



# British Nationality Act 1948

## 1948 CHAPTER 56

### PART III

#### SUPPLEMENTAL

#### **23 Legitimated children**

- (1) A person born out of wedlock and legitimated by the subsequent marriage of his parents shall, as from the date of the marriage or of the commencement of this Act, whichever is later, be treated, for the purpose of determining whether he is a citizen of the United Kingdom and Colonies, or was a British subject immediately before the commencement of this Act, as if he had been born legitimate.
- (2) A person shall be deemed for the purposes of this section to have been legitimated by the subsequent marriage of his parents if by the law of the place in which his father was domiciled at the time of the marriage the marriage operated immediately or subsequently to legitimate him, and not otherwise.

#### **24 Posthumous children**

Any reference in this Act to the status or description of the father of a person at the time of that person's birth shall, in relation to a person born after the death of his father, be construed as a reference to the status or description of the father at the time of the father's death ; and where that death occurred before, and the birth occurs after, the commencement of this Act, the status or description which would have been applicable to the father had he died after the commencement of this Act shall be deemed to be the status or description applicable to him at the time of his death.

#### **25 Certificate of citizenship in case of doubt**

The Secretary of State may in such cases as he thinks fit, on the application of any person with respect to whose citizenship of the United Kingdom and Colonies a doubt exists, whether on a question of fact or of law, certify that that person is a citizen of the United Kingdom and Colonies ; and a certificate issued under this section shall, unless

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it is proved that it was obtained by means of fraud, false representation or concealment of any material fact, be conclusive evidence that that person was such a citizen on the date thereof, but without prejudice to any evidence that he was such a citizen at an earlier date.

## **26 Discretion of Secretary of State, Governor or High Commissioner**

The Secretary of State, the Governor or the High Commissioner, as the case may be, shall not be required to assign any reason for the grant or refusal of any application under this Act the decision on which is at his discretion ; and the decision of the Secretary of State, Governor or High Commissioner on any such application shall not be subject to appeal to or review in any court.

## **27 Evidence**

- (1) Every document purporting to be a notice, certificate, order or declaration, or an entry in a register, or a subscription of an oath of allegiance, given, granted or made under this Act, the British Nationality and Status of Aliens Acts, 1914 to 1943, or any Act repealed by those Acts, shall be received in evidence, and shall, unless the contrary is proved, be deemed to have been given, granted or made by or on behalf of the person by whom or on whose behalf it purports to have been given, granted or made.
- (2) Prima facie evidence of any such document as aforesaid may be given by production of a document purporting to be certified as a true copy thereof by such person and in such manner as may be prescribed.
- (3) Any entry in a register made under this Act, the British Nationality and Status of Aliens Acts, 1914 to 1943, or any Act repealed by those Acts, shall be received as evidence of the matters stated in the entry.
- (4) For the purposes of this Act, a certificate given by or on behalf of the Secretary of State that a person was at any time in Crown service under His Majesty's government in the United Kingdom shall be conclusive evidence of that fact.

## **28 Offences**

- (1) Any person who for the purpose of procuring anything to be done or not to be done under this Act makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, shall be liable on summary conviction in the United Kingdom to imprisonment for a term not exceeding three months.
- (2) Any person who fails to comply with any requirement imposed on him by regulations made under this Act with respect to the delivering up of certificates of naturalisation shall be liable on summary conviction in the United Kingdom to a fine not exceeding one hundred pounds.

## **29 Orders in Council, regulations and rules**

- (1) The Secretary of State may by regulations make provision generally for carrying into effect the purposes of this Act, and in particular—
  - (a) for prescribing anything which under this Act is to be prescribed;

