



COVENTRY LAW CENTRE

IMMIGRATION

Information About British Subject Status General Information

British Nationality Act 1981

This leaflet explains how the British Nationality Act 1981 applies to British subjects (see Note A). The Act came into force on 1 January 1983. Paragraphs 2 to 8 deal with British subject status, paragraph 9 explains how British subjects may be registered as British citizens, and paragraphs 10 and 11 contain general information.

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People who became British subjects under the British Nationality Act 1981 on 1 January 1983

2. You became a British subject if you were, on 31 December 1982:
- a British subject without citizenship (see Note B); or
 - a British subject because you made a claim under Section 2 of the British Nationality Act 1948 (see Note C); or
 - a British subject by registration under the British Nationality Act 1965 (see Note D).

Claims to be a British subject by citizens of the Republic of Ireland who were born before 1 January 1949

3. If you were a citizen of the Republic of Ireland, and you were a citizen of Eire and a British subject on 31 December 1948, but you have not made a claim to be a British subject under section 2 of the British Nationality Act 1948 (see Note C); you may give the Home Secretary notice, in writing, claiming to remain a British subject if:
- you have been in Crown service under the United Kingdom Government; or
 - you have associations by way of descent, residence or otherwise with the United Kingdom or a dependent territory (see Notes E and F)

If you make a claim, we will consider you to have been a British subject throughout the period from 1 January 1949.

Children born on or after 1 January 1983 to British subjects

4. British subjects cannot normally pass on their status to their children who were born on or after 1 January 1983. However, if:
- you are, or your husband or wife is, a British subject (see Note G); and
 - your child was born on or after 1 January 1983 in the United Kingdom (see Note E) or a British overseas territory (see Note F); and
 - your child would otherwise be stateless

your child automatically becomes a British subject when he or she is born.

Also, if:

- you are, or your husband or wife is, a British subject (see Note G); and
- your child is born on or after 1 January 1983 outside the United Kingdom and the British overseas territories; and
- your child has been stateless from birth

Your child may be entitled to registration as a British subject if he or she goes to live in the United Kingdom or a British overseas territory for three years. There are more details about how the Act reduces statelessness in leaflet BN5.

5. If you are a British subject, and your child is born in the United Kingdom (see Note E) on or after 1 January 1983 or, on or after 21 May 2002, in either the United Kingdom or a British overseas territory other than the Sovereign Base Areas of Akrotiri and Dhekelia, your child will be a British citizen (but not a British subject) if:

- you are, or your husband or wife is, settled (see Note H) in the United Kingdom or, if appropriate, the relevant British overseas territory when your child is born; or
- your husband or wife is a British citizen when your child is born.

Similarly, if you are a British subject and your child is born in a British overseas territory (see Note F) on or after 1 January 1983, your child will be a British overseas territories citizen (but not a British subject) if:

- you are, or your husband or wife is, settled (see Note H) in a British overseas territory when your child is born; or
- your husband or wife is a British overseas territories citizen (see Note F) when your child is born.

Registration of children under 18 as British subjects

6. The Home Secretary can register any child under 18 as a British subject but very rarely agrees to registration. If you would like more information about this, you can contact Coventry Law Centre on our free legal advice line on Tuesday and Thursdays between 10:00am and 12:00 noon on 024 76253168.

Renunciation of British subject status

7. If you are a British subject, and you are 18 or over (see Note J), you may renounce (give up) British subject status as long as you already have, or are about to get, some other citizenship or nationality.

Loss of British subject status

8. If you are a British subject, and you get any other citizenship or nationality after 1 January 1983, you will no longer be a British subject unless you need to be a citizen of Eire and have made a claim to remain a British subject under Section 2 of the British Nationality Act 1948 (see paragraph 2) or under the 1981 Act (see paragraph 3).

Registration as a British citizen

9. If you are a British subject you are entitled, on applying, to be registered as a British citizen after you have live in the United Kingdom for five years (see Note K). You may be absent from the United Kingdom for up to 450 days during this period without losing your entitlement to be registered, but you can only be absent from the United Kingdom for 90 days during the year immediately before you apply. The Home Secretary may accept longer periods of absence in the special circumstances of a particular case. You will normally have to be free of restrictions under the immigration laws for the whole of the year before you apply.

For general enquiries, leaflets and application forms

10. You can contact Coventry Law Centre on our free legal advice line on Tuesdays and Thursdays between 10:00am and 12:00noon on 024 76253168.

NOTES

- A. Until 1 January 1983, all Commonwealth citizens were also British subjects. But only the limited categories of people described in this leaflet are known as British subjects under the British Nationality Act 1981.

- B. A British subject without citizenship was a person who was a British subject on 31 December 1948 but who did not become a citizen of the United Kingdom and Colonies, a citizen of a Commonwealth country, a citizen of Pakistan or a citizen of the Republic of Ireland.
- C. Section 2 of the British Nationality Act 1948 said that certain people who were citizens of Eire and British subjects on 31 December 1948 could claim to have remained British citizens.
- D. These are women who were registered as British subjects on the basis of their marriage to a man who was a British subject without citizenship, or a British subject who had made a claim under Section 2 of the British Nationality Act 1948.
- E. In this leaflet, the United Kingdom means England, Scotland, Wales, Northern Ireland, the Channel Islands and the Isle of Man.
- F. The United Kingdom's dependent territories on 1 January 1983 were Anguilla, Bermuda, British Antarctic Territory, British Indian Ocean Territory, Cayman Islands, Falkland Islands and Dependencies, Gibraltar, Hong Kong (not been a dependent territory since 30 June 1997) Montserrat, Pitcairn, Henderson, Ducie and Oeno Islands, St Christopher and Nevis (not been a dependent territory since 18 September 1983), St Helena and Dependencies, the Sovereign Base Areas of Akrotiri and Dhekelia in Cyprus, Turks and Caicos Islands and Virgin Islands.

South Georgia and the South Sandwich Islands were the "Dependencies" of the Falkland Islands, but were not dependent territories during the period 3 October 1985-3 December 2001.

Since 26 February 2002, the British dependent territories have been officially known as "British overseas territories" and British Dependent Territories citizens(hip) as "British overseas territories citizens(hip)".

- G. Men and women can pass on their citizenship to their children who were born on or after 1 January 1983, but men cannot pass on citizenship to illegitimate children.
- H. A person is normally regarded as settled in the United Kingdom or a British overseas territory if he or she is ordinarily resident there without being restricted, under the immigration laws, as to how long he or she can stay there.
- J. For the purpose of renouncing (giving up) British subject status, we consider a person who has been married to be 18 or over.
- K. We do not normally count periods spent in the United Kingdom in breach of the immigration laws towards this residence requirement.

The law covering British subject status is in the British Nationality Act 1981 and the Regulations made under it. The information given here is only a brief guide to the law and the Home Secretary's policy. It is not a complete statement of either the law or policy.