the grounds specified in subsections (2), (3) and (4) of the last foregoing section, then, if that person is a citizen of the United Kingdom and Colonies, the Secretary of State may by an order made under this section deprive him of that citizenship, if the Secretary of State is satisfied that it is not conducive to the public good that that person should continue to be a citizen of the United Kingdom and Colonies.

(2) Before making an order under this section the Secretary of State shall give the person against whom the order is proposed to be made notice in writing informing him of the ground on which it is proposed to be made and may refer the case to a committee of inquiry constituted in the manner provided by the last foregoing section.

22. The functions of the Secretary of State under the last two foregoing sections shall, in any colony, protectorate or United Kingdom trust territory, be exercised by the Governor; but he shall not make an order depriving any person of citizenship of the United Kingdom and Colonies except with the approval of the Secretary of State.

PART III

Supplemental

23. (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 the commencement of this Act, whichever is later, be treated, for the purpose of determining whether he is a citizen of the United Kingdom and Colonies, or was a British subject immediately before the commencement of this Act, 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.

24. Any reference in this Act 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 commencement of this Act, the status or description which would have been applicable to the father had he died after the commencement of this Act shall be deemed to be the status or description applicable to him at the time of his death.

25. The Secretary of State may in such cases as he thinks fit, on the application of any person with respect to whose citizenship of the United Kingdom and Colonies a doubt exists, whether on a question of fact or of law, certify that that person is a citizen of the United Kingdom and Colonies; and a certificate issued under this section shall, unless it is proved that it was obtained by means of fraud, false representation or concealment of any material fact, be conclusive evidence that that person was such a citizen on the date thereof, but without prejudice to any evidence that he was such a citizen at an earlier date.

26. The Secretary of State, the Governor or the High Commissioner, as the case may be, shall not be required to assign any reason for the grant or refusal of any application under this Act the decision on which is at his discretion; and the decision of the Secretary of State, Governor or High Commissioner on any such application shall not be subject to appeal to or review in any court.

27. (1) Every document purporting to be a notice, certificate, order or declaration, or an entry in a register, or a subscription of an oath of allegiance, given, granted or made under this Act, the British Nationality and Status of Aliens Acts, 1914 to 1943, or any Act repealed by those Acts, shall be received in evidence, and shall, unless the contrary is proved, be deemed to have been given, granted or made by or on behalf of the person by whom or on whose behalf it purports to have been given, granted or made.

(2) Prima facie evidence of any such document as aforesaid may be given by production of a document purporting to be certified as a true copy thereof by such person and in such manner as may be prescribed.

(3) Any entry in a register made under this Act, the British Nationality and Status of Aliens Acts, 1914 to 1943, or any Act repealed by those Acts, shall be received as evidence of the matters stated in the entry.

(4) For the purposes of this Act, a certificate given by or on behalf of the Secretary of State that a person was at any time in Crown service under His Majesty's Government in the United Kingdom shall be conclusive evidence of that fact.

28. (1) Any person who for the purpose of procuring anything to be done or not to be done under this Act makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, shall be liable on summary conviction in the United Kingdom to imprisonment for a term not exceeding three months.

(2) Any person who fails to comply with any requirement imposed on him by regulations made under this Act with respect to the delivering up of certificates of naturalisation shall be liable on summary conviction in the United Kingdom to a fine not exceeding one hundred pounds.

29. (1) The Secretary of State may by regulations make provision generally for carrying into effect the purposes of this Act, and in particular:

(a) For prescribing anything which under this Act is to be prescribed;

(b) For the registration of anything required or authorised under this Act to be registered;

(c) For the administration and taking of oaths of allegiance under this Act, for the time within which oaths of allegiance shall be taken and for the registration of oaths of allegiance;

(d) For the giving of any notice required or authorised to be given to any person under this Act;

(e) For the cancellation of the registration of, and the cancellation and amendment of certificates of naturalisation relating to, persons deprived of citizenship under this Act, and for requiring such certificates to be delivered up for those purposes;

(f) For the registration by consular officers or other officers in the service of His Majesty's Government in the United Kingdom of the births and deaths of persons of any class or description born or dying in a protected state or foreign country;

(g) For enabling the births and deaths of citizens of the United Kingdom and Colonies and British protected persons born or dying in any country in which His Majesty's Government in the United Kingdom has for the time being no diplomatic or consular representatives to be registered by persons serving in the diplomatic, consular or other foreign service of any country which, by arrangement with His Majesty's Government in the United Kingdom, has undertaken to represent that government's interest in that country, or by a person authorized in that behalf by the Secretary of State;

(h) With the consent of the Treasury, for the imposition and recovery of fees in respect of any application made to the Secretary of State under this Act or in respect of any registration, or the making of any declaration, or the grant of any certificate, or the taking of any oath of allegiance, authorised to be made, granted or taken by or under this Act, and in respect of supplying a certified or other copy of any notice, certificate, order, declaration or entry, given, granted or made as aforesaid; and for the application of any such fees.

