



# British Nationality Act 1981

## CHAPTER 61

### BRITISH NATIONALITY ACT 1981

#### PART I

##### BRITISH CITIZENSHIP

###### *Acquisition after commencement*

- 1 Acquisition by birth or adoption.
- 2 Acquisition by descent.
- 3 Acquisition by registration: minors.
- 4 Acquisition by registration: British Dependent Territories citizens etc.
- 4A Acquisition by registration: further provision for British overseas territories citizens
- 4B Acquisition by registration: certain persons without other citizenship
- 4C Acquisition by registration: certain persons born between 1961 and 1983
- 4D Acquisition by registration: children of members of the armed forces
- 5 Acquisition by registration: nationals for purposes of the Community Treaties.
- 6 Acquisition by naturalisation.

###### *Acquisition after commencement: special cases*

- 7 Right to registration by virtue of residence in U.K. or relevant employment.
- 8 Registration by virtue of marriage.
- 9 Right to registration by virtue of father's citizenship etc.
- 10 Registration following renunciation of citizenship of U.K. and Colonies.

*Status: Point in time view as at 25/01/1999.*

*Changes to legislation: British Nationality Act 1981 is up to date with all changes known to be in force on or before 09 March 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)*

---

*Acquisition at commencement*

- 11 Citizens of U.K. and Colonies who are to become British citizens at commencement.

*Renunciation and resumption*

- 12 Renunciation.  
13 Resumption.

*Supplementary*

- 14 Meaning of British citizen (by descent).

**PART II**

BRITISH DEPENDENT TERRITORIES CITIZENSHIP

*Acquisition after commencement*

- 15 Acquisition by birth or adoption.  
16 Acquisition by descent.  
17 Acquisition by registration: minors.  
18 Acquisition by naturalisation.

*Acquisition after commencement: special cases*

- 19 Right to registration by virtue of residence in dependent territory.  
20 Registration by virtue of marriage.  
21 Right to registration by virtue of father's citizenship etc.  
22 Right to registration replacing right to resume citizenship of U.K. and Colonies.

*Acquisition at commencement*

- 23 Citizens of U.K. and Colonies who are to become British Dependent Territories citizens at commencement.

*Renunciation and resumption*

- 24 Renunciation and resumption.

*Supplementary*

- 25 Meaning of British Dependent Territories citizen "by descent".

**PART III**

BRITISH OVERSEAS CITIZENSHIP

- 26 Citizens of U.K. and Colonies who are to become British Overseas citizens at commencement.  
27 Registration of minors.  
28 Registration by virtue of marriage.  
29 Renunciation.

*Status: Point in time view as at 25/01/1999.*

*Changes to legislation: British Nationality Act 1981 is up to date with all changes known to be in force on or before 09 March 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)*

---

## PART IV

### BRITISH SUBJECTS

- 30 Continuance as British subjects of existing British subjects of certain descriptions.
- 31 Continuance as British subjects of certain former citizens of Eire.
- 32 Registration of minors.
- 33 Registration of certain alien women entitled to registration as British subjects immediately before commencement.
- 34 Renunciation.
- 35 Circumstances in which British subjects are to lose that status.

## PART V

### MISCELLANEOUS AND SUPPLEMENTARY

- 36 Provisions for reducing statelessness.
- 37 Commonwealth citizenship.
- 38 British protected persons.
- 39 Amendment of Immigration Act 1971.
- 40 Deprivation of citizenship.
- 40A Deprivation of citizenship: appeal
- 41 Regulations and Orders in Council.
- 41A Registration: requirement to be of good character
- 42 Registration and naturalisation: general provisions.
- 42A Registration and naturalisation: fee
- 42B Registration and naturalisation: timing
- 43 Exercise of functions of Secretary of State by Governors and others.
- 44 Decisions involving exercise of discretion.
- 44A Waiver of requirement for full capacity
- 45 Evidence.
- 46 Offences and proceedings.
- 47 Legitimated children.
- 48 Posthumous children.
- 49 .....
- 50 Interpretation.
- 50A Meaning of references to being in breach of immigration laws
- 50B Immigration restrictions to be disregarded in certain cases
- 51 Meaning of certain expressions relating to nationality in other Acts and instruments.
- 52 Consequential amendments, transitional provisions, repeals and savings.
- 53 Citation, commencement and extent.

