



# British Nationality and Status of Aliens Act 1943

## 1943 CHAPTER 14

An Act to amend the law relating to the nationality of children born abroad of British fathers ; to make special provision for the naturalization of persons rendering service in connection with the present war ; to restrict the making of declarations of alienage in time of war; and to extend the power to make regulations under section nineteen of the British Nationality and Status of Aliens Act 1914. [22nd April 1943]

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

### *British Nationality of Certain Persons born abroad*

#### **1 British nationality by registration**

- (1) Sub-paragraph (v) of paragraph (b) of subsection (1) of section one of the British Nationality and Status of Aliens Act, 1914 (hereinafter referred to as " the principal Act "), shall cease to have effect.
- (2) A person born outside His Majesty's dominions whose father was at the time of the birth a British subject shall be deemed to be and always to have been a natural-born British subject—
  - (a) in the case of a person born after or within one year before the commencement of this Act, if his birth is registered at a consulate of His Majesty within one year after its occurrence;
  - (b) in the case of any person, whether born before or after the commencement of this Act, if his birth is at any time registered at such a consulate with the permission of the Secretary of State or the Secretary of State directs that although registered without his permission it shall be deemed to have been registered with his permission.

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## **2 British nationality of persons born in foreign countries where His Majesty exercises jurisdiction**

- (1) Any person born, whether before or after the commencement of this Act, in a place where by treaty, capitulation, grant, usage, sufferance, or other lawful means, His Majesty was at the time of that person's birth exercising jurisdiction over British subjects, shall, if at the time of his birth his father was a British subject, be deemed to be and, in the case of a person born before the commencement of this Act, always to have been, a natural-born British subject.
- (2) For the purposes of sub-paragraph (i) of paragraph (b) of subsection (1) of section one of the principal Act, any such person as aforesaid shall be deemed to have been born within His Majesty's allegiance.

## **3 British nationality of posthumous children**

Any person born after the death of his father, whether before or after the commencement of this Act, shall, if his father died a British subject, be deemed to be and, in the case of a person born before the commencement of this Act, always to have been, a natural-born British subject in any case in which he would have been a natural-born British subject if his father had survived and remained a British subject until after the birth.

### *Naturalization of Aliens*

## **4 Special power to grant certificates of naturalization to French nationals serving in His Majesty's forces**

If at any time during the present war period an application for a certificate of naturalization is made to the Secretary of State by any person appearing to him to be or to have been at any time during that period a French national, then if the Secretary of State is satisfied that the applicant—

- (a) is, or has at any time during that period been, a member of His Majesty's forces; and
- (b) is a proper person to be naturalized as a British subject,

the Secretary of State may grant to the applicant a certificate of naturalization under section two of the principal Act notwithstanding that the requirements of subsection (1) of that section are not complied with.

## **5 Special certificates of imperial naturalization granted in Dominions**

A certificate of naturalization granted in accordance with any law in force in any Dominion, being a law providing for the naturalization of persons in consideration of service rendered at any time during the present war period in connection with the prosecution of the war, shall have the same effect as a certificate of naturalization granted by the Secretary of State under Part II of the said Act and shall be deemed for the purposes of that Act to be a certificate of naturalization granted thereunder.

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### *Loss of British Nationality*

#### **6 Requirements as to assertion of nationality by persons having British nationality by registration**

- (1) Subject to the provisions of this section, a person whose British nationality depends upon the fact that his birth was registered at a consulate of His Majesty shall, if his birth was so registered before he attained the age of twenty-one years, cease to be a British subject at the expiration of one year after he attains that age unless within that period he asserts his British nationality by a declaration of retention of British nationality registered in accordance with regulations made under the principal Act :

Provided that if such a declaration is made by any person after the expiration of that period with the permission of the Secretary of State, that person shall be deemed not to have ceased to be a British subject.

