

ELIZABETH II



Pakistan Act 1973

1973 CHAPTER 48

An Act to make provision in connection with Pakistan's withdrawal from the Commonwealth. [25th July 1973]

WHEREAS Pakistan on 23rd March 1956 became a Republic while remaining a member of the Commonwealth, but on 30th January 1972 withdrew from the Commonwealth:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) In section 1(3) of the British Nationality Act 1948 Nationality. (which specifies the countries whose citizens are by virtue of that 1948 c. 56. citizenship British subjects) the word "Pakistan" is hereby repealed; and accordingly any person who, immediately before the commencement of this Act, was a British subject by virtue only of his citizenship of Pakistan shall cease to be a British subject at the commencement of this Act.

(2) The Acts specified in Schedule 1 to this Act shall have effect subject to the amendments specified in column 2 of that Schedule, being amendments preserving the operation of certain provisions in cases where in future a British subject without citizenship, or the wife or former wife of a British subject without citizenship, becomes a citizen of Pakistan.

(3) The transitional provisions contained in Schedule 2 to this Act shall have effect as to applications by citizens of Pakistan for registration as citizens of the United Kingdom and Colonies.

(4) It is hereby declared, in pursuance of section 3(3) of the West Indies Act 1967, that this section extends to all associated 1967 c. 4. states.

Common-
wealth
preference
area.
1958 c. 6.

2. For the purposes of the Import Duties Act 1958 Pakistan shall, subject to the general power of exclusion conferred by section 2(5) of that Act, continue to form part of the Commonwealth preference area; and accordingly in section 2(4) of that Act the word "Pakistan" is hereby repealed, and for the words "and the Republic of South Africa" there shall be substituted "the Republic of South Africa and Pakistan".

Temporary
saving from
disability.

3.—(1) Until the expiration of the period of twelve months beginning with the commencement of this Act, a citizen of Pakistan shall not be subject, in respect of any office, place, or employment held by him at the commencement of this Act, or any qualification to act in any capacity in which he was acting at the commencement of this Act, to any disability imposed in the case of aliens by or by virtue of any of the following enactments, that is to say—

1700 c. 2.

(a) section 3 of the Act of Settlement;

1919 c. 92.

(b) sections 4 to 6 of the Aliens Restriction (Amendment) Act 1919;

1949 c. 87.

(c) section 88 of the Patents Act 1949, or any rules made for the purposes of that section;

(d) any Act of the Parliament of Northern Ireland, or any regulations in force under any such Act.

(2) For the purposes of subsection (1) above, a person who at the commencement of this Act was on leave or otherwise temporarily absent from employment in any capacity mentioned in section 5(1) of the Aliens Restriction (Amendment) Act 1919 (master, etc., of British merchant ship) shall be treated as if he were employed in such employment at the commencement of this Act; and where subsection (1) above applies to any person in respect of any office, place or employment held by him at the commencement of this Act, it shall apply to him also in respect of any office, place or employment to or in which he may be appointed thereafter by way of re-engagement or transfer.

(3) If, at the expiration of the period of twelve months mentioned in subsection (1) above, the said person is awaiting determination of an application by him for registration as a citizen of the United Kingdom and Colonies, that subsection shall apply as if for the period of twelve months specified therein there were substituted a period expiring on the determination of his application.

(4) A person who by virtue of section 1(1) above ceases to be a British subject shall not for that reason be precluded from remaining a member of a local authority until his membership ceases on some other ground.

(5) A person who by virtue of section 1(1) above ceases to be a British subject—

(a) if at the commencement of this Act he is registered in a register of parliamentary electors or local government electors, shall be treated as remaining a British subject for the purposes of any election at which that register is used ;

(b) if on the qualifying date for a parliamentary or local government election held within the period of twelve months beginning with 16th February 1974—

(i) he is awaiting determination of an application for his registration as a citizen of the United Kingdom and Colonies, and

(ii) where the application was made under section 5A of the British Nationality Act 1948, or under section 6(1) thereof as modified by Schedule 1 to the Immigration Act 1971, he was, throughout the period of five years ending on the qualifying date, ordinarily resident in the United Kingdom, 1948 c. 56. 1971 c. 77.

shall be treated as a British subject for the purposes of any election at which a register of parliamentary electors or local government electors published in 1974 is used.

(6) The Representation of the People Regulations 1969, the Representation of the People (Northern Ireland) Regulations 1969 and the Representation of the People (Scotland) Regulations 1969 shall each have effect as if the requirements that may be made under regulation 23(1), regulation 10(1) and regulation 24(1) respectively included a requirement that a person who asserts that he is entitled to be registered by virtue of subsection (5) above should make a statutory declaration as to any fact relevant in establishing that entitlement. S.I. 1969 No. 904. S.I. 1969 No. 905. S.I. 1969 No. 912.

