



# Borders, Citizenship and Immigration Act 2009

## 2009 CHAPTER 11

### PART 2

#### CITIZENSHIP

##### *Acquisition of British citizenship etc. by registration*

#### **46 Children born outside UK etc. to members of the armed forces**

After section 4C of the British Nationality Act 1981 (c. 61) insert—

##### **“4D Acquisition by registration: children of members of the armed forces**

- (1) A person (“P”) born outside the United Kingdom and the qualifying territories on or after the relevant day is entitled to be registered as a British citizen if—
  - (a) an application is made for P's registration under this section; and
  - (b) each of the following conditions is satisfied.
- (2) The first condition is that, at the time of P's birth, P's father or mother was—
  - (a) a member of the armed forces; and
  - (b) serving outside the United Kingdom and the qualifying territories.
- (3) The second condition is that, if P is a minor on the date of the application, the consent of P's father and mother to P's registration as a British citizen has been signified in the prescribed manner.
- (4) But if P's father or mother has died on or before the date of the application, the reference in subsection (3) to P's 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 the second condition to be satisfied.

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**Changes to legislation:** *Borders, Citizenship and Immigration Act 2009, Section 46 is up to date with all changes known to be in force on or before 14 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*

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- (6) The relevant day for the purposes of this section is the day appointed for the commencement of section 46 of the Borders, Citizenship and Immigration Act 2009 (which inserted this section).”

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**Commencement Information**

**II** S. 46 in force at 13.1.2010 by S.I. 2009/2731, art. 4(e)

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[View outstanding changes](#)

**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. 54A(3A)(3B) inserted by [2023 c. 37 s. 14](#)