



British Nationality Act 1981

1981 CHAPTER 61

PART I

BRITISH CITIZENSHIP

Acquisition after commencement^{F1F1F1}

1 Acquisition by birth or adoption.

- (1) A person born in the United Kingdom after commencement [^{F1}, or in a qualifying territory on or after the appointed day,] shall be a British citizen if at the time of the birth his father or mother is—
 - (a) a British citizen; or
 - (b) settled in the United Kingdom [^{F2}or that territory].
- (2) A new-born infant who, after commencement, is found abandoned in the United Kingdom [^{F3}, or on or after the appointed day is found abandoned in a qualifying territory,] shall, unless the contrary is shown, be deemed for the purposes of subsection (1)—
 - (a) to have been born in the United Kingdom after commencement [^{F4}or in that territory on or after the appointed day]; and
 - (b) to have been born to a parent who at the time of the birth was a British citizen or settled in the United Kingdom [^{F5}or that territory].
- (3) A person born in the United Kingdom after commencement who is not a British citizen by virtue of subsection (1) or (2) shall be entitled to be registered as a British citizen if, while he is a minor—
 - (a) his father or mother becomes a British citizen or becomes settled in the United Kingdom; and
 - (b) an application is made for his registration as a British citizen.
- (4) A person born in the United Kingdom after commencement who is not a British citizen by virtue of subsection (1) or (2) shall be entitled, on an application for his registration as a British citizen made at any time after he has attained the age of ten years, to be

Status: Point in time view as at 30/12/2005. This version of this provision has been superseded.

Changes to legislation: British Nationality Act 1981, Section 1 is up to date with all changes known to be in force on or before 21 June 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)

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 the United Kingdom in that year does not exceed 90.

[^{F6}(5) Where—

- (a) any court in the United Kingdom [^{F7}or, on or after the appointed day, any court in a qualifying territory] makes an order authorising the adoption of a minor who is not a British citizen; or
- (b) a minor who is not a British citizen is adopted under a Convention adoption [^{F8}effected under the law of a country or territory outside the United Kingdom],

that minor shall, if the requirements of subsection (5A) are met, be a British citizen as from the date on which the order is made or the Convention adoption is effected, as the case may be.

(5A) Those requirements are that on the date on which the order is made or the Convention adoption is effected (as the case may be)—

- (a) the adopter or, in the case of a joint adoption, one of the adopters is a British citizen; and
- (b) in a case within subsection (5)(b), the adopter or, in the case of a joint adoption, both of the adopters are habitually resident in the United Kingdom [^{F9}or in a designated territory].]

(6) Where an order [^{F10}or a Convention adoption] in consequence of which any person became a British 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 a British 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 requirement 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 United Kingdom in that year or each of the years in question exceeds 90.

(8) In this section and elsewhere in this Act “settled” has the meaning given by section 50

^{F11}

Textual Amendments

- F1** Words in s. 1(1) inserted (21.5.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [Sch. 1 para. 1\(2\)\(a\)](#); S.I. 2002/1252, [art. 2](#)
- F2** Words in s. 1(1)(b) inserted (21.5.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [Sch. 1 para. 1\(2\)\(b\)](#); S. I. 2002/1252, [art. 2](#)
- F3** Words in s. 1(2) inserted (21.5.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [Sch. 1 para. 1\(3\)\(a\)](#); S.I. 2002/1252, [art. 2](#)
- F4** Words in s. 1(2)(a) inserted (21.5.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [Sch. 1 para. 1\(3\)\(b\)](#); S.I. 2002/1252, [art. 2](#)
- F5** Words in s. 1(2)(b) inserted (21.5.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [Sch. 1 para. 1\(3\)\(c\)](#); S.I. 2002/1252, [art. 2](#)
- F6** S. 1(5)(5A) substituted (1.6.2003) for s. 1(5) by [1999 c. 18](#), ss. 7(1), 18(3); S.I. 2003/362, [art. 2\(a\)](#)
- F7** Words in s. 1(5) inserted (21.5.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [Sch. 1 para. 1\(4\)](#); S.I. 2002/1252, [art. 2](#)

Status: Point in time view as at 30/12/2005. This version of this provision has been superseded.

Changes to legislation: British Nationality Act 1981, Section 1 is up to date with all changes known to be in force on or before 21 June 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)

- F8** Words in s. 1(5)(b) inserted (30.12.2005) by Adoption and Children Act 2002 (c. 38), **ss. 137(4)(a), 148** (with Sch. 4 paras. 6-8); S.I. 2005/2213, **art. 2(m)**
- F9** Words in s. 1(5A)(b) inserted (30.12.2005) by Adoption and Children Act 2002 (c. 38), **ss. 137(4)(b), 148** (with Sch. 4 paras. 6-8); S.I. 2005/2213, **art. 2(m)**
- F10** Words in s. 1(6) inserted (1.6.2003) by 1999 c. 18, ss. 7(2), 18(3); S.I. 2003/362, **art. 2(a)**
- F11** Words in s. 1(8) repealed (30.12.2005) by Adoption and Children Act 2002 (c. 38), ss. 137(4)(c), 139(3), 148, **Sch. 5** (with Sch. 4 paras. 2, 6-8); S.I. 2005/2213, **art. 2(m)**; S.I. 2005/2897, **art. 2(b)**

Modifications etc. (not altering text)

- C1** S. 1(1) explained by S.I. 1972/1613, **art. 6** (as inserted by S.I. 1982/1649, **art. 3**)
- C2** S. 1(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))

Status:

Point in time view as at 30/12/2005. This version of this provision has been superseded.

Changes to legislation:

British Nationality Act 1981, Section 1 is up to date with all changes known to be in force on or before 21 June 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.