

UK and Colonies

1. General

1.1 Before 1 January 1949, the principal form of nationality was British subject status, which was obtained by virtue of a connection with a place within the Crown's dominions. On and after this date, the main form of nationality was citizenship of the UK and Colonies, which was obtained by virtue of a connection with a place within the UK and Colonies.

2. Meaning of the expression

2.1 On 1 January 1949, all the territories within the Crown's dominions came within the UK and Colonies except for the Dominions of Canada, Australia, New Zealand, South Africa, Newfoundland, India, Pakistan and Ceylon (see "**DOMINIONS**") and Southern Rhodesia, which were identified by **s.1(3)** of the **BNA 1948** as independent Commonwealth countries. **Section 32(1)** of the **1948 Act** defined "colony" as excluding any such country. Also excluded from the UK and Colonies was Southern Ireland, although it was not an independent Commonwealth country.

2.2 For the purposes of the **BNA 1948**, the UK included Northern Ireland and, as of 10 February 1972, the Island of Rockall, but excluded the Channel Islands and Isle of Man which, under **s.32(1)**, were colonies.

2.3 The significance of a territory which came within the UK and Colonies was, of course, that by virtue of a connection with such a territory a person could become a CUKC. Persons who, prior to 1 January 1949, had become British subjects by birth, naturalisation, annexation or descent as a result of a connection with a territory which, on that date, came within the UK and Colonies were automatically re-classified as CUKCs (**s.12(1)-(2)**).

3. Chronology

3.1 For the reasons given in the context of protectorates, it may be necessary to know which places at any one time (since the commencement of the **BNA 1948**) were still within the UK and Colonies. The chronology that follows will enable that determination to be made easily.

3.2 The places which, on 1 January 1949, comprised "the UK and Colonies" were:

Aden Colony
Antigua (and Barbuda)
Ashanti
Bahamas
Barbados
Basutoland
Belize
Bermuda
British Guiana
British North Borneo (and Labuan)
British Virgin Islands
Canton Island
Cayman Islands
Channel Islands
Christmas Island

Cocos (Keeling) Islands
Cyprus
Dominica
Falkland Islands (and dependencies)
Fiji
Gambia Colony
Gibraltar
Gilbert and Ellice
Islands Colony
Gold Coast Colony
Grenada
Hong Kong
Isle of Man
Jamaica
Kenya Colony
Malacca
Malta
Mauritius
Montserrat
Nigeria Colony
Penang (and Province Wellesley)
Pitcairn etc
St Christopher-Nevis-Anguilla
St Helena (and dependencies)
St Lucia
St Vincent
Sarawak
Seychelles
Sierra Leone Colony
Singapore
Trinidad and Tobago
Turks & Caicos Islands
United Kingdom

3.3 The following changes occurred in the period from 1 January 1949 - 1 January 1983:

Date and Changes

23.11.1955 **COCOS (KEELING) ISLANDS** cease to be part of UK and Colonies on becoming part of Australia

6.3.1957 **ASHANTI** and the **GOLD COAST COLONY** cease to be part of UK and Colonies

31.8.1957 **MALACCA** and **PENANG (and PROVINCE WELLESLEY)** cease to be part of UK and Colonies

1.10.1958 **CHRISTMAS ISLAND** ceases to be part of UK and Colonies on becoming part of Australia

3.6.1959 **SINGAPORE** ceases to be part of UK and Colonies

16.8.1960 **CYPRUS** ceases to be part of UK and Colonies (except for the Sovereign Base Areas) and **SOVEREIGN BASE AREAS** form a new colony

- 1.10.1960 **NIGERIA COLONY** ceases to be part of UK and Colonies
- 27.4.1961 **SIERRA LEONE COLONY** ceases to be part of UK and Colonies
- 3.3.1962 **BRITISH ANTARCTIC TERRITORY** forms a new colony
- 6.8.1962 **JAMAICA** ceases to be part of UK and Colonies
- 31.8.1962 **TRINIDAD AND TOBAGO** ceases to be part of UK and Colonies
- 16.9.1963 **BRITISH NORTH BORNEO** (and **LABUAN**) and **SARAWAK** cease to be part of UK and Colonies
- 12.12.1963 **KENYA COLONY** ceases to be part of UK and Colonies
- 21.9.1964 **MALTA** ceases to be part of UK and Colonies
- 18.2.1965 **GAMBIA COLONY** ceases to be part of UK and Colonies
- 8.11.1965 **BRITISH INDIAN OCEAN TERRITORY** forms a new colony
- 26.5.1966 **BRITISH GUIANA** ceases to be part of UK and Colonies
- 4.10.1966 **BASUTOLAND** ceases to be part of UK and Colonies
- 30.11.1966 **BARBADOS** ceases to be part of UK and Colonies
- 30.11.1967 **ADEN COLONY** ceases to be part of UK and Colonies
- 12.3.1968 **MAURITIUS** ceases to be part of UK and Colonies
- 10.10.1970 **FIJI** ceases to be part of UK and Colonies
- 10.7.1973 **BAHAMAS** ceases to be part of UK and Colonies
- 7.2.1974 **GRENADA** ceases to be part of UK and Colonies
- 1.10.1975 **GILBERT & ELLICE ISLANDS COLONY** forms 2 new colonies (ie **TUVALU** and **GILBERT ISLANDS**)
- 29.6.1976 **SEYCHELLES** ceases to be part of UK and Colonies
- 1.10.1978 **TUVALU** ceases to be part of UK and Colonies
- 3.11.1978 **DOMINICA** ceases to be part of UK and Colonies
- 22.2.1979 **ST LUCIA** ceases to be part of UK and Colonies
- 12.7.1979 **GILBERT ISLANDS** including **CANTON ISLAND** cease to be part of UK and Colonies
- 27.10.1979 **ST VINCENT** ceases to be part of UK and Colonies
- 19.12.1980 **ST CHRISTOPHER-NEVIS-ANGUILLA** forms 2 new colonies (i.e. **ST CHRISTOPHER-NEVIS** and **ANGUILLA**)

