



Home Office

Historical background information on nationality

Version 1.0

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About this document

This document provides background information about the history of nationality law and can be used in conjunction with guidance to assess citizenship claims.

Contacts

If you have any questions about the document and your line manager or senior caseworker cannot help you or you think that the document has factual errors then email the Nationality policy team.

If you notice any formatting errors in this document (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance Rules and Forms team.

Published

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Related content

[Contents](#)

British Nationality law

The history of British nationality law falls into 4 periods, which are marked by key pieces of legislation

- before 1915
- between 1915 and 1948
- between 1949 and 1983
- after 1983

Depending on when a person was born, you may need to consider how they were affected by different pieces of legislation.

Before 1914

The position at common law

Before nationality legislation existed, there was a system of “Allegiance”. Feudal lords demanded the allegiance of their local communities and those lords, in turn, swore allegiance to the monarch. As the powers of the monarchy increased, the concept of allegiance broadened into a general allegiance to the Crown. All those who owed allegiance to the Crown were the Crown's subjects, and Common law generally attributed subject status to those born within the Crown's territories. Over time, however, this concept was found to be inadequate and statutory remedies were sought to cope with such matters as the status of the children of English subjects born abroad and the desirability of enabling ‘aliens’ to acquire subject status.

After the Act of Union 1707, joining England and Scotland, ‘English subject’ became ‘British subject’. Those who were not British subjects were ‘aliens’.

Acquisition of British subject status by birth

Crown’s dominions

Under Common law, subject status was acquired by birth within the Crown's ‘dominions and allegiance’. The term ‘dominions’ included British ships and referred to all territories within the British Empire except for protected places. (The term ‘dominions’ should not be confused with [‘Dominions’](#), which were the forerunners of today's independent Commonwealth countries). Under Common law there were certain persons who, although born in the dominions, would not owe allegiance. These were the children of foreign ambassadors (but not other diplomats) on an official posting and the children born to members of foreign, invading armed forces.

Extra-territorial jurisdiction

There have been many foreign territories in which to varying degrees the Crown exercised jurisdiction over British subjects. This included all mandated and trust territories and protectorates as well as some protected states.

There were also many foreign states and territories in which such jurisdiction was exercised but which were not under British protection, such as Egypt and Romania.

Information on the status of individual territories can be found in 'Fransman's British Nationality Law'.

Mandated and Trust territories

A 'mandated territory' is 'a territory administered by the government of any part of His Majesty's dominions in accordance with a mandate from the League of Nations'.

A 'trust territory' is 'a territory administered by the government of any part of His Majesty's dominions under the trusteeship system of the United Nations'.

A 'UK mandated or trust territory' was one 'administered by His Majesty's Government in the United Kingdom'.

Protectorates and protected states

Protectorates and protected states were foreign territories to which British protection was extended in one form or another. However, while mandated and trust territories were established under the League of Nations or United Nations, protectorates and protected states were proclaimed at the will of the Crown.

Protected states were places in which:

- there was a properly organised internal government
- Britain controlled only the state's external affairs

Protectorates were protected territories in which

- there was no properly organised internal government
- Britain not only controlled external matters, such as the protectorate's defence and foreign relations, but also established an internal administration

Acquisition of British subject status by descent

Under Common law, birth outside the dominions generally meant that birth was outside the Crown's allegiance. The exceptions were:

- children born outside the dominions to a British Ambassador on an official posting
- children of the sovereign (Statute of 1351)
- children born on a British ship

The general position was that children born in foreign countries were aliens regardless of the nationality of their parents.

The 18th Century

The 1705 Act – Electress Sophia of Hanover

Electress Sophia was the wife of the Elector of Hanover and grand-daughter of

James I. When Queen Anne's only surviving child died, the Electress Sophia became the nearest Protestant in line for the English throne. The Government were anxious that her Roman Catholic brother, James (known as the Old Pretender), should not inherit the throne and so, in 1701, they passed the Act of Settlement ensuring the succession of Sophia. In 1705, because she was of German nationality she was naturalised as a British subject by the 'Act for the Naturalization of the Most Excellent Princess Sophia, Electress and Duchess Dowager of Hanover, and the Issue of her Body.'

The effects of the Act lay dormant until, soon after World War II, Prince Ernst Augustus of Hanover claimed British nationality on the grounds of being the issue of the Electress Sophia's body. The claim was rejected twice by the courts but finally allowed by the House of Lords (*Attorney-General -v- HRH Prince Ernest Augustus of Hanover* [1957] 1 All ER 49). The effects of the 1705 Act had been complicated slightly by the Royal Marriages Act 1772, which included a proviso that the marriages of certain descendants of King George II would be null and void unless the consent of the Crown had first been obtained. This does not apply to the descendants of Princesses who have married into foreign families and, as most of George II's descendants were through the female line, the restriction has a limited effect.

