



Home Office

British subjects

Version 2.0

Contents

Contents.....	2
About this guidance.....	3
Contacts	3
Publication	3
Changes from last version of this guidance	3
British subject status on 1 January 1983.....	4
Evidence required to establish a claim	5
Automatic claims to British subject status: people who would otherwise be stateless	7
Paragraph 1 of Schedule 2	7
Paragraph 2 of schedule 2.....	8
Persons born in a British overseas territory	8
Entitlement to British subject status	9
Registration of minors	10
Consideration process	10
Who can apply	10
Criteria for exercise of discretion	10
Brothers and sisters of certain children already registered	11
Parental consent.....	11
The citizenship ban.....	11
Claims to British subject status by certain Irish nationals.....	13
Registration of stateless people born outside the UK and British overseas territories	14
Renunciation of British subject status.....	15
Potential citizenship of another country	15
Defective declarations	16
Holders of an additional form of British nationality	16
Declarants who are also British citizens or British overseas citizens	16
Declarants who are also British overseas territories citizens	17
Automatic loss of British subject status	18

About this guidance

This guidance tells Nationality caseworkers about British subjects and how to consider applications to acquire that status.

Contacts

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

If you notice any formatting errors in this guidance (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.

Publication

Below is information on when this version of the guidance was published:

- version **2.0**
- published for Home Office staff on **21 July 2023**

Changes from last version of this guidance

Updated to reflect changes made by the Illegal Migration Act 2023.

Related content

[Contents](#)

British subject status on 1 January 1983

This page tells you who automatically became a British subject on 1 January 1983 as a result of [section 30](#) and [31\(2\)](#) of the British Nationality Act 1981 (BNA 1981).

Under [section 30\(a\) of the BNA 1981](#), a person automatically became a British subject under the act on 1 January 1983 if, immediately before that date, they were a British subject without citizenship by virtue of [section 13 or 16 of the British Nationality Act 1948](#) (BNA 1948).

A person was a British subject without citizenship under section 13 of the BNA 1948 on 31 December 1982 if they:

- were born before 1 January 1949
- were a British subject on 31 December 1948
- on 1 January 1949:
 - did not become a citizen of the United Kingdom and Colonies (CUKC)
 - was not a citizen of Eire (the Republic of Ireland)
 - was not a citizen of Canada, Ceylon (Sri Lanka) or New Zealand
- did not before 1 January 1983 become either:
 - a CUKC
 - a citizen of Eire
 - a citizen of any Commonwealth country, including (at any time) Pakistan
 - an alien by making a declaration of alienage under [section 14 of the British Nationality and Status of Aliens Act 1914](#) (the 1914 act)

A person was a British subject without citizenship (BSWC) under section 16 of the BNA 1948 on 31 December 1982 if:

- they were born before 1 January 1949
- before 1 January 1949:
 - while a minor, ceased to be a British subject under [section 12\(1\) of the 1914 act](#)
 - had not made a declaration of resumption of British nationality under [section 12\(2\) of the 1914 act](#)
- they would, but for section 12(1) of the 1914 act, have become, on 1 January 1949, either:
 - a CUKC
 - a BSWC under [section 13 of the BNA 1948](#)
- between 1 January 1949 and 31 December 1982 inclusive, they had:
 - made a declaration of resumption of British nationality under [section 16\(2\) of the BNA 1948](#)
 - was, as a result, treated as if they had on 1 January 1949, become a BSWC under section 13 of the BNA 1948 not a CUKC
- before 1 January 1983, they did not become either:
 - CUKC

- a citizen of Eire (the Republic of Ireland)
- a citizen of any Commonwealth country, including (at any time) Pakistan
- an alien by making a declaration of alienage under [section 14 of the British Nationality and Status of Aliens Act 1914](#)

Under [section 30\(b\) of the BNA 1981](#), a woman automatically became a British subject under the act on 1 January 1983 if, immediately before that date, she was a British subject by virtue of [section 1 of the British Nationality Act 1965](#) (BNA 1965).

