



British Nationality Act 1948

1948 CHAPTER 56

PART II

CITIZENSHIP OF THE UNITED KINGDOM AND COLONIES

Transitional

12 British subjects before commencement of Act becoming citizens of United Kingdom and Colonies

- (1) A person who was a British subject immediately before the date of the commencement of this Act shall on that date become a citizen of the United Kingdom and Colonies if he possesses any of the following qualifications, that is to say—
 - (a) that he was born within the territories comprised at the commencement of this Act in the United Kingdom and Colonies, and would have been such a citizen if section four of this Act had been in force at the time of his birth;
 - (b) that he is a person naturalised in the United Kingdom and Colonies;
 - (c) that he became a British subject by reason of the annexation of any territory included at the commencement of this Act in the United Kingdom and Colonies.
- (2) A person who was a British subject immediately before the date of the commencement of this Act shall on that date become a citizen of the United Kingdom and Colonies if at the time of his birth his father was a British subject and possessed any of the qualifications specified in the last foregoing subsection.
- (3) A person who was a British subject immediately before the date of the commencement of this Act shall on that date become a citizen of the United Kingdom and Colonies if he was born within the territory comprised at the commencement of this Act in a protectorate, protected state or United Kingdom trust territory.
- (4) A person who was a British subject immediately before the date of the commencement of this Act and does not become a citizen of the United Kingdom and Colonies by

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virtue of any of the foregoing provisions of this section shall on that date become such a citizen unless—

- (a) he is then a citizen of any country mentioned in subsection (3) of section one of this Act under a citizenship law having effect in that country, or a citizen of Eire ; or
 - (b) he is then potentially a citizen of any country mentioned in subsection (3) of section one of this Act.
- (5) A woman who was a British subject immediately before the date of the commencement of this Act and has before that date been married to a person who becomes, or would but for his death have become, a citizen of the United Kingdom and Colonies by virtue of any of the foregoing provisions of this section shall on that date herself become such a citizen.
- (6) If any person of full age and capacity who would have become a citizen of the United Kingdom and Colonies on the date of the commencement of this Act by virtue of subsection (4) of this section but for his citizenship or potential citizenship of any country mentioned in subsection (3) of section one of this Act makes application to the Secretary of State in the prescribed manner before the first day of January nineteen hundred and fifty for the registration of himself and any of his minor children as citizens of the United Kingdom and Colonies, and on such application satisfies the Secretary of State—
- (a) that he is descended in the male line from a person possessing any of the qualifications specified in subsection (1) of this section ; and
 - (b) that he intends to make his ordinary place of residence within the United Kingdom and Colonies,
- then, if it seems to the Secretary of State fitting that that person should by reason of his close connection with the United Kingdom and Colonies become a citizen thereof, the Secretary of State may cause him, and any minor children to whom the application relates, to be registered as such ; and that person, and any such minor children as aforesaid, shall thereupon become citizens of the United Kingdom and Colonies.
- (7) The Secretary of State may make arrangements for the exercise in any country mentioned in subsection (3) of section one of this Act of any of his functions under the last foregoing subsection by the High Commissioner for His Majesty's government in the United Kingdom.
- (8) A male person who becomes a citizen of the United Kingdom and Colonies by virtue only of subsection (2), (4) or (6) of this section shall be deemed for the purposes of the proviso to subsection (1) of section five of this Act to be a citizen of the United Kingdom and Colonies by descent only.