

Changes to legislation: British Nationality Act 1981, SCHEDULE 7 is up to date with all changes known to be in force on or before 23 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

SCHEDULES

^{X1}SCHEDULE 7

Section 52(6).

CONSEQUENTIAL AMENDMENTS

Editorial Information

- X1** The text of Sch. 7 is in the form in which it was originally enacted: it was not wholly reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

ACT OF SETTLEMENT (12 & 13 Will. 3. c. 2.)

[^{F1}In section 3, the words from “That after the said limitation shall take effect” to “in trust for him” (which impose certain disqualifications) shall not apply to Commonwealth citizens or citizens of the Republic of Ireland.]

Textual Amendments

- F1** Sch. 7: entry relating to Act of Settlement repealed (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 18(7), 74(2), 77, Sch. 2; S.I. 2006/3412, art. 3, Sch. 1 para. 14(e)(cc)(iv) (subject to art. 6, Sch. 2); S.I. 2008/1316, arts. 2(2), 4(aa)(i) (which repeal applies only so far as the modification relates to membership of the House of Commons, or anything from which a person is disqualified by virtue of a disqualification from membership of that House, by virtue of Constitutional Reform and Governance Act 2010 (c. 25), ss. 47, 52)

LEGITIMACY DECLARATION ACT 1858 (c. 93)

In section 9 (declaration that person is a subject of Her Majesty in Scottish action of declarator) for “subject of Her Majesty” substitute “ Commonwealth citizen ”.

SUBMARINE TELEGRAPH ACT 1885 (c. 49)

In section 3(5) (offence for a subject of Her Majesty to abet breaking or injuring of submarine cable outside dominions), for “a subject of Her Majesty” substitute “ a Commonwealth citizen ”.

BRITISH NATIONALITY ACT 1948 (c. 56)

In section 3 (limitation of criminal liability of citizens of certain countries), after subsection (3) insert—

- “(4) In this section “foreign country” and “British protected person” have the same meaning as in the British Nationality Act 1981.”.

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IRELAND ACT 1949 (c. 41)

1 In section 3(1)(a) (certain provisions not affected by fact that Republic of Ireland is not part of Her Majesty’s dominions), for sub-paragraph (i) (which lists the British Nationality Act 1948) substitute—

“(i) section 3 of the British Nationality Act 1948 ;”

2 For section 7(2) (interpretation of references to protectorates etc. by reference to the 1948 Act) substitute—

“(2) In this Act “the United Kingdom” includes the Channel Islands and the Isle of Man.”

F²DEFAMATION ACT 1952 (c. 66)

Textual Amendments

F2 [Sch. 7](#): entry relating to the Defamation Act 1952 repealed (in force on 4.9.1996 so far as consequential on ss. 1, 5, 6, 12, 13, 16 of the repealing Act and 1.4.1999 so far as consequential on ss. 14, 15, 17, Sch. 1 of the repealing Act and wholly in force for S. on 31.3.2001 and wholly in force for N.I. on 6.1.2010) by [1996 c. 31, ss. 19, 31, Sch. 2](#) (with [s. 20\(2\)](#)); [S.I. 1999/817, art. 2](#); [S.S.I. 2001/98, art. 3\(b\)\(i\)](#) (with [art. 4](#)); [S.I. 2009/2858, art. 3](#)

In Part III of the Schedule (interpretation), in paragraph 14, for “subsection (3) of section one of that Act” substitute “ Schedule 3 to the British Nationality Act 1981 ”.]

F³DEFAMATION ACT (NORTHERN IRELAND) 1955 (c. 11) (N.I.)

Textual Amendments

F3 [Sch. 7](#): entry relating to the Defamation Act (Northern Ireland) 1955 repealed (in force on 4.9.1996 so far as consequential on ss. 1, 5, 6, 12, 13, 16 of the repealing Act and 1.4.1999 so far as consequential on ss. 14, 15, 17, Sch. 1 of the repealing Act and wholly in force for S. on 31.3.2001 and wholly in force for N.I. on 6.1.2010) by [1996 c. 31, ss. 16, 19\(2\), Sch. 2](#) (with [s. 20\(2\)](#)); [S.I. 1999/817, art. 2](#); [S.S.I. 2001/98, art. 3\(b\)\(i\)](#) (with [art. 4](#)); [S.I. 2009/2858, art. 3](#)

In Part III of the Schedule (interpretation), in paragraph 14, for “subsection (3) of section one of that Act” substitute “ Schedule 3 to the British Nationality Act 1981 ”.]