A woman was a British subject under section 1 of the BNA 1965 on 31 December 1982 if she:

- had been registered under section 1(1) of the BNA 1965
- (if her registration was on grounds of marriage to a BSWC under [section 13 or section 16 of the 1948 Act](#)), had not since the date of registration become either:
 - a CUKC
 - a citizen of a Commonwealth country
 - a citizen of the Eire

Under [section 31\(2\)](#) of the BNA 1981, a person automatically became a British subject under the act on 1 January 1983 if, immediately before that date, they were a British subject by virtue of [section 2 of the BNA 1948](#).

A person was a British subject under section 2 of the BNA 1948 on 31 December 1982 if they:

- were born before 1 January 1949
- were a British subject on 31 December 1948
- were a citizen of Eire on 31 December 1948
- on 1 January 1949, they:
 - did not become a CUKC
 - were not a citizen of Canada, Ceylon (Sri Lanka) or New Zealand
 - did not become a BSWC under [section 13 of the BNA 1948](#)
- made a claim to remain a British subject on all or any of the following grounds:
 - Crown service under the UK government
 - possession of a British passport issued by the UK government or the government of a colony, protectorate, UK mandated or trust territory
 - associations by descent, residence or otherwise with the UK, a colony, protectorate, mandated or trust territory

British subject status is not transmissible and is therefore not automatically passed on to future generations.

Evidence required to establish a claim

A person may be regarded as a British subject under the BNA 1981 on production of either:

- a passport describing the holder as a British subject
- a certificate of registration describing the holder as a British subject
- an acknowledgement of a claim to remain a British subject under [section 2 of the BNA 1948](#)
- the relevant documents related to the person's parents, grandparents, or spouse (such as their birth, adoption, marriage, death, registration or naturalisation certificate) which establish that they became a BSWC on 1 January 1949, and had that status on 31 December 1982

In addition to this you must also take into account any information or documents held as part of Home Office records.

Related content

[Contents](#)

Automatic claims to British subject status: people who would otherwise be stateless

This section tells you about how to determine whether an individual has an automatic claim to British subject status.

The form of British nationality acquired under [paragraphs 1 and 2 of schedule 2 to the British Nationality Act 1981 \(BNA 1981\)](#) is the same as that of the parent or parents. If, between them, the parents hold more than one form of British nationality, then both will be acquired, except for British subject status. A person cannot become a British subject under paragraphs 1 and 2 of schedule 2 if they acquire another form of British nationality. Where one of the parents holds another form of British nationality you must refer to the relevant nationality guidance.

Paragraph 1 of Schedule 2

Under [paragraph 1 of schedule 2 of the BNA 1981](#), a person born on or after 1 January 1983, who would otherwise have been born stateless will be:

- a British overseas territories citizen
- a British overseas citizen
- both a British overseas territories citizen and a British overseas citizen
- a British subject under the BNA 1981

if, at the time of the birth, either parent was :

- a British overseas territories citizen
- a British overseas citizen
- neither, but one or both of them was a British subject under the BNA 1981.

A person cannot be a British subject under the BNA 1981 under paragraph 1 of schedule 2 if they are either or both:

- a British overseas territories citizen
- a British overseas citizen

A person cannot benefit from the provisions of paragraph 1 of schedule 2 if, at birth they were:

- a British citizen under [section 1\(1\)](#)
- a British overseas territories citizen under [section 16\(1\)](#)
- holding any other nationality or citizenship

Paragraph 2 of schedule 2

Under [paragraph 2 of schedule 2 of the BNA 1981](#), a person born in a British overseas territory on or after 1 January 1983 to a parent who was a British citizen, a British Overseas citizen or a British subject and who would otherwise have been born stateless, will be:

- a British citizen
- a British overseas citizen
- both a British citizen and a British overseas citizen
- a British subject under the BNA 1981

A person cannot be a British subject under the 1981 Act under paragraph 2 of schedule 2 if they are either a:

- a British citizen
- a British overseas citizen

A person cannot benefit from the provisions of paragraph 2 of schedule 2 if, at birth they were:

- a British overseas territories citizen under [section 15\(1\)](#)
- a British citizen under [section 2\(1\) of the BNA 1981](#) or [section 1\(2\) of the British Nationality \(Falkland Islands\) Act 1983](#)
- (if born in a qualifying territory on or after 21 May 2002) a British citizen under [section 1\(1\) of the BNA 1981](#), as amended by the [British Overseas Territories Act 2002](#)
- holding any other nationality or citizenship

Persons born in a British overseas territory

A person born in a British overseas territory on or after 1 January 1983 may be regarded as a British subject on production of:

- a passport describing the holder as a British subject
- a British overseas territories birth certificate showing the parents' details
- evidence that at the time of the birth a parent was a British subject under the BNA 1981

If either or both of the parents of the person born in a British overseas territory is a citizen of another country, it will be necessary to have a statement from the authorities of the country concerned confirming that the person did not, at birth, become a citizen of that country.

