



British Nationality Act 1981

1981 CHAPTER 61

PART V

MISCELLANEOUS AND SUPPLEMENTARY

41 Regulations and Orders in Council.

- (1) The Secretary of State may by regulations make provision generally for carrying into effect the purposes of this Act, and in particular provision—
- (a) for prescribing anything which under this Act is to be prescribed;
 - (b) for prescribing the manner in which, and the persons to and by whom, applications for registration or naturalisation under any provision of this Act may or must be made;
 - [^{F1}(bza) requiring an application for registration or naturalisation of a person as a British citizen to be accompanied by biometric information, or enabling an authorised person to require an individual to whom such an application relates to provide biometric information;]
 - [^{F2}(ba) for determining whether a person has sufficient knowledge of a language for the purpose of an application for naturalisation;
 - (bb) for determining whether a person has sufficient knowledge about life in the United Kingdom for the purpose of an application for naturalisation;]
 - (c) for the registration of anything required or authorised by or under this Act to be registered;
 - [^{F3}(d) for the time within which an obligation to make a citizenship oath and pledge at a citizenship ceremony must be satisfied;
 - (da) for the time within which an obligation to make a citizenship oath or pledge must be satisfied;
 - (db) for the content and conduct of a citizenship ceremony;
 - (dc) for the administration and making of a citizenship oath or pledge;
 - (dd) for the registration and certification of the making of a citizenship oath or pledge;
 - (de) for the completion and grant of a certificate of registration or naturalisation;]

Changes to legislation: British Nationality Act 1981, Section 41 is up to date with all changes known to be in force on or before 31 March 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

- (e) for the giving of any notice required or authorised to be given to any person under this Act;
- (f) for the cancellation of the registration of, and the cancellation and amendment of certificates of naturalisation relating to, persons deprived of citizenship [^{F4}or of the status of a British National (Overseas)] under this Act, and for requiring such certificates to be delivered up for those purposes;
- (g) for the births and deaths of persons of any class or description born or dying in a country mentioned in Schedule 3 to be registered ^{F5}...;
- (h) for the births and deaths of persons of any class or description born or dying in a foreign country to be registered ^{F6}...;
- ^{F7}(i)
- ^{F8}(j) as to the consequences of failure to comply with provision made under any of paragraphs (a) to (i).]

^{F9}(1ZA) In subsection (1)(bza) “ authorised person ” and “ biometric information ” have the same meaning as in section 126 of the Nationality, Immigration and Asylum Act 2002.

(1ZB) Section 126(4) to (7) of that Act applies to regulations under subsection (1)(bza) as it applies to regulations under section 126(1) of that Act.

(1ZC) Section 8 of the UK Borders Act 2007 (power to make regulations about use and retention of biometric information) applies to biometric information provided in accordance with regulations under subsection (1)(bza) as it applies to biometric information provided in accordance with regulations under section 5(1) of that Act.

(1ZD) But (despite section 8(5)(b) of that Act) regulations made by virtue of subsection (1ZC) may provide for photographs of a person who is registered or naturalised as a British citizen to be retained until the person is issued with a United Kingdom passport describing the person as a British citizen.]

^{F10}(1A) Regulations under subsection (1)(ba) or (bb) may, in particular—

- (a) make provision by reference to possession of a specified qualification;
- (b) make provision by reference to possession of a qualification of a specified kind;
- (c) make provision by reference to attendance on a specified course;
- (d) make provision by reference to attendance on a course of a specified kind;
- (e) make provision by reference to a specified level of achievement;
- (f) enable a person designated by the Secretary of State to determine sufficiency of knowledge in specified circumstances;
- (g) enable the Secretary of State to accept a qualification of a specified kind as evidence of sufficient knowledge of a language.]

(2) ^{F11}

(3) Regulations under subsection (1) ^{F12} . . . may make different provision for different circumstances; and—

- (a) regulations under subsection (1) may provide for the extension of any time-limit for the [^{F13}making of oaths and pledges of citizenship]; and
- (b) ^{F14}

^{F15}(3A) Regulations under subsection (1)(d) to (de) may, in particular—

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- (a) enable the Secretary of State to designate or authorise a person to exercise a function (which may include a discretion) in connection with a citizenship ceremony or a citizenship oath or pledge;
- (b) require, or enable the Secretary of State to require, a local authority to provide specified facilities and to make specified arrangements in connection with citizenship ceremonies;
- (c) impose, or enable the Secretary of State to impose, a function (which may include a discretion) on a local authority or on a registrar.

