



British Nationality Act 1981

1981 CHAPTER 61

PART II **U.K.**

BRITISH DEPENDENT TERRITORIES CITIZENSHIP

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. **U.K.**

- (1) A person born in a dependent territory after commencement shall be a British Dependent Territories citizen if at the time of the birth his father or mother is—
 - (a) a British Dependent Territories citizen; or
 - (b) settled in a dependent territory.
- (2) A new-born infant who, after commencement, is found abandoned in a dependent 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 British Dependent Territories citizen or settled in a dependent territory.
- (3) A person born in a dependent territory after commencement who is not a British Dependent 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—
 - (a) his father or mother becomes such a citizen or becomes settled in a dependent territory; and
 - (b) an application is made for his registration as such a citizen.

Status: Point in time view as at 01/02/1991.

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- (4) A person born in a dependent territory after commencement who is not a British Dependent Territories citizen by virtue of subsection (1) or (2) shall be entitled, on an application for his registration as a British Dependent 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 British Dependent Territories citizen is made by a court in any dependent territory, he shall be a British Dependent 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 British Dependent Territories citizen on that date.
- (6) Where an order in consequence of which any person became a British Dependent 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 dependent territory there mentioned in that year or each of the years in question exceeds 90.

16 Acquisition by descent. **U.K.**

- (1) A person born outside the dependent territories after commencement shall be a British Dependent 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 dependent territories in service to which this paragraph applies, his or her recruitment for that service having taken place in a dependent territory.
- (2) Paragraph (b) of subsection (1) applies to—
 - (a) Crown service under the government of a dependent 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 closely associated with the activities outside the dependent territories of the government of any dependent territory.
- (4) Any order made under subsection (3) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

17 Acquisition by registration: minors. **U.K.**

- (1) If while a person is a minor an application is made for his registration as a British Dependent Territories citizen the Secretary of State may, if he thinks fit, cause him to be registered as such a citizen.

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- (2) A person born outside the dependent territories shall be entitled, on an application for his registration as a British Dependent 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 British Dependent 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 British Dependent Territories citizen otherwise than by descent at the time of the birth of the parent in question; or
 - (ii) became a British Dependent 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 dependent 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 dependent territories shall be entitled, and on application for his registration as a British Dependent Territories citizen made while he is a minor, to be registered as such a citizen if the following requirements are satisfied, namely—
 - (a) that at the time of that person's birth his father or mother was a British Dependent Territories citizen by descent; and
 - (b) subject to subsection (6), that that person and his father and mother were in one and the same dependent 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 British Dependent Territories citizen—
 - (a) if his father or mother died, or their marriage 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

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- (c) if he was born illegitimate, all those references shall be read as references to his mother.

18 Acquisition by naturalisation. **U.K.**

- (1) If, on an application for naturalisation as a British Dependent 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 British Dependent Territories citizen made by a person of full age and capacity who on the date of the application is married to 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 dependent 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.

Acquisition after commencement: special cases

19 Right to registration by virtue of residence in dependent territory. **U.K.**

- (1) A person shall be entitled, on an application for his registration as a British Dependent Territories citizen made within five years, after commencement, to be registered as such a citizen if, had paragraphs 2 to 5 of Schedule 1 to the ^{M1}Immigration Act 1971 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 a dependent territory as a citizen of the United Kingdom and Colonies.
- (2) In the case of any person who is a minor at commencement, the reference to five years after commencement in subsection (1) shall be treated as a reference to five years from the date on which he attains full age.
- (3) 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 (2) 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.

Marginal Citations

M1 1971 c. 77.

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20 Registration by virtue of marriage. **U.K.**

- (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 Dependent Territories citizen made within five years after commencement, to be registered as a British Dependent Territories 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 Dependent Territories 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 Dependent Territories citizen made within five years after commencement the Secretary of State may, if he thinks fit, cause a woman to be registered as 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 Dependent Territories citizen at commencement or would have done so but for his death.
- (3) On an application for her registration as a British Dependent Territories 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 Dependent Territories 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 Dependent Territories 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.

