



British Nationality Act 1981

1981 CHAPTER 61

PART V

MISCELLANEOUS AND SUPPLEMENTARY

50 Interpretation.

(1) In this Act, unless the context otherwise requires—

“the 1948 Act” means the British Nationality Act 1948;

“alien” means a person who is neither a Commonwealth citizen nor a British protected person nor a citizen of the Republic of Ireland;

[^{F1} “appointed day” means the day appointed by the Secretary of State under section 8 of the British Overseas Territories Act 2002 for the commencement of Schedule 1 to that Act;

“association” means an unincorporated body of persons;

[^{F2} “British National (Overseas)” means a person who is a British National (Overseas) under the Hong Kong (British Nationality) Order 1986, and “status of a British National (Overseas)” shall be construed accordingly;

“British Overseas citizen” includes a person who is a British Overseas citizen under the Hong Kong (British Nationality) Order 1986.

[^{F3} “British overseas territory” means a territory mentioned in Schedule 6;

“British protected person” means a person who is a member of any class of persons declared to be British protected persons by an Order in Council for the time being in force under section 38 or is a British protected person by virtue of the ^{M1} Solomon Islands Act 1978;

“commencement”, without more, means the commencement of this Act;

“Commonwealth citizen” means a person who has the status of a Commonwealth citizen under this Act;

“company” means a body corporate;

[^{F4} “Convention adoption” means an adoption effected under the law of a country or territory in which the Convention is in force, and certified in pursuance of Article 23(1) of the Convention]

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“ Crown service ” means the service of the Crown, whether within Her Majesty’s dominions or elsewhere;

“ Crown service under the government of the United Kingdom ” means Crown service under Her Majesty’s government in the United Kingdom or under Her Majesty’s government in Northern Ireland [^{F5} or under the Scottish Administration] [^{F6} or under the Welsh Assembly Government] ;

[^{F7} “ designated territory ” means a qualifying territory, or the Sovereign Base Areas of Akrotiri and Dhekelia, which is designated by Her Majesty by Order in Council under subsection (14)]

^{F8}

“ enactment ” includes an enactment comprised in Northern Ireland legislation;

“ foreign country ” means a country other than the United Kingdom, a [^{F9} British overseas territory] , a country mentioned in Schedule 3 and the Republic of Ireland;

“ the former nationality Acts ” means—

- (a) the British Nationality Acts 1948 to 1965;
- (b) the British Nationality and Status of Aliens Acts 1914 to 1943; and
- (c) any Act repealed by the said Acts of 1914 to 1943 or by the ^{M2}Naturalization Act 1870;

“ Governor ”, in relation to a [^{F9} British overseas territory] , includes the officer for the time being administering the government of that territory;

“ High Commissioner ” includes an acting High Commissioner;

“ immigration laws ”—

- (a) in relation to the United Kingdom, means the ^{M3}Immigration Act 1971 and any law for purposes similar to that Act which is for the time being or has at any time been in force in any part of the United Kingdom;
- (b) in relation to a [^{F9} British overseas territory], means any law for purposes similar to the Immigration Act 1971 which is for the time being or has at any time been in force in that territory;

“ the Islands ” means the Channel Islands and the Isle of Man;

“ minor ” means a person who has not attained the age of eighteen years;

“ prescribed ” means prescribed by regulations made under section 41;

[^{F10} “ qualifying territory ” means a British overseas territory other than the Sovereign Base Areas of Akrotiri and Dhekelia;

“ settled ” shall be construed in accordance with subsections (2) to (4);

“ ship ” includes a hovercraft;

“ statutory provision ” means any enactment or any provision contained in—

- (a) subordinate legislation (as defined in section 21(1) of the ^{M4}Interpretation Act 1978); or
- (b) any instrument of a legislative character made under any Northern Ireland legislation;

“ the United Kingdom ” means Great Britain, Northern Ireland and the Islands, taken together;

“ United Kingdom consulate ” means the office of a consular officer of Her Majesty’s government in the United Kingdom where a register of births is kept or, where there is no such office, such office as may be prescribed.

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[Subject to subsection (1B), references in this Act to being a member of the armed ^{F11}(1A) forces are references to being—

- (a) a member of the regular forces within the meaning of the Armed Forces Act 2006, or
- (b) a member of the reserve forces within the meaning of that Act subject to service law by virtue of paragraph (a), (b) or (c) of section 367(2) of that Act.

