



British Nationality Act 1981

1981 CHAPTER 61

PART V

MISCELLANEOUS AND SUPPLEMENTARY^{F1}

[^{F1}40A Deprivation of citizenship: appeal

- (1) A person who is given notice under section 40(5) of a decision to make an order in respect of him under section 40 may appeal against the decision to an adjudicator appointed under section 81 of the Nationality, Immigration and Asylum Act 2002 (immigration appeal).
- (2) Subsection (1) shall not apply to a decision if the Secretary of State certifies that it was taken wholly or partly in reliance on information which in his opinion should not be made public—
 - (a) in the interests of national security,
 - (b) in the interests of the relationship between the United Kingdom and another country, or
 - (c) otherwise in the public interest.
- (3) A party to an appeal to an adjudicator under subsection (1) may, with the permission of the Immigration Appeal Tribunal, appeal to the Tribunal against the adjudicator's determination on a point of law.
- (4) A party to an appeal to the Immigration Appeal Tribunal under subsection (3) may bring a further appeal on a point of law—
 - (a) where the decision of the adjudicator was made in Scotland, to the Court of Session, or
 - (b) in any other case, to the Court of Appeal.
- (5) An appeal under subsection (4) may be brought only with the permission of—
 - (a) the Tribunal, or
 - (b) if the Tribunal refuses permission, the court referred to in subsection (4)(a) or (b).

Status: Point in time view as at 01/04/2003. This version of this provision has been superseded.

Changes to legislation: British Nationality Act 1981, Section 40A is up to date with all changes known to be in force on or before 04 April 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)

- (6) An order under section 40 may not be made in respect of a person while an appeal under this section or section 2B of the Special Immigration Appeals Commission Act 1997 (c. 68)—
- (a) has been instituted and has not yet been finally determined, withdrawn or abandoned, or
 - (b) could be brought (ignoring any possibility of an appeal out of time with permission).
- (7) Rules under section 106 of the Nationality, Immigration and Asylum Act 2002 (immigration appeal: rules) may make provision about an appeal under this section.
- (8) Directions under section 107 of that Act (practice directions) may make provision about an appeal under this section.]

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))

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