(2) His Majesty may by Order in Council provide for the application, with such adaptations and modifications as may be necessary, to births and deaths registered in accordance with regulations made under paragraphs (f) and (g) of the last foregoing subsection, or registered at a consulate of His Majesty in accordance with regulations made under the British Nationality and Status of Aliens Acts, 1914 to 1943, or in accordance with instructions of the Secretary of State, of the Births and Deaths Registration Acts, 1836 to 1947, the Registration of Births, Deaths and Marriages (Scotland) Acts, 1854 to 1938, or any Act (including any Act, whether passed before or after the commencement of this Act, of the Parliament of Northern Ireland) for the time being in force in Northern Ireland relating to the registration of births and deaths; and any such Order in Council may exclude, in relation to births and deaths so registered, any of the provisions of section twenty-seven of this Act.

(3) The Secretary of State or, as the case may be, the Governor of any colony, protectorate or United Kingdom trust territory may make rules for the practice and procedure to be followed in connexion with references under this Act to a committee of inquiry; and such rules may, in particular, provide for conferring on any such committee any powers, rights or privileges of any court, and for enabling any powers so conferred to be exercised by one or more members of the committee.

(4) Any power of the Secretary of State to make regulations or rules under this Act shall be exercised by statutory instrument.

(5) Any Order in Council made under this Act may be revoked or varied by a subsequent Order in Council.

30. (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.

(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.

31. For the purpose of assimilating the rights and liabilities of natural-born and other British subjects under the enactments specified in Part I of the Fourth Schedule to this Act, those enactments are hereby repealed to the extent specified in the third column of that Part.

32. (1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively ascribed to them, that is to say:

“Alien” means a person who is not a British subject, a British protected person or a citizen of Eire;

“Australia” includes the territories of Papua and the territory of Norfolk Island;

“British protected person” means 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 this Act British protected persons by virtue of their connexion with that protectorate, state or territory;

“Colony” does not include any country mentioned in subsection (3) of section one of this Act;

“Crown service under His Majesty’s government in the United Kingdom” means the service of the Crown under His Majesty’s government in the United Kingdom, or under His Majesty’s government in Northern Ireland, or under the government of any colony, protectorate, protected state, United Kingdom mandated territory or United Kingdom trust territory, whether such service is in any part of His Majesty’s dominions or elsewhere;

“Foreign country” means a country other than the United Kingdom, a colony, a country mentioned in subsection (3) of section one of this Act, Eire, a protectorate, a protected state, a mandated territory and a trust territory;

“Governor”, in relation to a colony, protectorate or United Kingdom trust territory, includes the officer for the time being administering the government of that colony, protectorate or territory, and includes the person for the time being exercising the functions of British Resident at Zanzibar;

“Mandated territory” means a territory administered by the government of any part of His Majesty’s dominions in accordance with a mandate from the League of Nations;

“Minor” means a person who has not attained the age of twenty-one years;

“Naturalized person” means a person who became a British subject or citizen of Eire by virtue of a certificate of naturalization granted to him or in which his name was included;

“Person naturalized in the United Kingdom and Colonies” means:

(a) In relation to a person naturalized after the commencement of this Act, a person to whom a certificate of naturalization has been granted by the Secretary of State or by the Governor of a colony, protectorate or United Kingdom trust territory;

(b) In relation to a person naturalized before the commencement of this Act,

(i) A person to whom a certificate of naturalization was granted by the Secretary of State, or, under section eight of the British Nationality and Status of Aliens Act, 1914, by the government of any British possession other than the countries mentioned in subsection (3) of section one of this Act, or

(ii) A person who by virtue of subsection (2) of section twenty-seven of the British Nationality and Status of Aliens Act, 1914, is deemed to be a person to whom a certificate of naturalization was granted, if the certificate of naturalization in which his name was included was granted by the Secretary of State or by the government of any such British possession as aforesaid or if he was deemed to be a naturalized British subject by reason of his residence with his father or mother;

“Prescribed” means prescribed by regulations made under this Act;

“Protected state” and “protectorate” have the meaning assigned to them by section thirty of this Act;

“Trust territory” means a territory administered by the government of any part of His Majesty’s dominions under the trusteeship system of the United Nations;

“United Kingdom consulate” means the office of a consular officer of His Majesty’s government in the United Kingdom where a register of births is kept, or where there is no such office, such office as may be prescribed;

“United Kingdom mandated territory” and “United Kingdom trust territory” mean respectively a mandated territory and a trust territory administered by His Majesty’s government in the United Kingdom.

(2) Subject to the provisions of section twenty-three of this Act, any reference in this Act to a child shall be construed as a reference to a legitimate child; and the expressions “father”, “ancestor” and “descended” shall be construed accordingly.

(3) References in this Act to any country mentioned in subsection (3) of section one of this Act shall include references to the dependencies of that country.

(4) Any reference in this Act to India, being a reference to a state of affairs existing before the fifteenth day of August, nineteen hundred and forty-seven, shall be construed as a reference to British India as defined by section three hundred and eleven of the Government of India Act, 1935.