(3B) In subsection (3A)—

“ local authority ” means—

- (a) in relation to England and Wales, a county council, a county borough council, a metropolitan district council, a London Borough Council and the Common Council of the City of London, and
- (b) in relation to Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39), and

“ registrar ” means—

- (a) in relation to England and Wales, a superintendent registrar of births, deaths and marriages (or, in accordance with section 8 of the Registration Service Act 1953 (c. 37), a deputy superintendent registrar), and
- (b) in relation to Scotland, a district registrar within the meaning of section 7(12) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 (c. 49).]

(4) Her Majesty may by Order in Council provide for any Act or Northern Ireland legislation to which this subsection applies to apply, with such adaptations and modifications as appear to Her necessary, to births and deaths registered—

- (a) in accordance with regulations made in pursuance of subsection (1)(g) [^{F16}and (h)] of this section or subsection (1)(f) and (g) of section 29 of the 1948 Act; or
- (b) at a consulate of Her Majesty in accordance with regulations made under the British Nationality and Status of Aliens Acts 1914 to 1943 or in accordance with instructions of the Secretary of State; or
- (c) by a High Commissioner for Her Majesty’s government in the United Kingdom or members of his official staff in accordance with instructions of the Secretary of State;

and an Order in Council under this subsection may exclude, in relation to births and deaths so registered, any of the provisions of section 45.

(5) Subsection (4) applies to—

- (a) the ^{M1}Births and Deaths Registration Act 1953, the ^{M2}Registration Service Act 1953 and the ^{M3}Registration of Births, Deaths and Marriages (Scotland) Act 1965; and
- (b) so much of any Northern Ireland legislation for the time being in force (whether passed or made before or after commencement) as relates to the registration of births and deaths.

(6) The power to make regulations under subsection (1) or (2) shall be exercisable by statutory instrument.

(7) Any regulations or Order in Council made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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- [^{F17}(8) Any regulations (whether alone or with other provision)—
- (a) under subsection (1)(a) for prescribing activities for the purposes of paragraph 4B(5)(a) of Schedule 1; or
 - (b) under subsection [^{F18}(1)(bza), (bc)], (bd) or (be),
- may not be made unless a draft has been laid before and approved by a resolution of each House of Parliament.]