---

## SCHEDULES

### SCHEDULE 1 — Requirements for Naturalisation

#### *Naturalisation as a British citizen under section 6(1)*

- 1 (1) Subject to paragraph 2, the requirements for naturalisation as...
- 2 If in the special circumstances of any particular case the...
- 2A (1) A person has a qualifying immigration status for the...

*Status: Point in time view as at 25/01/1999.*

*Changes to legislation: British Nationality Act 1981 is up to date with all changes known to be in force on or before 09 March 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)*

---

*Naturalisation as a British citizen under section 6(2)*

- 3 Subject to paragraph 4, the requirements for naturalisation as a...  
 4 Paragraph 2 shall apply in relation to paragraph 3 with...  
 4A (1) Subject to paragraph 3(5), a person has a qualifying...

*The qualifying period for naturalisation as a British citizen under section 6*

- 4B (1) The qualifying period for the purposes of paragraph 1...

*Naturalisation as a British Dependent Territories citizen under section 18(1)*

- 5 (1) Subject to paragraph 6, the requirements for naturalisation as...  
 6 If in the special circumstances of any particular case the...

*Naturalisation as a British Dependent Territories citizen under section 18(2)*

- 7 Subject to paragraph 8, the requirements for naturalisation as a...  
 8 Paragraph 6 shall apply in relation to paragraph 7 with...

*Periods to be treated as periods of absence from U.K. or a dependent territory*

- 9 (1) For the purposes of this Schedule a person shall...

*Interpretation*

- 10 In this Schedule “the relevant territory” has the meaning given...  
 11 (1) This paragraph applies for the purposes of this Schedule....

SCHEDULE 2 — Provisions for Reducing Statelessness

*Persons born in the United Kingdom after commencement*

- 1 (1) Where a person born in the United Kingdom after...

*Persons born in a dependent territory after commencement*

- 2 (1) Where a person born in a dependent territory after...

*Persons born in the United Kingdom or a dependent territory after commencement*

- 3 (1) A person born in the United Kingdom or a...

*Persons born outside the United Kingdom and the dependent territories after commencement*

- 4 (1) A person born outside the United Kingdom and the...

*Persons born stateless before commencement*

- 5 (1) A person born before commencement shall be entitled, on...

*Supplementary*

- 6 If in the special circumstances of any particular case the...

SCHEDULE 3 — Countries Whose Citizens are Commonwealth Citizens

SCHEDULE 4 — Amendments of Immigration Act 1971

- 1 In this Schedule “the 1971 Act” means the Immigration Act...

*Status: Point in time view as at 25/01/1999.*

*Changes to legislation: British Nationality Act 1981 is up to date with all changes known to be in force on or before 09 March 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)*

---

- 2 For “patrial”— (a) where it occurs in the provisions of...
- 3 (1) For “certificate of patriality”, wherever (except in section 33(1))...
- 4 In section 3(7) of the 1971 Act (powers available where...
- 5 In section 8(5) of the 1971 Act, for the words...
- 6 In section 25(5) of the 1971 Act (extension of provisions...
- 7 In section 33 of the 1971 Act (interpretation)—

#### SCHEDULE 5 — Form of Oath of Allegiance

The form of the oath of allegiance is as shown...

##### *Oath of allegiance*

#### SCHEDULE 6 — British Dependent Territories

Anguilla Bermuda British Antarctic Territory British Indian Ocean  
Territory Cayman...

#### SCHEDULE 7 — Consequential Amendments

*ACT OF SETTLEMENT (12 & 13 Will. 3. c. 2.)*

*LEGITIMACY DECLARATION ACT 1858 (c. 93)*

*SUBMARINE TELEGRAPH ACT 1885 (c. 49)*

*BRITISH NATIONALITY ACT 1948 (c. 56)*

*IRELAND ACT 1949 (c. 41)*

- 1 In section 3(1)(a) (certain provisions not affected by fact that...
- 2 For section 7(2) (interpretation of references to protectorates etc. by...

