

Commonwealth, the diplomatic and consular representatives of His Majesty, appointed on the advice of the United Kingdom Government, are prepared to afford protection and assistance also to British subjects belonging to that member. No change in this practice is contemplated or desired; and it may well be that the diplomatic and consular representatives appointed on the advice of the Governments of other parts of the British Commonwealth would be prepared, should occasion arise, to undertake similar duties.

It was thought that a closer examination of the particular difficulties to which attention has been called might be of service with a view to removing points of obscurity, inconvenience or possible misunderstanding.

The questions that arise are seen most clearly in the case of a part of the Commonwealth which has defined membership of its community in terms of distinct nationality, and that was the case first considered. But it was recognized that to a greater or less extent members of the Commonwealth, whether or not they have given legislative definition to such a concept, do distinguish for some practical purposes between British subjects in general and those British subjects whom they regard as being members of their own respective communities. When the question arises, for example, whether a person has a right to enter a particular part of the Commonwealth or can be excluded as an immigrant, when a particular part of the Commonwealth has to decide whether or not to accept the responsibility for admitting a person on deportation from abroad, when the question is whether or not a person is liable in some part of the Commonwealth to be deported—in all these cases (apart from the special position in the United Kingdom referred to above) the deciding factor will not be whether the person is a British subject, but whether or not, being a British subject, he is regarded by virtue of birth or residence, or otherwise, as a member of the community in the territory concerned. When, therefore, persons are described in the following paragraphs as “members of the community” of a particular member of the Commonwealth, the phrase is intended to have a rather technical meaning, as denoting a person whom that member of the Commonwealth has, either by legislative definition of its nationals or citizens or otherwise, decided to regard as “belonging” to it for the purposes of civil and political rights and duties, immigration, deportation, diplomatic representation, or the exercise of extra-territorial jurisdiction.

In the light of these considerations the following are the conclusions which have been reached:—

1. It is for each member of the British Commonwealth to decide which persons have with it that definite connection, envisaged by paragraph 73 of the Report on the Operation of Dominion Legislation, 1929, which would enable it to recognize them as members of its community. It is desirable, however, to secure as far as possible uniformity in principle in the determination by each member of the Commonwealth, of the persons, being British subjects, to be regarded as members of its community, and to avoid, as far as possible, the inconveniences which might arise if a particular person were to belong, at the same time, to two or more members of the British Commonwealth. These objectives could be secured upon the following basis:—

(1) Each member of the Commonwealth would in the normal course include as members of its community—

(a) Persons who were born in, or became British subjects by naturalization in, or as a result of the annexation of, its territory and still reside there; and

(b) Persons who, coming as British subjects from other parts of the Commonwealth, have identified themselves with the community to which they have come.

As regards those mentioned under (b), it is for each member to prescribe the conditions under which any British subject coming from another part of the Commonwealth will be considered to have so identified himself with the new community to which he has resorted as to become a member thereof.