



# British Overseas Territories Act 2002

## 2002 CHAPTER 8

### *Change of names*

#### **1 British overseas territories**

- (1) As the territories mentioned in Schedule 6 to the British Nationality Act 1981 (c. 61) are now known as “British overseas territories”—
  - (a) in section 50(1) of that Act (definitions), at the appropriate place insert—

““British overseas territory” means a territory mentioned in Schedule 6;”
  - (b) for “dependent territory” (or “dependent territories”), wherever occurring in that Act, substitute “ British overseas territory ”(or “ British overseas territories ”), and
  - (c) in the heading to that Schedule, for “British Dependent Territories” substitute “ British Overseas Territories ”.
- (2) In any other enactment passed or made before the commencement of this section (including an enactment comprised in subordinate legislation), any reference to a dependent territory within the meaning of the British Nationality Act 1981 shall be read as a reference to a British overseas territory.
- (3) In the Interpretation Act 1978 (c. 30), at the appropriate place in Schedule 1 (list of definitions) insert—

““British overseas territory” has the same meaning as in the British Nationality Act 1981;”.

#### **2 British overseas territories citizenship**

- (1) Pursuant to section 1, British Dependent Territories citizenship is renamed “British overseas territories citizenship”; and a person having that citizenship is a “British overseas territories citizen”.
- (2) Accordingly, in the British Nationality Act 1981 (c. 61)—

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*Changes to legislation:* There are currently no known outstanding effects for the British Overseas Territories Act 2002. (See end of Document for details)

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- (a) for “British Dependent Territories citizenship”, wherever occurring, substitute “British overseas territories citizenship”, and
  - (b) for “British Dependent Territories citizen” (or “British Dependent Territories citizens”), wherever occurring, substitute “British overseas territories citizen” (or “British overseas territories citizens”).
- (3) In any other enactment passed or made before the commencement of this section (including an enactment comprised in subordinate legislation), any reference to British Dependent Territories citizenship, or a British Dependent Territories citizen, shall be read as a reference to British overseas territories citizenship, or a British overseas territories citizen.

### *British citizenship*

## **3 Conferral on British overseas territories citizens**

- (1) Any person who, immediately before the commencement of this section, is a British overseas territories citizen shall, on the commencement of this section, become a British citizen.
- (2) Subsection (1) does not apply to a person who is a British overseas territories citizen by virtue only of a connection with the Sovereign Base Areas of Akrotiri and Dhekelia.
- (3) A person who is a British citizen by virtue of this section is a British citizen by descent for the purposes of the British Nationality Act 1981 if, and only if—
  - (a) he was a British overseas territories citizen by descent immediately before the commencement of this section, and
  - (b) if at that time he was a British citizen as well as a British overseas territories citizen, he was a British citizen by descent.

## **4 Acquisition by British overseas territories citizens by registration**

After section 4 of the British Nationality Act 1981 insert—

### **“4A Acquisition by registration: further provision for British overseas territories citizens**

- (1) If an application is made to register as a British citizen a person who is a British overseas territories citizen, the Secretary of State may if he thinks fit cause the person to be so registered.
- (2) Subsection (1) does not apply in the case of a British overseas territories citizen who—
  - (a) is such a citizen by virtue only of a connection with the Sovereign Base Areas of Akrotiri and Dhekelia; or
  - (b) has ceased to be a British citizen as a result of a declaration of renunciation.”

## **5 Acquisition by reference to the British overseas territories**

Schedule 1 (which makes provision about the acquisition of British citizenship by reference to the British overseas territories) has effect.

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## Supplementary

### 6 The Ilois: citizenship

- (1) A person shall become a British citizen on the commencement of this section if—
  - (a) he was born on or after 26 April 1969 and before 1 January 1983,
  - (b) he was born to a woman who at the time was a citizen of the United Kingdom and Colonies by virtue of her birth in the British Indian Ocean Territory, and
  - (c) immediately before the commencement of this section he was neither a British citizen nor a British overseas territories citizen.
- (2) A person who is a British citizen by virtue of subsection (1) is a British citizen by descent for the purposes of the British Nationality Act 1981 (c. 61).
- (3) A person shall become a British overseas territories citizen on the commencement of this section if—
  - (a) subsection (1)(a) and (b) apply in relation to him, and
  - (b) immediately before the commencement of this section he was not a British overseas territories citizen.
- (4) A person who is a British overseas territories citizen by virtue of subsection (3) is such a citizen by descent for the purposes of the British Nationality Act 1981.

### 7 Repeals

The enactments mentioned in Schedule 2 (which include some which are spent or effectively superseded) are repealed to the extent specified there.

#### Commencement Information

- II** [S. 7](#) wholly in force at 21.5.2002; [s. 7](#) in force at Royal Assent in relation to specified repeals in Schedule 2, see [s. 8\(2\)](#); [s. 7](#) in force for specified purposes (21.5.2002) by [S.I. 2002/1252](#), [art. 2\(c\)](#)

### 8 Short title, commencement and extent

- (1) This Act may be cited as the British Overseas Territories Act 2002.
- (2) The following provisions of this Act are to come into force on such day as the Secretary of State may by order made by statutory instrument appoint—
  - (a) sections 3 to 5 and Schedule 1,
  - (b) section 6, and
  - (c) section 7 and Schedule 2, so far as relating to the British Nationality (Falkland Islands) Act 1983 (c. 6).
- (3) An order under subsection (2) may—
  - (a) appoint different days for different purposes, and
  - (b) include such transitional provision as the Secretary of State considers expedient.
- (4) This Act extends to—
  - (a) the United Kingdom,

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- (b) the Channel Islands and the Isle of Man, and
- (c) the British overseas territories.

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**Subordinate Legislation Made**

**P1** [S. 8\(2\)](#) power partly exercised: 21.5.2002 appointed for specified provisions by [S.I. 2002/1252](#), [art. 2](#)

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