



# British Nationality Act 1981

## 1981 CHAPTER 61

### PART II

#### [<sup>F1</sup>BRITISH OVERSEAS TERRITORIES CITIZENSHIP]

##### *Acquisition after commencement*

#### [<sup>F1</sup>17F Other person unable to become citizen at commencement

- (1) A person (“P”) is entitled to be registered as a British overseas territories citizen on an application made under this section if—
  - (a) P meets the general conditions;
  - (b) P is either—
    - (i) an eligible former British national, or
    - (ii) an eligible non-British national; and
  - (c) had P’s mother been married to P’s natural father at the time of P’s birth, P—
    - (i) would have been a citizen of the United Kingdom and Colonies immediately before commencement,
    - (ii) would have automatically become a British Dependent Territories citizen at commencement by the operation of section 23, and
    - (iii) would have automatically become a British overseas territories citizen by the operation of section 2 of the British Overseas Territories Act 2002.
- (2) In determining for the purposes of subsection (1)(c)(i) whether a person would have been a citizen of the United Kingdom and Colonies, the requirement that a person’s birth was registered at a United Kingdom consulate, as set out in section 5(1)(b) of the British Nationality Act 1948, is to be ignored.
- (3) P is an “eligible former British national” if P was not a citizen of the United Kingdom and Colonies immediately before commencement and either—
  - (a) P ceased to be a British subject or a citizen of the United Kingdom and Colonies by virtue of the commencement of any independence legislation, but

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*Changes to legislation: British Nationality Act 1981, Section 17F 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*

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- would not have done so had P’s mother been married to P’s natural father at the time of P’s birth, or
- (b) P was a British subject who did not automatically become a citizen of the United Kingdom and Colonies at commencement of the British Nationality Act 1948 by the operation of any provision of it, but would have done so had P’s mother been married to P’s natural father at the time of P’s birth.
- (4) P is an “eligible non-British national” if—
- (a) P was never a British subject or citizen of the United Kingdom and Colonies; and
- (b) had P’s mother been married to P’s natural father at the time of P’s birth, P would have automatically become a British subject or citizen of the United Kingdom and Colonies—
- (i) at birth, or
- (ii) by virtue of paragraph 3 of Schedule 3 to the British Nationality Act 1948 (child of male British subject to become citizen of the United Kingdom and Colonies if father becomes such a citizen).
- (5) A person who is registered as a British overseas territories citizen under this section is a British overseas territories citizen by descent if the citizenship which the person would have acquired at commencement (as mentioned in subsection (1)(c)(ii)) would (by virtue of section 25) have been citizenship by descent.
- (6) In determining for the purposes of subsection (1)(c)(i) whether P would have been a citizen of the United Kingdom and Colonies immediately before commencement, it must be assumed that P would not have—
- (a) renounced or been deprived of any notional British nationality, or
- (b) lost any notional British nationality by virtue of P acquiring the nationality of a country or territory outside the United Kingdom.
- (7) A “notional British nationality” is—
- (a) in a case where P is an eligible former British national, any status as a British subject or a citizen of the United Kingdom and Colonies which P would have held at any time after P’s nationality loss (had that loss not occurred and had P’s mother been married to P’s natural father at the time of P’s birth);
- (b) in a case where P is an eligible non-British national—
- (i) P’s status as a British subject or citizen of the United Kingdom and Colonies as mentioned in subsection (4)(b), and
- (ii) any other status as a British subject or citizen of the United Kingdom and Colonies which P would have held at any time afterwards (had P’s mother been married to P’s natural father at the time of P’s birth).
- (8) In this section—
- “British subject” has any meaning which it had for the purposes of the British Nationality and Status of Aliens Act 1914;
- “independence legislation” means an Act of Parliament or any subordinate legislation (within the meaning of the Interpretation Act 1978) forming part of the law in the United Kingdom (whenever passed or made, and whether or not still in force)—
- (a) providing for a country or territory to become independent from the United Kingdom, or

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- (b) dealing with nationality, or any other ancillary matters, in connection with a country or territory becoming independent from the United Kingdom;  
“P’s nationality loss” means P’s—
  - (a) ceasing to be a British subject or citizen of the United Kingdom and Colonies (as mentioned in subsection (3)(a)), or
  - (b) not becoming a citizen of the United Kingdom and Colonies (as mentioned in subsection (3)(b)).]

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#### Textual Amendments

- F1** Ss. 17B-17G inserted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\)](#), **ss. 2(2)**, 87(1); [S.I. 2022/590](#), regs. 1(2), 2, Sch. 1 para. 2

**Changes to legislation:**

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