

PART IV: BRITISH SUBJECTS

CHAPTER 48: RENUNCIATION

SECTION 34 BRITISH NATIONALITY ACT 1981

48.1 Introduction

48.1.1 This Chapter explains:

- how, and in what circumstances, a British subject may renounce that status; and
- how to proceed if a British subject also has another form of British nationality

48.1.2 The procedure for renunciation by British nationals who are not British subjects is explained in **Chapters 19, 35, 41** and **52**.

48.1.3 **Chapter 49** explains which British subjects automatically lose that status on acquiring another citizenship or nationality.

48.2 The Law

48.2.1 **Section 34** of the British Nationality Act 1981 makes provision for loss of the status of British subject by renunciation. It does this by providing that the provisions of **s.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.

48.2.2 A British subject may make a declaration of renunciation of that status under **s.12**, as modified by **s.34**, of the British Nationality Act 1981 if:

- of full age; and
- of full capacity

NB. A minor who has been married/in a civil partnership is regarded as being of full age.

48.2.3 "Of full capacity" is defined in **s.50(11)(a)** as meaning that a

person is not of unsound mind. A detailed explanation of how this is interpreted for the purposes of the Act, and how the requirement to be of full capacity may be waived in certain circumstances, is given in Annex A to **Chapter 18**.

48.2.4 Subject to 48.2.7 below, the declaration of renunciation must be registered if we are satisfied that, after registration, the person concerned:

- will have another citizenship or nationality; or
- will acquire another citizenship or nationality

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

48.2.6 Where a declaration is registered:

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

48.2.7 We are not obliged to register a declaration of renunciation if it is made during a war in which the United Kingdom is engaged.

48.2.8 A person who is a British subject under **s.30, 32** or **33** of the BNA 1981 will automatically lose that status under **s.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 **s.31** of the Act do not automatically lose that status. This is explained in detail in **Chapter 49**. 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. But 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.

48.2.9 No attempt should be made to persuade the declarant or the authorities of the country concerned that renunciation of British subject status is unnecessary. After completion of action, the file should be sent to NPSCU Policy Section to note.

48.2.10 A declaration has to be made in writing and has to give certain particulars.

48.3 **Form of declaration**

48.3.1 A declaration should normally be made on Form RN1.

48.4 **Fees**

48.4.1 The **British Nationality (Fees) Regulations** provide that the fee for the registration of a declaration of renunciation shall be payable on submission of the declaration. This means that a declaration of renunciation cannot be registered until the fee has been paid.

48.4.2 The fee for the registration of a declaration of renunciation is set out in the Table of Fees in the **Schedule** to the **Fees Regulations**. If more than one citizenship or status is being renounced at the same time, only one fee is payable.

48.4.3 If no fee or only a part fee has been paid, the procedure in **Chapter 6.5** should be followed.

48.5 **Evidence to be supplied**

48.5.1 Declarations should be supported by evidence as follows:

Identity:

- To guard against the possibility of fraud, we should expect to see evidence of identity over and above that required to establish eligibility for renunciation. It should be remembered, in particular, that a birth certificate is evidence not of identity but of an event.

Full age (i.e. aged 18 or more):

- Birth certificate and, if a minor who has been married/in a civil partnership, the marriage/civil partnership certificate

Full capacity (i.e. not of unsound mind):

- See 48.7.4 below

British subject status:

- A passport describing the holder as a British subject; or
- A certificate of registration describing the holder as a British subject; or
- An acknowledgement of a claim to remain a British subject under **s.2** of the **BNA 1948** or **s.31(3)** of the BNA 1981; or
- The relevant documents related to the person's and/or the person's parents', grandparents', spouse's birth, adoption, marriage, death, registration or naturalisation, which establish that he or she became, on 1 January 1949, a British subject without citizenship under **s.13** or **16** of the **BNA 1948** and had that status on 31 December 1982 (see **Chapter 43**)

Citizenship of another country:

- A current passport describing the holder as a citizen or national of the country concerned; or
- A statement confirming citizenship from the authorities of the country concerned (**NB.** A copy should be kept on the file)

Potential citizenship of another country:

- A statement from the authorities of the country concerned confirming the declarant will become a citizen or national of that country (**NB.** a copy should be kept on the file)

48.5.2 Declarations received from abroad will normally come to us via

a British Diplomatic Post, accompanied by a letter:

- giving details of the evidence as set out in 48.5.1; and
- confirming what documents have been seen; and
- where available, enclosing photocopies of the documents

48.5.3 If the declaration has to be registered by a certain date, (see 48.7.3 below) the letter will state this prominently and may be sent to us without waiting to see some or all of the evidence.

48.5.4 Defective declarations

48.5.4.1 To be valid in law, declarations of renunciation must be made locally (e.g. to the Lieutenant-Governor in the Channel Islands or Isle of Man, the Governor in a British overseas territory, the High Commissioner in a Commonwealth country or a consular officer elsewhere). A declaration which is received direct in the Home Office from abroad will not, therefore, have been "made" as required by **s.50(8)** of the 1981 Act. 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.

48.6 Holders of an additional form of British nationality

48.6.1 In addition to being a British subject, a person may also be a British citizen, a British National (Overseas), a British overseas territories citizen or a British Overseas citizen. **Section 12** applies directly to British citizenship, and **s.24** and **29** of the BNA 1981 and **Article 7(10)** of the **Hong Kong (British Nationality) Order 1986** apply the provisions of **s.12** of the 1981 Act to each of the other citizenships and status.

48.6.2 Such a person is able to renounce any one (or more) of these other citizenships or status on the grounds that he or she will remain a British subject. But 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), he or she is likely to want to renounce any other form of British nationality held as well.

48.6.3 Declarants who are also British citizens and/or British Overseas citizens

48.6.3.1 Declarants should state at part 2 of the Form RN1 whether they are also a British citizen or British Overseas citizen and, at part 6, which citizenship or status they wish to renounce.

48.6.3.2 If declarants have not indicated that they are a British citizen or a British Overseas citizen, but we have information which suggests that they are, we should, if time permits (see 48.7.3), send them a blank Form RN1 with an explanatory letter asking if they wish also to renounce the other citizenship(s) (see also 48.6.4.2 below). We should not send the original form back for correction.

48.6.3.3 The reason for sending a blank Form RN1 rather than the original is to ensure that we end up with 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, the original declaration may be registered.

48.6.4 Declarants who are also British overseas territories citizens

Note: A person who, before 21 May 2002, was a British overseas territories citizen by connection with a British overseas territory other than the Sovereign Base Areas of Akrotiri and Dhekelia will have acquired British citizenship automatically on that date, and the procedure in 48.6.3 should also therefore be followed.

48.6.4.1 British overseas territories citizenship cannot be renounced using Form RN1. A separate Form RN2 should normally be used.

48.6.4.2 If:

- we are aware that the declarant holds British overseas territories citizenship in addition to British citizenship and/or British National (Overseas) status and/or British Overseas citizenship and/or British subject status; and
- we intend taking the action described in 48.6.3.2 above,

the following paragraph should be added to the letter to be sent to the declarant.

"It appears that you/your client/the declarant hold(s) British overseas territories citizenship in addition to the citizenship(s) and/or status you/he/she is about to renounce/ you have/he/she has now renounced. If you wish/he/she wishes also to renounce British overseas territories citizenship, you/he/she should make a declaration on the Form RN2 enclosed and send it to appropriate address on page 7 of the Guide RN2. It will then be forwarded to the Governor of (the relevant British overseas territory), for consideration."

48.6.4.3 If we are not taking the action described in 48.6.3.2 above, the paragraph in 48.6.4.2 should be added to the stock letter sent when the declaration of renunciation of British subject status is registered.

