British Nationality Act 1981

1981 CHAPTER 61

An Act to make fresh provision about citizenship and nationality, and to amend the Immigration Act 1971 as regards the right of abode in the United Kingdom. [30th October 1981]

Modifications etc. (not altering text)

C1 Act extended by British Nationality (Falkland Islands) Act 1983 (c. 6, SIF 87), **s. 3(1)**; restricted by British Nationality (Falkland Islands) Act 1983 (c. 6, SIF 87), **s. 3(2)**; amended by S.I. 1983/1699, **art. 2(1)** and amended by British Nationality (Hong Kong) Act 1990 (c. 34, SIF 87), **s. 2(1)**

C2 Act modified: (18.7.1996) by 1996 c. 41, **s. 2(1)**; (19.3.1997) by 1997 c. 20, **s. 2(1)**

C3 Act applied (19.3.1997) by 1997 c. 20, **s. 1(8)**

C4 Act amended (2.10.2000) by S.I. 2000/2326, **art. 8**

C5 Act modified (21.5.2002) by British Overseas Territories Act 2002 (c. 8), **s. 3(3)**; S.I. 2002/1252, **art. 2**

C6 Act modified (21.5.2002) by British Overseas Territories Act 2002 (c. 8), **s. 6(2)**; S.I. 2002/1252, **art. 2**

Act modified (21.5.2002) by British Overseas Territories Act 2002 (c. 8), **s. 6(4)**; S.I. 2002/1252, **art. 2**

Act modified (1.1.2004) by Nationality Immigration and Asylum Act 2002 (c. 41), **ss. 14**, 162 (with s. 159); S.I. 2003/3156, **art. 2(b)** (with arts. 3, 4)

Act modified (30.4.2006) by The Immigration (European Economic Area) Regulations 2006 (S.I. 2006/1003), **Sch. 2 para. 2**

Commencement Information

I1 Act partly in force at Royal Assent, see s. 53(2)(3); Act wholly in force at 1.1.1983, see S.I. 1982/933

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

PART I

BRITISH CITIZENSHIP

Acquisition after commencement

1 Acquisition by birth or adoption.

(1) A person born in the United Kingdom after commencement **[**[F1], or in a qualifying territory on or after the appointed day,**]** shall be a British citizen if at the time of the birth his father or mother is—

(a) a British citizen; or

(b) settled in the United Kingdom **[**[F2]or that territory**]**.

[[F3](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.**]**

(2) A new-born infant who, after commencement, is found abandoned in the United Kingdom **[**[F4], or on or after the appointed day is found abandoned in a qualifying territory,**]** shall, unless the contrary is shown, be deemed for the purposes of subsection (1)—

(a) to have been born in the United Kingdom after commencement **[**[F5]or in that territory on or after the appointed day**]**; and

(b) to have been born to a parent who at the time of the birth was a British citizen or settled in the United Kingdom **[**[F6]or that territory**]**.

(3) A person born in the United Kingdom after commencement who is not a British citizen by virtue of subsection (1) **[**[F7], (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 British citizen or becomes settled in the United Kingdom; and

(b) an application is made for his registration as a British citizen.

[[F8](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**]**

(4) A person born in the United Kingdom after commencement who is not a British citizen by virtue of subsection (1) **[**[F9], (1A)**]** or (2) shall be entitled, on an application for his registration as a British citizen made at any time after he has attained the age of ten years, to be registered as such a citizen if, as regards each of the first ten years of that person's life, the number of days on which he was absent from the United Kingdom in that year does not exceed 90.

[[F10](5) Where—

(a) any court in the United Kingdom **[**[F11]or, on or after the appointed day, any court in a qualifying territory**]** makes an order authorising the adoption of a minor who is not a British citizen; or

(b) a minor who is not a British citizen is adopted under a Convention adoption,

that minor shall, if the requirements of subsection (5A) are met, be a British citizen as from the date on which the order is made or the Convention adoption is effected, as the case may be **[**[F12]effected under the law of a country or territory outside the United Kingdom**]**.

(5A) Those requirements are that on the date on which the order is made or the Convention adoption is effected (as the case may be)—

(a) the adopter or, in the case of a joint adoption, one of the adopters is a British citizen; and

(b) in a case within subsection (5)(b), the adopter or, in the case of a joint adoption, both of the adopters are habitually resident in the United Kingdom **[**[F13]or in a designated territory**]**.**]**

(6) Where an order **[**[F14]or a Convention adoption**]**in consequence of which any person became a British citizen by virtue of subsection (5) ceases to have effect, whether on annulment or otherwise, the cesser shall not affect the status of that person as a British citizen.

(7) If in the special circumstances of any particular case the Secretary of State thinks fit, he may for the purposes of subsection (4) treat the person to whom the application relates as fulfilling the requirement specified in that subsection although, as regards any one or more of the first ten years of that person's life, the number of days on which he was absent from the United Kingdom in that year or each of the years in question exceeds 90.

(8) In this section and elsewhere in this Act "settled" has the meaning given by section 50 [F15] . . . .

[[F16](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).**]**

Textual Amendments

F1 Words in s. 1(1) inserted (21.5.2002) by British Overseas Territories Act 2002 (c. 8), **Sch. 1 para. 1(2)(a)**; S.I. 2002/1252, **art. 2**

F2 Words in s. 1(1)(b) inserted (21.5.2002) by British Overseas Territories Act 2002 (c. 8), **Sch. 1 para. 1(2)(b)**; S. I. 2002/1252, **art. 2**

F3 S. 1(1A) inserted (13.1.2010) by Borders, Citizenship and Immigration Act 2009 (c. 11), **ss. 42(2)**, 58; S.I. 2009/2731, **art. 4(a)**

F4 Words in s. 1(2) inserted (21.5.2002) by by British Overseas Territories Act 2002 (c. 8), **Sch. 1 para. 1(3)(a)**; S.I. 2002/1252, **art. 2**

F5 Words in s. 1(2)(a) inserted (21.5.2002) by by British Overseas Territories Act 2002 (c. 8), **Sch. 1 para. 1(3)(b)**; S.I. 2002/1252, **art. 2**

F6 Words in s. 1(2)(b) inserted (21.5.2002) by by British Overseas Territories Act 2002 (c. 8), **Sch. 1 para. 1(3)(c)**; S.I. 2002/1252, **art. 2**

F7 Word in s. 1(3) inserted (13.1.2010) by Borders, Citizenship and Immigration Act 2009 (c. 11), **ss. 42(3)**, 58; S.I. 2009/2731, **art. 4(a)**

F8 S. 1(3A) inserted (13.1.2010) by Borders, Citizenship and Immigration Act 2009 (c. 11), **ss. 42(4)**, 58; S.I. 2009/2731, **art. 4(a)**

F9 Words in s. 1(4) inserted (13.1.2010) by Borders, Citizenship and Immigration Act 2009 (c. 11), **ss. 42(5)**, 58; S.I. 2009/2731, **art. 4(a)**

F10 S. 1(5)(5A) substituted (1.6.2003) for s. 1(5) by 1999 c. 18, ss. 7(1), 18(3); S.I. 2003/362, **art. 2(a)**

F11 Words in s. 1(5) inserted (21.5.2002) by British Overseas Territories Act 2002 (c. 8), **Sch. 1 para. 1(4)**; S.I. 2002/1252, **art. 2**

F12 Words in s. 1(5)(b) inserted (30.12.2005) by Adoption and Children Act 2002 (c. 38), **ss. 137(4)(a)**, 148 (with Sch. 4 paras. 6-8); S.I. 2005/2213, **art. 2(m)**

F13 Words in s. 1(5A)(b) inserted (30.12.2005) by Adoption and Children Act 2002 (c. 38), **ss. 137(4)(b)**, 148 (with Sch. 4 paras. 6-8); S.I. 2005/2213, **art. 2(m)**

F14 Words in s. 1(6) inserted (1.6.2003) by 1999 c. 18, ss. 7(2), 18(3); S.I. 2003/362, **art. 2(a)**

F15 Words in s. 1(8) repealed (30.12.2005) by Adoption and Children Act 2002 (c. 38), ss. 137(4)(c), 139(3), 148, **Sch. 5** (with Sch. 4 paras. 2, 6-8); S.I. 2005/2213, **art. 2(m)**; S.I. 2005/2897, **art. 2(b)**

F16 S. 1(9) inserted (13.1.2010) by Borders, Citizenship and Immigration Act 2009 (c. 11), **ss. 42(6)**, 58; S.I. 2009/2731, **art. 4(a)**

Modifications etc. (not altering text)

C7 S. 1 modified (21.12.2018) by The Human Fertilisation and Embryology (Parental Orders) Regulations 2018 (S.I. 2018/1412), reg. 1(2), **Sch. 4 para. 10**

C8 S. 1(1) explained by S.I. 1972/1613, **art. 6** (as inserted by S.I. 1982/1649, **art. 3**)

C9 S. 1(3)(4) restricted (4.12.2006) by Immigration, Asylum and Nationality Act 2006 (c. 13), **ss. 58**, 62; S.I. 2006/2838, **art. 4(1)** (subject to art. 4(2))

C10 S. 1(5)(a) modified (6.4.2010) by The Human Fertilisation and Embryology (Parental Orders) Regulations 2010 (S.I. 2010/985), regs. 1(1), 5, **Sch. 4**

C11 S. 1(5A)(a) modified (6.4.2010) by The Human Fertilisation and Embryology (Parental Orders) Regulations 2010 (S.I. 2010/985), regs. 1(1), 5, **Sch. 4**

2 Acquisition by descent.

(1) A person born outside the United Kingdom **[**[F17]and the qualifying territories**]** after commencement shall be a British citizen if at the time of the birth his father or mother—

(a) is a British citizen otherwise than by descent; or

(b) is a British citizen and is serving outside the United Kingdom **[**[F18]and the qualifying territories**]** in service to which this paragraph applies, his or her recruitment for that service having taken place in the United Kingdom **[**[F19]or a qualifying territory**]**; or

(c) is a British citizen and is serving outside the United Kingdom **[**[F20]and the qualifying territories**]** in service under an **[**[F21]EU**]** institution, his or her recruitment for that service having taken place in a country which at the time of the recruitment was a member of **[**[F22]the European Union**]**.

(2) Paragraph (b) of subsection (1) applies to—

(a) Crown service under the government of the United Kingdom **[**[F23]or of a qualifying territory**]**; and

(b) service of any description for the time being designated under subsection (3).

(3) For the purposes of this section the Secretary of State may by order made by statutory instrument designate any description of service which he considers to be closely associated with the activities outside the United Kingdom **[**[F24]and the qualifying territories**]** of Her Majesty's government in the United Kingdom **[**[F25]or in a qualifying territory**]**.

(4) Any order made under subsection (3) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

Textual Amendments

F17 Words in s. 2(1) inserted (21.5.2002) by British Overseas Territories Act 2002 (c. 8), **Sch. 1 para. 2(1)(2)(a)**; S.I. 2002/1252, **art. 2**

F18 Words in s. 2(1)(b) inserted (21.5.2002) by British Overseas Territories Act 2002 (c. 8), **Sch. 1 para. 2(1)(2)(b)**; S.I. 2002/1252, **art. 2**

F19 Words in s. 2(1)(b) inserted (21.5.2002) by British Overseas Territories Act 2002 (c. 8), **Sch. 1 para. 2(1)(2)(b)**; S.I. 2002/1252, **art. 2**

F20 Words in s. 2(1)(c) inserted (21.5.2002) by British Overseas Territories Act 2002 (c. 8), **Sch. 1 para. 2(1)(2)(c)**; S.I. 2002/1252, **art. 2**

F21 Words in Act substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, **3**, 6 (with arts. 3(2)(3)6(4)(5))

F22 Words in Act substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, **3**, 4 (with arts. 3(2)(3),4(2))

F23 Words in s. 2(2)(a) inserted (21.5.2002) by British Overseas Territories Act 2002 (c. 8), **Sch. 1 para. 2(1)(3)**; S.I. 2002/1252, **art. 2**

F24 Words in s. 2(3) inserted (21.5.2002) by British Overseas Territories Act 2002 (c. 8), **Sch. 1 para. 2(1)(4)(a)**; S.I. 2002/1252, **art. 2**

F25 Words in s. 2(3) inserted (21.5.2002) by British Overseas Territories Act 2002 (c. 8), **Sch. 1 para. 2(1)(4)(b)**; S.I. 2002/ 1252, {art. 2}

3 Acquisition by registration: minors.

(1) If while a person is a minor an application is made for his registration as a British citizen, the Secretary of State may, if he thinks fit, cause him to be registered as such a citizen.

(2) A person born outside the United Kingdom **[**[F26]and the qualifying territories**]** shall be entitled, on an application for his registration as a British citizen made **[**[F27]while he is a minor**]**, to be registered as such a citizen if the requirements specified in subsection (3) or, in the case of a person born stateless, the requirements specified in paragraphs (a) and (b) of that subsection, are fulfilled in the case of either that person's father or his mother ("the parent in question").

(3) The requirements referred to in subsection (2) are—

(a) that the parent in question was a British citizen by descent at the time of the birth; and

(b) that the father or mother of the parent in question—

(i) was a British citizen otherwise than by descent at the time of the birth of the parent in question; or

(ii) became a British citizen otherwise than by descent at commencement, or would have become such a citizen otherwise than by descent at commencement but for his or her death; and

(c) that, as regards some period of three years ending with a date not later than the date of the birth—

(i) the parent in question was in the United Kingdom **[**[F28]or a qualifying territory**]** at the beginning of that period; and

(ii) the number of days on which the parent in question was absent from the United Kingdom **[**[F29]and the qualifying territories**]** in that period does not exceed 270.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

(4) [F30] . . . . . .

(5) A person born outside the United Kingdom **[**[F31]and the qualifying territories**]** shall be entitled, on an application for his registration as a British citizen made while he is a minor, to be registered as such a citizen if the following requirements are satisfied, namely—

(a) that at the time of that person's birth his father or mother was a British citizen by descent; and

(b) subject to subsection (6), that that person and his father and mother were in the United Kingdom **[**[F32]or a qualifying territory**]** at the beginning of the period of three years ending with the date of the application and that, in the case of each of them, the number of days on which the person in question was absent from the United Kingdom **[**[F33]and the qualifying territories**]** in that period does not exceed 270; and

(c) subject to subsection (6), that the consent of his father and mother to the registration has been signified in the prescribed manner.

(6) In the case of an application under subsection (5) for the registration of a person as a British citizen—

(a) if his father or mother died, or their marriage **[**[F34]or civil partnership**]** was terminated, on or before the date of the application, or his father and mother were legally separated on that date, the references to his father and mother in paragraph (b) of that subsection shall be read either as references to his father or as references to his mother; **[**[F35] and**]**

(b) if his father or mother died on or before that date, the reference to his father and mother in paragraph (c) of that subsection shall be read as a reference to either of them; [F36]...

[F37](c) . . . . . .

Textual Amendments

F26 Words in s. 3(2) inserted (21.5.2002) by British Overseas Territories Act 2002 (c. 8), **Sch. 1 para. 3(1)(2)**; S.I. 2002/1252, **art. 2**

F27 Words in s. 3(2) substituted (13.1.2010) by Borders, Citizenship and Immigration Act 2009 (c. 11), **ss. 43(2)**, 58; S.I. 2009/2731, **art. 4(b)**

F28 Words in s. 3(3)(c)(i) inserted (21.5.2002) by British Overseas Territories Act 2002 (c. 8), **Sch. 1 para. 3(1)(3)(a)**; S.I. 2002/1252, **art. 2**

F29 Words in s. 3(3)(c)(ii) inserted (21.5.2002) by British Overseas Territories Act 2002 (c. 8), **Sch. 1 para. 3(1)(3)(b)**; S.I. 2002/1252, **art. 2**

F30 S. 3(4) repealed (13.1.2010) by Borders, Citizenship and Immigration Act 2009 (c. 11), ss. 43(3), 56, 58, **Sch. Pt. 2**; S.I. 2009/2731, **art. 4(i)(j)**

F31 Words in s. 3(5) inserted (21.5.2002) by British Overseas Territories Act 2002 (c. 8), **Sch. 1 para. 3(1)(4)(a)**; S.I. 2002/1252, **art. 2**

F32 Words in s. 3(5)(b) inserted (21.5.2002) by British Overseas Territories Act 2002 (c. 8), **Sch. 1 para. 3(1)(4)(b)**; S.I. 2002/1252, **art. 2**

F33 Words in s. 3(5)(b) inserted (21.5.2002) by British Overseas Territories Act 2002 (c. 8), **Sch. 1 para. 3(1)(4)(b)**; S.I. 2002/1252, **art. 2**

F34 Words in s. 3(6)(a) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 261(1), 263, **Sch. 27 para. 71**; S.I. 2005/3175, **art. 2(2)** (subject to art. 2(3)-(5))

F35 Word in s. 3(6) inserted (1.7.2006 with effect as mentioned in s. 162(5) of the amending Act) by Nationality, Immigration and Asylum Act 2002 (c. 41), **ss. 9(2)(a)**, 162 (with s. 159); S.I. 2006/1498, **arts. 2(b)**, 3

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

F36 Word in s. 3(6)(b) ceased to have effect (1.7.2006 with effect as mentioned in s. 162(5) of the amending Act) and repealed (prosp.) by Nationality, Immigration and Asylum Act 2002 (c. 41), **ss. 9(2)(b)**, 161, 162, **Sch. 9** (with s. 159); S.I. 2006/1498, **arts. 2(b)**, 3

F37 S. 3(6)(c) ceased to have effect (1.7.2006 with effect as mentioned in s. 162(5) of the amending Act) and repealed (prosp.) by Nationality, Immigration and Asylum Act 2002 (c. 41), **ss. 9(2)(c)**, 161, 162, **Sch. 9** (with s. 159); S.I. 2006/1498, **arts. 2(b)**, 3

Modifications etc. (not altering text)

C12 S. 3(1) restricted (4.12.2006) by Immigration, Asylum and Nationality Act 2006 (c. 13), **ss. 58**, 62; S.I. 2006/2838, **art. 4(1)** (subject to art. 4(2))

C13 S. 3(5) restricted (4.12.2006) by Immigration, Asylum and Nationality Act 2006 (c. 13), **ss. 58**, 62; S.I. 2006/2838, **art. 4(1)** (subject to art. 4(2))

4 Acquisition by registration: [F38British overseas territories citizens]etc.

(1) This section applies to any person who is a **[**F39British overseas territories citizen**]**, **[**F40a British National (Overseas),**]** a British Overseas citizen, a British subject under this Act or a British protected person.

(2) A person to whom this section applies shall be entitled, on an application for his registration as a British citizen, to be registered as such a citizen if the following requirements are satisfied in the case of that person, namely—

(a) subject to subsection (3), that he was in the United Kingdom at the beginning of the period of five years ending with the date of the application and that the number of days on which he was absent from the United Kingdom in that period does not exceed 450; and

(b) that the number of days on which he was absent from the United Kingdom in the period of twelve months so ending does not exceed 90; and

(c) that he was not at any time in the period of twelve months so ending subject under the immigration laws to any restriction on the period for which he might remain in the United Kingdom; and

(d) that he was not at any time in the period of five years so ending in the United Kingdom in breach of the immigration laws.

(3) So much of subsection (2)(a) as requires the person in question to have been in the United Kingdom at the beginning of the period there mentioned shall not apply in relation to a person who was settled in the United Kingdom immediately before commencement.

(4) If in the special circumstances of any particular case the Secretary of State thinks fit, he may for the purposes of subsection (2) do all or any of the following things, namely—

(a) treat the person to whom the application relates as fulfilling the requirement specified in subsection (2)(a) or subsection (2)(b), or both, although the number of days on which he was absent from the United Kingdom in the period there mentioned exceeds the number there mentioned;

(b) disregard any such restriction as is mentioned in subsection (2)(c), not being a restriction to which that person was subject on the date of the application;

(c) treat that person as fulfilling the requirement specified in subsection (2)(d) although he was in the United Kingdom in breach of the immigration laws in the period there mentioned.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

(5) If, on an application for registration as a British citizen made by a person to whom this section applies, the Secretary of State is satisfied that the applicant has at any time served in service to which this subsection applies, he may, if he thinks fit in the special circumstances of the applicant's case, cause him to be registered as such a citizen.

(6) Subsection (5) applies to—

(a) Crown service under the government of a **[**[F41]British overseas territory**]**; and

(b) paid or unpaid service (not falling within paragraph (a)) as a member of any body established by law in a **[**[F41]British overseas territory**]** members of which are appointed by or on behalf of the Crown.

Textual Amendments

F38 Words in s. 4 sidenote substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 2(2)(b)**

F39 Words in s. 4(1) substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 2(2)(b)**

F40 By S.I. 1986/948, **art. 7(2)** it is provided that s. 4(1) shall have effect as if after the words "British Dependent Territories citizen," there were inserted the words "a British National (Overseas),"

F41 Words in s. 4(6) substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), {s. 1(1)((b)}

Modifications etc. (not altering text)

C14 S. 4(2)(4) modified (7.11.2002, partly retrospective) by Nationality, Immigration and Asylum Act 2002 (c. 41), **s. 11**

C15 S. 4(2) restricted (4.12.2006) by Immigration, Asylum and Nationality Act 2006 (c. 13), **ss. 58**, 62; S.I. 2006/2838, **art. 4(1)** (subject to art. 4(2))

C16 S. 4(2)(4) modified (7.11.2002, partly retrospective) by Nationality, Immigration and Asylum Act 2002 (c. 41), **s. 11**

C17 S. 4(5) restricted (4.12.2006) by Immigration, Asylum and Nationality Act 2006 (c. 13), **ss. 58**, 62; S.I. 2006/2838, **art. 4(1)** (subject to art. 4(2))

[[F42]4A Acquisition by registration: further provision for British overseas territories citizens

(1) If an application is made to register as a British citizen a person who is a British overseas territories citizen, the Secretary of State may if he thinks fit cause the person to be so registered.

(2) Subsection (1) does not apply in the case of a British overseas territories citizen who—

(a) is such a citizen by virtue only of a connection with the Sovereign Base Areas of Akrotiri and Dhekelia; or

(b) has ceased to be a British citizen as a result of a declaration of renunciation.**]**

Textual Amendments

F42 S. 4A inserted (21.5.2002) by the British Overseas Territories Act 2002 (c. 8), **s. 4**; S.I. 2002/1252, **art. 2**

Modifications etc. (not altering text)

C18 S. 4A restricted (4.12.2006) by Immigration, Asylum and Nationality Act 2006 (c. 13), **ss. 58**, 62; S.I. 2006/2838, **art. 4(1)** (subject to art. 4(2))

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

[[F43]4B Acquisition by registration: certain persons without other citizenship

(1) This section applies to a person who has the status of—

(a) British Overseas citizen,

(b) British subject under this Act, [F44]. . .

(c) British protected person.**[**[F45], or

(d) British National (Overseas)**]**

(2) A person to whom this section applies shall be entitled to be registered as a British citizen if—

(a) he applies for registration under this section,

(b) the Secretary of State is satisfied that the person does not have, apart from the status mentioned in subsection (1), any citizenship or nationality, and

(c) the Secretary of State is satisfied that the person has not after **[**[F46]the relevant day**]** renounced, voluntarily relinquished or lost through action or inaction any citizenship or nationality

[F47]**[** (3) For the purposes of subsection (2)(c), the " relevant day " means—

(a) in the case of a person to whom this section applies by virtue of subsection (1)(d) only, 19th March 2009, and

(b) in any other case, 4th July 2002.**]]**

Textual Amendments

F43 S. 4B inserted (30.4.2003) by Nationality, Immigration and Asylum Act 2002 (c. 41), **ss. 12(1)**, 162 (with s. 159); S.I. 2003/754, **art. 2(1)**, Sch. 1 (with arts. 3, 4, Sch. 2 (as amended by S.I. 2003/1040, art. 2 and S.I. 2003/1339, art. 4))

F44 Word in s. 4B(1) repealed (13.1.2010) by Borders, Citizenship and Immigration Act 2009 (c. 11), ss. 44(2)(a), 56, 58, **Sch. Pt. 2**; S.I. 2009/2731, **art. 4(c)(i)(j)**

F45 S. 4B(1)(d) and preceding word inserted (13.1.2010) by Borders, Citizenship and Immigration Act 2009 (c. 11), **ss. 44(2)(b)**, 56, 58; S.I. 2009/2731, **art. 4(c)**

F46 Words in s. 4B(2)(c) substituted (13.1.2010) by Borders, Citizenship and Immigration Act 2009 (c. 11), **ss. 44(3)**, 56, 58; S.I. 2009/2731, **art. 4(c)**

F47 S. 4B(3) inserted (13.1.2010) by Borders, Citizenship and Immigration Act 2009 (c. 11), **ss. 44(4)**, 58; S.I. 2009/2731, **art. 4(c)**

[[F48]4C [[F49]Acquisition by registration: certain persons born before 1983]

(1) A person is entitled to be registered as a British citizen if—

(a) he applies for registration under this section, and

(b) he satisfies each of the following conditions.