A number of people have successfully claimed recognition as citizens of the United Kingdom and Colonies under section 12(4) of the British Nationality Act 1948, or as British citizens or British Overseas citizens under the British Nationality Act 1981. There are thought to be some who could still have a claim.

The Act was repealed on 1 January 1949, but there may still be claims under it as recognised descendants could transmit their citizenship of the UK and Colonies to their children under section 5(1) of the British Nationality Act 1948.

Acquisition of the status of British subject under the 1705 Act does not count as acquisition by 'naturalisation in the United Kingdom or in any of the Islands' for right of abode purposes. Most beneficiaries will, therefore, now be British Overseas citizens.

Any person who seeks recognition as a British citizen or British Overseas citizen on the basis of the 1705 Act must send a written statement that they are not, and never have been, a Roman Catholic. The case should be referred to Nationality Policy team who will assess the claim using a copy of Electress Sophia's family tree.

When it has been agreed that the claim can be accepted, a letter should be sent confirming that the claimant has the appropriate status. If the claim came from abroad, the Foreign and Commonwealth Office should be informed of our decision.

The 1708 Act

The 1708 'Act for naturalising Foreign Protestants' was passed in the reign of Charles II with the aim of encouraging to this country those Protestant weavers who were fleeing religious persecution in Europe. So many took advantage of it that the national identity was felt to be under attack, and the Act was repealed in 1711.

Naturalisation by Act of Parliament

Prior to 1708, persons who did not acquire subject status at birth could only acquire it subsequently by means of a special Act of Parliament. Despite the later development of statute law permitting naturalisation by administrative grant at the Home Office, this method continued to be used, although sparingly. The last private naturalisation measure was the James Hugh Maxwell (Naturalisation) Act 1975.

The Act of 1772

The Act of 1772 provided that British subject status could be passed to 2 generations born abroad in the legitimate male line.

An example of this is as follows:

- paternal grandfather born UK 1850 – British subject by birth
- father born France 1875 – British subject by descent – 1st generation
- child born France 1900 - British subject by descent – 2nd generation

19th Century

The Naturalization Act 1844

In the early years of the 19th century, the expansion of Britain's trade created a need for an easy method for foreign merchants, and others settling here, to acquire British subject status. The 1844 Act introduced naturalisation by administrative grant at the Home Office. The applicant was treated as being a British subject by birth from the date of naturalisation.

Naturalisation as a British subject gave the right to hold any office except Privy Councillor or Member of Parliament.

The Common law view prior to the 1844 Act had been that marriage had no effect on the parties' nationality status. However, the 1844 Act provided that a foreign woman who married a British subject acquired British subject status automatically on marriage. Marriage by a British subject woman to an alien did not, at this time, affect her status. There was no provision for the naturalisation of children.

The Act of 1847

Doubts had arisen concerning the value, in the Crown's dominions, of certificates issued under the 1844 Act. The 1847 Act provided that the 1844 Act would not apply to the Colonies.

Naturalisation in the UK conferred British subject status valid throughout the Empire – 'Imperial Naturalisation'. Naturalisation in a colony conferred British subject status in that colony only – 'Local Naturalisation'.

The Naturalization Act 1870

Section 4 of the Naturalization Act 1870 introduced a provision that persons born in Her Majesty's dominions, who were, at birth, both British subjects and nationals of a foreign country, could renounce British status in favour of the foreign one by making

a declaration of alienage. A person born outside Her Majesty's dominions, whose father was a British subject could also make a declaration of alienage (whether or not that person had any other nationality). Provision was also made that persons voluntarily acquiring a foreign nationality abroad through naturalisation should automatically lose their British nationality.

Section 4 was subsequently amended by section 14 of the British Nationality and Status of Aliens Act 1914 to make it possible for persons born within the Crown's dominions, who had acquired a foreign nationality while they were a minor to make a declaration of alienage.

The 1870 Act also provided that the children under 21 of a naturalised father (or widowed mother) were deemed to be naturalised if resident in the UK with the father (or widowed mother).

A British subject woman marrying a foreign man now lost her British subject status on marriage.

