



British Nationality Act 1981

1981 CHAPTER 61

PART I

BRITISH CITIZENSHIP

Acquisition after commencement: special cases

7 Right to registration by virtue of residence in U.K. or relevant employment.

[^{F1}(1) A person shall be entitled, on an application for his registration as a British citizen made (subject to subsections (6) and (7)) within five years after commencement, to be registered as such a citizen if either of the following requirements is satisfied in his case, namely—

- (a) that, if paragraphs 2 and 3 (but not paragraph 4 or 5) of Schedule 1 to the ^{M1}Immigration Act 1971 had remained in force, he would (had he applied for it) have been, on the date of the application under this subsection, entitled under the said paragraph 2 to be registered in the United Kingdom as a citizen of the United Kingdom and Colonies; or
- (b) that, if section 5A of the 1948 Act (and section 2 of the Immigration Act 1971 as in force immediately before commencement) had remained in force, he would (had he applied for it) have been, both at commencement and on the date of the application under this subsection, entitled under section 5A(1) of the 1948 Act to be registered as a citizen of the United Kingdom and Colonies.

(2) A person shall be entitled, on an application for his registration as a British citizen made (subject to subsection (8)) within six years after commencement, to be registered as such a citizen if he—

- (a) was ordinarily resident in the United Kingdom throughout a period ending at commencement but not amounting to five years; and
- (b) throughout the period from commencement to the date of the application—
 - (i) remained ordinarily resident in the United Kingdom; and
 - (ii) had the right of abode in the United Kingdom under the ^{M2}Immigration Act 1971; and

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Changes to legislation: British Nationality Act 1981, Cross Heading: Acquisition after commencement: special cases is up to date with all changes known to be in force on or before 05 August 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)

- (c) had on the date of the application been ordinarily resident in the United Kingdom for the last five years or more.
- (3) Subject to subsection (5), if, in the case of an application for the registration of a person under subsection (2) as a British citizen, that person has been engaged in relevant service throughout any period (of whatever length), that period shall for the purposes of subsection (2) be treated as a period throughout which he was ordinarily resident in the United Kingdom.
- (4) For the purposes of subsection (3) “relevant service” means—
- (a) Crown service under the government of the United Kingdom; or
 - (b) service under any international organisation of which the United Kingdom or Her Majesty’s government therein is a member; or
 - (c) service in the employment of any company or association established in the United Kingdom.
- (5) A person shall not be registered under subsection (2) wholly or partly by reason of service within subsection (4)(b) or (c) unless it seems to the Secretary of State fitting that he should be so registered by reason of his close connection with the United Kingdom.
- (6) If in the special circumstances of any particular case the Secretary of State thinks fit, he may treat subsection (1) as if—
- (a) the reference to five years after commencement were a reference to eight years after commencement; or
 - (b) where subsection (7) applies, as if the reference to five years from the date on which the person to whom the application relates attains full age were a reference to eight years from that date,
- but shall not do so in the case of an application based on paragraph (b) of subsection (1) unless the person to whom the application relates would have been entitled to be registered under that subsection on an application so based made immediately before the end of the five years after commencement.
- (7) In the case of any person who is a minor at commencement, the reference to five years after commencement in subsection (1) above shall be treated as a reference to five years from the date on which he attains full age.
- (8) If in the special circumstances of any particular case the Secretary of State thinks fit, he may treat subsection (2) as if the reference to six years after commencement were a reference to eight years after commencement.]

Textual Amendments

- F1** S. 7 ceased to have effect (7.11.2002) and repealed (prosp.) by virtue of [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), ss. 15, 161, 162, [Sch. 2 para. 1\(a\)](#), [Sch. 9](#) (with s. 159, [Sch. 2 para. 2](#))

Marginal Citations

- M1** 1971 c. 77.
M2 1971 c. 77.

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8 Registration by virtue of marriage.

- [^{F2}(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 citizen made within five years after commencement, to be registered as a British 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 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 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 citizen at commencement or would have done so but for his death.
- (3) On an application for her registration as a British 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 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 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.]

