



British Nationality Act 1981

1981 CHAPTER 61

PART V

MISCELLANEOUS AND SUPPLEMENTARY

[^{F1} 40 Deprivation of citizenship.]

(1) In this section a reference to a person's "citizenship status" is a reference to his status as—

- (a) a British citizen,
- (b) a British overseas territories citizen,
- (c) a British Overseas citizen,
- (d) a British National (Overseas),
- (e) a British protected person, or
- (f) a British subject.

[^{F2}(2) The Secretary of State may by order deprive a person of a citizenship status if the Secretary of State is satisfied that deprivation is conducive to the public good.]

(3) The Secretary of State may by order deprive a person of a citizenship status which results from his registration or naturalisation if the Secretary of State is satisfied that the registration or naturalisation was obtained by means of—

- (a) fraud,
- (b) false representation, or
- (c) concealment of a material fact.

(4) The Secretary of State may not make an order under subsection (2) if he is satisfied that the order would make a person stateless.

[^{F3}(4A) But that does not prevent the Secretary of State from making an order under subsection (2) to deprive a person of a citizenship status if—

- (a) the citizenship status results from the person's naturalisation,
- (b) the Secretary of State is satisfied that the deprivation is conducive to the public good because the person, while having that citizenship status, has conducted

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- him or herself in a manner which is seriously prejudicial to the vital interests of the United Kingdom, any of the Islands, or any British overseas territory, and
- (c) the Secretary of State has reasonable grounds for believing that the person is able, under the law of a country or territory outside the United Kingdom, to become a national of such a country or territory.]

- (5) Before making an order under this section in respect of a person the Secretary of State must give the person written notice specifying—
- (a) that the Secretary of State has decided to make an order,
 - (b) the reasons for the order, and
 - (c) the person’s right of appeal under section 40A(1) or under section 2B of the Special Immigration Appeals Commission Act 1997 (c. 68).

[^{F4}(5A) Subsection (5) does not apply if—

- (a) the Secretary of State does not have the information needed to be able to give notice under that subsection,
- (b) the Secretary of State reasonably considers it necessary, in the interests of—
 - (i) national security,
 - (ii) the investigation or prosecution of organised or serious crime,
 - (iii) preventing or reducing a risk to the safety of any person, or
 - (iv) the relationship between the United Kingdom and another country,
 that notice under that subsection should not be given.

(5B) In subsection (5A), references to giving notice under subsection (5) are to giving that notice in accordance with such regulations under section 41(1)(e) as for the time being apply.

(5C) Subsection (5D) applies where—

- (a) the Secretary of State has made an order under subsection (2) and, in reliance on subsection (5A), has not given the notice required by subsection (5), and
- (b) the person in respect of whom the order was made makes contact with the Secretary of State for the Home Department.

(5D) The Secretary of State must, as soon as is reasonably practicable, give the person written notice specifying—

- (a) that the Secretary of State has made the order,
- (b) the reasons for the order, and
- (c) the person’s right of appeal under section 40A(1) or under section 2B of the Special Immigration Appeals Commission Act 1997.

(5E) Schedule 4A makes provision for the Special Immigration Appeals Commission to consider a decision of the Secretary of State—

- (a) not to give notice to a person before depriving them of a citizenship status on the grounds mentioned in subsection (2) (deprivation conducive to the public good), or
- (b) not to give late notice to a person who has been deprived of a citizenship status on those grounds without having been given prior notice.]

(6) Where a person acquired a citizenship status by the operation of a law which applied to him because of his registration or naturalisation under an enactment having effect before commencement, the Secretary of State may by order deprive the person of

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the citizenship status if the Secretary of State is satisfied that the registration or naturalisation was obtained by means of—

- (a) fraud,
- (b) false representation, or
- (c) concealment of a material fact.]

