



# British Nationality Act 1981

## 1981 CHAPTER 61

### PART II

#### [<sup>F1</sup>BRITISH OVERSEAS TERRITORIES CITIZENSHIP]

##### *Acquisition after commencement: special cases*

#### 19 Right to registration by virtue of residence in [<sup>F1</sup>British overseas territory].

<sup>F2</sup> .....

##### Textual Amendments

- F1** Words in s. 19 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 1\(1\)\(b\)](#)  
**F2** S. 19 ceased to have effect (7.11.2002) and repealed (prosp.)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.

<sup>F3</sup> .....

##### Textual Amendments

- F3** S. 20 ceased to have effect (7.11.2002) and repealed (prosp.)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.

<sup>F4</sup> .....

**Changes to legislation:** British Nationality Act 1981, Cross Heading: Acquisition after commencement: special cases is up to date with all changes known to be in force on or before 24 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

### Textual Amendments

- F4** S. 21 ceased to have effect (7.11.2002) and repealed (prosp.)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 [<sup>F5</sup>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 <sup>M1</sup>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 [<sup>F6</sup>British overseas territory] or <sup>F7</sup> . . . 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 [<sup>F5</sup>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 [<sup>F5</sup>British overseas territories citizen] if that person—
- has an appropriate qualifying connection with a [<sup>F6</sup>British overseas territory]; or
  - <sup>F7</sup> . . . has been married to [<sup>F8</sup> , 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 [<sup>F6</sup>British overseas territory] if he, his father or his father's father—
- was born in that territory; or
  - is or was a person naturalised in that territory; or
  - was registered as a citizen of the United Kingdom and Colonies in that territory; or
  - became a British subject by reason of the annexation of any territory included in that territory.
- [<sup>F9</sup>(5) This section is subject to sections 31, 33 and 36 of the [Illegal Migration Act 2023](#) (restriction of eligibility for citizenship etc).]

### Textual Amendments

- F5** Words in s. 22 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), s. 2(2)(b)
- F6** Words in s. 22 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), s. 1(1)(b)
- F7** 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](#)))
- F8** 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\(3\)-\(5\)](#))
- F9** S. 22(5) inserted (20.7.2023) by [Illegal Migration Act 2023 \(c. 37\)](#), [ss. 37\(11\)](#), 68(3)(a) (with s. 55(9))

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**Modifications etc. (not altering text)**

- C1** 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\(2\)](#))
- C2** S. 22(1) restricted (20.7.2023) by [Illegal Migration Act 2023 \(c. 37\)](#), **ss. 33(1)(b)**, 68(3)(a) (with s. 55(9))
- C3** S. 22(2) restricted (20.7.2023) by [Illegal Migration Act 2023 \(c. 37\)](#), **ss. 33(2)(a)(ii)**, 68(3)(a) (with s. 55(9))

**Marginal Citations**

- M1** 1964 c. 22.

**Changes to legislation:**

British Nationality Act 1981, Cross Heading: Acquisition after commencement: special cases is up to date with all changes known to be in force on or before 24 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 6(3)(4) inserted by [2009 c. 11 s. 40\(2\)](#) (Amending provision prospectively repealed by [2022 c. 36, s. 9\(3\)\(a\)](#))
- s. 41(1)(bc)-(be) inserted by [2009 c. 11 s. 41\(2\)](#) (Amending provision prospectively repealed by [2022 c. 36, s. 9\(3\)\(a\)](#))
- s. 41(1B)(1C) inserted by [2009 c. 11 s. 41\(3\)](#) (Amending provision prospectively repealed by [2022 c. 36, s. 9\(3\)\(a\)](#))
- Sch. 1 para. 2(1)(ba)(bb) inserted by [2009 c. 11 s. 39\(5\)](#) (Amending provision prospectively repealed by [2022 c. 36, s. 9\(3\)\(a\)](#))
- Sch. 1 para. 2(1)(ca) inserted by [2009 c. 11 s. 39\(7\)](#) (Amending provision prospectively repealed by [2022 c. 36, s. 9\(3\)\(a\)](#))
- Sch. 1 para. 2(5) inserted by [2009 c. 11 s. 39\(10\)](#) (Amending provision prospectively repealed by [2022 c. 36, s. 9\(3\)\(a\)](#))
- Sch. 1 para. 6(2)-(4) inserted by [2022 c. 36 Sch. 1 para. 3\(4\)\(d\)](#)
- Sch. 1 para. 2(1)(c) repealed by [2009 c. 11 s. 39\(6\)](#)[Sch. Pt. 2](#) (Amending provision prospectively repealed by [2022 c. 36, s. 9\(3\)\(a\)](#))
- Sch. 1 para. 2(1)(a) substituted by [2009 c. 11 s. 39\(4\)](#) (Amending provision prospectively repealed by [2022 c. 36, s. 9\(3\)\(a\)](#))
- Sch. 1 para. 2(2)-(4) substituted for Sch. 1 para. 2(2)(3) by [2009 c. 11 s. 39\(9\)](#) (Amending provision prospectively repealed by [2022 c. 36, s. 9\(3\)\(a\)](#))
- Sch. 1 para. 2(1)(d) word substituted by [2009 c. 11 s. 39\(8\)\(a\)](#) (Amending provision prospectively repealed by [2022 c. 36, s. 9\(3\)\(a\)](#))
- Sch. 1 para. 2(1)(d) words substituted by [2009 c. 11 s. 39\(8\)\(b\)](#) (Amending provision prospectively repealed by [2022 c. 36, s. 9\(3\)\(a\)](#))