



British Nationality Act 1981

1981 CHAPTER 61

PART I

BRITISH CITIZENSHIP

Acquisition after commencement

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.
- (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—

Status: This is the original version (as it was originally enacted).

- (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.