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

A person born in a foreign country within five years after commencement shall be entitled, on an application for his registration as a British Dependent Territories citizen made within the period of twelve months from the date of the birth, to be registered as such a citizen if—

- (a) the requirements referred to in subsection (1)(a) of section 9 are fulfilled in the case of that person's father, subsection (2)(b) of that section being

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for the purposes of this paragraph read as if any reference to becoming or remaining a British citizen were a reference to becoming or, as the case may be, remaining a British Dependent Territories citizen; and

- (b) had that person been born before commencement and become a citizen of the United Kingdom and Colonies as mentioned in subsection (1) (b) of that section, he would at commencement have become a British Dependent Territories citizen by virtue of section 23(1)(b).

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

- (1) Subject to subsection (3), a person shall be entitled, on an application for his registration as a British Dependent 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 ^{M2}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 dependent territory or, if a woman, by virtue of having been married before commencement to a person who has, or would if living have, such a connection.
- (2) On an application for his registration as a British Dependent 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 British Dependent Territories citizen if that person—
- (a) has an appropriate qualifying connection with a dependent territory; or
 - (b) 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 a dependent 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.

Marginal Citations

M2 1964 c. 22.

Acquisition at commencement

23 **Citizens of U.K. and Colonies who are to become British Dependent Territories citizens at commencement.** **U.K.**

- (1) A person shall at commencement become a British Dependent Territories citizen if—

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- (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 dependent territory; or
 - (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 dependent 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 British Dependent Territories citizen at commencement or would have done so but for his death.
- (2) A person shall at commencement become a British Dependent 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 ^{M3}British Nationality (No. 2) Act 1964 (stateless persons); and
 - (b) he was so registered otherwise than in a dependent 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 British Dependent 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 dependent 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 British Dependent Territories citizen if the relevant person—
- (i) was born or naturalised in a dependent territory; or
 - (ii) became a British subject by reason of the annexation of any territory included in a dependent 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 ^{M4}British Nationality Act 1964 (resumption of citizenship); and
 - (b) was so registered otherwise than in a dependent territory; and

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- (c) was so registered by virtue of having an appropriate qualifying connection with a dependent territory or, if a woman, by virtue of having been 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 British Dependent Territories citizen.
- (5) For the purposes of subsection (4) a person shall be taken to have an appropriate qualifying connection with a dependent territory if he, his father or his father's father—
- (a) was born in a dependent territory; or
 - (b) is or was a person naturalised in a dependent territory; or
 - (c) was registered as a citizen of the United Kingdom and Colonies in a dependent territory; or
 - (d) became a British subject by reason of the annexation of any territory included in a dependent 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.

Marginal Citations

M3 1964 c. 54.

M4 1964 c. 22.

Renunciation and resumption

24 **Renunciation and resumption.** **U.K.**

The provisions of sections 12 and 13 shall apply in relation to British Dependent Territories citizens and British Dependent Territories citizenship as they apply in relation to British citizens and British citizenship.

Supplementary

25 **Meaning of British Dependent Territories citizen “by descent”.** **U.K.**

- (1) For the purposes of this Act a British Dependent Territories citizen is such a citizen “by descent” if and only if—
- (a) he is a person born outside the dependent territories after commencement who is a British Dependent 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 dependent territories before commencement who became a British Dependent 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

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- (c) he is a British Dependent Territories citizen by virtue of registration under section 17(1) and either—
 - (i) his father or mother was a British Dependent 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 British Dependent 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 dependent territories before commencement who became a British Dependent Territories citizen at commencement under section 23(1)(b) only; or
 - (e) subject to subsection (2), being a woman, she became a British Dependent 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 British Dependent 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 dependent territories before commencement, she is a British Dependent 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 British Dependent 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 British Dependent Territories citizen by descent by virtue of paragraph (b), (d) or (e);
 - (h) he is a British Dependent Territories citizen by virtue of registration under section 13 (as applied by section 24) who, immediately before he ceased to be a British Dependent Territories citizen as a result of a declaration of renunciation, was such a citizen by descent; or
 - (i) he is a person born in the United Kingdom after commencement who is a British Dependent Territories citizen by virtue of paragraph 1 of Schedule 2.
- (2) A person born outside the dependent territories before commencement is not a British Dependent 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 dependent territories in service of a description mentioned in subsection (3), his recruitment for the service in question having taken place in a dependent territory.
- (3) The descriptions of service referred to in subsection (2) are—
- (a) Crown service under the government of a dependent territory; and
 - (b) service of any description at any time designated under section 16(3).

Status:

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