CYPRUS ACT 1960 (c. 52)

In section 6(1) (power to remove Republic of Cyprus from section 1(3) of 1948 Act), for the words from “specified” onwards substitute “ mentioned in Schedule 3 to the British Nationality Act 1981, Her Majesty may by Order in Council remove the Republic of Cyprus from that Schedule. ”.

EMERGENCY LAWS (RE-ENACTMENTS AND REPEALS) ACT 1964 (c. 60)

In section 9 (territorial extent of Part I), in subsection (2)—

(a) in the definition of “British protected person”, for “section 1(3) of the British Nationality Acts 1948 to 1964” substitute “ the British Nationality Act 1981 ” ; and

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- (b) in the definition of “excepted ship or aircraft”, for “section 1(3) of the British Nationality Act 1948” substitute “ Schedule 3 to the British Nationality Act 1981 ”.

DIPLOMATIC PRIVILEGES ACT 1964 (c. 81)

For section 3(2) (disregard, in connection with citizenship of children of certain persons possessing diplomatic immunity, of Orders in Council withdrawing diplomatic privileges and immunities) substitute—

“(2) An Order in Council under this section shall be disregarded for the purposes of section 50(4) of the British Nationality Act 1981 (circumstances in which certain persons entitled to exemption under section 8(3) of the Immigration Act 1971 are to be regarded for the purposes of section 1(1) of the said Act of 1981 as settled in the United Kingdom).”.

COMMONWEALTH SECRETARIAT ACT 1966 (c. 10)

In Part II of the Schedule (staff of the Secretariat), in paragraphs 5(1) and 7, for “section 1(3) of the ^{M1}British Nationality Act 1948” substitute “ Schedule 3 to the British Nationality Act 1981 ”.

Marginal Citations

M1 1948 c. 56.

WEST INDIES ACT 1967 (c. 4)

- 1 In section 13(3) (power to make changes in nationality or citizenship law in certain events), for “citizens of the United Kingdom and Colonies” substitute “ [^{F4}British overseas territories citizens] or British Overseas citizens ”.

Textual Amendments

F4 Words in [Sch. 7](#) substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [s. 2\(2\)\(b\)](#)

- 2 In Schedule 3 (modifications of British Nationality Acts)—

- (a) for paragraph 4(3) substitute—

“(3) This paragraph applies to those functions of the Secretary of State under the British Nationality Act 1981 in the case of which he has power under section 43 of the Act to make arrangements for them to be exercised in a [^{F5}British overseas territory] which is for the time being a colony by the Governor ; and subsection (4) of that section (approval of the Secretary of State) shall apply in relation to a direction under this paragraph as it applies in relation to arrangements under that section.” ; and

- (b) in paragraph 6, for the words from “Section 26” to “1965)” substitute “ Section 44 of the British Nationality Act 1981 ”.

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Textual Amendments

F5 Words in [Sch. 7](#) substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [s.1\(1\)\(b\)](#)

MARINE BROADCASTING (OFFENCES) ACT 1967 (c. 41)

F6

Textual Amendments

F6 [Sch. 7](#): paragraph relating to Marine Broadcasting (Offences) Act 1967 repealed (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), ss. 124, 125(1), 126(2), [Sch. 9 Pt. 1](#) (with [Sch. 8 Pt. 1](#))

ANTARCTIC TREATY ACT 1967 (C. 65)

F7

Textual Amendments

F7 [Sch. 7](#): entry repealed (1.11.1995) by [1994 c. 15, s. 33, Sch.](#) ; [S.I. 1995/2748, art. 2](#)

Textual Amendments

F7 [Sch. 7](#): entry repealed (1.11.1995) by [1994 c. 15, s. 33, Sch.](#) ; [S.I. 1995/2748, art. 2](#)

FUGITIVE OFFENDERS ACT 1967 (c. 68)

