



British Nationality Act 1981

1981 CHAPTER 61

PART V

MISCELLANEOUS AND SUPPLEMENTARY

[^{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 First-tier 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}...of that Act—
 - ^{F5}(a)
 - ^{F6}(b)
 - (c) section 106 (rules), ^{F7}...
 - (d) section 107 (practice directions)[^{F8}, and
 - (e) section 108 (forged document: proceedings in private).]]
 - (6) ^{F9}
 - (7) ^{F9}
 - (8) ^{F9}]

Status: Point in time view as at 20/10/2014. This version of this provision has been superseded.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 25 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)

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 (15.2.2010) by [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\)](#), [art. 1](#), [Sch. 1 para. 7\(a\)](#) (with Sch. 4 para. 113)
- 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) omitted (20.10.2014) by virtue of [Immigration Act 2014 \(c. 22\)](#), s. 75(3), [Sch. 9 para. 25\(a\)](#); S.I. 2014/2771, [art. 2\(e\)](#) (with arts. 9-11) (as amended (2.3.2015 and 6.4.2015) by S.I. 2015/371, arts. 1(2)(3), 7, 8; and with transitional provisions and savings in S.I. 2014/2928, [art. 2](#) (which S.I. is revoked (6.4.2015) by S.I. 2015/371, arts. 1(3), 9))
- F5** S. 40A(3)(a) omitted (20.10.2014) by virtue of [Immigration Act 2014 \(c. 22\)](#), s. 75(3), [Sch. 9 para. 25\(b\)](#); S.I. 2014/2771, [art. 2\(e\)](#) (with arts. 9-11) (as amended (2.3.2015 and 6.4.2015) by S.I. 2015/371, arts. 1(2)(3), 7, 8; and with transitional provisions and savings in S.I. 2014/2928, [art. 2](#) (which S.I. is revoked (6.4.2015) by S.I. 2015/371, arts. 1(3), 9))
- F6** S. 40A(3)(b) omitted (15.2.2010) by virtue of [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\)](#), [art. 1](#), [Sch. 1 para. 7\(b\)](#) (with Sch. 4 para. 113)
- F7** 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.
- F8** 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.
- F9** 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)

Status:

Point in time view as at 20/10/2014. 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 25 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.