

Part III: British overseas citizenship

Chapter 40: Registration by entitlement of stateless persons

schedule 2, paragraphs 4 & 5, British nationality act 1981

article 6(3) - 6(5), Hong Kong (British nationality) order 1986

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|----|---|--|
| a. | born outside the united kingdom and the British overseas territories on or after 1 January 1983 - | sch.2, paragraph
4 BNA 1981 |
| b. | born before 1 January 1983 - | sch.2, paragraph
5 BNA 1981 |
| c. | born outside the British overseas territories on or after 1 July 1997 - | art.6(3) - 6(5)
HK (BN) order
1986 |

40.1 Introduction

40.1.1 To meet our obligations under the **United Nations Convention on the Reduction of Statelessness**, s.36 and **Schedule 2** to the British Nationality Act 1981 and **Article 6** of the **Hong Kong (British Nationality) Order 1986** make provision for the acquisition of the citizenships and statuses, created by the Act, by certain persons who are or would otherwise be stateless.

40.1.2 This Chapter deals with the provisions for acquisition by registration. The provisions for automatic acquisition are explained in **Chapter 38**.

40.2 General information

40.2.1 With obvious adjustments where the context requires (e.g. references to British citizen and British citizenship should be read as references to British Overseas citizen and British Overseas citizenship), the contents of **Chapter 6** apply to applications for British Overseas citizenship under **paragraphs 4** and **5** of

Schedule 2 to the 1981 Act and **Article 6(3) - 6(5)** of the **HK (BN) Order 1986**.

40.2.2 In relation to any time before 26 February 2002, references in this Chapter to British overseas territories citizenship and the British overseas territories should be read as references to British Dependent Territories citizenship and the British dependent territories.

40.3 **The Law**

A. Schedule 2, paragraph 4

40.3.1 Persons are entitled to registration under this provision if:

- they were born on or after 1 January 1983; and
- they were born outside the United Kingdom and the British overseas territories; and
- they were born stateless; and
- they have remained stateless; and
- at the time of their birth, their father or mother was:
 - i. a British citizen; or
 - ii. a British overseas territories citizen; or
 - iii. a British Overseas citizen; or
 - iv. a British subject under the 1981 Act; and
- they were in the United Kingdom or a British overseas territory at the

beginning of the period of 3 years ending with the date of application; and

- they were not absent from both the United Kingdom and the British overseas territories for more than 270 days in that 3 year period

40.3.2 Persons who meet these requirements are entitled to registration as:

- a British citizen; or
- a British overseas territories citizen; or
- a British Overseas citizen; or
- any combination of these 3 citizenships, depending on which one or more of them their father or mother possessed at the time of the birth. For example:
 - i. A person whose mother, or father, or both, was a British overseas territories citizen only will be entitled to registration as a British overseas territories citizen only.
 - ii. A person with a British overseas territories citizen father, and a mother who is both a British overseas territories citizen and a British citizen, will be entitled to registration as a British overseas territories citizen and as a British citizen.
 - iii. A person with a British Overseas citizen father, and a mother who is both a British overseas territories citizen and a British citizen, will be entitled to registration as a British citizen and as a British overseas territories citizen and as British Overseas citizen.

or

- a British subject

40.3.3 A person may not be registered as a British subject as well as a British citizen, British overseas territories citizen or British Overseas citizen. Persons are entitled to registration as a British subject only if:

- one or both of their parents is a British subject; and
- neither parent is:
 - i. a British citizen; or
 - ii. a British overseas territories citizen; or
 - iii. a British Overseas citizen.

For example:

- A person whose father is a British subject, and whose mother has no form of British nationality, will be entitled to registration as a British subject.
- A person whose father is a British subject, and whose mother is a British citizen, will be entitled to registration as a British citizen only.

40.3.4 A person is required to state in the application which citizenship or status is being applied for.

40.3.5 There is discretion under **paragraph 6 of Schedule 2** to allow absences in excess of 270 days in the 3 year qualifying period. The way we should normally exercise this discretion is set out in 40.7 below.

40.3.6 Registration under this provision gives British citizenship and/or British

overseas territories citizenship otherwise than by descent (see **Chapter 20** or **Chapter 36**).

40.3.7 British Overseas citizenship or British subject status is not transmissible, and the question of descent or otherwise does not therefore arise.

