



British Nationality Act 1981

1981 CHAPTER 61

PART II

[^{F1}BRITISH OVERSEAS TERRITORIES CITIZENSHIP]

Supplementary

25 Meaning of [^{F1}British overseas territories citizen]“by descent”.

- (1) For the purposes of this Act a [^{F1}British overseas territories citizen] is such a citizen “by descent” if and only if—
- (a) he is a person born outside the [^{F2}British overseas territories] after commencement who is a [^{F1}British 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 [^{F2}British overseas territories] before commencement who became a [^{F1}British 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 [^{F1}British overseas territories citizen] by virtue of registration under section 17(1) and either—
 - (i) his father or mother was a [^{F1}British 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 [^{F1}British overseas territories citizen] at commencement, or would have done so but for his or her death; or

Changes to legislation: British Nationality Act 1981, Cross Heading: Supplementary is up to date with all changes known to be in force on or before 04 February 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

- [^{F3}(ca) the person is a British overseas territories citizen by virtue of registration under section 17A; or]
- [^{F4}(cb) the person is a British overseas territories citizen by descent by virtue of section 17C(3), 17D(2), 17E(2) or 17F(5); or]
- (d) subject to subsection (2), he is a person born outside the [^{F2}British overseas territories] before commencement who became a [^{F1}British overseas territories citizen] at commencement under section 23(1)(b) only; or
- (e) subject to subsection (2), being a woman, she became a [^{F1}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 [^{F1}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 [^{F2}British overseas territories] before commencement, she is a [^{F1}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 [^{F1}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 [^{F1}British overseas territories citizen] by descent by virtue of paragraph (b), (d) or (e);
- (h) he is a [^{F1}British overseas territories citizen] by virtue of registration under section 13 (as applied by section 24) who, immediately before he ceased to be a [^{F1}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 [^{F1}British overseas territories citizen] by virtue of paragraph 1 of Schedule 2.
- (2) A person born outside the [^{F2}British overseas territories] before commencement is not a [^{F1}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 [^{F2}British overseas territories] in service of a description mentioned in subsection (3), his recruitment for the service in question having taken place in a [^{F5}British overseas territory] .
- (3) The descriptions of service referred to in subsection (2) are—
- (a) Crown service under the government of a [^{F5}British overseas territory] ; and
 - (b) service of any description at any time designated under section 16(3).

Textual Amendments

- F1** Words in s. 25 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 2\(2\)\(b\)](#)
- F2** Words in s. 25 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 1\(1\)\(b\)](#)
- F3** S. 25(1)(ca) inserted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\), ss. 1\(3\), 87\(1\)](#); S.I. 2022/590, regs. 1(2), 2, Sch. 1 para. 1
- F4** S. 25(1)(cb) inserted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\), ss. 2\(3\), 87\(1\)](#); S.I. 2022/590, regs. 1(2), 2, Sch. 1 para. 2
- F5** Words in s. 25 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 1\(1\)\(b\)](#)

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