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# British Nationality Act 1981

## 1981 CHAPTER 61

### PART I

#### BRITISH CITIZENSHIP

##### *Acquisition after commencement*<sup>F1</sup>

#### Textual Amendments

**F1** S. 4A inserted (21.5.2002) by the [British Overseas Territories Act 2002 \(c. 8\), s. 4](#); S.I. 2002/1252, [art. 2](#)

#### **1 Acquisition by birth or adoption.**

- (1) A person born in the United Kingdom after commencement [<sup>F2</sup>, or in a qualifying territory on or after the appointed day,] shall be a British citizen if at the time of the birth his father or mother is—
  - (a) a British citizen; or
  - (b) settled in the United Kingdom [<sup>F3</sup>or that territory] .
- (2) A new-born infant who, after commencement, is found abandoned in the United Kingdom [<sup>F4</sup>, or on or after the appointed day is found abandoned in a qualifying territory,] shall, unless the contrary is shown, be deemed for the purposes of subsection (1)—
  - (a) to have been born in the United Kingdom after commencement [<sup>F5</sup>or in that territory on or after the appointed day] ; and
  - (b) to have been born to a parent who at the time of the birth was a British citizen or settled in the United Kingdom [<sup>F6</sup>or that territory] .
- (3) A person born in the United Kingdom after commencement who is not a British citizen by virtue of subsection (1) or (2) shall be entitled to be registered as a British citizen if, while he is a minor—

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- (a) his father or mother becomes a British citizen or becomes settled in the United Kingdom; and
  - (b) an application is made for his registration as a British citizen.
- (4) A person born in the United Kingdom after commencement who is not a British citizen by virtue of subsection (1) or (2) shall be entitled, on an application for his registration as a British citizen made at any time after he has attained the age of ten years, to be registered as such a citizen if, as regards each of the first ten years of that person's life, the number of days on which he was absent from the United Kingdom in that year does not exceed 90.
- (5) Where after commencement an order authorising the adoption of a minor who is not a British citizen is made by any court in the United Kingdom, [<sup>F7</sup>or where on or after the appointed day such an order is made by any court in a qualifying territory, the minor] shall be a British citizen as from the date on which the order is made if the adopter or, in the case of a joint adoption, one of the adopters is a British citizen on that date.
- (6) Where an order in consequence of which any person became a British citizen by virtue of subsection (5) ceases to have effect, whether on annulment or otherwise, the cesser shall not affect the status of that person as a British citizen.
- (7) If in the special circumstances of any particular case the Secretary of State thinks fit, he may for the purposes of subsection (4) treat the person to whom the application relates as fulfilling the requirement specified in that subsection although, as regards any one or more of the first ten years of that person's life, the number of days on which he was absent from the United Kingdom in that year or each of the years in question exceeds 90.
- (8) In this section and elsewhere in this Act “settled” has the meaning given by section 50.

#### Textual Amendments

- F2** Words in s. 1(1) inserted (21.5.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [Sch. 1 para. 1\(2\)\(a\)](#); [S.I. 2002/1252](#), [art. 2](#)
- F3** Words in s. 1(1)(b) inserted (21.5.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [Sch. 1 para. 1\(2\)\(b\)](#); [S. I. 2002/1252](#), [art. 2](#)
- F4** Words in s. 1(2) inserted (21.5.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [Sch. 1 para. 1\(3\)\(a\)](#); [S.I. 2002/1252](#), [art. 2](#)
- F5** Words in s. 1(2)(a) inserted (21.5.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [Sch. 1 para. 1\(3\)\(b\)](#); [S.I. 2002/1252](#), [art. 2](#)
- F6** Words in s. 1(2)(b) inserted (21.5.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [Sch. 1 para. 1\(3\)\(c\)](#); [S.I. 2002/1252](#), [art. 2](#)
- F7** Word in s. 1(5) substituted (temp.) (21.5.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [Sch. 1 para. 1\(5\)](#); [S.I. 2002/1252](#), [art. 2](#)

#### Modifications etc. (not altering text)

- C1** [S. 1\(1\)](#) explained by [S.I. 1972/1613](#), [art. 6](#) (as inserted by [S.I. 1982/1649](#), [art. 3](#))

