

The North Borneo Cession Order in Council 1946.

AT THE COURT AT BUCKINGHAM PALACE,
THE TENTH DAY OF JULY, 1946.

PRESENT :

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS the British North Borneo Company (hereinafter referred to as "the Company") was incorporated by Royal Charter dated the first day of November, 1881 ;

AND WHEREAS by the several grants and commissions mentioned in the recitals to the said Charter the interests powers and rights therein respectively mentioned over or in respect of the territories therein respectively described (where territories, together with others hereinafter mentioned, are now known and are hereinafter referred to as "the State of North Borneo") were granted or conferred upon the persons therein respectively named ;

AND WHEREAS by certain instruments, subsequent to the said Charter, particulars whereof are specified in the Schedule hereto, further interests, powers and rights over or in respect of the territories therein respectively described are granted to or conferred upon the Company ;

AND WHEREAS under and by virtue of the said Charter and subsequent instruments the Company became entitled to the full benefit of the said grants, commissions and instruments and acquired all the said interests, powers and rights therein respectively comprised ;

AND WHEREAS by an Agreement dated the twelfth day of May, 1888, and made between the Government of Her Late Majesty Queen VICTORIA of the one part and the Company of the other part the State of North Borneo was placed under the protection of Her Late Majesty Queen VICTORIA ;

AND WHEREAS by an Agreement dated the twenty-sixth day of June, 1946, and made between His Majesty's Secretary of State for the Colonies on behalf of His Majesty (therein and hereinafter referred to as "the Crown") of the one part and the Company of the other part the Company (amongst other things) have transferred and ceded all the said rights, powers and interests to the Crown with effect from the fifteenth day of July, 1946, to the intent that the Crown should, as from that day have full sovereign rights over, and title to, the territory of the State of North Borneo and that the said territory should thereupon become part of His Majesty's dominions :

NOW, THEREFORE, His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows :-

Short title and commencement.

1. This Order may be cited as the North Borneo Cession Order in Council, 1946, and shall come into operation on the fifteenth day of July, 1946.

Annexation of State of North Borneo.

2. As from the fifteenth day of July, 1946, the State of North Borneo shall be annexed to and shall form part of His Majesty's dominions and shall be called, together with the Settlement of Labuan and its dependencies, the Colony of North Borneo.

Nationality.

3. All persons who on the fifteenth day of July, 1946, are citizens of the State of North Borneo by virtue of the provisions of the North Borneo Naturalisation Ordinance, 1931 [*Ord. 1 of 1931.*], shall, on that day, become British subjects.

3A. Any person who was not a citizen of the State of North Borneo as provided by section 3 of this Order shall be deemed to have become a British subject on the fifteenth day of July, 1946, if –

- (a) he was born before the first day of November, 1931, in the State of North Borneo (otherwise than on a ship registered elsewhere than in the State) or on a ship registered in the State; and
- (b) he was ordinarily resident in the Colony of North Borneo on the fifteenth day of July, 1946.

Power to revoke.

4. His Majesty hereby reserves to Himself, His Heirs and successors power to revoke, alter, add to or amend this Order.

E. C. E. LEADBITTER.

THE SCHEDULE.

1. An Instrument, dated the 17th day of Mohurum A. H. 1302 (the 5th day of November, 1884), whereby the Sultan of Brunei, Pangeran Bendhara and Pangeran di Gadong ceded the territory from Si Putong to Kwala Paniow.
2. An Instrument, dated the 6th day of April, 1885, whereby the Sultan of Brunei confirmed the cession of the Island of Palawan.
3. An Instrument, dated the 2nd of march, 1889, whereby Pangeran Shabandar ceded the territory of Padas Damit.
4. An Instrument, dated the 7th day of September, 1901, whereby the Sultan of Brunei ceded the territory between Sepitang and Trusan Rivers.
5. An Instrument, dated the 22nd day of April, 1903, whereby the Sultan of Sulu confirmed the cession of certain islands.