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- (b) for the registration of anything required or authorised under this Act to be registered ;
  - (c) for the administration and taking of oaths of allegiance under this Act, for the time within which oaths of allegiance shall be taken and for the registration of oaths of allegiance;
  - (d) for the giving of any notice required or authorised to be given to any person under this Act;
  - (e) for the cancellation of the registration of, and the cancellation and amendment of certificates of naturalisation relating to, persons deprived of citizenship under this Act, and for requiring such certificates to be delivered up for those purposes ;
  - (f) for the registration by consular officers or other officers in the service of His Majesty's government in the United Kingdom of the births and deaths of persons of any class or description born or dying in a protected state or foreign country ;
  - (g) for enabling the births and deaths of citizens of the United Kingdom and Colonies and British protected persons born or dying in any country in which His Majesty's government in the United Kingdom has for the time being no diplomatic or consular representatives to be registered by persons serving in the diplomatic, consular or other foreign service of any country which, by arrangement with His Majesty's government in the United Kingdom, has undertaken to represent that government's interest in that country, or by a person authorised in that behalf by the Secretary of State ;
  - (h) with the consent of the Treasury, for the imposition and recovery of fees in respect of any application made to the Secretary of State under this Act or in respect of any registration, or the making of any declaration, or the grant of any certificate, or the taking of any oath of allegiance, authorised to be made, granted or taken by or under this Act, and in respect of supplying a certified or other copy of any notice, certificate, order, declaration or entry, given, granted or made as aforesaid ; and for the application of any such fees.
- (2) His Majesty may by Order in Council provide for the application, with such adaptations and modifications as may be necessary, to births and deaths registered in accordance with regulations made under paragraphs (f) and (g) of the last foregoing subsection, or registered at a consulate of His Majesty in accordance with regulations made under the British Nationality and Status of Aliens Acts, 1914 to 1943, or in accordance with instructions of the Secretary of State, of the Births and Deaths Registration Acts, 1836 to 1947, the Registration of Births, Deaths and Marriages (Scotland) Acts, 1854 to 1947, or any Act (including any Act, whether passed before or after the commencement of this Act, of the Parliament of Northern Ireland) for the time being in force in Northern Ireland relating to the registration of births and deaths ; and any such Order in Council may exclude, in relation to births and deaths so registered, any of the provisions of section twenty-seven of this Act.
- (3) The Secretary of State or, as the case may be, the Governor of any colony, protectorate or United Kingdom trust territory may make rules for the practice and procedure to be followed in connection with references under this Act to a committee of inquiry ; and such rules may, in particular, provide for conferring on any such committee any powers, rights or privileges of any court, and for enabling any powers so conferred to be exercised by one or more members of the committee.
- (4) Any power of the Secretary of State to make regulations or rules under this Act shall be exercised by statutory instrument.

- (5) Any Order in Council made under this Act may be revoked or varied by a subsequent Order in Council.

### **30 Protectorates and protected states**

- (1) His Majesty may, in relation to the states and territories under His protection through His government in the United Kingdom, by Order in Council declare which of those states and territories are protectorates and which of them are protected states for the purposes of this Act.
- (2) His Majesty may by Order in Council apply the provisions of this Act to the New Hebrides and to Canton Island as if they were protected states.
- (3) His Majesty may by Order in Council direct that in this Act any reference specified in the Order to protectorates shall be construed as including a reference to such protected states as may be so specified, and that in relation to any protected state so specified any reference in this Act to the Governor shall be construed as including a reference to such person as may be specified in the Order.

### **31 Assimilation of status of natural-born and other British subjects under existing enactments**

For the purpose of assimilating the rights and liabilities of natural-born and other British subjects under the enactments specified in Part I of the Fourth Schedule to this Act, those enactments are hereby repealed to the extent specified in the third column of that Part.

### **32 Interpretation**

- (1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively ascribed to them, that is to say :—
- " Alien " means a person who is not a British subject, a British protected person or a citizen of Eire;
- " Australia " includes the territories of Papua and the territory of Norfolk Island ;
- " British protected person " means a person who is a member of a class of persons declared by Order in Council made in relation to any protectorate, protected state, mandated territory or trust territory to be for the purposes of this Act British protected persons by virtue of their connection with that protectorate, state or territory;
- " Colony " does not include any country mentioned in subsection (3) of section one of this Act;
- " Crown service under His Majesty's government in the United Kingdom " means the service of the Crown under His Majesty's government in the United Kingdom, or under His Majesty's government in Northern Ireland, or under the government of any colony, protectorate, protected state, United Kingdom mandated territory or United Kingdom trust territory, whether such service is in any part of His Majesty's dominions or elsewhere ;
- " Foreign country " means a country other than the United Kingdom, a colony, a country mentioned in subsection (3) of section one of this Act, Eire, a protectorate, a protected state, a mandated territory and a trust territory;

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" Governor ", in relation to a colony, protectorate or United Kingdom trust territory, includes the officer for the time being administering the government of that colony, protectorate or territory, and includes the person for the time being exercising the functions of British Resident at Zanzibar;

" Mandated territory " means a territory administered by the government of any part of His Majesty's dominions in accordance with a mandate from the League of Nations;

" Minor " means a person who has not attained the age of twenty-one years ;

" Naturalised person " means a person who became a British subject or citizen of Eire by virtue of a certificate of naturalisation granted to him or in which his name was included;

" Person naturalised in the United Kingdom and Colonies " means—

- (a) in relation to a person naturalised after the commencement of this Act, a person to whom a certificate of naturalisation has been granted by the Secretary of State or by the Governor of a colony, protectorate or United Kingdom trust territory ;
- (b) in relation to a person naturalised before the commencement of this Act,
  - (i) a person to whom a certificate of naturalisation was granted by the Secretary of State, or, under section eight of the British Nationality and Status of Aliens Act, 1914, by the government of any British possession other than the countries mentioned in subsection (3) of section one of this Act, or
  - (ii) a person who by virtue of subsection (2) of section twenty-seven of the British Nationality and Status of Aliens Act, 1914, is deemed to be a person to whom a certificate of naturalisation was granted, if the certificate of naturalisation in which his name was included was granted by the Secretary of State or by the government of any such British possession as aforesaid or if he was deemed to be a naturalised British subject by reason of his residence with his father or mother;

