



British Nationality Act 1981

1981 CHAPTER 61

PART II

[^{F1}BRITISH OVERSEAS TERRITORIES CITIZENSHIP]

Textual Amendments

F1 Pt. II heading substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 2\(2\)\(a\)](#)

Modifications etc. (not altering text)

C1 Pt. II (ss. 15–25) excluded by [S.I. 1983/882, art. 2\(3\)](#)

Acquisition after commencement

15 Acquisition by birth or adoption.

- (1) A person born in a [^{F2} British overseas territory] after commencement shall be a [^{F3}British overseas territories citizen] if at the time of the birth his father or mother is—
 - (a) a [^{F4}British overseas territories citizen] ; or
 - (b) settled in a [^{F5} British overseas territory] .
- (2) A new-born infant who, after commencement, is found abandoned in a [^{F5} British overseas territory] shall, unless the contrary is shown, be deemed for the purposes of subsection (1)—
 - (a) to have been born in that territory after commencement; and
 - (b) to have been born to a parent who at the time of the birth was a [^{F4}British overseas territories citizen] or settled in a [^{F5} British overseas territory] .
- (3) A person born in a [^{F5} British overseas territory] after commencement who is not a [^{F4}British overseas territories citizen] by virtue of subsection (1) or (2) shall be entitled to be registered as such a citizen if, while he is a minor—

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- (a) his father or mother becomes such a citizen or becomes settled in a [^{F5} British overseas territory] ; and
 - (b) an application is made for his registration as such a citizen.
- (4) A person born in a [^{F5} British overseas territory] after commencement who is not a [^{F4} British overseas territories citizen] by virtue of subsection (1) or (2) shall be entitled, on an application for his registration as a [^{F4} British overseas territories citizen] made at any time after he has attained the age of ten years, to be registered as such a citizen if, as regards each of the first ten years of that person's life, the number of days on which he was absent from that territory in that year does not exceed 90.
- (5) Where after commencement an order authorising the adoption of a minor who is not a [^{F4} British overseas territories citizen] is made by a court in any [^{F5} British overseas territory] , he shall be a [^{F4} British overseas territories citizen] as from the date on which the order is made if the adopter or, in the case of a joint adoption, one of the adopters, is a [^{F4} British overseas territories citizen] on that date.
- (6) Where an order in consequence of which any person became a [^{F6} British overseas territories citizen] by virtue of subsection (5) ceases to have effect, whether on annulment or otherwise, the cesser shall not affect the status of that person as such a citizen.
- (7) If in the special circumstances of any particular case the Secretary of State thinks fit, he may for the purposes of subsection (4) treat the person to whom the application relates as fulfilling the requirements specified in that subsection although, as regards any one or more of the first ten years of that person's life, the number of days on which he was absent from the [^{F5} British overseas territory] there mentioned in that year or each of the years in question exceeds 90.

Textual Amendments

- F2** Words in s. 15 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 1\(1\)\(b\)](#)
- F3** Words in s. 15 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 2\(2\)\(b\)](#)
- F4** Words in s. 15 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 2\(2\)\(b\)](#)
- F5** Words in s. 15 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 1\(1\)\(b\)](#)
- F6** Words in s. 15 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 2\(2\)\(b\)](#)

16 Acquisition by descent.

- (1) A person born outside the [^{F7} British overseas territories] after commencement shall be a [^{F8} British overseas territories citizen] if at the time of the birth his father or mother—
- (a) is such a citizen otherwise than by descent; or
 - (b) is such a citizen and is serving outside the [^{F7} British overseas territories] in service to which this paragraph applies, his or her recruitment for that service having taken place in a [^{F9} British overseas territory] .
- (2) Paragraph (b) of subsection (1) applies to—
- (a) Crown service under the government of a [^{F9} British overseas territory] ; and
 - (b) service of any description for the time being designated under subsection (3).
- (3) For the purposes of this section the Secretary of State may by order made by statutory instrument designate any description of service which he considers to be

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closely associated with the activities outside the [F7British overseas territories] of the government of any [F10 British overseas territory] .