(5) For the purposes of this Act, a person born aboard a registered ship or aircraft, or aboard an unregistered ship or aircraft of the govern-

ment of any country, shall be deemed to have been born in the place in which the ship or aircraft was registered or, as the case may be, in that country.

(6) For the purposes of this Act, any person who, by the law in force immediately before the commencement of this Act in any colony or protectorate, enjoyed the privileges of naturalization within that colony or protectorate only shall be deemed to have become immediately before the commencement of this Act a British subject and a person naturalized in the United Kingdom and Colonies.

(7) A person shall, in relation to any country mentioned in subsection (3) of section one of this Act in which a citizenship law has not taken effect at the date of the commencement of this Act, be deemed for the purposes of this Act to be potentially a citizen of that country at that date if he, or his nearest ancestor in the male line who acquired British nationality otherwise than by reason of his parentage, acquired British nationality by any of the following means, that is to say:

(a) By birth within the territory comprised at the date of the commencement of this Act in that country; or

(b) By virtue of a certificate of naturalisation granted by the government of that country; or

(c) By virtue of the annexation of any territory included at the date of the commencement of this Act in that country;

and a woman shall, in addition, be deemed for the purposes of this Act to be at the commencement of this Act potentially a citizen of any country mentioned in subsection (3) of section one of this Act if any person to whom she has been married is, or would but for his death have been, potentially a citizen thereof at that date.

(8) In this Act the expression "citizenship law" in relation to any country mentioned in subsection (3) of section one of this Act means an enactment of the legislature of that country declared by order of the Secretary of State made by statutory instrument at the request of the government of that country to be an enactment making provision for citizenship thereof; and a citizenship law shall be deemed for the purposes of this Act to have taken effect in a country on the date which the Secretary of State by order so made at the request of the government of that country declares to be the date on which it took effect.

(9) A person shall for the purposes of this Act be of full age if he has attained the age of twenty-one years and of full capacity if he is not of unsound mind.

(10) For the purposes of this Act, a person shall be deemed not to have attained a given age until the commencement of the relevant anniversary of the day of his birth.

(11) Any reference in this Act to any other Act shall, unless the context otherwise requires, be construed as a reference to that Act as amended by or under any other enactment.

33. (1) References in this Act to colonies shall be construed as including references to the Channel Islands and the Isle of Man; and in its application to those islands this Act shall have effect as if references to the Governor included references to the Lieutenant-Governor.

(2) A citizen of the United Kingdom and Colonies may, if on the ground of his connection with the Channel Islands or the Isle of Man he so desires, be known as a citizen of the United Kingdom, Islands and Colonies.

34. (1) This Act may be cited as the British Nationality Act, 1948.

(2) This Act shall come into force on the first day of January, nineteen hundred and forty-nine.

(3) Subject to the provisions of section seventeen of, and the Third Schedule to, this Act, the enactments specified in Part II of the Fourth Schedule to this Act are hereby repealed to the extent specified in the third column of that Part:

Provided that the British Nationality and Status of Aliens Acts, 1914 to 1943, so far as they extend to Newfoundland and Southern Rhodesia, shall continue in force in each of those countries until provision to the contrary is made by the legislature thereof.

FIRST SCHEDULE

OATH OF ALLEGIANCE

I, A.B., swear by Almighty God that I will be faithful and bear true allegiance to His Majesty King George the Sixth, His Heirs and Successors according to law.

SECOND SCHEDULE

QUALIFICATIONS FOR NATURALISATION

Aliens

1. Subject to the provisions of the next following paragraph, the qualifications for naturalisation of an alien who applies therefor are:

(a) That he has either resided in the United Kingdom or been in Crown service under His Majesty's government in the United Kingdom, or partly the one and partly the other, throughout the period of twelve months immediately preceding the date of the application; and

(b) That during the seven years immediately preceding the said period of twelve months he has either resided in the United Kingdom or any colony, protectorate, United Kingdom mandated territory or United Kingdom trust territory or been in Crown service as aforesaid, or partly the one and partly the other, for periods amounting in the aggregate to not less than four years; and

(c) That he is of good character; and

(d) That he has sufficient knowledge of the English language, and

(e) That he intends in the event of a certificate being granted to him:

(i) To reside in the United Kingdom or in any colony, protectorate or United Kingdom trust territory or in the Anglo-Egyptian Sudan; or

(ii) To enter into or continue in Crown service under His Majesty's government in the United Kingdom, or under the government of the Anglo-Egyptian Sudan, or service under an international organisation of which His Majesty's government in the United Kingdom is a member, or service in the employment of a society, company or body of persons established in the United Kingdom or established in any colony, protectorate or United Kingdom trust territory.

