



# British Nationality Act 1981

## 1981 CHAPTER 61

### PART I

#### BRITISH CITIZENSHIP

##### *Acquisition after commencement*

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

- (1) A person born in the United Kingdom after commencement 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.
- (2) A new-born infant who, after commencement, is found abandoned in the United Kingdom 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 ; 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.
- (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—
  - (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.

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- (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, he 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.

## **2 Acquisition by descent**

- (1) A person born outside the United Kingdom after commencement shall be a British citizen if at the time of the birth his father or mother—
  - (a) is a British citizen otherwise than by descent; or
  - (b) is a British citizen and is serving outside the United Kingdom in service to which this paragraph applies, his or her recruitment for that service having taken place in the United Kingdom; or
  - (c) is a British citizen and is serving outside the United Kingdom 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; 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 of Her Majesty's government in the United Kingdom.
- (4) Any order made under subsection (3) shall be subject to annulment in pursuance of a resolution of either House of Parliament

## **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 shall be entitled, on an application for his registration as a British citizen made within the period of twelve months from the date of the 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 requirements specified in

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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 at the beginning of that period; and
    - (ii) the number of days on which the parent in question was absent from the United Kingdom 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 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 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 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.

#### **4 Acquisition by registration: British Dependent Territories citizens etc.**

- (1) This section applies to any person who is a British Dependent Territories citizen, a British Overseas citizen, a British subject under this Act or a British protected person.

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- (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—
- (a) 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
  - (b) 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
  - (c) 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
  - (d) 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—
- (a) 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;
  - (b) 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 ;
  - (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 dependent territory; and
  - (b) paid or unpaid service (not falling within paragraph (a)) as a member of any body established by law in a dependent territory members of which are appointed by or on behalf of the Crown.

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

A British Dependent 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.

## **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.