Extra-Territorial Jurisdiction

1. Meaning of the expression

1.1 Throughout the history of the British Empire there have been many foreign territories in which to varying degrees the Crown exercised jurisdiction over British subjects. This in fact occurred in respect of all the mandated/trust territories and protectorates as well as in respect of some of the Protected States. For example, the Crown is taken to have exercised extra-territorial jurisdiction in all the Indian Princely States.

1.2 There were also many foreign states and territories in which such jurisdiction was exercised but which were not under British protection, e.g.:

Albania
Algeria
Bulgaria
China
Cyprus (pre 1878)
Egypt (pre 1914 and post 1922)
Ethiopia
Greece (parts of)
Iran
Japan
Korea
Lebanon
Libya
Malagasy
Morocco
Muscat and Oman
Romania
Saudi Arabia
Syria
Thailand
Tunisia
Turkey
Yugoslavia (parts of)

1.3 The single most significant event was the acquisition by the Crown of jurisdiction within the territories of the Ottoman Empire. This occurred in 1535, and as a result the Crown exercised jurisdiction in parts of Europe, the Mediterranean, the Middle East and North Africa for hundreds of years.

1.4 Prior to 1949, the significance of a foreign territory in which the Crown exercised extra-territorial jurisdiction over British subjects was that birth in such a place to a British subject father conferred British subject status even if the father would not normally have been able to transmit his status (British Nationality and Status of Aliens Act 1943). A connection with such a place could not, however, result in the acquisition of BPP status.

1.5 Under the British Nationality Act 1948, the relevance was that a child, born after the commencement of the Act, whose father was a CUKC by descent, will nevertheless have become a CUKC if the child or the father was born in a foreign territory in which the Crown exercised extra-territorial jurisdiction over British subjects (s.5(1)(a)).