(2) The first condition is that the applicant was born [F50]. . . before 1st January 1983.

[[F51](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

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

(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—
  (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) The third condition is that immediately before 1st January 1983 the applicant would have had the right of abode in the United Kingdom by virtue of section 2 of the Immigration Act 1971 (c. 77) had he become a citizen of the United Kingdom and Colonies as described in subsection (3) above.

F52 **[** (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.**]]**

Textual Amendments

F48 S. 4C inserted (30.4.2003) by Nationality, Immigration and Asylum Act 2002 (c. 41), **ss. 13(1)**, 162 (with s. 159); S.I. 2003/754, **art. 2(1)**, Sch. 1 (with arts. 3, 4, Sch. 2 (as amended by S.I. 2003/1040, art. 2 and S.I. 2003/1339, art. 4))

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

F49 S. 4C title substituted (13.1.2010) by virtue of Borders, Citizenship and Immigration Act 2009 (c. 11), **ss. 45(1)**, 58; S.I. 2009/2731, **art. 4(d)**

F50 Words in s. 4C(2) repealed (13.1.2010) by Borders, Citizenship and Immigration Act 2009 (c. 11), ss. 45(2), 56, 58, **Sch. Pt. 2**; S.I. 2009/2731, **art. 4(d)(i)(j)**

F51 S. 4C(3)-(3D) substituted (13.1.2010) for s. 4C(3) by Borders, Citizenship and Immigration Act 2009 (c. 11), **ss. 45(3)**, 58; S.I. 2009/2731, **art. 4(d)**

F52 S. 4C(5) inserted (13.1.2010) by Borders, Citizenship and Immigration Act 2009 (c. 11), **ss. 45(4)**, 58; S.I. 2009/2731, **art. 4(d)**

Modifications etc. (not altering text)

C19 S. 4C restricted (4.12.2006) by Immigration, Asylum and Nationality Act 2006 (c. 13), **ss. 58**, 62; S.I. 2006/2838, **art. 4(1)** (subject to art. 4(2))

[F53 4D Acquisition by registration: children of members of the armed forces

(1) A person ("P") born outside the United Kingdom and the qualifying territories on or after the relevant day is entitled to be registered as a British citizen if—

(a) an application is made for P's registration under this section; and

(b) each of the following conditions is satisfied.

(2) The first condition is that, at the time of P's birth, P's father or mother was—

(a) a member of the armed forces; and

(b) serving outside the United Kingdom and the qualifying territories.

(3) The second condition is that, if P is a minor on the date of the application, the consent of P's father and mother to P's registration as a British citizen has been signified in the prescribed manner.

(4) But if P's father or mother has died on or before the date of the application, the reference in subsection (3) to P's father and mother is to be read as a reference to either of them.

(5) The Secretary of State may, in the special circumstances of a particular case, waive the need for the second condition to be satisfied.

(6) The relevant day for the purposes of this section is the day appointed for the commencement of section 46 of the Borders, Citizenship and Immigration Act 2009 (which inserted this section).**]**

Textual Amendments

F53 S. 4D inserted (13.1.2010) by Borders, Citizenship and Immigration Act 2009 (c. 11), **ss. 46**, 58; S.I. 2009/2731, **art. 4(e)**

[F54 4E The general conditions

For the purposes of sections 4F to 4I, a person ("P") meets the general conditions if—

(a) P was born before 1 July 2006;

(b) at the time of P's birth, P's mother—

(i) was not married, or

(ii) was married to a person other than P's natural father;

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

(c) no person is treated as the father of P under section 28 of the Human Fertilisation and Embryology Act 1990; and

(d) P has never been a British citizen.

Textual Amendments

F54 Ss. 4E-4J inserted (6.4.2015) by Immigration Act 2014 (c. 22), **ss. 65**, 75(3); S.I. 2015/371, art. 4(b)

4F Person unable to be registered under other provisions of this Act

(1) A person ("P") is entitled to be registered as a British citizen on an application made under this section if—

(a) P meets the general conditions; and

(b) P would be entitled to be registered as a British citizen under—

(i) section 1(3),

(ii) section 3(2),

(iii) section 3(5),

(iv) paragraph 4 of Schedule 2, or

(v) paragraph 5 of Schedule 2,

had P's mother been married to P's natural father at the time of P's birth.

(2) In the following provisions of this section "relevant registration provision" means the provision under which P would be entitled to be registered as a British citizen (as mentioned in subsection (1)(b)).

(3) If the relevant registration provision is section 3(2), a person who is registered as a British citizen under this section is a British citizen by descent.

(4) If the relevant registration provision is section 3(5), the Secretary of State may, in the special circumstances of the particular case, waive the need for any or all of the parental consents to be given.

(5) For that purpose, the "parental consents" are—

(a) the consent of P's natural father, and

(b) the consent of P's mother,

insofar as they would be required by section 3(5)(c) (as read with section 3(6)(b)), had P's mother been married to P's natural father at the time of P's birth.

Textual Amendments

F54 Ss. 4E-4J inserted (6.4.2015) by Immigration Act 2014 (c. 22), **ss. 65**, 75(3); S.I. 2015/371, art. 4(b)

4G Person unable to become citizen automatically after commencement

(1) A person ("P") is entitled to be registered as a British citizen on an application made under this section if—

(a) P meets the general conditions; and

(b) at any time in the period after commencement, P would have automatically become a British citizen at birth by the operation of any provision of this Act

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

or the British Nationality (Falkland Islands) Act 1983, had P's mother been married to P's natural father at the time of P's birth.

(2) A person who is registered as a British citizen under this section is a British citizen by descent if the British citizenship which the person would have acquired at birth (as mentioned in subsection (1)(b)) would (by virtue of section 14) have been British citizenship by descent.

(3) If P is under the age of 18, no application may be made unless the consent of P's natural father and mother to the registration has been signified in the prescribed manner.

(4) But if P's natural father or mother has died on or before the date of the application, the reference in subsection (3) to P's natural father and mother is to be read as a reference to either of them.

(5) The Secretary of State may, in the special circumstances of a particular case, waive the need for any or all of the consents required by subsection (3) (as read with subsection (4)) to be given.

(6) The reference in this section to the period after commencement does not include the time of commencement (and, accordingly, this section does not apply to any case in which a person was unable to become a British citizen at commencement).

Textual Amendments

F54 Ss. 4E-4J inserted (6.4.2015) by Immigration Act 2014 (c. 22), **ss. 65**, 75(3); S.I. 2015/371, art. 4(b)

4H Citizen of UK and colonies unable to become citizen at commencement

(1) A person ("P") is entitled to be registered as a British citizen on an application made under this section if—

(a) P meets the general conditions;

(b) P was a citizen of the United Kingdom and Colonies immediately before commencement; and

(c) P would have automatically become a British citizen at commencement, by the operation of any provision of this Act, had P's mother been married to P's natural father at the time of P's birth.

(2) A person who is registered as a British citizen under this section is a British citizen by descent if the British citizenship which the person would have acquired at commencement (as mentioned in subsection (1)(c)) would (by virtue of section 14) have been British citizenship by descent.

Textual Amendments

F54 Ss. 4E-4J inserted (6.4.2015) by Immigration Act 2014 (c. 22), **ss. 65**, 75(3); S.I. 2015/371, art. 4(b)

4I Other person unable to become citizen at commencement

(1) A person ("P") is entitled to be registered as a British citizen on an application made under this section if—

(a) P meets the general conditions;

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

(b) P is either—

(i) an eligible former British national, or

(ii) an eligible non-British national; and

(c) had P's mother been married to P's natural father at the time of P's birth, P—

(i) would have been a citizen of the United Kingdom and Colonies immediately before commencement, and

(ii) would have automatically become a British citizen at commencement by the operation of any provision of this Act.

(2) P is an "eligible former British national" if P was not a citizen of the United Kingdom and Colonies immediately before commencement and either—

(a) P ceased to be a British subject or a citizen of the United Kingdom and Colonies by virtue of the commencement of any independence legislation, but would not have done so had P's mother been married to P's natural father at the time of P's birth, or

(b) P was a British subject who did not automatically become a citizen of the United Kingdom and Colonies at commencement of the British Nationality Act 1948 by the operation of any provision of it, but would have done so had P's mother been married to P's natural father at the time of P's birth.

(3) P is an "eligible non-British national" if—

(a) P was never a British subject or citizen of the United Kingdom and Colonies; and

(b) had P's mother been married to P's natural father at the time of P's birth, P would have automatically become a British subject or citizen of the United Kingdom and Colonies—

(i) at birth, or

(ii) by virtue of paragraph 3 of Schedule 3 to the British Nationality Act 1948 (child of male British subject to become citizen of the United Kingdom and Colonies if the father becomes such a citizen).

(4) A person who is registered as a British citizen under this section is a British citizen by descent if the British citizenship which the person would have acquired at commencement (as mentioned in subsection (1)(c)(ii)) would (by virtue of section 14) have been British citizenship by descent.

(5) In determining for the purposes of subsection (1)(c)(i) whether P would have been a citizen of the United Kingdom and Colonies immediately before commencement, it must be assumed that P would not have—

(a) renounced or been deprived of any notional British nationality, or

(b) lost any notional British nationality by virtue of P acquiring the nationality of a country or territory outside the United Kingdom.

(6) A "notional British nationality" is—

(a) in a case where P is an eligible former British national, any status as a British subject or a citizen of the United Kingdom and Colonies which P would have held at any time after P's nationality loss (had that loss not occurred and had P's mother had been married to P's natural father at the time of P's birth);

(b) in a case where P is an eligible non-British national—

(i) P's status as a British subject or citizen of the United Kingdom and Colonies mentioned in subsection (3)(b), and

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

(ii) any other status as a British subject or citizen of the United Kingdom and Colonies which P would have held at any time afterwards (had P's mother been married to P's natural father at the time of P's birth).

(7) In this section—

"British subject" has any meaning which it had for the purposes of the British Nationality and Status of Aliens Act 1914;

"independence legislation" means an Act of Parliament or any subordinate legislation (within the meaning of the Interpretation Act 1978) forming part of the law in the United Kingdom (whenever passed or made, and whether or not still in force)—

(a) providing for a country or territory to become independent from the United Kingdom, or

(b) dealing with nationality, or any other ancillary matters, in connection with a country or territory becoming independent from the United Kingdom;

"P's nationality loss" means P's—

(a) ceasing to be a British subject or citizen of the United Kingdom and Colonies (as mentioned in subsection (2)(a)), or

(b) not becoming a citizen of the United Kingdom and Colonies (as mentioned in subsection (2)(b)).

Textual Amendments

F54 Ss. 4E-4J inserted (6.4.2015) by Immigration Act 2014 (c. 22), **ss. 65**, 75(3); S.I. 2015/371, art. 4(b)

4J Sections 4E to 4I: supplementary provision

(1) In sections 4E to 4I and this section, a person's "natural father" is a person who satisfies the requirements as to proof of paternity that are prescribed in regulations under section 50(9B).

(2) The power under section 50(9B) to make different provision for different circumstances includes power to make provision for the purposes of any provision of sections 4E to 4I which is different from other provision made under section 50(9B).

(3) The following provisions apply for the purposes of sections 4E to 4I.

(4) A reference to a person automatically becoming a British citizen, or a citizen of the United Kingdom and Colonies, is a reference to the person becoming such a citizen without the need for—

(a) the person to be registered as such a citizen by the Secretary of State or any other minister of the Crown;

(b) the birth of the person to be registered by a diplomatic or consular representative of the United Kingdom; or

(c) the person to be naturalised as such a citizen.

(5) If the mother of a person could not actually have been married to the person's natural father at the time of the person's birth (for whatever reason), that fact does not prevent an assumption being made that the couple were married at the time of the birth.**]**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

Textual Amendments

F54 Ss. 4E-4J inserted (6.4.2015) by Immigration Act 2014 (c. 22), **ss. 65**, 75(3); S.I. 2015/371, art. 4(b)

5 Acquisition by registration: nationals for purposes of the [F21EU] Treaties.

A **[**F55British overseas territories citizen**]** who falls to be treated as a national of the United Kingdom for the purposes of the **[**F21EU**]** Treaties shall be entitled to be registered as a British citizen if an application is made for his registration as such a citizen.

Textual Amendments

F21 Words in Act substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, **3**, 6 (with arts. 3(2)(3)6(4)(5))

F55 Words in s. 5 substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 2(2)(b)**

Modifications etc. (not altering text)

C20 S. 5 restricted (4.12.2006) by Immigration, Asylum and Nationality Act 2006 (c. 13), **ss. 58**, 62; S.I. 2006/2838, **art. 4(1)** (subject to art. 4(2))

6 Acquisition by naturalisation.

(1) If, on an application for naturalisation as a British citizen made by a person of full age and capacity, the Secretary of State is satisfied that the applicant fulfils the requirements of Schedule 1 for naturalisation as such a citizen under this subsection, he may, if he thinks fit, grant to him a certificate of naturalisation as such a citizen.

(2) If, on an application for naturalisation as a British citizen made by a person of full age and capacity who on the date of the application is married to a British citizen, **[**F56or is the civil partner of a British citizen**]** the Secretary of State is satisfied that the applicant fulfils the requirements of Schedule 1 for naturalisation as such a citizen under this subsection, he may, if he thinks fit, grant to him a certificate of naturalisation as such a citizen.

Textual Amendments

F56 Words in s. 6(2) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 261(1), 263, **Sch. 27 para. 72**; S.I. 2005/3175, **art. 2(2)** (subject to art. 2(3)-(5))

Acquisition after commencement: special cases

7 Right to registration by virtue of residence in U.K. or relevant employment.

F57 . . . . . .

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

Textual Amendments

F57 S. 7 ceased to have effect (7.11.2002) and repealed (prosp.) by virtue of Nationality, Immigration and Asylum Act 2002 (c. 41), ss. 15, 161, 162, **Sch. 2 para. 1(a)**, **Sch. 9** (with s. 159, Sch. 2 para. 2)

8 Registration by virtue of marriage.

[F58] . . . . . .

Textual Amendments

F58 S. 8 ceased to have effect (7.11.2002) and repealed (prosp.) by virtue of Nationality, Immigration and Asylum Act 2002 (c. 41), ss. 15, 161, 162, **Sch. 2 para. 1(b)**, **Sch. 9** (with s. 159, Sch. 2 para. 2)

9 Right to registration by virtue of father's citizenship etc.

[F59] . . . . . .

Textual Amendments

F59 S. 9 ceased to have effect (7.11.2002) and repealed (prosp.) by virtue of Nationality, Immigration and Asylum Act 2002 (c. 41), ss. 15, 161, 162, **Sch. 2 para. 1(c)**, **Sch. 9** (with s. 159, Sch. 2 para. 2)

10 Registration following renunciation of citizenship of U.K. and Colonies.

(1) Subject to subsection (3), a person shall be entitled, on an application for his registration as a British citizen, to be registered as such a citizen if immediately before commencement he would (had he applied for it) have been entitled under section 1(1) of the [M1]British Nationality Act 1964 (resumption of citizenship) to be registered as a citizen of the United Kingdom and Colonies by virtue of having an appropriate qualifying connection with the United Kingdom or [F60]. . . by virtue of having been married before commencement to a person who has, or would if living have, such a connection.

(2) On an application for his registration as a British citizen made by a person of full capacity who had before commencement ceased to be a citizen of the United Kingdom and Colonies as a result of a declaration of renunciation, the Secretary of State may, if he thinks fit, cause that person to be registered as a British citizen if that person—

(a) has an appropriate qualifying connection with the United Kingdom; or

(b) [F60]. . . has been married to **[**[F61], or has been the civil partner of,**]** a person who has, or would if living have, such a connection.

(3) A person shall not be entitled to registration under subsection (1) on more than one occasion.

(4) For the purposes of this section a person shall be taken to have an appropriate qualifying connection with the United Kingdom if he, his father or his father's father—

(a) was born in the United Kingdom; or

(b) is or was a person naturalised in the United Kingdom; or

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

(c) was registered as a citizen of the United Kingdom and Colonies in the United Kingdom or in a country which at the time was mentioned in section 1(3) of the 1948 Act.

Textual Amendments

F60 Words in s. 10(1)(2) repealed (1.4.2003) by Nationality, Immigration and Asylum Act 2002 (c. 41), ss. 5(a), 161, 162, **Sch. 9** (with s. 159); S.I. 2003/754, **art. 2(1)**, Sch. 1 (with arts. 3, 4, Sch. 2 (as amended by S.I. 2003/1040, art. 2 and S.I. 2003/1339, art. 4))

F61 Words in s. 10(2)(b) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 261(1), 263, **Sch. 27 para. 73**; S.I. 2005/3175, **art. 2(2)** (subject to art. 2(3)-(5))

Modifications etc. (not altering text)

C21 S. 10(1)(2) restricted (4.12.2006) by Immigration, Asylum and Nationality Act 2006 (c. 13), **ss. 58**, 62; S.I. 2006/2838, **art. 4(1)** (subject to art. 4(2))

Marginal Citations

M1 1964 c. 22.

Acquisition at commencement

11 Citizens of U.K. and Colonies who are to become British citizens at commencement.

(1) Subject to subsection (2), a person who immediately before commencement—

(a) was a citizen of the United Kingdom and Colonies; and

(b) had the right of abode in the United Kingdom under the [M2]Immigration Act 1971 as then in force,

shall at commencement become a British citizen.

(2) A person who was registered as a citizen of the United Kingdom and Colonies under section 1 of the [M3]British Nationality (No. 2) Act 1964 (stateless persons) on the ground mentioned in subsection (1)(a) of that section (namely that his mother was a citizen of the United Kingdom and Colonies at the time when he was born) shall not become a British citizen under subsection (1) unless—

(a) his mother becomes a British citizen under subsection (1) or would have done so but for her death; or

(b) immediately before commencement he had the right of abode in the United Kingdom by virtue of section 2(1)(c) of the Immigration Act 1971 as then in force (settlement in United Kingdom, combined with five or more years' ordinary residence there as a citizen of the United Kingdom and Colonies).

(3) A person who—

(a) immediately before commencement was a citizen of the United Kingdom and Colonies by virtue of having been registered under subsection (6) of section 12 of the 1948 Act (British subjects before commencement of 1948 Act becoming citizens of United Kingdom and Colonies) under arrangements made by virtue of subsection (7) of that section (registration in independent Commonwealth country by United Kingdom High Commissioner); and

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

(b) was so registered on an application under the said subsection (6) based on the applicant's descent in the male line from a person ("the relevant person") possessing one of the qualifications specified in subsection (1)(a) and (b) of that section (birth or naturalisation in the United Kingdom and Colonies),

shall at commencement become a British citizen if the relevant person was born or naturalised in the United Kingdom.

Marginal Citations

M2 1971 c. 77.

M3 1964 c. 54.

Renunciation and resumption

Modifications etc. (not altering text)

C22 S. 12 extended by S.I. 1986/948, **art. 7(10)**

12 Renunciation.

(1) If any British citizen of full age and capacity makes in the prescribed manner a declaration of renunciation of British citizenship, then, subject to subsections (3) and (4), the Secretary of State shall cause the declaration to be registered.

(2) On the registration of a declaration made in pursuance of this section the person who made it shall cease to be a British citizen.

(3) A declaration made by a person in pursuance of this section shall not be registered unless the Secretary of State is satisfied that the person who made it will after the registration have or acquire some citizenship or nationality other than British citizenship; and if that person does not have any such citizenship or nationality on the date of registration and does not acquire some such citizenship or nationality within six months from that date, he shall be, and be deemed to have remained, a British citizen notwithstanding the registration.

(4) The Secretary of State may withhold registration of any declaration made in pursuance of this section if it is made during any war in which Her Majesty may be engaged in right of Her Majesty's government in the United Kingdom.

(5) For the purposes of this section any person who has been married **[**[F62], or has formed a civil partnership,**]** shall be deemed to be of full age.

Textual Amendments

F62 Words in s. 12(5) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 261(1), 263, **Sch. 27 para. 74**; S.I. 2005/3175, **art. 2(2)** (subject to art. 2(3)-(5))

Modifications etc. (not altering text)

C23 S. 12 extended by S.I. 1986/948, **art. 7(10)**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

13 Resumption.

(1) Subject to subsection (2), a person who has ceased to be a British citizen as a result of a declaration of renunciation shall be entitled, on an application for his registration as a British citizen, to be registered as such a citizen if—

(a) he is of full capacity; and

(b) his renunciation of British citizenship was necessary to enable him to retain or acquire some other citizenship or nationality.

(2) A person shall not be entitled to registration under subsection (1) on more than one occasion.

(3) If a person of full capacity who has ceased to be a British citizen as a result of a declaration of renunciation (for whatever reason made) makes an application for his registration as such a citizen, the Secretary of State may, if he thinks fit, cause him to be registered as such a citizen.

Modifications etc. (not altering text)

C24 S. 13(1)(3) restricted (4.12.2006) by Immigration, Asylum and Nationality Act 2006 (c. 13), **ss. 58**, 62; S.I. 2006/2838, **art. 4(1)** (subject to art. 4(2))

Supplementary

14 Meaning of British citizen (by descent).

(1) For the purposes of this Act a British citizen is a British citizen "by descent" if and only if—

(a) he is a person born outside the United Kingdom after commencement who is a British citizen by virtue of section 2(1)(a) only or by virtue of registration under section 3(2) or 9; or

(b) subject to subsection (2), he is a person born outside the United Kingdom before commencement who became a British citizen at commencement and immediately before commencement—

(i) was a citizen of the United Kingdom and Colonies by virtue of section 5 of the 1948 Act (citizenship by descent); or

(ii) was a person who, under any provision of the British Nationality Acts 1948 to 1965, was deemed for the purposes of the proviso to section 5(1) of the 1948 Act to be a citizen of the United Kingdom and Colonies by descent only, or would have been so deemed if male; or

(iii) had the right of abode in the United Kingdom by virtue only of paragraph (b) of subsection (1) of section 2 of the [M4]Immigration Act 1971 as then in force (connection with United Kingdom through parent or grandparent), or by virtue only of that paragraph and paragraph (c) of that subsection (settlement in United Kingdom with five years' ordinary residence there), or by virtue only of being or having been the wife of a person who immediately before commencement had that right by virtue only of the said paragraph (b) or the said paragraphs (b) and (c); or

(iv) being a woman, was a citizen of the United Kingdom and Colonies as a result of her registration as such a citizen under section 6(2)

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

of the 1948 Act by virtue of having been married to a man who at commencement became a British citizen by descent or would have done so but for his having died or ceased to be a citizen of the United Kingdom and Colonies as a result of a declaration of renunciation; or

(c) he is a British citizen by virtue of registration under section 3(1) and either—

(i) his father or mother was a British citizen at the time of the birth; or

(ii) his father or mother was a citizen of the United Kingdom and Colonies at that time and became a British citizen at commencement, or would have done so but for his or her death; or

(d) he is a British citizen by virtue of registration under **[**[F63]section 4B **[**[F64], 4C**]** or 5**]**; or

[[F65](da) the person is a British citizen by descent by virtue of section 4F(3), 4G(2), 4H(2) or 4I(4); or**]**

(e) subject to subsection (2), being a woman born outside the United Kingdom before commencement, she is a British citizen as a result of her registration as such a citizen under section 8 by virtue of being or having been married to a man who at commencement became a British citizen by descent or would have done so but for his having died or ceased to be a citizen of the United Kingdom and Colonies as a result of a declaration of renunciation; or

(f) he is a British citizen by virtue of registration under section 10 who, having before commencement ceased to be a citizen of the United Kingdom and Colonies as a result of a declaration of renunciation, would, if he had not so ceased, have at commencement become a British citizen by descent by virtue of paragraph (b); or

(g) he is a British citizen by virtue of registration under section 13 who, immediately before he ceased to be a British citizen as a result of a declaration of renunciation, was such a citizen by descent; or

(h) he is a person born in a **[**[F66] British overseas territory**]** after commencement who is a British citizen by virtue of paragraph 2 of Schedule 2.

(2) A person born outside the United Kingdom before commencement is not a British citizen "by descent" by virtue of subsection (1)(b) or (e) if his father was at the time of his birth serving outside the United Kingdom—

(a) in service of a description mentioned in subsection (3), his recruitment for the service in question having taken place in the United Kingdom; or

(b) in service under a **[**[F21]EU**]** institution, his recruitment for that service having taken place in a country which at the time of the recruitment was a member of the Communities.

(3) The descriptions of service referred to in subsection (2) are—

(a) Crown service under the government of the United Kingdom; and

(b) service of any description at any time designated under section 2(3).

