



British Nationality Act 1948

1948 CHAPTER 56

PART II

CITIZENSHIP OF THE UNITED KINGDOM AND COLONIES

Citizenship by birth or descent

4 Citizenship by birth

Subject to the provisions of this section, every person born within the United Kingdom and Colonies after the commencement of this Act shall be a citizen of the United Kingdom and Colonies by birth :

Provided that a person shall not be such a citizen by virtue of this section if at the time of his birth—

- (a) his father possesses such immunity from suit and legal process as is accorded to an envoy of a foreign sovereign power accredited to His Majesty, and is not a citizen of the United Kingdom and Colonies; or
- (b) his father is an enemy alien and the birth occurs in a place then under occupation by the enemy.

5 Citizenship by descent

- (1) Subject to the provisions of this section, a person born after the commencement of this Act shall be a citizen of the United Kingdom and Colonies by descent if his father is a citizen of the United Kingdom and Colonies at the time of the birth:

Provided that if the father of such a person is a citizen of the United Kingdom and Colonies by descent only, that person shall not be a citizen of the United Kingdom and Colonies by virtue of this section unless—

- (a) that person is born or his father was born in a protectorate, protected state, mandated territory or trust territory or any place in a foreign country where by treaty, capitulation, grant, usage, sufferance, or other lawful means, His Majesty then has or had jurisdiction over British subjects ; or

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- (b) that person's birth having occurred in a place in a foreign country other than a place such as is mentioned in the last foregoing paragraph, the birth is registered at a United Kingdom consulate within one year of its occurrence, or, with the permission of the Secretary of State, later ; or
 - (c) that person's father is, at the time of the birth, in Crown service under His Majesty's government in the United Kingdom ; or
 - (d) that person is born in any country mentioned in subsection (3) of section one of this Act in which a citizenship law has then taken effect and does not become a citizen thereof on birth.
- (2) If the Secretary of State so directs, a birth shall be deemed for the purposes of this section to have been registered with his permission notwithstanding that his permission was not obtained before the registration.

Citizenship by registration

6 Registration of citizens of countries mentioned in s. 1 (3) or of Eire and wives of citizens of the United Kingdom and Colonies

- (1) Subject to the provisions of subsection (3) of this section, a citizen of any country mentioned in subsection (3) of section one of this Act or a citizen of Eire, being a person of full age and capacity, shall be entitled, on making application therefor to the Secretary of State in the prescribed manner, to be registered as a citizen of the United Kingdom and Colonies if he satisfies the Secretary of State either—
- (a) that he is ordinarily resident in the United Kingdom and has been so resident throughout the period of twelve months, or such shorter period as the Secretary of State may in the special circumstances of any particular case accept, immediately preceding his application ; or
 - (b) that he is in Crown service under His Majesty's government in the United Kingdom.
- (2) Subject to the provisions of subsection (3) of this section, a woman who has been married to a citizen of the United Kingdom and Colonies shall be entitled, on making application therefor to the Secretary of State in the prescribed manner, and, if she is a British protected person or an alien, on taking an oath of allegiance in the form specified in the First Schedule to this Act, to be registered as a citizen of the United Kingdom and Colonies, whether or not she is of full age and capacity.
- (3) A person who has renounced, or has been deprived of, citizenship of the United Kingdom and Colonies under this Act shall not be entitled to be registered as a citizen thereof under this section, but may be so registered with the approval of the Secretary of State.

7 Registration of minors

- (1) The Secretary of State may cause the minor child of any citizen of the United Kingdom and Colonies to be registered as a citizen of the United Kingdom and Colonies upon application made in the prescribed manner by a parent or guardian of the child.
- (2) The Secretary of State may, in such special circumstances as he thinks fit, cause any minor to be registered as a citizen of the United Kingdom and Colonies.

8 Registration in countries mentioned in s. 1 (3), colonies, etc.

- (1) The functions of the Secretary of State under the last two foregoing sections shall in any colony, protectorate or United Kingdom trust territory be exercised by the Governor; and those sections shall, in their application to any colony, protectorate or United Kingdom trust territory, have effect as if for references therein to the Secretary of State there were substituted references to the Governor, and as if for the reference in the first of the said sections to ordinary residence in the United Kingdom there were substituted a reference to ordinary residence in that colony, protectorate or territory as the case may be.
- (2) 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 two foregoing sections by the High Commissioner for His Majesty's government in the United Kingdom.

9 Effect of registration as a citizen

A person registered under any of the last three foregoing sections shall be a citizen of the United Kingdom and Colonies by registration as from the date on which he is registered.

Citizenship by naturalisation

10 Naturalisation of aliens and British protected persons

- (1) The Secretary of State may, if application therefor is made to him in the prescribed manner by any alien or British protected person of full age and capacity who satisfies him that he is qualified under the provisions of the Second Schedule to this Act for naturalisation, grant to him a certificate of naturalisation ; and the person to whom the certificate is granted shall, on taking an oath of allegiance in the form specified in the First Schedule to this Act, be a citizen of the United Kingdom and Colonies by naturalisation as from the date on which that certificate is granted.
- (2) The functions of the Secretary of State under the last foregoing subsection shall in any colony, protectorate or United Kingdom trust territory be exercised by the Governor; but he shall not grant a certificate of naturalisation except with the approval of the Secretary of State.