F8

Textual Amendments

F8 Entry repealed by [Extradition Act 1989 \(c. 33, SIF 48\)](#), s. 37, [Sch. 2](#)

Textual Amendments

F8 Entry repealed by [Extradition Act 1989 \(c. 33, SIF 48\)](#), s. 37, [Sch. 2](#)

CONSULAR RELATIONS ACT 1968 (c. 18)

In section 1(2) (meaning of certain terms in Schedule 1), in the definition of “national of the receiving state”, for the words from “as” onwards substitute “as meaning—

- (a) a British citizen, a [^{F9}British overseas territories citizen] or a British Overseas citizen ; or
- (b) a person who under the British Nationality Act 1981 is a British subject ; or
- (c) a British protected person (within the meaning of that Act).”

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Textual Amendments

F9 Words in [Sch. 7](#) substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [s. 2\(2\)\(b\)](#)

Textual Amendments

F9 Words in [Sch. 7](#) substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [s. 2\(2\)\(b\)](#)

TANZANIA ACT 1969 (c. 29)

In section 4(3) (enactments excluded from power to apply statutory provisions to Tanzania), for “the British Nationality Acts” substitute “ the British Nationality Act 1981 ”.

INCOME AND CORPORATION TAXES ACT 1970 (c. 10)

F10
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Textual Amendments

F10 Entry repealed by [Income and Corporation Taxes Act 1988 \(c. 1, SIF 63:1\)](#), ss. 843, 844, [Sch. 31](#)

Textual Amendments

F10 Entry repealed by [Income and Corporation Taxes Act 1988 \(c. 1, SIF 63:1\)](#), ss. 843, 844, [Sch. 31](#)

MERCHANT SHIPPING ACT 1970 (c. 36)

- 1 In section 70(3) (meaning of “British seamen” in section 70), for “the British Nationality Act 1948” substitute “ the British Nationality Act 1981 ”.
- 2 In section 93(3) (meaning of “independent Commonwealth country” in section 93), for “section 1(3) of the British Nationality Act 1948” substitute “ Schedule 3 to the British Nationality Act 1981 ”.

F11
...

Textual Amendments

F11 Entry repealed by [Aviation Security Act 1982 \(c. 36, SIF 9\)](#), s. 40, [Sch. 3](#)

F12
...

Textual Amendments

F12 Entry repealed by [Civil Aviation Act 1982 \(c. 16, SIF 9\)](#), s. 109, [Sch. 16](#)

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F13

Textual Amendments

F13 Entry repealed by [Aviation Security Act 1982 \(c. 36, SIF 9\)](#), s. 40, [Sch. 3](#)

CHILDREN ACT 1975 (c. 72)

- 1 In Part II of Schedule 1 (adoption orders)—
- (a) in paragraph 7(2)(a), for “the British Nationality Acts 1948 to 1965” substitute “ the British Nationality Act 1981 ” ; and
 - (b) in paragraph 7(2)(d), for “citizenship of the United Kingdom and Colonies” substitute “ British citizenship, [^{F14}British overseas territories citizenship] or British Overseas citizenship. ”.

Textual Amendments

F14 Words in [Sch. 7](#) substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), s. 2(2)(a)

- 2 In Schedule 2 (status conferred in Scotland by adoption)—
- (a) in paragraph 1(4)(a), for “the British Nationality Acts 1948 to 1965” substitute “ the British Nationality Act 1981 ” ; and
 - (b) in paragraph 1(4)(d), for “citizenship of the United Kingdom and Colonies” substitute “ British citizenship, [^{F15}British overseas territories citizenship] or British Overseas citizenship. ”.

Textual Amendments

F15 Words in [Sch. 7](#) substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), s. 2(2)(a)

ADOPTION ACT 1976 (c. 36)

In section 47(2) (nationality enactments)—

- (a) in paragraph (a), for “the British Nationality Acts 1948 to 1965” substitute “ the British Nationality Act 1981 ” ; and
- (b) in paragraph (d), for “citizenship of the United Kingdom and Colonies” substitute “ British citizenship, [^{F16}British overseas territories citizenship] or British Overseas citizenship. ”.