- (2) If any such person as aforesaid has at any time during the present war period been a member of His Majesty's forces, that person shall not cease by virtue of the foregoing subsection to be a British subject or, if he has, by virtue of that subsection or of any enactment repealed by this Act, previously ceased to be a British subject, shall be deemed never to have so ceased.
- (3) If any such person as is mentioned in subsection (1) of this section satisfies the Secretary of State that he was not a member of His Majesty's forces during the present war period by reason only of his having been otherwise engaged on work of national importance or of his having been prevented from becoming a member of those forces by causes outside his control, the Secretary of State may direct that the last foregoing subsection shall apply to him as if he had been a member of those forces.

#### **7 Provisions as to declarations of alienage**

A declaration of alienage made after the commencement of this Act under any provision of the principal Act shall be of no effect until it has been registered in accordance with regulations made under the principal Act, and, in the case of a declaration made during any war in which His Majesty may be engaged, unless it is so registered with the permission of the Secretary of State.

### *Miscellaneous and General*

#### **8 Amendments of section nineteen of principal Act**

Regulations may be made under section nineteen of the principal Act—

- (a) for any purpose for which it appears to the Secretary of State to be expedient to make such regulations in consequence of the provisions of this Act :
- (b) for enabling the births and deaths of British subjects born or dying in any country in which His Majesty has for the time being no diplomatic or consular representatives to be registered by persons serving in the diplomatic, consular or other foreign service of any Power which, by arrangement with His Majesty, has undertaken to represent His interests in that country or by a person authorised in that behalf by the Secretary of State:
- (c) for securing that any declaration made, registration effected, or permission, consent, or direction given, whether before or after the commencement of this

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Act, in accordance with any provision of any law in force in any Dominion, may, for the purposes of this Act and the principal Act have the like effect as a declaration, registration, permission, consent, or direction, made, effected, or given, in accordance with any corresponding provision of those Acts respectively or of the regulations made thereunder.

## **9 Special provisions as to registration of births in time of war**

If during any war in which His Majesty may be engaged the birth of any person is registered in accordance with regulations made under the principal Act by a person serving in the diplomatic, consular or other foreign service of a foreign Power, or by a person authorised in that behalf by the Secretary of State, the birth of that person shall be deemed for the purposes of section one of this Act to have been registered at a consulate of His Majesty.

## **10 Interpretation and construction**

- (1) In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say :—

" Consulate of His Majesty " means the office of a consular officer of His Majesty where a register of births is kept, or, in the case of any territory where there is no such office and there is a resident or administrator appointed by a Government of His Majesty, or any other representative of His Majesty, the office of such resident, administrator or representative:

" Dominion " means a Dominion specified in the First Schedule to the principal Act:

" The present war period " means the period beginning with the third day of September, nineteen hundred and thirty-nine, and ending with such date as His Majesty may by Order in Council appoint.

- (2) Subsection (1) of section eight of the principal Act (which extends to British Possessions the provisions of that Act as to the grant and revocation of certificates of naturalization, subject to the modifications therein mentioned), and sections twenty, twenty-two, and twenty-three, and subsection (1) of section twenty-six of that Act (which relate to proof of documents and other supplemental matters) shall have effect as if the references therein to that Act included references to this Act.

## **11 Short title, citation and repeals**

- (1) This Act may be cited as the British Nationality and Status of Aliens Act, 1943, and this Act and the British Nationality and Status of Aliens Acts, 1914 to 1933, may be cited together as the British Nationality and Status of Aliens Acts, 1914 to 1943.
- (2) The provisions of the principal Act set out in the first column of the Schedule to this Act are hereby repealed to the extent specified in the second column of that Schedule.

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SCHEDULE

Section 11.

PROVISIONS OF BRITISH NATIONALITY AND STATUS OF ALIENS ACT, 1914, REPEALED

<i>Section.</i>	<i>Extent of Repeal.</i>
Section one	In subsection (1) the words from " or (v) his birth" to "nineteen hundred and twenty-two", and the words from " Provided that" to the end of the subsection.
Section twenty-seven	In subsection (1) the words from "The expression ' British consulate ' " to the end of the subsection.