



British Nationality Act 1981

1981 CHAPTER 61

PART II

[^{F1}BRITISH OVERSEAS TERRITORIES CITIZENSHIP]

Textual Amendments

F1 Pt. II heading substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 2\(2\)\(a\)](#)

Modifications etc. (not altering text)

C1 Pt. II (ss. 15–25) excluded by [S.I. 1983/882, art. 2\(3\)](#)

Acquisition after commencement

15 Acquisition by birth or adoption.

- (1) A person born in a [^{F2} British overseas territory] after commencement shall be a [^{F3} British overseas territories citizen] if at the time of the birth his father or mother is—
 - (a) a [^{F4} British overseas territories citizen]; or
 - (b) settled in a [^{F5} British overseas territory].
- (2) A new-born infant who, after commencement, is found abandoned in a [^{F5} British overseas territory] shall, unless the contrary is shown, be deemed for the purposes of subsection (1)—
 - (a) to have been born in that territory after commencement; and
 - (b) to have been born to a parent who at the time of the birth was a [^{F4} British overseas territories citizen] or settled in a [^{F5} British overseas territory].
- (3) A person born in a [^{F5} British overseas territory] after commencement who is not a [^{F4} British overseas territories citizen] by virtue of subsection (1) or (2) shall be entitled to be registered as such a citizen if, while he is a minor—

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- (a) his father or mother becomes such a citizen or becomes settled in a [^{F5} British overseas territory]; and
 - (b) an application is made for his registration as such a citizen.
- (4) A person born in a [^{F5} British overseas territory] after commencement who is not a [^{F4} British overseas territories citizen] by virtue of subsection (1) or (2) shall be entitled, on an application for his registration as a [^{F4} British overseas territories citizen] made at any time after he has attained the age of ten years, to be registered as such a citizen if, as regards each of the first ten years of that person's life, the number of days on which he was absent from that territory in that year does not exceed 90.
- (5) Where after commencement an order authorising the adoption of a minor who is not a [^{F4} British overseas territories citizen] is made by a court in any [^{F5} British overseas territory], he shall be a [^{F4} British overseas territories citizen] as from the date on which the order is made if the adopter or, in the case of a joint adoption, one of the adopters, is a [^{F4} British overseas territories citizen] on that date.
- [^{F6}(5A) Where—
- (a) a minor who is not a British overseas territories citizen is adopted under a Convention adoption,
 - (b) on the date on which the adoption is effected—
 - (i) the adopter or, in the case of a joint adoption, one of the adopters is a British overseas territories citizen, and
 - (ii) the adopter or, in the case of a joint adoption, both of the adopters are habitually resident in a designated territory, and
 - (c) the Convention adoption is effected under the law of a country or territory outside the designated territory,
- the minor shall be a British overseas territories citizen as from that date.]
- (6) Where an order [^{F7} or a Convention adoption] in consequence of which any person became a [^{F8} British overseas territories citizen] by virtue of subsection (5) ceases to have effect, whether on annulment or otherwise, the cesser shall not affect the status of that person as such a citizen.
- (7) If in the special circumstances of any particular case the Secretary of State thinks fit, he may for the purposes of subsection (4) treat the person to whom the application relates as fulfilling the requirements specified in that subsection although, as regards any one or more of the first ten years of that person's life, the number of days on which he was absent from the [^{F5} British overseas territory] there mentioned in that year or each of the years in question exceeds 90.

Textual Amendments

- F2** Words in s. 15 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), s. 1(1)(b)
- F3** Words in s. 15 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), s. 2(2)(b)
- F4** Words in s. 15 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), s. 2(2)(b)
- F5** Words in s. 15 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), s. 1(1)(b)
- F6** S. 15(5A) inserted (30.12.2005) by [Adoption and Children Act 2002 \(c. 38\)](#), ss. 137(5)(a), 148 (with [Sch. 4 paras. 6-8](#)); S.I. 2005/2213, art. 2(m)
- F7** Words in s. 15(6) inserted (30.12.2005) by [Adoption and Children Act 2002 \(c. 38\)](#), ss. 137(5)(b), 148 (with [Sch. 4 paras. 6-8](#)); S.I. 2005/2213, art. 2(m)
- F8** Words in s. 15 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), s. 2(2)(b)

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Modifications etc. (not altering text)

- C2** S. 15(3)(4) restricted (4.12.2006) by [Immigration, Asylum and Nationality Act 2006 \(c. 13\)](#), [ss. 58, 62](#); [S.I. 2006/2838](#), [art. 4\(1\)](#) (subject to [art. 4\(2\)](#))

16 Acquisition by descent.

- (1) A person born outside the [^{F9}British overseas territories] after commencement shall be a [^{F10}British overseas territories citizen] if at the time of the birth his father or mother—
- (a) is such a citizen otherwise than by descent; or
 - (b) is such a citizen and is serving outside the [^{F9}British overseas territories] in service to which this paragraph applies, his or her recruitment for that service having taken place in a [^{F11} British overseas territory] .
- (2) Paragraph (b) of subsection (1) applies to—
- (a) Crown service under the government of a [^{F11} British overseas territory] ; and
 - (b) service of any description for the time being designated under subsection (3).
- (3) For the purposes of this section the Secretary of State may by order made by statutory instrument designate any description of service which he considers to be closely associated with the activities outside the [^{F9}British overseas territories] of the government of any [^{F12} British overseas territory] .
- (4) Any order made under subsection (3) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F9** Words in s. 16 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [s. 1\(1\)\(b\)](#)
- F10** Words in s. 16(1) substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [s.2\(2\)\(b\)](#)
- F11** Words in s. 16 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [s. 1\(1\)\(b\)](#)
- F12** Words in s. 16 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [s. 1\(1\)\(b\)](#)