Textual Amendments

F21 Words in Act substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, **3**, 6 (with arts. 3(2)(3)6(4)(5))

F63 Words in s. 14(1)(d) substituted (30.4.2003) by Nationality, Immigration and Asylum Act 2002 (c. 41), **ss. 12(2)**, 162 (with s. 159); S.I. 2003/754, **art. 2(1)**, Sch. 1 (with arts. 3, 4, Sch. 2 (as amended by S.I. 2003/1040, art. 2 and S.I. 2003/1339, art. 4))

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

F64 Words in s. 14(1)(d) inserted (30.4.2003) by Nationality, Immigration and Asylum Act 2002 (c. 41), **ss. 13(2)**, 162 (with s. 159); S.I. 2003/754, **art. 2(1)**, Sch. 1 (with arts. 3, 4, Sch. 2 (as amended by S.I. 2003/1040, art. 2 and S.I. 2003/1339, art. 4))

F65 S. 14(1)(da) inserted (6.4.2015) by Immigration Act 2014 (c. 22), s. 75(3), **Sch. 9 para. 70(2)**; S.I. 2015/874, art. 2(c)

F66 Words in s. 14(1)(h) substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 1(1)(b)**

Marginal Citations

M4 1971 c. 77.

PART II

[F67BRITISH OVERSEAS TERRITORIES CITIZENSHIP]

Textual Amendments

F67 Pt. II heading substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 2(2)(a)**

Modifications etc. (not altering text)

C25 Pt. II (ss. 15–25) excluded by S.I. 1983/882, **art. 2(3)**

Acquisition after commencement

15 Acquisition by birth or adoption.

(1) A person born in a [F68 British overseas territory] after commencement shall be a [F69British overseas territories citizen] if at the time of the birth his father or mother is—

(a) a [F70British overseas territories citizen]; or

(b) settled in a [F71 British overseas territory] .

(2) A new-born infant who, after commencement, is found abandoned in a [F71 British overseas territory] shall, unless the contrary is shown, be deemed for the purposes of subsection (1)—

(a) to have been born in that territory after commencement; and

(b) to have been born to a parent who at the time of the birth was a [F70British overseas territories citizen] or settled in a [F71 British overseas territory].

(3) A person born in a [F71 British overseas territory] after commencement who is not a [F70British overseas territories citizen] by virtue of subsection (1) or (2) shall be entitled to be registered as such a citizen if, while he is a minor—

(a) his father or mother becomes such a citizen or becomes settled in a [F71 British overseas territory]; and

(b) an application is made for his registration as such a citizen.

(4) A person born in a [F71 British overseas territory] after commencement who is not a [F70British overseas territories citizen] by virtue of subsection (1) or (2) shall be entitled, on an application for his registration as a [F70British overseas territories citizen] made at any time after he has attained the age of ten years, to be registered as

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

such a citizen if, as regards each of the first ten years of that person's life, the number of days on which he was absent from that territory in that year does not exceed 90.

(5) Where after commencement an order authorising the adoption of a minor who is not a **[**[F70]British overseas territories citizen**]** is made by a court in any **[**[F71] British overseas territory**]** , he shall be a **[**[F70]British overseas territories citizen**]** as from the date on which the order is made if the adopter or, in the case of a joint adoption, one of the adopters, is a **[**[F70]British overseas territories citizen**]** on that date.

[[F72](5A) Where—

(a) a minor who is not a British overseas territories citizen is adopted under a Convention adoption,

(b) on the date on which the adoption is effected—

(i) the adopter or, in the case of a joint adoption, one of the adopters is a British overseas territories citizen, and

(ii) the adopter or, in the case of a joint adoption, both of the adopters are habitually resident in a designated territory, and

(c) the Convention adoption is effected under the law of a country or territory outside the designated territory,

the minor shall be a British overseas territories citizen as from that date.**]**

(6) Where an order **[**[F73]or a Convention adoption**]** in consequence of which any person became a **[**[F74]British overseas territories citizen**]** by virtue of subsection (5) ceases to have effect, whether on annulment or otherwise, the cesser shall not affect the status of that person as such a citizen.

(7) If in the special circumstances of any particular case the Secretary of State thinks fit, he may for the purposes of subsection (4) treat the person to whom the application relates as fulfilling the requirements specified in that subsection although, as regards any one or more of the first ten years of that person's life, the number of days on which he was absent from the **[**[F71] British overseas territory**]** there mentioned in that year or each of the years in question exceeds 90.

Textual Amendments

F68 Words in s. 15 substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 1(1)(b)**

F69 Words in s. 15 substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 2(2)(b)**

F70 Words in s. 15 substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 2(2)(b)**

F71 Words in s. 15 substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 1(1)(b)**

F72 S. 15(5A) inserted (30.12.2005) by Adoption and Children Act 2002 (c. 38), **ss. 137(5)(a)**, 148 (with Sch. 4 paras. 6-8); S.I. 2005/2213, **art. 2(m)**

F73 Words in s. 15(6) inserted (30.12.2005) by Adoption and Children Act 2002 (c. 38), **ss. 137(5)(b)**, 148 (with Sch. 4 paras. 6-8); S.I. 2005/2213, **art. 2(m)**

F74 Words in s. 15 substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 2(2)(b)**

Modifications etc. (not altering text)

C26 S. 15(3)(4) restricted (4.12.2006) by Immigration, Asylum and Nationality Act 2006 (c. 13), **ss. 58**, 62; S.I. 2006/2838, **art. 4(1)** (subject to art. 4(2))

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

16 Acquisition by descent.

(1) A person born outside the **[**[F75]British overseas territories**]** after commencement shall be a **[**[F76]British overseas territories citizen**]** if at the time of the birth his father or mother—

(a) is such a citizen otherwise than by descent; or

(b) is such a citizen and is serving outside the **[**[F75]British overseas territories**]** in service to which this paragraph applies, his or her recruitment for that service having taken place in a **[**[F77] British overseas territory**]** .

(2) Paragraph (b) of subsection (1) applies to—

(a) Crown service under the government of a **[**[F77] British overseas territory**]** ; and

(b) service of any description for the time being designated under subsection (3).

(3) For the purposes of this section the Secretary of State may by order made by statutory instrument designate any description of service which he considers to be closely associated with the activities outside the **[**[F75]British overseas territories**]** of the government of any **[**[F78] British overseas territory**]** .

(4) Any order made under subsection (3) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

F75 Words in s. 16 substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 1(1)(b)**

F76 Words in s. 16(1) substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s.2(2)(b)**

F77 Words in s. 16 substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 1(1)(b)**

F78 Words in s. 16 substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 1(1)(b)**

17 Acquisition by registration: minors.

(1) If while a person is a minor an application is made for his registration as a **[**[F79]British overseas territories citizen**]** the Secretary of State may, if the thinks fit, cause him to be registered as such a citizen.

(2) A person born outside the **[**[F80]British overseas territories**]** shall be entitled, on an application for his registration as a **[**[F79]British overseas territories citizen**]** made within the period of twelve months from the date of the birth, to be registered as such a citizen if the requirements specified in subsection (3) or, in the case of a person born stateless, the requirements specified in paragraphs (a) and (b) of that subsection, are fulfilled in the case of either that person's father or his mother ("the parent in question").

(3) The requirements referred to in subsection (2) are—

(a) that the parent in question was a **[**[F79]British overseas territories citizen**]** by descent at the time of the birth; and

(b) that the father or mother of the parent in question—

(i) was a **[**[F79]British overseas territories citizen**]** otherwise than by descent at the time of the birth of the parent in question; or

(ii) became a **[**[F79]British overseas territories citizen**]** otherwise than by descent at commencement, or would have become such a citizen otherwise than by descent at commencement but for his or her death; and

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

(c) that, as regards some period of three years ending with a date not later than the date of the birth—

(i) the parent in question was in a **[**[F81]British overseas territory**]** at the beginning of that period; and

(ii) the number of days on which the parent in question was absent from that territory in that period does not exceed 270.

(4) If in the special circumstances of any particular case the Secretary of State thinks fit, he may treat subsection (2) as if the reference to twelve months were a reference to six years.

(5) A person born outside the **[**[F80]British overseas territories**]** shall be entitled, and on application for his registration as a **[**[F79]British overseas territories citizen**]** made while he is a minor, to be registered as such a citizen if the following requirements are satisfied, namely—

(a) that at the time of that person's birth his father or mother was a **[**[F79]British overseas territories citizen**]** by descent; and

(b) subject to subsection (6), that that person and his father and mother were in one and the same **[**[F81]British overseas territory**]**(no matter which) at the beginning of the period of three years ending with the date of the application and that, in the case of each of them, the number of days on which the person in question was absent from the last-mentioned territory in that period does not exceed 270; and

(c) subject to subsection (6), that the consent of his father and mother to the registration has been signified in the prescribed manner.

(6) In the case of an application under subsection (5) for the registration of a person as a **[**[F79]British overseas territories citizen**]**—

(a) if his father or mother died, or their marriage **[**[F82]or civil partnership**]** was terminated, on or before the date of the application, or his father and mother were legally separated on that date, the references to his father and mother in paragraph (b) of that subsection shall be read either as references to his father or as references to his mother; **[**[F83] and**]**

(b) if his father or mother died on or before that date, the reference to his father and mother in paragraph (c) of that subsection shall be read as a reference to either of them; **[**[F84]and**]**

(c) **[**[F85]if he was born illegitimate, all those references shall be read as references to his mother.**]**

Textual Amendments

F79 Words in s. 17 substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 2(2)(b)**

F80 Words in s. 17 substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 1(1)(b)**

F81 Words in s. 17 substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 1(1)(b)**

F82 Words in s. 17(6)(a) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 261(1), 263, **Sch. 27 para. 75**; S.I. 2005/3175, **art. 2(2)** (subject to art. 2(3)-(5))

F83 Word in s. 17(6) inserted (1.7.2006 with effect as mentioned in s. 162(5) of the amending Act) by Nationality, Immigration and Asylum Act 2002 (c. 41), **ss. 9(3)(a)**, 162 (with s. 159); S.I. 2006/1498, **arts. 2(b)**, 3

F84 Word in s. 17(6) repealed (1.7.2006 with effect as mentioned in s. 162(5) of the amending Act) and repealed (prosp.) by Nationality, Immigration and Asylum Act 2002 (c. 41), **ss. 9(3)(b)**, 161, 162, **Sch. 9** (with s. 159); S.I. 2006/1498, **arts. 2(b)**, 3

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

F85 S. 17(6)(c) ceased to have effect (1.7.2006 with effect as mentioned in s. 162(5) of the amending Act) and repealed (prosp.) by Nationality, Immigration and Asylum Act 2002 (c. 41), **ss. 9(3)(c)**, 161, 162, **Sch. 9** (with s. 159); S.I. 2006/1498, **arts. 2(b)**, 3

Modifications etc. (not altering text)

C27 S. 17(1)(5) restricted (4.12.2006) by Immigration, Asylum and Nationality Act 2006 (c. 13), **ss. 58**, 62; S.I. 2006/2838, **art. 4(1)** (subject to art. 4(2))

18 Acquisition by naturalisation.

(1) If, on an application for naturalisation as a **[**[F86]British overseas territories citizen**]** made by a person of full age and capacity, the Secretary of State is satisfied that the applicant fulfils the requirements of Schedule 1 for naturalisation as such a citizen under this subsection, he may, if he thinks fit, grant to him a certificate of naturalisation as such a citizen.

(2) If, on an application for naturalisation as a **[**[F86]British overseas territories citizen**]** made by a person of full age and capacity who on the date of the application is married to such a citizen, **[**[F87]or is the civil partner of such a citizen**]** the Secretary of State is satisfied that the applicant fulfils the requirements of Schedule 1 for naturalisation as such a citizen under this subsection, he may, if he thinks fit, grant to him a certificate of naturalisation as such a citizen.

(3) Every application under this section shall specify the **[**[F88]British overseas territory**]** which is to be treated as the relevant territory for the purposes of that application; and, in relation to any such application, references in Schedule 1 to the relevant territory shall be construed accordingly.

Textual Amendments

F86 Words in. s. 18 substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 2(2)(b)**

F87 Words in s. 18(2) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 261(1), 263, **Sch. 27 para. 76**; S.I. 2005/3175, **art. 2(2)** (subject to art. 2(3)-(5))

F88 Words in s. 18(3) substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 1(1)(b)**

Acquisition after commencement: special cases

19 Right to registration by virtue of residence in [F89]British overseas territory].

F90 . . . . . .

Textual Amendments

F89 Words in s. 19 substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 1(1)(b)**

F90 S. 19 ceased to have effect (7.11.2002) and repealed (prosp.) by virtue of Nationality, Immigration and Asylum Act 2002 (c. 41), ss. 15, 161, 162, **Sch. 2 para. 1(d)**, **Sch. 9** (with s. 159, Sch. 2 para. 2)

20 Registration by virtue of marriage.

F91 . . . . . .

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

Textual Amendments

F91 S. 20 ceased to have effect (7.11.2002) and repealed (prosp.) by virtue of Nationality, Immigration and Asylum Act 2002 (c. 41), ss. 15, 161, 162, **Sch. 2 para. 1(e)**, **Sch. 9** (with s. 159, Sch. 2 para. 2)

21 Right to registration by virtue of father's citizenship etc.

[F92] . . . . . .

Textual Amendments

F92 S. 21 ceased to have effect (7.11.2002) and repealed (prosp.) by virtue of Nationality, Immigration and Asylum Act 2002 (c. 41), ss. 15, 161, 162, **Sch. 2 para. 1(f)**, **Sch. 9** (with s. 159, Sch. 2 para. 2)

22 Right to registration replacing right to resume citizenship of U.K. and Colonies.

(1) Subject to subsection (3), a person shall be entitled, on an application for his registration as a **[**[F93]British overseas territories citizen**]**, to be registered as such a citizen if immediately before commencement he would (had he applied for it) have been entitled under section 1(1) of the [M5]British Nationality Act 1964 (resumption of citizenship) to be registered as a citizen of the United Kingdom and Colonies by virtue of having an appropriate qualifying connection with a **[**[F94]British overseas territory**]** or [F95]. . . by virtue of having been married before commencement to a person who has, or would if living have, such a connection.

(2) On an application for his registration as a **[**[F93]British overseas territories citizen**]** made by a person of full capacity who had before commencement ceased to be a citizen of the United Kingdom and Colonies as a result of a declaration of renunciation, the Secretary of State may, if he thinks fit, cause that person to be registered as a **[**[F93]British overseas territories citizen**]** if that person—

(a) has an appropriate qualifying connection with a **[**[F94]British overseas territory**]**; or

(b) [F95]. . . has been married to **[**[F96], or has been the civil partner of,**]** a person who has, or would if living have, such a connection.

(3) A person shall not be entitled to registration under subsection (1) on more than one occasion.

(4) For the purposes of this section a person shall be taken to have an appropriate qualifying connection with a **[**[F94]British overseas territory**]** if he, his father or his father's father—

(a) was born in that territory; or

(b) is or was a person naturalised in that territory; or

(c) was registered as a citizen of the United Kingdom and Colonies in that territory; or

(d) became a British subject by reason of the annexation of any territory included in that territory.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

Textual Amendments

F93 Words in s. 22 substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 2(2)(b)**

F94 Words in s. 22 substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 1(1)(b)**

F95 Words in s. 22(1)(2) repealed (1.4.2003) by Nationality, Immigration and Asylum Act 2002 (c. 41), ss. 5(b), 161, 162, **Sch. 9** (with s. 159); S.I. 2003/754, **art. 2(1)**, Sch. 1 (with arts. 3, 4, Sch. 2 (as amended by S.I. 2003/1040, art. 2 and S.I. 2003/1339, art. 4))

F96 Words in s. 22(2)(b) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 261(1), 263, **Sch. 27 para. 77**; S.I. 2005/3175, **art. 2(2)** (subject to art. 2(3)-(5))

Modifications etc. (not altering text)

C28 S. 22(1)(2) restricted (4.12.2006) by Immigration, Asylum and Nationality Act 2006 (c. 13), **ss. 58**, 62; S.I. 2006/2838, **art. 4(1)** (subject to art. 4(2))

Marginal Citations

M5 1964 c. 22.

Acquisition at commencement

23 Citizens of U.K. and Colonies who are to become [F97British overseas territories citizens] at commencement.

(1) A person shall at commencement become a **[**F98British overseas territories citizen**]** if—

(a) immediately before commencement he was a citizen of the United Kingdom and Colonies who had that citizenship by his birth, naturalisation or registration in a **[**F99British overseas territory**]** ; or

(b) he was immediately before commencement a citizen of the United Kingdom and Colonies, and was born to a parent—

(i) who at the time of the birth ("the material time") was a citizen of the United Kingdom and Colonies; and

(ii) who either had that citizenship at the material time by his birth, naturalisation or registration in a **[**F99British overseas territory**]** or was himself born to a parent who at the time of that birth so had that citizenship; or

(c) being a woman, she was immediately before commencement a citizen of the United Kingdom and Colonies and either was then, or had at any time been, the wife of a man who under paragraph (a) or (b) becomes a **[**F98British overseas territories citizen**]** at commencement or would have done so but for his death.

(2) A person shall at commencement become a **[**F98British overseas territories citizen**]** if—

(a) immediately before commencement he was a citizen of the United Kingdom and Colonies by virtue of registration under section 7 of the 1948 Act (minor children) or section 1 of the M6British Nationality (No. 2) Act 1964 (stateless persons); and

(b) he was so registered otherwise than in a **[**F99British overseas territory**]** ; and

(c) his father or mother (in the case of a person registered under the said section 7) or his mother (in the case of a person registered under the said section 1)—

(i) was a citizen of the United Kingdom and Colonies at the time of the registration or would have been such a citizen at that time but for his or her death; and

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

(ii) becomes a **[**[F98]British overseas territories citizen**]** at commencement or would have done so but for his or her death.

(3) A person who—

(a) immediately before commencement was a citizen of the United Kingdom and Colonies by virtue of having been registered under subsection (6) of section 12 of the 1948 Act (British subjects before commencement of 1948 Act becoming citizens of United Kingdom and Colonies) otherwise than in a **[**[F99]British overseas territory**]** ; and

(b) was so registered on an application under that subsection based on the applicant's descent in the male line from a person ("the relevant person") possessing one of the qualifications specified in subsection (1) of that section (birth or naturalisation in the United Kingdom and Colonies, or acquisition of the status of British subject by reason of annexation of territory),

shall at commencement become a **[**[F98]British overseas territories citizen**]** if the relevant person—

(i) was born or naturalised in a **[**[F99]British overseas territory**]** ; or

(ii) became a British subject by reason of the annexation of any territory included in a **[**[F99]British overseas territory**]** .

(4) A person who—

(a) immediately before commencement was a citizen of the United Kingdom and Colonies by virtue of registration under section 1 of the [M7]British Nationality Act 1964 (resumption of citizenship); and

(b) was so registered otherwise than in a **[**[F99]British overseas territory**]** ; and

(c) was so registered by virtue of having an appropriate qualifying connection with a **[**[F99]British overseas territory**]** or, if a woman, by virtue of having been married to a person who at the time of the registration had or would, if then living, have had such a connection,

shall at commencement become a **[**[F98]British overseas territories citizen**]** .

(5) For the purposes of subsection (4) a person shall be taken to have an appropriate qualifying connection with a **[**[F99]British overseas territory**]** if he, his father or his father's father—

(a) was born in a **[**[F99]British overseas territory**]** ; or

(b) is or was a person naturalised in a **[**[F99]British overseas territory**]** ; or

(c) was registered as a citizen of the United Kingdom and Colonies in a **[**[F99]British overseas territory**]** ; or

(d) became a British subject by reason of the annexation of any territory included in a **[**[F99]British overseas territory**]** .

(6) For the purposes of subsection (1)(b) references to citizenship of the United Kingdom and Colonies shall, in relation to a time before the year 1949, be construed as references to British nationality.

Textual Amendments

F97 Words in s. 23 sidenote substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 2(2)(b)**

F98 Words in s. 23 substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 2(2)(b)**

F99 Words in s. 23 substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 1(1)(b)**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

Marginal Citations

M6 1964 c. 54.

M7 1964 c. 22.

Renunciation and resumption

24 Renunciation and resumption.

The provisions of sections 12 and 13 shall apply in relation to [F100British overseas territories citizens] and [F101British overseas territories citizenship] as they apply in relation to British citizens and British citizenship.

Textual Amendments

F100 Words in s. 24 substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 2(2)(b)**

F101 Words in s. 24 substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 2(2)(a)**

Modifications etc. (not altering text)

C29 S. 24 restricted (4.12.2006) by Immigration, Asylum and Nationality Act 2006 (c. 13), **ss. 58**, 62; S.I. 2006/2838, **art. 4(1)** (subject to art. 4(2))

Supplementary

25 Meaning of [F102British overseas territories citizen]"by descent".

(1) For the purposes of this Act a [F102British overseas territories citizen] is such a citizen "by descent" if and only if—

(a) he is a person born outside the [F103British overseas territories] after commencement who is a [F102British overseas territories citizen] by virtue of section 16(1)(a) only or by virtue of registration under section 17(2) or 21; or

(b) subject to subsection (2), he is a person born outside the [F103British overseas territories] before commencement who became a [F102British overseas territories citizen] at commencement and immediately before commencement—

(i) was a citizen of the United Kingdom and Colonies by virtue of section 5 of the 1948 Act (citizenship by descent); or

(ii) was a person who, under any provision of the British Nationality Acts 1948 to 1965, was deemed for the purposes of the proviso to section 5(1) of the 1948 Act to be a citizen of the United Kingdom and Colonies by descent only, or would have been so deemed if male; or

(c) he is a [F102British overseas territories citizen] by virtue of registration under section 17(1) and either—

(i) his father or mother was a [F102British overseas territories citizen] at the time of the birth; or

(ii) his father or mother was a citizen of the United Kingdom and Colonies at that time and became a [F102British overseas territories citizen] at commencement, or would have done so but for his or her death; or

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

(d) subject to subsection (2), he is a person born outside the **[**[F103]British overseas territories**]** before commencement who became a **[**[F102]British overseas territories citizen**]** at commencement under section 23(1)(b) only; or

(e) subject to subsection (2), being a woman, she became a **[**[F102]British overseas territories citizen**]** at commencement under section 23(1)(c) only, and did so only by virtue of having been, immediately before commencement or earlier, the wife of a man who immediately after commencement was, or would but for his death have been, a **[**[F102]British overseas territories citizen**]** by descent by virtue of paragraph (b) or (d) of this subsection; or

(f) subject to subsection (2), being a woman born outside the **[**[F103]British overseas territories**]** before commencement, she is a **[**[F102]British overseas territories citizen**]** as a result of her registration as such a citizen under section 20 by virtue of being or having been married to a man who at commencement became such a citizen by descent or would have done so but for his having died or ceased to be a citizen of the United Kingdom and Colonies as a result of a declaration of renunciation; or

(g) he is a **[**[F102]British overseas territories citizen**]** by virtue of registration under section 22 who, having before commencement ceased to be a citizen of the United Kingdom and Colonies as a result of a declaration of renunciation, would, if he had not so ceased, have at commencement become a **[**[F102]British overseas territories citizen**]** by descent by virtue of paragraph (b), (d) or (e);

(h) he is a **[**[F102]British overseas territories citizen**]** by virtue of registration under section 13 (as applied by section 24) who, immediately before he ceased to be a **[**[F102]British overseas territories citizen**]** as a result of a declaration of renunciation, was such a citizen by descent; or

(i) he is a person born in the United Kingdom after commencement who is a **[**[F102]British overseas territories citizen**]** by virtue of paragraph 1 of Schedule 2.

(2) A person born outside the **[**[F103]British overseas territories**]** before commencement is not a **[**[F102]British overseas territories citizen**]**"by descent" by virtue of subsection (1)(b), (d), (e) or (f) if his father was at the time of his birth serving outside the **[**[F103]British overseas territories**]** in service of a description mentioned in subsection (3), his recruitment for the service in question having taken place in a **[**[F104]British overseas territory**]** .

(3) The descriptions of service referred to in subsection (2) are—

(a) Crown service under the government of a **[**[F104]British overseas territory**]** ; and

(b) service of any description at any time designated under section 16(3).

Textual Amendments

F102 Words in s. 25 substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 2(2)(b)**

F103 Words in s. 25 substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 1(1)(b)**

F104 Words in s. 25 substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 1(1)(b)**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

PART III

BRITISH OVERSEAS CITIZENSHIP

26 Citizens of U.K. and Colonies who are to become British Overseas citizens at commencement.

Any person who was a citizen of the United Kingdom and Colonies immediately before commencement and who does not at commencement become either a British citizen or a **[**[F105]British overseas territories citizen**]** shall at commencement become a British Overseas citizen.