- (4) Any order made under subsection (3) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F7** Words in s. 16 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 1\(1\)\(b\)](#)
F8 Words in s. 16(1) substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s.2\(2\)\(b\)](#)
F9 Words in s. 16 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 1\(1\)\(b\)](#)
F10 Words in s. 16 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 1\(1\)\(b\)](#)

17 Acquisition by registration: minors.

- (1) If while a person is a minor an application is made for his registration as a [F11British overseas territories citizen] the Secretary of State may, if he thinks fit, cause him to be registered as such a citizen.
- (2) A person born outside the [F12British overseas territories] shall be entitled, on an application for his registration as a [F11British overseas territories citizen] made within the period of twelve months from the date of the birth, to be registered as such a citizen if the requirements specified in subsection (3) or, in the case of a person born stateless, the requirements specified in paragraphs (a) and (b) of that subsection, are fulfilled in the case of either that person's father or his mother ("the parent in question").
- (3) The requirements referred to in subsection (2) are—
- (a) that the parent in question was a [F11British overseas territories citizen] by descent at the time of the birth; and
 - (b) that the father or mother of the parent in question—
 - (i) was a [F11British overseas territories citizen] otherwise than by descent at the time of the birth of the parent in question; or
 - (ii) became a [F11British overseas territories citizen] otherwise than by descent at commencement, or would have become such a citizen otherwise than by descent at commencement but for his or her death; and
 - (c) that, as regards some period of three years ending with a date not later than the date of the birth—
 - (i) the parent in question was in a [F13British overseas territory] at the beginning of that period; and
 - (ii) the number of days on which the parent in question was absent from that territory in that period does not exceed 270.
- (4) 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 twelve months were a reference to six years.
- (5) A person born outside the [F12British overseas territories] shall be entitled, and on application for his registration as a [F11British overseas territories citizen] made while he is a minor, to be registered as such a citizen if the following requirements are satisfied, namely—

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- (a) that at the time of that person's birth his father or mother was a [F11British overseas territories citizen] by descent; and
 - (b) subject to subsection (6), that that person and his father and mother were in one and the same [F13British overseas territory](no matter which) at the beginning of the period of three years ending with the date of the application and that, in the case of each of them, the number of days on which the person in question was absent from the last-mentioned territory in that period does not exceed 270; and
 - (c) subject to subsection (6), that the consent of his father and mother to the registration has been signified in the prescribed manner.
- (6) In the case of an application under subsection (5) for the registration of a person as a [F11British overseas territories citizen]—
- (a) if his father or mother died, or their marriage [F14or civil partnership] was terminated, on or before the date of the application, or his father and mother were legally separated on that date, the references to his father and mother in paragraph (b) of that subsection shall be read either as references to his father or as references to his mother;
 - (b) if his father or mother died on or before that date, the reference to his father and mother in paragraph (c) of that subsection shall be read as a reference to either of them; and
 - (c) if he was born illegitimate, all those references shall be read as references to his mother.

Textual Amendments

- F11** Words in s. 17 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), s. 2(2)(b)
- F12** Words in s. 17 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), s. 1(1)(b)
- F13** Words in s. 17 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), s. 1(1)(b)
- F14** Words in s. 17(6)(a) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 261(1), 263, [Sch. 27 para. 75](#); [S.I. 2005/3175](#), art. 2(2) (subject to art. 2(3)-(5))

18 Acquisition by naturalisation.

- (1) If, on an application for naturalisation as a [F15British overseas territories citizen] made by a person of full age and capacity, the Secretary of State is satisfied that the applicant fulfils the requirements of Schedule 1 for naturalisation as such a citizen under this subsection, he may, if he thinks fit, grant to him a certificate of naturalisation as such a citizen.
- (2) If, on an application for naturalisation as a [F15British overseas territories citizen] made by a person of full age and capacity who on the date of the application is married to such a citizen, [F16or is the civil partner of such a citizen] the Secretary of State is satisfied that the applicant fulfils the requirements of Schedule 1 for naturalisation as such a citizen under this subsection, he may, if he thinks fit, grant to him a certificate of naturalisation as such a citizen.
- (3) Every application under this section shall specify the [F17British overseas territory] which is to be treated as the relevant territory for the purposes of that application; and, in relation to any such application, references in Schedule 1 to the relevant territory shall be construed accordingly.

