

EUROPEAN
COMMUNITIES



Treaty Series No. 67 (1983)

Note

from the Government of the
United Kingdom of Great Britain and Northern Ireland
to the Government of the Italian Republic concerning
a Declaration by the Government of the
United Kingdom of Great Britain and Northern Ireland
replacing the Declaration on the Definition of the
Term "Nationals" made at the time of signature of
the Treaty of Accession of 22 January 1972 by the
United Kingdom of Great Britain and Northern Ireland
to the European Communities

Rome, 31 December 1982

[The Declaration took effect on 1 January 1983]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
October 1983*

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NOTE
**FROM THE GOVERNMENT OF THE UNITED KINGDOM OF
GREAT BRITAIN AND NORTHERN IRELAND TO THE
GOVERNMENT OF THE ITALIAN REPUBLIC CONCERNING A
DECLARATION BY THE GOVERNMENT OF THE UNITED
KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
REPLACING THE DECLARATION ON THE DEFINITION OF THE
TERM "NATIONALS" MADE AT THE TIME OF SIGNATURE OF
THE TREATY OF ACCESSION OF 22 JANUARY 1972 BY THE
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN
IRELAND TO THE EUROPEAN COMMUNITIES**

*Her Majesty's Ambassador at Rome to the
Minister for Foreign Affairs of Italy*

*British Embassy
Rome*

31 December 1982

Sir,

On instructions from Her Majesty's Principal Secretary of State for Foreign and Commonwealth Affairs, I have the honour to refer to the Treaty between the Member States of the European Communities and the Kingdom of Denmark, Ireland, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland concerning the accession of the latter States to the European Economic Community and to the European Atomic Energy Community, done at Brussels on 22 January 1972⁽¹⁾.

When the United Kingdom joined the European Communities in 1973 there was annexed to the Treaty of Accession a formal Declaration⁽²⁾ by the United Kingdom defining the term 'national' in relation to the United Kingdom for the purposes of the Treaties and Community legislation. A precise definition was necessary to identify in terms of United Kingdom legislation those persons who by virtue of their close connection with the United Kingdom itself or with Gibraltar would be entitled to the rights conferred by the Treaties, particularly in regard to free movement and the right of establishment.

Last year the United Kingdom Parliament revised British nationality law in terms of the British Nationality Act 1981. The entry into force of this Act on 1 January 1983 will mean that the United Kingdom Declaration no longer corresponds exactly with United Kingdom legislation. I am to inform

⁽¹⁾ Treaty Series No. 18 (1979), Cmd. 7463.

⁽²⁾ Treaty Series No. 18 (1979), Cmd. 7463, p.272.

you therefore that that Declaration is no longer valid and to communicate the following Declaration on behalf of the Government of the United Kingdom of Great Britain and Northern Ireland to replace it:

"In view of the entry into force of the British Nationality Act 1981, the Government of the United Kingdom of Great Britain and Northern Ireland makes the following Declaration, which will replace, as from 1 January 1983, that made at the time of signature of the Treaty of Accession by the United Kingdom to the European Communities:

As to the United Kingdom of Great Britain and Northern Ireland the terms "nationals", "nationals of Member States" or "nationals of Member States and overseas countries and territories" wherever used in the Treaty establishing the European Economic Community⁽¹⁾, the Treaty establishing the European Atomic Energy Community⁽²⁾ or the Treaty establishing the European Coal and Steel Community⁽³⁾ or in any of the Community acts deriving from those Treaties, are to be understood to refer to:

- (a) British citizens;
- (b) Persons who are British subjects by virtue of Part IV of the British Nationality Act 1981 and who have the right of abode in the United Kingdom and are therefore exempt from United Kingdom immigration control;
- (c) British Dependent Territories citizens who acquire their citizenship from a connection with Gibraltar.

The reference in Article 6 of the third Protocol⁽⁴⁾ to the Act of Accession of 22 January 1972, on the Channel Islands and the Isle of Man to "any citizen of the United Kingdom and Colonies" is to be understood as referring to "any British citizen".

I take this opportunity to express to you the assurance of my highest consideration.

R. ARCULUS

⁽¹⁾ Treaty Series No. 15 (1979), Cmnd. 7460.

⁽²⁾ Treaty Series No. 17 (1979), Cmnd. 7462.

⁽³⁾ Treaty Series No. 16 (1979), Cmnd. 7461.

⁽⁴⁾ Treaty Series No. 18 (1979), Cmnd. 7463, p.244.