

## Republic of Cyprus (being the whole of the island of Cyprus save only for the SBAs)

Fransman's British Nationality Law > Part III Catalogues > Section B The British Catalogue > B.54 Cyprus (including the Sovereign Base Areas)

### B.54 Cyprus (including the Sovereign Base Areas)

*Present status:* The Republic of Cyprus<sup>20</sup> – an independent Commonwealth country.

The Sovereign Base Areas – a British overseas territory (but *not* a 'qualifying territory')

*General commentary:* Venetian Cyprus fell to the Turks in 1571, as a result of which the Crown began to exercise extra-territorial jurisdiction over English (British) subjects in 1573. England was one of a number of sovereign powers permitted by agreement to enjoy such jurisdiction over their subjects throughout the Ottoman Empire.

Over the 300 years that followed, Cyprus remained under the control of the Turks and the Crown continued to exercise extra-territorial jurisdiction. Then in 1878 Britain agreed to help Turkey in the event of a Russian attack from the east; in return, the administration of Cyprus was passed to Britain and in June of 1878 Cyprus became a British protectorate.

When war broke out in 1914, Cyprus was formally annexed by the Crown (Cyprus (Annexation) Order in Council 1914/1629). As of 5 November 1914 Cyprus therefore ceased to be foreign soil under British protection and became a part of the Crown's dominions. Turkey and Greece later recognised the annexation (Treaty of Lausanne) and in 1925 Cyprus was constituted a Crown colony.

On 1 January 1949 Cyprus became part of the UK and Colonies under BNA 1948 and it retained that status until 1960, when it became independent. Cypriot independence and the related citizenship arrangements were governed by the Cyprus Act 1960. Section 1 of the Act provided that on a day to be appointed the 'Republic of Cyprus' would be established on the Island of Cyprus. Section 2 in effect provided that the Republic would cover most (but not all) of the Island of Cyprus; the Sovereign Base Areas of Akrotiri and Dhekelia would remain within the UK and Colonies and so would be excluded from the territory of the Cypriot Republic.

On 1 January 1983 the Sovereign Base Areas became a British Dependent Territory for the purposes of BNA 1981 (renamed a 'British overseas territory' on 16 March 1999 in practice<sup>21</sup> and on 26 February 2002 in law<sup>22</sup>).

Regarding independence, the Republic of Cyprus Order in Council 1960/1368 (made under s 1 of the 1960 Act) appointed 16 August 1960 as the day on which the Republic would be established and its constitution commence. Unusually, the constitution was not drafted by the UK and reproduced in a Schedule to the statutory instrument. Rather, the Order in Council merely identified the constitution (see now Cmnd 1093 of 1960). The Republic of Cyprus actually became an independent member of the Commonwealth on 14 March 1961; however, for the purposes of British nationality law Cyprus has been a Commonwealth country ever since its independence on 16 August 1960 (Cyprus Act 1960, s 3(1) and (2); para 1(1) of Sch).

What about the independence day citizenship arrangements? Section 4 of the 1960 Act provided that certain persons to be specified in an Order in Council would *cease* to be CUKCs as a result of the independence of Cyprus (s 4(1)). Section 4 went on to qualify those who generally were to be identified in such an Order in Council. Before turning to the qualifying provisions of s 4, though, the Order in Council must be considered.

The instrument made under s 4 of the Act is the British Nationality (Cyprus) Order 1960//2215. The Schedule to the

Republic of Cyprus (being the whole of the island of Cyprus save only for the SBAs)

Order contains Annex D to the 'Treaty Concerning the Establishment of the Republic of Cyprus Concluded on the Sixteenth Day of August 1960'. Section 2 of Annex D to the Treaty identified the CUKCs who on 16 August 1960 became citizens of the Republic of Cyprus. These were all those who became British subjects by annexation in 1914, or who were born in Cyprus on/after annexation, or who were descended in the male line from either such person (s 2(2)(a)–(c)). However, such a person only acquired citizenship if ordinarily resident in Cyprus at some stage during the five years preceding 16 August 1960 (s 2(1)).

Did these persons, having become Cypriots on 16 August 1960, cease to be CUKCs on that date? The answer is that as a general rule they did cease to be CUKCs, but not on that date. By virtue of art 1(1) of the Order and s 3(1) of Annex D to the Treaty a person who became a citizen of Cyprus on 16 August 1960 will generally have ceased to be a CUKC on 16 February 1961. There were thirteen exceptions to the general rule. The first eleven are listed in s 3(2) of Annex D to the Treaty (see below). Another concerned persons who would otherwise be stateless (art 1(3)), and the last—one of the qualifying provisions of the Act itself—was that a woman would not cease to be a CUKC under the general rule unless her husband did (proviso to s 4(1)). Sections 4–6 of Annex D to the Treaty, it should be added, contained a lengthy catalogue of registration provisions under which citizenship of Cyprus could be acquired. Note that those CUKCS who in due course were granted citizenship of Cyprus on application under ss 4–6 thereupon ceased to be CUKCs (subject only to the proviso to s 4(1) of the Act); see art 2 of the Order.

It has been stated above that those CUKCs who became citizens of Cyprus on 16 August 1960 will generally have ceased to be CUKCs on 16 February 1961. However, some of the CUKCs who as a general rule lost that citizenship on the later date will *not* have become citizens of Cyprus. This is because citizenship of Cyprus was conferred on persons who were connected to Cyprus by annexation, birth or descent (s 2(2) of Annex D) and who had been ordinarily resident in Cyprus at some stage during the previous five years (s 2(1) of Annex D). However, the persons who ceased to be CUKCs were simply those connected by annexation, birth or descent (s 3(1) of Annex D). So these were persons threatened with statelessness (see above).