Textual Amendments

- F1** Ss. 40, 40A substituted (1.4.2003) for s. 40 by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), [ss. 4\(1\)\(4\)](#), 162 (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](#)))
- F2** S. 40(2) substituted (16.6.2006) by [Immigration, Asylum and Nationality Act 2006 \(c. 13\)](#), [ss. 56\(1\)](#), 62; [S.I. 2006/1497](#), [art. 3](#), Sch.
- F3** S. 40(4A) inserted (28.7.2014) by [Immigration Act 2014 \(c. 22\)](#), [ss. 66\(1\)](#), 75(3); [S.I. 2014/1820](#), [art. 3\(t\)](#) as amended by [SI 2014/2771](#) [art 14](#)
- F4** S. 40(5A)-(5E) inserted (10.5.2023) by [Nationality and Borders Act 2022 \(c. 36\)](#), [ss. 10\(2\)](#), 87(1) (with s. 10(6)-(8)); [S.I. 2023/450](#), [reg. 2\(a\)](#)

Modifications etc. (not altering text)

- C1** S. 40 extended by [S.I. 1986/948](#), [art.7\(11\)](#)
- C2** Ss. 40–42, 44–48, 50 extended by [British Nationality \(Hong Kong\) Act 1990 \(c. 34, SIF 87\)](#), [s. 2\(3\)](#)
- C3** S. 40 amended (18.7.1996) by [1996 c. 41](#), [s. 2\(2\)](#)
- C4** S. 40 modified (19.3.1997) by [1997 c. 20](#), [s. 2\(3\)](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4AA inserted by [2024 c. 19 s. 1\(2\)](#)
- s. 6(3)(4) inserted by [2009 c. 11 s. 40\(2\)](#) (Amending provision prospectively repealed by [2022 c. 36, s. 9\(3\)\(a\)](#))
- s. 41(1)(bc)-(be) inserted by [2009 c. 11 s. 41\(2\)](#) (Amending provision prospectively repealed by [2022 c. 36, s. 9\(3\)\(a\)](#))
- s. 41(1B)(1C) inserted by [2009 c. 11 s. 41\(3\)](#) (Amending provision prospectively repealed by [2022 c. 36, s. 9\(3\)\(a\)](#))
- s. 50A(1)(aa) inserted by [2024 c. 19 s. 1\(4\)\(a\)](#)
- Sch. 1 para. 2(1)(ba)(bb) inserted by [2009 c. 11 s. 39\(5\)](#) (Amending provision prospectively repealed by [2022 c. 36, s. 9\(3\)\(a\)](#))
- Sch. 1 para. 2(1)(ca) inserted by [2009 c. 11 s. 39\(7\)](#) (Amending provision prospectively repealed by [2022 c. 36, s. 9\(3\)\(a\)](#))
- Sch. 1 para. 2(5) inserted by [2009 c. 11 s. 39\(10\)](#) (Amending provision prospectively repealed by [2022 c. 36, s. 9\(3\)\(a\)](#))
- Sch. 1 para. 6(2)-(4) inserted by [2022 c. 36 Sch. 1 para. 3\(4\)\(d\)](#)
- Sch. 1 para. 2(1)(c) repealed by [2009 c. 11 s. 39\(6\)](#)[Sch. Pt. 2](#) (Amending provision prospectively repealed by [2022 c. 36, s. 9\(3\)\(a\)](#))
- Sch. 1 para. 2(1)(a) substituted by [2009 c. 11 s. 39\(4\)](#) (Amending provision prospectively repealed by [2022 c. 36, s. 9\(3\)\(a\)](#))
- Sch. 1 para. 2(2)-(4) substituted for Sch. 1 para. 2(2)(3) by [2009 c. 11 s. 39\(9\)](#) (Amending provision prospectively repealed by [2022 c. 36, s. 9\(3\)\(a\)](#))
- Sch. 1 para. 2(1)(d) word substituted by [2009 c. 11 s. 39\(8\)\(a\)](#) (Amending provision prospectively repealed by [2022 c. 36, s. 9\(3\)\(a\)](#))
- Sch. 1 para. 2(1)(d) words substituted by [2009 c. 11 s. 39\(8\)\(b\)](#) (Amending provision prospectively repealed by [2022 c. 36, s. 9\(3\)\(a\)](#))