



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.

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: *British Nationality Act 1981, Section 1 is up to date with all changes known to be in force on or before 24 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (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.

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)

Status:

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