B. Schedule 2, paragraph 5

40.3.8 A person is entitled to registration under this provision if he or she:

- was born before 1 January 1983; and
- was born stateless; and
- has remained stateless; and either:
 - i. his or her mother was a citizen of the United Kingdom and Colonies at the time of the birth; or
 - ii. the person was born in a place which is, at the date of application, within the United Kingdom or a British overseas territory; or
 - iii. the person otherwise meets the requirements of parentage or residence and parentage set out in the **Schedule** to the **British Nationality (No 2) Act 1964**, as amended by **s.4** of the **British Nationality Act 1965**. For a detailed explanation of the requirements for registration under the **1964 Act**, see **Chapter 15**.

40.3.9 The citizenship to which persons will be entitled depends on what they would have become on 1 January 1983 if they had been registered as a citizen of the United Kingdom and Colonies, before that date, under **s.1** of the **British Nationality (No 2) Act 1964**.

40.3.9.1 Persons are entitled to registration as:

- British citizens, if they would have become such citizens on 1 January 1983 under **s.11** of the British Nationality Act 1981 (see **Chapter 2**); and/or
- British overseas territories citizens, if they would have become British Dependent Territories citizens on 1 January 1983 under **s.23** of the British Nationality Act 1981 (see **Chapter 22**); or
- British Overseas citizens, if they would not have become either British citizens or British Dependent Territories citizens on 1 January 1983

40.3.9.2 A person may be entitled to registration as:

- a British citizen; or
- a British overseas territories citizen; or
- both; or
- as a British Overseas citizen only

40.3.10 Registration under this provision gives British citizenship and British overseas territories citizenship otherwise than by descent (see **Chapter 20** or **Chapter 36**).

40.3.11 British Overseas citizenship is not transmissible, and the question of descent or otherwise does not therefore arise.

C. Article 6(3)-6(5), Hong Kong (British Nationality) Order 1986

40.3.12 A person is entitled to registration as a British Overseas citizen under these provisions if:

- he or she was born on or after 1 July 1997; and
- he or she was born stateless; and
- he or she was born outside the British overseas territories; and
- the person's father or mother ("the parent in question") was, at the time of the person's birth, a British Overseas citizen under **Article 6(2)** of the **Hong Kong (British Nationality) Order 1986** (see **Chapter 38**); and
- immediately before 1 July 1997, the father or mother of the parent in question was, or would, but for death, have been a British Dependent Territories citizen otherwise than by descent (see **Chapter 36**) by connection with Hong Kong (see Annex A to **Chapter 51**); and
- the application was made within 12 months of the person's birth

40.3.13 There is discretion to allow an application to be made later than the normal time limit of 12 months. This is explained in 40.7 below.

40.3.14 Except in the limited circumstances described in **Chapter 38**, British Overseas citizenship is not transmissible, and the question of by descent or otherwise does not therefore arise.

40.4 **Application forms**

40.4.1 An application should normally be made:

- on Form S2 under **Schedule 2, paragraph 4**

- on Form S1 under **Schedule 2, paragraph 5**
- on a form designed for use under **Article 6, Hong Kong (British Nationality) Order 1986**
- by being included in a parent's application for citizenship

40.5 **Evidence to be supplied**

40.5.1 To guard against the possibility of fraud, we should expect to see evidence of identity over and above that required to establish an entitlement to registration. It should be remembered, in particular, that a birth certificate is evidence not of identity but of an event.

40.5.2 We should take into account any evidence already on file. If documents have been examined in the past we do not need to ask to see them again. If a particular marriage or parent and child relationship has been accepted as valid by an Entry Clearance Office, Immigration Office, Home Office or British overseas territories official, or any Tribunal or Court in the United Kingdom or a British overseas territory we do not need to ask for any further evidence except where later information provides reasonable grounds to doubt the previously accepted position. It should be noted, however, that on occasions a subsisting relationship is accepted for immigration purposes whereas, for nationality purposes, a valid marriage is needed.

