



British Nationality Act 1981

1981 CHAPTER 61

An Act to make fresh provision about citizenship and nationality, and to amend the Immigration Act 1971 as regards the right of abode in the United Kingdom. [30th October 1981]

Modifications etc. (not altering text)

- C1** Act extended by [British Nationality \(Falkland Islands\) Act 1983 \(c. 6, SIF 87\), s. 3\(1\)](#); restricted by [British Nationality \(Falkland Islands\) Act 1983 \(c. 6, SIF 87\), s. 3\(2\)](#); amended by S.I. 1983/1699, [art. 2\(1\)](#) and amended by [British Nationality \(Hong Kong\) Act 1990 \(c. 34, SIF 87\), s. 2\(1\)](#)
- C2** Act modified: (18.7.1996) by 1996 c. 41, [s. 2\(1\)](#); (19.3.1997) by 1997 c. 20, [s. 2\(1\)](#)
- C3** Act applied (19.3.1997) by 1997 c. 20, [s. 1\(8\)](#)
- C4** Act amended (2.10.2000) by S.I. 2000/2326, [art. 8](#)
- C5** Act modified (21.5.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 3\(3\)](#); S.I. 2002/1252, [art. 2](#)
- C6** Act modified (21.5.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 6\(2\)](#); S.I. 2002/1252, [art. 2](#)
- Act modified (21.5.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 6\(4\)](#); S.I. 2002/1252, [art. 2](#)
- Act modified (1.1.2004) by [Nationality Immigration and Asylum Act 2002 \(c. 41\), ss. 14, 162](#) (with s. 159); S.I. 2003/3156, [art. 2\(b\)](#) (with arts. 3, 4)
- Act modified (30.4.2006) by [The Immigration \(European Economic Area\) Regulations 2006 \(S.I. 2006/1003\), Sch. 2 para. 2](#)

Commencement Information

- I1** Act partly in force at Royal Assent, see s. 53(2)(3); Act wholly in force at 1.1.1983, see S.I. 1982/933

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: British Nationality Act 1981 is up to date with all changes known to be in force on or before 12 May 2022. 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) View outstanding changes

PART I

BRITISH CITIZENSHIP

Acquisition after commencement

1 Acquisition by birth or adoption.

- (1) A person born in the United Kingdom after commencement [^{F1}, or in a qualifying territory on or after the appointed day,] shall be a British citizen if at the time of the birth his father or mother is—
- (a) a British citizen; or
 - (b) settled in the United Kingdom [^{F2}or that territory].
- [^{F3}(1A) A person born in the United Kingdom or a qualifying territory on or after the relevant day shall be a British citizen if at the time of the birth his father or mother is a member of the armed forces.]
- (2) A new-born infant who, after commencement, is found abandoned in the United Kingdom [^{F4}, or on or after the appointed day is found abandoned in a qualifying territory,] shall, unless the contrary is shown, be deemed for the purposes of subsection (1)—
- (a) to have been born in the United Kingdom after commencement [^{F5}or in that territory on or after the appointed day]; and
 - (b) to have been born to a parent who at the time of the birth was a British citizen or settled in the United Kingdom [^{F6}or that territory].
- (3) A person born in the United Kingdom after commencement who is not a British citizen by virtue of subsection (1) [^{F7}, (1A)] or (2) [^{F8}or section 10A] shall be entitled to be registered as a British citizen if, while he is a minor—
- (a) his father or mother becomes a British citizen or becomes settled in the United Kingdom; and
 - (b) an application is made for his registration as a British citizen.
- [^{F9}(3A) A person born in the United Kingdom on or after the relevant day who is not a British citizen by virtue of subsection (1), (1A) or (2) [^{F10}or section 10A] shall be entitled to be registered as a British citizen if, while he is a minor—
- (a) his father or mother becomes a member of the armed forces; and
 - (b) an application is made for his registration as a British citizen]
- (4) A person born in the United Kingdom after commencement who is not a British citizen by virtue of subsection (1) [^{F11}, (1A)] or (2) [^{F12}or section 10A] shall be entitled, on an application for his registration as a British citizen made at any time after he has attained the age of ten years, to be registered as such a citizen if, as regards each of the first ten years of that person's life, the number of days on which he was absent from the United Kingdom in that year does not exceed 90.
- [^{F13}(5) Where—
- (a) any court in the United Kingdom [^{F14}or, on or after the appointed day, any court in a qualifying territory] makes an order authorising the adoption of a minor who is not a British citizen; or
 - (b) a minor who is not a British citizen is adopted under a Convention adoption,

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that minor shall, if the requirements of subsection (5A) are met, be a British citizen as from the date on which the order is made or the Convention adoption is effected, as the case may be [^{F15}effected under the law of a country or territory outside the United Kingdom].

(5A) Those requirements are that on the date on which the order is made or the Convention adoption is effected (as the case may be)—

- (a) the adopter or, in the case of a joint adoption, one of the adopters is a British citizen; and
- (b) in a case within subsection (5)(b), the adopter or, in the case of a joint adoption, both of the adopters are habitually resident in the United Kingdom [^{F16}or in a designated territory].]

