



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.

Acquisition after commencement: special cases

7 Right to registration by virtue of residence in U.K. or relevant employment

- (1) A person shall be entitled, on an application for his registration as a British citizen made (subject to subsections (6) and (7)) within five years after commencement, to be registered as such a citizen if either of the following requirements is satisfied in his case, namely—
 - (a) that, if paragraphs 2 and 3 (but not paragraph 4 or 5) of Schedule 1 to the Immigration Act 1971 had remained in force, he would (had he applied for it) have been, on the date of the application under this subsection, entitled under the said paragraph 2 to be registered in the United Kingdom as a citizen of the United Kingdom and Colonies; or
 - (b) that, if section 5A of the 1948 Act (and section 2 of the Immigration Act 1971 as in force immediately before commencement) had remained in force, he would (had he applied for it) have been, both at commencement and on the date of the application under this subsection, entitled under section 'SA(1) of the 1948 Act to be registered as a citizen of the United Kingdom and Colonies.
- (2) A person shall be entitled, on an application for his registration as a British citizen made (subject to subsection (8)) within six years after commencement, to be registered as such a citizen if he—
 - (a) was ordinarily resident in the United Kingdom through out a period ending at commencement but not amounting to five years; and
 - (b) throughout the period from commencement to the date of the application—
 - (i) remained ordinarily resident in the United Kingdom; and
 - (ii) had the right of abode in the United Kingdom under the Immigration Act 1971; and
 - (c) had on the date of the application been ordinarily resident in the United Kingdom for the last five years or more.
- (3) Subject to subsection (5), if, in the case of an application for the registration of a person under subsection (2) as a British citizen, that person has been engaged in relevant service throughout any period (of whatever length), that period shall for the purposes of subsection (2) be treated as a period throughout which he was ordinarily resident in the United Kingdom.
- (4) For the purposes of subsection (3) " relevant service " means—
 - (a) Crown service under the government of the United Kingdom; or

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- (b) service under any international organisation of which the United Kingdom or Her Majesty's government therein is a member; or
 - (c) service in the employment of any company or association established in the United Kingdom.
- (5) A person shall not be registered under subsection (2) wholly or partly by reason of service within subsection (4)(b) or (c) unless it seems to the Secretary of State fitting that he should be so registered by reason of his close connection with the United Kingdom.
- (6) If in the special circumstances of any particular case the Secretary of State thinks fit, he may treat subsection (1) as if—
- (a) the reference to five years after commencement were a reference to eight years after commencement; or
 - (b) where subsection (7) applies, as if the reference to five years from the date on which the person to whom the application relates attains full age were a reference to eight years from that date,
- but shall not do so in the case of an application based on paragraph (b) of subsection (1) unless the person to whom the application relates would have been entitled to be registered under that subsection on an application so based made immediately before the end of the five years after commencement.
- (7) In the case of any person who is a minor at commencement, the reference to five years after commencement in subsection (1) above shall be treated as a reference to five years from the date on which he attains full age.
- (8) 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 six years after commencement were a reference to eight years after commencement.

8 Registration by virtue of marriage

- (1) A woman who immediately before commencement was the wife of a citizen of the United Kingdom and Colonies shall be entitled, on an application for her registration as a British citizen made within five years after commencement, to be registered as a British citizen if—
- (a) immediately before commencement she would (if she had applied for it) have been entitled under section 6(2) of the 1948 Act to be registered as a citizen of the United Kingdom and Colonies by virtue of her marriage to the man who was then her husband; and
 - (b) that man became a British citizen at commencement and did not at any time in the period from commencement to the date of the application under this subsection cease to be such a citizen as a result of a declaration of renunciation; and
 - (c) she remained married to him throughout that period.
- (2) On an application for her registration as a British citizen made within five years after commencement, the Secretary of State may, if he thinks fit, cause a woman to be registered as such a citizen if—
- (a) immediately before commencement she would (if she had applied for it) have been entitled under section 6(2) of the 1948 Act to be registered as a citizen of the United Kingdom and Colonies by virtue of having been married to a

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- man to whom she is no longer married on the date of the application under this subsection; and
- (b) that man became a British citizen at commencement or would have done so but for his death.
- (3) On an application for her registration as a British citizen made within five years after commencement by a woman who at the time of the application is married, the Secretary of State may, if he thinks fit, cause her to be registered as such a citizen if—
- (a) immediately before commencement she would (if she had applied for it) have been entitled under section 6(2) of the 1948 Act to be registered as a citizen of the United Kingdom and Colonies by virtue of her being or having been married to the man who is her husband on the date of the application under this subsection; and
- (b) that man either—
- (i) became a British citizen at commencement but has ceased to be such a citizen as a result of a declaration of renunciation ; or
- (ii) would have become a British citizen at commencement but for his having ceased to be a citizen of the United Kingdom and Colonies as a result of a declaration of renunciation.