Evidence that a parent is a British subject includes:

- a passport describing the holder as a British subject
- a certificate of registration describing the holder as a British subject

- an acknowledgement of a claim to remain a British subject under [section 2 of the British Nationality Act 1948](#) or [section 31\(3\) of the BNA 1981](#)

Entitlement to British subject status

A person born after 1 January 1983 outside the UK and the British overseas territories may have an entitlement to registration as a British subject under [paragraph 4 of schedule 2 of the BNA 1981](#). In other cases, there is no entitlement to registration as a British subject. If the person is still a minor, you should consider whether it would be right to offer registration at discretion under [section 32\(1\)](#).

Related content

[Contents](#)

Registration of minors

This section tells you how to consider applications to register minors as British subjects.

People may be registered under [section 32 of the British Nationality Act 1981](#) (BNA 1981) if:

- an application is made while they are minors
- aged 10 or over at the date of application, the Secretary of State is satisfied that they are of good character
- the Secretary of State thinks fit to register them

Consideration process

You must consider an application in the following order:

- whether the minor has an automatic claim to British subject status
- whether the minor has an entitlement to registration
- if it is appropriate to exercise discretion
- if there are any grounds for making an exception to the normal criteria

Who can apply

Anyone who has assumed responsibility for a minor may apply for the minor's registration under [section 32 of the BNA 1981](#), but, in practice, it is expected that an application will be made by:

- one or both parents
- a guardian
- a local authority which, because of the existence of a care order, shares parental responsibility for a child with the parents

In some cases, it may be appropriate for an application to be made by:

- someone else who has the responsibility for the minor, such as another relation
- the minor
- someone who shares parental responsibility for the minor with the parents, such as another relation

Criteria for exercise of discretion

You must normally agree to register if they meet all of the below:

- at least one parent is a British subject
- the child has no nationality or citizenship and cannot acquire one

- the child is facing genuine difficulties through lack of a passport, for example, inability to benefit from state facilities, such as health care and education
- you are satisfied that the family's continued stay in the country in which they live is at risk to the point of deportation, regardless of whether deportation proceedings have actually started, and there is no country other than the UK where the family could go if they were deported
- in the case of a person aged 10 or over on the date of application, the Secretary of State is satisfied that the applicant is of good character

You should normally refuse applications not meeting these criteria unless there are other reasons for registration, such as links with the UK. Where one parent holds citizenship of another country, you should be satisfied that the child could not obtain the citizenship of that country.

Brothers and sisters of certain children already registered

The Home Office is sometimes asked to register the brothers and sisters of children who were registered in error under [section 32 of the BNA 1981](#) even though they did not meet the criteria. This does not include children who had an entitlement to registration as a British subject but, due to administrative error, were registered under section 32.

It would be difficult to explain a refusal in such cases if there had been no apparent change in the children's circumstances. You should normally agree to register in such cases if:

- the circumstances of the family remain the same
- there are no other grounds which suggest that registration would be inappropriate

Parental consent

You must attempt to ensure that both parents consent to the registration of the minor, irrespective of where the child or the parents are living, or whether the child is natural or adopted. While it is not a legal requirement for applications under [section 32 of the BNA 1981](#), it is reasonable that the view of both parents should be considered as it is consistent with the assumptions which now underlie much of the Home Office's family law. Where there is a conflict between the parents, the courts will put the welfare of the child first. This may be relevant in cases where a parent objects to registration.

For further guidance on how to determine whether an application is being made with the consent of both parents see the parental consent section of Registration as a British citizen: children guidance.

The citizenship ban

The Illegal Migration Act 2023 introduced a “citizenship ban” which will apply to applications under section 32.

