

**Changes to legislation:** British Nationality Act 1981, Cross Heading: Naturalisation as a British overseas territories citizen under section 18(1) is up to date with all changes known to be in force on or before 26 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

## SCHEDULES

### SCHEDULE 1

#### REQUIREMENTS FOR NATURALISATION

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

- C1** Sch. 1 modified (7.11.2002, partly retrospective) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\), s. 11](#)

*Naturalisation as a [<sup>F1</sup>British overseas territories citizen] under section 18(1)*

##### Textual Amendments

- F1** 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 [<sup>F2</sup>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 relevant territory; and
  - (d) that either—
    - (i) his intentions are such that, in the event of a certificate of naturalisation as a [<sup>F2</sup>British overseas territories citizen] being granted to him, his home or (if he has more than one) his principal home will be in the relevant territory; 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 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

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- (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

**F2** Words in [Sch. 1 para. 5](#) substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 2\(2\)\(b\)](#)

- 6 <sup>[F3]</sup>(1) 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—
- <sup>[F4]</sup>(za) treat the applicant as fulfilling the first requirement specified in paragraph 5(2)(a) although the applicant was not in the relevant territory at the beginning of the period there mentioned;
  - (a) treat the applicant as fulfilling the <sup>[F5]</sup>second requirement specified in paragraph 5(2)(a) or the requirement specified in] 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.

#### Textual Amendments

- F3** Sch. 1 para. 6 renumbered as Sch. 1 para. 6(1) (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\), s. 87\(1\), Sch. 1 para. 3\(4\)\(a\)](#); S.I. 2022/590, regs. 1(2), 2, Sch. 1 para. 8 (with Sch. 2 para. 3)
- F4** Sch. 1 para. 6(1)(za) inserted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\), s. 87\(1\), Sch. 1 para. 3\(4\)\(b\)](#); S.I. 2022/590, regs. 1(2), 2, Sch. 1 para. 8 (with Sch. 2 para. 3)
- F5** Words in Sch. 1 para. 6(1)(a) substituted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\), s. 87\(1\), Sch. 1 para. 3\(4\)\(c\)](#); S.I. 2022/590, regs. 1(2), 2, Sch. 1 para. 8 (with Sch. 2 para. 3)

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