Textual Amendments

F105 Words in s. 26 substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s.2(2)(b)**

27 Registration of minors.

(1) If while a person is a minor an application is made for his registration as a British Overseas citizen, the Secretary of State may, if he thinks fit, cause him to be registered as such a citizen.

(2) [F106] . . . . . .

Textual Amendments

F106 S. 27(2) ceased to have effect (7.11.2002) and repealed (prosp.) by virtue of Nationality, Immigration and Asylum Act 2002 (c. 41), ss. 15, 161, 162, **Sch. 2 para. 1(g)**, **Sch. 9** (with s. 159, Sch. 2 para. 2)

Modifications etc. (not altering text)

C30 S. 27(1) restricted (4.12.2006) by Immigration, Asylum and Nationality Act 2006 (c. 13), **ss. 58**, 62; S.I. 2006/2838, **art. 4(1)** (subject to art. 4(2))

28 Registration by virtue of marriage.

[F107] . . . . . .

Textual Amendments

F107 S. 28 ceased to have effect (7.11.2002) and repealed (prosp.) by virtue of Nationality, Immigration and Asylum Act 2002 (c. 41), ss. 15, 161, 162, **Sch. 2 para. 1(h)**, **Sch. 9** (with s. 159, Sch. 2 para. 2)

29 Renunciation.

The provisions of section 12 shall apply in relation to British Overseas citizens and British Overseas citizenship as they apply in relation to British citizens and British citizenship.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

PART IV

BRITISH SUBJECTS

30 Continuance as British subjects of existing British subjects of certain descriptions.

A person who immediately before commencement was—

(a) a British subject without citizenship by virtue of section 13 or 16 of the 1948 Act; or

(b) a British subject by virtue of section 1 of the [M8]British Nationality Act 1965 (registration of alien women who have been married to British subjects of certain descriptions),

shall as from commencement be a British subject by virtue of this section.

Marginal Citations

M8 1965 c. 34.

31 Continuance as British subjects of certain former citizens of Eire.

(1) A person is within this subsection if immediately before 1st January 1949 he was both a citizen of Eire and a British subject.

(2) A person within subsection (1) who immediately before commencement was a British subject by virtue of section 2 of the 1948 Act (continuance of certain citizens of Eire as British subjects) shall as from commencement be a British subject by virtue of this subsection.

(3) If at any time after commencement a citizen of the Republic of Ireland who is within subsection (1) but is not a British subject by virtue of subsection (2) gives notice in writing to the Secretary of State claiming to remain a British subject on either or both of the following grounds, namely—

(a) that he is or has been in Crown Service under the government of the United Kingdom; and

(b) that he has associations by way of descent, residence or otherwise with the United Kingdom or with any **[**[F108]British overseas territory**]** ,

he shall as from that time be a British subject by virtue of this subsection.

(4) A person who is a British subject by virtue of subsection (2) or (3) shall be deemed to have remained a British subject from 1st January 1949 to the time when (whether already a British subject by virtue of the said section 2 or not) he became a British subject by virtue of that subsection.

Textual Amendments

F108 Words in s. 31(3)(b) substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 1(1)(b)**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

32 Registration of minors.

If while a person is a minor an application is made for his registration as a British subject, the Secretary of State may, if he thinks fit, cause him to be registered as a British subject.

Modifications etc. (not altering text)

C31 S. 32 restricted (4.12.2006) by Immigration, Asylum and Nationality Act 2006 (c. 13), **ss. 58**, 62; S.I. 2006/2838, **art. 4(1)** (subject to art. 4(2))

33 Registration of certain alien women entitled to registration as British subjects immediately before commencement.

F109 . . . . . .

Textual Amendments

F109 S. 33 ceased to have effect (7.11.2002) and repealed (prosp.) by virtue of Nationality, Immigration and Asylum Act 2002 (c. 41), ss. 15, 161, 162, **Sch. 2 para. 1(i)**, **Sch. 9** (with s. 159, Sch. 2 para. 2)

34 Renunciation.

The provisions of section 12 shall apply in relation to British subjects and the status of a British subject as they apply in relation to British citizens and British citizenship.

35 Circumstances in which British subjects are to lose that status.

A person who under this Act is a British subject otherwise than by virtue of section 31 shall cease to be such a subject if, in whatever circumstances and whether under this Act or otherwise, he acquires any other citizenship or nationality whatever.

PART V

MISCELLANEOUS AND SUPPLEMENTARY

Modifications etc. (not altering text)

C32 Pt. V (ss. 36–53) extended by S.I. 1983/882, **art. 3(5)**

36 Provisions for reducing statelessness.

The provisions of Schedule 2 shall have effect for the purpose of reducing statelessness.

Modifications etc. (not altering text)

C33 S. 37 extended by British Nationality (Hong Kong) Act 1990 (c. 34, SIF 87), **s. 2(3)**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

37 Commonwealth citizenship.

(1) Every person who—

(a) under **[**[F110]the British Nationality Acts 1981 and 1983**]**[[F111]or the British Overseas Territories Act 2002**]** is a British citizen, a **[**[F112]British overseas territories citizen**]** , **[**[F113]a British National (Overseas),**]** a British Overseas citizen or a British subject; or

(b) under any enactment for the time being in force in any country mentioned in Schedule 3 is a citizen of that country,

shall have the status of a Commonwealth citizen.

(2) Her Majesty may by Order in Council amend Schedule 3 by the alteration of any entry, the removal of any entry, or the insertion of any additional entry.

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

(4) After commencement no person shall have the status of a Commonwealth citizen or the status of a British subject otherwise than under this Act.

Textual Amendments

F110 Words substituted by British Nationality (Falkland Islands) Act 1983 (c. 6, SIF 87), **s. 4(3)**

F111 Words in s. 37(1)(a) inserted (21.5.2002) by British Overseas Territories Act 2002 (c. 8), s. 5, **Sch. 1 para. 4**; S.I. 2002/1252, **art. 2**

F112 Words in s. 37(1) substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 2(2)(b)**

F113 By S.I. 1986/948, **art. 7(3)**(*b*) it is provided that s. 37 shall have effect as if in subsection (1)(*a*) after the words "British Dependent Territories citizen," there were inserted the words "a British National (Overseas),"

Modifications etc. (not altering text)

C34 S. 37 modified (19.3.1997) by 1997 c. 20, **s. 2(3)**

C35 S. 37 amended (18.7.1996) by 1996 c. 41, **s. 2(2)**

C36 S. 37(1)(*a*) amended by S.I. 1986/948, **art. 7(3)**(*a*)

38 British protected persons.

(1) Her Majesty may by Order in Council made in relation to any territory which was at any time before commencement—

(a) a protectorate or protected state for the purposes of the 1948 Act; or

(b) a United Kingdom trust territory within the meaning of that Act,

declare to be British protected persons for the purposes of this Act any class of persons who are connected with that territory and are not citizens of any country mentioned in Schedule 3 which consists of or includes that territory.

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

[X1]39 Amendment of Immigration Act 1971.

(1) The Immigration Act 1971 shall be amended in accordance with the following provisions of this section.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

(2) For section 2 (statement of right of abode) there shall be substituted—

"**2 Statement of right of abode in United Kingdom.**

(1) A person is under this Act to have the right of abode in the United Kingdom if—

(a) he is a British citizen; or

(b) he is a Commonwealth citizen who—

(i) immediately before the commencement of the British Nationality Act 1981 was a Commonwealth citizen having the right of abode in the United Kingdom by virtue of section 2(1)(d) or section 2(2) of this Act as then in force; and

(ii) has not ceased to be a Commonwealth citizen in the meanwhile.

(2) In relation to Commonwealth citizens who have the right of abode in the United Kingdom by virtue of subsection (1)(b) above, this Act, except this section and sections 3(9) and (9A), 5(2) and 13(3), shall apply as if they were British citizens; and in this Act, (except as aforesaid) "British citizen" shall be construed accordingly."

[F114](3) . . . . . .

(4) In section 8 (except for special cases), after subsection (5) there shall be inserted—

"(5A) An order under subsection (2) above may, as regards any person or class of persons to whom it applies, provide for that person or class to be in specified circumstances regarded (notwithstanding the order) as settled in the United Kingdom for the purposes of section 1(1) of the British Nationality Act 1981."

[F114](5) . . . . . .

(6) Schedule 4 (which contains further amendments of the [M9]Immigration Act 1971) shall have effect.

(7) In section 90 of the [M10]Mental Health Act 1959 and section 82 of the [M11]Mental Health (Scotland) Act 1960 (removal of non-patrial in-patients to places outside the United Kingdom), for the words from "any patient" to "1971 and" (which were susbtituted for "any person being an alien" by section 30(1) of the Immigration Act 1971) there shall be substituted "any patient who is neither a British citizen nor a Commonwealth citizen having the right of abode in the United Kingdom by virtue of section 2(1)(b) of the Immigration Act 1971, being a patient".

(8) A certificate of patriality issued under the [M12]Immigration Act 1971 and in force immediately before commencement shall have effect after commencement as if it were a certificate of entitlement issued under that Act **[**[F115]as in force after commencement**]**, unless at commencement the holder ceases to have the right of abode in the United Kingdom.

Editorial Information

X1 The text of s. 39(1)-(7) is in the form in which it was originally enacted: it was not 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.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

Textual Amendments

F114 S. 39(3)(5) repealed by Immigration Act 1988 (c. 14, SIF 62), **s. 3(3)**

F115 Words substituted by Immigration Act 1988 (c. 14, SIF 62), **s. 3(3)**

Modifications etc. (not altering text)

C37 S. 39(1) extended (Isle of Man) (13.3.2008 for specified purposes and otherwise 1.5.2008) by The Immigration (Isle of Man) Order 2008 (S.I. 2008/680), arts. 1(2), 5, **8(2)(a)**

C38 S. 39(2) extended (Isle of Man) (13.3.2008 for specified purposes and otherwise 1.5.2008) by The Immigration (Isle of Man) Order 2008 (S.I. 2008/680), arts. 1(2), 5, **8(2)(a)**

C39 S. 39(4) extended (Isle of Man) (13.3.2008 for specified purposes and otherwise 1.5.2008) by The Immigration (Isle of Man) Order 2008 (S.I. 2008/680), arts. 1(2), 5, **8(2)(a)**

C40 S. 39(6) extended in part (Isle of Man) (13.3.2008 for specified purposes and otherwise 1.5.2008) by The Immigration (Isle of Man) Order 2008 (S.I. 2008/680), arts. 1(2), 5, **8(2)(b)**

Marginal Citations

M9 1971 c. 77.

M10 1959 c. 72.

M11 1960 c. 61.

M12 1971 c. 77.

[F116 40 Deprivation of citizenship.

(1) In this section a reference to a person's " citizenship status " is a reference to his status as—

(a) a British citizen,

(b) a British overseas territories citizen,

(c) a British Overseas citizen,

(d) a British National (Overseas),

(e) a British protected person, or

(f) a British subject.

[F117(2) The Secretary of State may by order deprive a person of a citizenship status if the Secretary of State is satisfied that deprivation is conducive to the public good.]

(3) The Secretary of State may by order deprive a person of a citizenship status which results from his registration or naturalisation if the Secretary of State is satisfied that the registration or naturalisation was obtained by means of—

(a) fraud,

(b) false representation, or

(c) concealment of a material fact.

(4) The Secretary of State may not make an order under subsection (2) if he is satisfied that the order would make a person stateless.

[F118(4A) But that does not prevent the Secretary of State from making an order under subsection (2) to deprive a person of a citizenship status if—

(a) the citizenship status results from the person's naturalisation,

(b) the Secretary of State is satisfied that the deprivation is conducive to the public good because the person, while having that citizenship status, has conducted him or herself in a manner which is seriously prejudicial to the vital interests of the United Kingdom, any of the Islands, or any British overseas territory, and

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

(c) the Secretary of State has reasonable grounds for believing that the person is able, under the law of a country or territory outside the United Kingdom, to become a national of such a country or territory.**]**

(5) Before making an order under this section in respect of a person the Secretary of State must give the person written notice specifying—

(a) that the Secretary of State has decided to make an order,

(b) the reasons for the order, and

(c) the person's right of appeal under section 40A(1) or under section 2B of the Special Immigration Appeals Commission Act 1997 (c. 68).

(6) Where a person acquired a citizenship status by the operation of a law which applied to him because of his registration or naturalisation under an enactment having effect before commencement, the Secretary of State may by order deprive the person of the citizenship status if the Secretary of State is satisfied that the registration or naturalisation was obtained by means of—

(a) fraud,

(b) false representation, or

(c) concealment of a material fact.**]**

Textual Amendments

F116 Ss. 40, 40A substituted (1.4.2003) for s. 40 by Nationality, Immigration and Asylum Act 2002 (c. 41), **ss. 4(1)(4)**, 162 (with s. 159); S.I. 2003/754, **art. 2(1)**, Sch. 1 (with arts. 3, 4, Sch. 2 (as amended by S.I. 2003/1040, art. 2 and S.I. 2003/1339, art. 4))

F117 S. 40(2) substituted (16.6.2006) by Immigration, Asylum and Nationality Act 2006 (c. 13), **ss. 56(1)**, 62; S.I. 2006/1497, **art. 3**, Sch.

F118 S. 40(4A) inserted (28.7.2014) by Immigration Act 2014 (c. 22), **ss. 66(1)**, 75(3); S.I. 2014/1820, art. 3(t) as amended by SI 2014/2771 art 14

Modifications etc. (not altering text)

C41 S. 40 extended by S.I. 1986/948, **art.7(11)**

C42 Ss. 40–42, 44–48, 50 extended by British Nationality (Hong Kong) Act 1990 (c. 34, SIF 87), **s. 2(3)**

C43 S. 40 amended (18.7.1996) by 1996 c. 41, **s. 2(2)**

C44 S. 40 modified (19.3.1997) by 1997 c. 20, **s. 2(3)**

[F119 40A Deprivation of citizenship: appeal

(1) A person who is given notice under section 40(5) of a decision to make an order in respect of him under section 40 may appeal against the decision to **[F120** the First-tier Tribunal**]**.

(2) Subsection (1) shall not apply to a decision if the Secretary of State certifies that it was taken wholly or partly in reliance on information which in his opinion should not be made public—

(a) in the interests of national security,

(b) in the interests of the relationship between the United Kingdom and another country, or

(c) otherwise in the public interest.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

[[F121](3) The following provisions of the Nationality, Immigration and Asylum Act 2002 (c. 41) shall apply in relation to an appeal under this section as they apply in relation to an appeal under section 82 [F122] ...of that Act—

[F123](a) . . . . . .

[F124](b) . . . . . .

(c) section 106 (rules), [F125] . . .

(d) section 107 (practice directions)**[**[F126], and

(e) section 108 (forged document: proceedings in private).**]]**

(6) [F127] . . . . . .

(7) [F127] . . . . . .

(8) [F127] . . . . . **]**

Textual Amendments

F119 Ss. 40, 40A substituted (1.4.2003) for s. 40 by Nationality, Immigration and Asylum Act 2002 (c. 41), **ss. 4(1)(4)**, 162 (with s. 159); S.I. 2003/754, **art. 2(1)**, Sch. 1 (with arts. 3, 4, Sch. 2 (as amended by S.I. 2003/1040, art. 2 and S.I. 2003/1339, art. 4))

F120 Words in s. 40A(1) substituted (15.2.2010) by The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 (S.I. 2010/21), art. 1, **Sch. 1 para. 7(a)** (with Sch. 4 para. 113)

F121 S. 40A(3) substituted (4.4.2005) for s. 40A(3)-(5) by Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19), ss. 26(7), 48, **Sch. 2 para. 4(b)**; S.I. 2005/565, **art. 2** (with arts. 3-9)

F122 Words in s. 40A(3) omitted (20.10.2014) by virtue of Immigration Act 2014 (c. 22), s. 75(3), **Sch. 9 para. 25(a)**; S.I. 2014/2771, art. 2(e) (with arts. 9-11) (as amended (2.3.2015 and 6.4.2015) by S.I. 2015/371, arts. 1(2)(3), 7, 8; and with transitional provisions and savings in S.I. 2014/2928, art. 2 (which S.I. is revoked (6.4.2015) by S.I. 2015/371, arts. 1(3), 9))

F123 S. 40A(3)(a) omitted (20.10.2014) by virtue of Immigration Act 2014 (c. 22), s. 75(3), **Sch. 9 para. 25(b)**; S.I. 2014/2771, art. 2(e) (with arts. 9-11) (as amended (2.3.2015 and 6.4.2015) by S.I. 2015/371, arts. 1(2)(3), 7, 8; and with transitional provisions and savings in S.I. 2014/2928, art. 2 (which S.I. is revoked (6.4.2015) by S.I. 2015/371, arts. 1(3), 9))

F124 S. 40A(3)(b) omitted (15.2.2010) by virtue of The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 (S.I. 2010/21), art. 1, **Sch. 1 para. 7(b)** (with Sch. 4 para. 113)

F125 Word in s. 40A(3) repealed (16.6.2006) by Immigration, Asylum and Nationality Act 2006 (c. 13), **ss. 56(2)**, 62; S.I. 2006/1497, **art. 3**, Sch.

F126 S. 40A(3)(e) and preceding word added (16.6.2006) by Immigration, Asylum and Nationality Act 2006 (c. 13), **ss. 56(2)**, 62; S.I. 2006/1497, **art. 3**, Sch.

F127 S. 40A(6)-(8) repealed (4.4.2005) by Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19), ss. 26(7), 47, 48, Sch. 2 para. 4(c), **Sch. 4**; S.I. 2005/565, **art. 2** (with arts. 3-9)

[[F128]40B Review of power under section 40(4A)

(1) The Secretary of State must arrange for a review of the operation of the relevant deprivation power to be carried out in relation to each of the following periods—

(a) the initial one year period;

(b) each subsequent three year period.

(2) The "relevant deprivation power" is the power to make orders under section 40(2) to deprive persons of a citizenship status in the circumstances set out in section 40(4A).

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

(3) A review must be completed as soon as practicable after the end of the period to which the review relates.

(4) As soon as practicable after a person has carried out a review in relation to a particular period, the person must—

(a) produce a report of the outcome of the review, and

(b) send a copy of the report to the Secretary of State.

(5) The Secretary of State must lay before each House of Parliament a copy of each report sent under subsection (4)(b).

(6) The Secretary of State may, after consultation with the person who produced the report, exclude a part of the report from the copy laid before Parliament if the Secretary of State is of the opinion that it would be contrary to the public interest or prejudicial to national security for that part of the report to be made public.

(7) The Secretary of State may—

(a) make such payments as the Secretary of State thinks appropriate in connection with the carrying out of a review, and

(b) make such other arrangements as the Secretary of State thinks appropriate in connection with the carrying out of a review (including arrangements for the provision of staff, other resources and facilities).

(8) In this section—

"initial one year period" means the period of one year beginning with the day when section 40(4A) comes into force;

"subsequent three year period" means a period of three years beginning with the first day after the most recent of—

(a) the initial one year period, or

(b) the most recent subsequent three year period.**]**

Textual Amendments

F128 S. 40B inserted (28.7.2014) by Immigration Act 2014 (c. 22), **ss. 66(3)**, 75(3); S.I. 2014/1820, art. 3(t) as amended by SI 2014/2771 art 14

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;

[[F129](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;**]**

[[F130](ba) for determining whether a person has sufficient knowledge of a language for the purpose of an application for naturalisation;

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

(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;

[[F131](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;**]**

(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 **[**[F132]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 [F133]...;

(h) for the births and deaths of persons of any class or description born or dying in a foreign country to be registered [F134]...;

[F135](i) . . . . . .

[[F136](j) as to the consequences of failure to comply with provision made under any of paragraphs (a) to (i).**]**

[[F137](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.**]**

[[F138](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;

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

(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) [F139]. . . . . .

(3) Regulations under subsection (1) [F140]. . . may make different provision for different circumstances; and—

(a) regulations under subsection (1) may provide for the extension of any time-limit for the **[**[F141]making of oaths and pledges of citizenship**]**; and

(b) [F142]. . . . . .

[[F143](3A) Regulations under subsection (1)(d) to (de) may, in particular—

(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) **[**[F144]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.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

(5) Subsection (4) applies to—

(a) the [M13]Births and Deaths Registration Act 1953, the [M14]Registration Service Act 1953 and the [M15]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.

[[F145](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 **[**[F146](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

F129 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)

F130 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**

F131 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)

F132 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)"

F133 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)**

F134 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)**

F135 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)**

F136 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)**

F137 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)

F138 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**

F139 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)

F140 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)

F141 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)

F142 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)

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

F143 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)

F144 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)**

F145 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)

F146 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)

C45 Ss. 41, 42, 44–48 extended by British Nationality (Falkland Islands) Act 1983 (c. 6, SIF 87), **s. 4(2)**(*a*)–(*f*)

C46 S. 41 amended by S.I. 1986/948, **art. 7(4)(a)**

C47 Ss. 40–42, 44–48, 50 extended by British Nationality (Hong Kong) Act 1990 (c. 34, SIF 87), **s. 2(3)**

C48 S. 41 amended (18.7.1996) by 1996 c. 41, **s. 2(2)**

C49 S. 41 modified (19.3.1997) by 1997 c. 20, **s. 2(3)**

Marginal Citations

M13 1953 c. 20.

M14 1953 c. 37.

M15 1965 c. 49.

[F147 41A Registration: requirement to be of good character

(1) An application for registration of an adult or young person as a British citizen under section 1(3), (3A) or (4), 3(1), (2) or (5), 4(2) or (5), 4A, F148... 4D, F148... 5, 10(1) or (2) or 13(1) or (3) must not be granted unless the Secretary of State is satisfied that the adult or young person is of good character.

F149(1A) **[** An application for registration of an adult or young person as a British citizen under section 4F, so far as the relevant registration provision (as defined in section 4F(2)) is section 1(3), 3(2) or 3(5), must not be granted unless the Secretary of State is satisfied that the adult or young person is of good character.**]**

(2) An application for registration of an adult or young person as a British overseas territories citizen under section 15(3) or (4), 17(1) or (5), 22(1) or (2) or 24 must not be granted unless the Secretary of State is satisfied that the adult or young person is of good character.

(3) An application for registration of an adult or young person as a British Overseas citizen under section 27(1) must not be granted unless the Secretary of State is satisfied that the adult or young person is of good character.

(4) An application for registration of an adult or young person as a British subject under section 32 must not be granted unless the Secretary of State is satisfied that the adult or young person is of good character.

(5) In this section, " adult or young person " means a person who has attained the age of 10 years at the time when the application is made. **]**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

Textual Amendments

F147 S. 41A inserted (13.1.2010) by Borders, Citizenship and Immigration Act 2009 (c. 11), **ss. 47(1)**, 58; S.I. 2009/2731, **art. 4(f)**

F148 Words in s. 41A(1) omitted (25.7.2019) by virtue of The British Nationality Act 1981 (Remedial) Order 2019 (S.I. 2019/1164), arts. 1(1), **2(2)**

F149 S. 41A(1A) inserted (25.7.2019) by The British Nationality Act 1981 (Remedial) Order 2019 (S.I. 2019/1164), arts. 1(1), **2(3)**

[F150 42 Registration and naturalisation: citizenship ceremony, oath and pledge

(1) A person of full age shall not be registered under this Act as a British citizen unless he has made the relevant citizenship oath and pledge specified in Schedule 5 at a citizenship ceremony.

(2) A certificate of naturalisation as a British citizen shall not be granted under this Act to a person of full age unless he has made the relevant citizenship oath and pledge specified in Schedule 5 at a citizenship ceremony.

(3) A person of full age shall not be registered under this Act as a British overseas territories citizen unless he has made the relevant citizenship oath and pledge specified in Schedule 5.

(4) A certificate of naturalisation as a British overseas territories citizen shall not be granted under this Act to a person of full age unless he has made the relevant citizenship oath and pledge specified in Schedule 5.

(5) A person of full age shall not be registered under this Act as a British Overseas citizen or a British subject unless he has made the relevant citizenship oath specified in Schedule 5.

(6) Where the Secretary of State thinks it appropriate because of the special circumstances of a case he may—

(a) disapply any of subsections (1) to (5), or

(b) modify the effect of any of those subsections.

(7) Sections 5 and 6 of the Oaths Act 1978 (c. 19) (affirmation) apply to a citizenship oath; and a reference in this Act to a citizenship oath includes a reference to a citizenship affirmation.]

Textual Amendments

F150 Ss. 42-42B substituted (1.1.2004) for s. 42 by Nationality, Immigration and Asylum Act 2002 (c. 41), ss. 3, 162, **Sch. 1 para. 1** (with s. 159); S.I. 2003/3156, **art. 2(a)** (with arts. 3, 4)

Modifications etc. (not altering text)

C50 Ss. 41, 42, 44-48 extended by British Nationality (Falkland Islands) Act 1983 (c.6, SIF 87), **s. 4(2)(a)-(f)**

C51 Ss. 40-42, 44-48, 50 extended by British Nationality (Hong Kong) Act 1991 (c.34, SIF 87), **s.2(3)**

C52 S. 42 amended (18.7.1996) by 1996 c. 41, **s. 2(2)**

C53 S. 42 modified (19.3.1997) by 1997 c. 20, **s. 2(3)**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

[F151 42A Registration and naturalisation: fee

F152 . . . . . .]