17 Acquisition by registration: minors.

- (1) If while a person is a minor an application is made for his registration as a [^{F13}British overseas territories citizen] the Secretary of State may, if he thinks fit, cause him to be registered as such a citizen.
- (2) A person born outside the [^{F14}British overseas territories] shall be entitled, on an application for his registration as a [^{F13}British overseas territories citizen] made [^{F15}while the person is a minor], to be registered as such a citizen if the requirements specified in subsection (3) or, in the case of a person born stateless, the requirements specified in paragraphs (a) and (b) of that subsection, are fulfilled in the case of either that person's father or his mother ("the parent in question").
- (3) The requirements referred to in subsection (2) are—
- (a) that the parent in question was a [^{F13}British overseas territories citizen] by descent at the time of the birth; and
 - (b) that the father or mother of the parent in question—
 - (i) was a [^{F13}British overseas territories citizen] otherwise than by descent at the time of the birth of the parent in question; or

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- (ii) became a [^{F13}British overseas territories citizen] otherwise than by descent at commencement, or would have become such a citizen otherwise than by descent at commencement but for his or her death; and
 - (c) that, as regards some period of three years ending with a date not later than the date of the birth—
 - (i) the parent in question was in a [^{F16}British overseas territory] at the beginning of that period; and
 - (ii) the number of days on which the parent in question was absent from that territory in that period does not exceed 270.
- ^{F17}(4)
- (5) A person born outside the [^{F14}British overseas territories] shall be entitled, and on application for his registration as a [^{F13}British overseas territories citizen] made while he is a minor, to be registered as such a citizen if the following requirements are satisfied, namely—
 - (a) that at the time of that person’s birth his father or mother was a [^{F13}British overseas territories citizen] by descent; and
 - (b) subject to subsection (6), that that person and his father and mother were in one and the same [^{F16}British overseas territory](no matter which) at the beginning of the period of three years ending with the date of the application and that, in the case of each of them, the number of days on which the person in question was absent from the last-mentioned territory in that period does not exceed 270; and
 - (c) subject to subsection (6), that the consent of his father and mother to the registration has been signified in the prescribed manner.
 - (6) In the case of an application under subsection (5) for the registration of a person as a [^{F13}British overseas territories citizen]—
 - (a) if his father or mother died, or their marriage [^{F18}or civil partnership] was terminated, on or before the date of the application, or his father and mother were legally separated on that date, the references to his father and mother in paragraph (b) of that subsection shall be read either as references to his father or as references to his mother; [^{F19} and]
 - (b) if his father or mother died on or before that date, the reference to his father and mother in paragraph (c) of that subsection shall be read as a reference to either of them; [^{F20}and]
 - (c) [^{F21}if he was born illegitimate, all those references shall be read as references to his mother.]
- ^{F22}(7) This section is subject to sections 31, 33 and 36 of the Illegal Migration Act 2023 (restriction of eligibility for citizenship etc).]

Textual Amendments

- F13** Words in s. 17 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 2\(2\)\(b\)](#)
- F14** Words in s. 17 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 1\(1\)\(b\)](#)
- F15** Words in s. 17(2) substituted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\), ss. 5\(1\)\(a\), 87\(1\); S.I. 2022/590, regs. 1\(2\), 2, Sch. 1 para. 4 \(with Sch. 2 para. 1\)](#)
- F16** Words in s. 17 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 1\(1\)\(b\)](#)

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- F17** S. 17(4) omitted (28.6.2022) by virtue of Nationality and Borders Act 2022 (c. 36), **ss. 5(1)(b)**, 87(1); S.I. 2022/590, regs. 1(2), 2, Sch. 1 para. 4 (with Sch. 2 para. 1)
- F18** Words in s. 17(6)(a) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 261(1), 263, **Sch. 27 para. 75**; S.I. 2005/3175, **art. 2(2)** (subject to art. 2(3)-(5))
- F19** Word in s. 17(6) inserted (1.7.2006 with effect as mentioned in s. 162(5) of the amending Act) by Nationality, Immigration and Asylum Act 2002 (c. 41), **ss. 9(3)(a)**, 162 (with s. 159); S.I. 2006/1498, **arts. 2(b)**, 3
- F20** Word in s. 17(6) repealed (1.7.2006 with effect as mentioned in s. 162(5) of the amending Act) and repealed (prosp.) by Nationality, Immigration and Asylum Act 2002 (c. 41), **ss. 9(3)(b)**, 161, 162, **Sch. 9** (with s. 159); S.I. 2006/1498, **arts. 2(b)**, 3
- F21** S. 17(6)(c) ceases to have effect (1.7.2006 with effect as mentioned in s. 162(5) of the amending Act) and repealed (prosp.) by Nationality, Immigration and Asylum Act 2002 (c. 41), **ss. 9(3)(c)**, 161, 162, **Sch. 9** (with s. 159); S.I. 2006/1498, **arts. 2(b)**, 3
- F22** S. 17(7) inserted (20.7.2023) by Illegal Migration Act 2023 (c. 37), **ss. 37(9)**, 68(3)(a) (with s. 55(9))

Modifications etc. (not altering text)

