



British Nationality Act 1981

1981 CHAPTER 61

PART V

MISCELLANEOUS AND SUPPLEMENTARY

[^{F1}40A Deprivation of citizenship: appeal

[^{F2}(1) A person—

- (a) who is given notice under section 40(5) of a decision to make an order in respect of the person under section 40, or
 - (b) in respect of whom an order under section 40 is made without the person having been given notice under section 40(5) of the decision to make the order,
- may appeal against the decision to the First-tier Tribunal.]

(2) Subsection (1) shall not apply to a decision if the Secretary of State certifies that it was taken wholly or partly in reliance on information which in his opinion should not be made public—

- (a) in the interests of national security,
- (b) in the interests of the relationship between the United Kingdom and another country, or
- (c) otherwise in the public interest.

[In the case of an order made as described in subsection (1)(b), for the purposes of any ^{F3}(2A) rule or other provision limiting the time within which an appeal under this section may be brought, time does not start to run unless and until the person is given notice of the fact that the order has been made (see section 40(5D) and Schedule 4A).]

[^{F4}(3) The following provisions of the Nationality, Immigration and Asylum Act 2002 (c. 41) shall apply in relation to an appeal under this section as they apply in relation to an appeal under section 82 ^{F5}...of that Act—

- ^{F6}(a)
- ^{F7}(b)
- (c) section 106 (rules), ^{F8}...

Changes to legislation: British Nationality Act 1981, Section 40A is up to date with all changes known to be in force on or before 30 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

- (d) section 107 (practice directions)]^{F9}, and
 (e) section 108 (forged document: proceedings in private).]]
- (6) ^{F10}
- (7) ^{F10}
- (8) ^{F10}]

Textual Amendments

- F1** Ss. 40, 40A substituted (1.4.2003) for s. 40 by Nationality, Immigration and Asylum Act 2002 (c. 41), ss. 4(1)(4), 162 (with s. 159); S.I. 2003/754, art. 2(1), Sch. 1 (with arts. 3, 4, Sch. 2 (as amended by S.I. 2003/1040, art. 2 and S.I. 2003/1339, art. 4))
- F2** S. 40A(1) substituted (10.5.2023) by Nationality and Borders Act 2022 (c. 36), ss. 10(3)(a), 87(1) (with s. 10(6)-(8)); S.I. 2023/450, reg. 2(a)
- F3** S. 40A(2A) inserted (10.5.2023) by Nationality and Borders Act 2022 (c. 36), ss. 10(3)(b), 87(1) (with s. 10(6)-(8)); S.I. 2023/450, reg. 2(a)
- F4** S. 40A(3) substituted (4.4.2005) for s. 40A(3)-(5) by Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19), ss. 26(7), 48, Sch. 2 para. 4(b); S.I. 2005/565, art. 2 (with arts. 3-9)
- F5** Words in s. 40A(3) omitted (20.10.2014) by virtue of Immigration Act 2014 (c. 22), s. 75(3), Sch. 9 para. 25(a); S.I. 2014/2771, art. 2(e) (with arts. 9-11) (as amended (2.3.2015 and 6.4.2015) by S.I. 2015/371, arts. 1(2)(3), 7, 8; and with transitional provisions and savings in S.I. 2014/2928, art. 2 (which S.I. is revoked (6.4.2015) by S.I. 2015/371, arts. 1(3), 9))
- F6** S. 40A(3)(a) omitted (20.10.2014) by virtue of Immigration Act 2014 (c. 22), s. 75(3), Sch. 9 para. 25(b); S.I. 2014/2771, art. 2(e) (with arts. 9-11) (as amended (2.3.2015 and 6.4.2015) by S.I. 2015/371, arts. 1(2)(3), 7, 8; and with transitional provisions and savings in S.I. 2014/2928, art. 2 (which S.I. is revoked (6.4.2015) by S.I. 2015/371, arts. 1(3), 9))
- F7** S. 40A(3)(b) omitted (15.2.2010) by virtue of The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 (S.I. 2010/21), art. 1, Sch. 1 para. 7(b) (with Sch. 4 para. 113)
- F8** Word in s. 40A(3) repealed (16.6.2006) by Immigration, Asylum and Nationality Act 2006 (c. 13), ss. 56(2), 62; S.I. 2006/1497, art. 3, Sch.
- F9** S. 40A(3)(e) and preceding word added (16.6.2006) by Immigration, Asylum and Nationality Act 2006 (c. 13), ss. 56(2), 62; S.I. 2006/1497, art. 3, Sch.
- F10** S. 40A(6)-(8) repealed (4.4.2005) by Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19), ss. 26(7), 47, 48, Sch. 2 para. 4(c), Sch. 4; S.I. 2005/565, art. 2 (with arts. 3-9)

Changes to legislation:

British Nationality Act 1981, Section 40A is up to date with all changes known to be in force on or before 30 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.

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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\(3\)\(a\)](#))