



# British Nationality Act 1981

## 1981 CHAPTER 61

### PART II

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

##### *Acquisition after commencement*

#### 16 Acquisition by descent.

- (1) A person born outside the [<sup>F1</sup>British overseas territories] after commencement shall be a [<sup>F2</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
  - (b) is such a citizen and is serving outside the [<sup>F1</sup>British overseas territories] in service to which this paragraph applies, his or her recruitment for that service having taken place in a [<sup>F3</sup> British overseas territory] .
- (2) Paragraph (b) of subsection (1) applies to—
  - (a) Crown service under the government of a [<sup>F3</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 [<sup>F1</sup>British overseas territories] of the government of any [<sup>F4</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

- F1** Words in s. 16 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 1\(1\)\(b\)](#)
- F2** Words in s. 16(1) substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s.2\(2\)\(b\)](#)
- F3** Words in s. 16 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 1\(1\)\(b\)](#)

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*Status: Point in time view as at 28/06/2022.*

*Changes to legislation: British Nationality Act 1981, Section 16 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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**F4** Words in s. 16 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 1\(1\)\(b\)](#)

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