British Nationality Act 1965

1965 CHAPTER 34

An Act to provide for the acquisition of the status of British subject by alien women who have been married to persons being British subjects without citizenship by virtue of section 13 or 16 of the British Nationality Act 1948 or British subjects by virtue of section 2 of that Act, and for purposes connected with the matter aforesaid. [5th August 1965]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Registration as British subjects of alien women who have been married to persons being British subjects without citizenship by virtue of section 13 or 16 of principal Act or British subjects by virtue of section 2 thereof.

1.—(1) A woman shall be entitled, subject to the provisions of this section, on making application to the Secretary of State in the prescribed manner, to be registered as a British subject by virtue of this section if she satisfies the Secretary of State that she is an alien and has been married to a person who, at the date of the application, is, or, but for his death, would be—

(*a*) a British subject without citizenship by virtue of section 13 of the principal Act (which provides for a British subject whose citizenship was, at the commencement of the principal Act, potentially that of a country mentioned in section 1(3) of that Act, but had not then been ascertained, to remain a British subject without citizenship during a transitional period); or

(*b*) a British subject without citizenship by virtue of section 16 of the principal Act (which enables a person who, before the coming into force of the principal Act, ceased, on the loss of British nationality by a parent, to be a British subject, and would otherwise have been a British subject without citizenship under the said section 13, to become a British subject without citizenship and for that section to apply to him); or

(*c*) a British subject by virtue only of section 2(1) of the principal Act (which provides that a citizen of the country that is now known as the Republic of Ireland and is therein referred to as Eire who was, immediately before the commencement of the principal Act, also a British subject, shall remain a British subject if a notice is given claiming that he should so remain),

and a person registered as a British subject by virtue of this section shall be a British subject by virtue of this section as from the date on which she is so registered.

(2) A person shall not be entitled to be registered as a British subject by virtue of this section except on her taking an oath of allegiance in the form specified in Schedule 1 to the principal Act.

(3) If, by any enactment for the time being in force in any country mentioned in section 1(3) of the principal Act, provision corresponding to subsection (1) above, or to so much thereof as has effect by virtue of any one or two of paragraphs (*a*), (*b*) and (*c*) thereof, is made for enabling a woman who is an alien to become a British subject, a woman who by virtue of that enactment is a British subject shall, so long as she remains a British subject by virtue thereof, be deemed also to be a British subject by virtue of this section.

(4) A woman who, under the principal Act, has renounced, or has been deprived of, citizenship of the United Kingdom and Colonies, or who, under the following provisions of this Act, has been deprived of the status of British subject shall not be entitled to be registered as a British subject by virtue of this section but may be so registered with the approval of the Secretary of State.

(5) Section 8 of the principal Act (registration in Commonwealth countries and territories) shall have effect in relation to this section as it has effect in relation to section 6 of that Act.

Provisions as to women being British subjects by virtue of marriage to British subjects without citizenship.

2.—(1) This section applies to a woman who is a British subject by virtue of section 1 of this Act by virtue of her having satisfied the Secretary of State that she has been married to such a person as is mentioned in section 1(1)(*a*) or 1(1)(*b*) of this Act.

(2) A woman to whom this section applies shall cease to be a British subject by virtue of section 1 of this Act if she becomes a citizen of the United Kingdom and Colonies, a citizen of any country mentioned in section 1(3) of the principal Act, or a citizen of the Republic of Ireland.

(3) Section 6 of the principal Act (which, among other things, enables a citizen of a country mentioned in the said section 1(3) to be registered as a citizen of the United Kingdom and Colonies on his satisfying certain conditions) shall apply to a woman to

whom this section applies as it applies to a citizen of a country mentioned in the said section 1(3), and section 8 and section 9 of the principal Act (by which a person registered under the said section 6 or 8 is to be a citizen of the United Kingdom and Colonies from the date of registration) shall have effect as if any reference therein to the said section 6 included a reference to that section as it applies by virtue of this subsection.

