

*Status: Point in time view as at 01/04/2003.*

*Changes to legislation: British Nationality Act 1981 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)*

## 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 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
  - (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.

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- (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.
- 2 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 the requirement specified in paragraph 1(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.

PROSPECTIVE

- [<sup>F1</sup>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

- F1** Sch. 1 para. 2(A) inserted (prosp.) by [Borders, Citizenship and Immigration Act 2009 \(c. 11\)](#), ss. **39(11)**, 58

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*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 requirement specified in paragraph 1(1)(b).
- 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;
  - (c) paragraph 2(c) and (e) 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 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”

PROSPECTIVE

- [<sup>F2</sup>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 subparagraph (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.

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- (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

**F2** Sch. 1 para. 4A inserted (prosp.) by [Borders, Citizenship and Immigration Act 2009 \(c. 11\)](#), **ss. 40(5), 58**

PROSPECTIVE

*<sup>F3</sup>The qualifying period for naturalisation as a British citizen under section 6*

#### Textual Amendments

**F3** 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.]

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*Naturalisation as a <sup>F4</sup>British overseas territories citizen] under section 18(1)*

**Textual Amendments**

**F4** 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>F5</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>F5</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
  - (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**

**F5** 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—

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- (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.

*Naturalisation as a [<sup>F6</sup>British overseas territories citizen] under section 18(2)*

#### Textual Amendments

**F6** 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 [<sup>F7</sup>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 requirement specified in paragraph 5(1)(b).

#### Textual Amendments

**F7** Words in *Sch. 1 para. 7* substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 2\(2\)\(b\)](#)

8 Paragraph 6 shall apply in relation to paragraph 7 with the following modifications, namely—

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- (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) and (e) 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 is serving in service to which section 16(1)(b) applies, that person’s recruitment for that service having taken place in a [<sup>F8</sup>British overseas territory] .”

#### Textual Amendments

**F8** 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 [<sup>F9</sup>British overseas territory]*

#### Textual Amendments

**F9** 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 <sup>M1</sup>Immigration 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 [<sup>F10</sup>Part III of the Mental Health Act 1983] or section 175 or 376 of the <sup>M2</sup>Criminal Procedure (Scotland) Act 1975 or Part III of the Mental Health [<sup>F11</sup>(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;



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- (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 [<sup>F12</sup>British 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;
- (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, [<sup>F13</sup>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

- F10** Words substituted by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), s. 148, [Sch. 4 para. 60\(a\)](#)
- F11** Words substituted by [S.I. 1986/596](#), [art. 8](#)
- F12** Words in [Sch. 1 para. 9\(2\)](#) substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), s. [1\(1\)\(b\)](#)
- F13** Words substituted by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), s. 148, [Sch. 4 para. 60\(b\)](#)

#### Marginal Citations

- M1** 1971 c. 77.
- M2** 1975 c. 21.

#### Interpretation

- 10 In this Schedule “the relevant territory” has the meaning given by section 18(3).

PROSPECTIVE

[<sup>F14</sup>11 (1) This paragraph applies for the purposes of this Schedule.



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- (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”,
- 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

**F14** 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)

**C2** Sch. 2 excluded by [S.I. 1983/882](#), art. **2(3)**

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*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 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 <sup>F15</sup>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**

**F15** 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 <sup>F16</sup>British overseas territory] after commencement*

**Textual Amendments**

**F16** 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 <sup>F17</sup>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 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**

**F17** Words in [Sch. 2 para. 2](#) substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 1\(1\)\(b\)](#)

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*Persons born in the United Kingdom or a <sup>F18</sup>British overseas territory] after commencement*

**Textual Amendments**

**F18** 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 <sup>F19</sup>British 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 <sup>F20</sup> . . . was under the age of twenty-two; and
  - (c) that he was in the United Kingdom or a <sup>F19</sup>British 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 <sup>F21</sup>British 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 <sup>F21</sup>British overseas territories];
  - (b) in any other case, shall be registered under it as a <sup>F22</sup>British overseas territories citizen].

