



British Nationality Act 1981

1981 CHAPTER 61

PART V

MISCELLANEOUS AND SUPPLEMENTARY

[^{F1} 40 Deprivation of citizenship.

(1) In this section a reference to a person's "citizenship status" is a reference to his status as—

- (a) a British citizen,
- (b) a British overseas territories citizen,
- (c) a British Overseas citizen,
- (d) a British National (Overseas),
- (e) a British protected person, or
- (f) a British subject.

[^{F2}(2) The Secretary of State may by order deprive a person of a citizenship status if the Secretary of State is satisfied that deprivation is conducive to the public good.]

(3) The Secretary of State may by order deprive a person of a citizenship status which results from his registration or naturalisation if the Secretary of State is satisfied that the registration or naturalisation was obtained by means of—

- (a) fraud,
- (b) false representation, or
- (c) concealment of a material fact.

(4) The Secretary of State may not make an order under subsection (2) if he is satisfied that the order would make a person stateless.

[^{F3}(4A) But that does not prevent the Secretary of State from making an order under subsection (2) to deprive a person of a citizenship status if—

- (a) the citizenship status results from the person's naturalisation,
- (b) the Secretary of State is satisfied that the deprivation is conducive to the public good because the person, while having that citizenship status, has conducted

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- him or herself in a manner which is seriously prejudicial to the vital interests of the United Kingdom, any of the Islands, or any British overseas territory, and
- (c) the Secretary of State has reasonable grounds for believing that the person is able, under the law of a country or territory outside the United Kingdom, to become a national of such a country or territory.]
- (5) Before making an order under this section in respect of a person the Secretary of State must give the person written notice specifying—
- (a) that the Secretary of State has decided to make an order,
 - (b) the reasons for the order, and
 - (c) the person's right of appeal under section 40A(1) or under section 2B of the Special Immigration Appeals Commission Act 1997 (c. 68).
- [^{F4}(5A) Subsection (5) does not apply if—
- (a) the Secretary of State does not have the information needed to be able to give notice under that subsection,
 - (b) the Secretary of State reasonably considers it necessary, in the interests of—
 - (i) national security,
 - (ii) the investigation or prosecution of organised or serious crime,
 - (iii) preventing or reducing a risk to the safety of any person, or
 - (iv) the relationship between the United Kingdom and another country,
 that notice under that subsection should not be given.
- (5B) In subsection (5A), references to giving notice under subsection (5) are to giving that notice in accordance with such regulations under section 41(1)(e) as for the time being apply.
- (5C) Subsection (5D) applies where—
- (a) the Secretary of State has made an order under subsection (2) and, in reliance on subsection (5A), has not given the notice required by subsection (5), and
 - (b) the person in respect of whom the order was made makes contact with the Secretary of State for the Home Department.
- (5D) The Secretary of State must, as soon as is reasonably practicable, give the person written notice specifying—
- (a) that the Secretary of State has made the order,
 - (b) the reasons for the order, and
 - (c) the person's right of appeal under section 40A(1) or under section 2B of the Special Immigration Appeals Commission Act 1997.
- (5E) Schedule 4A makes provision for the Special Immigration Appeals Commission to consider a decision of the Secretary of State—
- (a) not to give notice to a person before depriving them of a citizenship status on the grounds mentioned in subsection (2) (deprivation conducive to the public good), or
 - (b) not to give late notice to a person who has been deprived of a citizenship status on those grounds without having been given prior notice.]
- (6) Where a person acquired a citizenship status by the operation of a law which applied to him because of his registration or naturalisation under an enactment having effect before commencement, the Secretary of State may by order deprive the person of

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the citizenship status if the Secretary of State is satisfied that the registration or naturalisation was obtained by means of—

- (a) fraud,
- (b) false representation, or
- (c) concealment of a material fact.]

Textual Amendments

- F1** Ss. 40, 40A substituted (1.4.2003) for s. 40 by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), [ss. 4\(1\)\(4\)](#), 162 (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](#)))
- F2** S. 40(2) substituted (16.6.2006) by [Immigration, Asylum and Nationality Act 2006 \(c. 13\)](#), [ss. 56\(1\)](#), 62; [S.I. 2006/1497](#), [art. 3](#), Sch.
- F3** [S. 40\(4A\)](#) inserted (28.7.2014) by [Immigration Act 2014 \(c. 22\)](#), [ss. 66\(1\)](#), 75(3); [S.I. 2014/1820](#), [art. 3\(t\)](#) as amended by [SI 2014/2771](#) art 14
- F4** [S. 40\(5A\)-\(5E\)](#) inserted (10.5.2023) by [Nationality and Borders Act 2022 \(c. 36\)](#), [ss. 10\(2\)](#), 87(1) (with [s. 10\(6\)-\(8\)](#)); [S.I. 2023/450](#), [reg. 2\(a\)](#)
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Modifications etc. (not altering text)

- C1** [S. 40](#) extended by [S.I. 1986/948](#), [art. 7\(11\)](#)
- C2** [Ss. 40–42](#), [44–48](#), [50](#) extended by [British Nationality \(Hong Kong\) Act 1990 \(c. 34, SIF 87\)](#), [s. 2\(3\)](#)
- C3** [S. 40](#) amended (18.7.1996) by [1996 c. 41](#), [s. 2\(2\)](#)
- C4** [S. 40](#) modified (19.3.1997) by [1997 c. 20](#), [s. 2\(3\)](#)

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))