2. The Secretary of State may if in the special circumstances of any particular case he thinks fit:

(a) Allow a continuous period of twelve months ending not more than six months before the date of the application to be reckoned, for the

purposes of sub-paragraph (a) of the last foregoing paragraph, as if it had immediately preceded that date;

(b) Allow residence in any country mentioned in subsection (3) of section one of this Act or in Eire, or in any mandated territory or trust territory, or in the Anglo-Egyptian Sudan, or residence in Burma before the fourth day of January, nineteen hundred and forty-eight, to be reckoned for the purposes of sub-paragraph (b) of the last foregoing paragraph;

(c) Allow service under the government of any country mentioned in the said subsection (3), or of any state, province or territory thereof, or under the government of the Anglo-Egyptian Sudan, or service before the fourth day of January, nineteen hundred and forty-eight, under the government of Burma, to be reckoned for the purposes of the said sub-paragraph (b) as if it had been Crown service under His Majesty's government in the United Kingdom;

(d) Allow periods of residence or service earlier than eight years before the date of the application to be reckoned in computing the aggregate mentioned in the said sub-paragraph (b).

British protected persons

3. The qualifications for naturalisation of a British protected person who applies therefor are:

(a) That he is ordinarily resident in the United Kingdom and has been so resident throughout the period of twelve months, or such shorter period as the Secretary of State may in the special circumstances of any case accept, immediately preceding his application; or

(b) That he is in Crown service under His Majesty's government in the United Kingdom, and

the qualifications specified in sub-paragraphs (c), (d) and (e) of paragraph 1 of this Schedule.

Application to colonies, protectorates and trust territories

4. The foregoing provisions of this Schedule shall, in their application to any colony, protectorate or United Kingdom trust territory, have effect as if:

(a) For any references therein to the Secretary of State there were substituted references to the Governor of that colony, protectorate or territory;

(b) For the reference in sub-paragraph (a) of paragraph 1 and sub-paragraph (a) of paragraph 3 thereof to residence in the United Kingdom there were substituted a reference to residence in that colony, protectorate or territory; and

(c) For the reference therein to the English language there were substituted, in the case of a British protected person, a reference to the English language or any other language in current use in that colony, protectorate or territory, and, in the case of an alien, a reference to the English language or any language recognised in that colony, protectorate or territory as being on an equality with the English language.

THIRD SCHEDULE

BRITISH SUBJECTS WITHOUT CITIZENSHIP UNDER SECTION THIRTEEN OF THIS ACT

1. The law in force before the commencement of this Act relating to British nationality shall continue to apply to a person while he remains

a British subject without citizenship by virtue of section thirteen of this Act as if this Act had not been passed:

Provided that:

(a) If that person is a male, nothing in this paragraph shall confer British nationality on any woman whom he marries during the period that he is a British subject without citizenship, or on any child born to him during that period;

(b) He shall not, by becoming naturalised in a foreign state, be deemed to have ceased to be a British subject by virtue of section thirteen of the British Nationality and Status of Aliens Act, 1914;

(c) So long as a woman remains a British subject without citizenship as aforesaid she shall not on marriage to an alien cease to be a British subject.

2. So long as a person remains a British subject without citizenship by virtue of section thirteen of this Act he shall be treated for the purposes of any application made by him for registration as a citizen of the United Kingdom and Colonies under sections six to nine of this Act as if he were a citizen of one of the countries mentioned in subsection (3) of section one of this Act.

3. If while a male person remains a British subject without citizenship by virtue of section thirteen of this Act a child is born to him, the child shall, unless the child has previously become a citizen of the United Kingdom and Colonies, or of any country mentioned in subsection (3) of section one of this Act or of Eire, become a citizen of the United Kingdom and Colonies if and when the father becomes, or would but for his death have become, such a citizen; and a male person who becomes a citizen of the United Kingdom and Colonies by virtue of this paragraph shall be deemed for the purposes of the proviso to subsection (1) of section five of this Act to be a citizen thereof by descent only.

FOURTH SCHEDULE

ENACTMENTS REPEALED

PART I

Enactments relating to Natural-Born British Subjects

<i>Session and Chapter</i>	<i>Short Title, etc.</i>	<i>Extent of Repeal</i>
11 Will. 3. c. 7. .	An Act for the more effectual Suppression of Piracy	In section seven, the words "naturall borne" and "or denizens of this Kingdome"
12 & 13 Will. 3. c. 2.	The Act of Settlement	In section three, the words from "That after the said limitation shall take effect" to "in trust for him" so far as they relate to British subjects and citizens of Eire
18 Geo. 2. c. 30. .	The Piracy Act, 1744	In section one, the words "natural born" and "or denizens"

<i>Session and Chapter</i>	<i>Short Title, etc.</i>	<i>Extent of Repeal</i>
21 & 22 Vict. c. 93	The Legitimacy Declaration Act, 1858	In section nine, the words "natural-born"
31 & 32 Vict. c. 20	The Legitimacy Declaration Act (Ireland), 1868	In sections one and two, the words "natural-born" wherever they occur
33 & 34 Vict. c. 77	The Juries Act, 1870	In section eight, the words "natural-born" in both places where they occur
57 & 58 Vict. c. 60	The Merchant Shipping Act, 1894	In section one, the words "natural-born" in the first place where they occur, paragraphs (b) and (c) and the proviso
15 & 16 Geo. 5. c. 49.	The Supreme Court of Judicature (Consolidation) Act, 1925	In section one hundred and eighty-eight, the words "natural-born" wherever they occur