" Prescribed " means prescribed by regulations made under this Act;

" Protected state " and " protectorate " have the meaning assigned to them by section thirty of this Act;

" Trust territory " means a territory administered by the government of any part of His Majesty's dominions under the trusteeship system of the United Nations ;

" United Kingdom consulate " means the office of a consular officer of His Majesty's government in the United Kingdom where a register of births is kept, or where there is no such office, such office as may be prescribed ;

" United Kingdom mandated territory " and " United Kingdom trust territory " mean respectively a mandated territory and a trust territory administered by His Majesty's government in the United Kingdom.

- (2) Subject to the provisions of section twenty-three of this Act, any reference in this Act to a child shall be construed as a reference to a legitimate child; and the expressions " father ", " ancestor " and " descended " shall be construed accordingly.
- (3) References in this Act to any country mentioned in subsection (3) of section one of this Act shall include references to the dependencies of that country.

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- (4) Any reference in this Act to India, being a reference to a state of affairs existing before the fifteenth day of August, nineteen hundred and forty-seven, shall be construed as a reference to British India as defined by section three hundred and eleven of the Government of India Act, 1935.
- (5) For the purposes of this Act, a person born aboard a registered ship or aircraft, or aboard an unregistered ship or aircraft of the government of any country, shall be deemed to have been born in the place in which the ship or aircraft was registered or, as the case may be, in that country.
- (6) For the purposes of this Act, any person who, by the law in force immediately before the commencement of this Act in any colony or protectorate, enjoyed the privileges of naturalisation within that colony or protectorate only shall be deemed to have become immediately before the commencement of this Act a British subject and a person naturalised in the United Kingdom and Colonies.
- (7) A person shall, in relation to any country mentioned in subsection (3) of section one of this Act in which a citizenship law has not taken effect at the date of the commencement of this Act, be deemed for the purposes of this Act to be potentially a citizen of that country at that date if he, or his nearest ancestor in the male line who acquired British nationality otherwise than by reason of his parentage, acquired British nationality by any of the following means, that is to say—
- (a) by birth within the territory comprised at the date of the commencement of this Act in that country ; or
  - (b) by virtue of a certificate of naturalisation granted by the government of that country ; or
  - (c) by virtue of the annexation of any territory included at the date of the commencement of this Act in that country;
- and a woman shall, in addition, be deemed for the purposes of this Act to be at the commencement of this Act potentially a citizen of any country mentioned in subsection (3) of section one of this Act if any person to whom she has been married is, or would but for his death have been, potentially a citizen thereof at that date.
- (8) In this Act the expression " citizenship law " in relation to any country mentioned in subsection (3) of section one of this Act means an enactment of the legislature of that country declared by order of the Secretary of State made by statutory instrument at the request of the government of that country to be an enactment making provision for citizenship thereof; and a citizenship law shall be deemed for the purposes of this Act to have taken effect in a country on the date which the Secretary of State by order so made at the request of the government of that country declares to be the date on which it took effect.
- (9) A person shall for the purposes of this Act be of full age if he has attained the age of twenty-one years and of full capacity if he is not of unsound mind.
- (10) For the purposes of this Act, a person shall be deemed not to have attained a given age until the commencement of the relevant anniversary of the day of his birth.
- (11) Any reference in this Act to any other Act shall, unless the context otherwise requires, be construed as a reference to that Act as amended by or under any other enactment.

### **33 Channel Islands and Isle of Man**

- (1) References in this Act to colonies shall be construed as including references to the Channel Islands and the Isle of Man; and in its application to those islands this Act shall have effect as if references to the Governor included references to the Lieutenant-Governor.
- (2) A citizen of the United Kingdom and Colonies may, if on the ground of his connection with the Channel Islands or the Isle of Man he so desires, be known as a citizen of the United Kingdom, Islands and Colonies.

### **34 Short title, commencement and repeal**

- (1) This Act may be cited as the British Nationality Act, 1948.
- (2) This Act shall come into force on the first day of January, nineteen hundred and forty-nine.
- (3) Subject to the provisions of section seventeen of, and the Third Schedule to, this Act, the enactments specified in Part II of the Fourth Schedule to this Act are hereby repealed to the extent specified in the third column of that Part :

Provided that the British Nationality and Status of Aliens Acts, 1914 to 1943, so far as they extend to Newfoundland and Southern Rhodesia, shall continue in force in each of those countries until provision to the contrary is made by the legislature thereof.