**Textual Amendments**

**F19** Words in Sch. 2 para. 3 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 1\(1\)\(b\)](#)

**F20** 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 \(as amended by S.I. 2003/1040, art. 2 and S.I. 2003/1339, art. 4\)\)](#)

**F21** Words in Sch. 2 para. 3 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 1\(1\)\(b\)](#)

**F22** 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 <sup>F23</sup>British overseas territories] after commencement*

**Textual Amendments**

**F23** Words in Sch. 2 para. 4 cross-heading substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 1\(1\)\(b\)](#)

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- 4 (1) A person born outside the United Kingdom and the <sup>F24</sup>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 <sup>F25</sup>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 <sup>F24</sup>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 <sup>F26</sup>British overseas territories citizen] , a British Overseas citizen and a British subject under this Act.

#### Textual Amendments

**F24** Words in Sch. 2 para. 4 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 1\(1\)\(b\)](#)

**F25** Words in Sch. 2 para. 4 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 1\(1\)\(b\)](#)

**F26** 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 <sup>M3</sup>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,

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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 <sup>M4</sup>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

**M3** 1964 c. 54.

**M4** 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 <sup>F27</sup>British overseas territories] in the period there mentioned exceeds the number there mentioned.

#### Textual Amendments

**F27** 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

<sup>F28</sup> Brunei]

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**Textual Amendments**

**F28** "Brunei" inserted by S.I. 1983/1699, **arts. 1(2), 3**

[<sup>F29</sup>Cameroon]

**Textual Amendments**

**F29** Words in **Sch. 3** inserted (25.1.1999) by S.I. 1998/3161, **art. 2**

Canada

Republic of Cyprus

Dominica

Fiji

The Gambia

Ghana

Grenada

Guyana

India

Jamaica

Kenya

Kiribati

Lesotho

Malawi

Malaysia

[<sup>F30</sup>Maldives]

**Textual Amendments**

**F30** "Maldives" inserted by **Brunei and Maldives Act 1985 (c. 3, SIF 26:9A), s. 8**

Malta

Mauritius

[<sup>F29</sup>Mozambique]

Nauru

New Zealand

Nigeria

*Status: Point in time view as at 01/04/2003.*

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[<sup>F31</sup>Pakistan]

**Textual Amendments**

**F31** 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

[<sup>F32</sup>Saint Christopher and Nevis]

**Textual Amendments**

**F32** "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

[<sup>F33</sup>South Africa]

**Textual Amendments**

**F33** 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

[<sup>F34</sup>Namibia]



*Status: Point in time view as at 01/04/2003.*

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### Textual Amendments

**F34** "Namibia" inserted by S.I. 1990/1502, art. 2

## X<sup>1</sup>SCHEDULE 4

Section 39(6).

### AMENDMENTS OF IMMIGRATION ACT 1971

#### Editorial Information

**X1** 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 <sup>M5</sup>Immigration Act 1971.

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

**C3** 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

**M5** 1971 c. 77.

- 2 For “patrial”—
- (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) “ <i>a British citizen</i> ”	(2) “ <i>British citizens</i> ”
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) ;	<b>F35</b>
	... ;
In section 33(1), the definitions of “entry clearance” and “work permit” ;	In Schedule 2, paragraph 26(1).

*Status: Point in time view as at 01/04/2003.*

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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

**F35** 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)

**C4** [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)

**C5** [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\(2\)\(c\)\(iii\)](#)

- 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, [<sup>F36</sup>British overseas territories citizens] or British Overseas citizens ”.

#### Textual Amendments

**F36** 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) substitute “ 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)

**C6** [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\(2\)\(c\)\(iv\)](#)

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### Textual Amendments

**F37** 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 [<sup>F38</sup>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.”

### Textual Amendments

**F38** 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)

**C7** 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)

## <sup>F39</sup>SCHEDULE 5

Section 42(1).