Textual Amendments

F151 Ss. 42-42B substituted (1.1.2004) for s. 42 by Nationality, Immigration and Asylum Act 2002 (c. 41), ss. 3, 162, **Sch. 1 para. 1** (with s. 159); S.I. 2003/3156, **art. 2(a)** (with arts. 3, 4)

F152 S. 42A repealed (2.4.2007) by Immigration, Asylum and Nationality Act 2006 (c. 13), ss. 52(7), 61, 62, Sch. 2 para. 2, **Sch. 3**; S.I. 2007/1109, {arts. 4, 5}, Sch. (subject to art. 6)

[F153 42B Registration and naturalisation: timing

(1) A person who is registered under this Act as a citizen of any description or as a British subject shall be treated as having become a citizen or subject—

(a) immediately on making the required citizenship oath and pledge in accordance with section 42, or

(b) where the requirement for an oath and pledge is disapplied, immediately on registration.

(2) A person granted a certificate of naturalisation under this Act as a citizen of any description shall be treated as having become a citizen—

(a) immediately on making the required citizenship oath and pledge in accordance with section 42, or

(b) where the requirement for an oath and pledge is disapplied, immediately on the grant of the certificate.

(3) In the application of subsection (1) to registration as a British Overseas citizen or as a British subject the reference to the citizenship oath and pledge shall be taken as a reference to the citizenship oath.]

Textual Amendments

F153 Ss. 42-42B substituted (1.1.2004) for s. 42 by Nationality, Immigration and Asylum Act 2002 (c. 41), ss. 3, 162, **Sch. 1 para. 1** (with s. 159); S.I. 2003/3156, **art. 2(a)** (with arts. 3, 4)

43 Exercise of functions of Secretary of State by Governors and others.

(1) Subject to subsection (3), the Secretary of State may, in the case of any of his functions under this Act with respect to any of the matters mentioned in subsection (2), make arrangements for that function to be exercised—

(a) in any of the Islands, by the Lieutenant-Governor in cases concerning British citizens or British citizenship;

(b) in any [F154 British overseas territory] F155 . . . , by the Governor in cases concerning [F156 British overseas territories citizens] or [F157 British overseas territories citizenship][F158 and in cases concerning British Nationals (Overseas) or the status of a British National (Overseas)]

(2) The said matters are—

(a) registration and naturalisation; and

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

(b) renunciation, resumption and deprivation of British citizenship or **[**[F157]British overseas territories citizenship**]**.

[[F159](c) renunciation and deprivation of the status of a British National (Overseas).**]**

(3) Nothing in this section applies in the case of any power to make regulations or rules conferred on the Secretary of State by this Act.

(4) Arrangements under subsection (1) may provide for any such function as is there mentioned to be exercisable only with the approval of the Secretary of State.

Textual Amendments

F154 Words in s. 43(1)(b) substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 1(1)(b)**

F155 Words in s. 43(1)(b) repealed (26.2.2002) by British Overseas Territories Act 2002 (c. 8), s. 7, **Sch. 2**

F156 Words in s. 43(1)(b) substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 2(2)(b)**

F157 Words in s. 43 substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 2(2)(a)**

F158 By S.I. 1986/948, **art. 7(6)**(*b*) it is provided that s. 43 shall have effect as if in subsection (1)(*b*) at the end there were inserted the words "and in cases concerning British Nationals (Overseas) or the status of a British National (Overseas)"

F159 By S.I. 1986/948, **art. 7(6)**(*c*) it is provided that s. 43 shall have effect as if in sub-section (2) at the end there were inserted paragraph (*c*)

Modifications etc. (not altering text)

C54 S. 43 amended by S.I. 1986/948, **art. 7(6)(a)**

44 Decisions involving exercise of discretion.

(1) Any discretion vested by or under this Act in the Secretary of State, a Governor or a Lieutenant-Governor shall be exercised without regard to the race, colour or religion of any person who may be affected by its exercise.

(2) [F160] . . . . . .

(3) [F160] . . . . . .

Textual Amendments

F160 S. 44(2)(3) ceased to have effect (7.11.2002) and repealed (prosp.) by virtue of Nationality, Immigration and Asylum Act 2002 (c. 41), **ss. 7(1)**, 161, 162, **Sch. 9** (with s. 159)

Modifications etc. (not altering text)

C55 Ss. 41, 42, 44–48 extended by British Nationality (Falkland Islands) Act 1983 (c. 6, SIF 87), **s. 4(2)**(*a*)–(*f*)

C56 Ss. 40–42, 44–48, 50 extended by British Nationality (Hong Kong) Act 1990 (c. 34, SIF 87), **s. 2(3)**

C57 S. 44(1)(2) amended (18.7.1996) by 1996 c. 41, **s. 2(2)**

[[F161]44A Waiver of requirement for full capacity

Where a provision of this Act requires an applicant to be of full capacity, the Secretary of State may waive the requirement in respect of a specified applicant if he thinks it in the applicant's best interests.**]**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

Textual Amendments

F161 S. 44A inserted (31.8.2006) by Immigration, Asylum and Nationality Act 2006 (c. 13), **ss. 49**, 62; S.I. 2006/2226, **art. 3**, Sch. 1 (subject to transitional provisions in art. 4)

45 Evidence.

(1) Every document purporting to be a notice, certificate, order or declaration, or an entry in a register, or a subscription of an oath of allegiance, given, granted or made under this Act or any of the former nationality Acts shall be received in evidence and shall, unless the contrary is proved, be deemed to have been given, granted or made by or on behalf of the person by whom or on whose behalf it purports to have been given, granted or made.

(2) Prima facie evidence of any such document may be given by the production of a document purporting to be certified as a true copy of it by such person and in such manner as may be prescribed.

(3) Any entry in a register made under this Act or any of the former nationality Acts shall be received as evidence (and in Scotland as sufficient evidence) of the matters stated in the entry.

(4) A certificate given by or on behalf of the Secretary of State that a person was at any time in Crown service under the government of the United Kingdom or that a person's recruitment for such service took place in the United Kingdom shall, for the purposes of this Act, be conclusive evidence of that fact.

Modifications etc. (not altering text)

C58 Ss. 41, 42, 44–48 extended by British Nationality (Falkland Islands) Act 1983 (c. 6, SIF 87), **s. 4(2)**(*a*)–(*f*)

C59 S. 45 amended by S.I. 1986/948, **art. 7(7)(a)**
S. 45 amended (18.7.1996) by 1996 c. 41, **s. 2(2)**

C60 Ss. 40–42, 44–48, 50 extended by British Nationality (Hong Kong) Act 1990 (c. 34, SIF 87), **s. 2(3)**

C61 S. 45 modified (19.3.1997) by 1997 c. 20, **s. 2(3)**

46 Offences and proceedings.

(1) Any person who for the purpose of procuring anything to be done or not to be done under this Act—

(a) makes any statement which he knows to be false in a material particular; or

(b) recklessly makes any statement which is false in a material particular,

shall be liable on summary conviction in the United Kingdom to imprisonment for a term not exceeding three months or to a fine not exceeding **[**[F162]level 5 on the standard scale**]**, or both.

(2) Any person who without reasonable excuse fails to comply with any requirement imposed on him by regulations made under this Act with respect to the delivering up of certificates of naturalisation shall be liable on summary conviction in the United Kingdom to a fine not exceeding **[**[F162]level 4 on the standard scale**]**.

(3) In the case of an offence under subsection (1)—

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

(a) any information relating to the offence may in England and Wales be tried by a magistrates' court if it is laid within six months after the commission of the offence, or if it is laid within three years after the commission of the offence and not more than two months after the date certified by a chief officer of police to be the date on which evidence sufficient to justify proceedings came to the notice of an officer of his police force; and

(b) summary proceedings for the offence may in Scotland be commenced within six months after the commission of the offence, or within three years after the commission of the offence and not more than two months after the date on which evidence sufficient in the opinion of the Lord Advocate to justify proceedings came to his knowledge; and

(c) a complaint charging the commission of the offence may in Northern Ireland be heard and determined by a magistrates' court if it is made within six months after the commission of the offence, or if it is made within three years after the commission of the offence and not more than two months after the date certified by an officer of police not below the rank of assistant chief constable to be the date on which evidence sufficient to justify the proceedings came to the notice of the police in Northern Ireland.

(4) For the purposes of subsection (3)(b) proceedings shall be deemed to be commenced on the date on which a warrant to apprehend or to cite the accused is granted, if such warrant is executed without undue delay; and a certificate of the Lord Advocate as to the date on which such evidence as is mentioned in subsection (3)(b) came to his knowledge shall be conclusive evidence.

(5) For the purposes of the trial of a person for an offence under subsection (1) or (2), the offence shall be deemed to have been committed either at the place at which it actually was committed or at any place at which he may be.

(6) In their application to the Bailiwick of Jersey subsections (1) and (2) shall have effect with the omission of the words "on summary conviction".

Textual Amendments

F162 Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 46**, (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **s. 289G** and (N.I.) S.I. 1984/703 (N.I. 3), **art. 5**

Modifications etc. (not altering text)

C62 Ss. 41, 42, 44–48 extended by British Nationality (Falkland Islands) Act 1983 (c. 6, SIF 87), **s. 4(2)**(*a*)–(*f*)

C63 Ss. 40–42, 44–48, 50 extended by British Nationality (Hong Kong) Act 1990 (c. 34, SIF 87), **s. 2(3)**

C64 S. 46 modified (19.3.1997) by 1997 c. 20, **s. 2(3)**

C65 S. 46(1) amended by S.I. 1986/948, **art. 7(7)**(*b*)

F163 47 Legitimated children.

. . . . . .

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

Textual Amendments

F163 S. 47 ceased to have effect (1.7.2006 with effect as mentioned in s. 162(5) of the amending Act) and repealed (prosp.) by Nationality, Immigration and Asylum Act 2002 (c. 41), **ss. 9(4)**, 161, 162, **Sch. 9** (with s. 159); S.I. 2006/1498, **arts. 2(b)**, 3

Modifications etc. (not altering text)

C66 Ss. 41, 42, 44–48 extended by British Nationality (Falkland Islands) Act 1983 (c. 6, SIF 87), **s. 4(2)**(*a*)–(*f*)

C67 Ss. 47, 48 amended by S.I. 1986/948, **art. 7(7)**(*c*)

C68 Ss. 40–42, 44–48, 50 extended by British Nationality (Hong Kong) Act 1990 (c. 34, SIF 87), **s. 2(3)**

C69 S. 47 modified (19.3.1997) by 1997 c. 20, **s. 2(3)**

48 Posthumous children.

Any reference in this Act to the status or description of the father or mother of a person at the time of that person's birth shall, in relation to a person born after the death of his father or mother, be construed as a reference to the status or description of the parent in question at the time of that parent's death; and where that death occurred before, and the birth occurs after, commencement, the status or description which would have been applicable to the father or mother had he or she died after commencement shall be deemed to be the status or description applicable to him or her at the time of his or her death.

Modifications etc. (not altering text)

C70 Ss. 41, 42, 44-48 extended by British Nationality (Falkland Islands) Act 1983 (c. 6, SIF 87), **s.4(2)(a)-(f)**

C71 Ss. 47, 48 amended by S.I. 1986/948, **art. 7(7)(c)**

C72 Ss. 40-42, 44-48, 50 extended by British Nationality (Hong Kong) Act 1990 (c.34, SIF 87), **s. 2(3)**

C73 S. 48 modified (19.3.1997) by 1997 c. 20, **s. 2(3)**

[F164]49 . . . . . .

Textual Amendments

F164 S. 49 repealed by British Nationality Act 1981 (c. 61, SIF 87), s. 52(7)(8), Sch. 8 para. 8, **Sch. 9**

50 Interpretation.

(1) In this Act, unless the context otherwise requires—

"the 1948 Act" means the British Nationality Act 1948;

"alien" means a person who is neither a Commonwealth citizen nor a British protected person nor a citizen of the Republic of Ireland;

[[F165] " appointed day " means the day appointed by the Secretary of State under section 8 of the British Overseas Territories Act 2002 for the commencement of Schedule 1 to that Act;

" association " means an unincorporated body of persons;

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

[F166 " British National (Overseas) " means a person who is a British National (Overseas) under the Hong Kong (British Nationality) Order 1986, and "status of a British National (Overseas)" shall be construed accordingly;

" British Overseas citizen "includes a person who is a British Overseas citizen under the Hong Kong (British Nationality) Order 1986.

[F167 " British overseas territory " means a territory mentioned in Schedule 6;

" British protected person " means a person who is a member of any class of persons declared to be British protected persons by an Order in Council for the time being in force under section 38 or is a British protected person by virtue of the M16 Solomon Islands Act 1978;

" commencement ", without more, means the commencement of this Act;

" Commonwealth citizen " means a person who has the status of a Commonwealth citizen under this Act;

" company " means a body corporate;

[F168 " Convention adoption " means an adoption effected under the law of a country or territory in which the Convention is in force, and certified in pursuance of Article 23(1) of the Convention]

" Crown service " means the service of the Crown, whether within Her Majesty's dominions or elsewhere;

" Crown service under the government of the United Kingdom " means Crown service under Her Majesty's government in the United Kingdom or under Her Majesty's government in Northern Ireland [F169 or under the Scottish Administration][F170 or under the Welsh Assembly Government] ;

[F171 " designated territory " means a qualifying territory, or the Sovereign Base Areas of Akrotiri and Dhekelia, which is designated by Her Majesty by Order in Council under subsection (14)]

F172 . . . . . .

" enactment " includes an enactment comprised in Northern Ireland legislation;

" foreign country " means a country other than the United Kingdom, a [F173 British overseas territory] , a country mentioned in Schedule 3 and the Republic of Ireland;

" the former nationality Acts " means—

(a) the British Nationality Acts 1948 to 1965;

(b) the British Nationality and Status of Aliens Acts 1914 to 1943; and

(c) any Act repealed by the said Acts of 1914 to 1943 or by the M17Naturalization Act 1870;

" Governor ", in relation to a [F173 British overseas territory] , includes the officer for the time being administering the government of that territory;

" High Commissioner " includes an acting High Commissioner;

" immigration laws "—

(a) in relation to the United Kingdom, means the M18Immigration Act 1971 and any law for purposes similar to that Act which is for the time being or has at any time been in force in any part of the United Kingdom;

(b) in relation to a [F173British overseas territory], means any law for purposes similar to the Immigration Act 1971 which is for the time being or has at any time been in force in that territory;

" the Islands " means the Channel Islands and the Isle of Man;

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

" minor " means a person who has not attained the age of eighteen years;

" prescribed " means prescribed by regulations made under section 41;

[[F174] " qualifying territory " means a British overseas territory other than the Sovereign Base Areas of Akrotiri and Dhekelia;

" settled " shall be construed in accordance with subsections (2) to (4);

" ship " includes a hovercraft;

" statutory provision " means any enactment or any provision contained in—

(a) subordinate legislation (as defined in section 21(1) of the [M19]Interpretation Act 1978); or

(b) any instrument of a legislative character made under any Northern Ireland legislation;

" the United Kingdom " means Great Britain, Northern Ireland and the Islands, taken together;

" United Kingdom consulate " means the office of a consular officer of Her Majesty's government in the United Kingdom where a register of births is kept or, where there is no such office, such office as may be prescribed.

[F175](1A) **[** Subject to subsection (1B), references in this Act to being a member of the armed forces are references to being—

(a) a member of the regular forces within the meaning of the Armed Forces Act 2006, or

(b) a member of the reserve forces within the meaning of that Act subject to service law by virtue of paragraph (a), (b) or (c) of section 367(2) of that Act.

(1B) A person is not to be regarded as a member of the armed forces by virtue of subsection (1A) if the person is treated as a member of a regular or reserve force by virtue of—

(a) section 369 of the Armed Forces Act 2006, or

(b) section 4(3) of the Visiting Forces (British Commonwealth) Act 1933.**]**

(2) Subject to subsection (3), references in this Act to a person being settled in the United Kingdom or in a **[**[F173]British overseas territory**]** are references to his being ordinarily resident in the United Kingdom or, as the case may be, in that territory without being subject under the immigration laws to any restriction on the period for which he may remain.

(3) Subject to subsection (4), a person is not to be regarded for the purposes of this Act—

(a) as having been settled in the United Kingdom at any time when he was entitled to an exemption under section 8(3) or (4)(b) or (c) of the [M20]Immigration Act 1971 or, unless the order under section 8(2) of that Act conferring the exemption in question provides otherwise, to an exemption under the said section 8(2), or to any corresponding exemption under the former immigration laws; or

(b) as having been settled in a **[**[F173]British overseas territory**]** at any time when he was under the immigration laws entitled to any exemption corresponding to any such exemption as is mentioned in paragraph (a) (that paragraph being for the purposes of this paragraph read as if the words from "unless" to "otherwise" were omitted).

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

(4) A person to whom a child is born in the United Kingdom after commencement is to be regarded for the purposes of section 1(1) as being settled in the United Kingdom at the time of the birth if—

(a) he would fall to be so regarded but for his being at that time entitled to an exemption under section 8(3) of the Immigration Act 1971; and

(b) immediately before he became entitled to that exemption he was settled in the United Kingdom; and

(c) he was ordinarily resident in the United Kingdom from the time when he became entitled to that exemption to the time of the birth;

but this subsection shall not apply if at the time of the birth the child's father or mother is a person on whom any immunity from jurisdiction is conferred by or under the [M21]Diplomatic Privileges Act 1964.

(5) It is hereby declared that a person is not to be treated for the purpose of any provision of this Act as ordinarily resident in the United Kingdom or in a **[**[F173]British overseas territory**]** at a time when he is in the United Kingdom or, as the case may be, in that territory in breach of the immigration laws.

(6) For the purposes of this Act—

(a) a person shall be taken to have been naturalised in the United Kingdom if, but only if, he is—

(i) a person to whom a certificate of naturalisation was granted under any of the former nationality Acts by the Secretary of State or, in any of the Islands, by the Lieutenant-Governor; or

(ii) a person who by virtue of section 27(2) of the [M22]British Nationality and Status of Aliens Act 1914 was deemed to be a person to whom a certificate of naturalisation was granted, if the certificate of naturalisation in which his name was included was granted by the Secretary of State; or

(iii) a person who by virtue of section 10(5) of the [M23]Naturalization Act 1870 was deemed to be a naturalised British subject by reason of his residence with his father or mother;

(b) a person shall be taken to have been naturalised in a **[**[F173]British overseas territory**]** if, but only if, he is—

(i) a person to whom a certificate of naturalisation was granted under any of the former nationality Acts by the Governor of that territory or by a person for the time being specified in a direction given in relation to that territory under paragraph 4 of Schedule 3 to the [M24]West Indies Act 1967 or for the time being holding an office so specified; or

(ii) a person who by virtue of the said section 27(2) was deemed to be a person to whom a certificate of naturalisation was granted, if the certificate of naturalisation in which his name was included was granted by the Governor of that territory; or

(iii) a person who by the law in force in that territory enjoyed the privileges of naturalisation within that territory only;

and references in this Act to naturalisation in the United Kingdom or in a **[**[F173]British overseas territory**]** shall be construed accordingly.

(7) For the purposes of this Act a person born outside the United Kingdom aboard a ship or aircraft—

(a) shall be deemed to have been born in the United Kingdom if—

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

(i) at the time of the birth his father or mother was a British citizen; or

(ii) he would, but for this subsection, have been born stateless,

and (in either case) at the time of the birth the ship or aircraft was registered in the United Kingdom or was an unregistered ship or aircraft of the government of the United Kingdom; but

(b) subject to paragraph (a), is to be regarded as born outside the United Kingdom, whoever was the owner of the ship or aircraft at that time, and irrespective of whether or where it was then registered.

[For the purposes of this Act a person born outside a qualifying territory aboard a ship [F176](7A) or aircraft—

(a) shall be deemed to have been born in that territory if—

(i) at the time of the birth his father or mother was a British citizen or a British overseas territories citizen; or

(ii) he would, but for this subsection, have been born stateless,

and (in either case) at the time of the birth the ship or aircraft was registered in that territory or was an unregistered ship or aircraft of the government of that territory; but

(b) subject to paragraph (a), is to be regarded as born outside that territory, whoever was the owner of the ship or aircraft at the time, and irrespective of whether or where it was then registered.

(7B) For the purposes of this Act a person born outside a British overseas territory, other than a qualifying territory, aboard a ship or aircraft—

(a) shall be deemed to have been born in that territory if—

(i) at the time of the birth his father or mother was a British overseas territories citizen; or

(ii) he would, but for this subsection, have been born stateless,

and (in either case) at the time of the birth the ship or aircraft was registered in that territory or was an unregistered ship or aircraft of the government of that territory; but

(b) subject to paragraph (a), is to be regarded as born outside that territory, whoever was the owner of the ship or aircraft at the time, and irrespective of whether or where it was then registered.**]**

(8) For the purposes of this Act an application under any provision thereof shall be taken to have been made at the time of its receipt by a person authorised to receive it on behalf of the person to whom it is made; and references in this Act to the date of such an application are references to the date of its receipt by a person so authorised.

[[F177](9) For the purposes of this Act a child's mother is the woman who gives birth to the child.

(9A) For the purposes of this Act a child's father is—

(a) the husband **[**[F178]or male civil partner**]**, at the time of the child's birth, of the woman who gives birth to the child, or

[[F179](b) where a person is treated as the father of the child under section 28 of the Human Fertilisation and Embryology Act 1990 or section 35 or 36 of the Human Fertilisation and Embryology Act 2008, that person, or

(ba) where a person is treated as a parent of the child under section 42 or 43 of the Human Fertilisation and Embryology Act 2008, that person, or

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

(c) where none of paragraphs (a) to (ba) applies, a person who satisfies prescribed requirements as to proof of paternity.**]**

(9B) In subsection (9A)(c) " prescribed " means prescribed by regulations of the Secretary of State; and the regulations—

(a) may confer a function (which may be a discretionary function) on the Secretary of State or another person,

(b) may make provision which applies generally or only in specified circumstances,

(c) may make different provision for different circumstances,

(d) must be made by statutory instrument, and

(e) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(9C) The expressions " parent ", " child " and " descended " shall be construed in accordance with subsections (9) and (9A). **]**

(10) For the purposes of this Act—

(a) a period "from" or "to" a specified date includes that date; and

(b) any reference to a day on which a person was absent from the United Kingdom or from a **[**[F173]British overseas territory**]** or from the **[**[F180]British overseas territories**]** is a reference to a day for the whole of which he was so absent.

(11) For the purposes of this Act—

(a) a person is of full age if he has attained the age of eighteen years, and of full capacity if he is not of unsound mind; and

(b) a person attains any particular age at the beginning of the relevant anniversary of the date of his birth.

(12) References in this Act to any country mentioned in Schedule 3 include references to the dependencies of that country.

(13) Her Majesty may by Order in Council subject to annulment in pursuance of a resolution of either House of Parliament amend Schedule 6 in any of the following circumstances, namely—

(a) where the name of any territory mentioned in it is altered; or

(b) where any territory mentioned in it is divided into two or more territories.

[For the purposes of the definition of "designated territory" in subsection (1), an Order [F181](14) in Council may—

(a) designate any qualifying territory, or the Sovereign Base Areas of Akrotiri and Dhekelia, if the Convention is in force there, and

(b) make different designations for the purposes of section 1 and section 15;

and, for the purposes of this subsection and the definition of "Convention adoption" in subsection (1), " the Convention " means the Convention on the Protection of Children and Co-operation in respect of Intercountry Adoption, concluded at the Hague on 29th May 1993.

