



# British Nationality Act 1948

## 1948 CHAPTER 56

### PART I

#### BRITISH NATIONALITY

#### **1 British nationality by virtue of citizenship**

- (1) Every person who under this Act is a citizen of the United Kingdom and Colonies or who under any enactment for the time being in force in any country mentioned in subsection (3) of this section is a citizen of that country shall by virtue of that citizenship have the status of a British subject.
- (2) Any person having the status aforesaid may be known either as a British subject or as a Commonwealth citizen ; and accordingly in this Act and in any other enactment or instrument whatever, whether passed, or made before or after the commencement of this Act, the expression " British subject " and the expression " Commonwealth citizen " shall have the same meaning.
- (3) The following are the countries hereinbefore referred to, that is to say, Canada, Australia, New Zealand, the Union of South Africa, Newfoundland, India, Pakistan, Southern Rhodesia and Ceylon.

#### **2 Continuation of certain citizens of Eire as British subjects**

- (1) Any citizen of Eire who immediately before the commencement of this Act was also a British subject shall not by reason of anything contained in section one of this Act be deemed to have ceased to be a British subject if at any time he gives notice in writing to the Secretary of State claiming to remain a British subject on all or any of the following grounds, that is to say—
  - (a) that he is or has been in Crown service under His Majesty's government- in the United Kingdom ;
  - (b) that he is the holder of a British passport issued by His Majesty's government in the United Kingdom or the government of any colony, protectorate, United Kingdom mandated territory or United Kingdom trust territory ;

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- (c) that he has associations by way of descent, residence or otherwise with the United Kingdom or with any colony or protectorate or any such territory as aforesaid.
- (2) A claim under the foregoing subsection may be made on behalf of a child who has not attained the age of sixteen years by any person who satisfies the Secretary of State that he is a parent or guardian of the child.
- (3) If by any enactment for the time being in force in any country mentioned in subsection (3) of section one of this Act provision corresponding to the foregoing provisions of this section is made for enabling citizens of Eire to claim to remain British subjects, any person who by virtue of that enactment is a British subject shall be deemed also to be a British subject by virtue of this section.

### **3 Limitation of criminal liability of citizens of countries mentioned in s. 1 (3) and Eire. Status of citizens of Eire and British protected persons**

- (1) A British subject or citizen of Eire who is not a citizen of the United Kingdom and Colonies shall not be guilty of an offence against the laws of any part of the United Kingdom and Colonies or of any protectorate or United Kingdom trust territory by reason of anything done or omitted in any country mentioned in subsection (3) of section one of this Act or in Eire or in any foreign country, unless—
  - (a) the act or omission would be an offence if he were an alien ; and
  - (b) in the case of an act or omission in any country mentioned in subsection (3) of section one of this Act or in Eire, it would be an offence if the country in which the act is done or the omission made were a foreign country :

Provided that nothing in this subsection shall apply to the contravention of any provision of the Merchant Shipping Acts, 1894 to 1948.

- (2) Subject to the provisions of this section, any law in force in any part of the United Kingdom and Colonies or in, any protectorate or United Kingdom trust territory at the date of the commencement of this Act, whether by virtue of a rule of law or of an Act of Parliament or any other enactment or instrument whatsoever, and any law which by virtue of any Act of Parliament passed before that date comes into force in any such place as aforesaid on or after that date, shall, until provision to the contrary is made by the authority having power to alter that law, continue to have effect in relation to citizens of Eire who are not British subjects in like manner as it has effect in relation to British subjects.
- (3) In the Aliens Restriction Acts, 1914 and 1919, and in any order made thereunder the expression " alien " shall not include a British protected person.

## PART II

### CITIZENSHIP OF THE UNITED KINGDOM AND COLONIES

#### *Citizenship by birth or descent*

#### **4 Citizenship by birth**

Subject to the provisions of this section, every person born within the United Kingdom and Colonies after the commencement of this Act shall be a citizen of the United Kingdom and Colonies by birth :

Provided that a person shall not be such a citizen by virtue of this section if at the time of his birth—

- (a) his father possesses such immunity from suit and legal process as is accorded to an envoy of a foreign sovereign power accredited to His Majesty, and is not a citizen of the United Kingdom and Colonies; or
- (b) his father is an enemy alien and the birth occurs in a place then under occupation by the enemy.