PART II

Other Enactments

<i>Session and Chapter</i>	<i>Short Title, etc.</i>	<i>Extent of Repeal</i>
4 & 5 Ann. c. 16.	An Act for the Naturalization of the Most Excellent Princess Sophia Electress and Duchess Dowager of Hanover and the Issue of her Body	The whole Act
35 & 36 Vict. c. 39	The Naturalization Act, 1872	The whole Act
	The Army Act	In section ninety-five, the words "natural-born"
4 & 5 Geo. 5. c. 17	The British Nationality and Status of Aliens Act, 1914	Sections one to sixteen In sections seventeen and eighteen, the words "natural-born" wherever they occur Sections nineteen to twenty-six Section twenty-seven, except so far as it defines the expression "alien"
		In section twenty-eight, the words "British Nationality and"
	The Air Force Act	The Schedules In section ninety-five, the words "natural-born"

<i>Session and Chapter</i>	<i>Short Title, etc.</i>	<i>Extent of Repeal</i>
8 & 9 Geo. 5. c. 38.	The British Nationality and Status of Aliens Act, 1918	The whole Act
12 & 13 Geo. 5. c. 44.	The British Nationality and Status of Aliens Act, 1922	The whole Act
16 & 17 Geo. 5. c. 60.	The Legitimacy Act, 1926	In section two, the words "natural-born"
23 & 24 Geo. 5. c. 4.	The Evidence (Foreign, Dominion and Colonial Documents) Act, 1933	Section two
23 & 24 Geo. 5. c. 49.	The British Nationality and Status of Aliens Act, 1933	The whole Act
6 & 7 Geo. 6. c. 14.	The British Nationality and Status of Aliens Act, 1943	The whole Act
11 & 12 Geo. 6. c. 7.	The Ceylon Independence Act, 1947	Paragraph 1 of the Second Schedule

(b) BURMA INDEPENDENCE ACT OF 10 DECEMBER 1947.

An Act to provide for the independence of Burma as a country not within His Majesty's dominions and not entitled to His Majesty's protection, and for consequential and connected matters.

[10th December 1947]

1. (1) On the appointed day, Burma shall become an independent country, neither forming part of His Majesty's dominions nor entitled to His Majesty's protection.

(2) In this Act, the expression "the appointed day" means the fourth day of January, nineteen hundred and forty-eight.

(3) The suzerainty of His Majesty over the part of Burma known as the Karenni States shall lapse as from the appointed day, and with it all treaties and agreements in force between His Majesty and the rulers of the Karenni States, all functions exercisable by His Majesty with respect to the Karenni States, all obligations of His Majesty towards the Karenni States or the rulers thereof, and all powers, rights, authority or jurisdiction exercisable by His Majesty in or in relation to the Karenni States by treaty, grant, usage, sufferance or otherwise.

2. (1) Subject to the provisions of this section, the persons specified in the First Schedule to this Act, being British subjects, immediately before the appointed day, shall on that day cease to be British subjects:

Provided that a woman who immediately before the appointed day is the wife of a British subject shall not cease by virtue of this subsection to

be a British subject unless her husband ceases by virtue of this subsection to be a British subject.

(2) A person who by virtue of subsection (1) of this section ceases to be a British subject on the appointed day and is immediately before that day domiciled or ordinarily resident in either:

- (a) Any part of the United Kingdom;
- (b) Any of the Channel Islands;
- (c) The Isle of Man;
- (d) Newfoundland;
- (e) Any colony;
- (f) Any territory in respect of which a mandate from the League of Nations was accepted by His Majesty, being a territory under the sole administration of His Majesty's Government in the United Kingdom;
- (g) Any territory administered under the trusteeship system of the United Nations, being a territory under the sole administration of His Majesty's Government in the United Kingdom;
- (h) Any British protectorate;
- (i) Any British protected state outside Burma; or
- (k) Any other place outside Burma in which, by treaty, capitulation, grant, usage, sufferance or other lawful means, His Majesty has jurisdiction over British subjects,

may, by a declaration made before the expiration of the two years beginning with the appointed day to such person and in such manner as may be prescribed, elect to remain a British subject, and if he so elects, the provisions of subsection (1) of this section (including the proviso thereto) shall be deemed never to have applied to or in relation to him or, except so far as the declaration otherwise provides, any child of his who is under the age of eighteen years at the date of the declaration:

Provided that a declaration under this subsection shall be of no effect unless it is registered in the prescribed manner in pursuance of an application made within, or within the prescribed period after the expiration of, the said two years.

In this subsection, the expression "prescribed" means prescribed by regulations of the Secretary of State or of such Government, authority or person as may be authorised in that behalf by the Secretary of State, and different provision may be made under this subsection for different classes of cases.