(6) Where an order [^{F17}or a Convention adoption]in consequence of which any person became a British citizen by virtue of subsection (5) ceases to have effect, whether on annulment or otherwise, the cesser shall not affect the status of that person as a British citizen.

(7) If in the special circumstances of any particular case the Secretary of State thinks fit, he may for the purposes of subsection (4) treat the person to whom the application relates as fulfilling the requirement specified in that subsection although, as regards any one or more of the first ten years of that person’s life, the number of days on which he was absent from the United Kingdom in that year or each of the years in question exceeds 90.

(8) In this section and elsewhere in this Act “settled” has the meaning given by section 50 ^{F18}
.....

[^{F19}(9) The relevant day for the purposes of subsection (1A) or (3A) is the day appointed for the commencement of section 42 of the Borders, Citizenship and Immigration Act 2009 (which inserted those subsections).]

Textual Amendments

- F1** Words in s. 1(1) inserted (21.5.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [Sch. 1 para. 1\(2\)\(a\)](#); [S.I. 2002/1252](#), [art. 2](#)
- F2** Words in s. 1(1)(b) inserted (21.5.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [Sch. 1 para. 1\(2\)\(b\)](#); [S. I. 2002/1252](#), [art. 2](#)
- F3** S. 1(1A) inserted (13.1.2010) by [Borders, Citizenship and Immigration Act 2009 \(c. 11\)](#), [ss. 42\(2\)](#), 58; [S.I. 2009/2731](#), [art. 4\(a\)](#)
- F4** Words in s. 1(2) inserted (21.5.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [Sch. 1 para. 1\(3\)\(a\)](#); [S.I. 2002/1252](#), [art. 2](#)
- F5** Words in s. 1(2)(a) inserted (21.5.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [Sch. 1 para. 1\(3\)\(b\)](#); [S.I. 2002/1252](#), [art. 2](#)
- F6** Words in s. 1(2)(b) inserted (21.5.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [Sch. 1 para. 1\(3\)\(c\)](#); [S.I. 2002/1252](#), [art. 2](#)
- F7** Word in s. 1(3) inserted (13.1.2010) by [Borders, Citizenship and Immigration Act 2009 \(c. 11\)](#), [ss. 42\(3\)](#), 58; [S.I. 2009/2731](#), [art. 4\(a\)](#)
- F8** Words in s. 1(3) inserted (1.7.2021) by [The British Nationality Act 1981 \(Immigration Rules Appendix EU\) \(Amendment\) Regulations 2021 \(S.I. 2021/743\)](#), [regs. 1\(1\)](#), [2\(2\)](#)
- F9** S. 1(3A) inserted (13.1.2010) by [Borders, Citizenship and Immigration Act 2009 \(c. 11\)](#), [ss. 42\(4\)](#), 58; [S.I. 2009/2731](#), [art. 4\(a\)](#)
- F10** Words in s. 1(3A) inserted (1.7.2021) by [The British Nationality Act 1981 \(Immigration Rules Appendix EU\) \(Amendment\) Regulations 2021 \(S.I. 2021/743\)](#), [regs. 1\(1\)](#), [2\(2\)](#)

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- F11** Words in s. 1(4) inserted (13.1.2010) by Borders, Citizenship and Immigration Act 2009 (c. 11), **ss. 42(5), 58**; S.I. 2009/2731, **art. 4(a)**
- F12** Words in s. 1(4) inserted (1.7.2021) by The British Nationality Act 1981 (Immigration Rules Appendix EU) (Amendment) Regulations 2021 (S.I. 2021/743), regs. 1(1), **2(2)**
- F13** S. 1(5)(5A) substituted (1.6.2003) for s. 1(5) by 1999 c. 18, ss. 7(1), 18(3); S.I. 2003/362, **art. 2(a)**
- F14** Words in s. 1(5) inserted (21.5.2002) by British Overseas Territories Act 2002 (c. 8), **Sch. 1 para. 1(4)**; S.I. 2002/1252, **art. 2**
- F15** Words in s. 1(5)(b) inserted (30.12.2005) by Adoption and Children Act 2002 (c. 38), **ss. 137(4)(a), 148** (with **Sch. 4 paras. 6-8**); S.I. 2005/2213, **art. 2(m)**
- F16** Words in s. 1(5A)(b) inserted (30.12.2005) by Adoption and Children Act 2002 (c. 38), **ss. 137(4)(b), 148** (with **Sch. 4 paras. 6-8**); S.I. 2005/2213, **art. 2(m)**
- F17** Words in s. 1(6) inserted (1.6.2003) by 1999 c. 18, ss. 7(2), 18(3); S.I. 2003/362, **art. 2(a)**
- F18** Words in s. 1(8) repealed (30.12.2005) by Adoption and Children Act 2002 (c. 38), ss. 137(4)(c), 139(3), 148, **Sch. 5** (with **Sch. 4 paras. 2, 6-8**); S.I. 2005/2213, **art. 2(m)**; S.I. 2005/2897, **art. 2(b)**
- F19** S. 1(9) inserted (13.1.2010) by Borders, Citizenship and Immigration Act 2009 (c. 11), **ss. 42(6), 58**; S.I. 2009/2731, **art. 4(a)**