4.—(1) The further transitional provisions contained in Schedule 3 to this Act shall have effect. Further transitional provisions,

(2) The enactments specified in columns 1 and 2 of Schedule 4 to this Act are hereby repealed to the extent specified in column 3 of that Schedule. repeals, savings, etc.

(3) In the Schedule to the Imperial War Museum Act 1920, in paragraph (i), for the words “twenty-four other members” there shall be substituted the words “twenty-three other members” and in the Table set out in that paragraph the words “the Government of Pakistan” and the corresponding figure “1” in column 1 are hereby repealed; but these amendments shall not affect the power to vary the said paragraph 1 conferred by section 1 of the Imperial War Museum Act 1955. 1920 c. 16. 1955 c. 14.

S.I. 1959
No. 377.
S.I. 1965
No. 1536.
S.I. 1967
No. 1302.

(4) The references to Pakistan in Schedule 1 to the Maintenance Orders (Facilities for Enforcement) Order 1959, in article 3(3) of the Visiting Forces and International Headquarters (Application of Law) Order 1965, and in the Schedule to the Fugitive Offenders (Designated Commonwealth Countries) Order 1967 shall be deleted; but nothing in this Act shall affect the operation of a maintenance order registered in or confirmed by a court in England and Wales or Northern Ireland.

S.I. 1958
No. 141.

(5) The validity of any decree or order made under the Indian and Colonial Divorce Jurisdiction Acts 1926 and 1940, and the operation of the Reciprocal Enforcement of Judgments (Pakistan) Order 1958 shall not be affected by Pakistan's withdrawal from the Commonwealth or anything contained in this Act.

Northern
Ireland.
1920 c. 67.

5.—(1) For the purposes of section 6 of the Government of Ireland Act 1920 (conflict of laws) this Act, so far as it relates to any enactment of the Parliament of Northern Ireland or any other matter concerning Northern Ireland, shall be deemed to be an Act passed before the appointed day within the meaning of that section.

1966 c. 26
(N.I.).

(2) In the Office and Shop Premises Act (Northern Ireland) 1966, the reference to Pakistan in section 78(2) is hereby repealed.

Citation,
interpretation,
etc.

6.—(1) This Act may be cited as the Pakistan Act 1973.

(2) For the purposes of this Act an application for registration as a citizen of the United Kingdom and Colonies shall be treated as determined when it is granted, or written notice of its refusal is given to the applicant or another person on his behalf, or sent to him at his last-known address.

(3) Any reference in this Act to any other Act shall, unless the context otherwise requires, be construed as a reference to that Act as amended by or under any other enactment.

(4) This Act shall come into operation on 1st September 1973.

SCHEDULES

SCHEDULE 1

Section 1(2)

CONSEQUENTIAL AMENDMENTS AS TO NATIONALITY

<i>Act</i>	<i>Amendment</i>
British Nationality Act 1948 (c. 56).	In section 13(1), after "Eire" in the second place where it occurs, there shall be inserted "or Pakistan". In Schedule 3, the following shall be inserted at the end of paragraph 3— "Provided that this paragraph shall not apply where the father was at the commencement of this Act potentially a citizen of Pakistan and becomes a citizen of the United Kingdom and Colonies by registration at a time when the child is a citizen of Pakistan."
British Nationality Act 1965 (c. 34).	In section 2, the following new subsection shall be inserted after subsection (2)— "(2A) A woman to whom this section applies by virtue of her marriage to a man who, at the commencement of the principal Act, was potentially a citizen of Pakistan shall cease to be a British subject by virtue of section 1 of this Act if she becomes a citizen of Pakistan."

SCHEDULE 2

Section 1(3).

TRANSITIONAL PROVISIONS AS TO APPLICATIONS FOR REGISTRATION
AS A CITIZEN OF THE UNITED KINGDOM AND COLONIES

1. A person whose application for registration as a citizen of the United Kingdom and Colonies was received but not determined before the commencement of this Act shall be treated for the purposes of his application as if the reference to Pakistan in section 1(3) of the 1948 Act had not been repealed by this Act.

2.—(1) A person whose application for registration as a citizen of the United Kingdom and Colonies is received after the commencement of this Act shall be treated for the purposes of his application as if the reference to Pakistan in section 1(3) of the 1948 Act had not been repealed by this Act if—

- (a) he satisfies the Secretary of State that on 14th May 1973 he was a citizen of Pakistan, and that throughout the

SCH. 2

period beginning immediately before that date and ending when his application is received he was—

(i) ordinarily resident in the United Kingdom or a territory which, within the meaning of the 1948 Act, is a colony or protectorate, or

(ii) engaged in relevant employment within the meaning of section 5A(2)(e) of the 1948 Act, or

(iii) partly the one and partly the other, and

(b) either—

(i) the application is made under section 5A of the 1948 Act or section 6(1) thereof as modified by Schedule 1 to the Immigration Act 1971, and is received before the date mentioned in sub-paragraph (2) below, or

(ii) the application is made under the said section 5A and the applicant satisfies the Secretary of State that throughout the period from 1st January 1973 (the commencement of the Immigration Act 1971) to the date when his application is received he was ordinarily resident in the United Kingdom without being subject, by virtue of any law relating to immigration, to any restriction on the period for which he might remain; but at the last-mentioned date he had not been so ordinarily resident for the whole of the preceding five years.

