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THE PROBLEM OF STATELESSNESS

Information transmitted by States in pursuance of
Economic and Social Council resolution 352 (XII)
relating to the problem of statelessness

The Secretary-General has the honour to circulate the following communication dated 11 September 1951, which he has received from the Permanent Representative of the United Kingdom at the United Nations:

"The Permanent Representative of the United Kingdom at the United Nations presents his compliments to the Secretary-General of the United Nations and, with reference to His Excellency's note No. SOA 325/04 of 5th April asking for information concerning the problem of statelessness in accordance with the resolution passed by the Economic and Social Council on March 13th, 1951, has the honour to transmit herewith a memorandum on the position of stateless persons under United Kingdom legislation. Copies are also enclosed of the British Nationality Act 1948, the British Nationality Regulations, 1948 and 1951 and the Deprivation of Citizenship Rules, 1950."

"The position of stateless persons
under United Kingdom legislation.

"Status and personal rights.

1. The domestic law of the United Kingdom makes no distinction between stateless persons and aliens who have a nationality; the status of stateless persons is the same as that of aliens. The principal measures relating to the control of aliens are the Aliens Restriction Act 1914, the Aliens Restriction (Amendment) Act 1919, and the Aliens Order (as amended) made under these Acts. These Acts and the Order do not, however, save in a few minor matters, affect the juridical status of aliens: they enable the Home Secretary to control the admission of aliens at our ports, and impose restrictions on aliens, e.g. as to employment, or notifying addresses to the Police. The disabilities suffered by aliens in United Kingdom domestic law are comparatively few: an alien may not be appointed to the Civil Service of the Crown, or become a solicitor; an alien may not be a member of either House of Parliament, or be appointed to local government office, and may not vote at Parliamentary or local government elections. Apart from these disabilities, the professions e.g. medicine, dentistry and the bar, are in general open to aliens who have the necessary qualifications; and aliens have otherwise the same rights as British subjects and have the full protection of the courts for the maintenance of those rights. No distinction is made by the courts between aliens and British subjects as regards civil or criminal procedure, and aliens are entitled to legal aid on the same conditions as British subjects.
2. In matters relating to personal status and family rights, such as marriage, divorce, succession to property and the right to acquire property, the courts of the United Kingdom do not distinguish between aliens and British subjects. The principle of reciprocity in matters relating to the personal rights of aliens has no place in the law of England, Northern Ireland or Scotland, nor has the principle which obtains in some countries that the personal rights of an alien are to be determined by the law of the country of which he is a national. Under the systems of law of England, Northern Ireland and Scotland personal rights are determined in accordance with the law of the domicile of the person concerned, whether he is an alien or a British subject. This may indeed in

certain circumstances result in the courts having to apply the law of the country of nationality if the person concerned is domiciled in a country in which personal rights are determined in accordance with that law.

3. It will be seen from the foregoing that, in the field of rights enjoyed by aliens in the United Kingdom, the principles of United Kingdom domestic law do not place the stateless alien at any disadvantage compared with the alien who has a nationality.

British nationality law

4. There is no legislation in the United Kingdom dealing specifically with statelessness for, as has been explained above, stateless aliens in this country are treated no differently from any other aliens. But the general provisions of United Kingdom nationality law have some bearing on this problem, to the extent that their practical effect is, as far as possible, to reduce the avoidable risks of statelessness occurring and to provide an opportunity for stateless aliens like other aliens to acquire citizenship of the United Kingdom and Colonies.

5. The main provisions of United Kingdom nationality legislation that are relevant are contained in the British Nationality Act, 1948 which specifies how citizenship of the United Kingdom and Colonies (and thereby British nationality) may now be acquired and lost.

