



British Nationality Act 1981

1981 CHAPTER 61

PART I

BRITISH CITIZENSHIP

Acquisition after commencement

4 Acquisition by registration: [^{F1}British overseas territories citizens]etc.

- (1) This section applies to any person who is a [^{F2}British overseas territories citizen], [^{F3}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—
 - (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.

Changes to legislation: British Nationality Act 1981, Section 4 is up to date with all changes known to be in force on or before 31 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) View outstanding changes

- (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—
- [^{F4}(za) treat the person to whom the application relates as fulfilling the first requirement specified in subsection (2)(a) although the person was not in the United Kingdom at the beginning of the period there mentioned;]
 - (a) treat the person to whom the application relates as fulfilling the [^{F5}second requirement specified in subsection (2)(a) or the requirement specified in] 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.
- [^{F6}(4A) Subsection (4B) applies where, on an application for registration as a British citizen made by a person to whom this section applies, the applicant has indefinite leave to enter or remain in the United Kingdom.
- (4B) The Secretary of State may for the purposes of subsection (2) treat the applicant as fulfilling the requirement specified in subsection (2)(d), without enquiring into whether or not the applicant was in the United Kingdom in breach of the immigration laws in the period there mentioned.
- (4C) The reference in subsection (4A) to having indefinite leave to enter or remain is to be construed in accordance with the Immigration Act 1971.]
- (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 [^{F7}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 [^{F7}British overseas territory] members of which are appointed by or on behalf of the Crown.
- [^{F8}(7) This section is subject to sections 31, 32 and 36 of the Illegal Migration Act 2023 (restriction of eligibility for citizenship etc).]

Textual Amendments

- F1** Words in s. 4 sidenote substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 2\(2\)\(b\)](#)
- F2** Words in s. 4(1) substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 2\(2\)\(b\)](#)
- F3** 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),”
- F4** S. 4(4)(za) inserted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\), s. 87\(1\), Sch. 1 para. 2\(2\)\(a\)](#); [S.I. 2022/590, regs. 1\(2\), 2, Sch. 1 para. 8 \(with Sch. 2 para. 3\)](#)
- F5** Words in s. 4(4)(a) substituted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\), s. 87\(1\), Sch. 1 para. 2\(2\)\(b\)](#); [S.I. 2022/590, regs. 1\(2\), 2, Sch. 1 para. 8 \(with Sch. 2 para. 3\)](#)

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- F6** S. 4(4A)-(4C) inserted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\)](#), s. 87(1), **Sch. 1 para. 2(3)**; [S.I. 2022/590](#), regs. 1(2), 2, **Sch. 1 para. 8** (with **Sch. 2 para. 3**)
- F7** Words in s. 4(6) substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), {s. 1(1)(b)}
- F8** [S. 4\(7\)](#) inserted (20.7.2023) by [Illegal Migration Act 2023 \(c. 37\)](#), **ss. 37(3)**, 68(3)(a) (with s. 55(9))

Modifications etc. (not altering text)

- C1** S. 4(2)(4) modified (7.11.2002, partly retrospective) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), **s. 11**
- C2** 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)**)
- C3** [S. 4\(2\)](#) restricted (20.7.2023) by [Illegal Migration Act 2023 \(c. 37\)](#), **ss. 32(1)(b)**, 68(3)(a) (with s. 55(9))
- 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)**)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 6(3)(4) inserted by [2009 c. 11 s. 40\(2\)](#) (Amending provision prospectively repealed by 2022 c. 36, s. 9(3)(a))
- s. 41(1)(bc)-(be) inserted by [2009 c. 11 s. 41\(2\)](#) (Amending provision prospectively repealed by 2022 c. 36, s. 9(3)(a))
- s. 41(1B)(1C) inserted by [2009 c. 11 s. 41\(3\)](#) (Amending provision prospectively repealed by 2022 c. 36, s. 9(3)(a))
- Sch. 1 para. 2(1)(ba)(bb) inserted by [2009 c. 11 s. 39\(5\)](#) (Amending provision prospectively repealed by 2022 c. 36, s. 9(3)(a))
- Sch. 1 para. 2(1)(ca) inserted by [2009 c. 11 s. 39\(7\)](#) (Amending provision prospectively repealed by 2022 c. 36, s. 9(3)(a))
- Sch. 1 para. 2(5) inserted by [2009 c. 11 s. 39\(10\)](#) (Amending provision prospectively repealed by 2022 c. 36, s. 9(3)(a))
- Sch. 1 para. 6(2)-(4) inserted by [2022 c. 36 Sch. 1 para. 3\(4\)\(d\)](#)
- Sch. 1 para. 2(1)(c) repealed by [2009 c. 11 s. 39\(6\)](#)[Sch. Pt. 2](#) (Amending provision prospectively repealed by 2022 c. 36, s. 9(3)(a))
- Sch. 1 para. 2(1)(a) substituted by [2009 c. 11 s. 39\(4\)](#) (Amending provision prospectively repealed by 2022 c. 36, s. 9(3)(a))
- Sch. 1 para. 2(2)-(4) substituted for Sch. 1 para. 2(2)(3) by [2009 c. 11 s. 39\(9\)](#) (Amending provision prospectively repealed by 2022 c. 36, s. 9(3)(a))
- Sch. 1 para. 2(1)(d) word substituted by [2009 c. 11 s. 39\(8\)\(a\)](#) (Amending provision prospectively repealed by 2022 c. 36, s. 9(3)(a))
- Sch. 1 para. 2(1)(d) words substituted by [2009 c. 11 s. 39\(8\)\(b\)](#) (Amending provision prospectively repealed by 2022 c. 36, s. 9(3)(a))