



MONTSERRAT

## CHAPTER 13.06

# BRITISH NATIONALITY (FEES, OFFENCES AND PENALTIES) ACT

### Revised Edition

showing the law as at 1 January 2019

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

### **<sup>1</sup>BRITISH NATIONALITY (FEES, OFFENCES AND PENALTIES) ACT**

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Act 21 of 1985 .. in force 1 January 1983

Amended by Act 11 of 1995

Amended by S.R.O. 44/1985

Amended by Acts: 9 of 2011 .. in force 27 September 2011 (S.R.O. 40/2011)

14 of 2013 .. in force 1 November 2013 (S.R.O. 58/2013)

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<sup>1</sup> 2013 Amendment of the Act - section 2A renumbered as section 3 and the remaining section of the Act renumbered accordingly)





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**CHAPTER 13.06**

**BRITISH NATIONALITY (FEES,  
OFFENCES AND PENALTIES) ACT**

**ARRANGEMENT OF SECTIONS**

**SECTION**

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2. Interpretation
3. Oath of allegiance and pledge
4. Imposition of fees
5. Waiver of fees
6. Offences
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SCHEDULE: Table of Fees

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**CHAPTER 13.06**

**BRITISH NATIONALITY (FEES,  
OFFENCES AND PENALTIES) ACT**

*(Acts 21 of 1985, 11 of 1995, 9 of 2011, 14 of 2013 and S.R.O. 44/1985)*

AN ACT TO PROVIDE FOR THE FIXING OF FEES, OFFENCES AND PENALTIES IN  
CONNECTION WITH THE BRITISH NATIONALITY ACT 1981.

**Commencement**

*[1 January 1983]*

**Short title**

1. This Act may be cited as the British Nationality (Fees, Offences and Penalties) Act.

**Interpretation**

2. In this Act—

“**Act**” means the British Nationality Act 1981 as the same may be amended from time to time;

“**former Nationality Acts**” means—

(a) the British Nationality Acts 1948 to 1965;

- (b) the British Nationality and Status of Aliens Acts 1914 to 1943; and
- (c) any Act repealed by the said Acts of 1914 to 1943 or by the Naturalisation Act 1870;

“parent” includes a step-parent or adoptive parent.

### Oath of allegiance and pledge

3. A person who qualifies as a British overseas territories citizen must attend a citizenship ceremony and take the oath of allegiance or affirmation of allegiance set out in the Schedule to the Constitution and make the pledge in the approved form before receiving a certificate of naturalisation. (*Inserted by Act 14 of 2013*)

### Imposition of fees

4. (1) Subject to the provisions of this section, the fees specified in the Schedule shall, in respect of the several matters and things therein specified, be taken and shall be paid to the Government of Montserrat.

(2) A non-refundable fee is payable in respect of a person making an application to the Governor under the Act.

(3) The fee payable in respect of—

- (a) the registration of a person as a British overseas territories citizen; or
- (b) the grant to a person of a certificate of naturalisation as a British overseas territories citizen,

is payable on the submission of the application.

(4) The fee payable in respect of—

- (a) the administering of the oath of allegiance or affirmation of allegiance is payable before the citizenship ceremony; and
- (b) the registration of declaration of renunciation of British overseas territories citizenship is payable on the submission of the declaration of renunciation.

(5) Where—

- (a) an application for the registration of a minor as a British overseas territories citizen is made;
- (b) at the same time, an application for the registration of another minor as a British overseas territories citizen or any other application for the registration of the minor is made; and

(c) both minors have the same parent,  
the total fee payable is that of a single application for registration, in addition to the fee payable in respect of each additional application.  
*(Amended by Acts 9 of 2011 and 14 of 2013)*

### **Waiver of fees**

5. The Governor acting on the advice of Cabinet may in any case in which he deems fit, waive the fees payable under this Act.  
*(Inserted by Act 11 of 1995 and amended by Act 9 of 2011)*

### **Offences**

6. (1) Any person who for the purpose of procuring anything to be done or not to be done under the Act makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, shall be liable on summary conviction to imprisonment for a term of three months or to a fine of \$4,000 or both.

(2) Any person who without reasonable excuse fails to comply with any requirement imposed on him by regulations made under the Act with respect to the delivering up of certificates of naturalisation shall be liable on summary conviction to a fine of \$2,000.

*(Amended by Act 14 of 2013)*

### **Alteration of Schedule**

7. The Governor acting on the advice of Cabinet may by order alter, amend, add to, revise or rescind the items and fees set forth in the Schedule.  
*(Amended by Act 9 of 2011)*

**SCHEDULE***(Section 4)***TABLE OF FEES**

| <b>Item</b> | <b>Description</b>                                                                                                                                                        | <b>Fees</b> |
|-------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| 1.          | Any application to the Governor under the Act .....                                                                                                                       | \$50        |
| 2.          | Registration under the Act as a British overseas territories citizen in respect of:                                                                                       |             |
|             | (a) a minor .....                                                                                                                                                         | \$500       |
|             | (b) a person of full age .....                                                                                                                                            | \$500       |
| 3.          | For each additional registration as a British overseas territories citizen of a minor under section 4(5) of this Act. ....                                                | \$500       |
| 4.          | Grant of a certificate of naturalisation as a British overseas territories citizen under section 18(1) of the Act.....                                                    | \$1,500     |
| 5.          | Grant of a certificate of naturalisation as a British overseas territories citizen under section 18(2) of the Act.....                                                    | \$1,500     |
| 6.          | Registration of a declaration of renunciation of citizenship under section 24 of the Act.....                                                                             | \$200       |
| 7.          | Supplying a certified or other copy of a notice, certificate, order declaration or entry given, granted or made under the Act or any of the former Nationality Acts ..... | \$200       |
| 8.          | Administering the oath of allegiance or affirmation of allegiance and pledge under section 3 of the Act .....                                                             | \$100       |

*(Amended by S.R.O. 44/1985 and amended by Acts 9 of 2011 and 14 of 2013)*