6. Any person born in the United Kingdom and Colonies is a citizen at birth under Section 4 of the British Nationality Act, 1948 (unless the father has certain diplomatic immunity or unless the father is an enemy alien and the child is born in enemy-occupied territory). Such a person passes on this citizenship automatically to his legitimate children born abroad. Special provision is also made in this Section for citizenship to be passed on to subsequent generations born in foreign territories and, in certain circumstances, to those born in the self-governing commonwealth countries. Thus (except as mentioned above) no one could be born stateless in the United Kingdom and Colonies, nor would his descendants normally run any risk of being stateless if born abroad.

7. There are two main ways by which a person who does not possess citizenship of the United Kingdom and Colonies can become a citizen of the United Kingdom and Colonies: naturalization and registration.

- (a) Naturalization is open to any alien who can satisfy the statutory qualifications laid down in the Second Schedule to the British Nationality Act, 1948, but statutory eligibility, although a necessary condition of naturalization, gives no right to a certificate of naturalization, which may be granted or withheld at the discretion of the Secretary of State. A stateless applicant for naturalization is subject to the same conditions as any other alien; and although the fact that he was stateless would ensure sympathetic treatment of his application, he must, like any other applicant, show himself worthy on his own merits of the rights and privileges of a citizen of the United Kingdom and Colonies and a British subject. Owing to the difficulty of establishing whether or not a person is in fact stateless, no comprehensive statistics can be given of the proportion of persons naturalized who can properly be described as stateless. Although approximately 1100 certificates have been granted since the war to persons actually recorded as stateless, this probably represents only a very small proportion of the true figure.
- (b) Registration, a simpler method than naturalization, is open only to certain women and children. Under Section 6(2) of the British Nationality Act, 1948, the alien wife of a citizen of the United Kingdom and Colonies (this term includes a citizen of the United Kingdom and Colonies by naturalization) has the right to be registered herself as such a citizen. Under Section 7 of the Act, an alien minor child of a citizen of the United Kingdom and Colonies - or in special circumstances, any alien minor child - may be registered at the discretion of the Secretary of State as a citizen of the United Kingdom and Colonies. Here, as with naturalization, each case, although decided on its merits, would always be treated sympathetically if the child was stateless. A minor child can also acquire citizenship of the United Kingdom and Colonies through adoption in this country by such a citizen (Section 16 of the Adoption of Children Act, 1950).

8. There are also certain indirect safeguards against statelessness, such as Section 16(1) of the British Nationality Act, 1948, which allows certain persons, on attaining their majority, to regain British nationality lost in childhood through the parents' loss of that nationality (under Section 12(1) of the British Nationality and Status of Aliens Act, 1914); and Section 14 of the British Nationality Act, 1948 which automatically restores British nationality on 1st January 1949 to women who had lost it, under previous legislation, on marrying an alien. Moreover, under present legislation a child cannot while still a minor either lose automatically or even renounce citizenship of the United Kingdom and Colonies; and a woman no longer loses her United Kingdom citizenship when she marries an alien, whether or not she acquires her husband's nationality. Indeed no citizen of the United Kingdom and Colonies either loses or is required to renounce that citizenship on acquiring some other citizenship or nationality.

9. There are only two ways in which citizenship of the United Kingdom and Colonies can be lost: voluntary renunciation and formal deprivation. As a precaution against statelessness, a citizen of the United Kingdom and Colonies cannot renounce this citizenship (under Section 19 of the British Nationality Act, 1948) unless he or she is of full age and already has some other citizenship or nationality. But provided those two conditions are satisfied, the Secretary of State has no authority (except in time of war) to refuse to register a declaration of renunciation.

10. The provisions for deprivation of citizenship (under Section 20 of the British Nationality Act, 1948) apply only to persons who acquired their citizenship of the United Kingdom and Colonies by naturalization or registration. Although a person may be deprived of his citizenship of the United Kingdom and Colonies at the discretion of the Secretary of State, the permissible grounds for deprivation are strictly limited under Section 20 of the British Nationality Act, 1948. Moreover, as a further safeguard against the possibility of any arbitrary action under this Section, the person concerned has the right, unless his case falls under Section 20(4) (long absence abroad) to have his case referred to a Committee of Enquiry. It would, however, be possible for a person to become stateless as a result of such deprivation of his citizenship, but the provisions of this Section are sparingly invoked; and there have been only three cases of deprivation of citizenship since the end of the war.