21.9.1981 **BELIZE** ceases to be part of UK and Colonies

1.11.1981 **ANTIGUA** (and **BARBUDA**) ceases to be part of UK and Colonies

1.1.1983 The remaining colonies are reclassified as British dependent territories

3.4 For details of changes since 1 January 1983, see "**British overseas territories**"

"United Kingdom national"

1. The significance of the term "national" in international law is that it signifies a person connected with a State by a special legal tie entitling that State to protect the person in its relations with other States.

2. There is no universally-applicable definition of the term "United Kingdom national". Rather, it has been defined in different ways for different purposes. Such definitions can be found in a variety of Acts of Parliament (but, curiously, not in any of the British Nationality Acts), international agreements, treaties and the like.

3. "United Kingdom national for European Community purposes"

3.1 The original definition of a United Kingdom national for European Community (EC) purposes was contained in a declaration made by the United Kingdom at the time of the United Kingdom's signature of the Treaty of Accession to the EC. This was replaced, with effect from 1 January 1983, by the current definition, which reads as follows:

"As to the United Kingdom of Great Britain and Northern Ireland, the terms "nationals", "nationals of Member States" or "nationals of Member States and overseas countries and territories" wherever used in the Treaty establishing the European Economic Community, the Treaty establishing the European Atomic Energy Community or the Treaty establishing the European Coal and Steel Community or in any of the Community acts deriving from those Treaties, are to be understood to refer to:

- a. British citizens;
- b. Persons who are British subjects by virtue of Part IV of the British Nationality Act 1981 and who have the right of abode in the United Kingdom and are therefore exempt from United Kingdom immigration control;
- c. British Dependent Territories citizens who acquire their citizenship from a connection with Gibraltar."

3.2 The persons who are taken to have acquired their citizenship from a connection with Gibraltar for the purposes of sub-paragraph c. above are described in Annex A to Chapter 13 in Volume 1. (See also "**EUROPEAN ECONOMIC AREA AND SWISS NATIONALS**")

3.3 The effectiveness of the declaration for determining who is (and who is not) a "United Kingdom national" for EC purposes was recognised by the European Court of Justice in Case C-192/99 Manjit Kaur.

4. Channel Islanders and Manxmen

4.1 The position of British citizens connected with the Channel Islands and the Isle of Man is set out in Protocol No 3 to the Treaty of Accession, as amended. For the purposes of the Protocol, **Article 6** defines a Channel Islander or Manxman as any British citizen "who holds that citizenship by virtue of the fact that he, a parent or grandparent was born, adopted, naturalised or registered in the island in question; but such a person shall not for this purpose be regarded as a Channel Islander or Manxman if he, a parent or a grandparent was born, adopted, naturalised or registered in the United Kingdom. Nor shall he be so regarded if he has at any time been ordinarily resident in the United Kingdom for 5 years".

4.2 Although Channel Islanders and Manxmen so defined are United Kingdom nationals for EC purposes, and therefore EU citizens, they are excluded by **Article 2** of the Protocol from benefiting from "Community provisions relating to the free movement of persons and services". Such persons are identifiable by the following endorsement in British passports issued on or after 1 January 1983:

"Holder is not entitled to benefit from EC provisions relating to employment and establishment."

4.3 Channel Islanders and Manxmen with British passports issued before 1 January 1983 were described as citizens of the United Kingdom and Colonies with the right of abode in the United Kingdom, with the additional endorsement:

"Holder has the right of abode in the United Kingdom but has no right to employment or establishment in the remainder of the EC."

5. Status enquiries

5.1 It may sometimes be necessary for persons to establish whether they are United Kingdom nationals for EC purposes.

5.2 An enquiry from an individual, agent or a Government department, as to whether the person is a United Kingdom national for EC purposes, should be dealt with as follows. When it has been established that a person is a United Kingdom national for EC purposes the fact should be confirmed in writing, but a formal status letter should not be sent. The reply should be along the following lines:

"I can confirm that you are regarded as a British citizen/a British subject by virtue of Part IV of the British Nationality Act 1981 who has the right of abode in the United Kingdom and is therefore exempt from United Kingdom immigration control. As such you would fall within the definition of United Kingdom national for European Community purposes. [However, as a Channel Islander/Manxman you are excluded from benefiting from Community provisions relating to the free movement of persons and services.]"

5.3 In the case of an enquiry from a person whose status as a United Kingdom national for EC purposes depends on whether British overseas territories citizenship has been acquired from a connection with Gibraltar, the enquirer should be referred to the Governor of Gibraltar unless the person concerned already holds a passport containing the endorsement:

"Holder is defined as a United Kingdom national for Community purposes."