



British Nationality Act 1981

1981 CHAPTER 61

PART I

BRITISH CITIZENSHIP

Supplementary

14 Meaning of British citizen (by descent).

- (1) For the purposes of this Act a British citizen is a British citizen “by descent” if and only if—
- (a) he is a person born outside the United Kingdom after commencement who is a British citizen by virtue of section 2(1)(a) only or by virtue of registration under section 3(2) or 9; or
 - (b) subject to subsection (2), he is a person born outside the United Kingdom before commencement who became a British 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
 - (iii) had the right of abode in the United Kingdom by virtue only of paragraph (b) of subsection (1) of section 2 of the ^{M1}Immigration Act 1971 as then in force (connection with United Kingdom through parent or grandparent), or by virtue only of that paragraph and paragraph (c) of that subsection (settlement in United Kingdom with five years’ ordinary residence there), or by virtue only of being or having been the wife of a person who immediately before commencement had that right by virtue only of the said paragraph (b) or the said paragraphs (b) and (c); or

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- (iv) being a woman, was a citizen of the United Kingdom and Colonies as a result of her registration as such a citizen under section 6(2) of the 1948 Act by virtue of having been married to a man who at commencement became a British 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
 - (c) he is a British citizen by virtue of registration under section 3(1) and either—
 - (i) his father or mother was a British 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 British citizen at commencement, or would have done so but for his or her death; or
 - (d) he is a British citizen by virtue of registration under [^{F1}section 4B [^{F2}, 4C] or 5]; or
 - [^{F3}(da) the person is a British citizen by descent by virtue of section 4F(3), 4G(2), 4H(2) or 4I(4); or]
 - [^{F4}(db) the person is a British citizen by virtue of registration under section 4K and is—
 - (i) a British overseas territories citizen by virtue of registration under section 17A, or
 - (ii) a British overseas territories citizen by descent by virtue of section 17C(3), 17D(2), 17E(2) or 17F(5); or]
 - (e) subject to subsection (2), being a woman born outside the United Kingdom before commencement, she is a British citizen as a result of her registration as such a citizen under section 8 by virtue of being or having been married to a man who at commencement became a British 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
 - (f) he is a British citizen by virtue of registration under section 10 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 British citizen by descent by virtue of paragraph (b); or
 - (g) he is a British citizen by virtue of registration under section 13 who, immediately before he ceased to be a British citizen as a result of a declaration of renunciation, was such a citizen by descent; or
 - (h) he is a person born in a [^{F5} British overseas territory] after commencement who is a British citizen by virtue of paragraph 2 of Schedule 2.
- (2) A person born outside the United Kingdom before commencement is not a British citizen “by descent” by virtue of subsection (1)(b) or (e) if his father was at the time of his birth serving outside the United Kingdom—
- (a) in service of a description mentioned in subsection (3), his recruitment for the service in question having taken place in the United Kingdom; or
 - (b) in service under a [^{F6}EU] institution, his recruitment for that service having taken place in a country which at the time of the recruitment was a member of the Communities.
- (3) The descriptions of service referred to in subsection (2) are—
- (a) Crown service under the government of the United Kingdom; and
 - (b) service of any description at any time designated under section 2(3).

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Textual Amendments

- F1** Words in s. 14(1)(d) substituted (30.4.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), [ss. 12\(2\)](#), 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** Words in s. 14(1)(d) inserted (30.4.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), [ss. 13\(2\)](#), 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](#)))
- F3** S. 14(1)(da) inserted (6.4.2015) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), [Sch. 9 para. 70\(2\)](#); [S.I. 2015/874](#), [art. 2\(c\)](#)
- F4** S. 14(1)(db) inserted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\)](#), [ss. 4\(3\)](#), 87(1); [S.I. 2022/590](#), [regs. 1\(2\)](#), 2, [Sch. 1 para. 3](#)
- F5** Words in s. 14(1)(h) substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [s. 1\(1\)\(b\)](#)
- F6** Words in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), [arts. 2, 3, 6](#) (with [arts. 3\(2\)\(3\)6\(4\)\(5\)](#))

Marginal Citations

- M1** 1971 c. 77.

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