Textual Amendments

F2 S. 8 ceased to have effect (7.11.2002) and repealed (prosp.) by virtue of [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), ss. 15, 161, 162, [Sch. 2 para. 1\(b\)](#), [Sch. 9](#) (with s. 159, [Sch. 2 para. 2](#))

9 Right to registration by virtue of father's citizenship etc.

- [^{F3}(1) A person born in a foreign country within five years after commencement shall be entitled, on an application for his registration as a British citizen made within the

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period of twelve months from the date of the birth, to be registered as such a citizen if—

- (a) the requirements specified in subsection (2) are fulfilled in the case of that person's father; and
 - (b) had that person been born before commencement and become a citizen of the United Kingdom and Colonies by virtue of section 5 of the 1948 Act (citizenship by descent) as a result of the registration of his birth at a United Kingdom consulate under paragraph (b) of the proviso to section 5(1) of that Act, he would immediately before commencement have had the right of abode in the United Kingdom by virtue of section 2(1)(b) of the ^{M3}Immigration Act 1971 as then in force (connection with United Kingdom through parent or grandparent).
- (2) The requirements referred to in subsection (1)(a) are that the father of the person to whom the application relates—
- (a) immediately before commencement or at his death (whichever was earlier)—
 - (i) was a citizen of the United Kingdom and Colonies by virtue of section 5 of the 1948 Act (citizenship by descent) or was a person who, under any provision of the British Nationality Acts 1948 to 1965, was deemed for the purposes of the proviso to section 5(1) of the 1948 Act to be a citizen of the United Kingdom and Colonies by descent only; and
 - (ii) was married to that person's mother; and
 - (iii) was ordinarily resident in a foreign country (no matter which) within the meaning of the 1948 Act; and
 - (b) either—
 - (i) became a British citizen at commencement and remained such a citizen throughout the period from commencement to the date of the application or, if he died during that period, throughout the period from commencement to his death; or
 - (ii) would have become a British citizen at commencement but for his death.]

Textual Amendments

F3 S. 9 ceased to have effect (7.11.2002) and repealed (prosp.) by virtue of [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), ss. 15, 161, 162, [Sch. 2 para. 1\(c\)](#), [Sch. 9](#) (with s. 159, [Sch. 2 para. 2](#))

Marginal Citations

M3 1971 c. 77.

10 Registration following renunciation of citizenship of U.K. and Colonies.

- (1) Subject to subsection (3), a person shall be entitled, on an application for his registration as a British citizen, to be registered as such a citizen if immediately before commencement he would (had he applied for it) have been entitled under section 1(1) of the ^{M4}British Nationality Act 1964 (resumption of citizenship) to be registered as a citizen of the United Kingdom and Colonies by virtue of having an appropriate qualifying connection with the United Kingdom or [^{F4}, if a woman,] by virtue of having been married before commencement to a person who has, or would if living have, such a connection.

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- (2) On an application for his registration as a British citizen made by a person of full capacity who had before commencement ceased to be a citizen of the United Kingdom and Colonies as a result of a declaration of renunciation, the Secretary of State may, if he thinks fit, cause that person to be registered as a British citizen if that person—
- (a) has an appropriate qualifying connection with the United Kingdom; or
 - (b) [^{F4}if a woman,] has been married to a person who has, or would if living have, such a connection.
- (3) A person shall not be entitled to registration under subsection (1) on more than one occasion.
- (4) For the purposes of this section a person shall be taken to have an appropriate qualifying connection with the United Kingdom if he, his father or his father's father—
- (a) was born in the United Kingdom; or
 - (b) is or was a person naturalised in the United Kingdom; or
 - (c) was registered as a citizen of the United Kingdom and Colonies in the United Kingdom or in a country which at the time was mentioned in section 1(3) of the 1948 Act.

Textual Amendments

- F4** Words in s. 10(1)(2) ceased to have effect (with effect as mentioned in s. 162(3) of the amending Act) by Nationality, Immigration and Asylum Act 2002 (c. 41), ss. 5(a), 162 (with s. 159)
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Marginal Citations

- M4** 1964 c. 22.

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