



British Nationality Act 1981

1981 CHAPTER 61

PART V

MISCELLANEOUS AND SUPPLEMENTARY^{F1F1F1F1}

[^{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 [^{F2}the Asylum and Immigration Tribunal].
- (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.

[^{F3}(3) The following provisions of the Nationality, Immigration and Asylum Act 2002 (c. 41) shall apply in relation to an appeal under this section as they apply in relation to an appeal under section 82 [^{F4}, 83 or 83A] of that Act—

- (a) section 87 (successful appeal: direction) (for which purpose a direction may, in particular, provide for an order under section 40 above to be treated as having had no effect),
 - (b) sections 103A to 103E (review and appeal),
 - (c) section 106 (rules),^{F5} . . .
 - (d) section 107 (practice directions)[^{F6}, and
 - (e) section 108 (forged document: proceedings in private).]]
- (6) ^{F7}
- (7) ^{F7}

Status: Point in time view as at 31/08/2006. This version of this provision has been superseded.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 08 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)

(8) ^{F7}.....]

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** Words in s. 40A(1) substituted (4.4.2005) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\)](#), [ss. 26\(7\)](#), 48, [Sch. 2 para. 4\(a\)](#); [S.I. 2005/565](#), [art. 2](#) (with arts. 3-9)
- F3** S. 40A(3) substituted (4.4.2005) for s. 40A(3)-(5) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\)](#), [ss. 26\(7\)](#), 48, [Sch. 2 para. 4\(b\)](#); [S.I. 2005/565](#), [art. 2](#) (with arts. 3-9)
- F4** Words in s. 40A(3) substituted (31.8.2006) by [Immigration, Asylum and Nationality Act 2006 \(c. 13\)](#), [ss. 14](#), 62, [Sch. 1 para. 13](#); [S.I. 2006/2226](#), [art. 3](#), [Sch. 1](#) (subject to transitional provisions in [art. 4](#))
- F5** Word in s. 40A(3) repealed (16.6.2006) by [Immigration, Asylum and Nationality Act 2006 \(c. 13\)](#), [ss. 56\(2\)](#), 62; [S.I. 2006/1497](#), [art. 3](#), [Sch.](#)
- F6** S. 40A(3)(e) and preceding word added (16.6.2006) by [Immigration, Asylum and Nationality Act 2006 \(c. 13\)](#), [ss. 56\(2\)](#), 62; [S.I. 2006/1497](#), [art. 3](#), [Sch.](#)
- F7** S. 40A(6)-(8) repealed (4.4.2005) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\)](#), [ss. 26\(7\)](#), 47, 48, [Sch. 2 para. 4\(c\)](#), [Sch. 4](#); [S.I. 2005/565](#), [art. 2](#) (with arts. 3-9)

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