#### **5 Citizenship by descent**

- (1) Subject to the provisions of this section, a person born after the commencement of this Act shall be a citizen of the United Kingdom and Colonies by descent if his father is a citizen of the United Kingdom and Colonies at the time of the birth:

Provided that if the father of such a person is a citizen of the United Kingdom and Colonies by descent only, that person shall not be a citizen of the United Kingdom and Colonies by virtue of this section unless—

- (a) that person is born or his father was born in a protectorate, protected state, mandated territory or trust territory or any place in a foreign country where by treaty, capitulation, grant, usage, sufferance, or other lawful means, His Majesty then has or had jurisdiction over British subjects ; or
- (b) that person's birth having occurred in a place in a foreign country other than a place such as is mentioned in the last foregoing paragraph, the birth is registered at a United Kingdom consulate within one year of its occurrence, or, with the permission of the Secretary of State, later ; or
- (c) that person's father is, at the time of the birth, in Crown service under His Majesty's government in the United Kingdom ; or
- (d) that person is born in any country mentioned in subsection (3) of section one of this Act in which a citizenship law has then taken effect and does not become a citizen thereof on birth.

- (2) If the Secretary of State so directs, a birth shall be deemed for the purposes of this section to have been registered with his permission notwithstanding that his permission was not obtained before the registration.

*Citizenship by registration*

**6 Registration of citizens of countries mentioned in s. 1 (3) or of Eire and wives of citizens of the United Kingdom and Colonies**

- (1) Subject to the provisions of subsection (3) of this section, a citizen of any country mentioned in subsection (3) of section one of this Act or a citizen of Eire, being a person of full age and capacity, shall be entitled, on making application therefor to the Secretary of State in the prescribed manner, to be registered as a citizen of the United Kingdom and Colonies if he satisfies the Secretary of State either—
  - (a) that he is ordinarily resident in the United Kingdom and has been so resident throughout the period of twelve months, or such shorter period as the Secretary of State may in the special circumstances of any particular case accept, immediately preceding his application ; or
  - (b) that he is in Crown service under His Majesty's government in the United Kingdom.
- (2) Subject to the provisions of subsection (3) of this section, a woman who has been married to a citizen of the United Kingdom and Colonies shall be entitled, on making application therefor to the Secretary of State in the prescribed manner, and, if she is a British protected person or an alien, on taking an oath of allegiance in the form specified in the First Schedule to this Act, to be registered as a citizen of the United Kingdom and Colonies, whether or not she is of full age and capacity.
- (3) A person who has renounced, or has been deprived of, citizenship of the United Kingdom and Colonies under this Act shall not be entitled to be registered as a citizen thereof under this section, but may be so registered with the approval of the Secretary of State.

**7 Registration of minors**

- (1) The Secretary of State may cause the minor child of any citizen of the United Kingdom and Colonies to be registered as a citizen of the United Kingdom and Colonies upon application made in the prescribed manner by a parent or guardian of the child.
- (2) The Secretary of State may, in such special circumstances as he thinks fit, cause any minor to be registered as a citizen of the United Kingdom and Colonies.

**8 Registration in countries mentioned in s. 1 (3), colonies, etc.**

- (1) The functions of the Secretary of State under the last two foregoing sections shall in any colony, protectorate or United Kingdom trust territory be exercised by the Governor; and those sections shall, in their application to any colony, protectorate or United Kingdom trust territory, have effect as if for references therein to the Secretary of State there were substituted references to the Governor, and as if for the reference in the first of the said sections to ordinary residence in the United Kingdom there were substituted a reference to ordinary residence in that colony, protectorate or territory as the case may be.
- (2) The Secretary of State may make arrangements for the exercise in any country mentioned in subsection (3) of section one of this Act of any of his functions under the last two foregoing sections by the High Commissioner for His Majesty's government in the United Kingdom.

## **9 Effect of registration as a citizen**

A person registered under any of the last three foregoing sections shall be a citizen of the United Kingdom and Colonies by registration as from the date on which he is registered.

### *Citizenship by naturalisation*

## **10 Naturalisation of aliens and British protected persons**

- (1) The Secretary of State may, if application therefor is made to him in the prescribed manner by any alien or British protected person of full age and capacity who satisfies him that he is qualified under the provisions of the Second Schedule to this Act for naturalisation, grant to him a certificate of naturalisation ; and the person to whom the certificate is granted shall, on taking an oath of allegiance in the form specified in the First Schedule to this Act, be a citizen of the United Kingdom and Colonies by naturalisation as from the date on which that certificate is granted.
- (2) The functions of the Secretary of State under the last foregoing subsection shall in any colony, protectorate or United Kingdom trust territory be exercised by the Governor; but he shall not grant a certificate of naturalisation except with the approval of the Secretary of State.