An Order in Council under this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.**]]]]]**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

Textual Amendments

F165 Definition in s. 50(1) inserted (21.5.2002) by British Overseas Territories Act 2002 (c. 8), s. 5, **Sch. 1 para. 5(2)**; S.I. 2002/1252, **art. 2**

F166 By S.I. 1986/948, **art. 7(8)** it is provided that s. 50 shall have effect as if in para. (1) after the definition of "association" there were inserted the definitions of "British National (Overseas)" and "British Overseas citizen"

F167 Definition in s. 50(1) inserted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 1(1)(a)**

F168 S. 50(1): definition of "Convention adoption" inserted (30.12.2005) by Adoption and Children Act 2002 (c. 38), **ss. 137(6)(a)**, 148 (with Sch. 4 paras. 6-8); S.I. 2005/2213, **art. 2(m)**

F169 S. 50: words in definition of "Crown service under the government of the United Kingdom" inserted (6.5.1999) by S.I. 1999/1042, art. 3, **Sch. 1 Pt. I para. 10**

F170 Words in s. 50(1) inserted (6.11.2009) by The Government of Wales Act 2006 (Consequential Modifications, Transitional Provisions and Saving) Order 2009 (S.I. 2009/2958), arts. 1(2), **3**

F171 S. 50(1): definition of "designated territory" inserted (30.12.2005) by Adoption and Children Act 2002 (c. 38), **ss. 137(6)(b)**, 148 (with Sch. 4 paras. 6-8); S.I. 2005/2213, **art. 2(m)**

F172 Definition in s. 50(1) repealed (26.2.2002) by British Overseas Territories Act 2002 (c. 8), s. 7, **Sch. 2**

F173 Words in s. 50 substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 1(1)(b)**

F174 Definition in s. 50(1) inserted (21.5.2002) by British Overseas Territories Act 2002 (c. 8), s. 5, **Sch. 1 para. 5(2)**; S.I. 2002/1252, **art. 2**

F175 S. 50(1A)(1B) inserted (13.1.2010) by Borders, Citizenship and Immigration Act 2009 (c. 11), **ss. 49(1)**, 58 ; S.I. 2009/2731, **art. 4(h)**

F176 S. 50(7A)(7B) substituted (21.5.2002) for words by British Overseas Territories Act 2002 (c. 8), s. 5, **Sch.1 para. 5(3)**

F177 S. 50(9)-(9C) substituted (5.6.2006 for certain purposes and otherwise 1.7.2006 with effect as mentioned in s. 162(5) of the amending Act) for s. 50(9) by Nationality, Immigration and Asylum Act 2002 (c. 41), **ss. 9(1)**, 162 (with s. 159); S.I. 2006/1498, **arts. 2**, 3

F178 Words in s. 50(9A)(a) inserted (2.12.2019) by The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), regs. 1(2), **22**

F179 S. 50(9A)(b)(ba)(c) substituted (6.4.2009) for s. 50(9A)(b)(c) by Human Fertilisation and Embryology Act 2008 (c. 22), ss. 56, 68, **Sch. 6 para. 22**; S.I. 2009/479, **art. 6(d)** (with transitional provisions in art. 7(1), Sch.)

F180 Words in s. 50 substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 1(1)(b)**

F181 S. 50(14) inserted (30.12.2005) by Adoption and Children Act 2002 (c. 38), **ss. 137(7)**, 148 (with Sch. 4 paras. 6-8); S.I. 2005/2213, **art. 2(m)**

Modifications etc. (not altering text)

C74 S. 50 extended by British Nationality (Falkland Islands) Act 1983 (c.6, SIF 87), **s. 4(2)(g)**

C75 S. 50 applied by S.I. 1986/948, **art. 1(4)**

C76 S. 50 applied (21.7.1993) by S.I. 1993/1795, **art. 1(4)**.

C77 S. 50 modified (19.3.1997) by 1997 c. 20, **s. 2(3)**

C78 S. 50 amended (18.7.1996) by 1996 c. 41, **s. 2(2)**

C79 S. 50(5) modified (7.11.2002, partly retrospective) by Nationality, Immigration and Asylum Act 2002 (c. 41), **s. 11**

C80 S. 50(8) applied (8.12.2003) by The Nationality, Immigration and Asylum Act 2002 (Commencement No. 6) Order 2003 (S.I. 2003/3156), **art. 4**

C81 S. 50(8) applied (25.10.2006) by The Immigration, Asylum and Nationality Act 2006 (Commencement No. 3) Order 2006 (S.I. 2006/2838), **art. 4(3)**

Marginal Citations

M16 1978 c. 15.

M17 1870 c. 14.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

M18 1971 c. 77.
M19 1978 c. 30.
M20 1971 c. 77.
M21 1964 c. 81.
M22 1914 c. 17.
M23 1970 c. 14.
M24 1967 c. 4.

[F182 50A Meaning of references to being in breach of immigration laws

(1) This section applies for the construction of a reference to being in the United Kingdom "in breach of the immigration laws" in—
  (a) section 4(2) or (4);
  (b) section 50(5); or
  (c) Schedule 1.

(2) It applies only for the purpose of determining on or after the relevant day—
  (a) whether a person born on or after the relevant day is a British citizen under section 1(1),
  (b) whether, on an application under section 1(3) or 4(2) made on or after the relevant day, a person is entitled to be registered as a British citizen, or
  (c) whether, on an application under section 6(1) or (2) made on or after the relevant day, the applicant fulfils the requirements of Schedule 1 for naturalisation as a British citizen under section 6(1) or (2).

(3) But that is subject to section 48(3)(d) and (4) of the Borders, Citizenship and Immigration Act 2009 (saving in relation to section 11 of the Nationality, Immigration and Asylum Act 2002).

(4) A person is in the United Kingdom in breach of the immigration laws if (and only if) the person—
  (a) is in the United Kingdom;
  (b) does not have the right of abode in the United Kingdom within the meaning of section 2 of the Immigration Act 1971;
  (c) does not have leave to enter or remain in the United Kingdom (whether or not the person previously had leave);
  (d) does not have a qualifying CTA entitlement;
  (e) is not entitled to reside in the United Kingdom by virtue of any provision made under section 2(2) of the European Communities Act 1972 (whether or not the person was previously entitled);
  (f) is not entitled to enter and remain in the United Kingdom by virtue of section 8(1) of the Immigration Act 1971 (crew) (whether or not the person was previously entitled); and
  (g) does not have the benefit of an exemption under section 8(2) to (4) of that Act (diplomats, soldiers and other special cases) (whether or not the person previously had the benefit of an exemption).

(5) For the purposes of subsection (4)(d), a person has a qualifying CTA entitlement if the person—
  (a) is a citizen of the Republic of Ireland,

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

(b) last arrived in the United Kingdom on a local journey (within the meaning of the Immigration Act 1971) from the Republic of Ireland, and

(c) on that arrival, was a citizen of the Republic of Ireland and was entitled to enter without leave by virtue of section 1(3) of the Immigration Act 1971 (entry from the common travel area).

(6) Section 11(1) of the Immigration Act 1971 (person deemed not to be in the United Kingdom before disembarkation, while in controlled area or while under immigration control) applies for the purposes of this section as it applies for the purposes of that Act.

(7) This section is without prejudice to the generality of—

(a) a reference to being in a place outside the United Kingdom in breach of immigration laws, and

(b) a reference in a provision other than one specified in subsection (1) to being in the United Kingdom in breach of immigration laws.

(8) The relevant day for the purposes of subsection (2) is the day appointed for the commencement of section 48 of the Borders, Citizenship and Immigration Act 2009 (which inserted this section).**]**

Textual Amendments

F182 S. 50A inserted (13.1.2010) by Borders, Citizenship and Immigration Act 2009 (c. 11), **ss. 48(1)**, 58 ; S.I. 2009/2731, **art. 4(g)**

Modifications etc. (not altering text)

C82 S. 50A excluded (13.1.2010) by Borders, Citizenship and Immigration Act 2009 (c. 11), **ss. 48(4)**, 58; S.I. 2009/2731, **art. 4(g)**

51 Meaning of certain expressions relating to nationality in other Acts and instruments.

(1) Without prejudice to subsection (3)(c), in any enactment or instrument whatever passed or made before commencement

"British subject" and

"Commonwealth citizen" have the same meaning, that is—

(a) in relation to any time before commencement—

(i) a person who under the 1948 Act was at that time a citizen of the United Kingdom and Colonies or who, under any enactment then in force in a country mentioned in section 1(3) of that Act as then in force, was at that time a citizen of that country; and

(ii) any other person who had at that time the status of a British subject under that Act or any other enactment then in force;

(b) in relation to any time after commencement, a person who has the status of a Commonwealth citizen under this Act.

(2) In any enactment or instrument whatever passed or made after commencement—

"British subject" means a person who has the status of a British subject under this Act;

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

"Commonwealth citizen" means a person who has the status of a Commonwealth citizen under this Act.

(3) In any enactment or instrument whatever passed or made before commencement—

(a) "citizen of the United Kingdom and Colonies"—

(i) in relation to any time before commencement, means a person who under the 1948 Act was at that time a citizen of the United Kingdom and Colonies;

(ii) in relation to any time after commencement, means a person who under **[**[F183]the British Nationality Acts 1981 and 1983**][**[F184]or the British Overseas Territories Act 2002**]** is a British citizen, a **[**[F185]British overseas territories citizen**]** or a British Overseas citizen **[**[F186]or who under the Hong Kong (British Nationality) Order 1986 is a British National (Overseas)**]**;

(b) any reference to ceasing to be a citizen of the United Kingdom and Colonies shall, in relation to any time after commencement, be construed as a reference to becoming a person who is neither a British citizen nor a **[**[F185]British overseas territories citizen**][**[F187]nor a British National (Overseas)**]** nor a British Overseas citizen;

(c) any reference to a person who is a British subject (or a British subject without citizenship) by virtue of section 2, 13, or 16 of the 1948 Act or by virtue of, or of section 1 of, the [M25]British Nationality Act 1965 shall, in relation to any time after commencement, be construed as a reference to a person who under this Act is a British subject.

(4) In any statutory provision, whether passed or made before or after commencement, and in any other instrument whatever made after commencement

"alien", in relation to any time after commencement, means a person who is neither a Commonwealth citizen nor a British protected person nor a citizen of the Republic of Ireland.

(5) The preceding provisions of this section—

(a) shall not apply in cases where the context otherwise requires; and

(b) shall not apply to this Act or to any instrument made under this Act.

Textual Amendments

F183 Words substituted by British Nationality (Falkland Islands) Act 1983 (c. 6, SIF 87), **s. 4(3)**

F184 Words in s. 51(3)(a)(ii) inserted (21.5.2002) by British Overseas Territories Act 2002 (c. 8), s. 5, **Sch. 1 para. 6**; S.I. 2002/1252, **art. 2**

F185 Words in s. 51 substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 2(2)(b)**

F186 By S.I. 1986/948, **art. 7(9)**(*a*) it is provided that s. 51 shall have effect as if in subsection (3) at the end of para. (*a*)(ii) there were inserted the words "or who under the Hong Kong (British Nationality) Order 1986 is a British National (Overseas)"

F187 By S.I. 1986/948, **art. 7(9)**(*b*) it is provided that s. 51 shall have effect as if in subsection (3) in para. (*b*) after the words "British Dependent Territories citizen" there were inserted the words "nor a British National (Overseas)"

Modifications etc. (not altering text)

C83 S. 51(3) modified (19.3.1997) by 1997 c. 20, **s. 2(3)**

C84 S. 51(3) amended (18.7.1996) by 1996 c. 41, **s. 2(2)**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

Marginal Citations
M25 1965 c. 34.

52 Consequential amendments, transitional provisions, repeals and savings.

(1) In any enactment or instrument whatever passed or made before commencement, for any reference to section 1(3) of the 1948 Act (list of countries whose citizens are Commonwealth citizens under that Act) there shall be substituted a reference to Schedule 3 to this Act, unless the context makes that substitution inappropriate.

(2) Subject to subsection (3), Her Majesty may by Order in Council make such consequential modifications of—
  (a) any enactment of the Parliament of the United Kingdom passed before commencement;
  (b) any provision contained in any Northern Ireland legislation passed or made before commencement; or
  (c) any instrument made before commencement under any such enactment or provision,

as appear to Her necessary or expedient for preserving after commencement the substantive effect of that enactment, provision or instrument.

(3) Subsection (2) shall not apply in relation to—
  (a) the [M26]Immigration Act 1971; or
  (b) any provision of this Act not contained in Schedule 7.

(4) Any Order in Council made under subsection (2) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) Any provision made by Order in Council under subsection (2) after commencement may be made with retrospective effect as from commencement or any later date.

[X2](6) The enactments specified in Schedule 7 shall have effect subject to the amendments there specified, being amendments consequential on the provisions of this Act.

(7) This Act shall have effect subject to the transitional provisions contained in Schedule 8.

[X2](8) The enactments mentioned in Schedule 9 are hereby repealed to the extent specified in the third column of that Schedule.

(9) Without prejudice to section 51, nothing in this Act affects the operation, in relation to any time before commencement, of any statutory provision passed or made before commencement.

(10) Nothing in this Act shall be taken as prejudicing the operation of sections 16 and 17 of the [M27]Interpretation Act 1978 (which relate to the effect of repeals).

(11) In this section

"modifications" includes additions, omissions and alterations.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

Editorial Information

X2 The text of s. 52(6)(8) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M26 1971 c. 77.
M27 1978 c. 30.

53 Citation, commencement and extent.

(1) This Act may be cited as the British Nationality Act 1981.

(2) This Act, except the provisions mentioned in subsection (3), shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint; and references to the commencement of this Act shall be construed as references to the beginning of that day.

(3) Section 49 and this section shall come into force on the passing of this Act.

(4) This Act extends to Northern Ireland.

(5) The provisions of this Act, except those mentioned in subsection (7), extend to the Islands and all **[**[F188]British overseas territories**]** ; and section 36 of the [M28]Immigration Act 1971 (power to extend provisions of that Act to Islands) shall apply to the said excepted provisions as if they were provisions of that Act.

[F189](6) . . . . . .

(7) The provisions referred to in subsections (5) [F190]. . . are—

(a) section 39 and Schedule 4;

(b) section 52(7) and Schedule 8 so far as they relate to the Immigration Act 1971; and

(c) section 52(8) and Schedule 9 so far as they relate to provisions of the Immigration Act 1971 other than Schedule 1.

Subordinate Legislation Made

P1 Power of appointment under s. 53(2) fully exercised: 1.1.1983 appointed by S.I. 1982/933

Textual Amendments

F188 Words in s. 53(5) substituted (26.2.2002) by British Overseas Territories Act 2002 (C. 8), {s. 1(1)(b)}
F189 S. 53(6) repealed (8.11.1995) by 1995 c. 44, s. 1, **Sch. 1 Pt.II**
F190 Words in s. 53(7) repealed (8.11.1995) by 1995 c. 44, s. 1, **Sch. 1 Pt.II**

Marginal Citations

M28 1971 c. 77.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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

SCHEDULE 1

REQUIREMENTS FOR NATURALISATION

Modifications etc. (not altering text)

C85 Sch. 1 modified (7.11.2002, partly retrospective) by Nationality, Immigration and Asylum Act 2002 (c. 41), **s. 11**

Naturalisation as a British citizen under section 6(1)

1 (1) Subject to paragraph 2, the requirements for naturalisation as a British citizen under section 6(1) are, in the case of any person who applies for it—

(a) the requirements specified in sub-paragraph (2) of this paragraph, or the alternative requirement specified in sub-paragraph (3) of this paragraph; and

(b) that he is of good character; and

(c) that he has a sufficient knowledge of the English, Welsh or Scottish Gaelic language; and

[[F191](ca) that he has sufficient knowledge about life in the United Kingdom; and**]**

(d) that either—

(i) his intentions are such that, in the event of a certificate of naturalisation as a British citizen being granted to him, his home or (if he has more than one) his principal home will be in the United Kingdom; or

(ii) he intends, in the event of such a certificate being granted to him, to enter into, or continue in, Crown service under the government of the United Kingdom, or service under an international organisation of which the United Kingdom or Her Majesty's government therein is a member, or service in the employment of a company or association established in the United Kingdom.

(2) The requirements referred to in sub-paragraph (1)(a) of this paragraph are—

(a) that the applicant was in the United Kingdom at the beginning of the period of five years ending with the date of the application, and that the number of days on which he was absent from the United Kingdom in that period does not exceed 450; and

(b) that the number of days on which he was absent from the United Kingdom in the period of twelve months so ending does not exceed 90; and

(c) that he was not at any time in the period of twelve months so ending subject under the immigration laws to any restriction on the period for which he might remain in the United Kingdom; and

(d) that he was not at any time in the period of five years so ending in the United Kingdom in breach of the immigration laws.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

(3) The alternative requirement referred to in sub-paragraph (1)(a) of this paragraph is that on the date of the application he is serving outside the United Kingdom in Crown service under the government of the United Kingdom.

Textual Amendments

F191 Sch. 1 para. 1(1)(ca) inserted (1.11.2005) by Nationality, Immigration and Asylum Act 2002 (c. 41), **ss. 1(1)**, 162(1) (with s. 159); S.I. 2005/2782, **art. 3(1)** (subject to art. 3(2))

2 [F192](1) If in the special circumstances of any particular case the Secretary of State thinks fit, he may for the purposes of paragraph 1 do all or any of the following things, namely—

(a) treat the applicant as fulfilling the requirement specified in paragraph 1(2)(a) or paragraph 1(2)(b), or both, although the number of days on which he was absent from the United Kingdom in the period there mentioned exceeds the number there mentioned;

(b) treat the applicant as having been in the United Kingdom for the whole or any part of any period during which he would otherwise fall to be treated under paragraph 9(1) as having been absent;

(c) disregard any such restriction as is mentioned in paragraph 1(2)(c), not being a restriction to which the applicant was subject on the date of the application;

(d) treat the applicant as fulfilling the requirement specified in paragraph 1(2)(d) although he was in the United Kingdom in breach of the immigration laws in the period there mentioned;

(e) waive the need to fulfil **[**[F193]either or both of the requirements specified in paragraph 1(1)(c) and (ca)**]** if he considers that because of the applicant's age or physical or mental condition it would be unreasonable to **[**[F194]expect him to fulfil that requirement or those requirements**]** .

[[F195](2) Sub-paragraph (3) applies in a case where, on the date of the application, the applicant is or has been a member of the armed forces.

(3) If in the special circumstances of the particular case the Secretary of State thinks fit, he may for the purposes of paragraph 1 treat the applicant as fulfilling the requirement specified in paragraph 1(2)(a) although the applicant was not in the United Kingdom at the beginning of the period there mentioned.**]**

Textual Amendments

F192 Sch. 1 para. 2 renumbered as para. 2(1) (13.5.2014) by virtue of Citizenship (Armed Forces) Act 2014 (c. 8), **ss. 1(2)**, 2(2)

F193 Words in Sch. 1 para. 2(e) substituted (1.11.2005) by Nationality, Immigration and Asylum Act 2002 (c. 41), **ss. 1(2)**, 162(1) (with s. 159); S.I. 2005/2782, **art. 3(1)** (subject to art. 3(2))

F194 Words in Sch. 1 para. 2(e) substituted (1.11.2005) by Nationality, Immigration and Asylum Act 2002 (c. 41), **ss. 1(2)**, 162(1) (with s. 159); S.I. 2005/2782, **art. 3(1)** (subject to art. 3(2))

F195 Sch. 1 para. 2(2)(3) inserted (13.5.2014) by Citizenship (Armed Forces) Act 2014 (c. 8), **ss. 1(3)**, 2(2)

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

PROSPECTIVE

[[F196]2A(1) A person has a qualifying immigration status for the purposes of paragraph 1(2) if the person has—

(a) qualifying temporary residence leave;
(b) probationary citizenship leave;
(c) permanent residence leave;
(d) a qualifying CTA entitlement;
(e) a Commonwealth right of abode; or
(f) a temporary or permanent EEA entitlement.

(2) A person who is required for those purposes to have a qualifying immigration status for the whole of the qualifying period need not have the same qualifying immigration status for the whole of that period.**]**

Textual Amendments

F196 Sch. 1 para. 2(A) inserted (prosp.) by Borders, Citizenship and Immigration Act 2009 (c. 11), **ss. 39(11)**, 58

Naturalisation as a British citizen under section 6(2)

3 Subject to paragraph 4, the requirements for naturalisation as a British citizen under section 6(2) are, in the case of any person who applies for it—

(a) that he was in the United Kingdom at the beginning of the period of three years ending with the date of the application, and that the number of days on which he was absent from the United Kingdom in that period does not exceed 270; and
(b) that the number of days on which he was absent from the United Kingdom in the period of twelve months so ending does not exceed 90; and
(c) that on the date of the application he was not subject under the immigration laws to any restriction on the period for which he might remain in the United Kingdom; and
(d) that he was not at any time in the period of three years ending with the date of the application in the United Kingdom in breach of the immigration laws; and
(e) the **[**[F197]requirements specified in paragraph 1(1)(b), (c) and (ca)**]** .

Textual Amendments

F197 Words in Sch. 1 para. 3(e) substituted (28.7.2004) by Nationality, Immigration and Asylum Act 2002 (c. 41), **ss. 2(1)(a)**, 162 (with s. 159); S.I. 2004/1707, **art. 3**

4 Paragraph 2 shall apply in relation to paragraph 3 with the following modifications, namely—

(a) the reference to the purposes of paragraph 1 shall be read as a reference to the purposes of paragraph 3;
(b) the references to paragraphs 1(2)(a), 1(2)(b) and 1(2)(d) shall be read as references to paragraphs 3(a), 3(b) and 3(d) respectively;

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

(c) paragraph 2(c) [F198]. . . shall be omitted; and

(d) after paragraph (e) there shall be added—

"(f) waive the need to fulfil all or any of the requirements specified in paragraph 3(a) and (b) if on the date of the application the person to whom the applicant is married **[**[F199], or of whom the applicant is the civil partner,**]** is serving in service to which section 2(1)(b) applies, that person's recruitment for that service having taken place in the United Kingdom"

Textual Amendments

F198 Words in Sch. 1 para. 4(c) omitted (28.7.2004) and repealed (prosp.) by virtue of Nationality, Immigration and Asylum Act 2002 (c. 41), **ss. 2(1)(b)**, 161, 162, **Sch. 9** (with s. 159); S.I. 2004/1707, **art. 3**

F199 Words in Sch. 1 para. 4(d) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 261(1), 263, **Sch. 27 para. 78**; S.I. 2005/3175, **art. 2(2)** (subject to art. 2(3)-(5))

PROSPECTIVE

[[F200]4A(1) Subject to paragraph 3(5), a person has a qualifying immigration status for the purposes of paragraph 3 if the person has—

(a) qualifying temporary residence leave based on a relevant family association;

(b) probationary citizenship leave based on a relevant family association;

(c) permanent residence leave based on a relevant family association;

(d) a qualifying CTA entitlement; or

(e) a Commonwealth right of abode.

(2) For the purposes of paragraph 3 and this paragraph, the leave mentioned in sub-paragraph (1)(a), (b) or (c) is based on a relevant family association if it was granted on the basis of the person having a relevant family association.

(3) A person who is required for the purposes of paragraph 3 to have, for the whole of the qualifying period, a qualifying immigration status and a relevant family association need not, for the whole of that period—

(a) have the same qualifying immigration status; or

(b) (subject to paragraph 3(5)) have the same relevant family association.

(4) Where, by virtue of sub-paragraph (3)(a), a person relies upon having more than one qualifying immigration status falling within sub-paragraph (1)(a), (b) or (c)—

(a) subject to paragraph 3(5), it is not necessary that the leave to which each status relates is based on the same relevant family association, and

(b) in a case where paragraph 3(5) applies, the relationship by reference to which the persons referred to in paragraph 3(5) are partners need not be of the same description in respect of each grant of leave.**]**

Textual Amendments

F200 Sch. 1 para. 4A inserted (prosp.) by Borders, Citizenship and Immigration Act 2009 (c. 11), **ss. 40(5)**, 58

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

PROSPECTIVE

[F201 The qualifying period for naturalisation as a British citizen under section 6

Textual Amendments

F201 Sch. 1 para. 4B inserted (prosp.) by Borders, Citizenship and Immigration Act 2009 (c. 11), **ss. 41(1)**, 58

4B (1) The qualifying period for the purposes of paragraph 1 or 3 is a period of years which ends with the date of the application in question.

(2) The length of the period is determined in accordance with the following provisions of this paragraph.

(3) In the case of an applicant who does not meet the activity condition, the number of years in the period is—

(a) 8, in a case within paragraph 1;

(b) 5, in a case within paragraph 3.

(4) In the case of an applicant who meets the activity condition, the number of years in the period is—

(a) 6, in a case within paragraph 1;

(b) 3, in a case within paragraph 3.

(5) The applicant meets the activity condition if the Secretary of State is satisfied that the applicant—

(a) has participated otherwise than for payment in prescribed activities; or

(b) is to be treated as having so participated.**]**

Naturalisation as a [F202 British overseas territories citizen] under section 18(1)

Textual Amendments

F202 Words in Sch. 1 para. 5 cross-heading substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 2(2)(b)**

5 (1) Subject to paragraph 6, the requirements for naturalisation as a **[**F203 British overseas territories citizen**]** under section 18(1) are, in the case of any person who applies for it—

(a) the requirements specified in sub-paragraph (2) of this paragraph, or the alternative requirement specified in sub-paragraph (3) of this paragraph; and

(b) that he is of good character; and

(c) that he has a sufficient knowledge of the English language or any other language recognised for official purposes in the relevent territory; and

(d) that either—

(i) his intentions are such that, in the event of a certificate of naturalisation as a **[**F203 British overseas territories citizen**]** being granted to him, his home or (if he has more than one) his principal home will be in the relevent territory; or

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

(ii) he intends, in the event of such a certificate being granted to him, to enter into, or continue in, Crown service under the government of that territory, or service under an international organisation of which that territory or the government of that territory is a member, or service in the employment of a company or association established in that territory.