(3) A person who by virtue of subsection (1) of this section ceases to be a British subject on the appointed day, not being such a person as is mentioned in subsection (2) of this section, shall, if on that day he neither becomes, nor becomes qualified to become, a citizen of the independent country of Burma for which provision is made by section one of this Act, have the like right of election as is provided for by subsection (2) of this section, and the said subsection (2) shall have effect accordingly.

(4) If provision is made by the law of any part of His Majesty's dominions not mentioned in subsection (2) of this section for the exercise by any persons, being persons domiciled or ordinarily resident in that part of His Majesty's dominions or in any territory administered by the Government thereof, of a right to elect not to cease to be British subjects on the appointed day by reason of Burma becoming an independent country on that day, then, so far as is necessary to give effect under the law of the United Kingdom to the results flowing under the law of that part of His Majesty's dominions from the exercise of the right of election, the provisions of sub-

section (1) of this section shall be deemed never to have applied to or in relation to, or to or in relation to the children of, the persons who duly exercise that right.

(5) Save as provided in this section, no person who is a British subject immediately before the appointed day shall cease to be a British subject by reason of Burma ceasing on that day to be part of His Majesty's dominions.

(6) The exercise by a person of any such right of election as is referred to in subsection (2), subsection (3) and subsection (4) of this section shall not render unlawful anything done before the date of the election which would have been lawful if the election had not been made.

5. (1) This Act may be cited as the Burma Independence Act, 1947.

FIRST SCHEDULE

PERSONS WHO CEASE TO BE BRITISH SUBJECTS

1. The persons who, being British subjects immediately before the appointed day, are, subject to the provisions of section two of this Act, to cease on that day to be British subjects are the following persons, that is to say:

(a) Persons who were born in Burma or whose father or paternal grandfather was born in Burma, not being persons excepted by paragraph 2 of this Schedule from the operation of this subparagraph; and

(b) Women who were aliens at birth and became British subjects by reason only of their marriage to any such person as is specified in subparagraph (a) of this paragraph.

2. (1) A person shall be deemed to be excepted from the operation of subparagraph (a) of paragraph 1 of this Schedule if he or his father or his paternal grandfather was born outside Burma in a place which, at the time of the birth,

(a) Was within His Majesty's dominions, was a British protectorate, was a British protected state, was a territory in respect of which a mandate from the League of Nations had been accepted by His Majesty and which was under the administration of the Government of any part of His Majesty's dominions or was a territory under the trusteeship system of the United Nations which was under the administration of the Government of any part of His Majesty's dominions; or

(b) Was a place where, by treaty, capitulation, grant, usage, sufferance or other lawful means, His Majesty had jurisdiction over British subjects;

Provided that a person shall not be excepted under this subparagraph from the operation of the said subparagraph (a) by virtue of the place of birth of his father or paternal grandfather unless his father or, as the case may be, his paternal grandfather, was at some time before the appointed day a British subject.

(2) A person shall also be deemed to be excepted from the operation of the said subparagraph (a) if he or his father or his paternal grandfather became a British subject by naturalization or by annexation of any territory which is outside Burma.

(3) Where, in pursuance of the British Nationality and Status of Aliens Act, 1914, the name of a child has been included in a certificate of natura-

lization granted to his parent, or where, in pursuance of any Act repealed by that Act, any child has been deemed to be a naturalized British subject by reason of residence with his parent, that child shall, for the purposes of this paragraph, be deemed to have become a British subject by naturalization.

3. For the purposes of this Schedule, a person born in a ship, other than an unregistered ship, shall be deemed to have been born in the country in which the ship was registered.

4. In this Schedule the expression "Burma" means the territories which, immediately before the appointed day, were included in Burma.

(c) IRELAND ACT OF 18 APRIL 1949.¹

1. *Constitutional provisions.* (1) It is hereby recognized and declared that the part of Ireland heretofore known as Eire ceased, as from the eighteenth day of April, nineteen hundred and forty-nine, to be part of His Majesty's dominions.

(2) It is hereby declared that Northern Ireland remains part of His Majesty's dominions and of the United Kingdom and it is hereby affirmed that in no event will Northern Ireland or any part thereof cease to be part of His Majesty's dominions and of the United Kingdom without the consent of the Parliament of Northern Ireland.

(3) The part of Ireland referred to in subsection (1) of this section is hereafter in this Act referred to, and may in any Act, enactment or instrument passed or made after the passing of this Act be referred to, by the name attributed thereto by the law thereof, that is to say, as the Republic of Ireland.

2. *Republic of Ireland not a foreign country.* (1) It is hereby declared that, notwithstanding that the Republic of Ireland is not part of His Majesty's dominions, the Republic of Ireland is not a foreign country for the purposes of any law in force in any part of the United Kingdom or in any colony, protectorate or United Kingdom trust territory, whether by virtue of a rule of law or of an Act of Parliament or any other enactment or instrument whatsoever, whether passed or made before or after the passing of this Act, and references in any Act of Parliament, other enactment or instrument whatsoever, whether passed or made before or after the passing of this Act, to foreigners, aliens, foreign countries, and foreign or foreign-built ships or aircraft shall be construed accordingly.