The ban will apply where the applicant:

- required leave to enter the United Kingdom, but entered the United Kingdom:
 - without leave to enter (or with leave to enter that was obtained by deception)
 - in breach of a deportation order
 - without a valid entry clearance if it was required; or without a valid electronic travel authorisation if one was required
- entered or arrived on or after 7 March 2023
- did not come directly from a country in which their life and liberty were threatened by reason of their race, religion, nationality, membership of a particular social group or political opinion

They also will not qualify if they entered Jersey, Guernsey or the Isle of Man, or an overseas territory, in the same way.

There is an exemption to the ban where treating a person as ineligible for British subject status would breach the United Kingdom’s obligations under the Human Rights Convention. This means that we will need to consider the application, although not necessarily grant.

It is unlikely that you will see any applications where this applies for some time. However, if you do come across such an application, you must refer it to a senior caseworker for advice.

Related content

[Contents](#)

Related external links

Nationality policy: general information – all British nationals

Claims to British subject status by certain Irish nationals

This section tells you how to consider whether an Irish national has a claim to British subject status.

A person is a British subject under [section 31\(3\) of the British Nationality Act 1981](#) if they:

- were born before 1 January 1949
- were a British subject on 31 December 1948
- were a citizen of Eire on 31 December 1948
- did not make a claim to remain a British subject [by applying for a British subject passport](#) under [section 2 of the British Nationality Act 1948](#)
- are a citizen of (Republic of Ireland)
- give notice in writing claiming to remain a British subject on either or both of the following grounds:
 - that they are, or have been, in Crown service under the UK government
 - that they have associations by way of descent, residence or otherwise with the UK or with a British overseas territory

A person who has made such a claim is deemed to have remained a British subject from 1 January 1949 to the time the claim is made.

Related content

[Contents](#)

Registration of stateless people born outside the UK and British overseas territories

This section tells you how to consider applications for registration as British subjects by people born outside the UK and British overseas territories on or after 1 January 1983.

People are entitled to registration under [schedule 2, paragraph 4](#) of the British Nationality Act 1981 (BNA 1981) if:

- they were born on or after 1 January 1983
- they were born outside the UK and the British overseas territories
- they were born stateless
- they have remained stateless
- at the time of their birth, their father or mother was a British subject under the BNA 1981
- they were in the UK or a British overseas territory at the beginning of the period of 3 years ending with the date of application
- they were not absent from both the United Kingdom and the British overseas territories for more than 270 days in that 3 year period
- people who meet these requirements are entitled to registration as a British subject

A person may not be registered as a British subject as well as a British citizen, British overseas territories citizen or British overseas citizen. People are entitled to registration as a British subject only if:

- one or both of their parents is a British subject
- neither parent is a:
 - British citizen
 - British overseas territories citizen
 - British overseas citizen

Related content

[Contents](#)

Related external links

Registration as British citizen: stateless persons

Registration as a BOTC: stateless

British overseas citizens

Renunciation of British subject status

This page tells you about the renunciation of British subject status.

[Section 34 of the British Nationality Act 1981](#) (BNA 1981) makes provision for loss of the status of British subject by renunciation. It does this by providing that the provisions of [section 12](#) shall apply in relation to British subjects and the status of a British subject as they apply in relation to British citizens and British citizenship.

A British subject may make a declaration of renunciation of that status under section 12, as modified by section 34 of the BNA 1981 if they are of full age and capacity.

The declaration of renunciation must be registered, except if it is made during a war in which the UK is engaged, providing that you are satisfied that, after registration, the person concerned will either:

- have another citizenship or nationality
- acquire another citizenship or nationality

The person making the declaration ceases to be a British subject when it is registered.

Where a declaration is registered in the belief that another citizenship or nationality would be acquired and this does not happen within 6 months of the registration, the declarant will be, and be regarded as having remained, a British subject.

A person who is a British subject under [section 30, 32 or 33 of the BNA 1981](#) will automatically lose that status under [section 35 of the act](#) on acquiring another citizenship or nationality, including any of the 3 citizenships created by the act. Those who are British subjects under [section 31 of the act](#) do not automatically lose that status. In some circumstances, therefore, renunciation of British subject status is unnecessary if it is being done either to retain another citizenship already acquired or because another citizenship is to be acquired. However, if the authorities of the other country require a formal declaration to be made before their citizenship or nationality can be acquired, the declaration should be processed in the normal way.