11. Dual nationality is tolerated in United Kingdom law. An alien who becomes a citizen of the United Kingdom and Colonies need not in United Kingdom law renounce his former nationality; nor does a United Kingdom citizen lose that citizenship on acquiring a foreign nationality."

A N N E X E S

ANNEX I

BRITISH NATIONALITY ACT, 1948

(Extracts)

PART I

BRITISH NATIONALITY

British nationality by virtue of citizenship

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 sub-section (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.

Continuance of certain citizens of Eire as British subjects

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 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 sub-section (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.

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PART II

CITIZENSHIP OF THE UNITED KINGDOM AND COLONIES

Citizenship by birth or descent

Citizenship by birth

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 birth 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.

Citizenship by descent

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 sub-section (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

Registration of citizens of countries mentioned in s. 1 (3) or of Eire and wives of citizens of the United Kingdom and Colonies

6. (1) Subject to the provisions of sub-section (3) of this section, a citizen of any country mentioned in sub-section (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.

Registration of minors

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.

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Effect of registration as a citizen

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 naturalization

Naturalization of aliens and British protected persons

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 naturalization, grant him a certificate of naturalization; 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 naturalization 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 naturalization except with the approval of the Secretary of State.

Citizenship by incorporation of territory

Power to specify citizens by Order in Council on 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 connexion 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

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Women who have ceased to be British subjects by reason of marriage

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.

Persons who have ceased to be British subjects by failure to make declaration of retention of British nationality.

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.

Persons who have ceased to be British subjects on loss of British nationality by parent

16. (1) This section shall apply to any person who -
- (a) ceased to be a British subject under the provisions of sub-section (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 sub-section 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.

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Renunciation and deprivation of citizenship

Renunciation of citizenship by reason of dual citizenship or nationality

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 sub-section (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.

Deprivation of citizenship

20. (1) A citizen of the United Kingdom and Colonies who is such by registration (including a person registered under sub-section (6) of section

twelve of this Act) or is a naturalized 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 naturalization 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 naturalized 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 naturalized 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 naturalized 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 organization 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 sub-sections (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 sub-sections (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.

Deprivation of citizenship of United Kingdom and Colonies where persons deprived of citizenship elsewhere

21. (1) Where a naturalized person who was a citizen of any country mentioned in sub-section (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 sub-sections (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.

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PART III

SUPPLEMENTAL

Legitimated children

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.

Posthumous children

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.

Certificate of citizenship in case of doubt

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.

Discretion of Secretary of State, Governor or High Commissioner

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.

Evidence

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.

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Interpretation

32. (1)

(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.

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Channel Islands and Isle of Man

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 connexion with the Channel Islands or the Isle of Man he so desires, be known as a citizen of the United Kingdom, Islands and Colonies.

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SCHEDULES

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SECOND SCHEDULE

Qualifications for Naturalization

Aliens

1. Subject to the provisions of the next following paragraph, the qualifications for naturalization 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 had 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 organization 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 sub-section (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 sub-section (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 naturalization 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.

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ANNEX II

THE BRITISH NATIONALITY REGULATIONS, 1948
(as amended in 1951)

(Extracts)

Part I

Citizenship of the United Kingdom and Colonies by Registration

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Part II

Naturalization and Resumption of British Nationality

Form of application for naturalization

7. (1) An application for a certificate of naturalization shall be made in writing, and shall show whether the applicant is a British protected person or an alien and, if he is a British protected person, shall state the protectorate, protected state, mandated territory or trust territory from which he derives his status as a British protected person and his connexion therewith.