Denization

Denization (or endenization) allowed an alien to acquire British nationality. It can be traced back to the 13th century. It was the forerunner of naturalisation but also continued alongside it. Letters of denization were granted by the Crown, whereas naturalisation was the result of an Act of Parliament.

British subjects by denization could not pass on the status to their children.

The last person to acquire British nationality by denization was Sir Lawrence Alma Tadema, a Dutch painter whose work was admired by Queen Victoria. As an alien, he could not become a member of the Royal Academy, and he did not qualify for naturalisation. The Attorney General at that time (1873) was displeased that he should be allowed to bypass naturalisation and from then on the practice of granting letters of denization gradually fell into disuse.

1870 to 1914

The years 1870-1914 were a period of great expansion in the British Empire. The old settlements and colonies increased in importance and population, and many of them came to rival the UK in power and effectiveness. The fact that nationality was still governed by Parliament in Westminster caused considerable dissatisfaction among the Dominions, and it was finally determined that the time had come to attempt a codification of British nationality law which would recognise the position and status of the Dominions.

The basis of this codification was to be the recognition of a common status of British subject throughout the Commonwealth, and this should be maintained by a Common Code in all Commonwealth countries. The status was based upon allegiance, and acquisition was chiefly by birth within the Dominions.

Related content

[Contents](#)

Between 1915 and 1948

British Nationality and Status of Aliens Act 1914

The British Nationality and Status of Aliens Act 1914 came into effect on 1 January 1915. It was later amended by further Acts in 1918, 1922, 1933 and 1943 Acts. The Act defined in law those people who were British subjects.

The 1914 Act provided that, from 1 January 1915 onwards, the transmission of British subject status would be restricted to one generation in the legitimate male line.

Widows and divorcees were allowed to resume British subject status.

Children who lost British subject status as a result of their parents' naturalisation as an alien or Declaration of Alienage were allowed to resume British subject status by personal declaration within one year of reaching the age of 21.

Imperial naturalisation was introduced for the colonies with Dominion status (listed in the 1st Schedule to the 1914 Act), provided that they adopted the conditions for naturalisation set out in Part II of the BNA 1914. The dates on which the dominions adopted Part II are:

- Canada and Newfoundland - 1 January 1915
- Australia - 1920
- South Africa - 1926
- New Zealand - 1929
- Burma - 1937 (immediately on gaining Dominion status)

The status of children no longer depended on their place of residence. They lost British subject status if their parent lost it and they acquired the parent's other nationality. Acquisition of British subject status depended on the children being included in the parent's naturalisation application.

The 1918 Act

During the First World War, a number of cases occurred of serving soldiers who were British by descent having children born to them out of the UK. Children of diplomatic families had also to be considered.

The British Nationality and Status of Aliens Act 1918 amended the 1914 Act and introduced the transmission of British subject status to children born abroad whose fathers were British subjects by descent and who were in Crown Service at the time of their birth.

The 1922 Act

The various British communities abroad thought it wrong to limit transmission by descent to one generation only. The UK and Dominion Governments agreed on indefinite transmission by descent provided that:

- the child's birth was registered at a British Consulate within one year of birth
- upon reaching the age of 21, the child expressed the desire to remain British

However, the 1922 Act excluded children born between 1915 and 1922.

The 1933 Act

The 1933 Act provided that women would no longer lose British subject status on marriage to a foreign man unless they acquired the husband's nationality as a result of the marriage.

An alien woman whose husband was granted a UK or 'imperial' certificate of naturalisation between 1 January 1934 and 31 December 1948 did not become a British subject automatically. However, she could acquire that status by making a declaration of acquisition of British nationality within either:

- 12 months of the date on which her husband's certificate of naturalisation was granted
- a longer period allowed by the Home Secretary

The 1943 Act

The 1943 Act was essentially a tidying-up measure.

In response to consequences of World War I, the 1943 Act provided that children born after their father's death (posthumous children) could inherit British subject status if appropriate. The measure applied to children born before and after the Act.

Consular birth registration was made fully retrospective with, in practice, no time limit on the registration of births (deceased ancestors could be registered).

Consular birth registration was introduced for children born in foreign countries whose fathers were British subjects by descent. This procedure made such children British subjects by descent.

The period before the 1948 Act

There was growing national consciousness within the Dominions.

In 1946, the Dominion of Canada created a separate 'Canadian citizenship' apart from the status of British subject. As a result, in 1947, an Imperial (or Commonwealth) Conference was convened of all the self-governing Dominions (Australia, Canada, Ceylon, India, Newfoundland, New Zealand, Pakistan, Southern Rhodesia, and the Union of South Africa) to resolve the growing confusion.

