



# British Nationality Act 1981

## 1981 CHAPTER 61

### PART II

#### [<sup>F1</sup>BRITISH OVERSEAS TERRITORIES CITIZENSHIP]

##### *Acquisition after commencement*

#### 15 Acquisition by birth or adoption.

- (1) A person born in a [<sup>F1</sup> British overseas territory] after commencement shall be a [<sup>F2</sup>British overseas territories citizen] if at the time of the birth his father or mother is—
  - (a) a [<sup>F3</sup>British overseas territories citizen]; or
  - (b) settled in a [<sup>F4</sup> British overseas territory] .
- (2) A new-born infant who, after commencement, is found abandoned in a [<sup>F4</sup> 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 [<sup>F3</sup>British overseas territories citizen] or settled in a [<sup>F4</sup> British overseas territory].
- (3) A person born in a [<sup>F4</sup> British overseas territory] after commencement who is not a [<sup>F3</sup>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—
  - (a) his father or mother becomes such a citizen or becomes settled in a [<sup>F4</sup> British overseas territory]; and
  - (b) an application is made for his registration as such a citizen.
- (4) A person born in a [<sup>F4</sup> British overseas territory] after commencement who is not a [<sup>F3</sup>British overseas territories citizen] by virtue of subsection (1) or (2) shall be entitled, on an application for his registration as a [<sup>F3</sup>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.

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- (5) Where after commencement an order authorising the adoption of a minor who is not a <sup>F3</sup>British overseas territories citizen] is made by a court in any <sup>F4</sup> British overseas territory], he shall be a <sup>F3</sup>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 <sup>F3</sup>British overseas territories citizen] on that date.

<sup>F5</sup>(5A) Where—

- (a) a minor who is not a British overseas territories citizen is adopted under a Convention adoption,
- (b) on the date on which the adoption is effected—
  - (i) the adopter or, in the case of a joint adoption, one of the adopters is a British overseas territories citizen, and
  - (ii) the adopter or, in the case of a joint adoption, both of the adopters are habitually resident in a designated territory, and
- (c) the Convention adoption is effected under the law of a country or territory outside the designated territory,

the minor shall be a British overseas territories citizen as from that date.]

- (6) Where an order <sup>F6</sup>or a Convention adoption] in consequence of which any person became a <sup>F7</sup>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 <sup>F4</sup> British overseas territory] there mentioned in that year or each of the years in question exceeds 90.

#### Textual Amendments

- F1** Words in s. 15 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 1\(1\)\(b\)](#)
- F2** Words in s. 15 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 2\(2\)\(b\)](#)
- 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. 1\(1\)\(b\)](#)
- F5** S. 15(5A) inserted (30.12.2005) by [Adoption and Children Act 2002 \(c. 38\), ss. 137\(5\)\(a\)](#), 148 (with [Sch. 4 paras. 6-8](#)); [S.I. 2005/2213](#), [art. 2\(m\)](#)
- F6** Words in s. 15(6) inserted (30.12.2005) by [Adoption and Children Act 2002 \(c. 38\), ss. 137\(5\)\(b\)](#), 148 (with [Sch. 4 paras. 6-8](#)); [S.I. 2005/2213](#), [art. 2\(m\)](#)
- F7** Words in s. 15 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 2\(2\)\(b\)](#)

#### Modifications etc. (not altering text)

- C1** S. 15(3)(4) 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\(2\)](#))

## 16 Acquisition by descent.

- (1) A person born outside the <sup>F8</sup>British overseas territories] after commencement shall be a <sup>F9</sup>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

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- (b) is such a citizen and is serving outside the [F<sup>8</sup>British overseas territories] in service to which this paragraph applies, his or her recruitment for that service having taken place in a [F<sup>10</sup> British overseas territory] .
- (2) Paragraph (b) of subsection (1) applies to—
- (a) Crown service under the government of a [F<sup>10</sup> 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 closely associated with the activities outside the [F<sup>8</sup>British overseas territories] of the government of any [F<sup>11</sup> 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

- F8** Words in s. 16 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 1\(1\)\(b\)](#)
- F9** Words in s. 16(1) substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s.2\(2\)\(b\)](#)
- F10** Words in s. 16 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 1\(1\)\(b\)](#)
- F11** 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 [F<sup>12</sup>British 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 [F<sup>13</sup>British overseas territories] shall be entitled, on an application for his registration as a [F<sup>12</sup>British 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 [F<sup>12</sup>British 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 [F<sup>12</sup>British overseas territories citizen] otherwise than by descent at the time of the birth of the parent in question; or
- (ii) became a [F<sup>12</sup>British 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 [F<sup>14</sup>British 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.

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- (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 [<sup>F13</sup>British overseas territories] shall be entitled, and on application for his registration as a [<sup>F12</sup>British overseas 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 [<sup>F12</sup>British 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 [<sup>F14</sup>British 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 [<sup>F12</sup>British overseas territories citizen]—
- (a) if his father or mother died, or their marriage [<sup>F15</sup>or 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

- F12** Words in s. 17 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 2\(2\)\(b\)](#)
- 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 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 1\(1\)\(b\)](#)
- F15** 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 [<sup>F16</sup>British 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 [<sup>F16</sup>British 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, [<sup>F17</sup>or is the civil partner of such a citizen] the Secretary of State is

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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 [<sup>F18</sup>British 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.

#### Textual Amendments

- F16** Words in s. 18 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), s. **2(2)(b)**
- F17** 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\(3\)-\(5\)](#))
- F18** Words in s. 18(3) substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), s. **1(1)(b)**

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