1971 c. 77.

(2) The date referred to in sub-paragraph (1)(b)(i) above—

(a) is 1st September 1974 where—

(i) the application is made under section 5A of the 1948 Act and throughout the period of five years ending with the commencement of this Act the applicant has been ordinarily resident in the United Kingdom, or engaged in relevant employment within the meaning of section 5A(3) of the 1948 Act, or partly the one and partly the other, or

(ii) the application is made under section 6(1) of the 1948 Act and at the commencement of this Act the applicant was qualified for registration under the said section 6(1), or

(b) if the application is made under the said section 5A but sub-paragraph (a)(i) above does not apply, is the earlier of the following dates, namely, 1st September 1979 and the date twelve months after the expiration of a period of five years throughout which the applicant has been ordinarily resident in the United Kingdom, or engaged in relevant employment within the meaning of section 5A(3) of the 1948 Act, or partly the one and partly the other, or

(c) if the application is made under the said section 6(1) but sub-paragraph (a)(ii) above does not apply, is the earlier of the following dates, namely, 1st September 1979 and the date twelve months after the applicant becomes qualified for registration under the said section 6(1),

or such later date as the Secretary of State may in the special circumstances of any particular case allow.

3. As respects an application under section 1 of the British Nationality Act 1964 (applications for resumption of citizenship of the United Kingdom and Colonies by persons who renounced that citizenship so as to become, or remain, citizens of a country mentioned in section 1(3) of the 1948 Act) made within the period of eighteen months following the commencement of this Act, or such greater period as the Secretary of State may in the special circumstances of any particular case allow, section 1 of the said Act of 1964 shall have effect as if the reference to Pakistan in section 1(3) of the 1948 Act had not been repealed by this Act. SCH. 2
1964 c. 22.

4. An application under section 12(6) of the 1948 Act (which made temporary provision for the registration as citizens of the United Kingdom and Colonies of certain persons who would have been citizens thereof but for their citizenship or potential citizenship of a country mentioned in section 1(3) of that Act) may, in the case of a person who at the commencement of that Act was potentially a citizen of Pakistan (within the meaning of section 32(7) of that Act) and is at the commencement of this Act a citizen of Pakistan, be made, notwithstanding the provisions of section 3(1)(a) of the British Nationality Act 1958, at any time within the period of eighteen months following the commencement of this Act or such greater period as the Secretary of State may in the special circumstances of any particular case allow. 1958 c. 10.

5. A person who would be qualified to be registered as a citizen of the United Kingdom and Colonies under section 5A of the 1948 Act, or section 6(1) thereof as modified by Schedule 1 to the Immigration Act 1971, if he were a citizen of Pakistan may, with the approval of the Secretary of State, be so registered notwithstanding that he has ceased to be such a citizen if he was such a citizen immediately before making his application. 1971 c. 77.

6.—(1) In relation to a colony or protectorate—

- (a) paragraph 2 above shall have effect as if the references to the United Kingdom in sub-paragraphs (1)(b) and (2) thereof were references to the colony or protectorate, and
- (b) paragraph 2 above shall have effect as if for “Secretary of State” there were substituted “Governor”.

In this sub-paragraph “colony”, “protectorate”, and “Governor” have the same meanings as they have for the purposes of the 1948 Act, except that “colony” does not include an associated state.

(2) In relation to an associated state—

- (a) paragraph 2 above shall have effect as if the references to the United Kingdom in sub-paragraphs (1)(b) and (2) thereof were references to the associated state, and
- (b) paragraph 2 above shall have effect, where the functions of the Secretary of State in relation to the application in question are by virtue of paragraph 4 of Schedule 3 to the West Indies Act 1967 exercisable by another person, as if for “Secretary of State” there were substituted a reference to that other person. 1967 c. 4.

7. In this Schedule “the 1948 Act” means the British Nationality Act 1948. 1948 c. 56.

Section 4(1).

SCHEDULE 3

FURTHER TRANSITIONAL PROVISIONS

Exemption from deportation

1971 c. 77.

1.—(1) Section 7 of the Immigration Act 1971 (exemption from deportation for certain existing residents) shall apply to a person who by virtue of section 1(1) of this Act ceases to be a Commonwealth citizen at the commencement of this Act as if the date on which he ceases to be a Commonwealth citizen were instead the date twelve months after that commencement.