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Textual Amendments

- F15** Words in s. 18 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 2\(2\)\(b\)](#)
- F16** Words in s. 18(2) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\), ss. 261\(1\), 263, Sch. 27 para. 76; S.I. 2005/3175, art. 2\(2\)](#) (subject to [art. 2\(3\)-\(5\)](#))
- F17** Words in s. 18(3) substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 1\(1\)\(b\)](#)

Acquisition after commencement: special cases

19 Right to registration by virtue of residence in [^{F18}British overseas territory].

^{F19}

Textual Amendments

- F18** Words in s. 19 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 1\(1\)\(b\)](#)
- F19** [S. 19](#) 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\(d\), Sch. 9](#) (with s. 159, Sch. 2 para. 2)

20 Registration by virtue of marriage.

^{F20}

Textual Amendments

- F20** [S. 20](#) 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\(e\), Sch. 9](#) (with s. 159, Sch. 2 para. 2)

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

^{F21}

Textual Amendments

- F21** [S. 21](#) 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\(f\), Sch. 9](#) (with s. 159, Sch. 2 para. 2)

22 Right to registration replacing right to resume citizenship of U.K. and Colonies.

- (1) Subject to subsection (3), a person shall be entitled, on an application for his registration as a [^{F22}British overseas territories 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 ^{M1}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 a [^{F23}British overseas territory] or ^{F24} . . . 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 [^{F22}British overseas territories 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 [^{F22}British overseas territories citizen] if that person—
- (a) has an appropriate qualifying connection with a [^{F23}British overseas territory]; or
 - (b) [^{F24} . . . has been married to [^{F25}, or has been the civil partner of,] 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 a [^{F23}British overseas territory] if he, his father or his father's father—
- (a) was born in that territory; or
 - (b) is or was a person naturalised in that territory; or
 - (c) was registered as a citizen of the United Kingdom and Colonies in that territory; or
 - (d) became a British subject by reason of the annexation of any territory included in that territory.

Textual Amendments

- F22** Words in s. 22 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 2\(2\)\(b\)](#)
- F23** Words in s. 22 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 1\(1\)\(b\)](#)
- F24** Words in s. 22(1)(2) repealed (1.4.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\), ss. 5\(b\), 161, 162, Sch. 9](#) (with s. 159); [S.I. 2003/754, art. 2\(1\)](#), Sch. 1 (with arts. 3, 4, Sch. 2 (as amended by [S.I. 2003/1040, art. 2](#) and [S.I. 2003/1339, art. 4](#)))
- F25** Words in s. 22(2)(b) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\), ss. 261\(1\), 263, Sch. 27 para. 77](#); [S.I. 2005/3175, art. 2\(2\)](#) (subject to [art. 2\(3\)-\(5\)](#))

Modifications etc. (not altering text)

- C2** [S. 22\(1\)\(2\)](#) restricted (4.12.2006) by [Immigration, Asylum and Nationality Act 2006 \(c. 13\), ss. 58, 62](#); [S.I. 2006/2838, art. 4\(1\)](#) (subject to [art. 4\(2\)](#))

Marginal Citations

- M1** [1964 c. 22.](#)

Acquisition at commencement

23 **Citizens of U.K. and Colonies who are to become [^{F26}British overseas territories citizens] at commencement.**

- (1) A person shall at commencement become a [^{F27}British overseas territories citizen] if—
- (a) immediately before commencement he was a citizen of the United Kingdom and Colonies who had that citizenship by his birth, naturalisation or registration in a [^{F28}British overseas territory] ; or