(2) The requirements referred to in sub-paragraph (1)(a) of this paragraph are—

(a) that he was in the relevant territory at the beginning of the period of five years ending with the date of the application, and that the number of days on which he was absent from that territory in that period does not exceed 450; and

(b) that the number of days on which he was absent from that territory in the period of twelve months so ending does not exceed 90; and

(c) that he was not at any time in the period of twelve months so ending subject under the immigration laws to any restriction on the period for which he might remain in that territory; and

(d) that he was not at any time in the period of five years so ending in that territory in breach of the immigration laws.

(3) The alternative requirement referred to in sub-paragraph (1)(a) of this paragraph is that on the date of the application he is serving outside the relevant territory in Crown service under the government of that territory.

Textual Amendments

F203 Words in Sch. 1 para. 5 substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 2(2)(b)**

6 If in the special circumstances of any particular case the Secretary of State thinks fit, he may for the purposes of paragraph 5 do all or any of the following things, namely—

(a) treat the applicant as fulfilling the requirement specified in paragraph 5(2)(a) or paragraph 5(2)(b), or both, although the number of days on which he was absent from the relevant territory in the period there mentioned exceeds the number there mentioned;

(b) treat the applicant as having been in the relevant territory for the whole or any part of any period during which he would otherwise fall to be treated under paragraph 9(2) as having been absent;

(c) disregard any such restriction as is mentioned in paragraph 5(2)(c), not being a restriction to which the applicant was subject on the date of the application;

(d) treat the applicant as fulfilling the requirement specified in paragraph 5(2)(d) although he was in the relevant territory in breach of the immigration laws in the period there mentioned;

(e) waive the need to fulfil the requirement specified in paragraph 5(1)(c) if he considers that because of the applicant's age or physical or mental condition it would be unreasonable to expect him to fulfil it.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

*Naturalisation as a **[**[F204]British overseas territories citizen**]** under section 18(2)*

Textual Amendments

F204 Words in Sch. 1 para. 7 cross-heading substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 2(2)(b)**

7 Subject to paragraph 8, the requirements for naturalisation as a **[**[F205]British overseas territories citizen**]** under section 18(2) are, in the case of any person who applies for it—

(a) that he was in the relevant territory at the beginning of the period of three years ending with the date of the application, and that the number of days on which he was absent from that territory in that period does not exceed 270; and

(b) that the number of days on which he was absent from that territory in the period of twelve months so ending does not exceed 90; and

(c) that on the date of the application he was not subject under the immigration laws to any restriction on the period for which he might remain in that territory; and

(d) that he was not at any time in the period of three years ending with the date of the application in that territory in breach of the immigration laws; and

(e) the **[**[F206]requirements specified in paragraph 5(1)(b) and (c)**]**.

Textual Amendments

F205 Words in Sch. 1 para. 7 substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 2(2)(b)**

F206 Words in Sch. 1 para. 7(e) substituted (28.7.2004) by Nationality, Immigration and Asylum Act 2002 (c. 41), **ss. 2(2)(a)**, 162 (with s. 159); S.I. 2004/1707, **art. 3**

8 Paragraph 6 shall apply in relation to paragraph 7 with the following modifications, namely—

(a) the reference to the purposes of paragraph 5 shall be read as a reference to the purposes of paragraph 7;

(b) the references to paragraphs 5(2)(a), 5(2)(b) and 5(2)(d) shall be read as references to paragraphs 7(a), 7(b) and 7(d) respectively;

(c) paragraph 6(c) [F207]. . . shall be omitted; and

(d) after paragraph (e) there shall be added—

"(f) waive the need to fulfil all or any of the requirements specified in paragraph 7(a) and (b) if on the date of the application the person to whom the applicant is married **[**[F208], or of whom the applicant is the civil partner,**]** is serving in service to which section 16(1)(b) applies, that person's recruitment for that service having taken place in a **[**[F209]British overseas territory**]** ."

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

Textual Amendments

F207 Words in Sch. 1 para. 8(c) omitted (28.7.2004) and repealed (prosp.) by virtue of Nationality, Immigration and Asylum Act 2002 (c. 41), **ss. 2(2)(b)**, 161, 162, **Sch. 9** (with s. 159); S.I. 2004/1707, **art. 3**

F208 Words in Sch. 1 para. 8(d) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 261(1), 263, **Sch. 27 para. 78**; S.I. 2005/3175, **art. 2(2)** (subject to art. 2(3)-(5))

F209 Words in Sch. 1 para. 8 substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 1(1)(b)**

Periods to be treated as periods of absence from U.K. or a [F210British overseas territory]

Textual Amendments

F210 Words in Sch. 1 para. 9 cross-heading substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), {1(1)(b)}

9 (1) For the purposes of this Schedule a person shall (subject to paragraph 2(b)) be treated as having been absent from the United Kingdom during any of the following periods, that is to say—

(a) any period when he was in the United Kingdom and either was entitled to an exemption under section 8(3) or (4) of the M29Immigration Act 1971 (exemptions for diplomatic agents etc. and members of the forces) or was a member of the family and formed part of the household of a person so entitled;

(b) any period when he was detained—

(i) in any place of detention in the United Kingdom in pursuance of a sentence passed on him by a court in the United Kingdom or elsewhere for any offence;

(ii) in any hospital in the United Kingdom under a hospital order made under [F211Part III of the Mental Health Act 1983] or section 175 or 376 of the M30Criminal Procedure (Scotland) Act 1975 or Part III of the Mental Health [F212(Northern Ireland) Order 1986], being an order made in connection with his conviction of an offence; or

(iii) under any power of detention conferred by the immigration laws of the United Kingdom;

(c) any period when, being liable to be detained as mentioned in paragraph (b)(i) or (ii) of this sub-paragraph, he was unlawfully at large or absent without leave and for that reason liable to be arrested or taken into custody;

(d) any period when, his actual detention under any such power as is mentioned in paragraph (b)(iii) of this sub-paragraph being required or specifically authorised, he was unlawfully at large and for that reason liable to be arrested.

(2) For the purposes of this Schedule a person shall (subject to paragraph 6(b)) be treated as having been absent from any particular [F213British overseas territory] during any of the following periods, that is to say—

(a) any period when he was in that territory and either was entitled to an exemption under the immigration laws of that territory corresponding to any such exemption as is mentioned in sub-paragraph (1)(a) or was a member of the family and formed part of the household of a person so entitled;

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

(b) any period when he was detained—

(i) in any place of detention in the relevant territory in pursuance of a sentence passed on him by a court in that territory or elsewhere for any offence;

(ii) in any hospital in that territory under a direction (however described) made under any law for purposes similar to , **[**[F214]Part III of the Mental Health Act 1983**]** which was for the time being in force in that territory, being a direction made in connection with his conviction of an offence and corresponding to a hospital order under that Part; or

(iii) under any power of detention conferred by the immigration laws of that territory;

(c) any period when, being liable to be detained as mentioned in paragraph (b)(i) or (ii) of this sub-paragraph, he was unlawfully at large or absent without leave and for that reason liable to be arrested or taken into custody;

(d) any period when, his actual detention under any such power as is mentioned in paragraph (b)(iii) of this sub-paragraph being required or specifically authorised, he was unlawfully at large and for that reason liable to be arrested.

Textual Amendments

F211 Words substituted by Mental Health Act 1983 (c. 20, SIF 85), s. 148, **Sch. 4 para. 60**(*a*)

F212 Words substituted by S.I. 1986/596, **art. 8**

F213 Words in Sch. 1 para. 9(2) substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 1(1)(b)**

F214 Words substituted by Mental Health Act 1983 (c. 20, SIF 85), s. 148, **Sch. 4 para. 60**(*b*)

Marginal Citations

M29 1971 c. 77.

M30 1975 c. 21.

Interpretation

10 In this Schedule "the relevant territory" has the meaning given by section 18(3).

PROSPECTIVE

[[F215]11 (1) This paragraph applies for the purposes of this Schedule.

(2) A person has qualifying temporary residence leave if—

(a) the person has limited leave to enter or remain in the United Kingdom, and

(b) the leave is granted for a purpose by reference to which a grant of probationary citizenship leave may be made.

(3) A person has probationary citizenship leave if—

(a) the person has limited leave to enter or remain in the United Kingdom, and

(b) the leave is of a description identified in rules under section 3 of the Immigration Act 1971 as "probationary citizenship leave",

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

and the reference in sub-paragraph (2) to a grant of probationary citizenship leave is to be construed accordingly.

(4) A person has permanent residence leave if the person has indefinite leave to enter or remain in the United Kingdom.

(5) A person has a qualifying CTA entitlement if the person—

(a) is a citizen of the Republic of Ireland,

(b) last arrived in the United Kingdom on a local journey (within the meaning of the Immigration Act 1971) from the Republic of Ireland, and

(c) on that arrival, was a citizen of the Republic of Ireland and was entitled to enter without leave by virtue of section 1(3) of the Immigration Act 1971 (entry from the common travel area).

(6) A person has a Commonwealth right of abode if the person has the right of abode in the United Kingdom by virtue of section 2(1)(b) of the Immigration Act 1971.

(7) A person has a permanent EEA entitlement if the person is entitled to reside in the United Kingdom permanently by virtue of any provision made under section 2(2) of the European Communities Act 1972.

(8) A person has a temporary EEA entitlement if the person does not have a permanent EEA entitlement but is entitled to reside in the United Kingdom by virtue of any provision made under section 2(2) of the European Communities Act 1972.

(9) A reference in this paragraph to having leave to enter or remain in the United Kingdom is to be construed in accordance with the Immigration Act 1971.**]**

Textual Amendments

F215 Sch. 1 para. 11 inserted (prosp.) by Borders, Citizenship and Immigration Act 2009 (c. 11), **ss. 49(3)**, 58

SCHEDULE 2

Section 36.

PROVISIONS FOR REDUCING STATELESSNESS

Modifications etc. (not altering text)

C86 Sch. 2 excluded by S.I. 1983/882, **art. 2(3)**

Persons born in the United Kingdom after commencement

1 (1) Where a person born in the United Kingdom after commencement would, but for this paragraph, be born stateless, then, subject to sub-paragraph (3)—

(a) if at the time of the birth his father or mother is a citizen or subject of a description mentioned in sub-paragraph (2), he shall be a citizen or subject of that description; and accordingly

(b) if **[**[F216]he is born legitimate and**]** at the time of the birth each of his parents is a citizen or subject of a different description so mentioned, he shall be a

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

citizen or subject of the same description so mentioned as each of them is respectively at that time.

(2) The descriptions referred to in sub-paragraph (1) are a **[**[F217]British overseas territories citizen**]**, a British Overseas citizen and a British subject under this Act.

(3) A person shall not be a British subject by virtue of this paragraph if by virtue of it he is a citizen of a description mentioned in sub-paragraph (2).

Textual Amendments

F216 Words in Sch. 2 para. 1(1)(b) ceased to have effect (1.7.2006 with effect as mentioned in s. 162(5) of the amending Act) and repealed (prosp.) by Nationality, Immigration and Asylum Act 2002 (c. 41), **ss. 9(5)(a)**, 161, 162, **Sch. 9** (with s. 159); S.I. 2006/1498, **arts. 2(b)**, 3

F217 Words in Sch. 2 para. 1 substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 2(2)(b)**

*Persons born in a **[**[F218]British overseas territory**]** after commencement*

Textual Amendments

F218 Words in Sch. 2 para. 2 cross-heading substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 1(1)(b)**

2 (1) Where a person born in a **[**[F219]British overseas territory**]** after commencement would, but for this paragraph, be born stateless, then, subject to sub-paragraph (3)—

(a) if at the time of the birth his father or mother is a citizen or subject of a description mentioned in sub-paragraph (2), he shall be a citizen or subject of that description; and accordingly

(b) if **[**[F220]he is born legitimate and**]** at the time of the birth each of his parents is a citizen or subject of a different description so mentioned, he shall be a citizen or subject of the same description so mentioned as each of them is respectively at that time.

(2) The descriptions referred to in sub-paragraph (1) are a British citizen, a British Overseas citizen and a British subject under this Act.

(3) A person shall not be a British subject by virtue of this paragraph if by virtue of it he is a citizen of a description mentioned in sub-paragraph (2).

Textual Amendments

F219 Words in Sch. 2 para. 2 substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 1(1)(b)**

F220 Words in Sch. 2 para. 2(1)(b) ceased to have effect (1.7.2006 with effect as mentioned in s. 162(5) of the amending Act) and repealed (prosp.) by Nationality, Immigration and Asylum Act 2002 (c. 41), **ss. 9(5)(b)**, 161, 162, **Sch. 9** (with s. 159); S.I. 2006/1498, **arts. 2(b)**, 3

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

Persons born in the United Kingdom or a [F221British overseas territory] after commencement

Textual Amendments

F221 Words in Sch. 2 para. 3 cross-heading substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8). {s. 1(1)(b)}

3 (1) A person born in the United Kingdom or a [F222British overseas territory] after commencement shall be entitled, on an application for his registration under this paragraph, to be so registered if the following requirements are satisfied in his case, namely—

(a) that he is and always has been stateless; and

(b) that on the date of the application he F223. . . was under the age of twenty-two; and

(c) that he was in the United Kingdom or a [F222British overseas territory](no matter which) at the beginning of the period of five years ending with that date and that (subject to paragraph 6) the number of days on which he was absent from both the United Kingdom and the [F224British overseas territories] in that period does not exceed 450.

(2) A person entitled to registration under this paragraph—

(a) shall be registered under it as a British citizen if, in the period of five years mentioned in sub-paragraph (1), the number of days wholly or partly spent by him in the United Kingdom exceeds the number of days wholly or partly spent by him in the [F224British overseas territories];

(b) in any other case, shall be registered under it as a [F225British overseas territories citizen].

Textual Amendments

F222 Words in Sch. 2 para. 3 substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 1(1)(b)**

F223 Words in Sch. 2 para. 3(1)(b) repealed (1.4.2003 with effect as mentioned in s. 162(4) of the amending Act) by Nationality, Immigration and Asylum Act 2002 (c. 41), ss. 8, 161, 162, **Sch. 9** (with s. 159); S.I. 2003/754, **art. 2**, Sch. 1 (with arts. 3, 4, Sch. 2 (as amended by S.I. 2003/1040, art. 2 and S.I. 2003/1339, art. 4))

F224 Words in Sch. 2 para. 3 substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 1(1)(b)**

F225 Words in Sch. 2 para. 3(2)(b) substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 2(2)(b)**

Persons born outside the United Kingdom and the [F226British overseas territories] after commencement

Textual Amendments

F226 Words in Sch. 2 para. 4 cross-heading substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 1(1)(b)**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

4 (1) A person born outside the United Kingdom and the **[**[F227]British overseas territories**]** after commencement shall be entitled, on an application for his registration under this paragraph, to be so registered if the following requirements are satisfied, namely—

(a) that that person is and always has been stateless; and

(b) that at the time of that person's birth his father or mother was a citizen or subject of a description mentioned in sub-paragraph (4); and

(c) that that person was in the United Kingdom or a **[**[F228]British overseas territory**]**(no matter which) at the beginning of the period of three years ending with the date of the application and that (subject to paragraph 6) the number of days on which he was absent from both the United Kingdom and the **[**[F227]British overseas territories**]** in that period does not exceed 270.

(2) A person entitled to registration under this paragraph—

(a) shall be registered under it as a citizen or subject of a description available to him in accordance with sub-paragraph (3); and

(b) if more than one description is so available to him, shall be registered under this paragraph as a citizen of whichever one or more of the descriptions so available to him is or are stated in the application under this paragraph to be wanted.

(3) For the purposes of this paragraph the descriptions of citizen or subject available to a person entitled to registration under this paragraph are—

(a) in the case of a person whose father or mother was at the time of that person's birth a citizen of a description mentioned in sub-paragraph (4), any description of citizen so mentioned which applied to his father or mother at that time;

(b) in any other case, a British subject under this Act.

(4) The descriptions referred to in sub-paragraphs (1) to (3) are a British citizen, a **[**[F229]British overseas territories citizen**]** , a British Overseas citizen and a British subject under this Act.

Textual Amendments

F227 Words in Sch. 2 para. 4 substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 1(1)(b)**

F228 Words in Sch. 2 para. 4 substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 1(1)(b)**

F229 Words in Sch. 2 para. 4(4) substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 2(2)(b)**

Persons born stateless before commencement

5 (1) A person born before commencement shall be entitled, on an application for his registration under this paragraph, to be so registered if the circumstances are such that, if—

(a) this Act had not been passed, and the enactments repealed or amended by this Act had continued in force accordingly; and

(b) an application for the registration of that person under section 1 of the [M31]British Nationality (No. 2) Act 1964 (stateless persons) as a citizen of the United Kingdom and Colonies had been made on the date of the application under this paragraph,

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

that person would have been entitled under that section to be registered as such a citizen.

(2) A person entitled to registration under this paragraph shall be registered under it as such a citizen as he would have become at commencement if, immediately before commencement, he had been registered as a citizen of the United Kingdom and Colonies under section 1 of the [M32]British Nationality (No. 2) Act 1964 on whichever of the grounds mentioned in subsection (1)(a) to (c) of that section he would have been entitled to be so registered on in the circumstances described in sub-paragraph (1)(a) and (b) of this paragraph.

Marginal Citations

M31 1964 c. 54.

M32 1964 c. 54.

Supplementary

6 If in the special circumstances of any particular case the Secretary of State thinks fit, he may for the purposes of paragraph 3 or 4 treat the person who is the subject of the application as fulfilling the requirement specified in sub-paragraph (1)(c) of that paragraph although the number of days on which he was absent from both the United Kingdom and the **[**[F230]British overseas territories**]** in the period there mentioned exceeds the number there mentioned.

Textual Amendments

F230 Words in Sch. 2 para. 6 substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 1(1)(b)**

SCHEDULE 3

COUNTRIES WHOSE CITIZENS ARE COMMONWEALTH CITIZENS

Antigua and Barbuda

Australia

The Bahamas

Bangladesh

Barbados

Belize

Botswana

[[F231] Brunei**]**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

Textual Amendments

F231 "Brunei" inserted by S.I. 1983/1699, **arts. 1(2)**, 3

[[F232]Cameroon**]**

Textual Amendments

F232 Words in Sch. 3 inserted (25.1.1999) by S.I. 1998/3161, **art. 2**

Canada

Republic of Cyprus

Dominica

Fiji

[F233]…

Textual Amendments

F233 Words in Sch. 3 omitted (12.11.2015) by virtue of The British Nationality (The Gambia) Order 2015 (S.I. 2015/1771), arts. 1, **2**

[[F234]The Gambia**]**

Textual Amendments

F234 Words in Sch. 3 inserted (22.6.2018) by The British Nationality (The Gambia) Order 2018 (S.I. 2018/620), arts. 1, **2**

Ghana

Grenada

Guyana

India

Jamaica

Kenya

Kiribati

Lesotho

Malawi

Malaysia

[F235]…

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

Textual Amendments

F235 Word in Sch. 3 omitted (12.5.2017) by virtue of The British Nationality (Maldives) Order 2017 (S.I. 2017/568), arts. 1, **2**

Malta

Mauritius

[[F232]Mozambique**]**

Nauru

New Zealand

Nigeria

[[F236]Pakistan**]**

Textual Amendments

F236 By S.I. 1989/1331, **art. 2**, it is provided that the Act shall have effect as if in Sch. 3 under the word "Nigeria" there were inserted the word "Pakistan"

Papua New Guinea

[[F237]Rwanda**]**

Textual Amendments

F237 Word in Sch. 3 inserted (10.3.2010) by British Nationality (Rwanda) Order 2010 (S.I. 2010/246), arts. 1, **2**

[[F238]Saint Christopher and Nevis**]**

Textual Amendments

F238 "Saint Christopher and Nevis" inserted by S.I. 1983/882, **art. 2(a)**

Saint Lucia

Saint Vincent and the Grenadines

Seychelles

Sierra Leone

Singapore

Solomon Islands

[[F239]South Africa**]**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

Textual Amendments
F239 Words in Sch. 3 inserted (26.7.1994) by S.I. 1994/1634, **art. 2**

Sri Lanka

Swaziland

Tanzania

Tonga

Trinidad and Tobago

Tuvalu

Uganda

Vanuatu

Western Samoa

Zambia

Zimbabwe

[[F240]Namibia**]**

Textual Amendments
F240 "Namibia" inserted by S.I. 1990/1502, **art. 2**

[X3]SCHEDULE 4

Section 39(6).

AMENDMENTS OF IMMIGRATION ACT 1971

Editorial Information
X3 The text of Sch. 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

1 In this Schedule "the 1971 Act" means the [M33]Immigration Act 1971.

Modifications etc. (not altering text)
C87 Sch. 4 para. 1 extended (Isle of Man) (13.3.2008 for specified purposes and otherwise 1.5.2008) by The Immigration (Isle of Man) Order 2008 (S.I. 2008/680), arts. 1(2), 5, **8(2)(c)(i)**

Marginal Citations
M33 1971 c. 77.

2 For "patrial"—

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

(a) where it occurs in the provisions of the 1971 Act listed in the first column of the following table, and where it first occurs in section 6(2) of that Act, substitute " a British citizen " ;

(b) where it occurs in the provisions listed in that Act in the second column of that table, and where it last occurs in section 6(2) of that Act, substitute " British citizens ".

TABLE

(1) *"a British citizen"*	**(2) *"British citizens"***
Section 3(1), (5), (6), (8) ;	Section 3(7) (twice)
Section 5(2) ;	Section 4(4) ;
Section 9(4) ;	Section 8(2), (3), (4) ;
Section 14(2) ;	Section 9(2) ;
Section 24(1) ;	**F241**
	. . . ;
In section 33(1), the definitions of "entry clearance" and "work permit" ;	In Schedule 2, paragraph 26(1).
In Schedule 2, paragraphs 2(1)(a), 3(1), 6(1), 12(2) and 13(2).	
In Schedule 4, paragraphs 1(1) and (2), 3(1) and 4.	

Textual Amendments

F241 Words in table in Sch. 4 para. 2 repealed (1.4.2003) by Nationality, Immigration and Asylum Act 2002 (c. 41), ss. 161, 162, **Sch. 9** (with s. 159); S.I. 2003/754, **art. 2(1)**, Sch. 1 (with arts. 3, 4, Sch. 2 (as amended by S.I. 2003/1040, art. 2 and S.I. 2003/1339, art. 4))

Modifications etc. (not altering text)

C88 Sch. 4 para. 2 extended in part (Isle of Man) (13.3.2008 for specified purposes and otherwise 1.5.2008) by The Immigration (Isle of Man) Order 2008 (S.I. 2008/680), arts. 1(2), 5, **8(2)(c)(ii)**

3 (1) For "certificate of patriality", wherever (except in section 33(1)) it occurs in the 1971 Act (that is, in sections 13(2), 22(4)(a) and (5)(a), 26(1)(d) (twice) and paragraph 19(2) of Schedule 2 (twice)) substitute " certificate of entitlement ".

(2) In the entry in section 33(1) which defines "certificate of patriality", for "patriality" substitute " entitlement ".

Modifications etc. (not altering text)

C89 Sch. 4 para. 3 extended in part (Isle of Man) (13.3.2008 for specified purposes and otherwise 1.5.2008) by The Immigration (Isle of Man) Order 2008 (S.I. 2008/680), arts. 1(2), 5, **8(2)(c)(iii)**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

4 In section 3(7) of the 1971 Act (powers available where restrictions or conditions are imposed on citizens of the United Kingdom and Colonies when leaving or seeking to leave other countries), for "citizens of the United Kingdom and Colonies" substitute " British citizens, **[**[F242]British overseas territories citizens**]** or British Overseas citizens ".

Textual Amendments

F242 Words in Sch. 4 para. 4 substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 2(2)(b)**

5 In section 8(5) of the 1971 Act, for the words from "settled" onwards (by virtue of which persons are not to be regarded for the purposes of the 1971 Act as having been settled in the United Kingdom while entitled to certain exemptions) substitiute " settled in the United Kingdom at any time when he was entitled under the former immigration laws to any exemption corresponding to any of those afforded by subsection (3) or (4)(b) or (c) above or by any order under subsection (2) above. ".

Modifications etc. (not altering text)

C90 Sch. 4 para. 5 extended (Isle of Man) (13.3.2008 for specified purposes and otherwise 1.5.2008) by The Immigration (Isle of Man) Order 2008 (S.I. 2008/680), arts. 1(2), 5, **8(2)(c)(iv)**

6 [F243] . . . . . .