### *Citizenship by incorporation of territory*

## **11 Power to specify citizens by Order in Council on incorporation of territory**

If any territory becomes a part of the United Kingdom and Colonies, His Majesty may by Order in Council specify the persons who shall be citizens of the United Kingdom and Colonies by reason of their connection with that territory; and those persons shall be citizens of the United Kingdom and Colonies as from a date to be specified in the Order.

### *Transitional*

## **12 British subjects before commencement of Act becoming citizens of United Kingdom and Colonies**

- (1) A person who was a British subject immediately before the date of the commencement of this Act shall on that date become a citizen of the United Kingdom and Colonies if he possesses any of the following qualifications, that is to say—
  - (a) that he was born within the territories comprised at the commencement of this Act in the United Kingdom and Colonies, and would have been such a citizen if section four of this Act had been in force at the time of his birth;
  - (b) that he is a person naturalised in the United Kingdom and Colonies;
  - (c) that he became a British subject by reason of the annexation of any territory included at the commencement of this Act in the United Kingdom and Colonies.
- (2) A person who was a British subject immediately before the date of the commencement of this Act shall on that date become a citizen of the United Kingdom and Colonies

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if at the time of his birth his father was a British subject and possessed any of the qualifications specified in the last foregoing subsection.

- (3) A person who was a British subject immediately before the date of the commencement of this Act shall on that date become a citizen of the United Kingdom and Colonies if he was born within the territory comprised at the commencement of this Act in a protectorate, protected state or United Kingdom trust territory.
- (4) A person who was a British subject immediately before the date of the commencement of this Act and does not become a citizen of the United Kingdom and Colonies by virtue of any of the foregoing provisions of this section shall on that date become such a citizen unless—
  - (a) he is then a citizen of any country mentioned in subsection (3) of section one of this Act under a citizenship law having effect in that country, or a citizen of Eire ; or
  - (b) he is then potentially a citizen of any country mentioned in subsection (3) of section one of this Act.
- (5) A woman who was a British subject immediately before the date of the commencement of this Act and has before that date been married to a person who becomes, or would but for his death have become, a citizen of the United Kingdom and Colonies by virtue of any of the foregoing provisions of this section shall on that date herself become such a citizen.
- (6) If any person of full age and capacity who would have become a citizen of the United Kingdom and Colonies on the date of the commencement of this Act by virtue of subsection (4) of this section but for his citizenship or potential citizenship of any country mentioned in subsection (3) of section one of this Act makes application to the Secretary of State in the prescribed manner before the first day of January nineteen hundred and fifty for the registration of himself and any of his minor children as citizens of the United Kingdom and Colonies, and on such application satisfies the Secretary of State—
  - (a) that he is descended in the male line from a person possessing any of the qualifications specified in subsection (1) of this section ; and
  - (b) that he intends to make his ordinary place of residence within the United Kingdom and Colonies,then, if it seems to the Secretary of State fitting that that person should by reason of his close connection with the United Kingdom and Colonies become a citizen thereof, the Secretary of State may cause him, and any minor children to whom the application relates, to be registered as such ; and that person, and any such minor children as aforesaid, shall thereupon become citizens of the United Kingdom and Colonies.
- (7) The Secretary of State may make arrangements for the exercise in any country mentioned in subsection (3) of section one of this Act of any of his functions under the last foregoing subsection by the High Commissioner for His Majesty's government in the United Kingdom.
- (8) A male person who becomes a citizen of the United Kingdom and Colonies by virtue only of subsection (2), (4) or (6) of this section shall be deemed for the purposes of the proviso to subsection (1) of section five of this Act to be a citizen of the United Kingdom and Colonies by descent only.