## 2 Acquisition by descent.

- (1) A person born outside the United Kingdom [<sup>F8</sup>and the qualifying territories] after commencement shall be a British citizen if at the time of the birth his father or mother—

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- (a) is a British citizen otherwise than by descent; or
  - (b) is a British citizen and is serving outside the United Kingdom [<sup>F9</sup>and the qualifying territories] in service to which this paragraph applies, his or her recruitment for that service having taken place in the United Kingdom [<sup>F10</sup>or a qualifying territory]; or
  - (c) is a British citizen and is serving outside the United Kingdom [<sup>F11</sup>and the qualifying territories] in service under a Community institution, his or her recruitment for that service having taken place in a country which at the time of the recruitment was a member of the Communities.
- (2) Paragraph (b) of subsection (1) applies to—
- (a) Crown service under the government of the United Kingdom [<sup>F12</sup>or of a qualifying territory]; and
  - (b) service of any description for the time being designated under subsection (3).
- (3) For the purposes of this section the Secretary of State may by order made by statutory instrument designate any description of service which he considers to be closely associated with the activities outside the United Kingdom [<sup>F13</sup>and the qualifying territories] of Her Majesty's government in the United Kingdom [<sup>F14</sup>or in a qualifying territory].
- (4) Any order made under subsection (3) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

- F8** Words in s. 2(1) inserted (21.5.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [Sch. 1 para. 2\(1\)\(2\)\(a\)](#); S.I. 2002/1252, [art. 2](#)
- F9** Words in s. 2(1)(b) inserted (21.5.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [Sch. 1 para. 2\(1\)\(2\)\(b\)](#); S.I. 2002/1252, [art. 2](#)
- F10** Words in s. 2(1)(b) inserted (21.5.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [Sch. 1 para. 2\(1\)\(2\)\(b\)](#); S.I. 2002/1252, [art. 2](#)
- F11** Words in s. 2(1)(c) inserted (21.5.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [Sch. 1 para. 2\(1\)\(2\)\(c\)](#); S.I. 2002/1252, [art. 2](#)
- F12** Words in s. 2(2)(a) inserted (21.5.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [Sch. 1 para. 2\(1\)\(3\)](#); S.I. 2002/1252, [art. 2](#)
- F13** Words in s. 2(3) inserted (21.5.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [Sch. 1 para. 2\(1\)\(4\)\(a\)](#); S.I. 2002/1252, [art. 2](#)
- F14** Words in s. 2(3) inserted (21.5.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [Sch. 1 para. 2\(1\)\(4\)\(b\)](#); S.I. 2002/1252, {art. 2}

### 3 Acquisition by registration: minors.

- (1) If while a person is a minor an application is made for his registration as a British citizen, the Secretary of State may, if he thinks fit, cause him to be registered as such a citizen.
- (2) A person born outside the United Kingdom [<sup>F15</sup>and the qualifying territories] shall be entitled, on an application for his registration as a British citizen made within the period of twelve months from the date of birth, to be registered as such a citizen if the requirements specified in subsection (3) or, in the case of a person born stateless, the

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requirements specified in paragraphs (a) and (b) of that subsection, are fulfilled in the case of either that person's father or his mother ("the parent in question").