Textual Amendments

F243 Sch. 4 para. 6 repealed (1.4.2003) by Nationality, Immigration and Asylum Act 2002 (c. 41), ss. 161, 162, **Sch. 9** (with s. 159); S.I. 2003/754, **art. 2(1)**, Sch. 1 (with arts. 3, 4, Sch. 2 (as amended by S.I. 2003/1040, art. 2 and S.I. 2003/1339, art. 4))

7 In section 33 of the 1971 Act (interpretation)—

(a) in subsection (1)—

(i) in the definition of "settled", for the words from "with" onwards substitute " with subsection (2A) below ; " ; and

(ii) after the definition of "ship" insert—

""United Kingdom passport" means a current passport issued by the Government of the United Kingdom, or by the Lieutenant-Governor of any of the Islands, or by the Government of any territory which is for the time being a **[**[F244]British overseas territory**]** within the meaning of the British Nationality Act 1981 ;" ; and

(b) after subsection (2) insert—

"(2A) Subject to subsection 8(5) above, references to a person being settled in the United Kingdom are references to his being ordinarily resident there without being subject under the immigration laws to any restriction on the period for which he may remain."

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

Textual Amendments

F244 Words in Sch. 4 para.7(a)(ii) substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 1(1)(b)**

Modifications etc. (not altering text)

C91 Sch. 4 para. 7 extended (Isle of Man) (13.3.2008 for specified purposes and otherwise 1.5.2008) by The Immigration (Isle of Man) Order 2008 (S.I. 2008/680), arts. 1(2), 5, **8(2)(c)(v)**

[F245SCHEDULE 5

CITIZENSHIP OATH AND PLEDGE

Textual Amendments

F245 Sch. 5 substituted (1.1.2004) by Nationality, Immigration and Asylum Act 2002 (c. 41), s. 3, **Sch. 1 para. 2** (with s. 159); S.I. 2003/3156, **art. 2(a)** (with arts. 3, 4)

1 The form of citizenship oath and pledge is as follows for registration of or naturalisation as a British citizen—

Modifications etc. (not altering text)

C92 Sch. 5 para. 1 modified (1.6.2007) by The Citizenship Oath and Pledge (Welsh Language) Order 2007 (S.I. 2007/1484), **art. 3**

OATH

"I,*[name]*, swear by Almighty God that, on becoming a British citizen, I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors according to law."

PLEDGE

"I will give my loyalty to the United Kingdom and respect its rights and freedoms. I will uphold its democratic values. I will observe its laws faithfully and fulfil my duties and obligations as a British citizen."

2 The form of citizenship oath and pledge is as follows for registration of or naturalisation as a British overseas territories citizen—

OATH

"I,*[name]*, swear by Almighty God that, on becoming a British overseas territories citizen, I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors according to law."

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

PLEDGE

"I will give my loyalty to*[name of territory]* and respect its rights and freedoms. I will uphold its democratic values. I will observe its laws faithfully and fulfil my duties and obligations as a British overseas territories citizen."

3 The form of citizenship oath is as follows for registration of a British Overseas citizen—

"I,*[name]*, swear by Almighty God that, on becoming a British Overseas citizen, I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors according to law."

4 The form of citizenship oath is as follows for registration of a British subject—

"I,*[name]*, swear by Almighty God that, on becoming a British subject, I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors according to law.".**]**

SCHEDULE 6

Section 50(1).

[[F246]BRITISH OVERSEAS TERRITORIES**]**

Textual Amendments

F246 Sch. 6 heading substituted (26.2.2002) by virtue of British Overseas Territories Act 2002 (c. 8), **s. 1(1)(c)**

Anguilla

Bermuda

British Antarctic Territory

British Indian Ocean Territory

Cayman Islands

Falkland Islands [F247]. . .

Textual Amendments

F247 Words in Sch. 6 repealed (4.12.2001) by S.I. 2001/3497, **art. 2(a)**

Gibraltar

[[F248]Hong Kong**]**

Textual Amendments

F248 By S.I. 1986/948, **art. 5** it is provided that on and after 1st July 1997 the British Nationality Act 1981 shall have effect as if in Sch. 6 to that Act (British Dependent Territories) the words "Hong Kong" were omitted.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

Montserrat

Pitcairn, Henderson, Ducie and Oeno Islands

. . . [F249]

Textual Amendments

F249 Words repealed by S.I. 1983/882, **art. 2**(*b*)

[[F250]St Helena, Ascension and Tristan da Cunha**]**

Textual Amendments

F250 Words in Sch. 6 substituted (14.11.2009) by The British Nationality Act 1981 (Amendment of Schedule 6) Order 2009 (S.I. 2009/2744), **art. 2**

[[F251]South Georgia and the South Sandwich Islands**]**

Textual Amendments

F251 Entry in Sch. 6 inserted (4.12.2001) by S.I. 2001/3497, **art. 2(b)**

The Sovereign Base Areas of Akrotiri and Dhekelia (that is to say the areas mentioned in section 2(1) of the [M34]Cyprus Act 1960)

Marginal Citations

M34 1960 c. 52.

Turks and Caicos Islands

Virgin Islands.

Textual Amendments

F247 Words in Sch. 6 repealed (4.12.2001) by S.I. 2001/3497, **art. 2(a)**

F248 By S.I. 1986/948, **art. 5** it is provided that on and after 1st July 1997 the British Nationality Act 1981 shall have effect as if in Sch. 6 to that Act (British Dependent Territories) the words "Hong Kong" were omitted.

F249 Words repealed by S.I. 1983/882, **art. 2**(*b*)

F250 Words in Sch. 6 substituted (14.11.2009) by The British Nationality Act 1981 (Amendment of Schedule 6) Order 2009 (S.I. 2009/2744), **art. 2**

F251 Entry in Sch. 6 inserted (4.12.2001) by S.I. 2001/3497, **art. 2(b)**

Marginal Citations

M34 1960 c. 52.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

[X4]SCHEDULE 7

Section 52(6).

CONSEQUENTIAL AMENDMENTS

Editorial Information

X4 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.)

[F252] . . . . . .

Textual Amendments

F252 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)

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.".

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."

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

[F253 DEFAMATION ACT 1952 (c. 66)

Textual Amendments

F253 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 ".**]**

[F254 DEFAMATION ACT (NORTHERN IRELAND) 1955 (c. 11) (N.I.)

Textual Amendments

F254 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

(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 dipolmatic 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 wich certain persons entitled to exemption under section 8(3) of the Immigration Act 1971 are to be regarded

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

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 [M35]British Nationality Act 1948” substitute “ Schedule 3 to the British Nationality Act 1981 ”.

Marginal Citations
M35 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 “ **[**[F255]British overseas territories citizens**]** or British Overseas citizens ”.

Textual Amendments
F255 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 **[**[F256]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 ”.

Textual Amendments
F256 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)

F257
. . . . . .

Textual Amendments
F257 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)

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

ANTARCTIC TREATY ACT 1967 (C. 65)

F258 . . . . . .

Textual Amendments
F258 Sch. 7: entry repealed (1.11.1995) by 1994 c. 15, s. 33, **Sch.** ; S.I. 1995/2748, **art. 2**

Textual Amendments
F258 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)

. . . F259 .

Textual Amendments
F259 Entry repealed by Extradition Act 1989 (c. 33, SIF 48), s. 37, **Sch. 2**

Textual Amendments
F259 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 **[**F260British 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
F260 Words in Sch. 7 substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 2(2)(b)**

Textual Amendments
F260 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 ".

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

INCOME AND CORPORATION TAXES ACT 1970 (c. 10)

. . . F261 .

Textual Amendments

F261 Entry repealed by Income and Corporation Taxes Act 1988 (c. 1, SIF 63:1), ss. 843, 844, **Sch. 31**

Textual Amendments

F261 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 ".

. . . F262

Textual Amendments

F262 Entry repealed by Aviation Security Act 1982 (c. 36, SIF 9), s. 40, **Sch. 3**

. . . F263

Textual Amendments

F263 Entry repealed by Civil Aviation Act 1982 (c. 16, SIF 9), s. 109, **Sch. 16**

. . . F264

Textual Amendments

F264 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

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

(b) in paragraph 7(2)(d), for "citizenship of the United Kingdom and Colonies" substitute " British citizenship, **[**[F265]British overseas territories citizenship**]** or British Overseas citizenship. ".

Textual Amendments

F265 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, **[**[F266]British overseas territories citizenship**]** or British Overseas citizenship. ".

Textual Amendments

F266 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, **[**[F267]British overseas territories citizenship**]** or British Overseas citizenship. ".

Textual Amendments

F267 Words in Sch. 7 substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 2(2)(a)**

Textual Amendments

F267 Words in Sch. 7 substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 2(2)(a)**

NATIONAL HEALTH SERVICE ACT 1977 (c. 49)

F268

. . . . . .

Textual Amendments

F268 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)

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

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, **[**[F269]British overseas territories citizenship**]** or British Overseas citizenship. ".

Textual Amendments

F269 Words in Sch. 7 substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 2(2)(a)**

Textual Amendments

F269 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 [M36]British Nationality Act 1948" substitute " Schedule 3 to the British Nationality Act 1981 ".

Marginal Citations

M36 1948 c. 56.

Marginal Citations

M36 1948 c. 56.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

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 **[**[F270]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

F270 Words in Sch. 7 substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 2(2)(b)**

Textual Amendments

F270 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 **[**[F271]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

F271 Words in Sch. 7 substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 2(2)(b)**

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 **[**[F272]British overseas territories citizen**]** or a British Overseas citizen ".

Textual Amendments

F272 Words in Sch. 7 substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 2(2)(b)**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

SCHEDULE 8

Section 52(7).

TRANSITIONAL PROVISIONS

Applications for naturalisation or registration pending at commencement

1 (1) This paragraph applies to any application—

(a) for registration under any provision of the British Nationality Acts 1948 to 1965 as a citizen of the United Kingdom and Colonies or as a British subject; or

(b) for a certificate of naturalisation under section 10 of the 1948 Act,

which is received before commencement by a person authorised to receive it on behalf of the person to whom it is made but which at commencement has not been determined.

(2) In relation to any application to which this paragraph applies—

(a) the British Nationality Acts 1948 to 1965 and all regulations and arrangements in force under them immediately before commencement shall (so far as applicable) continue to apply; and

(b) this Act shall not apply;

but on the granting of such an application and the taking under those Acts of such other steps as are necessary for the person in question to become—

(i) a citizen of the United Kingdom and Colonies by virtue of any provision of those Acts; or

(ii) a British subject by virtue of registration under any provision of those Acts,

that person, instead of becoming a citizen or subject of that description, shall become under this Act such a citizen or subject as he would have become at commencement if, immediately before commencement, he had been such a citizen or subject as is mentioned in paragraph (i) or (ii), as the case may be.

(3) Sub-paragraph (2) shall have effect as if the references in it to the British Nationality Acts 1948 to 1965 did, and as if the reference in paragraph (b) of it to this Act did not, include section 49 of this Act.

2 Where a person who has been registered or to whom a certificate of naturalisation has been granted before the passing of this Act has at commencement not yet taken the oath of allegiance, paragraph 1(2) shall apply as if the application on which he was registered or the certificate was granted were an application to which paragraph 1 applies.

Registration at U.K. consulate, after commencement, of certain births occurring in foreign countries less than a year before commencement

3 (1) This paragraph applies to a person born less than a year before commencement if—

(a) the birth occurred in a place in a foreign country (within the meaning of the 1948 Act); and

(b) at the time of the birth his father was a citizen of the United Kingdom and Colonies by descent only; and

(c) the birth was not registered at a United Kingdom consulate before commencement.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

(2) If the birth of a person to whom this paragraph applies is registered at a United Kingdom consulate within one year of its occurrence, he shall be deemed for the purposes of this Act to have been, immediately before commencement, a citizen of the United Kingdom and Colonies by virtue of section 5 of the 1948 Act (citizenship by descent).

(3) References in this paragraph to the 1948 Act are references to that Act as in force at the time of the birth in question.

Declarations by certain persons who by virtue of an Order in Council under section 4 of the Cyprus Act 1960 have ceased to be citizens of the United Kingdom and Colonies

4 (1) Where—

(a) a person has before commencement duly made a declaration under section 4(2) of the [M37]Cyprus Act 1960 of his intention to resume citizenship of the United Kingdom and Colonies; but

(b) at commencement the declaration has not been registered,

the Secretary of State shall cause the declaration to be registered.

(2) If—

(a) a person who in consequence of anything done before he attained the age of sixteen years ceased by virtue of an Order in Council under section 4 of the Cyprus Act 1960 to be a citizen of the United Kingdom and Colonies makes, in such a manner as the Secretary of State may direct, a declaration of his intention to accept the citizenship available to him under this paragraph; and

(b) the declaration is made by him after commencement and within one year after his attaining the age of twenty-one years,

the Secretary of State shall cause the declaration to be registered.

(3) On the registration under sub-paragraph (1) or (2) of any such declaration as is there mentioned the person who made it shall become under this Act such a citizen as he would have become at commencement if, immediately before commencement, he had been a citizen of the United Kingdom and Colonies by virtue of section 4(2) of the Cyprus Act 1960.

Marginal Citations

M37 1960 c. 52.

Applications for certificates of patriality pending at commencement

5 Any application for a certificate of patriality under the [M38]Immigration Act 1971 duly made but not determined before commencement shall be treated as if it were an application for a certificate of entitlement under that Act as amended by this Act.

Marginal Citations

M38 1971 c. 77.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

Appeals under Part II of Immigration Act 1971

6 Where a person who has been refused a certificate of patriality under the [M39]Immigration Act 1971 before commencement has immediately before commencement a right of appeal under Part II (appeals) of that Act against the refusal, the provisions of that Part shall have effect in relation to the refusal as if he had applied for, and been refused, a certificate of entitlement under that Act as amended by this Act.

Marginal Citations

M39 1971 c. 77.

7 Any appeal under Part II of the Immigration Act 1971 against a refusal of a certificate of patriality under that Act which is pending immediately before commencement shall be treated as if it were an appeal against a refusal of a certificate of entitlement under that Act as amended by this Act.

8 In relation to appeals against any decision taken or other thing done under the Immigration Act 1971 before commencement, other than a refusal of a certificate of patriality under that Act, the provisions of that Act shall continue to apply as in force immediately before commencement, and not as amended by this Act.

[X5]SCHEDULE 9

Section 52(8).

REPEALS

Editorial Information

X5 The text of Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Chapter	Short title	Extent of repeal
11 & 12 Geo. 6. c. 3.	Burma Independence Act 1947.	Section 2. Schedule 1.
11 & 12 Geo. 6. c. 56.	British Nationality Act 1948.	The whole Act except— (a)section (3); (b)section 32(3); (c)section 33(1) from the beginning to the words “Isle of Man”; and Section 34(1).
12, 13 & 14 Geo. 6. c. 41.	Ireland Act 1949.	Section 5.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

14 Geo. 6. c. 5.	Newfoundland (Consequential Provisions) Act 1950.	The whole Act.
15 & 16 Geo. 6 & 1 Eliz. 2. c. 67.	Visiting Forces Act 1952.	Section 15(3)(c) and (d).
5 & 6 Eliz. 2. c. 6.	Ghana Independence Act 1957.	Section 2.
5 & 6 Eliz. 2. c. 60.	Federation of Malaya Independence Act 1957.	In Schedule 1, paragraph 1.
6 & 7 Eliz. 2. c. 10.	British Nationality Act 1958.	The whole Act.
7 & 8 Eliz. 2. c. 5.	Adoption Act 1958.	Section 19.
		In section 60(2), the words “section nineteen, and”.
8 & amp; 9 Eliz. 2. c. 52.	Cyprus Act 1960.	Section 4(2) to (4) and (7).
		In the Schedule, paragraph 1.
8 & 9 Eliz. 2. c. 55.	Nigeria Independence Act 1960.	Section 2.
9 & 10 Eliz. 2. c. 16.	Sierra Leone Independence Act 1961.	Section 2.
10 Eliz. 2. c. 1.	Tanganyika Independence Act 1961.	Section 2.
10 & 11 Eliz. 2. c. 8.	Civil Aviation (Euro-control) Act 1962.	Section 9(2).
10 & 11 Eliz. 2. c. 21.	Commonwealth Immigrants Act 1962.	Section 12(2) and (4).
10 & 11 Eliz. 2. c. 23.	South Africa Act 1962.	Section 1(2).
		Schedule 1.
10 & 11 Eliz. 2. c. 40.	Jamaica Independence Act 1962.	Section 2.
10 & 11 Eliz. 2. c. 54.	Trinidad and Tobago Independence Act 1962.	Section 2.
10 & 11 Eliz. 2. c. 57.	Uganda Independence Act 1962.	Section 2.
1963 c. 35.	Malaysia Act 1963.	Section 2.
		Schedule 1.
1963 c. 54.	Kenya Independence Act 1963.	Sections 2 and 3.
1963 c. 55.	Zanzibar Act 1963.	Section 2.
		Schedule 2.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

1964 c. 5.	International Headquarters and Defence Organisations Act 1964.	Section 2(1)(c).
		In section 2(1)(d), the reference to paragraph (c).
1964 c. 22.	British Nationality Act 1964.	The whole Act.
1964 c. 57.	Adoption Act 1964.	Section 1(3).
		In section 4(4), the words from “except” to “1958”.
1964 c. 65.	Zambia Independence Act 1964.	Sections 3 and 4.
1964 c. 81.	Diplomatic Privilages Act 1964.	Section 5(2).
1964 c. 86.	Malta Independence Act 1964.	Sections 2 and 3.
1964 c. 93.	Gambia Independence Act 1964.	Sections 2 and 3.
1965 c. 34.	British Nationality Act 1965.	The whole Act.
1966 c. 14.	Guyana Independence Act 1966.	Sections 2 and 3.
1963 c. 23.	Botswana Independence Act 1966.	Sections 3 and 4.
1966 c. 24.	Lesotho Independence Act 1966.	Sections 3 and 4.
1966 c. 29.	Singapore Act 1966.	In the Schedule, paragraph 1.
1966 c. 37.	Barbados Independence Act 1966.	Sections 2 and 3.
1967 c. 4.	West Indies Act 1967.	Section 12.
		In Schedule 3, paragraphs 1. to 3, 5 and 7 and, in paragraph 4(1), the words form “(subject” to “Schedule)”.
1967 c. 71.	Aden, Perim and Kuria Muria Islands Act 1967.	Section 2.
		Schedule.
1968 c. 8.	Mauritius Independence Act 1968	Sections 2 and 3.
1968 c. 18.	Consular Relations Act 1968.	Section 7.
1968 c. 53.	Adoption Act 1968.	Section 9(5).

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

		In section 14(3), the words "except sections 9(5) and this section".
1968 c. 56.	Swaziland Independence Act 1968.	Sections 3 and 4.
1968 c. 59.	Hovercraft Act 1968.	In the Schedule, paragraph 1(d).
1969 c. 29.	Tanzania Act 1969.	Section 1.
		Section 7(1)(a) and (2).
1969 c. 46.	Family Law Reform Act 1969.	Section 28(4)(a).
		In Schedule 1, the entry relating to the British Nationality Act 1948.
1970 c. 22.	Tonga Act 1970.	Section 2.
1970 c. 50.	Fiji Independence Act 1970.	Sections 2 and 3.
1971 c. 62.	Tribunals and Inquiries Act 1971.	In section 14(3), the words from "affect" to "1948 or".
1971 c. 77.	Immigration Act 1971.	In section 9(5), the words from "other" to "section 2".
		Section 30(1).
		In section 31(a), the words from "(including" to "Act)".
		Schedule 1 (including Appendices A to C).
1972 c. 55.	Sri Lanka Republic Act 1972.	Section 1(3) and (5).
1973 c. 27.	Bahamas Independence Act 1973.	Section 2(1), (2) and (6).
1973 c. 48.	Pakistan Act 1973.	Section 1.
		Schedules 1 and 2.
1973 c. 49.	Bangladesh Act 1973.	Section 2.
1975 c. 31.	Malta Republic Act 1975.	Section 1(3).
1975 c. 72.	Children Act 1975.	In section 109(2)(b), the words "and 63" and "and".
		Section 109(2)(c).
		In Schedule 3, paragraph 63.
1976 c. 19.	Seychelles Act 1976.	Sections 3 and 4.
		Section 5(3).
1976 c. 36.	Adoption Act 1976.	Section 40.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

		In section 47(2), the words "Without prejudice to section 40".
		In section 74(4), the words from "except" to "1968".
1976 c. 54.	Trinidad and Tobago Republic Act 1976.	Section 1(3).
1978 c. 15.	Soloman Islands Act 1978.	Section 2(1).
		Section 4(5).
		Section 5(1) and (3).
1978 c. 20.	Tuvalu Act 1978.	Sections 2, 3 and 5(2).
1978 c. 23.	Judicature (Northern Ireland) Act 1978.	Section 22(2)(a).
1978 c. 28.	Adoption (Scotland) Act 1978.	Section 40.
		In section 41(2), the words "Without prejudice to section 40".
1978 c. 30.	Interpretation Act 1978.	In section 24(4), the words "British subject and Commonwealth citizen ;".
		In Schedule 1. the entry defining "British subject" and "Commonwealth citizen".
		In Schedule 2, inparagraph 6, the words "British subject and Commonwealth citizen ;".
1979 c. 27.	Kiribati Act 1979.	Section 3(3).
		Sections 4 and 5.
		Section 7(2).
1979 c. 60.	Zimbabwe Act 1979.	Section 2.
		In section 5(2)—
		(a) paragraph (a); and
		(b) in paragraph (b), the words "1 or".
		Schedule 1.
1980 c. 2.	Papua New Guinea, Western Samoa and Nauru (Miscellaneous Provisions) Act 1980.	In section 1, subsection (1) and, in subsection (3), the reference to section 3(2).

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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*

		Section 2.
		Section 3(2).
1980 c. 16.	New Hebrides Act 1980.	Section 1.
		In section 4(2), the reference to section 1(2).
1981 c. 52.	Belize Act 1981.	Section 4(1).
1981 c. 61.	British Nationality Act 1981.	Section 49.

Status:
This version of this Act contains provisions that are prospective.

Changes to legislation:
British Nationality Act 1981 is up to date with all changes known to be in force on or before 01 February 2020. 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.
View outstanding changes

Changes and effects yet to be applied to :

- s. 5 substituted by S.I. 2019/745 reg. 7
- s. 6(2) words substituted by 2009 c. 11 s. 40(1)
- s. 41(7) words inserted by 2009 c. 11 s. 41(4)
- s. 46(1) words substituted by 2003 c. 44 Sch. 26 para. 29
- Sch. 1 para. 2 Sch. 1 para. 2 renumbered as Sch. 1 para. 2(1) by 2009 c. 11 s. 39(4)
- Sch. 1 para. 2A inserted by 2009 c. 11 s. 39(11)
- Sch. 1 para. 4A inserted by 2009 c. 11 s. 40(5)
- Sch. 1 para. 11 inserted by 2009 c. 11 s. 49(3)
- Sch. 1 para. 1(3) repealed by 2009 c. 11 s. 39(3)Sch. Pt. 2
- Sch. 1 para. 1(2) substituted by 2009 c. 11 s. 39(2)
- Sch. 1 para. 3 substituted by 2009 c. 11 s. 40(3)
- Sch. 1 para. 4 substituted by 2009 c. 11 s. 40(4)
- Sch. 1 para. 1(1)(a) words repealed by 2009 c. 11 s. 39(1)Sch. Pt. 2
- Sch. 1 para. 9(1) words substituted by 2009 c. 11 s. 49(2)
- Sch. 1 para. 4B and cross-heading inserted by 2009 c. 11 s. 41(1)

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)
- s. 41(1)(bc)-(be) inserted by 2009 c. 11 s. 41(2)
- s. 41(1B)(1C) inserted by 2009 c. 11 s. 41(3)
- Sch. 1 para. 2(1)(ba)(bb) inserted by 2009 c. 11 s. 39(5)
- Sch. 1 para. 2(1)(ca) inserted by 2009 c. 11 s. 39(7)
- Sch. 1 para. 2(5) inserted by 2009 c. 11 s. 39(10)
- Sch. 1 para. 2(1)(c) repealed by 2009 c. 11 s. 39(6)Sch. Pt. 2
- Sch. 1 para. 2(1)(a) substituted by 2009 c. 11 s. 39(4)
- Sch. 1 para. 2(2)-(4) substituted for Sch. 1 para. 2(2)(3) by 2009 c. 11 s. 39(9)
- Sch. 1 para. 2(1)(d) word substituted by 2009 c. 11 s. 39(8)(a)
- Sch. 1 para. 2(1)(d) words substituted by 2009 c. 11 s. 39(8)(b)