



British Nationality Act 1981

1981 CHAPTER 61

PART III

BRITISH OVERSEAS CITIZENSHIP

26 Citizens of U.K. and Colonies who are to become British Overseas citizens at commencement

Any person who was a citizen of the United Kingdom and Colonies immediately before commencement and who does not at commencement become either a British citizen or a British Dependent Territories citizen shall at commencement become a British Overseas citizen.

27 Registration of minors

- (1) If while a person is a minor an application is made for his registration as a British Overseas citizen, the Secretary of State may, if he thinks fit, cause him to be registered as such a citizen.
- (2) A person born in a foreign country within five years after commencement shall be entitled, on an application for his registration as a British Overseas citizen made within the period of twelve months from the date of the birth, to be registered as such a citizen if—
 - (a) the requirements referred to in subsection (1)(a) of section 9 are fulfilled in the case of that person's father, subsection (2)(b) of that section being for the purposes of this paragraph read as if—
 - (i) any reference to becoming a British citizen were a reference to becoming a citizen of any of the following descriptions, namely a British citizen, a British Dependent Territories citizen and a British Overseas citizen; and
 - (ii) the reference to remaining a British citizen throughout any period were a reference to being throughout that period a citizen of at least one of those descriptions (though not necessarily the same one) throughout that period ; and

Status: This is the original version (as it was originally enacted).

- (b) had that person been born before commencement and become a citizen of the United Kingdom and Colonies as mentioned in subsection (1)(b) of that section, he would at commencement have become a British Overseas citizen by virtue of section 26.

28 Registration by virtue of marriage

- (1) A woman who immediately before commencement was the wife of a citizen of the United Kingdom and Colonies shall be entitled, on an application for her registration as a British Overseas citizen made within five years after commencement, to be registered as a British Overseas citizen if—
 - (a) immediately before commencement she would (if she had applied for it) have been entitled under section 6(2) of the 1948 Act to be registered as a citizen of the United Kingdom and Colonies by virtue of her marriage to the man who was then her husband; and
 - (b) that man became a British Overseas citizen at commencement and did not at any time in the period from commencement to the date of the application under this subsection cease to be such a citizen as a result of a declaration of renunciation ; and
 - (c) she remained married to him throughout that period.
- (2) On an application for her registration as a British Overseas citizen made within five years after commencement, the Secretary of State may, if he thinks fit, cause a woman to be registered as such a citizen if—
 - (a) immediately before commencement she would (if she had applied for it) have been entitled under section 6(2) of the 1948 Act to be registered as a citizen of the United Kingdom and Colonies by virtue of having been married to a man to whom she is no longer married on the date of the application under this subsection; and
 - (b) that man became a British Overseas citizen at commencement or would have done so but for his death.
- (3) On an application for her registration as a British Overseas citizen made within five years after commencement by a woman who at the time of the application is married, the Secretary of State may, if he thinks fit, cause her to be registered as such a citizen if—
 - (a) immediately before commencement she would (if she had applied for it) have been entitled under section 6(2) of the 1948 Act to be registered as a citizen of the United Kingdom and Colonies by virtue of her being or having been married to the man who is her husband on the date of the application under this subsection ; and
 - (b) that man either—
 - (i) became a British Overseas citizen at commencement but has ceased to be such a citizen as a result of a declaration of renunciation ; or
 - (ii) would have become a British Overseas citizen at commencement but for his having ceased to be a citizen of the United Kingdom and Colonies as a result of a declaration of renunciation.

29 Renunciation

The provisions of section 12 shall apply in relation to British Overseas citizens and British Overseas citizenship as they apply in relation to British citizens and British citizenship.