



# British Nationality Act 1981

## 1981 CHAPTER 61

### PART II

#### BRITISH DEPENDENT TERRITORIES CITIZENSHIP

##### *Supplementary*

#### **25 Meaning of British Dependent Territories citizen “by descent”**

- (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
  - (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

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*Status: This is the original version (as it was originally enacted).*

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- (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).