



British Nationality Act 1981

1981 CHAPTER 61

PART II

[^{F1}BRITISH OVERSEAS TERRITORIES CITIZENSHIP]

Acquisition after commencement

15 Acquisition by birth or adoption.

- (1) A person born in a [^{F1} British overseas territory] after commencement shall be a [^{F2}British overseas territories citizen] if at the time of the birth his father or mother is—
 - (a) a [^{F3}British overseas territories citizen]; or
 - (b) settled in a [^{F4} British overseas territory].
- (2) A new-born infant who, after commencement, is found abandoned in a [^{F4} 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 [^{F3}British overseas territories citizen] or settled in a [^{F4} British overseas territory].
- (3) A person born in a [^{F4} British overseas territory] after commencement who is not a [^{F3}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—
 - (a) his father or mother becomes such a citizen or becomes settled in a [^{F4} British overseas territory]; and
 - (b) an application is made for his registration as such a citizen.
- (4) A person born in a [^{F4} British overseas territory] after commencement who is not a [^{F3}British overseas territories citizen] by virtue of subsection (1) or (2) shall be entitled, on an application for his registration as a [^{F3}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.

Changes to legislation: British Nationality Act 1981, Section 15 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (5) Where after commencement an order authorising the adoption of a minor who is not a [^{F3}British overseas territories citizen] is made by a court in any [^{F4} British overseas territory], he shall be a [^{F3}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 [^{F3}British overseas territories citizen] on that date.

[^{F5}(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 [^{F6}or a Convention adoption] in consequence of which any person became a [^{F7}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 [^{F4} British overseas territory] there mentioned in that year or each of the years in question exceeds 90.

Textual Amendments

- F1** Words in s. 15 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 1\(1\)\(b\)](#)
- F2** Words in s. 15 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 2\(2\)\(b\)](#)
- 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. 1\(1\)\(b\)](#)
- F5** 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\(m\)](#)
- F6** 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\(m\)](#)
- F7** Words in s. 15 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 2\(2\)\(b\)](#)

Modifications etc. (not altering text)

- C1** 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))

Changes to legislation:

British Nationality Act 1981, Section 15 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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