(2) The person who, in the United Kingdom, is the chief representative of the Republic of Ireland or of the Government thereof shall, whatever the style of his office, have the same privileges and exemptions as to taxation and otherwise as fall to be accorded under the law for the time being in force to High Commissioners and Agents General within the meaning of section nineteen of the Finance Act, 1923, and his staff shall have the same privileges and exemptions as to taxation and otherwise as fall to be accorded under the law for the time being in force to their staffs.

3. *Other provisions as to operation of United Kingdom and colonial laws in relation to Republic of Ireland.* (1) It is hereby declared that:

¹ Halsbury's Statutes of England, Second Ed., Vol. 28, Continuation Volume 1948-1949, London, 1951.

(a) The operation of the following statutory provisions, that is to say:
 (i) The British Nationality Act, 1948 (and in particular, and without prejudice to the generality of the preceding words, sections two, three and six thereof);

is not affected by the fact that the Republic of Ireland is not part of His Majesty's dominions; and

(b) That, in the said provisions, and in any Act of Parliament or other enactment or instrument whatsoever, so far as it operates as part of the law of, or of any part of, the United Kingdom or any colony, protectorate or United Kingdom trust territory, references to citizens of Eire include, on their true construction, references to citizens of the Republic of Ireland.

4. *Transitional provisions as to references in Acts, etc.* (1) Subject to the provisions of subsection (4) of this section, subsection (2) of section three of the British Nationality Act, 1948 (which relates to the effect of existing Acts of Parliament and other enactments and instruments) shall have effect in relation to Acts, enactments or instruments passed or made before the end of the year nineteen hundred and forty-nine as it has effect in relation to Acts, enactments or instruments in force at the date of the commencement of that Act.

(2) Subject to the provisions of subsection (4) of this section, subsection (2) of the last preceding section shall have effect in relation to Acts, enactments or instruments passed or made before the end of the year nineteen hundred and forty-nine as it has effect in relation to Acts, enactments or instruments passed or made before the passing of this Act.

(3) Where, whether by virtue of the preceding provisions of this section or otherwise, subsection (2) of section three of the British Nationality Act, 1948, or subsection (2) of the last preceding section has effect in relation to any Act, enactment or instrument, it shall, subject to the provisions of subsection (4) of this section, have effect also in relation to any other Act, enactment or instrument which, whether expressly or by implication, is required to be construed in the same way as that Act, enactment or instrument.

(4) The preceding provisions of this section have effect in relation to any Act, enactment or instrument only in so far as a contrary intention does not appear in that Act, enactment or instrument.

Provided that the fact that an Act, enactment or instrument refers to a British subject, or to, or to any part of, His Majesty's dominions, or to a British or British-built ship or aircraft, without referring to a citizen of the Republic of Ireland, or to the Republic of Ireland or to a ship or aircraft of or built in the Republic of Ireland shall not of itself be taken as indicating a contrary intention for the purposes of this subsection, and the same principle of construction shall be applied to other similar expressions.

5. *Provisions as to operation of British Nationality Act, 1948.* (1) A person who:

(a) Was born before the sixth day of December, nineteen hundred and twenty-two, in the part of Ireland which now forms the Republic of Ireland; and

(b) Was a British subject immediately before the date of the commencement of the British Nationality Act, 1948,

shall not be deemed to have ceased to be a British subject on the coming into force of that Act unless either:

(i) He was, on the said sixth day of December, domiciled in the part of Ireland which now forms the Republic of Ireland; or

(ii) He was, on or after the tenth day of April nineteen hundred and thirty-five, and before the date of the commencement of that Act, permanently resident in that part of Ireland; or

(iii) He had, before the date of the commencement of that Act, been registered as a citizen of Eire under the laws of that part of Ireland relating to citizenship.

(2) In relation to persons born before the said sixth day of December in the part of Ireland which now forms the Republic of Ireland, being persons who do not satisfy any of the conditions specified in paragraphs (i), (ii) and (iii) of subsection (1) of this section, sections twelve and thirteen of the said Act (which relate to citizenship of the United Kingdom and Colonies and to British subjects without citizenship) shall have effect and be deemed always to have had effect as if, in paragraph (a) of subsection (4) of the said section twelve, the words "or a citizen of Eire" and in subsection (1) of the said section thirteen, the words "or of Eire" were omitted.

(3) So much of the said Act as has the effect of providing that a person is, in specified circumstances, to be treated for the purposes of that Act as having been a British subject immediately before the commencement thereof shall apply also for the purposes of this section.

(4) Nothing in this section affects the position of any person who, on the coming into force of the British Nationality Act, 1948, became a citizen of the United Kingdom and Colonies or a British subject without citizenship apart from the provisions of this section.

7. *Short title, interpretation and commencement.* (1) This Act may be cited as the Ireland Act, 1949.

(2) References in this Act to colonies, protectorates and United Kingdom trust territories shall be construed as if they were references contained in the British Nationality Act, 1948.