Citizenship by incorporation of territory

11 Power to specify citizens by Order in Council on incorporation of territory

If any territory becomes a part of the United Kingdom and Colonies, His Majesty may by Order in Council specify the persons who shall be citizens of the United Kingdom and Colonies by reason of their connection with that territory; and those persons shall be citizens of the United Kingdom and Colonies as from a date to be specified in the Order.

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 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 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 ;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.

Renunciation and Deprivation of citizenship

19 Renunciation of citizenship by reason of dual citizenship or nationality

- (1) If any citizen of the United Kingdom and Colonies of full age and capacity who is also—
 - (a) a citizen of any country mentioned in subsection (3) of section one of this Act or of Eire ; or
 - (b) a national of a foreign country,makes a declaration in the prescribed manner of renunciation of citizenship of the United Kingdom and Colonies, the Secretary of State shall cause the declaration to be registered ; and, upon the registration, that person shall cease to be a citizen of the United Kingdom and Colonies :

Provided that the Secretary of State may withhold registration of any such declaration if it is made during any war in which His Majesty may be engaged by a person who is a national of a foreign country.
- (2) For the purposes of this section, any woman who has been married shall be deemed to be of full age.

20 Deprivation of citizenship

- (1) A citizen of the United Kingdom and Colonies who is such by registration (including a person registered under subsection (6) of section twelve of this Act) or is a naturalised person shall cease to be a citizen of the United Kingdom and Colonies if he is deprived of that citizenship by an order of the Secretary of State made under this or the next following section.
- (2) Subject to the provisions of this section, the Secretary of State may by order deprive any such citizen of his citizenship if he is satisfied that the registration or certificate of naturalisation was obtained by means of fraud, false representation or the concealment of any material fact.
- (3) Subject to the provisions of this section, the Secretary of State may by order deprive any citizen of the United Kingdom and Colonies who is a naturalised person of that citizenship if he is satisfied that that citizen—

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- (a) has shown himself by act or speech to be disloyal or disaffected towards His Majesty ; or
 - (b) has, during any war in which His Majesty was engaged, unlawfully traded or communicated with an enemy or been engaged in or associated with any business that was to his knowledge carried on in such a manner as to assist an enemy in that war ; or
 - (c) has within five years after becoming naturalised been sentenced in any country to imprisonment for a term of not less than twelve months.
- (4) The Secretary of State may by order deprive any person naturalised in the United Kingdom and Colonies of his citizenship of the United Kingdom and Colonies if he is satisfied that that person has been ordinarily resident in foreign countries for a continuous period of seven years and during that period has neither—
- (a) been at any time in the service of His Majesty or of an international organisation of which the government of any part of His Majesty's dominions was a member ; nor
 - (b) registered annually in the prescribed manner at a United Kingdom consulate his intention to retain his citizenship of the United Kingdom and Colonies.
- (5) The Secretary of State shall not deprive a person of citizenship under this section unless he is satisfied that it is not conducive to the public good that that person should continue to be a citizen of the United Kingdom and Colonies.
- (6) Before making an order under this section the Secretary of State shall give the person against whom the order is proposed to be made notice in writing informing him of the ground on which it is proposed to be made and, if the order is proposed to be made on any of the grounds specified in subsections (2) and (3) of this section, of his right to an inquiry under this section.
- (7) If the order is proposed to be made on any of the grounds specified in subsections (2) and (3) of this section and that person applies in the prescribed manner for an inquiry, the Secretary of State shall, and in any other case the Secretary of State may, refer the case to a committee of inquiry consisting of a chairman, being a person possessing judicial experience, appointed by the Secretary of State and of such other members appointed by the Secretary of State as he thinks proper.

21 Deprivation of citizenship of United Kingdom and Colonies where persons deprived of citizenship elsewhere

- (1) Where a naturalised person who was a citizen of any country mentioned in subsection (3) of section one of this Act or of Eire has been deprived of that citizenship on grounds which, in the opinion of the Secretary of State, are substantially similar to any of the grounds specified in subsections (2), (3) and (4) of the last foregoing section, then, if that person is a citizen of the United Kingdom and Colonies, the Secretary of State may by an order made under this section deprive him of that citizenship, if the Secretary of State is satisfied that it is not conducive to the public good that that person should continue to be a citizen of the United Kingdom and Colonies.
- (2) Before making an order under this section the Secretary of State shall give the person against whom the order is proposed to be made notice in writing informing him of the ground on which it is proposed to be made and may refer the case to a committee of inquiry constituted in the manner provided by the last foregoing section.

22 Deprivation in colonies and other territories

The functions of the Secretary of State under the last two foregoing sections shall, in any colony, protectorate or United Kingdom trust territory, be exercised by the Governor ; but he shall not make an order depriving any person of citizenship of the United Kingdom and Colonies except with the approval of the Secretary of State.