(2) Every such application shall contain sufficient information to satisfy the Secretary of State or the Governor, as the case may be, that the applicant possesses the requisite qualifications for naturalization in respect of residence or Crown service, good character, knowledge of the English or other appropriate language and intention with respect to his residence or occupation in the event of a certificate being granted to him, and such further information as the Secretary of State or the Governor may require in order to determine whether the applicant is a fit and proper person to be granted a certificate of naturalization.

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Oath of allegiance for purpose of naturalization

9. (1)

(2) The oath of allegiance required as aforesaid shall be taken within one calendar month of the date of the certificate of naturalization to which it relates, or within such extended time as the Secretary of State or the Governor who granted the certificate, as the case may be, may permit, and if the oath is not taken within the said time the certificate shall have no effect:

Provided that permission shall not be deemed to have been given under this paragraph unless a statement to that effect is endorsed on the certificate and signed by a person authorized by the last foregoing Regulation to sign a certificate of naturalization.

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Part III

Renunciation and Deprivation of Citizenship of the
United Kingdom and Colonies

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Notice of proposed deprivation of citizenship

12. (1) When it is proposed to make an order under section twenty or section twenty-one of the Act depriving a person of his citizenship of the United Kingdom and Colonies, the notice required by sub-section (6) of section twenty or sub-section (2) of section twenty-one thereof to be given to that person may be given -

- (a) in a case where that person's whereabouts 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 that person's whereabouts are not known, by sending it to his last known address.

(2) Where the Secretary of State has given notice as aforesaid and the person to whom it is given has the right, on making application therefor, to an inquiry under sub-section (7) of section twenty of the Act, the application shall be made -

- (a) if that person is in the United Kingdom at the time when the notice is given to him, within twenty-one days from the giving of the notice;

(b) in any other case, within such time, not being less than twenty-one days from the giving of the notice, as the Secretary of State may determine:

Provided that the Secretary of State may in special circumstances at any time extend the time within which the application may be made.

.....

(4) Any notice given in accordance with the provisions of this Regulation shall, in a case in which the person to whom it is given has the right, on making application therefor, to an inquiry under sub-section (7) of section twenty of the Act, include a statement of the time within which such application must be made.

Cancellation of registration of person deprived of citizenship

13. Where an order has been made depriving a person who is a citizen of the United Kingdom and Colonies by registration of that citizenship, his name shall be removed from the register of citizens of the United Kingdom and Colonies in which it is entered.

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ANNEX III

THE DEPRIVATION OF CITIZENSHIP RULES, 1950

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1. (1) When the Secretary of State refers the case of a citizen of the United Kingdom and Colonies to a committee of inquiry under sub-section (7) of section twenty or sub-section (2) of section twenty-one of the British Nationality Act, 1948 (which relate to deprivation of citizenship of the United Kingdom and Colonies), the committee of inquiry (in these Rules referred to as "the committee") shall, before holding the inquiry, cause notice 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 that he will be entitled to be present and to be represented by counsel or solicitor or, if the committee think fit, by some other person approved by them.

(2) A notice under this Rule may be given -

(a) in a case in which the address of the person concerned is known, by causing the notice to be delivered to him personally or by sending it to him at that address by post;

(b) in a case where that person's address is not known, by sending it to his last known address and in such other manner, if any, as the chairman of the committee shall consider fit.

(3) A notice as aforesaid shall be given such time (not being less than fourteen days) before the holding of the inquiry as the chairman of the committee shall consider reasonably necessary.

2. A notice under Rule 1 of these Rules may require the person concerned to answer it in writing and to furnish in writing to the committee any information which they consider material, to be verified in such manner as they may require.

3. (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.

4. The committee may act upon any information which is available, whether or not such information is given on oath or would be admissible as evidence in a court.

5. The committee may invite any government department which appears to them to be interested to appoint a person to represent the department at the inquiry.

6. (1) The committee may act notwithstanding any 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 power of punishment.

7. The committee may postpone or adjourn the inquiry from time to time.

8. 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.

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

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