- C3** S. 17(1)(5) restricted (4.12.2006) by Immigration, Asylum and Nationality Act 2006 (c. 13), **ss. 58**, 62; S.I. 2006/2838, **art. 4(1)** (subject to art. 4(2))
- C4** S. 17(1) restricted (20.7.2023) by Illegal Migration Act 2023 (c. 37), **ss. 33(2)(a)(i)**, 68(3)(a) (with s. 55(9))
- C5** S. 17(2)(5) restricted (20.7.2023) by Illegal Migration Act 2023 (c. 37), **ss. 33(1)(a)**, 68(3)(a) (with s. 55(9))

[^{F23}17A Registration: remedying inability of mothers to transmit citizenship

- (1) On an application for registration under this section, a person (“P”) is entitled to be registered as a British overseas territories citizen if the following three conditions are met.
- (2) The first condition is that—
- (a) P would have become a citizen of the United Kingdom and Colonies under any of the following provisions of the British Nationality Act 1948—
- (i) section 5 (person born on or after 1 January 1949: citizenship by descent);
 - (ii) section 12(2) (person born before 1 January 1949: citizenship by descent);
 - (iii) section 12(3) (person born before 1 January 1949 in British protectorate etc);
 - (iv) section 12(4) (person born before January 1949 not becoming citizen of other country);
 - (v) section 12(5) (woman married before 1 January 1949 to a man who became or would have become a citizen of the United Kingdom and Colonies);
 - (vi) paragraph 3 of Schedule 3 (person born on or after 1 January 1949 to a British subject without citizenship);
- had P’s parents been treated equally, by that Act or by any relevant previous provision, for the purposes of determining P’s nationality status; or
- (b) P would have been a citizen of the United Kingdom and Colonies immediately before commencement had P’s parents been treated equally, for the purposes of determining P’s nationality status, by any independence legislation that caused P to lose that citizenship.

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(3) In subsection (2)—

“relevant previous provision” means a provision of the law that was in force at some time before 1 January 1949 which provided for a nationality status to be transmitted from a parent to a child without the need for an application to be made for the child to be registered as a person with that nationality status;

“independence legislation” means an Act of Parliament or any subordinate legislation (within the meaning of the Interpretation Act 1978) forming part of the law in the United Kingdom (whenever passed or made, and whether or not still in force)—

- (a) providing for a country or territory to become independent from the United Kingdom, or
- (b) dealing with nationality, or any other ancillary matters, in connection with a country or territory becoming independent from the United Kingdom.

(4) In determining for the purposes of subsection (2) whether a person would have become a citizen of the United Kingdom and Colonies under section 5 of the British Nationality Act 1948, the requirement that a person’s birth was registered at a United Kingdom consulate, as set out in subsection (1)(b) of that section, is to be ignored.

(5) The second condition is that, if P had become or been a citizen of the United Kingdom and Colonies as mentioned in subsection (2), P would at commencement have become a British Dependent Territories citizen under section 23(1)(b) or (c).

(6) The third condition is that, if P had become a British Dependent Territories citizen as mentioned in subsection (5), P would have become a British overseas territories citizen on the commencement of section 2 of the British Overseas Territories Act 2002.]

Textual Amendments

F23 S. 17A inserted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\)](#), ss. **1(2)**, 87(1); S.I. 2022/590, regs. 1(2), 2, Sch. 1 para. 1

[^{F24}17B Registration: unmarried fathers; the general conditions

For the purposes of sections 17C to 17F, a person (“P”) meets the general conditions if—

- (a) at the time of P’s birth, P’s mother—
 - (i) was not married, or
 - (ii) was married to a person other than P’s natural father;
- (b) no person is treated as the father of P under—
 - (i) section 28 of the Human Fertilisation and Embryology Act 1990, or
 - (ii) section 35 or 36 of the Human Fertilisation and Embryology Act 2008;
- (c) no person is treated as a parent of P under section 42 or 43 of the Human Fertilisation and Embryology Act 2008; and
- (d) P has never been a British overseas territories citizen or a British Dependent Territories citizen.

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Textual Amendments

F24 Ss. 17B-17G inserted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\)](#), **ss. 2(2)**, 87(1); S.I. 2022/590, regs. 1(2), 2, Sch. 1 para. 2

17C Person unable to be registered under other provisions of this Act

- (1) A person (“P”) is entitled to be registered as a British overseas territories citizen on an application made under this section if—
 - (a) P meets the general conditions; and
 - (b) P would be entitled to be registered as a British overseas territories citizen under—
 - (i) section 15(3),
 - (ii) section 17(2),
 - (iii) section 17(5),
 - (iv) paragraph 4 of Schedule 2, or
 - (v) paragraph 5 of Schedule 2,had P’s mother been married to P’s natural father at the time of P’s birth.
- (2) In the following provisions of this section, “relevant registration provision” means the provision under which P would be entitled to be registered as a British overseas territories citizen (as mentioned in subsection (1)(b)).
- (3) If the relevant registration provision is section 17(2), a person who is registered as a British overseas territories citizen under this section is a British overseas territories citizen by descent.
- (4) If the relevant registration provision is section 17(5), the Secretary of State may, in the special circumstances of the particular case, waive the need for any or all of the parental consents to be given.
- (5) For that purpose, the “parental consents” are—
 - (a) the consent of P’s natural father, and
 - (b) the consent of P’s mother,insofar as they would be required by section 17(5)(c) (as read with section 17(6)(b)), had P’s mother been married to P’s natural father at the time of P’s birth.

