



# Borders, Citizenship and Immigration Act 2009

## 2009 CHAPTER 11

### PART 2

#### CITIZENSHIP

##### *Acquisition of British citizenship etc. by registration*

#### **45 Descent through the female line**

- (1) Section 4C of the British Nationality Act 1981 (the title to which becomes “Acquisition by registration: certain persons born before 1983”) is amended as follows.
- (2) In subsection (2), omit “after 7th February 1961 and”.
- (3) For subsection (3) substitute—
  - “(3) The second condition is that the applicant would at some time before 1st January 1983 have become a citizen of the United Kingdom and Colonies—
    - (a) under section 5 of, or paragraph 3 of Schedule 3 to, the 1948 Act if assumption A had applied,
    - (b) under section 12(3), (4) or (5) of that Act if assumption B had applied and as a result of its application the applicant would have been a British subject immediately before 1st January 1949, or
    - (c) under section 12(2) of that Act if one or both of the following had applied—
      - (i) assumption A had applied;
      - (ii) assumption B had applied and as a result of its application the applicant would have been a British subject immediately before 1st January 1949.

(3A) Assumption A is that—

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*Status: This is the original version (as it was originally enacted).*

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- (a) section 5 or 12(2) of, or paragraph 3 of Schedule 3 to, the 1948 Act (as the case may be) provided for citizenship by descent from a mother in the same terms as it provided for citizenship by descent from a father, and
  - (b) references in that provision to a father were references to the applicant's mother.
- (3B) Assumption B is that—
  - (a) a provision of the law at some time before 1st January 1949 which provided for a nationality status to be acquired by descent from a father provided in the same terms for its acquisition by descent from a mother, and
  - (b) references in that provision to a father were references to the applicant's mother.
- (3C) For the purposes of subsection (3B), a nationality status is acquired by a person ("P") by descent where its acquisition—
  - (a) depends, amongst other things, on the nationality status of one or both of P's parents, and
  - (b) does not depend upon an application being made for P's registration as a person who has the status in question.
- (3D) For the purposes of subsection (3), it is not to be assumed that any registration or other requirements of the provisions mentioned in that subsection or in subsection (3B) were met."
- (4) After subsection (4) insert—
  - "(5) For the purposes of the interpretation of section 5 of the 1948 Act in its application in the case of assumption A to a case of descent from a mother, the reference in the proviso to subsection (1) of that section to "a citizen of the United Kingdom and Colonies by descent only" includes a reference to a female person who became a citizen of the United Kingdom and Colonies by virtue of—
    - (a) section 12(2), (4) or (6) only of the 1948 Act,
    - (b) section 13(2) of that Act,
    - (c) paragraph 3 of Schedule 3 to that Act, or
    - (d) section 1(1)(a) or (c) of the British Nationality (No. 2) Act 1964."