



British Nationality Act 1948

1948 CHAPTER 56

PART II

CITIZENSHIP OF THE UNITED KINGDOM AND COLONIES

Transitional

12 British subjects before commencement of Act becoming citizens of United Kingdom and Colonies

- (1) A person who was a British subject immediately before the date of the commencement of this Act shall on that date become a citizen of the United Kingdom and Colonies if he possesses any of the following qualifications, that is to say—
 - (a) that he was born within the territories comprised at the commencement of this Act in the United Kingdom and Colonies, and would have been such a citizen if section four of this Act had been in force at the time of his birth;
 - (b) that he is a person naturalised in the United Kingdom and Colonies;
 - (c) that he became a British subject by reason of the annexation of any territory included at the commencement of this Act in the United Kingdom and Colonies.
- (2) A person who was a British subject immediately before the date of the commencement of this Act shall on that date become a citizen of the United Kingdom and Colonies if at the time of his birth his father was a British subject and possessed any of the qualifications specified in the last foregoing subsection.
- (3) A person who was a British subject immediately before the date of the commencement of this Act shall on that date become a citizen of the United Kingdom and Colonies if he was born within the territory comprised at the commencement of this Act in a protectorate, protected state or United Kingdom trust territory.
- (4) A person who was a British subject immediately before the date of the commencement of this Act and does not become a citizen of the United Kingdom and Colonies by

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virtue of any of the foregoing provisions of this section shall on that date become such a citizen unless—

- (a) he is then a citizen of any country mentioned in subsection (3) of section one of this Act under a citizenship law having effect in that country, or a citizen of Eire ; or
 - (b) he is then potentially a citizen of any country mentioned in subsection (3) of section one of this Act.
- (5) A woman who was a British subject immediately before the date of the commencement of this Act and has before that date been married to a person who becomes, or would but for his death have become, a citizen of the United Kingdom and Colonies by virtue of any of the foregoing provisions of this section shall on that date herself become such a citizen.
- (6) If any person of full age and capacity who would have become a citizen of the United Kingdom and Colonies on the date of the commencement of this Act by virtue of subsection (4) of this section but for his citizenship or potential citizenship of any country mentioned in subsection (3) of section one of this Act makes application to the Secretary of State in the prescribed manner before the first day of January nineteen hundred and fifty for the registration of himself and any of his minor children as citizens of the United Kingdom and Colonies, and on such application satisfies the Secretary of State—
- (a) that he is descended in the male line from a person possessing any of the qualifications specified in subsection (1) of this section ; and
 - (b) that he intends to make his ordinary place of residence within the United Kingdom and Colonies,
- then, if it seems to the Secretary of State fitting that that person should by reason of his close connection with the United Kingdom and Colonies become a citizen thereof, the Secretary of State may cause him, and any minor children to whom the application relates, to be registered as such ; and that person, and any such minor children as aforesaid, shall thereupon become citizens of the United Kingdom and Colonies.
- (7) The Secretary of State may make arrangements for the exercise in any country mentioned in subsection (3) of section one of this Act of any of his functions under the last foregoing subsection by the High Commissioner for His Majesty's government in the United Kingdom.
- (8) A male person who becomes a citizen of the United Kingdom and Colonies by virtue only of subsection (2), (4) or (6) of this section shall be deemed for the purposes of the proviso to subsection (1) of section five of this Act to be a citizen of the United Kingdom and Colonies by descent only.

13 British subjects whose citizenship has not been ascertained at the commencement of this Act

- (1) A person who was a British subject immediately before the date of the commencement of this Act and is at that date potentially a citizen of any country mentioned in subsection (3) of section one of this Act, but is not at that date a citizen of the United Kingdom and Colonies or of any country mentioned in that subsection or of Eire, shall as from that date remain a British subject without citizenship until he becomes a citizen of the United Kingdom and Colonies, a citizen of any country mentioned in subsection (3) of section one of this Act, a citizen of Eire or an alien ; and the

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provisions of the Third Schedule to this Act shall have effect in relation to a person who remains a British subject without citizenship by virtue of this section.

