



Nationality, Immigration and Asylum Act 2002

2002 CHAPTER 41

PART 1

NATIONALITY

9 Legitimacy of child

(1) The following shall be substituted for section 50(9) of the British Nationality Act 1981 (interpretation: child)—

“(9) For the purposes of this Act a child’s mother is the woman who gives birth to the child.

(9A) For the purposes of this Act a child’s father is—

- (a) the husband, at the time of the child’s birth, of the woman who gives birth to the child, or
- (b) where a person is treated as the father of the child under section 28 of the Human Fertilisation and Embryology Act 1990 (c. 37) (father), that person, or
- (c) where neither paragraph (a) nor paragraph (b) applies, any person who satisfies prescribed requirements as to proof of paternity.

(9B) In subsection (9A)(c) “prescribed” means prescribed by regulations of the Secretary of State; and the regulations—

- (a) may confer a function (which may be a discretionary function) on the Secretary of State or another person,
- (b) may make provision which applies generally or only in specified circumstances,
- (c) may make different provision for different circumstances,
- (d) must be made by statutory instrument, and

Status: This is the original version (as it was originally enacted).

- (e) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (9C) The expressions “parent”, “child” and “descended” shall be construed in accordance with subsections (9) and (9A).”
- (2) In section 3(6) of that Act (registration of minor as British citizen)—
- (a) after paragraph (a) insert “and”,
 - (b) the word “and” after paragraph (b) shall cease to have effect, and
 - (c) paragraph (c) (illegitimate child) shall cease to have effect.
- (3) In section 17(6) of that Act (registration of minor as British overseas territories citizen) —
- (a) after paragraph (a) insert “and”,
 - (b) the word “and” after paragraph (b) shall cease to have effect, and
 - (c) paragraph (c) (illegitimate child) shall cease to have effect.
- (4) Section 47 of that Act (legitimated children) shall cease to have effect.
- (5) In Schedule 2 to that Act (persons otherwise stateless)—
- (a) in paragraph 1(1)(b) (person born in United Kingdom), the words “he is born legitimate and” shall cease to have effect, and
 - (b) in paragraph 2(1)(b) (person born in British overseas territory), the words “he is born legitimate and” shall cease to have effect.