- (3) The requirements referred to in subsection (2) are—
- (a) that the parent in question was a British citizen by descent at the time of the birth; and
  - (b) that the father or mother of the parent in question—
    - (i) was a British citizen otherwise than by descent at the time of the birth of the parent in question; or
    - (ii) became a British citizen otherwise than by descent at commencement, or would have become such a citizen otherwise than by descent at commencement but for his or her death; and
  - (c) that, as regards some period of three years ending with a date not later than the date of the birth—
    - (i) the parent in question was in the United Kingdom [<sup>F16</sup>or a qualifying territory] at the beginning of that period; and
    - (ii) the number of days on which the parent in question was absent from the United Kingdom [<sup>F17</sup>and the qualifying territories] in that period does not exceed 270.
- (4) If in the special circumstances of any particular case the Secretary of State thinks fit, he may treat subsection (2) as if the reference to twelve months were a reference to six years.
- (5) A person born outside the United Kingdom [<sup>F18</sup>and the qualifying territories] shall be entitled, on an application for his registration as a British citizen made while he is a minor, to be registered as such a citizen if the following requirements are satisfied, namely—
- (a) that at the time of that person's birth his father or mother was a British citizen by descent; and
  - (b) subject to subsection (6), that that person and his father and mother were in the United Kingdom [<sup>F19</sup>or a qualifying territory] at the beginning of the period of three years ending with the date of the application and that, in the case of each of them, the number of days on which the person in question was absent from the United Kingdom [<sup>F20</sup>and the qualifying territories] in that period does not exceed 270; and
  - (c) subject to subsection (6), that the consent of his father and mother to the registration has been signified in the prescribed manner.
- (6) In the case of an application under subsection (5) for the registration of a person as a British citizen—
- (a) if his father or mother died, or their marriage was terminated, on or before the date of the application, or his father and mother were legally separated on that date, the references to his father and mother in paragraph (b) of that subsection shall be read either as references to his father or as references to his mother;
  - (b) if his father or mother died on or before that date, the reference to his father and mother in paragraph (c) of that subsection shall be read as a reference to either of them; and
  - (c) if he was born illegitimate, all those references shall be read as references to his mother.

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#### Textual Amendments

- F15** Words in s. 3(2) inserted (21.5.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [Sch. 1 para. 3\(1\)\(2\)](#); S.I. 2002/1252, [art. 2](#)
- F16** Words in s. 3(3)(c)(i) inserted (21.5.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [Sch. 1 para. 3\(1\)\(3\)\(a\)](#); S.I. 2002/1252, [art. 2](#)
- F17** Words in s. 3(3)(c)(ii) inserted (21.5.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [Sch. 1 para. 3\(1\)\(3\)\(b\)](#); S.I. 2002/1252, [art. 2](#)
- F18** Words in s. 3(5) inserted (21.5.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [Sch. 1 para. 3\(1\)\(4\)\(a\)](#); S.I. 2002/1252, [art. 2](#)
- F19** Words in s. 3(5)(b) inserted (21.5.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [Sch. 1 para. 3\(1\)\(4\)\(b\)](#); S.I. 2002/1252, [art. 2](#)
- F20** Words in s. 3(5)(b) inserted (21.5.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [Sch. 1 para. 3\(1\)\(4\)\(b\)](#); S.I. 2002/1252, [art. 2](#)

#### 4 Acquisition by registration: [<sup>F21</sup>British overseas territories citizens]etc.

- (1) This section applies to any person who is a [<sup>F22</sup>British overseas territories citizen], [<sup>F23</sup>a British National (Overseas),] a British Overseas citizen, a British subject under this Act or a British protected person.
- (2) A person to whom this section applies shall be entitled, on an application for his registration as a British citizen, to be registered as such a citizen if the following requirements are satisfied in the case of that person, namely—
- subject to subsection (3), that he was in the United Kingdom at the beginning of the period of five years ending with the date of the application and that the number of days on which he was absent from the United Kingdom in that period does not exceed 450; and
  - that the number of days on which he was absent from the United Kingdom in the period of twelve months so ending does not exceed 90; and
  - that he was not at any time in the period of twelve months so ending subject under the immigration laws to any restriction on the period for which he might remain in the United Kingdom; and
  - that he was not at any time in the period of five years so ending in the United Kingdom in breach of the immigration laws.
- (3) So much of subsection (2)(a) as requires the person in question to have been in the United Kingdom at the beginning of the period there mentioned shall not apply in relation to a person who was settled in the United Kingdom immediately before commencement.
- (4) If in the special circumstances of any particular case the Secretary of State thinks fit, he may for the purposes of subsection (2) do all or any of the following things, namely—
- treat the person to whom the application relates as fulfilling the requirement specified in subsection (2)(a) or subsection (2)(b), or both, although the number of days on which he was absent from the United Kingdom in the period there mentioned exceeds the number there mentioned;
  - disregard any such restriction as is mentioned in subsection (2)(c), not being a restriction to which that person was subject on the date of the application;

