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**Changes to legislation:** There are currently no known outstanding effects for the British Overseas Territories Act 2002, SCHEDULE 1. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 1

Section 5

#### BRITISH CITIZENSHIP AND THE BRITISH OVERSEAS TERRITORIES

##### *Birth or adoption*

- 1 (1) Section 1 of the British Nationality Act 1981 (c. 61) (acquisition of British citizenship by birth or adoption) is amended as follows.
- (2) In subsection (1) (entitlement of person born in the United Kingdom whose parent is a British citizen or settled in the United Kingdom)—
- (a) after “born in the United Kingdom after commencement” insert “, or in a qualifying territory on or after the appointed day,” and
  - (b) in paragraph (b), after “settled in the United Kingdom” insert “ or that territory”.
- (3) In subsection (2) (presumption in relation to infants found abandoned in the United Kingdom)—
- (a) after the first “United Kingdom”, insert “, or on or after the appointed day is found abandoned in a qualifying territory,”,
  - (b) in paragraph (a), after “commencement” insert “ or in that territory on or after the appointed day”, and
  - (c) in paragraph (b), after “United Kingdom”, insert “ or that territory”.
- (4) In subsection (5) (as inserted by the Adoption (Intercountry Aspects) Act 1999 (c. 18)) (entitlement of a person adopted pursuant to the order of a court in the United Kingdom), after “United Kingdom” insert “ or, on or after the appointed day, any court in a qualifying territory”.
- (5) In relation to any time after the commencement of this Schedule but before the coming into force of section 7 of the Adoption (Intercountry Aspects) Act 1999, in subsection (5) (entitlement pursuant to adoption order made by court in the United Kingdom), for “he” substitute “ or where on or after the appointed day such an order is made by any court in a qualifying territory, the minor”.

##### *Descent*

- 2 (1) Section 2 of that Act (acquisition by descent) is amended as follows; but nothing in this paragraph affects the operation of that section in relation to persons born before the commencement of this Schedule.
- (2) In subsection (1) (birth outside the United Kingdom)—
- (a) after the first “outside the United Kingdom” insert “ and the qualifying territories”.

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- (b) in paragraph (b), after “outside the United Kingdom” insert “ and the qualifying territories ” and after “in the United Kingdom” insert “ or a qualifying territory ”, and
  - (c) in paragraph (c), after “outside the United Kingdom” insert “ and the qualifying territories ”.
- (3) In subsection (2)(a) (Crown service under the government of the United Kingdom), after “United Kingdom” insert “ or of a qualifying territory ”.
- (4) In subsection (3) (services associated with the government of the United Kingdom)—
- (a) after the first “United Kingdom” insert “ and the qualifying territories ”, and
  - (b) after the second “United Kingdom” insert “ or in a qualifying territory ”.

#### *Registration of minors*

- 3 (1) Section 3 of that Act (acquisition by registration: minors) is amended as follows; but nothing in this paragraph affects the operation of that section in relation to persons born before the commencement of this Schedule.
- (2) In subsection (2) (registration of persons born outside United Kingdom), after “outside the United Kingdom” insert “ and the qualifying territories ”.
- (3) In subsection (3)(c) (requirements in case of infants)—
- (a) in sub-paragraph (i), after “United Kingdom” insert “ or a qualifying territory ”, and
  - (b) in sub-paragraph (ii), after “United Kingdom” insert “ and the qualifying territories ”.
- (4) In subsection (5) (requirements in case of minors)—
- (a) after “outside the United Kingdom” insert “ and the qualifying territories ”, and
  - (b) in paragraph (b), after “in the United Kingdom” insert “ or a qualifying territory ” and after “from the United Kingdom” insert “ and the qualifying territories ”.

#### *Commonwealth citizens*

- 4 In section 37(1)(a) of that Act (meaning of “Commonwealth citizen”), after “1983” insert “ or the British Overseas Territories Act 2002 ”.

#### *Interpretation*

- 5 (1) Section 50 of that Act (interpretation) is amended as follows.
- (2) In subsection (1) (list of defined terms), insert at the appropriate places—
- ““appointed day” means the day appointed by the Secretary of State under section 8 of the British Overseas Territories Act 2002 for the commencement of Schedule 1 to that Act;”,
- and
- ““qualifying territory” means a British overseas territory other than the Sovereign Base Areas of Akrotiri and Dhekelia;”.

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(3) In subsection (7) (birth aboard ships and aircraft) for the words from “The preceding provisions” to the end substitute—

“(7A) For the purposes of this Act a person born outside a qualifying territory aboard a ship or aircraft—

- (a) shall be deemed to have been born in that territory if—
  - (i) at the time of the birth his father or mother was a British citizen or a British overseas territories citizen; or
  - (ii) he would, but for this subsection, have been born stateless, and (in either case) at the time of the birth the ship or aircraft was registered in that territory or was an unregistered ship or aircraft of the government of that territory; but
- (b) subject to paragraph (a), is to be regarded as born outside that territory, whoever was the owner of the ship or aircraft at the time, and irrespective of whether or where it was then registered.

(7B) For the purposes of this Act a person born outside a British overseas territory, other than a qualifying territory, aboard a ship or aircraft—

- (a) shall be deemed to have been born in that territory if—
  - (i) at the time of the birth his father or mother was a British overseas territories citizen; or
  - (ii) he would, but for this subsection, have been born stateless, and (in either case) at the time of the birth the ship or aircraft was registered in that territory or was an unregistered ship or aircraft of the government of that territory; but
- (b) subject to paragraph (a), is to be regarded as born outside that territory, whoever was the owner of the ship or aircraft at the time, and irrespective of whether or where it was then registered.”

6 In section 51(3)(a)(ii) of that Act (“citizen of the United Kingdom and colonies”), after “1983” insert “ or the British Overseas Territories Act 2002 ”.

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