Returning to the qualifying provisions of s 4 of the 1960 Act, three points must be made. The first is that subs (2) provided that minors under sixteen who ceased to be CUKCs could resume that citizenship by declaration. The second point is that the Act sought to provide that CUKCs who lost that citizenship (other than by becoming Cypriots on application under ss 4–6 of Annex D) would for two years be deemed to be citizens of a Commonwealth country for the purposes of registering as CUKCS under s 6 of BNA 1948 (s 4(3) of the 1960 Act). As most of those who ceased to be CUKCs had become citizens of Cyprus (and as Cyprus remained within the Commonwealth), this provision was in all but a few instances an empty shell. The third point to be made is that where under any of the provisions of the Order a man ceased to be a CUKC, the right of his wife to register as a CUKC under s 6(2) of BNA 1948 was withdrawn (s 4(4)). this was to become quite a familiar independence arrangement (see, for example, Botswana above).

Looking at the independence arrangements as a whole, it becomes clear that there was plenty of opportunity for persons (whether or not they became citizens of Cyprus) to remain CUKCs. Mainly these were CUKCs by naturalisation or registration in Cyprus, CUKCs ordinarily resident in the Commonwealth outside Cyprus (eg South Africa) and CUKCs in Greece and Turkey who would otherwise be stateless. A Foreign and Commonwealth Office memorandum submitted to the Home Affairs Committee in February 1981 estimated that there were 2,000 persons in Cyprus of Cypriot origin who would become BOCs (2nd Report of the Home Affairs Committee at page 8; HC 158 of 1981).

*Summary:* The fairly convoluted provisions discussed above can be summarised as follows:

<i>Becoming a Cypriot</i>	<i>Ceasing to be CUKC</i>	<i>Exceptions</i>
CUKCs connected to Cyprus by annexation, birth or descent automatically became Cypriot on	CUKCs connected to Cyprus by annexation, birth or descent automatically lost that citizenship on	Eleven in s 3(2) of Annex D (art 1(2) of the Order); art 1(3) of the Order; proviso to s 4(1) of the Act.

Republic of Cyprus (being the whole of the island of Cyprus save only for the SBAs)

16.8.1960 if ordinarily resident there at any time during last five years (s 2(1) and (2) of Annex D to Treaty).	16.2.1961 (art 1(1) of Order, referring only to s 2(2)).	
On application under ss 4–6 of Annex D to the Treaty.	CUKCS granted citizenship of Cyprus on application under ss 4–6 ceased to be CUKCs (art 2 of Order).	Except for those covered by the proviso to s 4(1) of the Act (art 2 of Order).

*Notes:*

- (a) There was resumption by declaration for those under sixteen years of age (s 4(2));
- (b) Those who ceased to be CUKCs under art 1 were deemed to be citizens of a Commonwealth country for the purposes of BNA 1948, s 6 (s 4(3));
- (c) The wife of a man who ceased to be a CUKC lost her right to register under BNA 1948, s 6(2) (s 4(4)).

*Commentary on the Sovereign Base Areas*

The Sovereign Base Areas remained within the UK and Colonies, so the independence citizenship arrangements described above did not apply to that territory. For the SBAs' exact boundaries, see the Sovereign Base Areas of Akrotiri and Dhekelia (Boundaries) Order in Council 1962/396. See also Protocols No 3 and No 10 to the Treaty of Accession of Cyprus to the EU (Treaty signed 16 April 2003) *On the Sovereign Base Areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus*.

For the SBAs' constitution see the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960/1369. This constitution provided that the colony would be under the authority of an Administrator (rather than a Governor) who would be an officer in the British forces (s 1(1)).

Special provision was made for the Sovereign Base Areas in BOTA 2002. The White Paper *Partnership for Progress and Prosperity: Britain and the Overseas Territories* (FCO March 1999, Cm 4264) stated that the UK government did not propose to extend the offer of British citizenship to British Dependent Territories citizens who owe their status to their association with the Sovereign Base Areas in Cyprus or with the British Indian Ocean Territories. The reason given was that these areas were 'special cases' because 'British usage of these territories is defence-related.' (paragraph 3.13 of Cm 4264). Under BOTA 2002, the Sovereign Base Areas was renamed a British overseas territory, but under s 3(2) of the Act those who were BOTCs only by virtue of a connection with the Sovereign Base Areas did not benefit from conferral of British citizenship (See *Hansard* HC Report of Standing Committee D, Session 2001 to 2002, 6 December 2001). Those who were BOTCs because of a connection with another British overseas territory are not excluded from BOTA 2002, s 3 conferring British citizenship just because they have a connection with the Sovereign Base Areas, but a connection with the Sovereign Base Areas alone will not give rise to rights under s 3.

*Profile for status-tracing:* For the purposes of British nationality law the status of (the island of) Cyprus has been as follows:

**Republic of Cyprus (being the whole of the island of Cyprus save only for the SBAs)**

*Date*

*Status*

Republic of Cyprus (being the whole of the island of Cyprus save only for the SBAs)

1573—1878	Crown exercised extra-territorial jurisdiction over its subjects
June 1878—4.11.1914 (inc)	British protectorate in which Crown exercised extra-territorial jurisdiction over its subjects
5.11.1914—31.12.1948 (inc)	within the Crown's dominions
1.1.1949—15.8.1960 (inc)	within the UK and Colonies
16.8.1960—31.12.1982 (inc)	an independent Commonwealth country mentioned in BNA 1948, s 1(3)*
1.1.1983—present day	an independent Commonwealth country mentioned in BNA 1981, Sch 3*

---

End of Document