

## Acquisition

### 51.1 The Law

51.1.1 **Article 4(1)** of the **Hong Kong (British Nationality) Order 1986** provided that, on and after 1 July 1987, there would be a new form of British nationality, the holders of which would be known as British Nationals (Overseas).

51.1.2 Under **Article 4(2)** of the **Order**, adults and minors were entitled to be registered as British Nationals (Overseas), and to hold a passport in that status, if they:

- were British Dependent Territories citizens by connection with Hong Kong (see Annex A); and
- would not have been British Dependent Territories citizens but for a connection with Hong Kong

51.1.3 **Article 4(2)** of the **Order** initially prescribed a deadline of 30 June 1997 for applications for registration, or 31 December 1997 if the person concerned was born between 1 January 1997 and 30 June 1997 inclusive. However, the Order was amended, on 21 July 1993, by the **Hong Kong (British Nationality) (Amendment) Order 1993** to the effect that the deadline for an application would depend on the year in which the applicant was born (see Annex B).

51.1.4 British National (Overseas) status is not transmissible, and the question of whether a person is a British National (Overseas) by descent or otherwise does not arise.

### 51.2 Application forms

51.2.1 Acquisition of British National (Overseas) status was by registration at entitlement but, because the person needed to apply simultaneously for a passport in that status, the registration application was incorporated in the passport application.

51.2.2 In the United Kingdom, an application was, therefore, normally be made to Passport Offices:

- on Form BNO-A (adults); or
- on Form BNO-B (child under 16); or
- on Form BNO-CAF (child to be added to an adult BN(O) passport)

### 51.3 Registration authority

51.3.1 The Home Secretary was the registration authority but, because the application for registration was made at the same time as the application for a passport, registration in the United Kingdom was effected by the United Kingdom Passport Service not by the Immigration and Nationality Directorate.

51.3.2 The Home Secretary made arrangements under **s.43** of the British Nationality Act 1981, as amended by **Article 7(6)** of the **Hong Kong (British Nationality) Order 1986**, for his power to register a person as a British National (Overseas) to be

exercised by the Governors in the British overseas territories.

51.3.3 Registration overseas, other than in the British overseas territories, was effected by passport-issuing posts.

#### **51.4 Fees**

51.4.1 No fee was payable for registration as a British National (Overseas), but the standard fee was payable for the issue of the passport.

#### **51.5 Determination of applications**

51.5.1 If the application was approved, a passport describing the holder as a British National (Overseas) was issued: there was no requirement for an oath of allegiance to be taken (as the applicants were British Dependent Territories citizens), and no certificate of registration was issued.

51.5.2 A central register of British Nationals (Overseas) is maintained by the Consular Section of the British Consulate-General, Hong Kong.