



British Nationality Act 1981

1981 CHAPTER 61

PART I

BRITISH CITIZENSHIP

Acquisition after commencement

[^{F1}4C [^{F2}Acquisition by registration: certain persons born before 1983]

- (1) A person is entitled to be registered as a British citizen if—
 - (a) he applies for registration under this section, and
 - (b) he satisfies each of the following conditions.
- (2) The first condition is that the applicant was born ^{F3} . . . before 1st January 1983.
- [^{F4}(3) The second condition is that the applicant would at some time before 1st January 1983 have become a citizen of the United Kingdom and Colonies—
 - (a) under section 5 of, or paragraph 3 of Schedule 3 to, the 1948 Act if assumption A had applied,
 - (b) under section 12(3), (4) or (5) of that Act if assumption B had applied and as a result of its application the applicant would have been a British subject immediately before 1st January 1949, or
 - (c) under section 12(2) of that Act if one or both of the following had applied—
 - (i) assumption A had applied;
 - (ii) assumption B had applied and as a result of its application the applicant would have been a British subject immediately before 1st January 1949.
- (3A) Assumption A is that—
 - (a) section 5 or 12(2) of, or paragraph 3 of Schedule 3 to, the 1948 Act (as the case may be) provided for citizenship by descent from a mother in the same terms as it provided for citizenship by descent from a father, and

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(b) references in that provision to a father were references to the applicant's mother.

(3B) Assumption B is that—

(a) a provision of the law at some time before 1st January 1949 which provided for a nationality status to be acquired by descent from a father provided in the same terms for its acquisition by descent from a mother, and

(b) references in that provision to a father were references to the applicant's mother.

(3C) For the purposes of subsection (3B), a nationality status is acquired by a person (“P”) by descent where its acquisition—

(a) depends, amongst other things, on the nationality status of one or both of P's parents, and

(b) does not depend upon an application being made for P's registration as a person who has the status in question.

[^{F5}(3D) In determining for the purposes of subsection (3) 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.]]

(4) The third condition is that immediately before 1st January 1983 the applicant would have had the right of abode in the United Kingdom by virtue of section 2 of the Immigration Act 1971 (c. 77) had he become a citizen of the United Kingdom and Colonies as described in subsection (3) above.

[For the purposes of the interpretation of section 5 of the 1948 Act in its application ^{F6}(5) in the case of assumption A to a case of descent from a mother, the reference in the proviso to subsection (1) of that section to “a citizen of the United Kingdom and Colonies by descent only” includes a reference to a female person who became a citizen of the United Kingdom and Colonies by virtue of—

(a) section 12(2), (4) or (6) only of the 1948 Act,

(b) section 13(2) of that Act,

(c) paragraph 3 of Schedule 3 to that Act, or

(d) section 1(1)(a) or (c) of the British Nationality (No. 2) Act 1964.]]

Textual Amendments

- F1** S. 4C inserted (30.4.2003) by *Nationality, Immigration and Asylum Act 2002* (c. 41), **ss. 13(1)**, 162 (with s. 159); S.I. 2003/754, **art. 2(1)**, Sch. 1 (with arts. 3, 4, Sch. 2 (as amended by S.I. 2003/1040, art. 2 and S.I. 2003/1339, art. 4))
- F2** S. 4C title substituted (13.1.2010) by virtue of *Borders, Citizenship and Immigration Act 2009* (c. 11), **ss. 45(1)**, 58; S.I. 2009/2731, **art. 4(d)**
- F3** Words in s. 4C(2) repealed (13.1.2010) by *Borders, Citizenship and Immigration Act 2009* (c. 11), **ss. 45(2)**, 56, 58, **Sch. Pt. 2**; S.I. 2009/2731, **art. 4(d)(i)(j)**
- F4** S. 4C(3)-(3D) substituted (13.1.2010) for s. 4C(3) by *Borders, Citizenship and Immigration Act 2009* (c. 11), **ss. 45(3)**, 58; S.I. 2009/2731, **art. 4(d)**
- F5** S. 4C(3D) substituted (28.6.2022) by *Nationality and Borders Act 2022* (c. 36), **ss. 6(2)**, 87(1); S.I. 2022/590, **regs. 1(2)**, 2, **Sch. 1** para. 5 (with Sch. 2 para. 2)
- F6** S. 4C(5) inserted (13.1.2010) by *Borders, Citizenship and Immigration Act 2009* (c. 11), **ss. 45(4)**, 58; S.I. 2009/2731, **art. 4(d)**

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Modifications etc. (not altering text)

C1 S. 4C 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\(2\)](#))

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