(3) Save as otherwise expressly provided, this Act shall be deemed to have had effect as from the eighteenth day of April, nineteen hundred and forty-nine.

(d) BRITISH PROTECTORATES, PROTECTED STATES AND PROTECTED PERSONS ORDER IN COUNCIL NO. 140 OF 28 JANUARY 1949.

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

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.

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.

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.

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 this Act, and are in this Order referred to as protected states.

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

7. The references to protectorates contained in subparagraphs (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.

8. The references to protectorates contained in section 8 (1), section 10 (2), section 22, section 29 (3) and in the definition of "person naturalized 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.

9. (1) Subject to the provisions of Section 13 of this Order, a person shall be a British protected person by virtue of his connexion 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.

10. Subject to the provisions of section 13 of this Order a person shall be a British protected person by virtue of his connexion 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.

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 connexion with which her husband is a British protected person, and the Governor may prescribe a form of application.

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 connexion with that state.

(2) If in any protected state no such law as is mentioned in the preceding subsection 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 subsection (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.

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 connexion 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

FIRST SCHEDULE

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

SECOND SCHEDULE

<i>Protected States</i>	<i>Authority</i>
The Malay States, viz.:	
Johore	} The High Commissioner for the Federation of Malaya.
Pahang	
Negri Sembilan	
Selangor	
Perak	
Kedah	
Perlis	
Kelantan	
Trengganu	
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	} The Political Resident in the Persian Gulf.
Bahrain	
Qatar	
The Trucial Sheikdoms of Oman, viz.:	
Abu Dhabi	
Ajman	
Dibai	
Kalba	
Ras al Khaimah	
Sharjah	
Umm al Qaiwain	

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 (*b*), have been revoked by the British Protected Persons Orders, 1934 to 1944 (Revocation) Order, 1949 (*c*).

(e) ADOPTION ACT, 1950.

16. (1) Where an adoption order is made in respect of an infant who is not a citizen of the United Kingdom and Colonies, then, if the adopter, or in the case of a joint adoption the male adopter, is a citizen of the United Kingdom and Colonies, the infant shall be a citizen of the United Kingdom and Colonies as from the date of the order.

(2) The references in this section to an adoption order include references to an order authorising an adoption under the Adoption of Children Act (Northern Ireland), 1929, or any enactment of the Parliament of Northern Ireland for the time being in force.

(f) BRITISH PROTECTORATES, PROTECTED STATES AND PROTECTED PERSONS (AMENDMENT) ORDER IN COUNCIL NO. 457 OF 10 MARCH 1952.

1. (1) This Order may be cited as the British Protectorates, Protected States and Protected Persons (Amendment) Order in Council, 1952; it shall be construed as one with the Principal Order; and the Principal Order and this Order may be cited together as the British Protectorates, Protected States and Protected Persons Orders in Council, 1949 and 1952.

(2) This Order shall come into operation on the first day of April, 1952.

2. The second column of the Second Schedule to the Principal Order is hereby amended by the deletion of the words "The High Commissioner for the Western Pacific" and the substitution therefor of the words "The Governor of Fiji".

EXPLANATORY NOTE

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

The above Order in Council substitutes the Governor of Fiji for the High Commissioner for the Western Pacific as the authority in relation to the protected state of Tonga for the purposes of the British Nationality Act, 1948, and the British Protectorates, Protected States and Protected Persons Order in Council, 1949.

79. United States of America

(a) PUBLIC LAW 414 OF 27 JUNE 1952.

An Act to revise the laws relating to immigration, naturalization, and nationality; and for other purposes.

. . . .
. . . .

TITLE III. NATIONALITY AND NATURALIZATION

CHAPTER I. NATIONALITY AT BIRTH AND BY COLLECTIVE NATURALIZATION

Nationals and citizens of the United States at birth

Section 301. (a) The following shall be nationals and citizens of the United States at birth:

(1) A person born in the United States, and subject to the jurisdiction thereof;

(2) A person born in the United States to a member of an Indian, Eskimo, Aleutian, or other aboriginal tribe: *Provided*, That the granting of citizenship under this subsection shall not in any manner impair or otherwise affect the right of such person to tribal or other property;

(3) A person born outside of the United States and its outlying possessions of parents both of whom are citizens of the United States and one of whom has had a residence in the United States or one of its outlying possessions, prior to the birth of such person;

(4) A person born outside of the United States and its outlying possessions of parents one of whom is a citizen of the United States who has been physically present in the United States or one of its outlying possessions for a continuous period of one year prior to the birth of such person, and the other of whom is a national, but not a citizen of the United States;

(5) A person born in an outlying possession of the United States of parents one of whom is a citizen of the United States who has been physically present in the United States or one of its outlying possessions for a continuous period of one year at any time prior to the birth of such person;

(6) A person of unknown parentage found in the United States while under the age of five years, until shown, prior to his attaining the age of twenty-one years, not to have been born in the United States;

(7) A person born outside the geographical limits of the United States and its outlying possessions of parents one of whom is an alien, and the