



Borders, Citizenship and Immigration Act 2009

2009 CHAPTER 11

PART 2

CITIZENSHIP

Acquisition of British citizenship by birth

42 Children born in UK etc. to members of the armed forces

- (1) Section 1 of the British Nationality Act 1981 (c. 61) (acquisition of British citizenship by birth or adoption) is amended as follows.
- (2) After subsection (1) insert—

“(1A) A person born in the United Kingdom or a qualifying territory on or after the relevant day shall be a British citizen if at the time of the birth his father or mother is a member of the armed forces.”
- (3) In subsection (3), after “subsection (1)” insert “, (1A) ”.
- (4) After subsection (3) insert—

“(3A) A person born in the United Kingdom on or after the relevant day who is not a British citizen by virtue of subsection (1), (1A) 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 member of the armed forces; and
 - (b) an application is made for his registration as a British citizen”.
- (5) In subsection (4), after “subsection (1)” insert “, (1A) ”.
- (6) After subsection (8) insert—

Changes to legislation: *Borders, Citizenship and Immigration Act 2009, Cross Heading: Acquisition of British citizenship by birth is up to date with all changes known to be in force on or before 22 April 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*

“(9) The relevant day for the purposes of subsection (1A) or (3A) is the day appointed for the commencement of section 42 of the Borders, Citizenship and Immigration Act 2009 (which inserted those subsections).”

Commencement Information

II S. 42 in force at 13.1.2010 by S.I. 2009/2731, art. 4(a)

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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. 54A(3A)(3B) inserted by [2023 c. 37 s. 14](#)