British Nationality Act 1948

1948 CHAPTER 56

PART I

BRITISH NATIONALITY

1 British nationality by virtue of citizenship

(1) Every person who under this Act is a citizen of the United Kingdom and Colonies or who under any enactment for the time being in force in any country mentioned in subsection (3) of this section is a citizen of that country shall by virtue of that citizenship have the status of a British subject.

(2) Any person having the status aforesaid may be known either as a British subject or as a Commonwealth citizen; and accordingly in this Act and in any other enactment or instrument whatever, whether passed, or made before or after the commencement of this Act, the expression "British subject" and the expression "Commonwealth citizen" shall have the same meaning.

(3) The following are the countries hereinbefore referred to, that is to say, Canada, Australia, New Zealand, the Union of South Africa, Newfoundland, India, Pakistan, Southern Rhodesia and Ceylon.

2 Continuation of certain citizens of Eire as British subjects

(1) Any citizen of Eire who immediately before the commencement of this Act was also a British subject shall not by reason of anything contained in section one of this Act be deemed to have ceased to be a British subject if at any time he gives notice in writing to the Secretary of State claiming to remain a British subject on all or any of the following grounds, that is to say—

(a) that he is or has been in Crown service under His Majesty's government in the United Kingdom;

(b) that he is the holder of a British passport issued by His Majesty's government in the United Kingdom or the government of any colony, protectorate, United Kingdom mandated territory or United Kingdom trust territory;
(c) that he has associations by way of descent, residence or otherwise with the
United Kingdom or with any colony or protectorate or any such territory as
aforesaid.

(2) A claim under the foregoing subsection may be made on behalf of a child who has
not attained the age of sixteen years by any person who satisfies the Secretary of State
that he is a parent or guardian of the child.

(3) If by any enactment for the time being in force in any country mentioned in
subsection (3) of section one of this Act provision corresponding to the foregoing
provisions of this section is made for enabling citizens of Eire to claim to remain
British subjects, any person who by virtue of that enactment is a British subject shall
be deemed also to be a British subject by virtue of this section.

3 Limitation of criminal liability of citizens of countries mentioned in s. 1 (3) and
Eire. Status of citizens of Eire and British protected persons

(1) A British subject or citizen of Eire who is not a citizen of the United Kingdom and
Colonies shall not be guilty of an offence against the laws of any part of the United
Kingdom and Colonies or of any protectorate or United Kingdom trust territory by
reason of anything done or omitted in any country mentioned in subsection (3) of
section one of this Act or in Eire or in any foreign country, unless—

(a) the act or omission would be an offence if he were an alien ; and

(b) in the case of an act or omission in any country mentioned in subsection (3)
of section one of this Act or in Eire, it would be an offence if the country in
which the act is done or the omission made were a foreign country :
Provided that nothing in this subsection shall apply to the contravention of any
provision of the Merchant Shipping Acts, 1894 to 1948.

(2) Subject to the provisions of this section, any law in force in any part of the United
Kingdom and Colonies or in, any protectorate or United Kingdom trust territory at the
date of the commencement of this Act, whether by virtue of a rule of law or of an Act
of Parliament or any other enactment or instrument whatsoever, and any law which by
virtue of any Act of Parliament passed before that date comes into force in any such
place as aforesaid on or after that date, shall, until provision to the contrary is made
by the authority having power to alter that law, continue to have effect in relation to
citizens of Eire who are not British subjects in like manner as it has effect in relation
to British subjects.

(3) In the Aliens Restriction Acts, 1914 and 1919, and in any order made thereunder the
expression " alien " shall not include a British protected person.