Textual Amendments

F24 Ss. 17B-17G inserted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\)](#), **ss. 2(2)**, 87(1); S.I. 2022/590, regs. 1(2), 2, Sch. 1 para. 2

17D Person unable to become citizen automatically after commencement

- (1) A person (“P”) is entitled to be registered as a British overseas territories citizen on an application made under this section if—
 - (a) P meets the general conditions;

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- (b) at any time in the period after commencement, P would have automatically become a British Dependent Territories citizen or a British overseas territories citizen at birth by the operation of—
 - (i) section 15(1),
 - (ii) section 16, or
 - (iii) paragraph 1 of Schedule 2,
 had P's mother been married to P's natural father at the time of P's birth; and
 - (c) in a case where P would have become a British Dependent Territories citizen as mentioned in paragraph (b), P would then have automatically become a British overseas territories citizen by the operation of section 2 of the British Overseas Territories Act 2002.
- (2) A person who is registered as a British overseas territories citizen under this section is a British overseas territories citizen by descent if the citizenship which the person would have acquired at birth (as mentioned in subsection (1)(b)) would (by virtue of section 25) have been citizenship by descent.
- (3) If P is under the age of 18, no application may be made unless the consent of P's natural father and mother to the registration has been signified in the prescribed manner.
- (4) But if P's natural father or mother has died on or before the date of the application, the reference in subsection (3) to P's natural father and mother is to be read as a reference to either of them.
- (5) The Secretary of State may, in the special circumstances of a particular case, waive the need for any or all of the consents required by subsection (3) (as read with subsection (4)) to be given.
- (6) The reference in this section to the period after commencement does not include the time of commencement (and, accordingly, this section does not apply to any case in which a person was unable to become a British Dependent Territories citizen at commencement).

Textual Amendments

F24 Ss. 17B-17G inserted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\)](#), ss. 2(2), 87(1); S.I. 2022/590, regs. 1(2), 2, Sch. 1 para. 2

17E Citizen of UK and Colonies unable to become citizen at commencement

- (1) A person ("P") is entitled to be registered as a British overseas territories citizen on an application made under this section if—
- (a) P meets the general conditions;
 - (b) P—
 - (i) was a citizen of the United Kingdom and Colonies immediately before commencement, or
 - (ii) would have become such a citizen as mentioned in section 17A(2)(a), or
 - (iii) would have been such a citizen immediately before commencement as mentioned in section 17A(2)(b);

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- (c) P would then have automatically become a British Dependent Territories citizen at commencement by the operation of section 23, had P's mother been married to P's natural father at the time of P's birth; and
 - (d) P would then have automatically become a British overseas territories citizen by the operation of section 2 of the British Overseas Territories Act 2002.
- (2) A person who is registered as a British overseas territories citizen under this section is a British overseas territories citizen by descent if the citizenship which the person would have acquired at commencement (as mentioned in subsection (1)(c)) would (by virtue of section 25) have been citizenship by descent.

Textual Amendments

F24 Ss. 17B-17G inserted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\)](#), ss. 2(2), 87(1); S.I. 2022/590, regs. 1(2), 2, Sch. 1 para. 2

17F Other person unable to become citizen at commencement

- (1) A person (“P”) is entitled to be registered as a British overseas territories citizen on an application made under this section if—
- (a) P meets the general conditions;
 - (b) P is either—
 - (i) an eligible former British national, or
 - (ii) an eligible non-British national; and
 - (c) had P's mother been married to P's natural father at the time of P's birth, P—
 - (i) would have been a citizen of the United Kingdom and Colonies immediately before commencement,
 - (ii) would have automatically become a British Dependent Territories citizen at commencement by the operation of section 23, and
 - (iii) would have automatically become a British overseas territories citizen by the operation of section 2 of the British Overseas Territories Act 2002.
- (2) In determining for the purposes of subsection (1)(c)(i) whether a person would have been a citizen of the United Kingdom and Colonies, the requirement that a person's birth was registered at a United Kingdom consulate, as set out in section 5(1)(b) of the British Nationality Act 1948, is to be ignored.
- (3) P is an “eligible former British national” if P was not a citizen of the United Kingdom and Colonies immediately before commencement and either—
- (a) P ceased to be a British subject or a citizen of the United Kingdom and Colonies by virtue of the commencement of any independence legislation, but would not have done so had P's mother been married to P's natural father at the time of P's birth, or
 - (b) P was a British subject who did not automatically become a citizen of the United Kingdom and Colonies at commencement of the British Nationality Act 1948 by the operation of any provision of it, but would have done so had P's mother been married to P's natural father at the time of P's birth.
- (4) P is an “eligible non-British national” if—

