

## **Chapter 13 Annex A**

### **Registration by entitlement of British dependent territories citizens who are United Kingdom nationals for European community purposes**

#### **Declaration on definition of United Kingdom "nationals" for European community purposes**

By the Government of the United Kingdom of Great Britain and Northern Ireland on the definition of the term 'nationals'.

Having regard to the entry into force of the British Nationality Act 1981, the Government of the United Kingdom of Great Britain and Northern Ireland makes the following Declaration, which will replace, as from 1 January 1983, that made at the time of signature of the Treaty of Accession by the United Kingdom to the European Communities:

'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.

The reference in Article 6 of the third Protocol to the Act of Accession of 22 January 1972, on the Channel Islands and the Isle of Man, to 'any citizen of the United Kingdom and Colonies' is to be understood as referring to 'any British citizen'.

A British Dependent Territories citizen shall be taken to have acquired his citizenship from a connection with Gibraltar if that citizenship was acquired wholly or partly by reason of any one or more of the following facts:

- (1) that he, his father or his mother was born, or deemed to be born through being found abandoned, in Gibraltar; or
- (2) that he, his father or his mother is or was a person to whom a certificate of naturalisation as a British Dependent Territories citizen was granted in Gibraltar; or
- (3) that he, his father or his mother is or was a person naturalised in Gibraltar before 1 January 1983; or
- (4) that he, his father or his mother was registered in Gibraltar as a British Dependent Territories citizen or, before 1 January 1983, as a citizen of the United Kingdom and Colonies; or
- (5) that he, his father or his mother was descended from a person who acquired his

citizenship wholly or partly by reason of (1), (2), (3) or (4) above or would have done so but for his death; or

(6) in the case of a woman, that she or her mother was married to a man who acquired his citizenship wholly or partly by reason of (1), (2), (3), (4) or (5) above or would have done so but for his death; or

(7) that he, his father or his mother was descended from a woman who acquired her citizenship wholly or partly by reason of (6) above or would have done so but for her death; or

(8) in the case of a woman, that she was married to a man who acquired his citizenship wholly or partly by reason of (7) above or would have done so but for his death; or

(9) that he, his father or his mother was adopted by order of a Court in Gibraltar made after 1 January 1983, the adopter or, in the case of joint adopters, one of the adopters having acquired his citizenship wholly or partly by reason of (1), (2), (3), (4), (5), (6), (7) or (8) above; or

(10) that he, his father or his mother was descended from a person who acquired his citizenship wholly or partly by reason of (9) above, and at the time of his birth, was serving outside the dependent territories either in Crown Service under the Government of Gibraltar or in service designated by the Home Secretary to be closely associated with the activities outside the dependent territories of the Government of Gibraltar.

[Expressions used above shall have the same meanings as in the British Nationality Act 1981 and for the avoidance of doubt the words 'he' and 'his' in paragraphs (1), (2), (3), (4), (5), (7), (9) and (10) shall be taken to include 'she' and 'her']