40.5.3 Applications under **paragraphs 4 or 5 of Schedule 2** should be supported by evidence as follows:

- the person's birth certificate showing parents' details; and
- a letter from the authorities of the person's country of birth (other than the United Kingdom and the British overseas territories) stating that the person is not, and never has been, a citizen of that country; and

- if either or both of the person's parents is not a national of that country, a letter from the authorities of the country of which either or both parent(s) is a national (other than the United Kingdom and the British overseas territories) stating that the person is not and never has been a citizen of that country

40.5.4 Applications under **paragraph 4 of Schedule 2** should also be supported by evidence as follows:

- passports and/or other documents to establish:
 - i. the person's 3 years residence in the United Kingdom or a British overseas territory prior to the application; and
 - ii. that the person was not absent from both the United Kingdom and the British overseas territories for more than 270 days in that 3 year period.
- if the parent in question is the father, appropriate evidence of paternity (see **Chapter 6 Annex F**); and
- a parent's citizenship or status at the time of the person's birth

40.5.4.1 Evidence of a parent's British citizenship is:

- a passport describing the holder as a British citizen; or
- a passport issued before 1 January 1983 describing the holder as a citizen of the United Kingdom and Colonies and carrying an endorsement stating the holder has the right of abode in the United Kingdom; or
- a United Kingdom or Falkland Islands birth certificate showing his or her parents' details and that the person was

born before 1 January 1983; or

- (if born on or after 1 January 1983) a United Kingdom or Falkland Islands birth certificate showing his or her parents' details and evidence that, at the time of the birth, either parent was a British citizen or settled in the United Kingdom or Falkland Islands (as the case may be); or
- a certificate of registration or naturalisation, issued in the United Kingdom, describing the holder as either a British citizen or a citizen of the United Kingdom and Colonies. (An explanation of "registration in the United Kingdom" is given in Annex F to **Chapter 6**); or
- the relevant documents related the parents', grandparents', spouse's birth, adoption, marriage, death, registration or naturalisation, which establish the parent's claim to British citizenship

40.5.4.2 If the applicant was born on or after 21 May 2002, the following documents may also be accepted as evidence of a parent's British citizenship:

- a passport issued before 21 May 2002 describing the holder as a British Dependent Territories citizen or a British overseas territories citizen and evidence that the holder was such a citizen by connection with a qualifying territory (see Annex A to **Chapter 38**); or
- (if born before 1 January 1983) a birth certificate showing his or her parents' details and that the person was born in a qualifying territory; or
- (if born on or after 1 January 1983) a birth certificate showing

his or her parents' details and that the person was born in a qualifying territory and evidence that, at the time of the birth, either parent was a British overseas territories citizen or settled in a qualifying territory; or

- an adoption certificate issued by a court in a qualifying territory and evidence that, at the time of the adoption, one of the adoptive parents was a British citizen or, if the adoption took place before 21 May 2002, a British overseas territories citizen by connection with a qualifying territory; or
- a certificate of registration or naturalisation, issued before 21 May 2002, describing the holder as a British Dependent Territories citizen or a British overseas territories citizen or a citizen of the United Kingdom and Colonies and evidence that the holder acquired that citizenship by connection with a qualifying territory

40.5.4.3 Evidence of a parent's British overseas territories citizenship is:

- a passport describing the holder as a British Dependent Territories citizen or a British overseas territories citizen; or
- a birth certificate showing his or her parents' details and that the person was born in a British overseas territory before 1 January 1983; or
- (if born on or after 1 January 1983) a birth certificate showing his or her parents' details and that the person was born in a British overseas territory and evidence that, at the time of the birth, either parent was a British overseas territories citizen or settled in a British overseas territory; or
- an adoption certificate issued by a court in a British overseas

territory and evidence that, at the time of the adoption, one of the adoptive parents was a British overseas territories citizen; or

- a certificate of registration or naturalisation describing the holder as a British Dependent Territories citizen or a British overseas territories citizen; or
- a certificate of registration or naturalisation, issued in a British overseas territory, describing the holder as a citizen of the United Kingdom and Colonies; or
- the relevant documents related to parents', grandparents', spouse's birth, adoption, marriage, death, registration or naturalisation, which establish the parent's claim to British overseas territories citizenship

40.5.4.4 Evidence of a parent's British Overseas citizenship is:

- a passport describing the holder as a British Overseas citizen; or
- a certificate of registration describing the holder as a British Overseas citizen; or
- similar relevant documents as those required to establish British citizenship or British overseas territories citizenship, but which establish that the parent was a citizen of the United Kingdom and Colonies who, on 1 January 1983, did not become either a British citizen (see **Chapter 2**) or a British Dependent Territories citizen (see **Chapter 22**)

40.5.4.5 Evidence that a parent is a British subject under the 1981 Act is:

- a passport describing the holder as a British subject; or
- a certificate of registration describing the holder as a British subject; or
- an acknowledgement of a claim to remain a British subject under **s.2** of the **British Nationality Act 1948** or **s.31(3)** of the British Nationality Act 1981 (see **Chapter 43** or **46**); or
- similar relevant documents as those required to establish British citizenship or British overseas territories citizenship, but which establish that, on 1 January 1949, the parent became a British subject without citizenship under **s.13** or **16** of the **British Nationality Act 1948**, and had that status on 31 December 1982 (see **Chapter 43**)

NB. Except for the persons mentioned in the third category above, a person who is a British subject under the 1981 Act automatically ceases to have that status on acquiring any other citizenship or nationality, including the 3 citizenships conferred by the 1981 Act (see **Chapter 49**). Unless there is evidence to the contrary, it should be assumed that the parent has not acquired another citizenship or nationality and is still a British subject.