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- (c) treat that person as fulfilling the requirement specified in subsection (2)(d) although he was in the United Kingdom in breach of the immigration laws in the period there mentioned.
- (5) If, on an application for registration as a British citizen made by a person to whom this section applies, the Secretary of State is satisfied that the applicant has at any time served in service to which this subsection applies, he may, if he thinks fit in the special circumstances of the applicant's case, cause him to be registered as such a citizen.
- (6) Subsection (5) applies to—
- (a) Crown service under the government of a [<sup>F24</sup>British overseas territory]; and
  - (b) paid or unpaid service (not falling within paragraph (a)) as a member of any body established by law in a [<sup>F24</sup>British overseas territory] members of which are appointed by or on behalf of the Crown.

#### Textual Amendments

- F21** Words in s. 4 sidenote substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 2\(2\)\(b\)](#)
- F22** Words in s. 4(1) substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 2\(2\)\(b\)](#)
- F23** By [S.I. 1986/948, art. 7\(2\)](#) it is provided that s. 4(1) shall have effect as if after the words “British Dependent Territories citizen,” there were inserted the words “a British National (Overseas),”
- F24** Words in s. 4(6) substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), {s. 1\(1\)\(b\)}](#)

#### Modifications etc. (not altering text)

- C2** S. 4(2)(4) modified (7.11.2002, partly retrospective) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\), s. 11](#)
- C3** S. 4(2) restricted (4.12.2006) by [Immigration, Asylum and Nationality Act 2006 \(c. 13\), ss. 58, 62; S.I. 2006/2838, art. 4\(1\)](#) (subject to art. 4(2))
- C4** S. 4(2)(4) modified (7.11.2002, partly retrospective) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\), s. 11](#)
- C5** S. 4(5) restricted (4.12.2006) by [Immigration, Asylum and Nationality Act 2006 \(c. 13\), ss. 58, 62; S.I. 2006/2838, art. 4\(1\)](#) (subject to art. 4(2))

#### [<sup>F1</sup>4A Acquisition by registration: further provision for British overseas territories citizens

- (1) If an application is made to register as a British citizen a person who is a British overseas territories citizen, the Secretary of State may if he thinks fit cause the person to be so registered.
- (2) Subsection (1) does not apply in the case of a British overseas territories citizen who—
- (a) is such a citizen by virtue only of a connection with the Sovereign Base Areas of Akrotiri and Dhekelia; or
  - (b) has ceased to be a British citizen as a result of a declaration of renunciation.]

#### Modifications etc. (not altering text)

- C6** S. 4A restricted (4.12.2006) by [Immigration, Asylum and Nationality Act 2006 \(c. 13\), ss. 58, 62; S.I. 2006/2838, art. 4\(1\)](#) (subject to art. 4(2))

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VALID FROM 30/04/2003

**[<sup>F25</sup>4B Acquisition by registration: certain persons without other citizenship**

- (1) This section applies to a person who has the status of—
  - (a) British Overseas citizen,
  - (b) British subject under this Act, or
  - (c) British protected person.
- (2) A person to whom this section applies shall be entitled to be registered as a British citizen if—
  - (a) he applies for registration under this section,
  - (b) the Secretary of State is satisfied that the person does not have, apart from the status mentioned in subsection (1), any citizenship or nationality, and
  - (c) the Secretary of State is satisfied that the person has not after 4th July 2002 renounced, voluntarily relinquished or lost through action or inaction any citizenship or nationality.]