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- (a) P was never a British subject or citizen of the United Kingdom and Colonies; and
 - (b) had P's mother been married to P's natural father at the time of P's birth, P would have automatically become a British subject or citizen of the United Kingdom and Colonies—
 - (i) at birth, or
 - (ii) by virtue of paragraph 3 of Schedule 3 to the British Nationality Act 1948 (child of male British subject to become citizen of the United Kingdom and Colonies if father becomes such a citizen).
- (5) A person who is registered as a British overseas territories citizen under this section is a British overseas territories citizen by descent if the citizenship which the person would have acquired at commencement (as mentioned in subsection (1)(c)(ii)) would (by virtue of section 25) have been citizenship by descent.
- (6) In determining for the purposes of subsection (1)(c)(i) whether P would have been a citizen of the United Kingdom and Colonies immediately before commencement, it must be assumed that P would not have—
- (a) renounced or been deprived of any notional British nationality, or
 - (b) lost any notional British nationality by virtue of P acquiring the nationality of a country or territory outside the United Kingdom.
- (7) A “notional British nationality” is—
- (a) in a case where P is an eligible former British national, any status as a British subject or a citizen of the United Kingdom and Colonies which P would have held at any time after P's nationality loss (had that loss not occurred and had P's mother been married to P's natural father at the time of P's birth);
 - (b) in a case where P is an eligible non-British national—
 - (i) P's status as a British subject or citizen of the United Kingdom and Colonies as mentioned in subsection (4)(b), and
 - (ii) any other status as a British subject or citizen of the United Kingdom and Colonies which P would have held at any time afterwards (had P's mother been married to P's natural father at the time of P's birth).
- (8) In this section—
- “British subject” has any meaning which it had for the purposes of the British Nationality and Status of Aliens Act 1914;
- “independence legislation” means an Act of Parliament or any subordinate legislation (within the meaning of the Interpretation Act 1978) forming part of the law in the United Kingdom (whenever passed or made, and whether or not still in force)—
- (a) providing for a country or territory to become independent from the United Kingdom, or
 - (b) dealing with nationality, or any other ancillary matters, in connection with a country or territory becoming independent from the United Kingdom;
- “P's nationality loss” means P's—
- (a) ceasing to be a British subject or citizen of the United Kingdom and Colonies (as mentioned in subsection (3)(a)), or
 - (b) not becoming a citizen of the United Kingdom and Colonies (as mentioned in subsection (3)(b)).

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Textual Amendments

F24 Ss. 17B-17G inserted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\)](#), **ss. 2(2)**, 87(1); S.I. 2022/590, regs. 1(2), 2, Sch. 1 para. 2

17G Sections 17B to 17F: supplementary provision

- (1) In sections 17B to 17F and this section, a person’s “natural father” is a person who satisfies the requirements as to proof of paternity that are prescribed in regulations under section 50(9B).
- (2) The power under section 50(9B) to make different provision for different circumstances includes power to make provision for the purposes of any provision of sections 17B to 17F which is different from other provision made under section 50(9B).
- (3) The following provisions apply for the purposes of sections 17B to 17F.
- (4) A reference to a person automatically becoming a citizen of a certain type is a reference to the person becoming a citizen of that type without the need for—
 - (a) the person to be registered as such a citizen by the Secretary of State or any other minister of the Crown;
 - (b) the birth of the person to be registered by a diplomatic or consular representative of the United Kingdom; or
 - (c) the person to be naturalised as such a citizen.
- (5) If the mother of a person could not actually have been married to the person’s natural father at the time of the person’s birth (for whatever reason), that fact does not prevent an assumption being made that the couple were married at the time of the birth.]

Textual Amendments

F24 Ss. 17B-17G inserted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\)](#), **ss. 2(2)**, 87(1); S.I. 2022/590, regs. 1(2), 2, Sch. 1 para. 2

[^{F25}17H Acquisition by registration: descendants of those born in British Indian Ocean Territory

- (1) A person is entitled to be registered as a British overseas territories citizen on an application made under this section if—
 - (a) they are a direct descendant of a person (“P”) who was a citizen of the United Kingdom and Colonies by virtue of P’s birth in the British Indian Ocean Territory or, prior to 8 November 1965, in those islands designated as the British Indian Ocean Territory on that date, and
 - (b) they have never been a British overseas territories citizen or a British Dependent Territories citizen.
- (2) An application under this section must be made—
 - (a) in the case of a person aged 18 years or over on the commencement date, before the end of the period of five years beginning with the commencement date;

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- (b) in the case of a person aged under 18 on the commencement date, or a person who is born before the end of the period of five years beginning with the commencement date, before they reach the age of 23 years.
- (3) In subsection (2), “the commencement date” means the date on which this section comes into force.]

Textual Amendments

F25 S. 17H inserted (23.11.2022) by Nationality and Borders Act 2022 (c. 36), ss. 3, 87(1); S.I. 2022/1056, reg. 2(a)

[^{F26}17I Acquisition by registration: special circumstances

- (1) If an application is made for a person of full age and capacity (“P”) to be registered as a British overseas territories citizen, the Secretary of State may cause P to be registered as such a citizen if, in the Secretary of State’s opinion, P would have been, or would have been able to become, a British overseas territories citizen but for—
- historical legislative unfairness,
 - an act or omission of a public authority, or
 - exceptional circumstances relating to P.
- (2) For the purposes of subsection (1)(a), “historical legislative unfairness” includes circumstances where P would have become, or would not have ceased to be, a British subject, a citizen of the United Kingdom and Colonies, a British Dependent Territories Citizen or a British overseas territories citizen, if an Act of Parliament or subordinate legislation (within the meaning of the Interpretation Act 1978) had, for the purposes of determining a person’s nationality status—
- treated males and females equally,
 - treated children of unmarried couples in the same way as children of married couples, or
 - treated children of couples where the mother was married to someone other than the natural father in the same way as children of couples where the mother was married to the natural father.
- (3) In subsection (1)(b), “public authority” means any public authority within the meaning of section 6 of the Human Rights Act 1998, other than a court or tribunal.
- (4) In considering whether to grant an application under this section, the Secretary of State may take into account whether the applicant is of good character.]