9 Right to registration by virtue of father's citizenship etc.

- (1) A person born in a foreign country within five years after commencement 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—
- (a) the requirements specified in subsection (2) are fulfilled in the case of that person's father ; and
- (b) had that person been born before commencement and become a citizen of the United Kingdom and Colonies by virtue of section 5 of the 1948 Act (citizenship by descent) as a result of the registration of his birth at a United Kingdom consulate under paragraph (b) of the proviso to section 5(1) of that Act, he would immediately before commencement have had the right of abode in the United Kingdom by virtue of section 2(1)(b) of the Immigration Act 1971 as then in force (connection with United Kingdom through parent or grandparent).
- (2) The requirements referred to in subsection (1)(a) are that the father of the person to whom the application relates—
- (a) immediately before commencement or at his death (whichever was earlier)—
- (i) was a citizen of the United Kingdom and Colonies by virtue of section 5 of the 1948 Act (citizenship by descent) or was a person who, under any provision of the British Nationality Acts 1948 to 1965 was deemed for the purposes of the proviso to section 5(1) of the 1948 Act to be a citizen of the United Kingdom and Colonies by descent only ; and
- (ii) was married to that person's mother ; and
- (iii) was ordinarily resident in a foreign country (no matter which) within the meaning of the 1948 Act; and
- (b) either—

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- (i) became a British citizen at commencement and remained such a citizen throughout the period from commencement to the date of the application or, if he died during that period, throughout the period from commencement to his death ; or
- (ii) would have become a British citizen at commencement but for his death.

10 Registration following renunciation of citizenship of U.K and Colonies

- (1) Subject to subsection (3), a person shall be entitled, on an application for his registration as a British citizen, to be registered as such a citizen if immediately before commencement he would (had he applied for it) have been entitled under section 1(1) of the British Nationality Act 1964 (resumption of citizenship) to be registered as a citizen of the United Kingdom and Colonies by virtue of having an appropriate qualifying connection with the United Kingdom or, if a woman, by virtue of having been married before commencement to a person who has, or would if living have, such a connection.
- (2) On an application for his registration as a British citizen made by a person of full capacity who had before commencement ceased to be a citizen of the United Kingdom and Colonies as a result of a declaration of renunciation, the Secretary of State may, if he thinks fit, cause that person to be registered as a British citizen if that person—
 - (a) has an appropriate qualifying connection with the United Kingdom; or
 - (b) if a woman, has been married to a person who has, or would if living have, such a connection.
- (3) A person shall not be entitled to registration under subsection (1) on more than one occasion.
- (4) For the purposes of this section a person shall be taken to have an appropriate qualifying connection with the United Kingdom if he, his father or his father's father—
 - (a) was born in the United Kingdom ; or
 - (b) is or was a person naturalised in the United Kingdom; or
 - (c) was registered as a citizen of the United Kingdom and Colonies in the United Kingdom or in a country which at the time was mentioned in section 1(3) of the 1948 Act.

Acquisition at commencement

11 Citizens of U.K. and Colonies who are to become British citizens at commencement

- (1) Subject to subsection (2), a person who immediately before commencement—
 - (a) was a citizen of the United Kingdom and Colonies; and
 - (b) had the right of abode in the United Kingdom under the Immigration Act 1971 as then in force,
 shall at commencement become a British citizen.
- (2) A person who was registered as a citizen of the United Kingdom and Colonies under section 1 of the British Nationality (No. 2) Act 1964 (stateless persons) on the ground mentioned in subsection (1)(a) of that section (namely that his mother was a citizen

of the United Kingdom and Colonies at the time when he was born) shall not become a British citizen under subsection (1) unless—

- (a) his mother becomes a British citizen under subsection (1) or would have done so but for her death; or
- (b) immediately before commencement he had the right of abode in the United Kingdom by virtue of section 2(1)(c) of the Immigration Act 1971 as then in force (settlement in United Kingdom, combined with five or more years' ordinary residence there as a citizen of the United Kingdom and Colonies).

(3) A person who—

- (a) immediately before commencement was a citizen of the United Kingdom and Colonies by virtue of having been registered under subsection (6) of section 12 of the 1948 Act (British subjects before commencement of 1948 Act becoming citizens of United Kingdom and Colonies) under arrangements made by virtue of subsection (7) of that section (registration in independent Commonwealth country by United Kingdom High Commissioner); and
- (b) was so registered on an application under the said subsection (6) based on the applicant's descent in the male line from a person ("the relevant person") possessing one of the qualifications specified in subsection (1)(a) and (b) of that section (birth or naturalisation in the United Kingdom and Colonies),

shall at commencement become a British citizen if the relevant person was born or naturalised in the United Kingdom.