### FORM OF OATH OF ALLEGIANCE

### Textual Amendments

**F39** 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)

The form of the oath of allegiance is as shown below, with the insertion, after the words “on becoming”, of whichever of the following expressions is appropriate, namely—

“a British citizen”

“a [<sup>F40</sup>British overseas territories citizen]”

“a British Overseas citizen”

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“a British subject”.

#### Textual Amendments

**F40** Words in [Sch. 5](#) substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [s. 2\(2\)\(b\)](#)

#### *Oath of allegiance*

I, A.B., swear by Almighty God that, on becoming 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).

#### [<sup>F41</sup>BRITISH OVERSEAS TERRITORIES]

#### Textual Amendments

**F41** [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 <sup>F42</sup> . . .

Gibraltar

[<sup>F43</sup>Hong Kong]

Montserrat

Pitcairn, Henderson, Ducie and Oeno Islands

. . . <sup>F44</sup>

St. Helena and Dependencies

[<sup>F45</sup>South Georgia and the South Sandwich Islands]

The Sovereign Base Areas of Akrotiri and Dhekelia (that is to say the areas mentioned in section 2(1) of the <sup>M6</sup>Cyprus Act 1960)

Turks and Caicos Islands

Virgin Islands.

#### Textual Amendments

**F42** Words in [Sch. 6](#) repealed (4.12.2001) by [S.I. 2001/3497](#), [art. 2\(a\)](#)

**F43** 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.

**F44** Words repealed by [S.I. 1983/882](#), [art. 2\(b\)](#)

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**F45** Entry in Sch. 6 inserted (4.12.2001) by S.I. 2001/3497, art. 2(b)

#### Marginal Citations

**M6** 1960 c. 52.

## X<sup>2</sup>SCHEDULE 7

Section 52(6).

### CONSEQUENTIAL AMENDMENTS

#### Editorial Information

**X2** 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.)*

In section 3, the words from “That after the said limitation shall take effect” to “in trust for him” (which impose certain disqualifications) shall not apply to Commonwealth citizens or citizens of the Republic of Ireland.

#### *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—

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“(2) In this Act “the United Kingdom” includes the Channel Islands and the Isle of Man.”

*[<sup>F46</sup>DEFAMATION ACT 1952 (c. 66)*

**Textual Amendments**

**F46** *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 ”.]

*[<sup>F47</sup>DEFAMATION ACT (NORTHERN IRELAND) 1955 (c. 11) (N.I.)*

**Textual Amendments**

**F47** *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 diplomatic immunity, of Orders in Council withdrawing diplomatic privileges and immunities) substitute—

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“(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 which certain persons entitled to exemption under section 8(3) of the Immigration Act 1971 are to be regarded 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 <sup>M7</sup>British Nationality Act 1948” substitute “Schedule 3 to the British Nationality Act 1981”.

**Marginal Citations**

**M7** 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 “ [<sup>F48</sup>British overseas territories citizens] or British Overseas citizens ”.

**Textual Amendments**

**F48** 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 [<sup>F49</sup>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**

**F49** 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)*

In section 3(3) (persons prohibited from broadcasting whilst on or over high seas), for paragraphs (a) to (e) substitute—

“(a) a British citizen, a [<sup>F50</sup>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



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(c) a British protected person (within the meaning of that Act).”.

**Textual Amendments**

**F50** Words in [Sch. 7](#) substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [s. 2\(2\)\(b\)](#)

*ANTARCTIC TREATY ACT 1967 (C. 65)*

F51

**Textual Amendments**

**F51** [Sch. 7](#): entry repealed (1.11.1995) by [1994 c. 15, s. 33, Sch.](#) ; [S.I. 1995/2748, art. 2](#)

**Textual Amendments**

**F51** [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)*

F52

**Textual Amendments**

**F52** Entry repealed by [Extradition Act 1989 \(c. 33, SIF 48\)](#), [s. 37, Sch. 2](#)

**Textual Amendments**

**F52** 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 [<sup>F53</sup>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**

**F53** Words in [Sch. 7](#) substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [s. 2\(2\)\(b\)](#)

*Status: Point in time view as at 01/04/2003.*

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#### Textual Amendments

**F53** 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 ”.

#### INCOME AND CORPORATION TAXES ACT 1970 (c. 10)

... **F54** .