**13 British subjects whose citizenship has not been ascertained at the commencement of this Act**

- (1) A person who was a British subject immediately before the date of the commencement of this Act and is at that date potentially a citizen of any country mentioned in subsection (3) of section one of this Act, but is not at that date a citizen of the United Kingdom and Colonies or of any country mentioned in that subsection or of Eire, shall as from that date remain a British subject without citizenship until he becomes a citizen of the United Kingdom and Colonies, a citizen of any country mentioned in subsection (3) of section one of this Act, a citizen of Eire or an alien ; and the provisions of the Third Schedule to this Act shall have effect in relation to a person who remains a British subject without citizenship by virtue of this section.
- (2) A person remaining a British subject without citizenship as aforesaid shall become a citizen of the United Kingdom and Colonies on the day on which a citizenship law has taken effect in each of the countries mentioned in subsection (3) of section one of this Act of which he is potentially a citizen, unless he then becomes or has previously become a citizen of any country mentioned in subsection (3) of section one of this Act, or has previously become a citizen of the United Kingdom and Colonies, a citizen of Eire or an alien.
- (3) A male person who becomes a citizen of the United Kingdom and Colonies by virtue of the last foregoing subsection shall be deemed for the purposes of the proviso to subsection (1) of section five of this Act to be a citizen thereof by descent only.

**14 Women who have ceased to be British subjects by reason of marriage**

A woman who, having before the commencement of this Act married any person, ceased on that marriage or during the continuance thereof to be a British subject shall be deemed for the purposes of this Act to have been a British subject immediately before the commencement of this Act.

**15 Persons who have ceased to be British subjects by failure to make declaration of retention of British Nationality**

- (1) Where any person whose British nationality depended upon his birth having been registered at a consulate of His Majesty has, under any enactment in force at any time before the commencement of this Act, ceased to be a British subject by reason of his failure to make a declaration of retention of British nationality after becoming of full age, that person shall, if he would but for that failure have been a British subject immediately before the commencement of this Act, be deemed for the purposes of this Act then to have been a British subject.
- (2) In determining for the purposes of this section whether a woman who has married an alien would but for her failure to make a declaration of retention of British nationality have been a British subject immediately before the commencement of this Act the marriage shall be disregarded.

**16 Persons who have ceased to be British subjects on loss of British nationality by parent**

- (1) This section shall apply to any person who—

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- (a) ceased to be a British subject under the provisions of subsection (1) of section twelve of the British Nationality and Status of Aliens Act, 1914 (which provided, subject to certain exceptions, that where a person being a British subject ceased to be such, whether by declaration of alienage or otherwise, every child of that person being a minor should thereupon cease to be a British subject), and
- (b) would but for the provisions of that subsection have been either a citizen of the United Kingdom and Colonies or a British subject without citizenship under section thirteen of this Act ;

and in determining for the purposes of this section whether a woman who has married an alien would but for those provisions have been such a citizen or subject the marriage shall be disregarded.

- (2) If any person to whom this section applies makes a declaration in the prescribed manner, within one year after the commencement of this Act or after his attaining the age of twenty-one years, whichever is later, or such longer period as the Secretary of State may allow, of his intention to resume British nationality, the Secretary of State shall cause the declaration to be registered ; and thereupon that person shall become a citizen of the United Kingdom and Colonies or, as the case may be, a British subject without citizenship ; and if he becomes a British subject without citizenship section thirteen of this Act shall apply to him accordingly.

#### **17 Registration of births occurring before commencement of Act**

Notwithstanding the repeal by this Act of the British Nationality and-Status of Aliens Act, 1943, the birth of a person born before the date of the commencement of this Act may be registered after that date at a consulate of His Majesty as defined in that Act; and if the birth is registered in the circumstances specified in subsection (2) of section one of that Act, that person shall be deemed for the purposes of this Act to have been a British subject immediately before the commencement of this Act.

#### **18 Applications for naturalisation pending at the commencement of Act**

- (1) Any application for a certificate of naturalisation, or for the inclusion of the name of a child in a certificate of naturalisation, made before the date of the commencement of this Act but not granted at that date may be treated as if it were an application for a certificate of naturalisation or for the registration of a minor child as a citizen of the United Kingdom and Colonies under this Act if the Secretary of State, or the Governor or other person to whom the application is made, is satisfied that the person to whom the application relates is qualified therefor.
- (2) Where a certificate of naturalisation has been granted before, and the applicant takes the oath of allegiance after, the commencement of this Act, the certificate shall be deemed for the purposes of this Act to have taken effect immediately before the commencement of this Act.