General agreement was reached on a new scheme to reconcile the citizenships of the individual Commonwealth countries with the overall status of British subject. This formed the basis of the British Nationality Act 1948.

1949 to 1982

The British Nationality Act 1948

The 1948 Act, which came into force on 1 January 1949, introduced the status of citizen of the UK and Colonies (CUKC) whilst retaining the term British subject to cover every citizen of a Commonwealth country, including the UK and the Colonies.

The intention was that existing British subjects would become either a:

- British subject: CUKC
- British subject: citizen of a Commonwealth country

Between 1947 and 1951, the 9 Commonwealth countries which became independent (for nationality purposes) on 1 January 1949 introduced their own citizenship laws.

The dates of the citizenship laws were as follows:

- Australia - 26 January 1949
- Canada - 1 January 1947
- Ceylon - 1 January 1949
- India - 26 January 1950
- Newfoundland - 31 March 1949
- New Zealand - 1 January 1949
- Pakistan - 13 April 1951
- South Africa - 2 September 1949
- Southern Rhodesia - 1 January 1950
- UK - 1 January 1949

On 1 January 1949, all the territories within the Crown's dominions came within the UK and Colonies except for the Dominions of Canada, Australia, New Zealand, South Africa, Newfoundland, India, Pakistan and Ceylon and Southern Rhodesia. Southern Ireland was also excluded from the UK and Colonies, although it was not an independent Commonwealth country.

Persons closely connected with the UK or existing British territories remained British subjects but acquired the additional status of CUKC. In some cases, both CUKC and the citizenship of one or more independent Commonwealth countries was acquired.

The 1948 Act provided that:

- any CUKC or citizen of an independent Commonwealth country was a British subject (section 1(1))
- British subject and Commonwealth citizen meant the same thing
- 9 countries, which were Dominions, ceased to be part of the UK and Colonies for nationality purposes on 1 January 1949. These were:
 - Canada

- South Africa
- Pakistan
- Australia
- Newfoundland
- Southern Rhodesia
- New Zealand
- India
- Ceylon

On 1 January 1949, Eire (now the Republic of Ireland) also ceased to be part of the UK and Colonies for nationality purposes.

British subjects without citizenship

The status of British subject without citizenship (BSWC) was created as a temporary measure for those people connected with one of the 6 independent countries listed on section 1(3) of the 1948 Act that had not defined their citizenship laws by 1 January 1949. These were:

- Australia
- Newfoundland
- South Africa
- Southern Rhodesia
- India
- Pakistan

Section 13(1)

Under section 13(1) persons were BSWCs if they were:

- British subjects before 1949
- 'potentially' citizens of a section 1(3) country (this is defined in section 32(7) of the 1981 Act)
- not CUKCs or citizens of a section 1(3) country or of Eire

Section 13(2)

Section 13(2) made provision for BSWCs to become CUKCs. If BSWCs did not become actual citizens of the section 1(3) country of which they were deemed to be a potential citizen when a citizenship law had taken effect there, they became a CUKC.

Some BSWCs remained after 1950, because no effect was ever given to the citizenship laws of India and Pakistan.

To have remained a BSWC after 1950, a person must have been born before 1 January 1949 and have been connected with British India (India or Pakistan). Many of these people now hold British subject status under section 30 of the British Nationality Act 1981.

Potential citizens

Potential citizens are defined in section 32(7) of the British Nationality Act 1948 as follows:

- British subjects by birth in one of the section 1(3) countries which had not defined its citizenship laws by 1 January 1949 (Australia, Newfoundland, South Africa, Southern Rhodesia, India, and Pakistan)
- persons whose nearest ancestor in the male line was a British subject by birth in one of those 6 countries
- women who were, or had been, married to a man who was a 'potential' citizen

Sections 4 and 5 of the British Nationality Act 1948

Sections 4 and 5 of the 1948 Act provided for the acquisition of citizenship of the UK and Colonies (CUKC) for those born between 1 January 1949 and 31 December 1982.

Section 4 – birth

Under section 4 a person became a citizen of the UK and Colonies (CUKC) by birth if they were born within the UK and Colonies.

The exception to this was if their father was a diplomat or an enemy alien in occupation. (The [Consular Relations Act 1968](#) extended this to also exempt those whose mothers were serving at a consular post.)

The British Nationality (No.2) Act 1964, which came into force on 16 September 1964, provided that a new-born infant found abandoned in the UK and Colonies after that date would be regarded as having been born within the UK and Colonies.