#### Textual Amendments

**F54** Entry repealed by [Income and Corporation Taxes Act 1988 \(c. 1, SIF 63:1\)](#), ss. 843, 844, [Sch. 31](#)

#### Textual Amendments

**F54** 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 ”.

... **F55** .

#### Textual Amendments

**F55** Entry repealed by [Aviation Security Act 1982 \(c. 36, SIF 9\)](#), s. 40, [Sch. 3](#)

... **F56** .

#### Textual Amendments

**F56** Entry repealed by [Civil Aviation Act 1982 \(c. 16, SIF 9\)](#), s. 109, [Sch. 16](#)

... **F57** .

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#### Textual Amendments

**F57** 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
  - (b) in paragraph 7(2)(d), for “citizenship of the United Kingdom and Colonies” substitute “ British citizenship, [<sup>F58</sup>British overseas territories citizenship] or British Overseas citizenship. ”.

#### Textual Amendments

**F58** 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, [<sup>F59</sup>British overseas territories citizenship] or British Overseas citizenship. ”.

#### Textual Amendments

**F59** 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, [<sup>F60</sup>British overseas territories citizenship] or British Overseas citizenship. ”.

#### Textual Amendments

**F60** Words in [Sch. 7](#) substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [s. 2\(2\)\(a\)](#)

#### Textual Amendments

**F60** Words in [Sch. 7](#) substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [s. 2\(2\)\(a\)](#)

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### NATIONAL HEALTH SERVICE ACT 1977 (c. 49)

In paragraph 3 of Schedule 11 (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 British Nationality Act 1948” substitute “ Schedule 3 to the British Nationality Act 1981 ”.

### 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, [<sup>F61</sup>British overseas territories citizenship] or British Overseas citizenship. ”.

#### Textual Amendments

**F61** Words in [Sch. 7](#) substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [s. 2\(2\)\(a\)](#)

#### Textual Amendments

**F61** 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 <sup>M8</sup>British Nationality Act 1948” substitute “ Schedule 3 to the British Nationality Act 1981 ”.

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**Marginal Citations**

M8 1948 c. 56.

**Marginal Citations**

M8 1948 c. 56.

*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 [<sup>F62</sup>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**

F62 Words in Sch. 7 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 2\(2\)\(b\)](#)

**Textual Amendments**

F62 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 [<sup>F63</sup>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**

F63 Words in Sch. 7 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 2\(2\)\(b\)](#)

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- 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 [<sup>F64</sup>British overseas territories citizen] or a British Overseas citizen ”.

#### Textual Amendments

**F64** Words in Sch. 7 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 2\(2\)\(b\)](#)

## 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.

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*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.
- (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 <sup>M9</sup>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**

**M9** 1960 c. 52.



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*Applications for certificates of patriality pending at commencement*

- 5 Any application for a certificate of patriality under the <sup>M10</sup>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**

**M10** 1971 c. 77.

*Appeals under Part II of Immigration Act 1971*

- 6 Where a person who has been refused a certificate of patriality under the <sup>M11</sup>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**

**M11** 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.

<sup>X3</sup>SCHEDULE 9

Section 52(8).

REPEALS

**Editorial Information**

**X3** 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—

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		(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.
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.

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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.
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 Privileges 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.

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		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).  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”.
1972 c. 55.	Sri Lanka Republic Act 1972.	Schedule 1 (including Appendices A to C).  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).

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1976 c. 19.	Seychelles Act 1976.	In Schedule 3, paragraph 63. Sections 3 and 4. Section 5(3).
1976 c. 36.	Adoption Act 1976.	Section 40. 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, in paragraph 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”.

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1980 c. 2.	Papua New Guinea, Western Samoa and Nauru (Miscellaneous Provisions) Act 1980.	Schedule 1. In section 1, subsection (1) and, in subsection (3), the reference to section 3(2).
		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.

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