Renunciation and resumption

12 Renunciation

- (1) If any British citizen of full age and capacity makes in the prescribed manner a declaration of renunciation of British citizenship, then, subject to subsections (3) and (4), the Secretary of State shall cause the declaration to be registered.
- (2) On the registration of a declaration made in pursuance of this section the person who made it shall cease to be a British citizen.
- (3) A declaration made by a person in pursuance of this section shall not be registered unless the Secretary of State is satisfied that the person who made it will after the registration have or acquire some citizenship or nationality other than British citizenship; and if that person does not have any such citizenship or nationality on the date of registration and does not acquire some such citizenship or nationality within six months from that date, he shall be, and be deemed to have remained, a British citizen notwithstanding the registration.
- (4) The Secretary of State may withhold registration of any declaration made in pursuance of this section if it is made during any war in which Her Majesty may be engaged in right of Her Majesty's government in the United Kingdom.
- (5) For the purposes of this section any person who has been married shall be deemed to be of full age.

13 Resumption

- (1) Subject to subsection (2), a person who has ceased to be a British citizen as a result of a declaration of renunciation shall be entitled, on an application for his registration as a British citizen, to be registered as such a citizen if—
 - (a) he is of full capacity ; and
 - (b) his renunciation of British citizenship was necessary to enable him to retain or acquire some other citizenship or nationality.
- (2) A person shall not be entitled to registration under subsection (1) on more than one occasion.
- (3) If a person of full capacity who has ceased to be a British citizen as a result of a declaration of renunciation (for whatever reason made) makes an application for his registration as such a citizen, the Secretary of State may, if he thinks fit, cause him to be registered as such a citizen.

Supplementary

14 Meaning of British citizen " by descent "

- (1) For the purposes of this Act a British citizen is a British citizen " by descent " if and only if—
 - (a) he is a person born outside the United Kingdom after commencement who is a British citizen by virtue of section 2(1)(a) only or by virtue of registration under section 3(2) or 9 ; or
 - (b) subject to subsection (2), he is a person born outside the United Kingdom before commencement who became a British citizen at commencement and immediately before commencement—
 - (i) was a citizen of the United Kingdom and Colonies by virtue of section 5 of the 1948 Act (citizenship by descent); or
 - (ii) was a person who, under any provision of the British Nationality Acts 1948 to 1965, was deemed for the purposes of the proviso to section 5(1) of the 1948 Act to be a citizen of the United Kingdom and Colonies by descent only, or would have been so deemed if male ; or
 - (iii) had the right of abode in the United Kingdom by virtue only of paragraph (b) of subsection (1) of section 2 of the Immigration Act 1971 as then in force (connection with United Kingdom through parent or grandparent), or by virtue only of that paragraph and paragraph (c) of that subsection (settlement in United Kingdom with five years' ordinary residence there), or by virtue only of being or having been the wife of a person who immediately before commencement had that right by virtue only of the said paragraph (b) or the said paragraphs (b) and (c); or
 - (iv) being a woman, was a citizen of the United Kingdom and Colonies as a result of her registration as such a citizen under section 6(2) of the 1948 Act by virtue of having been married to a man who at commencement became a British citizen by descent or would have done so but for his having died or ceased to be a citizen of the United Kingdom and Colonies as a result of a declaration of renunciation ; or
 - (c) he is a British citizen by virtue of registration under section 3(1) and either—

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- (i) his father or mother was a British citizen at the time of the birth ; or
 - (ii) his father or mother was a citizen of the United Kingdom and Colonies at that time and became a British citizen at commencement, or would have done so but for his or her death ; or
 - (d) he is a British citizen by virtue of registration under section 5; or
 - (e) subject to subsection (2), being a woman born outside the United Kingdom before commencement, she is a British citizen as a result of her registration as such a citizen under section 8 by virtue of being or having been married to a man who at commencement became a British citizen by descent or would have done so but for his having died or ceased to be a citizen of the United Kingdom and Colonies as a result of a declaration of renunciation; or
 - (f) he is a British citizen by virtue of registration under section 10 who, having before commencement ceased to be a citizen of the United Kingdom and Colonies as a result of a declaration of renunciation, would, if he had not so ceased, have at commencement become a British citizen by descent by virtue of paragraph (b); or
 - (g) he is a British citizen by virtue of registration under section 13 who, immediately before he ceased to be a British citizen as a result of a declaration of renunciation, was such a citizen by descent; or
 - (h) he is a person born in a dependent territory after commencement who is a British citizen by virtue of paragraph 2 of Schedule 2.
- (2) A person born outside the United Kingdom before commencement is not a British citizen " by descent" by virtue of subsection (1)(b) or (e) if his father was at the time of his birth serving outside the United Kingdom—
- (a) in service of a description mentioned in subsection (3), his recruitment for the service in question having taken place in the United Kingdom; or
 - (b) in service under a Community institution, his recruitment for that service having taken place in a country which at the time of the recruitment was a member of the Communities.
- (3) The descriptions of service referred to in subsection (2) are—
- (a) Crown service under the government of the United Kingdom; and
 - (b) service of any description at any time designated under section 2(3).