Section 5 (descent)

Section 5 provided for the acquisition of CUKC status by descent.

Persons born outside the UK and Colonies would be CUKCs by descent, provided that their father was a CUKC by birth – section 5(1).

Certain people whose fathers were CUKCs by descent still acquired CUKC by descent if they were either:

- a person who, or whose father, was born in any place where, at the time of either birth, the Crown exercised extra-territorial jurisdiction – section 5(1)(a)
- a person born in a foreign country whose birth was registered at a UK consulate within one year of the birth – section 5(1)(b)
- a person whose father was in Crown service at the time of the birth – section 5(1)(c)
- a person born in any country mentioned in section 1(3) of the act, where effect had been given to that country's citizenship laws, but who did not become a citizen by birth in that country (in practice this only referred to someone born in Ceylon who did not become a citizen of Ceylon at birth) – section 5(1)(d)

For the purposes of sections 5(1)(a)-(d), the father had to be a CUKC by descent. Anyone who became a CUKC under any of the section 5(1) provisions became a CUKC by descent.

For the purposes of the Act, a person was a CUKC by birth if they acquired that status:

- under section:
 - 4
 - 12(1)
 - 12(3)
- by registration or naturalisation as a CUKC

A person was a CUKC by descent if they acquired that status:

- under section:
 - 5
 - 12(2)
 - 12(4)
 - 12(6)
 - 13(2)
- under Paragraph 3 of Schedule 3
- under the British Nationality (No 2) Act 1964

Section 12

Section 12 set out which British subjects born before 1 January 1949 became citizens of the UK and Colonies. These were:

- British subjects by birth, annexation or naturalisation in any territory which, on 1 January 1949, was part of the UK and Colonies - section 12(1)
- British subjects, legitimately descended from a father who became a CUKC
- under section 12(1) – section 12(2)
- British subjects who were born in a territory that was a protectorate, protected state or UK trust territory on 1 January 1949 - but not a foreign country where the UK exercised [extra-territorial jurisdiction](#) - section 12(3)
- British subjects who were not:
 - a CUKC under sections 12(1), 12(2) or 12(3)
 - a citizen of Eire
 - a citizen of a section 1(3) country
 - a potential citizen of a section 1(3) country section 12(4)
- female British subjects who had been married at any time before 1 January 1949 to a man who became (or would, but for his death, have become) a CUKC under section 12(1), 12(2), 12(3) or 12(4) – section 12(5)

In addition, section 12(6) provided for adults to apply for registration, at the Secretary of State's discretion, as a CUKC by descent, if they:

- were descended in the legitimate male line from a section 12(1) ancestor

- would have become CUKCs under section 12(4) but for their actual or potential citizenship of a section 1(3) country

Independence

In the post war years, the countries of the British Empire increasingly became independent and enacted their own citizenship laws. This process had a crucial effect on the citizenship status of those CUKCs connected with them.

When a colony attained independence, CUKC was withdrawn from all but a few people who had an '[exception to loss](#)' and replaced by that country's own national status.

On independence 3 things could happen:

- the person became a citizen of the new country and lost CUKC
- the person became a citizen of the new country and retained CUKC
- the person did not become a citizen of the new country and remained a CUKC

A list of independent Commonwealth countries and the date they became independent can be found in the British citizenship: following renunciation guidance

The independence process

When a former British colony, associated state, protectorate or protected state achieved independence within the Commonwealth, and made its own citizenship laws, a corresponding independence act was passed in the UK. This would:

- include the name of the newly independent country in section 1(3) of the BNA 1948, and, if necessary remove it from the list of protectorates and protected states in the current British Protectorates, Protected States and Protected Persons Order
- withdraw citizenship of the UK and Colonies from certain people who became citizens of the new country

Independence Acts of that period tended to follow a regular pattern and also included:

- the removal of entitlement to registration as a citizen of the UK and Colonies under section 6(2) of the British Nationality Act 1948 from the wife of a man who ceased to be a citizen of the UK and Colonies on becoming a citizen of the new country
- provision for residence in that country before independence to continue to count, for the purposes of naturalisation, under paragraph 1(b) of the Second Schedule to the 1948 Act
- arrangements for the exercise in the new country of the Secretary of State's function of registration

Withdrawal of citizenship of the United Kingdom and Colonies

The provisions for the withdrawal of CUKC ensured that nobody who held that citizenship immediately before the date of independence would be made stateless on that date.

