



British Nationality Act 1981

1981 CHAPTER 61

PART V

MISCELLANEOUS AND SUPPLEMENTARY

40 Deprivation of citizenship.

- (1) Subject to the provisions of this section, the Secretary of State may by order deprive any British citizen to whom this subsection applies of his British citizenship if the Secretary of State is satisfied that the registration or certificate of naturalisation by virtue of which he is such a citizen was obtained by means of fraud, false representation or the concealment of any material fact.
- (2) Subsection (1) applies to any British citizen who—
 - (a) became a British citizen after commencement by virtue of—
 - (i) his registration as a British citizen under any provision of [^{F1}the British Nationality Acts 1981 and 1983]; or
 - (ii) a certificate of naturalisation granted to him under section 6; or
 - (b) being immediately before commencement a citizen of the United Kingdom and Colonies by virtue of registration as such a citizen under any provision of the British Nationality Acts 1948 to 1964, became at commencement a British citizen; or
 - (c) at any time before commencement became a British subject (within the meaning of that expression at that time), or a citizen of Eire or of the Republic of Ireland, by virtue of a certificate of naturalisation granted to him or in which his name was included.
- (3) Subject to the provisions of this section, the Secretary of State may by order deprive any British citizen to whom this subsection applies of his British citizenship if the Secretary of State is satisfied that that citizen—
 - (a) has shown himself by act or speech to be disloyal or disaffected towards Her Majesty; or
 - (b) has, during any war in which Her Majesty was engaged, unlawfully traded or communicated with an enemy or been engaged in or associated with any

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- business that was to his knowledge carried on in such a manner as to assist an enemy in that war; or
- (c) has, within the period of five years from the relevant date, been sentenced in any country to imprisonment for a term of not less than twelve months.
- (4) Subsection (3) applies to any British citizen who falls within paragraph (a) or (c) of subsection (2); and in subsection (3) “the relevant date”, in relation to a British citizen to whom subsection (3) applies, means the date of the registration by virtue of which he is such a citizen or, as the case may be, the date of the grant of the certificate of naturalisation by virtue of which he is such a citizen.
- (5) The Secretary of State—
- (a) shall not deprive a person of British citizenship under this section unless he is satisfied that it is not conducive to the public good that that person should continue to be a British citizen; and
- (b) shall not deprive a person of British citizenship under subsection (3) on the ground mentioned in paragraph (c) of that subsection if it appears to him that that person would thereupon become stateless.
- (6) Before making an order under this section the Secretary of State shall give the person against whom the order is proposed to be made notice in writing informing him of the ground or grounds on which it is proposed to be made and of his right to an inquiry under this section.
- (7) If the person against whom the order is proposed to be made applies in the prescribed manner for an inquiry, the Secretary of State shall, and in any other case the Secretary of State may, refer the case to a committee of inquiry consisting of a chairman, being a person possessing judicial experience, appointed by the Secretary of State and of such other members appointed by the Secretary of State as he thinks proper.
- (8) The Secretary of State may make rules for the practice and procedure to be followed in connection with references under subsection (7) to a committee of inquiry; and such rules may, in particular, provide for conferring on any such committee any powers, rights or privileges of any court, and for enabling any powers so conferred to be exercised by one or more members of the committee.
- (9) The power of the Secretary of State to make rules under subsection (8) shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (10) The preceding provisions of this section shall apply in relation to [^{F2}British overseas territories citizens] and [^{F3}British overseas territories citizenship] as they apply in relation to British citizens and British citizenship, but as if in subsection (2)(a)(ii) the reference to section 6 were a reference to section 18.

Textual Amendments

- F1** Words substituted by [British Nationality \(Falkland Islands\) Act 1983 \(c. 6, SIF 87\), s. 4\(3\)](#)
- F2** Words in [s. 40\(10\)](#) substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 2\(2\)\(b\)](#)
- F3** Words in [s. 40\(10\)](#) substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 2\(2\)\(a\)](#)

Modifications etc. (not altering text)

- C1** [Ss. 40–42, 44–48, 50](#) extended by [British Nationality \(Hong Kong\) Act 1990 \(c. 34, SIF 87\), s. 2\(3\)](#)
- C2** [S. 40](#) extended by [S.I. 1986/948, art.7\(11\)](#)

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- C3** S. 40 modified (19.3.1997) by 1997 c. 20, s. 2(3)
- C4** S. 40 amended (18.7.1996) by 1996 c. 41, s. 2(2)

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