Textual Amendments

F16 Words in [Sch. 7](#) substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), s. 2(2)(a)

Textual Amendments

F16 Words in [Sch. 7](#) substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), s. 2(2)(a)

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NATIONAL HEALTH SERVICE ACT 1977 (c. 49)

F17

Textual Amendments

F17 Sch. 7: entry for National Health Service Act 1977 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 4-6, 8, [Sch. 4](#) (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

SOLOMON ISLANDS ACT 1978 (c. 15)

In section 6 (construction of nationality provisions)—

- (a) in subsection (1), for “section 1(3) of the 1948 Act” substitute “Schedule 3 to the British Nationality Act 1981 ” ;
- (b) for subsection (2) substitute—

“(2) The following provisions of the British Nationality Act 1981, namely sections 45 (evidence), 46 (offences and proceedings), 48 (posthumous children) and 50 (interpretation) shall have effect for the purposes of sections 2 to 6 of this Act as if those sections of this Act were included in that Act.” ; and
- (c) in subsection (3), for “section 23(2) of the 1948 Act” substitute “ section 47(2) of the British Nationality Act 1981)” .

ADOPTION (SCOTLAND) ACT 1978 (c. 28)

In section 41(2) (nationality enactments)—

- (a) in paragraph (a), for “the British Nationality Acts 1948 to 1965” substitute “ the British Nationality Act 1981 ” ; and
- (b) in paragraph (d), for “citizenship of the United Kingdom and Colonies” substitute “ British citizenship, [^{F18}British overseas territories citizenship] or British Overseas citizenship. ”.

Textual Amendments

F18 Words in [Sch. 7](#) substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [s. 2\(2\)\(a\)](#)

Textual Amendments

F18 Words in [Sch. 7](#) substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [s. 2\(2\)\(a\)](#)

NATIONAL HEALTH SERVICE (SCOTLAND) ACT 1978 (c. 29)

In paragraph 3 of Schedule 10 (territorial extent)—

- (a) in the definition of “British protected person”, for “the British Nationality Acts 1948 to 1965” substitute “ the British Nationality Act 1981 ” ; and
- (b) in the definition of “excepted ship or aircraft”, for “section 1(3) of the ^{M2}British Nationality Act 1948” substitute “ Schedule 3 to the British Nationality Act 1981 ”.

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Marginal Citations

M2 1948 c. 56.

Marginal Citations

M2 1948 c. 56.

STATE IMMUNITY ACT 1978 (c. 33)

In section 4(5) (definition of “national of the United Kingdom”), for the words from “means” onwards substitute “means—

- (a) a British citizen, a [^{F19}British overseas territories citizen] or a British Overseas citizen ; or
- (b) a person who under the British Nationality Act 1981 is a British subject ; or
- (c) a British protected person (within the meaning of that Act)”.

Textual Amendments

F19 Words in [Sch. 7](#) substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 2\(2\)\(b\)](#)

Textual Amendments

F19 Words in [Sch. 7](#) substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 2\(2\)\(b\)](#)

DEEP SEA MINING (TEMPORARY PROVISIONS) ACT 1981 (c. 53)

1 In section 1 (prohibition of unlicensed deep sea mining)—

- (a) in subsection (4), for “citizen of the United Kingdom and Colonies” substitute “United Kingdom national” ;
- (b) in subsection (5)(a), for “citizens of the United Kingdom and Colonies” and “such citizens” substitute respectively “United Kingdom nationals” and “such nationals” ; and
- (c) in subsection (6), for the words from “and references” onwards substitute—

““United Kingdom national” means—

- (a) a British citizen, a [^{F20}British overseas territories citizen] or a British Overseas citizen ;
- (b) a person who under the British Nationality Act 1981 is a British subject ; or
- (c) a British protected person (within the meaning of that Act).”

Textual Amendments

F20 Words in [Sch. 7](#) substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 2\(2\)\(b\)](#)

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- 2 In section 14(3) (persons who may be guilty of offences under regulations), for “a citizen of the United Kingdom and Colonies” substitute “ a British citizen, a [^{F21}British overseas territories citizen] or a British Overseas citizen ”.

Textual Amendments

F21 Words in [Sch. 7](#) substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [s. 2\(2\)\(b\)](#)

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