If CUKC had a connection with the new country but did not acquire its citizenship they remained, with certain exceptions, CUKC. The exceptions are to be found in the independence arrangements for the Bahamas, Belize, Cyprus, Kiribati, Sierra Leone and the Solomon Islands.

People who had a specific connection with the UK and its dependencies were also [excepted from loss](#). These specified connections are usually shown in the relevant legislation passed in the UK in connection with the independence of the country concerned. Information about the specific arrangements for independent Commonwealth countries can be found in 'Fransman's British Nationality Law'.

Exceptions to loss

The legislation enacted when a colony attained independence before 1983 usually provided for CUKC to be lost by persons who acquired citizenship of the newly-independent country on the independence day. The exception to this was if they possessed certain qualifying connections either with the UK or with a place that remained a colony, protectorate or protected state.

The following people were normally excepted from loss:

- those born in a place which remained part of the UK and Colonies after independence
- those naturalised in the UK and Colonies, provided the relevant certificate of naturalisation was granted in a place which remained part of the UK and Colonies, a protectorate, protected state or a UK trust territory after independence
- those registered as CUKC either in a place which remained part of the UK and Colonies, a protectorate, protected state or a UK trust territory after independence, or in an independent Commonwealth country
- those who became a British subjects through the annexation of a territory which remained part of the UK and Colonies after independence
- those whose father or paternal grandfather belonged to any of categories above
- those born in a place which remained a protectorate, protected state or a UK trust territory after independence
- those whose father or paternal grandfather was at any time a British subject who was born in a place which remained a protectorate, protected state or a UK trust territory after independence
- women whose husbands remained CUKC after independence

The terms 'father' and 'grandfather' only applied where a person's parents or grandparents were married.

There is a list of specific independence provisions to note at the end of this guidance.

Development of the Right of Abode

The first modern immigration statute had been the Aliens Act 1905 which, as the title indicates, applied only to aliens (foreign nationals). British subjects had a right to enter and reside in the UK. However, immigration legislation between 1949 and 1983 removed those entitlements for many British subjects.

The Commonwealth Immigrants Act 1962

The notion that the British Empire constituted a single territory, and that all British subjects were free to enter the UK, came to an end with the Commonwealth Immigrants Act 1962.

Except for 'Commonwealth citizens' (a term which included CUKCs) who were born in the UK or who were the holders of UK passports (as opposed to British passports issued by a colonial authority), the right of entry to the UK was restricted by the provisions of the 1962 Act. Following the introduction of that Act citizens of Commonwealth countries and certain CUKCs were subject to immigration control.

The Commonwealth Immigrants Act 1968

CUKC of Asian descent living in East African dependencies generally retained their citizenship of the UK and Colonies when those territories became independent. They became 'UK passport holders' on independence and were therefore excluded from the scope of the 1962 Act. During the next few years, discriminatory treatment caused British Asians from East Africa to enter the UK in increasing numbers. This led to the passage of the Commonwealth Immigrants Act 1968. This amended the 1962 Act definition of 'CUKCs holding UK passports' to citizens who were born, adopted, registered or naturalised in the UK, or who had such a parent or grandparent.

Patriality and right of abode

The term 'patriality' was introduced by the Immigration Act 1971 (which replaced the 1962 and 1968 Acts in their entirety).

The idea was that partiality would be a secondary status: an individual CUKC could also either be a 'patrial' or a 'non-patrial'. A 'patrial' was a person who had a 'right of abode' in the UK (section 2(6) of the 1971 Act) and who, as a result, was 'free to live in, and to come and go into and from the UK without let or hindrance'.

A 'non-patrial' could only enter and 'live, work and settle in the UK by permission'.

Information about who had the right of abode under section 2 of the 1971 Act can be found in the [right of abode guidance](#).

Related content

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After 1983

The British Nationality Act 1981

The aim of the British Nationality Act 1981 was to create a new law which would give all existing CUKCs a citizenship status which reflected their circumstances, particularly the strength of their connection with the UK.

The British Nationality Act 1981 (BNA 1981) received Royal Assent on 30 October 1981. Its main provisions came into effect on 1 January 1983. The Act amended the Immigration Act 1971 so that the right of abode reflected the new citizenships created.

The 1981 Act replaced citizenship of the UK and Colonies with 3 separate citizenships:

- British citizenship, for people closely connected with the UK (including the Channel Islands and the Isle of Man)
- British Dependent Territories citizenship, for people connected with the dependencies
- British Overseas citizenship, for CUKCs who did not acquire either of the other citizenships at commencement

No-one who was formerly a citizen of the UK and Colonies was left without a citizenship, and the Act contains provisions which comply with the UK's obligations under the UN Convention on the Reduction of Statelessness.

