



# Borders, Citizenship and Immigration Act 2009

## 2009 CHAPTER 11

### PART 2

#### CITIZENSHIP

*Interpretation etc.*

#### 49 Other interpretation etc.

(1) In section 50 of the British Nationality Act 1981 (c. 61) (interpretation), after subsection (1), insert—

“(1A) Subject to subsection (1B), references in this Act to being a member of the armed 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.”

<sup>F1</sup>(2) .....

<sup>F2</sup>(3) .....

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**Changes to legislation:** *Borders, Citizenship and Immigration Act 2009, Section 49 is up to date with all changes known to be in force on or before 22 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) View outstanding changes*

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#### Textual Amendments

- F1** S. 49(2) omitted (28.6.2022) by virtue of Nationality and Borders Act 2022 (c. 36), **ss. 9(3)(a)**, 87(1); S.I. 2022/590, regs. 1(2), 2, Sch. 1 para. 8 (with Sch. 2 para. 3)
- F2** S. 49(3) omitted (28.6.2022) by virtue of Nationality and Borders Act 2022 (c. 36), **ss. 9(3)(a)**, 87(1); S.I. 2022/590, regs. 1(2), 2, Sch. 1 para. 8 (with Sch. 2 para. 3)
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#### Commencement Information

- I1** S. 49(1) in force at 13.1.2010 by S.I. 2009/2731, **art. 4(h)**

**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. 54A(3A)(3B) inserted by [2023 c. 37 s. 14](#)