(1B) A person is not to be regarded as a member of the armed forces by virtue of subsection (1A) if the person is treated as a member of a regular or reserve force by virtue of—

- (a) section 369 of the Armed Forces Act 2006, or
- (b) section 4(3) of the Visiting Forces (British Commonwealth) Act 1933.]

(2) Subject to subsection (3), references in this Act to a person being settled in the United Kingdom or in a [^{F9}British overseas territory] are references to his being ordinarily resident in the United Kingdom or, as the case may be, in that territory without being subject under the immigration laws to any restriction on the period for which he may remain.

(3) Subject to subsection (4), a person is not to be regarded for the purposes of this Act—

- (a) as having been settled in the United Kingdom at any time when he was entitled to an exemption under section 8(3) or (4)(b) or (c) of the ^{M5}Immigration Act 1971 or, unless the order under section 8(2) of that Act conferring the exemption in question provides otherwise, to an exemption under the said section 8(2), or to any corresponding exemption under the former immigration laws; or
- (b) as having been settled in a [^{F9}British overseas territory] at any time when he was under the immigration laws entitled to any exemption corresponding to any such exemption as is mentioned in paragraph (a) (that paragraph being for the purposes of this paragraph read as if the words from “unless” to “otherwise” were omitted).

(4) A person to whom a child is born in the United Kingdom after commencement is to be regarded for the purposes of section 1(1) as being settled in the United Kingdom at the time of the birth if—

- (a) he would fall to be so regarded but for his being at that time entitled to an exemption under section 8(3) of the Immigration Act 1971; and
- (b) immediately before he became entitled to that exemption he was settled in the United Kingdom; and
- (c) he was ordinarily resident in the United Kingdom from the time when he became entitled to that exemption to the time of the birth;

but this subsection shall not apply if at the time of the birth the child’s father or mother is a person on whom any immunity from jurisdiction is conferred by or under the ^{M6}Diplomatic Privileges Act 1964.

(5) It is hereby declared that a person is not to be treated for the purpose of any provision of this Act as ordinarily resident in the United Kingdom or in a [^{F9}British overseas territory] at a time when he is in the United Kingdom or, as the case may be, in that territory in breach of the immigration laws.

(6) For the purposes of this Act—

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- (a) a person shall be taken to have been naturalised in the United Kingdom if, but only if, he is—
 - (i) a person to whom a certificate of naturalisation was granted under any of the former nationality Acts by the Secretary of State or, in any of the Islands, by the Lieutenant-Governor; or
 - (ii) a person who by virtue of section 27(2) of the ^{M7}British Nationality and Status of Aliens Act 1914 was deemed to be a person to whom a certificate of naturalisation was granted, if the certificate of naturalisation in which his name was included was granted by the Secretary of State; or
 - (iii) a person who by virtue of section 10(5) of the ^{M8}Naturalization Act 1870 was deemed to be a naturalised British subject by reason of his residence with his father or mother;
- (b) a person shall be taken to have been naturalised in a [^{F9}British overseas territory] if, but only if, he is—
 - (i) a person to whom a certificate of naturalisation was granted under any of the former nationality Acts by the Governor of that territory or by a person for the time being specified in a direction given in relation to that territory under paragraph 4 of Schedule 3 to the ^{M9}West Indies Act 1967 or for the time being holding an office so specified; or
 - (ii) a person who by virtue of the said section 27(2) was deemed to be a person to whom a certificate of naturalisation was granted, if the certificate of naturalisation in which his name was included was granted by the Governor of that territory; or
 - (iii) a person who by the law in force in that territory enjoyed the privileges of naturalisation within that territory only;

and references in this Act to naturalisation in the United Kingdom or in a [^{F9}British overseas territory] shall be construed accordingly.

- (7) For the purposes of this Act a person born outside the United Kingdom aboard a ship or aircraft—

- (a) shall be deemed to have been born in the United Kingdom if—
 - (i) at the time of the birth his father or mother was a British citizen; or
 - (ii) he would, but for this subsection, have been born stateless,

and (in either case) at the time of the birth the ship or aircraft was registered in the United Kingdom or was an unregistered ship or aircraft of the government of the United Kingdom; but

- (b) subject to paragraph (a), is to be regarded as born outside the United Kingdom, whoever was the owner of the ship or aircraft at that time, and irrespective of whether or where it was then registered.