British citizenship

CUKCs who had the right of abode acquired British citizenship automatically at commencement. The exception to this was stateless persons who had been registered as CUKCs by virtue of their mother's CUKC status – they acquired whichever of the 3 new citizenships their mother did.

For information about the provisions in the 1981 Act relating to British citizenship, see [British citizenship: automatic acquisition](#).

British Dependent Territories citizenship

The provisions of the 1981 Act relating to British Dependent Territories citizens follow a similar pattern to those relating to British citizenship.

For further information about the provisions in the 1981 Act relating to British Dependent Territories citizenship, see the [British overseas territories citizens guidance](#).

British Overseas citizenship

British overseas citizenship is essentially transitional in its nature. It was acquired on 1 January 1983 by any CUKC who did not become either a British citizen or a British

Dependent Territories citizen. British Overseas citizenship cannot normally be transmitted automatically to children born after commencement.

For further information about the provisions in the 1981 Act relating to British Overseas citizenship, see [British overseas citizens guidance](#)

British subjects

The use of the term 'British subject', as a common description of all Commonwealth citizens, ceased and the term 'Commonwealth citizen' alone is now used. The term 'British subject' is used for the following:

- British subjects without citizenship (connected to India and Pakistan)
- British subjects who had that status by reason of a connection with the Republic of Ireland before 1949 who claimed their right to remain British subjects under section 2 of the British Nationality Act 1948

For further details of the 1981 Act provisions relating to British subjects see the [British subjects guidance](#).

British protected persons

The status of British protected person is continued by the 1981 Act – see [The British protected person guidance](#).

The British Nationality (Falkland Islands) Act 1983

The British Nationality (Falkland Islands) Act 1983, was passed as a result of the conflict with Argentina in 1982. It provided that a connection with the Falkland Islands was sufficient for a British Dependent Territories citizen (BDTC) to register as a British citizen.

The 1983 Act was deemed to have come into force on 1 January 1983, and so persons who would have become BDTCs under section 23 of the 1981 Act by virtue of a connection with the Falkland Islands were deemed also to have become British citizens.

Hong Kong

On 1 January 1983, Hong Kong became a British Dependent Territory for the purposes of the British Nationality Act 1981, and remained such until midnight on 30 June 1997.

Under the British Nationality (Hong Kong) Act 1990 a scheme was introduced that allowed those settled in Hong Kong to register as British citizens provided certain criteria were met. The scheme was referred to as the British Nationality Selection Scheme and quotas were given to occupational groups in Hong Kong, based on their size. The total number of people who could benefit from the scheme was 50,000 heads of households, together with their dependants. Registration under the Selection Scheme was optional: a person had to submit an application and fee, before a specified date.

Hong Kong BDTs ceased to be BDTs on 1 July 1997. Unlike normal independence day arrangements, the loss was not dependent upon the acquisition of Chinese nationality: as far as China was concerned, any person from Hong Kong was already a Chinese national if of Chinese origin.

BDTs could acquire the status of British National (Overseas), which was created by paragraph 2(1)(b) of the Schedule to the Hong Kong Act 1985. The Order provided that persons who were BDTs by virtue of a connection with Hong Kong would lose that status from 1 July 1997. But before that date they would have the right to acquire the status of British National (Overseas) and to retain this new status for life. British National (Overseas) status cannot be passed on to future generations.

If a BDT did not apply for British National (Overseas) status and they had another nationality on 1 July 1997, they automatically lost British nationality. If they did not have another nationality, and would otherwise have become stateless, they will automatically have become a British Overseas citizen (BOC). The children of such BOCs born after 1 July 1997 will (if they would otherwise be stateless) also acquire British Overseas citizenship, and their grandchildren will have an entitlement to be registered as British Overseas citizens.

The British Overseas Territories Act 2002

The British Overseas Territories Act 2002 renamed British dependent territories as British overseas territories and British Dependent Territories citizenship as British overseas territories citizenship. Following that Act a connection with a British overseas territory, other than the Sovereign Base Areas on Cyprus, is now treated as a connection with the UK for the purpose of acquiring British citizenship automatically.