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- (b) he was immediately before commencement a citizen of the United Kingdom and Colonies, and was born to a parent—
 - (i) who at the time of the birth (“the material time”) was a citizen of the United Kingdom and Colonies; and
 - (ii) who either had that citizenship at the material time by his birth, naturalisation or registration in a [^{F28}British overseas territory] or was himself born to a parent who at the time of that birth so had that citizenship; or
 - (c) being a woman, she was immediately before commencement a citizen of the United Kingdom and Colonies and either was then, or had at any time been, the wife of a man who under paragraph (a) or (b) becomes a [^{F27}British overseas territories citizen] at commencement or would have done so but for his death.
- (2) A person shall at commencement become a [^{F27}British overseas territories citizen] if—
- (a) immediately before commencement he was a citizen of the United Kingdom and Colonies by virtue of registration under section 7 of the 1948 Act (minor children) or section 1 of the ^{M2}British Nationality (No. 2) Act 1964 (stateless persons); and
 - (b) he was so registered otherwise than in a [^{F28}British overseas territory] ; and
 - (c) his father or mother (in the case of a person registered under the said section 7) or his mother (in the case of a person registered under the said section 1)—
 - (i) was a citizen of the United Kingdom and Colonies at the time of the registration or would have been such a citizen at that time but for his or her death; and
 - (ii) becomes a [^{F27}British overseas territories citizen] at commencement or would have done so but for his or her death.
- (3) A person who—
- (a) immediately before commencement was a citizen of the United Kingdom and Colonies by virtue of having been registered under subsection (6) of section 12 of the 1948 Act (British subjects before commencement of 1948 Act becoming citizens of United Kingdom and Colonies) otherwise than in a [^{F28}British overseas territory] ; and
 - (b) was so registered on an application under that subsection based on the applicant’s descent in the male line from a person (“the relevant person”) possessing one of the qualifications specified in subsection (1) of that section (birth or naturalisation in the United Kingdom and Colonies, or acquisition of the status of British subject by reason of annexation of territory),
- shall at commencement become a [^{F27}British overseas territories citizen] if the relevant person—
- (i) was born or naturalised in a [^{F28}British overseas territory] ; or
 - (ii) became a British subject by reason of the annexation of any territory included in a [^{F28}British overseas territory] .
- (4) A person who—
- (a) immediately before commencement was a citizen of the United Kingdom and Colonies by virtue of registration under section 1 of the ^{M3}British Nationality Act 1964 (resumption of citizenship); and
 - (b) was so registered otherwise than in a [^{F28}British overseas territory] ; and
 - (c) was so registered by virtue of having an appropriate qualifying connection with a [^{F28}British overseas territory] or, if a woman, by virtue of having been

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married to a person who at the time of the registration had or would, if then living, have had such a connection,
shall at commencement become a [^{F27}British overseas territories citizen] .

- (5) For the purposes of subsection (4) a person shall be taken to have an appropriate qualifying connection with a [^{F28}British overseas territory] if he, his father or his father's father—
- (a) was born in a [^{F28}British overseas territory] ; or
 - (b) is or was a person naturalised in a [^{F28}British overseas territory] ; or
 - (c) was registered as a citizen of the United Kingdom and Colonies in a [^{F28}British overseas territory] ; or
 - (d) became a British subject by reason of the annexation of any territory included in a [^{F28}British overseas territory] .
- (6) For the purposes of subsection (1)(b) references to citizenship of the United Kingdom and Colonies shall, in relation to a time before the year 1949, be construed as references to British nationality.

Textual Amendments

- F26** Words in s. 23 sidenote substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 2\(2\)\(b\)](#)
- F27** Words in s. 23 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 2\(2\)\(b\)](#)
- F28** Words in s. 23 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 1\(1\)\(b\)](#)

Marginal Citations

- M2** 1964 c. 54.
- M3** 1964 c. 22.

Renunciation and resumption

24 Renunciation and resumption.

The provisions of sections 12 and 13 shall apply in relation to [^{F29}British overseas territories citizens] and [^{F30}British overseas territories citizenship] as they apply in relation to British citizens and British citizenship.