(2) If, at the expiration of the period of twelve months mentioned in sub-paragraph (1) above, the said person is awaiting determination of an application by him for registration as a citizen of the United Kingdom and Colonies, that sub-paragraph shall apply as if for the period of twelve months specified therein there were substituted a period expiring on the determination of his application.

Nothing in this sub-paragraph shall prevent the said person's being recommended for deportation under section 3(6) of the Immigration Act 1971, but effect shall not be given to the recommendation before his application for registration is determined.

(3) Section 36 of the Immigration Act 1971 (application to Channel Islands and Isle of Man) shall apply for the purposes of this paragraph as it applies for the purposes of that Act.

Registration of births and deaths

1948 c. 56.

2. The regulations mentioned below shall have effect in relation to Pakistan as if the repeal by this Act of the reference to Pakistan in section 1(3) of the British Nationality Act 1948 took effect on 19th February 1972, and not at the commencement of this Act.

S.I. 1948
No. 2837.

The Registration of Births and Deaths (Consular Officers) Regulations 1948.

S.I. 1964
No. 1967.

The Registration of Births and Deaths (High Commissioners) Regulations 1964.

Company registers

1948 c. 38.

3.—(1) Sections 119 to 122 of the Companies Act 1948 (which make provision for the keeping of branch registers of companies in parts of Her Majesty's dominions outside Great Britain, the Channel Islands and the Isle of Man) and section 123 of that Act (branch registers of overseas companies kept in the United Kingdom) shall continue to have effect as if Pakistan had not withdrawn from the Commonwealth and the Pakistan (Consequential Provision) Act 1956 were not repealed by this Act.

1956 c. 31.

1960 c. 22 (N.I.).

(2) Sections 116 to 118 of the Companies Act (Northern Ireland) 1960 (which make provision corresponding to sections 119 to 122 of the Companies Act 1948) shall also continue to have effect as if Pakistan had not withdrawn from the Commonwealth and the Pakistan (Consequential Provision) Act 1956 were not repealed by this Act.

(3) At any time after 31st August 1974 the Secretary of State may by order made by statutory instrument repeal sub-paragraph (1) or (2) above. SCH. 3

(4) A branch register kept under section 119 of the Companies Act 1948 at any time before 1st September 1974 shall not be treated as improperly kept by reason that it includes members of the company resident in Bangladesh.

(5) A branch register kept under section 116 of the Companies Act (Northern Ireland) 1960 at any time before 1st September 1974 shall not be treated as improperly kept by reason that it includes members of the company resident in Bangladesh. 1960 c. 22.(N.I.).

Medical practitioners, dentists and veterinary surgeons

4. A person who at the commencement of this Act, by virtue of a qualification or qualifications granted in a territory which at that commencement is comprised in Pakistan,—

- (a) is registered in the register of medical practitioners as a Commonwealth practitioner under section 18 or 23 of the Medical Act 1956, 1956 c. 76.
or
- (b) is registered in the Commonwealth list contained in the dentists register kept under the Dentists Act 1957, 1957 c. 28.
or
- (c) is registered in the Commonwealth list contained in the veterinary surgeons register kept under the Veterinary Surgeons Act 1966, 1966 c. 36.

shall not cease to be so registered by reason only of Pakistan's withdrawal from the Commonwealth or anything contained in this Act.

Section 4(2).

SCHEDULE 4

FURTHER REPEALS

Chapter	Short title	Extent of Repeal
15 & 16 Geo. 5. c. xvii.	Imperial Institute Act 1925.	In section 8(2) the word "Pakistan".
15 & 16 Geo. 6. & 1 Eliz. 2. c. 67.	Visiting Forces Act 1952.	In section 1(1) the word "Pakistan".
3 & 4 Eliz. 2. c. 18.	Army Act 1955.	In section 225(1), in the defi- nition of "Commonwealth force", the word "Pakistan".
3 & 4 Eliz. 2. c. 19.	Air Force Act 1955.	In section 223(1), in the defi- nition of "Commonwealth force", the word "Pakistan".
4 & 5 Eliz. 2. c. 31.	Pakistan (Consequential Provision) Act 1956.	The whole Act.
5 & 6 Eliz. 2. c. 53.	Naval Discipline Act 1957.	In section 135(1), in the defi- nition of "Commonwealth country" the word "Pakistan".
8 & 9 Eliz. 2. c. 57.	Films Act 1960.	In section 50(1), in the defi- nition of "Commonwealth country", the word "Pakistan".
1961 c. 11.	Diplomatic Immunities (Conferences with Com- monwealth Countries and Republic of Ireland) Act 1961.	In section 1(5), the word "Pakistan".
1963 c. 41.	Offices, Shops and Rail- way Premises Act 1963.	In section 84(2), the word "Pakistan".

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

(372366)

SBN 10 544873 7