

### **"United Kingdom National"**

1. The term "United Kingdom national" is not defined in the nationality law of the United Kingdom. It has been defined in various ways and at various times for the purposes of other United Kingdom legislation, international agreements, treaties and the like.

2. 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. Generally speaking, the term "United Kingdom national" or, more colloquially, "British national" covers:

- British citizens
- British Dependent Territories citizens
- British Overseas citizens
- British subjects (under Part IV of the BNA 1981)
- British protected persons
- British Nationals (Overseas)

### **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 NATIONALS")

### **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. An example of where another Government department may need this information is where the Department of Social Security (DSS) needs it in connection with reciprocal health arrangements with other countries. In 1980, it was agreed with DSS that we would confirm in writing that a person is a United Kingdom national for EC purposes provided the claim is supported by the appropriate documentary evidence.

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 Dependent 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."