(4) Subject to the next following subsection, a woman to whom this section applies shall become a citizen of the United Kingdom and Colonies when an order under section 32(8) of the principal Act (under which the Secretary of State may by order declare the date on which, for the purposes of the principal Act, a citizenship law of a country mentioned in the said section 1(3) is to be deemed to have taken effect in that country) is made in relation to the country so mentioned of which the person marriage to whom qualified her to become a British subject by virtue of section 1 of this Act was, at the relevant date, or, but for his death, would then have been, potentially a citizen.

(5) Where a woman to whom this section applies qualified for registration under section 1 of this Act by virtue of marriage to a person who at the relevant date was, or, but for his death, would have been, potentially a citizen of more than one of the countries mentioned in the said section 1(3), she shall become a citizen of the United Kingdom and Colonies as soon as an order under the said section 32(8) has been made in relation to each of the countries so mentioned of which that person at that date was, or but for his death, would have been, potentially a citizen.

(6) In this section " relevant date ", in relation to a woman to whom this section applies, means the date of the application in pursuance of which she became a British subject by virtue of section 1 of this Act.

Deprivation of status of British subject acquired by registration under this Act.

3.—(1) Subject to the provisions of this section, the Secretary of State may by order deprive any person who is for the time being registered as a British subject by virtue of section 1 of this Act of the status of British subject by virtue as aforesaid, if the Secretary of State is satisfied that the registration was obtained by fraud, false representation or the concealment of a material fact; and, on the coming into force of an order under this section depriving a person of that status, she shall cease to be a British subject by virtue of the said section 1.

(2) The Secretary of State shall not under this section deprive a person of the status of British subject unless he is satisfied that it is not conducive to the public good that that person should continue to be a British subject.

(3) Subsections (6) and (7) of section 20 of the principal Act shall apply for the purpose of affording a right to an inquiry to a woman against whom an order is proposed to be made under this section as they apply for the purpose of affording such a right to a person against whom an order is proposed to be made under the said section 20 depriving a person of citizenship of the United Kingdom and Colonies by registration on the ground that the registration was obtained by means of fraud, false representation or the concealment of a material fact; and section 22 of the principal Act (exercise of functions of the Secretary of State under the said section 20 in colonies and protectorates) shall have effect in relation to the foregoing provisions of this section as it has effect in relation to the said section 20.

Provision for stateless children of British subjects by virtue of section 1(1) of this Act.
1964 c. 54.

4. Sub-paragraph (1) of paragraph 3 of the Schedule to the British Nationality (No. 2) Act 1964 (which sub-paragraph provides that if a person satisfies the condition as to residence specified therein and has the qualifications mentioned in sub-paragraphs (2), (3) or (4) of that paragraph, he is qualified for registration as a citizen of the United Kingdom and Colonies under section 1 of that Act (acquisition by stateless person of citizenship by registration)) shall have effect as if the reference therein to the qualifications so mentioned included a reference to qualification by virtue of the following provision, that is to say, a person born after the commencement of this Act shall have the said qualifications if his mother was, at the time when he was born, a British subject by virtue of section 1(1) of this Act.

Citation, supplemental provisions and commencement.
1948 c. 56.

5.—(1) This Act may be cited as the British Nationality Act 1965, and this Act and the British Nationality Acts 1948 to 1964 may be cited as the British Nationality Acts 1948 to 1965.

(2) In this Act "the principal Act" means the British Nationality Act 1948, and the supplemental provisions contained in sections 26 to 30, 32 and 33 of that Act shall have effect for the purposes of this Act as they have effect for the purposes of that Act.

(3) Any reference in this Act to a provision of the principal Act shall, unless the context otherwise requires, be construed as a reference to that provision as amended by any other enactment.

(4) This Act shall come into force at the expiration of the period of two months beginning with the date on which it is passed.