- (2) A person remaining a British subject without citizenship as aforesaid shall become a citizen of the United Kingdom and Colonies on the day on which a citizenship law has taken effect in each of the countries mentioned in subsection (3) of section one of this Act of which he is potentially a citizen, unless he then becomes or has previously become a citizen of any country mentioned in subsection (3) of section one of this Act, or has previously become a citizen of the United Kingdom and Colonies, a citizen of Eire or an alien.
- (3) A male person who becomes a. citizen of the United Kingdom and Colonies by virtue of the last foregoing subsection shall be deemed for the purposes of the proviso to subsection (1) of section five of this Act to be a citizen thereof by descent only.

14 Women who have ceased to be British subjects by reason of marriage

A woman who, having before the commencement of this Act married any person, ceased on that marriage or during the continuance thereof to be a British subject shall be deemed for the purposes of this Act to have been a British subject immediately before the commencement of this Act.

15 Persons who have ceased to be British subjects by failure to make declaration of retention of British Nationality

- (1) Where any person whose British nationality depended upon his birth having been registered at a consulate of His Majesty has, under any enactment in force at any time before the commencement of this Act, ceased to be a British subject by reason of his failure to make a declaration of retention of British nationality after becoming of full age, that person shall, if he would but for that failure have been a British subject immediately before the commencement of this Act, be deemed for the purposes of this Act then to have been a British subject.
- (2) In determining for the purposes of this section whether a woman who has married an alien would but for her failure to make a declaration of retention of British nationality have been a British subject immediately before the commencement of this Act the marriage shall be disregarded.

16 Persons who have ceased to be British subjects on loss of British nationality by parent

- (1) This section shall apply to any person who—
 - (a) ceased to be a British subject under the provisions of subsection (1) of section twelve of the British Nationality and Status of Aliens Act, 1914 (which provided, subject to certain exceptions, that where a person being a British subject ceased to be such, whether by declaration of alienage or otherwise, every child of that person being a minor should thereupon cease to be a British subject), and
 - (b) would but for the provisions of that subsection have been either a citizen of the United Kingdom and Colonies or a British subject without citizenship under section thirteen of this Act ;

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and in determining for the purposes of this section whether a woman who has married an alien would but for those provisions have been such a citizen or subject the marriage shall be disregarded.

- (2) If any person to whom this section applies makes a declaration in the prescribed manner, within one year after the commencement of this Act or after his attaining the age of twenty-one years, whichever is later, or such longer period as the Secretary of State may allow, of his intention to resume British nationality, the Secretary of State shall cause the declaration to be registered ; and thereupon that person shall become a citizen of the United Kingdom and Colonies or, as the case may be, a British subject without citizenship ; and if he becomes a British subject without citizenship section thirteen of this Act shall apply to him accordingly.

17 Registration of births occurring before commencement of Act

Notwithstanding the repeal by this Act of the British Nationality and-Status of Aliens Act, 1943, the birth of a person born before the date of the commencement of this Act may be registered after that date at a consulate of His Majesty as defined in that Act; and if the birth is registered in the circumstances specified in subsection (2) of section one of that Act, that person shall be deemed for the purposes of this Act to have been a British subject immediately before the commencement of this Act.

18 Applications for naturalisation pending at the commencement of Act

- (1) Any application for a certificate of naturalisation, or for the inclusion of the name of a child in a certificate of naturalisation, made before the date of the commencement of this Act but not granted at that date may be treated as if it were an application for a certificate of naturalisation or for the registration of a minor child as a citizen of the United Kingdom and Colonies under this Act if the Secretary of State, or the Governor or other person to whom the application is made, is satisfied that the person to whom the application relates is qualified therefor.
- (2) Where a certificate of naturalisation has been granted before, and the applicant takes the oath of allegiance after, the commencement of this Act, the certificate shall be deemed for the purposes of this Act to have taken effect immediately before the commencement of this Act.