Textual Amendments

F26 S. 17I inserted (28.6.2022) by virtue of Nationality and Borders Act 2022 (c. 36), ss. 8(3), 87(1); S.I. 2022/590, regs. 1(2), 2, Sch. 1 para. 7

18 Acquisition by naturalisation.

- (1) If, on an application for naturalisation as a [^{F27}British overseas territories citizen] made by a person of full age and capacity, the Secretary of State is satisfied that the applicant fulfils the requirements of Schedule 1 for naturalisation as such a citizen under this

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subsection, he may, if he thinks fit, grant to him a certificate of naturalisation as such a citizen.

(2) If, on an application for naturalisation as a [^{F27}British overseas territories citizen] made by a person of full age and capacity who on the date of the application is married to such a citizen, [^{F28}or is the civil partner of such a citizen] the Secretary of State is satisfied that the applicant fulfils the requirements of Schedule 1 for naturalisation as such a citizen under this subsection, he may, if he thinks fit, grant to him a certificate of naturalisation as such a citizen.

(3) Every application under this section shall specify the [^{F29}British overseas territory] which is to be treated as the relevant territory for the purposes of that application; and, in relation to any such application, references in Schedule 1 to the relevant territory shall be construed accordingly.

[^{F30}(4) This section is subject to sections 31, 33 and 36 of the Illegal Migration Act 2023 (restriction of eligibility for citizenship etc).]

Textual Amendments

- F27** Words in s. 18 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 2\(2\)\(b\)](#)
F28 Words in s. 18(2) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\), ss. 261\(1\), 263, Sch. 27 para. 76; S.I. 2005/3175, art. 2\(2\)](#) (subject to art. 2(3)-(5))
F29 Words in s. 18(3) substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 1\(1\)\(b\)](#)
F30 S. 18(4) inserted (20.7.2023) by [Illegal Migration Act 2023 \(c. 37\), ss. 37\(10\), 68\(3\)\(a\)](#) (with s. 55(9))

Modifications etc. (not altering text)

- C6** S. 18 restricted (20.7.2023) by [Illegal Migration Act 2023 \(c. 37\), ss. 33\(2\)\(b\), 68\(3\)\(a\)](#) (with s. 55(9))

Acquisition after commencement: special cases

19 Right to registration by virtue of residence in [^{F31}British overseas territory].

^{F32}

Textual Amendments

- F31** Words in s. 19 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 1\(1\)\(b\)](#)
F32 S. 19 ceased to have effect (7.11.2002) and repealed (prosp.) by virtue of [Nationality, Immigration and Asylum Act 2002 \(c. 41\), ss. 15, 161, 162, Sch. 2 para. 1\(d\), Sch. 9](#) (with s. 159, Sch. 2 para. 2)

20 Registration by virtue of marriage.

^{F33}

Textual Amendments

- F33** S. 20 ceased to have effect (7.11.2002) and repealed (prosp.) by virtue of [Nationality, Immigration and Asylum Act 2002 \(c. 41\), ss. 15, 161, 162, Sch. 2 para. 1\(e\), Sch. 9](#) (with s. 159, Sch. 2 para. 2)

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21 Right to registration by virtue of father's citizenship etc.

F34

Textual Amendments

F34 S. 21 ceased to have effect (7.11.2002) and repealed (prosp.) by virtue of [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), ss. 15, 161, 162, [Sch. 2 para. 1\(f\)](#), [Sch. 9](#) (with s. 159, [Sch. 2 para. 2](#))

22 Right to registration replacing right to resume citizenship of U.K. and Colonies.

- (1) Subject to subsection (3), a person shall be entitled, on an application for his registration as a [F35British overseas territories citizen], to be registered as such a citizen if immediately before commencement he would (had he applied for it) have been entitled under section 1(1) of the ^{M1}British Nationality Act 1964 (resumption of citizenship) to be registered as a citizen of the United Kingdom and Colonies by virtue of having an appropriate qualifying connection with a [F36British overseas territory] or F37 . . . by virtue of having been married before commencement to a person who has, or would if living have, such a connection.
- (2) On an application for his registration as a [F35British overseas territories citizen] made by a person of full capacity who had before commencement ceased to be a citizen of the United Kingdom and Colonies as a result of a declaration of renunciation, the Secretary of State may, if he thinks fit, cause that person to be registered as a [F35British overseas territories citizen] if that person—
- has an appropriate qualifying connection with a [F36British overseas territory];
 - or
 - F37 . . . has been married to [F38, or has been the civil partner of,] a person who has, or would if living have, such a connection.
- (3) A person shall not be entitled to registration under subsection (1) on more than one occasion.
- (4) For the purposes of this section a person shall be taken to have an appropriate qualifying connection with a [F36British overseas territory] if he, his father or his father's father—
- was born in that territory; or
 - is or was a person naturalised in that territory; or
 - was registered as a citizen of the United Kingdom and Colonies in that territory; or
 - became a British subject by reason of the annexation of any territory included in that territory.
- [F39(5) This section is subject to sections 31, 33 and 36 of the [Illegal Migration Act 2023](#) (restriction of eligibility for citizenship etc).]