[For the purposes of this Act a person born outside a qualifying territory aboard a ship ^{F12}(7A) or aircraft—

- (a) shall be deemed to have been born in that territory if—
 - (i) at the time of the birth his father or mother was a British citizen or a British overseas territories citizen; or
 - (ii) he would, but for this subsection, have been born stateless,

and (in either case) at the time of the birth the ship or aircraft was registered in that territory or was an unregistered ship or aircraft of the government of that territory; but

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- (b) subject to paragraph (a), is to be regarded as born outside that territory, whoever was the owner of the ship or aircraft at the time, and irrespective of whether or where it was then registered.
- (7B) For the purposes of this Act a person born outside a British overseas territory, other than a qualifying territory, aboard a ship or aircraft—
- (a) shall be deemed to have been born in that territory if—
 - (i) at the time of the birth his father or mother was a British overseas territories citizen; or
 - (ii) he would, but for this subsection, have been born stateless,and (in either case) at the time of the birth the ship or aircraft was registered in that territory or was an unregistered ship or aircraft of the government of that territory; but
 - (b) subject to paragraph (a), is to be regarded as born outside that territory, whoever was the owner of the ship or aircraft at the time, and irrespective of whether or where it was then registered.]
- (8) For the purposes of this Act an application under any provision thereof shall be taken to have been made at the time of its receipt by a person authorised to receive it on behalf of the person to whom it is made; and references in this Act to the date of such an application are references to the date of its receipt by a person so authorised.
- [^{F13}(9) For the purposes of this Act a child’s mother is the woman who gives birth to the child.
- (9A) For the purposes of this Act a child’s father is—
- (a) the husband [^{F14}or male civil partner], at the time of the child’s birth, of the woman who gives birth to the child, or
 - [^{F15}(b) where a person is treated as the father of the child under section 28 of the Human Fertilisation and Embryology Act 1990 or section 35 or 36 of the Human Fertilisation and Embryology Act 2008, that person, or
 - (ba) where a person is treated as a parent of the child under section 42 or 43 of the Human Fertilisation and Embryology Act 2008, that person, or
 - (c) where none of paragraphs (a) to (ba) applies, a person who satisfies prescribed requirements as to proof of paternity.]
- (9B) In subsection (9A)(c) “prescribed” means prescribed by regulations of the Secretary of State; and the regulations—
- (a) may confer a function (which may be a discretionary function) on the Secretary of State or another person,
 - (b) may make provision which applies generally or only in specified circumstances,
 - (c) may make different provision for different circumstances,
 - (d) must be made by statutory instrument, and
 - (e) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (9C) The expressions “parent”, “child” and “descended” shall be construed in accordance with subsections (9) and (9A).]
- (10) For the purposes of this Act—
- (a) a period “from” or “to” a specified date includes that date; and

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- (b) any reference to a day on which a person was absent from the United Kingdom or from a [^{F9}British overseas territory] or from the [^{F16}British overseas territories] is a reference to a day for the whole of which he was so absent.
- (11) For the purposes of this Act—
 - (a) a person is of full age if he has attained the age of eighteen years, and of full capacity if he is not of unsound mind; and
 - (b) a person attains any particular age at the beginning of the relevant anniversary of the date of his birth.
- (12) References in this Act to any country mentioned in Schedule 3 include references to the dependencies of that country.
- (13) Her Majesty may by Order in Council subject to annulment in pursuance of a resolution of either House of Parliament amend Schedule 6 in any of the following circumstances, namely—
 - (a) where the name of any territory mentioned in it is altered; or
 - (b) where any territory mentioned in it is divided into two or more territories.
- [For the purposes of the definition of “designated territory” in subsection (1), an Order ^{F17}(14) in Council may—
 - (a) designate any qualifying territory, or the Sovereign Base Areas of Akrotiri and Dhekelia, if the Convention is in force there, and
 - (b) make different designations for the purposes of section 1 and section 15;
 and, for the purposes of this subsection and the definition of “Convention adoption” in subsection (1), “the Convention ” means the Convention on the Protection of Children and Co-operation in respect of Intercountry Adoption, concluded at the Hague on 29th May 1993.

An Order in Council under this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.]]]]]