**Textual Amendments**

**F25** S. 4B inserted (30.4.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), [ss. 12\(1\), 162](#) (with [s. 159](#)); [S.I. 2003/754](#), [art. 2\(1\)](#), [Sch. 1](#) (with [arts. 3, 4](#), [Sch. 2](#) (as amended by [S.I. 2003/1040](#), [art. 2](#) and [S.I. 2003/1339](#), [art. 4](#)))

VALID FROM 30/04/2003

**[<sup>F26</sup>4C Acquisition by registration: certain persons born between 1961 and 1983**

- (1) A person is entitled to be registered as a British citizen if—
  - (a) he applies for registration under this section, and
  - (b) he satisfies each of the following conditions.
- (2) The first condition is that the applicant was born after 7th February 1961 and before 1st January 1983.
- (3) The second condition is that the applicant would at some time before 1st January 1983 have become a citizen of the United Kingdom and Colonies by virtue of section 5 of the British Nationality Act 1948 (c. 56) if that section had provided for citizenship by descent from a mother in the same terms as it provided for citizenship by descent from a father.
- (4) The third condition is that immediately before 1st January 1983 the applicant would have had the right of abode in the United Kingdom by virtue of section 2 of the Immigration Act 1971 (c. 77) had he become a citizen of the United Kingdom and Colonies as described in subsection (3) above.]



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#### Textual Amendments

**F26** S. 4C inserted (30.4.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), **ss. 13(1)**, 162 (with s. 159); [S.I. 2003/754](#), **art. 2(1)**, Sch. 1 (with arts. 3, 4, Sch. 2 (as amended by [S.I. 2003/1040](#), **art. 2** and [S.I. 2003/1339](#), **art. 4**))

#### Modifications etc. (not altering text)

**C7** S. 4C restricted (4.12.2006) by [Immigration, Asylum and Nationality Act 2006 \(c. 13\)](#), **ss. 58**, 62; [S.I. 2006/2838](#), **art. 4(1)** (subject to [art. 4\(2\)](#))

VALID FROM 13/01/2010

#### [<sup>F27</sup>4D Acquisition by registration: children of members of the armed forces

- (1) A person (“P”) born outside the United Kingdom and the qualifying territories on or after the relevant day is entitled to be registered as a British citizen if—
  - (a) an application is made for P's registration under this section; and
  - (b) each of the following conditions is satisfied.
- (2) The first condition is that, at the time of P's birth, P's father or mother was—
  - (a) a member of the armed forces; and
  - (b) serving outside the United Kingdom and the qualifying territories.
- (3) The second condition is that, if P is a minor on the date of the application, the consent of P's father and mother to P's registration as a British citizen has been signified in the prescribed manner.
- (4) But if P's father or mother has died on or before the date of the application, the reference in subsection (3) to P's father and mother is to be read as a reference to either of them.
- (5) The Secretary of State may, in the special circumstances of a particular case, waive the need for the second condition to be satisfied.
- (6) The relevant day for the purposes of this section is the day appointed for the commencement of section 46 of the Borders, Citizenship and Immigration Act 2009 (which inserted this section).]

#### Textual Amendments

**F27** S. 4D inserted (13.1.2010) by [Borders, Citizenship and Immigration Act 2009 \(c. 11\)](#), **ss. 46**, 58; [S.I. 2009/2731](#), **art. 4(e)**

### 5 Acquisition by registration: nationals for purposes of the Community Treaties.

A [<sup>F28</sup>British overseas territories citizen] who falls to be treated as a national of the United Kingdom for the purposes of the Community Treaties shall be entitled to be registered as a British citizen if an application is made for his registration as such a citizen.



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#### **Textual Amendments**

**F28** Words in s. 5 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), s. 2(2)(b)

#### **Modifications etc. (not altering text)**

**C8** S. 5 restricted (4.12.2006) by [Immigration, Asylum and Nationality Act 2006 \(c. 13\)](#), ss. 58, 62; S.I. 2006/2838, art. 4(1) (subject to art. 4(2))

## **6 Acquisition by naturalisation.**

- (1) If, on an application for naturalisation as a British citizen made by a person of full age and capacity, the Secretary of State is satisfied that the applicant fulfils the requirements of Schedule 1 for naturalisation as such a citizen under this subsection, he may, if he thinks fit, grant to him a certificate of naturalisation as such a citizen.
- (2) If, on an application for naturalisation as a British citizen made by a person of full age and capacity who on the date of the application is married to a British citizen, the Secretary of State is satisfied that the applicant fulfils the requirements of Schedule 1 for naturalisation as such a citizen under this subsection, he may, if he thinks fit, grant to him a certificate of naturalisation as such a citizen.

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