Textual Amendments

- F29** Words in s. 24 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 2\(2\)\(b\)](#)
- F30** Words in s. 24 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 2\(2\)\(a\)](#)

Modifications etc. (not altering text)

- C3** S. 24 restricted (4.12.2006) by [Immigration, Asylum and Nationality Act 2006 \(c. 13\), ss. 58, 62; S.I. 2006/2838, art. 4\(1\)](#) (subject to [art. 4\(2\)](#))

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Supplementary

25 Meaning of [F31British overseas territories citizen]“by descent”.

- (1) For the purposes of this Act a [F31British overseas territories citizen] is such a citizen “by descent” if and only if—
- (a) he is a person born outside the [F32British overseas territories] after commencement who is a [F31British overseas territories citizen] by virtue of section 16(1)(a) only or by virtue of registration under section 17(2) or 21; or
 - (b) subject to subsection (2), he is a person born outside the [F32British overseas territories] before commencement who became a [F31British overseas territories citizen] at commencement and immediately before commencement—
 - (i) was a citizen of the United Kingdom and Colonies by virtue of section 5 of the 1948 Act (citizenship by descent); or
 - (ii) 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, or would have been so deemed if male; or
 - (c) he is a [F31British overseas territories citizen] by virtue of registration under section 17(1) and either—
 - (i) his father or mother was a [F31British overseas territories citizen] at the time of the birth; or
 - (ii) his father or mother was a citizen of the United Kingdom and Colonies at that time and became a [F31British overseas territories citizen] at commencement, or would have done so but for his or her death; or
 - (d) subject to subsection (2), he is a person born outside the [F32British overseas territories] before commencement who became a [F31British overseas territories citizen] at commencement under section 23(1)(b) only; or
 - (e) subject to subsection (2), being a woman, she became a [F31British overseas territories citizen] at commencement under section 23(1)(c) only, and did so only by virtue of having been, immediately before commencement or earlier, the wife of a man who immediately after commencement was, or would but for his death have been, a [F31British overseas territories citizen] by descent by virtue of paragraph (b) or (d) of this subsection; or
 - (f) subject to subsection (2), being a woman born outside the [F32British overseas territories] before commencement, she is a [F31British overseas territories citizen] as a result of her registration as such a citizen under section 20 by virtue of being or having been married to a man who at commencement became such a citizen by descent or would have done so but for his having died or ceased to be a citizen of the United Kingdom and Colonies as a result of a declaration of renunciation; or
 - (g) he is a [F31British overseas territories citizen] by virtue of registration under section 22 who, having before commencement ceased to be a citizen of the United Kingdom and Colonies as a result of a declaration of renunciation, would, if he had not so ceased, have at commencement become a [F31British overseas territories citizen] by descent by virtue of paragraph (b), (d) or (e);
 - (h) he is a [F31British overseas territories citizen] by virtue of registration under section 13 (as applied by section 24) who, immediately before he ceased to be a [F31British overseas territories citizen] as a result of a declaration of renunciation, was such a citizen by descent; or

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- (i) he is a person born in the United Kingdom after commencement who is a [^{F31}British overseas territories citizen] by virtue of paragraph 1 of Schedule 2.
- (2) A person born outside the [^{F32}British overseas territories] before commencement is not a [^{F31}British overseas territories citizen] “by descent” by virtue of subsection (1)(b), (d), (e) or (f) if his father was at the time of his birth serving outside the [^{F32}British overseas territories] in service of a description mentioned in subsection (3), his recruitment for the service in question having taken place in a [^{F33}British overseas territory] .
- (3) The descriptions of service referred to in subsection (2) are—
 - (a) Crown service under the government of a [^{F33}British overseas territory] ; and
 - (b) service of any description at any time designated under section 16(3).

Textual Amendments

F31 Words in s. 25 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 2\(2\)\(b\)](#)

F32 Words in s. 25 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 1\(1\)\(b\)](#)

F33 Words in s. 25 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 1\(1\)\(b\)](#)

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