Textual Amendments

- F1** Definition in s. 50(1) inserted (21.5.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), s. 5, [Sch. 1 para. 5\(2\)](#); [S.I. 2002/1252](#), [art. 2](#)
- F2** By [S.I. 1986/948](#), [art. 7\(8\)](#) it is provided that s. 50 shall have effect as if in para. (1) after the definition of “association” there were inserted the definitions of “British National (Overseas)” and “British Overseas citizen”
- F3** Definition in s. 50(1) inserted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), s. [1\(1\)\(a\)](#)
- F4** S. 50(1): definition of "Convention adoption" inserted (30.12.2005) by [Adoption and Children Act 2002 \(c. 38\)](#), [ss. 137\(6\)\(a\)](#), 148 (with [Sch. 4 paras. 6-8](#)); [S.I. 2005/2213](#), [art. 2\(m\)](#)
- F5** S. 50: words in definition of “Crown service under the government of the United Kingdom” inserted (6.5.1999) by [S.I. 1999/1042](#), [art. 3](#), [Sch. 1 Pt. I para. 10](#)
- F6** Words in s. 50(1) inserted (6.11.2009) by [The Government of Wales Act 2006 \(Consequential Modifications, Transitional Provisions and Saving\) Order 2009 \(S.I. 2009/2958\)](#), arts. 1(2), [3](#)
- F7** S. 50(1): definition of "designated territory" inserted (30.12.2005) by [Adoption and Children Act 2002 \(c. 38\)](#), [ss. 137\(6\)\(b\)](#), 148 (with [Sch. 4 paras. 6-8](#)); [S.I. 2005/2213](#), [art. 2\(m\)](#)
- F8** Definition in s. 50(1) repealed (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), s. 7, [Sch. 2](#)
- F9** Words in s. 50 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), s. [1\(1\)\(b\)](#)
- F10** Definition in s. 50(1) inserted (21.5.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), s. 5, [Sch. 1 para. 5\(2\)](#); [S.I. 2002/1252](#), [art. 2](#)

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- F11** S. 50(1A)(1B) inserted (13.1.2010) by Borders, Citizenship and Immigration Act 2009 (c. 11), **ss. 49(1), 58**; S.I. 2009/2731, **art. 4(h)**
- F12** S. 50(7A)(7B) substituted (21.5.2002) for words by British Overseas Territories Act 2002 (c. 8), s. 5, **Sch.1 para. 5(3)**
- F13** S. 50(9)-(9C) substituted (5.6.2006 for certain purposes and otherwise 1.7.2006 with effect as mentioned in s. 162(5) of the amending Act) for s. 50(9) by Nationality, Immigration and Asylum Act 2002 (c. 41), **ss. 9(1), 162** (with s. 159); S.I. 2006/1498, **arts. 2, 3**
- F14** Words in s. 50(9A)(a) inserted (2.12.2019) by The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), regs. 1(2), **22**
- F15** S. 50(9A)(b)(ba)(c) substituted (6.4.2009) for s. 50(9A)(b)(c) by Human Fertilisation and Embryology Act 2008 (c. 22), **ss. 56, 68, Sch. 6 para. 22**; S.I. 2009/479, **art. 6(d)** (with transitional provisions in art. 7(1), Sch.)
- F16** Words in s. 50 substituted (26.2.2002) by British Overseas Territories Act 2002 (c. 8), **s. 1(1)(b)**
- F17** S. 50(14) inserted (30.12.2005) by Adoption and Children Act 2002 (c. 38), **ss. 137(7), 148** (with Sch. 4 paras. 6-8); S.I. 2005/2213, **art. 2(m)**

Modifications etc. (not altering text)

- C1** S. 50 extended by British Nationality (Falkland Islands) Act 1983 (c.6, SIF 87), **s. 4(2)(g)**
- C2** S. 50 applied by S.I. 1986/948, **art. 1(4)**
- C3** S. 50 applied (21.7.1993) by S.I. 1993/1795, **art. 1(4)**.
- C4** S. 50 modified (19.3.1997) by 1997 c. 20, **s. 2(3)**
- C5** S. 50 amended (18.7.1996) by 1996 c. 41, **s. 2(2)**
- C6** S. 50(5) modified (7.11.2002, partly retrospective) by Nationality, Immigration and Asylum Act 2002 (c. 41), **s. 11**
- C7** S. 50(8) applied (8.12.2003) by The Nationality, Immigration and Asylum Act 2002 (Commencement No. 6) Order 2003 (S.I. 2003/3156), **art. 4**
- C8** S. 50(8) applied (25.10.2006) by The Immigration, Asylum and Nationality Act 2006 (Commencement No. 3) Order 2006 (S.I. 2006/2838), **art. 4(3)**

Marginal Citations

- M1** 1978 c. 15.
- M2** 1870 c. 14.
- M3** 1971 c. 77.
- M4** 1978 c. 30.
- M5** 1971 c. 77.
- M6** 1964 c. 81.
- M7** 1914 c. 17.
- M8** 1970 c. 14.
- M9** 1967 c. 4.

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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))