



British Nationality Act 1981

1981 CHAPTER 61

PART I

BRITISH CITIZENSHIP

Acquisition after commencement

3 Acquisition by registration: minors.

- (1) If while a person is a minor an application is made for his registration as a British citizen, the Secretary of State may, if he thinks fit, cause him to be registered as such a citizen.
- (2) A person born outside the United Kingdom [^{F1}and the qualifying territories] shall be entitled, on an application for his registration as a British citizen made [^{F2}while he is a minor], to be registered as such a citizen if the requirements specified in subsection (3) or, in the case of a person born stateless, the requirements specified in paragraphs (a) and (b) of that subsection, are fulfilled in the case of either that person's father or his mother ("the parent in question").
- (3) The requirements referred to in subsection (2) are—
 - (a) that the parent in question was a British citizen by descent at the time of the birth; and
 - (b) that the father or mother of the parent in question—
 - (i) was a British citizen otherwise than by descent at the time of the birth of the parent in question; or
 - (ii) became a British citizen otherwise than by descent at commencement, or would have become such a citizen otherwise than by descent at commencement but for his or her death; and
 - (c) that, as regards some period of three years ending with a date not later than the date of the birth—
 - (i) the parent in question was in the United Kingdom [^{F3}or a qualifying territory] at the beginning of that period; and

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- (ii) the number of days on which the parent in question was absent from the United Kingdom [^{F4}and the qualifying territories] in that period does not exceed 270.
- (4) ^{F5}
- (5) A person born outside the United Kingdom [^{F6}and the qualifying territories] shall be entitled, on an application for his registration as a British citizen made while he is a minor, to be registered as such a citizen if the following requirements are satisfied, namely—
- (a) that at the time of that person’s birth his father or mother was a British citizen by descent; and
 - (b) subject to subsection (6), that that person and his father and mother were in the United Kingdom [^{F7}or a qualifying territory] at the beginning of the period of three years ending with the date of the application and that, in the case of each of them, the number of days on which the person in question was absent from the United Kingdom [^{F8}and the qualifying territories] in that period does not exceed 270; and
 - (c) subject to subsection (6), that the consent of his father and mother to the registration has been signified in the prescribed manner.
- (6) In the case of an application under subsection (5) for the registration of a person as a British citizen—
- (a) if his father or mother died, or their marriage [^{F9}or civil partnership] was terminated, on or before the date of the application, or his father and mother were legally separated on that date, the references to his father and mother in paragraph (b) of that subsection shall be read either as references to his father or as references to his mother; [^{F10} and]
 - (b) if his father or mother died on or before that date, the reference to his father and mother in paragraph (c) of that subsection shall be read as a reference to either of them; [^{F11}and]
 - (c) [^{F12}if he was born illegitimate, all those references shall be read as references to his mother.]

Textual Amendments

- F1** Words in s. 3(2) inserted (21.5.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [Sch. 1 para. 3\(1\)\(2\)](#); S.I. 2002/1252, [art. 2](#)
- F2** Words in s. 3(2) substituted (13.1.2010) by [Borders, Citizenship and Immigration Act 2009 \(c. 11\)](#), [ss. 43\(2\)](#), 58; S.I. 2009/2731, [art. 4\(b\)](#)
- F3** Words in s. 3(3)(c)(i) inserted (21.5.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [Sch. 1 para. 3\(1\)\(3\)\(a\)](#); S.I. 2002/1252, [art. 2](#)
- F4** Words in s. 3(3)(c)(ii) inserted (21.5.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [Sch. 1 para. 3\(1\)\(3\)\(b\)](#); S.I. 2002/1252, [art. 2](#)
- F5** S. 3(4) repealed (13.1.2010) by [Borders, Citizenship and Immigration Act 2009 \(c. 11\)](#), [ss. 43\(3\)](#), 56, [Sch. Pt. 2](#); S.I. 2009/2731, [art. 4\(i\)\(j\)](#)
- F6** Words in s. 3(5) inserted (21.5.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [Sch. 1 para. 3\(1\)\(4\)\(a\)](#); S.I. 2002/1252, [art. 2](#)
- F7** Words in s. 3(5)(b) inserted (21.5.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [Sch. 1 para. 3\(1\)\(4\)\(b\)](#); S.I. 2002/1252, [art. 2](#)
- F8** Words in s. 3(5)(b) inserted (21.5.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [Sch. 1 para. 3\(1\)\(4\)\(b\)](#); S.I. 2002/1252, [art. 2](#)

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- F9** Words in s. 3(6)(a) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 261(1), 263, **Sch. 27 para. 71**; S.I. 2005/3175, **art. 2(2)** (subject to art. 2(3)-(5))
- F10** Word in s. 3(6) inserted (1.7.2006 with effect as mentioned in s. 162(5) of the amending Act) by Nationality, Immigration and Asylum Act 2002 (c. 41), **ss. 9(2)(a)**, 162 (with s. 159); S.I. 2006/1498, **arts. 2(b)**, 3
- F11** Word in s. 3(6)(b) ceased to have effect (1.7.2006 with effect as mentioned in s. 162(5) of the amending Act) and repealed (prosp.) by Nationality, Immigration and Asylum Act 2002 (c. 41), **ss. 9(2)(b)**, 161, 162, **Sch. 9** (with s. 159); S.I. 2006/1498, **arts. 2(b)**, 3
- F12** S. 3(6)(c) ceased to have effect (1.7.2006 with effect as mentioned in s. 162(5) of the amending Act) and repealed (prosp.) by Nationality, Immigration and Asylum Act 2002 (c. 41), **ss. 9(2)(c)**, 161, 162, **Sch. 9** (with s. 159); S.I. 2006/1498, **arts. 2(b)**, 3

Modifications etc. (not altering text)

- C1** S. 3(1) restricted (4.12.2006) by Immigration, Asylum and Nationality Act 2006 (c. 13), **ss. 58**, 62; S.I. 2006/2838, **art. 4(1)** (subject to art. 4(2))
- C2** S. 3(5) restricted (4.12.2006) by Immigration, Asylum and Nationality Act 2006 (c. 13), **ss. 58**, 62; S.I. 2006/2838, **art. 4(1)** (subject to art. 4(2))

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