40.5.5 Applications under **paragraph 5** of **Schedule 2** should also be supported by evidence as follows:

- the relevant birth, marriage, death, adoption, registration, naturalisation certificates or other documents to establish the parent in question's citizenship of the United Kingdom and Colonies, or British subject status, at the appropriate time; and
- if necessary, passports and/or other documents to establish the person's

ordinary residence in the United Kingdom and/or the British overseas territories for the 3 years immediately before the application

40.5.6 Applications under **Article 6(3)-6(5)** of the **Hong Kong (British Nationality) Order 1986** should be supported by evidence as follows:

- the person's birth certificate showing parents' details; and
- the relevant birth, marriage, death, adoption, registration, naturalisation certificates to establish that:
 - i. the parent in question was, at the time of the person's birth, a British Overseas citizen under **Article 6(2)** of the **1986 Order** (see **Chapter 38**); and
 - ii. a parent of the parent in question was or, but for death, would have been on 30 June 1997 a British Dependent Territories citizen otherwise than by descent (see **Chapter 36**) by connection with Hong Kong (see Annex A to **Chapter 51**); and
- a letter from the authorities of the person's country of birth (other than the United Kingdom) stating that he or she was not a citizen or national of that country at birth; and
- if either or both of the person's parents is not a national of that country, a letter from the authorities of the country of which either or both parent(s) is a national (other than the United Kingdom and the British overseas territories) stating that the person was not a citizen or national of that country at birth

40.6 **Checking the application**

IMPORTANT NOTE: Where an apparent claim or entitlement derives from a personal or ancestral connection with St Christopher and Nevis, it is necessary to consider the

effects of the **Saint Christopher and Nevis Modification of Enactments Order 1983**. Where an apparent claim or entitlement derives from such a connection with Hong Kong, it is necessary to consider the effects of the **Hong Kong (British Nationality) Order 1986** and the **Hong Kong (British Nationality) (Amendment) Order 1993** (see **Chapter 21.4**). Where an apparent claim or entitlement derives from a personal or ancestral connection with the British Indian Ocean Territory, it is necessary to consider the effects of the **British Overseas Territories Act 2002**.

40.6.1 Checking for automatic claims

40.6.1.1 A person applying under **paragraph 4** or **5** of **Schedule 2**, BNA 1981 may already be a British citizen or a British overseas territories citizen. Only those applying under **paragraph 5** of **Schedule 2** can have an automatic claim to British Overseas citizenship or British subject status.

40.6.1.2 A person applying under **paragraph 4** of **Schedule 2**, BNA 1981 will already be:

- a British citizen, if he or she meets the requirements of **s.2(1)** or **s.50(7)(a)(i)** (see **Chapter 4**) or, if born on or after 21 May 2002, **s.50(7A)** (see **Chapter 38**)
- a British overseas territories citizen, if he or she meets the requirements of **s.16(1)** or **s.50(7)(a)(i)** (as applied to the British overseas territories and British overseas territories citizenship) (see **Chapter 24**) or, if born on or after 21 May 2002, **s.50(7A)** or **s.50(7B)** - NB. If the person is a British overseas territories citizen, he or she may also have a claim to British citizenship under **s.3** of the **British Overseas Territories Act 2002**

40.6.1.3 A person applying under **paragraph 5** of **Schedule 2**, BNA 1981 will already be:

- a British citizen, if he or she meets the requirements of **s.11** or **s.50(7)(a)(ii)** (see **Chapter 2**)
- a British overseas territories citizen, if he or she meets the requirements of **s.23** or **s.50(7)(a)(ii)** (as applied to the British overseas territories and British overseas territories citizenship) (see **Chapter 22**) - NB. Such a person may also have a claim to British citizenship under **s.3** of the **British Overseas Territories Act 2002**
- a British citizen and/or a British overseas territories citizen, if he or she meets the requirements of **s.6** of the **British Overseas Territories Act 2002**