Modifications etc. (not altering text)

- C7** S. 1 modified (21.12.2018) by The Human Fertilisation and Embryology (Parental Orders) Regulations 2018 (S.I. 2018/1412), reg. 1(2), **Sch. 4 para. 10**
- C8** S. 1(1) explained by S.I. 1972/1613, **art. 6** (as inserted by S.I. 1982/1649, **art. 3**)
- C9** S. 1(3)(4) restricted (4.12.2006) by Immigration, Asylum and Nationality Act 2006 (c. 13), **ss. 58, 62**; S.I. 2006/2838, **art. 4(1)** (subject to art. 4(2))
- C10** S. 1(5)(a) modified (6.4.2010) by The Human Fertilisation and Embryology (Parental Orders) Regulations 2010 (S.I. 2010/985), regs. 1(1), 5, **Sch. 4**
- C11** S. 1(5A)(a) modified (6.4.2010) by The Human Fertilisation and Embryology (Parental Orders) Regulations 2010 (S.I. 2010/985), regs. 1(1), 5, **Sch. 4**

2 Acquisition by descent.

- (1) A person born outside the United Kingdom [^{F20}and the qualifying territories] after commencement shall be a British citizen if at the time of the birth his father or mother—
- (a) is a British citizen otherwise than by descent; or
 - (b) is a British citizen and is serving outside the United Kingdom [^{F21}and the qualifying territories] in service to which this paragraph applies, his or her recruitment for that service having taken place in the United Kingdom [^{F22}or a qualifying territory]; or
 - (c) is a British citizen and is serving outside the United Kingdom [^{F23}and the qualifying territories] in service under an [^{F24}EU] institution, his or her recruitment for that service having taken place in a country which at the time of the recruitment was a member of [^{F25}the European Union].
- (2) Paragraph (b) of subsection (1) applies to—
- (a) Crown service under the government of the United Kingdom [^{F26}or of a qualifying territory]; and
 - (b) service of any description for the time being designated under subsection (3).
- (3) For the purposes of this section the Secretary of State may by order made by statutory instrument designate any description of service which he considers to be closely associated with the activities outside the United Kingdom [^{F27}and the qualifying

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territories] of Her Majesty’s government in the United Kingdom [^{F28}or in a qualifying territory].

- (4) Any order made under subsection (3) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F20** Words in s. 2(1) inserted (21.5.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [Sch. 1 para. 2\(1\)\(2\)\(a\)](#); S.I. 2002/1252, [art. 2](#)
- F21** Words in s. 2(1)(b) inserted (21.5.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [Sch. 1 para. 2\(1\)\(2\)\(b\)](#); S.I. 2002/1252, [art. 2](#)
- F22** Words in s. 2(1)(b) inserted (21.5.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [Sch. 1 para. 2\(1\)\(2\)\(b\)](#); S.I. 2002/1252, [art. 2](#)
- F23** Words in s. 2(1)(c) inserted (21.5.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [Sch. 1 para. 2\(1\)\(2\)\(c\)](#); S.I. 2002/1252, [art. 2](#)
- F24** Words in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), [arts. 2, 3, 6](#) (with [arts. 3\(2\)\(3\)6\(4\)\(5\)](#))
- F25** Words in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), [arts. 2, 3, 4](#) (with [arts. 3\(2\)\(3\),4\(2\)](#))
- F26** Words in s. 2(2)(a) inserted (21.5.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [Sch. 1 para. 2\(1\)\(3\)](#); S.I. 2002/1252, [art. 2](#)
- F27** Words in s. 2(3) inserted (21.5.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [Sch. 1 para. 2\(1\)\(4\)\(a\)](#); S.I. 2002/1252, [art. 2](#)
- F28** Words in s. 2(3) inserted (21.5.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [Sch. 1 para. 2\(1\)\(4\)\(b\)](#); S.I. 2002/1252, {art. 2}

3 Acquisition by registration: minors.

- (1) If while a person is a minor an application is made for his registration as a British citizen, the Secretary of State may, if he thinks fit, cause him to be registered as such a citizen.
- (2) A person born outside the United Kingdom [^{F29}and the qualifying territories] shall be entitled, on an application for his registration as a British citizen made [^{F30}while he is a minor], to be registered as such a citizen if the requirements specified in subsection (3) or, in the case of a person born stateless, the requirements specified in paragraphs (a) and (b) of that subsection, are fulfilled in the case of either that person’s father or his mother (“the parent in question”).
- (3) The requirements referred to in subsection (2) are—
- that the parent in question was a British citizen by descent at the time of the birth; and
 - that the father or mother of the parent in question—
 - was a British citizen otherwise than by descent at the time of the birth of the parent in question; or
 - became a British citizen otherwise than by descent at commencement, or would have become such a citizen otherwise than by descent at commencement but for his or her death; and
 - that, as regards some period of three years ending with a date not later than the date of the birth—