#### *Renunciation and Deprivation of citizenship*

#### **19 Renunciation of citizenship by reason of dual citizenship or nationality**

- (1) If any citizen of the United Kingdom and Colonies of full age and capacity who is also—



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- (a) a citizen of any country mentioned in subsection (3) of section one of this Act or of Eire ; or
- (b) a national of a foreign country,

makes a declaration in the prescribed manner of renunciation of citizenship of the United Kingdom and Colonies, the Secretary of State shall cause the declaration to be registered ; and, upon the registration, that person shall cease to be a citizen of the United Kingdom and Colonies :

Provided that the Secretary of State may withhold registration of any such declaration if it is made during any war in which His Majesty may be engaged by a person who is a national of a foreign country.

- (2) For the purposes of this section, any woman who has been married shall be deemed to be of full age.

## **20 Deprivation of citizenship**

- (1) A citizen of the United Kingdom and Colonies who is such by registration (including a person registered under subsection (6) of section twelve of this Act) or is a naturalised person shall cease to be a citizen of the United Kingdom and Colonies if he is deprived of that citizenship by an order of the Secretary of State made under this or the next following section.
- (2) Subject to the provisions of this section, the Secretary of State may by order deprive any such citizen of his citizenship if he is satisfied that the registration or certificate of naturalisation was obtained by means of fraud, false representation or the concealment of any material fact.
- (3) Subject to the provisions of this section, the Secretary of State may by order deprive any citizen of the United Kingdom and Colonies who is a naturalised person of that citizenship if he is satisfied that that citizen—
  - (a) has shown himself by act or speech to be disloyal or disaffected towards His Majesty ; or
  - (b) has, during any war in which His Majesty was engaged, unlawfully traded or communicated with an enemy or been engaged in or associated with any business that was to his knowledge carried on in such a manner as to assist an enemy in that war ; or
  - (c) has within five years after becoming naturalised been sentenced in any country to imprisonment for a term of not less than twelve months.
- (4) The Secretary of State may by order deprive any person naturalised in the United Kingdom and Colonies of his citizenship of the United Kingdom and Colonies if he is satisfied that that person has been ordinarily resident in foreign countries for a continuous period of seven years and during that period has neither—
  - (a) been at any time in the service of His Majesty or of an international organisation of which the government of any part of His Majesty's dominions was a member ; nor
  - (b) registered annually in the prescribed manner at a United Kingdom consulate his intention to retain his citizenship of the United Kingdom and Colonies.
- (5) The Secretary of State shall not deprive a person of citizenship under this section unless he is satisfied that it is not conducive to the public good that that person should continue to be a citizen of the United Kingdom and Colonies.

- (6) Before making an order under this section the Secretary of State shall give the person against whom the order is proposed to be made notice in writing informing him of the ground on which it is proposed to be made and, if the order is proposed to be made on any of the grounds specified in subsections (2) and (3) of this section, of his right to an inquiry under this section.
- (7) If the order is proposed to be made on any of the grounds specified in subsections (2) and (3) of this section and that person applies in the prescribed manner for an inquiry, the Secretary of State shall, and in any other case the Secretary of State may, refer the case to a committee of inquiry consisting of a chairman, being a person possessing judicial experience, appointed by the Secretary of State and of such other members appointed by the Secretary of State as he thinks proper.

## **21 Deprivation of citizenship of United Kingdom and Colonies where persons deprived of citizenship elsewhere**

- (1) Where a naturalised person who was a citizen of any country mentioned in subsection (3) of section one of this Act or of Eire has been deprived of that citizenship on grounds which, in the opinion of the Secretary of State, are substantially similar to any of the grounds specified in subsections (2), (3) and (4) of the last foregoing section, then, if that person is a citizen of the United Kingdom and Colonies, the Secretary of State may by an order made under this section deprive him of that citizenship, if the Secretary of State is satisfied that it is not conducive to the public good that that person should continue to be a citizen of the United Kingdom and Colonies.
- (2) Before making an order under this section the Secretary of State shall give the person against whom the order is proposed to be made notice in writing informing him of the ground on which it is proposed to be made and may refer the case to a committee of inquiry constituted in the manner provided by the last foregoing section.

## **22 Deprivation in colonies and other territories**

The functions of the Secretary of State under the last two foregoing sections shall, in any colony, protectorate or United Kingdom trust territory, be exercised by the Governor ; but he shall not make an order depriving any person of citizenship of the United Kingdom and Colonies except with the approval of the Secretary of State.

### **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 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;
  - (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;

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

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" 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;

" 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;

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

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" 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.
- (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.