40.6.1.4 A person applying under **paragraph 5** of **Schedule 2**, BNA 1981, who is not already a British citizen or a British overseas territories citizen, will be:

- a British Overseas citizen, if he or she was a citizen of the United Kingdom and Colonies on 31 December 1982 (see **Chapter 37**); or
- a British subject, if the requirements of **s.30** or **31(2)** are met (see **Chapter 43**)

40.6.1.5. A person applying under **Article 6(3) - 6(5)** of the **1986 Order** will be:

- a British citizen, if he or she meets the requirements of **s.1(1)** (see **Chapter 3**) or **s.2(1)** or **s.50(7)(a)(i)** (see **Chapter 4**); or
- a British overseas territories citizen, if he or she meets the requirements of **s.16(1)** (see **Chapter 24**) or **paragraph 1** of

Schedule 2 (see **Chapter 25**) - NB. Such a person may also have a claim to British citizenship under **s.3** of the **British Overseas Territories Act 2002**

40.6.1.6 Unless it is absolutely clear from the papers we have that the person is already a British citizen, a British overseas territories citizen, a British Overseas citizen or a British subject, we need not investigate this possibility. Equally, we need not ask for proof that the person did not acquire any of these citizenships or status automatically before we consider the application.

40.6.1.7 If the person has an automatic claim to British Overseas citizenship, we should:

- write to say so; and
- explain that registration is not necessary (using the procedure in **Chapter 37**); and
- refund, in full, any fee submitted with the application (see **Chapter 6**)

40.6.1.8 If the person does not have an automatic claim to British Overseas citizenship, but has an automatic claim:

- to British citizenship; or
- to British overseas territories citizenship; or
- to British subject status; or
- to any other nationality or citizenship

the person has no entitlement to registration under **paragraph 4**

or **5** of **Schedule 2**, BNA 1981, because the person is not stateless. This applies also to applicants under **Article 6(3)-6(5)** of the **Hong Kong (British Nationality) Order 1986** if, and only if, the form of British nationality was acquired at birth and not subsequently. In these circumstances, we should consider whether the person can be registered as a British Overseas citizen at discretion (see 40.6.2.1 below).

40.6.2 No entitlement

40.6.2.1 If it is decided that there is no entitlement to registration as a British Overseas citizen under **paragraph 4** or **5** of **Schedule 2**, BNA 1981 or **Article 6(3)-6(5)** of the **Hong Kong (British Nationality) Order 1986**, and the person was a minor at the date of application, the application should be considered for registration at discretion under **s.27(1)** of the 1981 Act (see **Chapter 39**).

40.6.2.2 If there is no entitlement to registration as:

- a British citizen; or
- a British overseas territories citizen; or
- a British Overseas citizen; or
- a British subject; and
- the person was an adult at the date of application

we should consider whether the application can be accepted as being for naturalisation as a British citizen under **s.6** (see **Chapter 18**) or as a British overseas territories citizen under **s.18** (see **Chapter 34**).

40.7 **Exercise of discretion**

A. **To allow excess absences**

40.7.1 **Paragraph 6 of Schedule 2, BNA 1981** gives discretion to allow absences of more than 270 days if the application is made under **paragraph 4 of Schedule 2**.

40.7.2 We should normally waive excess absences if:

- they are the result of circumstances beyond the person's control (e.g. serious illness or accident which prevented the person from returning from a visit to a country outside the UK or the British overseas territories); or
- they amount to no more than 30 days; or
- refusal would seriously disadvantage the person (statelessness alone is not enough: the person must show some serious disadvantage because of statelessness)

40.7.3 We should not normally waive excess absences simply because:

- the person or parents were unaware of the requirements; or
- the absences were entirely voluntary; or
- a refusal would cause inconvenience, such as difficulty in travelling, rather than serious disadvantage

B. **To allow a 'late' application to be made**

40.7.4 **Article 6(5) of the Hong Kong (British Nationality) Order 1986** gives discretion to allow an application to be made within 6 years of the minor's birth

instead of the normal 12 months, in the special circumstances of any particular case. Each case must be considered on its merits, and the parents should, if necessary, be asked to explain what the special circumstances are.

