



British Nationality Act 1981

1981 CHAPTER 61

PART II

[^{F1}BRITISH OVERSEAS TERRITORIES CITIZENSHIP]

Acquisition at commencement

23 Citizens of U.K. and Colonies who are to become [^{F1}British overseas territories citizens] at commencement.

- (1) A person shall at commencement become a [^{F2}British 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 [^{F3}British 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 [^{F3}British 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 [^{F2}British overseas territories citizen] at commencement or would have done so but for his death.
- (2) A person shall at commencement become a [^{F2}British 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 ^{M1}British Nationality (No. 2) Act 1964 (stateless persons); and
 - (b) he was so registered otherwise than in a [^{F3}British overseas territory] ; and

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- (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
 - (ii) becomes a [F²British 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 [F³British 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 [F²British overseas territories citizen] if the relevant person—
- (i) was born or naturalised in a [F³British overseas territory] ; or
 - (ii) became a British subject by reason of the annexation of any territory included in a [F³British 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 ^{M2}British Nationality Act 1964 (resumption of citizenship); and
 - (b) was so registered otherwise than in a [F³British overseas territory] ; and
 - (c) was so registered by virtue of having an appropriate qualifying connection with a [F³British 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 [F²British overseas territories citizen] .
- (5) For the purposes of subsection (4) a person shall be taken to have an appropriate qualifying connection with a [F³British overseas territory] if he, his father or his father’s father—
- (a) was born in a [F³British overseas territory] ; or
 - (b) is or was a person naturalised in a [F³British overseas territory] ; or
 - (c) was registered as a citizen of the United Kingdom and Colonies in a [F³British overseas territory] ; or
 - (d) became a British subject by reason of the annexation of any territory included in a [F³British 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.

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Textual Amendments

- F1** Words in s. 23 sidenote substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 2\(2\)\(b\)](#)
- F2** Words in s. 23 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 2\(2\)\(b\)](#)
- F3** Words in s. 23 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 1\(1\)\(b\)](#)
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Marginal Citations

- M1** 1964 c. 54.
- M2** 1964 c. 22.

Changes to legislation:

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