



British Nationality Act 1981

1981 CHAPTER 61

PART V

MISCELLANEOUS AND SUPPLEMENTARY

51 Meaning of certain expressions relating to nationality in other Acts and instruments.

- (1) Without prejudice to subsection (3)(c), in any enactment or instrument whatever passed or made before commencement
“British subject” and
“Commonwealth citizen” have the same meaning, that is—
 - (a) in relation to any time before commencement—
 - (i) a person who under the 1948 Act was at that time a citizen of the United Kingdom and Colonies or who, under any enactment then in force in a country mentioned in section 1(3) of that Act as then in force, was at that time a citizen of that country; and
 - (ii) any other person who had at that time the status of a British subject under that Act or any other enactment then in force;
 - (b) in relation to any time after commencement, a person who has the status of a Commonwealth citizen under this Act.
- (2) In any enactment or instrument whatever passed or made after commencement—
“British subject” means a person who has the status of a British subject under this Act;
“Commonwealth citizen” means a person who has the status of a Commonwealth citizen under this Act.
- (3) In any enactment or instrument whatever passed or made before commencement—
 - (a) “citizen of the United Kingdom and Colonies”—
 - (i) in relation to any time before commencement, means a person who under the 1948 Act was at that time a citizen of the United Kingdom and Colonies;

Changes to legislation: British Nationality Act 1981, Section 51 is up to date with all changes known to be in force on or before 22 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

- (ii) in relation to any time after commencement, means a person who under [^{F1}the British Nationality Acts 1981 and 1983][^{F2}or the British Overseas Territories Act 2002] is a British citizen, a [^{F3}British overseas territories citizen] or a British Overseas citizen [^{F4}or who under the Hong Kong (British Nationality) Order 1986 is a British National (Overseas)];
- (b) any reference to ceasing to be a citizen of the United Kingdom and Colonies shall, in relation to any time after commencement, be construed as a reference to becoming a person who is neither a British citizen nor a [^{F3}British overseas territories citizen][^{F5}nor a British National (Overseas)] nor a British Overseas citizen;
- (c) any reference to a person who is a British subject (or a British subject without citizenship) by virtue of section 2, 13, or 16 of the 1948 Act or by virtue of, or of section 1 of, the ^{M1}British Nationality Act 1965 shall, in relation to any time after commencement, be construed as a reference to a person who under this Act is a British subject.
- (4) In any statutory provision, whether passed or made before or after commencement, and in any other instrument whatever made after commencement
- “alien”, in relation to any time after commencement, means a person who is neither a Commonwealth citizen nor a British protected person nor a citizen of the Republic of Ireland.
- (5) The preceding provisions of this section—
- (a) shall not apply in cases where the context otherwise requires; and
- (b) shall not apply to this Act or to any instrument made under this Act.

Textual Amendments

- F1** Words substituted by [British Nationality \(Falkland Islands\) Act 1983 \(c. 6, SIF 87\), s. 4\(3\)](#)
- F2** Words in s. 51(3)(a)(ii) inserted (21.5.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 5, Sch. 1 para. 6; S.I. 2002/1252, art. 2](#)
- F3** Words in s. 51 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 2\(2\)\(b\)](#)
- F4** By [S.I. 1986/948, art. 7\(9\)\(a\)](#) it is provided that s. 51 shall have effect as if in subsection (3) at the end of para. (a)(ii) there were inserted the words “or who under the Hong Kong (British Nationality) Order 1986 is a British National (Overseas)”
- F5** By [S.I. 1986/948, art. 7\(9\)\(b\)](#) it is provided that s. 51 shall have effect as if in subsection (3) in para. (b) after the words “British Dependent Territories citizen” there were inserted the words “nor a British National (Overseas)”

Modifications etc. (not altering text)

- C1** [S. 51\(3\)](#) modified (19.3.1997) by [1997 c. 20, s. 2\(3\)](#)
- C2** [S. 51\(3\)](#) amended (18.7.1996) by [1996 c. 41, s. 2\(2\)](#)

Marginal Citations

- M1** [1965 c. 34.](#)

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