You must not attempt to persuade the declarant or the authorities of the country concerned that renunciation of British subject status is unnecessary.

A declaration has to be made in writing and has to give certain particulars, paying the appropriate [fee](#). They must also provide documents to confirm their British subject status and that they meet the other requirements for renunciation.

Potential citizenship of another country

Where they are making their declaration in the expectation of obtaining citizenship, you must ensure that the applicant has provided a statement from the authorities of the country concerned confirming the declarant will become a citizen or national of that country.

Defective declarations

To be valid in law, declarations of renunciation must be made locally in the UK or to the lieutenant-governor in the Channel Islands or Isle of Man or the governor in a British overseas territory. If a declaration which is received direct in the Home Office from a Crown dependency or overseas territory it will not have been 'made' as required by [section 50\(8\) of the BNA 1981](#). The defect can be remedied by sending a copy of the form direct to the relevant receiving authority with a suitable explanatory letter so that it will then be 'made' in accordance with the act and regulations. The declaration may then be processed without waiting for confirmation that it has been received by the relevant authority.

Holders of an additional form of British nationality

In addition to being a British subject, a person may also be either a:

- British citizen
- British national (overseas)
- British overseas territories citizen
- British overseas citizen

[Section 12 of the BNA 1981](#) applies directly to British citizenship, and [section 24](#) and [29](#) of the act and [article 7\(10\) of the Hong Kong \(British Nationality\) Order 1986](#) apply the provisions of section 12 of the BNA 1981 to each of the other citizenships and status.

Such a person is able to renounce any one or more of these other citizenships or status on the grounds that they will remain a British subject. However, where a person renounces British subject status in order to acquire, or not to lose, citizenship of another country normally because that country does not allow dual nationality, they are likely to want to renounce any other form of British nationality held as well.

Declarants who are also British citizens or British overseas citizens

Declarants should state as part of their form whether they are also a British citizen or British overseas citizen and which citizenship or status they wish to renounce.

If declarants have not indicated that they are a British citizen or a British overseas citizen, but the Home Office has information which suggests that they are, you must send them an explanatory letter asking if they wish also to renounce the other citizenship or citizenships and referring them to the relevant [Nationality forms on GOV.UK](#), unless there is insufficient time to allow for this. You must not send the original form back for correction.

The reason for requiring them to complete a new form rather than the original is to ensure that we have a clear record of the citizenship or statuses renounced. If the

fresh form is not completed, but the declarant still wishes to renounce British subject status only, you must only register the original declaration.

Declarants who are also British overseas territories citizens

You must ensure that you provide the relevant form in addition to that provided for any other status held if:

- you are aware that the declarant holds British overseas territories citizenship in addition to:
 - British citizenship
 - British national (overseas) status
 - British overseas citizenship
 - British subject status
- you intend on writing to the declarant to ask if they want to renounce their British overseas territories citizenship

If you are not writing to the applicant you should cover this in your letter when declaration of renunciation of British subject status is registered.

Related content

[Contents](#)

Related external links

Full capacity

Natrionality policy: renunciation of all types of British nationality

Automatic loss of British subject status

This page tells you about the circumstances under which British subject status is automatically lost.

[Section 35 of the British Nationality Act 1981](#) (BNA 1981) explains that British subjects, other than certain former citizens of Eire under [section 31](#), cease to be British subjects if they acquire, by whatever means, any other citizenship or nationality. This includes the other forms of British nationality in respect of which provision is made by the BNA 1981 itself.

This means that a person who is a British subject:

- automatically under [section 30](#)
- by registration under [section 32](#), [section 33](#) (women only) or [paragraph 4 of schedule 2](#),
- automatically under [paragraph 1 or 2 of schedule 2](#)

automatically lost, or loses, that status if, on or after 1 January 1983, they acquired, or acquires, any other citizenship or nationality either:

- automatically by operation of law
- by registration
- by naturalisation
- by marriage
- in any other way

Related content

[Contents](#)

Renunciation of British subject status

British subject status on 1 January 1983

Automatic claims to British subject status: stateless people

Registration of minors