Textual Amendments

F35 Words in s. 22 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [s. 2\(2\)\(b\)](#)
F36 Words in s. 22 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [s. 1\(1\)\(b\)](#)

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F37 Words in s. 22(1)(2) repealed (1.4.2003) by Nationality, Immigration and Asylum Act 2002 (c. 41), ss. 5(b), 161, 162, **Sch. 9** (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))

F38 Words in s. 22(2)(b) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 261(1), 263, **Sch. 27 para. 77**; S.I. 2005/3175, **art. 2(2)** (subject to art. 2(3)-(5))

F39 S. 22(5) inserted (20.7.2023) by Illegal Migration Act 2023 (c. 37), **ss. 37(11)**, 68(3)(a) (with s. 55(9))

Modifications etc. (not altering text)

C7 S. 22(1)(2) restricted (4.12.2006) by Immigration, Asylum and Nationality Act 2006 (c. 13), **ss. 58**, 62; S.I. 2006/2838, **art. 4(1)** (subject to art. 4(2))

C8 S. 22(1) restricted (20.7.2023) by Illegal Migration Act 2023 (c. 37), **ss. 33(1)(b)**, 68(3)(a) (with s. 55(9))

C9 S. 22(2) restricted (20.7.2023) by Illegal Migration Act 2023 (c. 37), **ss. 33(2)(a)(ii)**, 68(3)(a) (with s. 55(9))

Marginal Citations

M1 1964 c. 22.

Acquisition at commencement

23 Citizens of U.K. and Colonies who are to become [^{F40}British overseas territories citizens] at commencement.

- (1) A person shall at commencement become a [^{F41}British overseas territories citizen] if—
- (a) immediately before commencement he was a citizen of the United Kingdom and Colonies who had that citizenship by his birth, naturalisation or registration in a [^{F42}British overseas territory] ; or
 - (b) he was immediately before commencement a citizen of the United Kingdom and Colonies, and was born to a parent—
 - (i) who at the time of the birth (“the material time”) was a citizen of the United Kingdom and Colonies; and
 - (ii) who either had that citizenship at the material time by his birth, naturalisation or registration in a [^{F42}British overseas territory] or was himself born to a parent who at the time of that birth so had that citizenship; or
 - (c) being a woman, she was immediately before commencement a citizen of the United Kingdom and Colonies and either was then, or had at any time been, the wife of a man who under paragraph (a) or (b) becomes a [^{F41}British overseas territories citizen] at commencement or would have done so but for his death.
- (2) A person shall at commencement become a [^{F41}British overseas territories citizen] if—
- (a) immediately before commencement he was a citizen of the United Kingdom and Colonies by virtue of registration under section 7 of the 1948 Act (minor children) or section 1 of the ^{M2}British Nationality (No. 2) Act 1964 (stateless persons); and
 - (b) he was so registered otherwise than in a [^{F42}British overseas territory] ; and
 - (c) his father or mother (in the case of a person registered under the said section 7) or his mother (in the case of a person registered under the said section 1)—

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- (i) was a citizen of the United Kingdom and Colonies at the time of the registration or would have been such a citizen at that time but for his or her death; and
- (ii) becomes a [F⁴¹British overseas territories citizen] at commencement or would have done so but for his or her death.

(3) A person who—

- (a) immediately before commencement was a citizen of the United Kingdom and Colonies by virtue of having been registered under subsection (6) of section 12 of the 1948 Act (British subjects before commencement of 1948 Act becoming citizens of United Kingdom and Colonies) otherwise than in a [F⁴²British overseas territory] ; and
- (b) was so registered on an application under that subsection based on the applicant's descent in the male line from a person (“the relevant person”) possessing one of the qualifications specified in subsection (1) of that section (birth or naturalisation in the United Kingdom and Colonies, or acquisition of the status of British subject by reason of annexation of territory),

shall at commencement become a [F⁴¹British overseas territories citizen] if the relevant person—

- (i) was born or naturalised in a [F⁴²British overseas territory] ; or
- (ii) became a British subject by reason of the annexation of any territory included in a [F⁴²British overseas territory] .

(4) A person who—

- (a) immediately before commencement was a citizen of the United Kingdom and Colonies by virtue of registration under section 1 of the ^{M3}British Nationality Act 1964 (resumption of citizenship); and
- (b) was so registered otherwise than in a [F⁴²British overseas territory] ; and
- (c) was so registered by virtue of having an appropriate qualifying connection with a [F⁴²British overseas territory] or, if a woman, by virtue of having been married to a person who at the time of the registration had or would, if then living, have had such a connection,

shall at commencement become a [F⁴¹British overseas territories citizen] .

(5) For the purposes of subsection (4) a person shall be taken to have an appropriate qualifying connection with a [F⁴²British overseas territory] if he, his father or his father's father—

- (a) was born in a [F⁴²British overseas territory] ; or
- (b) is or was a person naturalised in a [F⁴²British overseas territory] ; or
- (c) was registered as a citizen of the United Kingdom and Colonies in a [F⁴²British overseas territory] ; or
- (d) became a British subject by reason of the annexation of any territory included in a [F⁴²British overseas territory] .

(6) For the purposes of subsection (1)(b) references to citizenship of the United Kingdom and Colonies shall, in relation to a time before the year 1949, be construed as references to British nationality.

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Textual Amendments

- F40** Words in s. 23 sidenote substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 2\(2\)\(b\)](#)
- F41** Words in s. 23 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 2\(2\)\(b\)](#)
- F42** Words in s. 23 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 1\(1\)\(b\)](#)

Marginal Citations

- M2** 1964 c. 54.
- M3** 1964 c. 22.

