



British Nationality Act 1981

1981 CHAPTER 61

PART V

MISCELLANEOUS AND SUPPLEMENTARY^{F1F1F1}

^{F1}40 Deprivation of citizenship.

- (1) In this section a reference to a person's "citizenship status" is a reference to his status as—
 - (a) a British citizen,
 - (b) a British overseas territories citizen,
 - (c) a British Overseas citizen,
 - (d) a British National (Overseas),
 - (e) a British protected person, or
 - (f) a British subject.
- ^{F2}(2) The Secretary of State may by order deprive a person of a citizenship status if the Secretary of State is satisfied that deprivation is conducive to the public good.]
- (3) The Secretary of State may by order deprive a person of a citizenship status which results from his registration or naturalisation if the Secretary of State is satisfied that the registration or naturalisation was obtained by means of—
 - (a) fraud,
 - (b) false representation, or
 - (c) concealment of a material fact.
- (4) The Secretary of State may not make an order under subsection (2) if he is satisfied that the order would make a person stateless.
- (5) Before making an order under this section in respect of a person the Secretary of State must give the person written notice specifying—
 - (a) that the Secretary of State has decided to make an order,
 - (b) the reasons for the order, and

Status: Point in time view as at 16/06/2006. This version of this provision has been superseded.

Changes to legislation: British Nationality Act 1981, Section 40 is up to date with all changes known to be in force on or before 26 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)

- (c) the person’s right of appeal under section 40A(1) or under section 2B of the Special Immigration Appeals Commission Act 1997 (c. 68).
- (6) Where a person acquired a citizenship status by the operation of a law which applied to him because of his registration or naturalisation under an enactment having effect before commencement, the Secretary of State may by order deprive the person of the citizenship status if the Secretary of State is satisfied that the registration or naturalisation was obtained by means of—
- (a) fraud,
 - (b) false representation, or
 - (c) concealment of a material fact.]

Textual Amendments

- F1** Ss. 40, 40A substituted (1.4.2003) for s. 40 by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), [ss. 4\(1\)\(4\)](#), 162 (with s. 159); [S.I. 2003/754](#), [art. 2\(1\)](#), Sch. 1 (with arts. 3, 4, Sch. 2 (as amended by [S.I. 2003/1040](#), [art. 2](#) and [S.I. 2003/1339](#), [art. 4](#)))
- F2** S. 40(2) substituted (16.6.2006) by [Immigration, Asylum and Nationality Act 2006 \(c. 13\)](#), [ss. 56\(1\)](#), 62; [S.I. 2006/1497](#), [art. 3](#), Sch.

Modifications etc. (not altering text)

- C1** S. 40 extended by [S.I. 1986/948](#), [art.7\(11\)](#)
- C2** Ss. 40–42, 44–48, 50 extended by [British Nationality \(Hong Kong\) Act 1990 \(c. 34, SIF 87\)](#), [s. 2\(3\)](#)
- C3** S. 40 amended (18.7.1996) by [1996 c. 41](#), [s. 2\(2\)](#)
- C4** S. 40 modified (19.3.1997) by [1997 c. 20](#), [s. 2\(3\)](#)

Status:

Point in time view as at 16/06/2006. This version of this provision has been superseded.

Changes to legislation:

British Nationality Act 1981, Section 40 is up to date with all changes known to be in force on or before 26 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.