



Hong Kong Act 1985

1985 CHAPTER 15

An Act to make provision for and in connection with the ending of British sovereignty and jurisdiction over Hong Kong. [4th April 1985]

BE IT 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) As from 1st July 1997 Her Majesty shall no longer have sovereignty or jurisdiction over any part of Hong Kong. Ending of British sovereignty and jurisdiction over Hong Kong.

(2) This section shall come into force on the exchange of instruments of ratification of the Joint Declaration of the Government of the United Kingdom and the Government of the People's Republic of China on the Question of Hong Kong which was signed in Peking on 19th December 1984; and notice of the date on which those instruments are exchanged shall be given in the London Gazette.

2.—(1) This Act may be cited as the Hong Kong Act 1985. Short title and supplementary provisions.

(2) The Schedule to this Act shall have effect with respect to the matters there mentioned, being matters consequential on or connected with the provisions of section 1 above or the Declaration mentioned in that section.

Section 2(2).

SCHEDULE

SUPPLEMENTARY PROVISIONS

Preliminary

1. In this Schedule “the relevant date” means 1st July 1997 and “enactment” means any provision of an Act, other than this Act, passed before the relevant date and any provision of an instrument made before that date under any such Act.

Nationality

2.—(1) Her Majesty may by Order in Council make provision whereby—

- (a) British Dependent Territories citizenship cannot be retained or acquired on or after the relevant date by virtue of a connection with Hong Kong; and
- (b) persons who are British Dependent Territories citizens by virtue of any such connection may before that date (or before the end of 1997 if born in that year before the relevant date) acquire a new form of British nationality the holders of which shall be known as British Nationals (Overseas).

(2) An Order under this paragraph may require applications in respect of the new status mentioned in sub-paragraph (1)(b) above to be made before such time or times as are specified in the Order and may make provision whereby that status is to be held on and after the relevant date only by persons who are British Dependent Territories citizens immediately before that date.

(3) An Order under this paragraph may make provision for the avoidance of statelessness and may contain such supplementary, transitional and consequential provisions as appear to Her Majesty to be necessary or expedient for the purposes of the Order, including provisions amending the British Nationality Act 1981 and any other enactment.

1981 c. 61.

(4) No Order shall be made under this paragraph unless a draft of it has been laid before and approved by a resolution of each House of Parliament.

Adaptation of law

3.—(1) Her Majesty may before the relevant date by Order in Council make such provision as appears to Her Majesty to be necessary or expedient in consequence of or in connection with the provisions of section 1(1) of this Act—

- (a) for repealing or amending any enactment so far as it is part of the law of Hong Kong; and
- (b) for enabling the legislature of Hong Kong to repeal or amend any enactment so far as it is part of that law and to make laws having extra-territorial operation.

(2) Her Majesty may before, on or after the relevant date by Order in Council make such provision as appears to Her Majesty to be necessary or expedient in consequence of or in connection with the provisions of section 1(1) of this Act for repealing or amending, so far as it relates to Hong Kong, any enactment forming part of the law of, or of any part of, the United Kingdom or of a British possession other than Hong Kong and any provision contained in Northern Ireland legislation.

(3) An Order under this paragraph may be made so as to have effect from the relevant date or as respects any time before or after that date.

(4) A statutory instrument containing an Order under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Diplomatic privileges

4. The Diplomatic Privileges Act 1964 shall have effect as if in 1964 c. 81. Schedule 1 to that Act references to a diplomatic agent included references to any person designated by the Government of the People's Republic of China as a member of the Joint Liaison Group set up under paragraph 5 of the Declaration mentioned in section 1(2) of this Act.

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