40.7.5 Discretion should not normally be exercised:

- automatically to extend the normal time limit; or
- if the only reason for the delay is the parent(s) ignorance of a time limit

40.7.6 Provided the other requirements are met we may normally grant applications made after 12 months, but within 6 years of the minor's birth, if:

- the parents have received incorrect advice, (e.g. to the effect that the child already has a form of British nationality, or that there is no time limit), either from an official source, or from a solicitor, or other recognised advisory agency; or
- there were domestic difficulties which distracted the family, e.g.:
 - i. the death of one of the parents; or
 - ii. other unforeseen circumstances, (e.g. an employer's demands, or a significant change in domestic circumstances such as a divorce), or
- enquiries were made within the normal 12 month period about the possibility or need for registration, and this is followed up by an application no later than 3 months after the end of that period; or
- in any other case, the application is made up to a month late; or
- an application, made within the normal time limit or under any of the above criteria, is defective and has to be returned for correction; or

- the minor has a brother or sister for whom a successful "in time" application has been made; or
- the minor would suffer significant and special hardship by not being a British Overseas citizen

40.7.7 Hardship should imply some serious disadvantage, to the family or to the child, which goes beyond the normal convenience and benefits of British Overseas citizenship, such as travelling on a British passport. This might, for example, include cases where:

- the family's ability to remain where they are depends on the child acquiring British Overseas citizenship
- the child is stateless and is thereby at a disadvantage under local law

40.7.8 If hardship is claimed, we should expect to be told:

- what the child's position would be if not registered; and
- what hardship would ensue

40.7.9 We must also consider, in each case that does not come within the terms of 40.7.6-40.7.8 above, whether there are special circumstances which are nevertheless sufficiently compelling to justify the use of the Home Secretary's discretion to allow a late application.

40.8 **Re-declaration**

40.8.1 If a **Schedule 2 paragraph 4** applicant misses the requirement to have been in the United Kingdom or a British overseas territory on a date 3 years prior to the application date, we may consider offering re-declaration in the circumstances described in **Chapter 18** Annex B.

40.9 **Consent to minors' applications**

40.9.1 It is not necessary for a minor applying under **paragraphs 4 or 5 of Schedule 2** to the BNA 1981 or **Article 6(3)-6(5) of the Hong Kong (British Nationality) Order 1986** to obtain the consent of parents or person(s) having parental responsibility.

40.9.2 If the requirements are met, the minor is entitled to registration, and the application cannot be refused even if the parents or responsible person(s) do not consent to it.

40.10 **Granting the application**

40.10.1 Registration authority

40.10.1.1 The Home Secretary is the only authority for the granting of British citizenship, British Overseas citizenship and British subject status.

40.10.1.2 British overseas territories citizenship is normally granted by the Governor of the British overseas territory with which the person being registered is connected by residence or parentage.

40.10.1.3 But the Home Secretary has power to grant British overseas territories citizenship himself. Therefore, if any application made to the Home Office under **paragraph 4 or 5 of Schedule 2**, BNA 1981 can result in British overseas territories citizenship being the status, or one of the statuses, to be acquired, it should be granted here and not transferred to the Governor of the relevant territory. However, applications based mainly on residence in Gibraltar should be transferred to the Civil Status and Registration Office in Gibraltar (to ensure that the person becomes a United Kingdom national for European Community

purposes, and thus eligible for registration as a British citizen under **s.5**).

- 40.10.1.4 If we register someone as a British overseas territories citizen, we should notify the Governor of the territory concerned using the draft letter at Annex B to **Chapter 21**. The letter should be typed and a copy kept on file.

40.10.2 Fees

- 40.10.2.1 An applicant under **paragraph 4** of **Schedule 2** may be able to acquire British citizenship, British overseas territories citizenship or British Overseas citizenship. It is up to the applicant to say which one or ones is sought, and a separate fee is, therefore, payable for each citizenship sought.
- 40.10.2.2 An applicant under **paragraph 5** of **Schedule 2** may be entitled to both British citizenship and British overseas territories citizenship. In such cases, as this is not a matter of choice on the applicant's part, only one fee is payable.
- 40.10.2.3 No fee is currently payable in respect of registration under **Article 6(3)-6(5)** of the **Hong Kong (British Nationality) Order 1986**.

40.10.3 Oath of allegiance

- 40.10.3.1 A person who is an adult at the time it is decided to register under **paragraphs 4** or **5** of **Schedule 2** will have to take an oath of allegiance. There is no requirement to take an oath of allegiance prior to registration under the **Hong Kong (British Nationality) Order 1986**.

40.11 Issuing of certificates

40.11.1 Where more than one citizenship or status is to be acquired, separate certificates of registration, one for each citizenship or status, should be issued.