Textual Amendments

- F1** S. 41(1)(bza) inserted (28.7.2014) by [Immigration Act 2014 \(c. 22\)](#), **ss. 10(2)**, 75(3); S.I. 2014/1820, art. 3(i)
- F2** S. 41(1)(ba)(bb) inserted (6.7.2004) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), **ss. 1(3)**, 162 (with s. 159); S.I. 2004/1707, **art. 2**
- F3** S. 41(1)(d)-(de) substituted (1.1.2004) for s. 41(1)(d) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), **ss. 3**, 162, **Sch. 1 para. 4** (with s. 159); S.I. 2003/3156, **art. 2(a)** (with arts. 3, 4)
- F4** By [S.I. 1986/948](#), **art. 7(4)(b)** it is provided that s. 41 shall have effect as if in subsection (1)(f) after the word “citizenship” there were inserted the words “or of the status of a British National (Overseas)”
- F5** Words in s. 41(1)(g) omitted (1.4.2014) by virtue of [The Legislative Reform \(Overseas Registration of Births and Deaths\) Order 2014 \(S.I. 2014/542\)](#), arts. 1, **2(a)(i)**
- F6** Words in s. 41(1)(h) omitted (1.4.2014) by virtue of [The Legislative Reform \(Overseas Registration of Births and Deaths\) Order 2014 \(S.I. 2014/542\)](#), arts. 1, **2(a)(ii)**
- F7** S. 41(1)(i) omitted (1.4.2014) by virtue of [The Legislative Reform \(Overseas Registration of Births and Deaths\) Order 2014 \(S.I. 2014/542\)](#), arts. 1, **2(a)(iii)**
- F8** S. 41(1)(j) added (5.11.2007) by [Immigration, Asylum and Nationality Act 2006 \(c. 13\)](#), **ss. 50(4)**, 62; S.I. 2007/3138, **art. 2(i)**
- F9** S. 41(1ZA)-(1ZD) inserted (28.7.2014) by [Immigration Act 2014 \(c. 22\)](#), **ss. 10(3)**, 75(3); S.I. 2014/1820, art. 3(i)
- F10** S. 41(1A) inserted (6.7.2004) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), **ss. 1(4)**, 162 (with s. 159); S.I. 2004/1707, **art. 2**
- F11** S. 41(2) repealed (2.4.2007) by [Immigration, Asylum and Nationality Act 2006 \(c. 13\)](#), **ss. 52(7)**, 61, 62, **Sch. 2 para. 1(a)**, **Sch. 3**; S.I. 2007/1109, {arts. 4, 5}, Sch. (subject to art. 6)
- F12** Words in s. 41(3) repealed (2.4.2007) by [Immigration, Asylum and Nationality Act 2006 \(c. 13\)](#), **ss. 52(7)**, 61, 62, **Sch. 2 para. 1(b)(i)**, **Sch. 3**; S.I. 2007/1109, {arts. 4, 5}, Sch. (subject to art. 6)
- F13** Words in s. 41(3)(a) substituted (1.1.2004) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), **ss. 3**, 162, **Sch. 1 para. 6** (with s. 159); S.I. 2003/3156, **art. 2(a)** (with arts. 3, 4)
- F14** S. 41(3)(b) repealed (2.4.2007) by [Immigration, Asylum and Nationality Act 2006 \(c. 13\)](#), **ss. 52(7)**, 61, 62, **Sch. 2 para. 1(b)(ii)**, **Sch. 3**; S.I. 2007/1109, {arts. 4, 5}, Sch. (subject to art. 6)
- F15** S. 41(3A)(3B) inserted (1.1.2004) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), **ss. 3**, 162, **Sch. 1 para. 7** (with s. 159); S.I. 2003/3156, **art. 2(a)** (with arts. 3, 4)
- F16** Words in s. 41(4)(a) substituted (1.4.2014) by [The Legislative Reform \(Overseas Registration of Births and Deaths\) Order 2014 \(S.I. 2014/542\)](#), arts. 1, **2(b)**
- F17** S. 41(8) inserted (27.10.2014 for specified purposes) by [Borders, Citizenship and Immigration Act 2009 \(c. 11\)](#), **ss. 41(5)**, 58(2); S.I. 2014/2634, art. 2(a)
- F18** By [Immigration Act 2014 \(c. 22\)](#), **ss. 10(4)**, 75(2); S.I. 2014/1820, **art. 3(i)**, it is provided that in s. 41(8)(b) the words "(1)(bza), (bc)" be substituted for "(1)(bc)" (28.7.2014) despite s. 41(8) not being inserted until 27.10.2014 and the words "(bc), (bd) or (be)" in s. 41(8)(b) being excluded from the commencement of that insertion

Modifications etc. (not altering text)

- C1** **Ss. 41**, 42, 44–48 extended by [British Nationality \(Falkland Islands\) Act 1983 \(c. 6, SIF 87\)](#), **s. 4(2)(a)–(f)**

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- C2** S. 41 amended by [S.I. 1986/948, art. 7\(4\)\(a\)](#)
- C3** Ss. 40–42, 44–48, 50 extended by [British Nationality \(Hong Kong\) Act 1990 \(c. 34, SIF 87\), s. 2\(3\)](#)
- C4** S. 41 amended (18.7.1996) by [1996 c. 41, s. 2\(2\)](#)
- C5** S. 41 modified (19.3.1997) by [1997 c. 20, s. 2\(3\)](#)

Marginal Citations

- M1** [1953 c. 20.](#)
- M2** [1953 c. 37.](#)
- M3** [1965 c. 49.](#)

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Changes and effects yet to be applied to :

- s. 41(7) words inserted by [2009 c. 11 s. 41\(4\)](#)

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))