*DEFAMATION ACT 1952 (c. 66)*

*DEFAMATION ACT (NORTHERN IRELAND) 1955 (c. 11) (N.I.)*

*CYPRUS ACT 1960 (c. 52)*

*EMERGENCY LAWS (RE-ENACTMENTS AND REPEALS) ACT 1964 (c. 60)*

In section 9 (territorial extent of Part I), in subsection...

*DIPLOMATIC PRIVILEGES ACT 1964 (c. 81)*

For section 3(2) (disregard, in connection with citizenship of children...

*COMMONWEALTH SECRETARIAT ACT 1966 (c. 10)*

*WEST INDIES ACT 1967 (c. 4)*

- 1 In section 13(3) (power to make changes in nationality or...
- 2 In Schedule 3 (modifications of British Nationality Acts)—

*MARINE BROADCASTING (OFFENCES) ACT 1967 (c. 41)*

In section 3(3) (persons prohibited from broadcasting whilst on or...

*Status: Point in time view as at 25/01/1999.*

*Changes to legislation: British Nationality Act 1981 is up to date with all changes known to be in force on or before 09 March 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)*

---

*ANTARCTIC TREATY ACT 1967 (C. 65)*

In section 1(3) (person prohibited from harming Antarctic flora and...

*FUGITIVE OFFENDERS ACT 1967 (c. 68)*

.....

*CONSULAR RELATIONS ACT 1968 (c. 18)*

In section 1(2) (meaning of certain terms in Schedule 1),...

*TANZANIA ACT 1969 (c. 29)*

*INCOME AND CORPORATION TAXES ACT 1970 (c. 10)*

.....

*MERCHANT SHIPPING ACT 1970 (c. 36)*

- 1 In section 70(3) (meaning of “British seamen” in section 70),...
- 2 In section 93(3) (meaning of “independent Commonwealth country” in section...

*CHILDREN ACT 1975 (c. 72)*

- 1 In Part II of Schedule 1 (adoption orders)—
- 2 In Schedule 2 (status conferred in Scotland by adoption)—

*ADOPTION ACT 1976 (c. 36)*

In section 47(2) (nationality enactments)— in paragraph (a), for “the...

*NATIONAL HEALTH SERVICE ACT 1977 (c. 49)*

In paragraph 3 of Schedule 11 (territorial extent)— in the...

*SOLOMON ISLANDS ACT 1978 (c. 15)*

In section 6 (construction of nationality provisions)—

*ADOPTION (SCOTLAND) ACT 1978 (c. 28)*

In section 41(2) (nationality enactments)— in paragraph (a), for “the...

*NATIONAL HEALTH SERVICE (SCOTLAND) ACT 1978 (c. 29)*

In paragraph 3 of Schedule 10 (territorial extent)—

*STATE IMMUNITY ACT 1978 (c. 33)*

In section 4(5) (definition of “national of the United Kingdom”),...

*DEEP SEA MINING (TEMPORARY PROVISIONS) ACT 1981 (c. 53)*

- 1 In section 1 (prohibition of unlicensed deep sea mining)—
- 2 In section 14(3) (persons who may be guilty of offences...

SCHEDULE 8 — Transitional Provisions

*Status: Point in time view as at 25/01/1999.*

*Changes to legislation: British Nationality Act 1981 is up to date with all changes known to be in force on or before 09 March 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)*

---

*Applications for naturalisation or registration pending at commencement*

- 1 (1) This paragraph applies to any application—
- 2 Where a person who has been registered or to whom...

*Registration at U.K. consulate, after commencement, of certain births occurring in foreign countries less than a year before commencement*

- 3 (1) This paragraph applies to a person born less than...

*Declarations by certain persons who by virtue of an Order in Council under section 4 of the Cyprus Act 1960 have ceased to be citizens of the United Kingdom and Colonies*

- 4 (1) Where— (a) a person has before commencement duly made...

*Applications for certificates of patriality pending at commencement*

- 5 Any application for a certificate of patriality under the Immigration...

*Appeals under Part II of Immigration Act 1971*

- 6 Where a person who has been refused a certificate of...
- 7 Any appeal under Part II of the Immigration Act 1971...
- 8 In relation to appeals against any decision taken or other...

SCHEDULE 9 — REPEALS

**Status:**

Point in time view as at 25/01/1999.

**Changes to legislation:**

British Nationality Act 1981 is up to date with all changes known to be in force on or before 09 March 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.