Renunciation and resumption

24 Renunciation and resumption.

[^{F43}Subject to sections 31, 33 and 36 of the Illegal Migration Act 2023 (restriction of eligibility for citizenship etc),] the provisions of sections 12 and 13 shall apply in relation to [^{F44}British overseas territories citizens] and [^{F45}British overseas territories citizenship] as they apply in relation to British citizens and British citizenship.

Textual Amendments

- F43** Words in s. 24 inserted (20.7.2023) by [Illegal Migration Act 2023 \(c. 37\), ss. 37\(12\), 68\(3\)\(a\)](#) (with s. 55(9))
- F44** Words in s. 24 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 2\(2\)\(b\)](#)
- F45** Words in s. 24 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 2\(2\)\(a\)](#)

Modifications etc. (not altering text)

- C10** S. 24 restricted (4.12.2006) by [Immigration, Asylum and Nationality Act 2006 \(c. 13\), ss. 58, 62; S.I. 2006/2838, art. 4\(1\)](#) (subject to art. 4(2))

Supplementary

25 Meaning of [^{F46}British overseas territories citizen]“by descent”.

- (1) For the purposes of this Act a [^{F46}British overseas territories citizen] is such a citizen “by descent” if and only if—
- (a) he is a person born outside the [^{F47}British overseas territories] after commencement who is a [^{F46}British overseas territories citizen] by virtue of section 16(1)(a) only or by virtue of registration under section 17(2) or 21; or
 - (b) subject to subsection (2), he is a person born outside the [^{F47}British overseas territories] before commencement who became a [^{F46}British overseas territories citizen] at commencement and immediately before commencement—
 - (i) was a citizen of the United Kingdom and Colonies by virtue of section 5 of the 1948 Act (citizenship by descent); or
 - (ii) was a person who, under any provision of the British Nationality Acts 1948 to 1965, was deemed for the purposes of the proviso to

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- section 5(1) of the 1948 Act to be a citizen of the United Kingdom and Colonies by descent only, or would have been so deemed if male; or
- (c) he is a [^{F46}British overseas territories citizen] by virtue of registration under section 17(1) and either—
- (i) his father or mother was a [^{F46}British overseas territories citizen] at the time of the birth; or
- (ii) his father or mother was a citizen of the United Kingdom and Colonies at that time and became a [^{F46}British overseas territories citizen] at commencement, or would have done so but for his or her death; or
- [^{F48}(ca) the person is a British overseas territories citizen by virtue of registration under section 17A; or]
- [^{F49}(cb) the person is a British overseas territories citizen by descent by virtue of section 17C(3), 17D(2), 17E(2) or 17F(5); or]
- (d) subject to subsection (2), he is a person born outside the [^{F47}British overseas territories] before commencement who became a [^{F46}British overseas territories citizen] at commencement under section 23(1)(b) only; or
- (e) subject to subsection (2), being a woman, she became a [^{F46}British overseas territories citizen] at commencement under section 23(1)(c) only, and did so only by virtue of having been, immediately before commencement or earlier, the wife of a man who immediately after commencement was, or would but for his death have been, a [^{F46}British overseas territories citizen] by descent by virtue of paragraph (b) or (d) of this subsection; or
- (f) subject to subsection (2), being a woman born outside the [^{F47}British overseas territories] before commencement, she is a [^{F46}British overseas territories citizen] as a result of her registration as such a citizen under section 20 by virtue of being or having been married to a man who at commencement became such a citizen by descent or would have done so but for his having died or ceased to be a citizen of the United Kingdom and Colonies as a result of a declaration of renunciation; or
- (g) he is a [^{F46}British overseas territories citizen] by virtue of registration under section 22 who, having before commencement ceased to be a citizen of the United Kingdom and Colonies as a result of a declaration of renunciation, would, if he had not so ceased, have at commencement become a [^{F46}British overseas territories citizen] by descent by virtue of paragraph (b), (d) or (e);
- (h) he is a [^{F46}British overseas territories citizen] by virtue of registration under section 13 (as applied by section 24) who, immediately before he ceased to be a [^{F46}British overseas territories citizen] as a result of a declaration of renunciation, was such a citizen by descent; or
- (i) he is a person born in the United Kingdom after commencement who is a [^{F46}British overseas territories citizen] by virtue of paragraph 1 of Schedule 2.
- (2) A person born outside the [^{F47}British overseas territories] before commencement is not a [^{F46}British overseas territories citizen] “by descent” by virtue of subsection (1)(b), (d), (e) or (f) if his father was at the time of his birth serving outside the [^{F47}British overseas territories] in service of a description mentioned in subsection (3), his recruitment for the service in question having taken place in a [^{F50}British overseas territory] .
- (3) The descriptions of service referred to in subsection (2) are—
- (a) Crown service under the government of a [^{F50}British overseas territory] ; and
- (b) service of any description at any time designated under section 16(3).

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Textual Amendments

- F46** Words in s. 25 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), **s. 2(2)(b)**
- F47** Words in s. 25 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), **s. 1(1)(b)**
- F48** S. 25(1)(ca) inserted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\)](#), **ss. 1(3)**, 87(1); S.I. 2022/590, regs. 1(2), 2, Sch. 1 para. 1
- F49** S. 25(1)(cb) inserted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\)](#), **ss. 2(3)**, 87(1); S.I. 2022/590, regs. 1(2), 2, Sch. 1 para. 2
- F50** Words in s. 25 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), **s. 1(1)(b)**

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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\(3\)\(a\)](#))