The 2002 Act added 2 categories of persons who automatically became British citizens on 21 May 2002:

- British overseas territories citizens who had that citizenship by connection with a 'qualifying territory' (a British overseas territory other than the Sovereign Base Areas of Akrotiri and Dhekelia)
- a person born on or after 26 April 1969 and before 1 January 1983 who:
 - was born to a woman who, at the time of the birth, was a citizen of the UK and Colonies by virtue of her birth in the British Indian Ocean Territory
 - immediately before 21 May 2002, was neither a British citizen nor a British overseas territories citizen

For children born in the territory after 21 May 2002, British citizenship is acquired automatically if either parent is a British citizen on settled in that territory. 'Settled' is defined as ordinarily resident and not subject to immigration time restrictions.

The British overseas territories are listed in [Schedule 6](#) to the 1981 Act.

Specific independence provisions to note

Aden (South Yemen)

Although the People's Republic of Southern Yemen was formed on 30 November 1967, citizenship of the UK and Colonies (CUKC) was not withdrawn from any of its citizens until 14 August 1968.

There was an unusual exception to loss of CUKC in that a person did not cease to be a CUKC if ordinarily resident in the UK, a colony, protectorate or Trust territory on 14 August 1968. This did not apply to British protected persons, who automatically lost that status on becoming Yemeni citizens.

Acquisition of Yemeni citizenship depended upon being of 'Arab stock'.

Burma

Burma was formerly an Indian province which became an independent foreign country on 4 January 1948 and, therefore, the status of British subject was lost rather than CUKC.

Some people who became Burmese made declarations to remain British subjects ('Burma Declarations') and became CUKC under section 12(4) of the BNA 1948.

Some British subjects who did not become Burmese became CUKC under section 12(4) if not a potential or actual citizen of a section 1(3) country.

Cyprus

Cyprus was annexed by the British in 1914. It became an independent Commonwealth country on 16 August 1960 - except for the sovereign bases of Dhekelia and Akrotiri which were still treated as colonies and are British overseas territories under the British Nationality Act 1981.

CUKC was not lost until a nationality law was formulated on 16 February 1961. There was an additional exception to loss for those who were ordinarily resident in any area of the Commonwealth (except Cyprus) immediately before 16 August 1960. Loss of CUKC did not necessarily depend on the acquisition of citizenship of Cyprus.

Ireland

Under section 2 of the British Nationality Act 1948, those persons born before 1 January 1949 in Eire could claim to remain British subjects (this right is continued in section 31 of the BNA 1981).

Some Irish citizens could become CUKC under section 12(4) of the BNA 1948 if they were born before 6 December 1922 and left Ireland before that date.

Malaysia

The Federation of Malaya was formed on 31 August 1957 of nine Malay States (Protected States) and the colonies of Penang and Malacca. British protected persons lost that status on independence but there was no provision for the loss of CUKC.

North Borneo, Sarawak and Singapore joined with those states to form the Federation of Malaysia on 16 September 1963. The Malaysia Act withdrew CUKC on basically normal grounds but did not affect existing citizens of the Federation.

Therefore there was no provision for loss of CUKC for people who acquired that status by their birth or connection with Penang and Malacca before 31 August 1957. A person born there or legally descended from a father born there may have had an automatic claim to CUKC - now they are mainly British Overseas citizens.

Federation of Rhodesia and Nyasaland

This Federation was formed on 1 March 1958 and was made up of the Colony of Southern Rhodesia and the Protectorates of Northern Rhodesia and Nyasaland.

The Federation was dissolved on 31 December 1963, and those Federation citizens who did not become Southern Rhodesian on that date became citizens of the UK and Colonies under section 74(2) of an Order in Council. Most - but not all – of these were connected with Nyasaland or Northern Rhodesia and ceased to be CUKC when these countries became independent (as Malawi and Zambia).

Antigua and Barbuda/Belize

An additional exception to loss of CUKC was for those citizens of the UK and Colonies who became citizens of the newly independent country but possessed the right of abode in the UK immediately prior to independence. The most usual claims arise from those who had right of abode under section 2(1)(c) of the Immigration Act 1971 on the basis of 5 years residence in the UK or women married to men with the right of abode. Antigua and Barbuda achieved independence on 1 November 1981; Belize on 21 September 1981.

St Christopher and Nevis

St Christopher (St Kitts) and Nevis became independent Commonwealth countries on 19 September 1983. British citizenship was not lost by anyone who became a citizen of these countries on that date. British Dependent Territories citizenship was however lost, unless there was a connection with a remaining dependent territory.

Dominica, Kiribati, St Lucia, St Vincent & the Grenadines, Solomon Islands and Tuvalu

Under the independence legislation of these countries, a woman who had acquired citizenship of the UK and Colonies under section 6(2) of the BNA 1948 lost CUKC if her husband ceased to be a CUKC at independence.

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