48.6.4.4 The procedure for dealing with a declaration of renunciation of British overseas territories citizenship received in the Home Office is explained in **Chapter 35**.

48.6.5 Declarants who are also British Nationals (Overseas)

48.6.5.1 British National (Overseas) status cannot be renounced using Form RN1. A separate Form RN3 should normally be used.

48.6.5.2 If:

- we are aware that the declarant holds British National (Overseas) status in addition to British citizenship and/or British overseas territories citizenship and/or British Overseas citizenship and/or British subject status; and
- we intend taking the action described in 48.6.3.2 above,

the following paragraph should be added to the letter to be sent to the declarant.

"It appears that you/your client/the declarant hold(s) British National (Overseas) status in addition to the citizenship(s) and/or status you/he/she is about to renounce/ you have/he/she has now renounced. If you wish/he/she wishes also to renounce British National (Overseas) status, you/he/she should make a declaration to this effect on the enclosed Form RN3."

48.6.5.3 If we are not taking the action described in 48.6.3.2 above, the paragraph in 48.6.5.2 should be added to the stock letter sent when the declaration of renunciation of British subject status is registered.

48.6.5.4 The procedure for dealing with a declaration of renunciation of British National (Overseas) status received in the Home Office is explained in **Chapter 52**. (NB. Persons who renounced British Dependent Territories citizenship before 1 July 1997 will have automatically lost British National (Overseas) status and will not be in need, or capable, of renouncing that status (see **Chapters 52.7** and **53**).

48.7 Consideration of declarations

48.7.1 Declarations more than 6 months old

48.7.1.1 A declaration that was made more than 6 months before the date of consideration can be accepted if

it is accompanied by current evidence that the declarant is:

- a citizen or national of another country; or
- about to become a citizen or national of another country

48.7.1.2 If we do not have such evidence, we should:

- return the declaration; and
- advise the declarant that if he or she still wishes to renounce, the declaration should be:
 - i. re-dated; and
 - ii. re-signed; and
 - iii. re-submitted with that evidence.

48.7.2 Declarations made other than to retain or acquire another citizenship

48.7.2.1 If we have any information (either supplied by the declarant or otherwise) which suggests that declarants have misunderstood the need for, or consequence of, renunciation, the position should be explained to the declarants who should be asked if they still wish the declaration to be registered.

48.7.3 Declarations to be registered by a given date

48.7.3.1 Where the authorities of another country have given a date by which the declarant must renounce British subject status, it is very important to give the declaration sufficient priority to enable it to be registered before that date. Otherwise, the declarant may lose citizenship of that country. If sufficient evidence of British subject status has not been submitted, it should not be called for if this will delay registration of the declaration.

48.7.3.2 If the declaration cannot be registered on or before the date given by the other country and, as a result, the declarant may have lost citizenship of that country, the declaration should not be registered. Instead, a letter of explanation should be sent to the declarant.

48.7.4 Checking "full capacity"

48.7.4.1 We should be satisfied that the declarant is of full capacity (i.e. he or she has some understanding of the meaning and consequences of renunciation). The declarant should have explained on the form RN1 why he/she wishes to renounce British subject status and the form should have been countersigned by an adult who has confirmed personal knowledge of the declarant and that he/she is of full capacity. Alternatively, reasons should be given as to why it would be in the declarant's best interests for the full capacity requirement to be waived in his or her case.

48.7.4.2 A declarant should be assumed to be of full capacity unless there is clear evidence to the contrary. We should initially consider whether the declarant meets this requirement on the basis of the reasons given and the countersignatory's signed statement. In cases of doubt, enquiries of the declarant, the declarant's agent or the person who has countersigned the declaration may clarify matters. If we are still in doubt, it may be necessary to obtain a professional opinion.

48.7.4.3 Further guidance on the full capacity requirement is at Annex A to **Chapter 18**.

48.7.5 Registration procedure

48.7.5.1 When it has been decided to register the declaration, the procedure in Annex A should be followed.

48.8 Voided renunciations

48.8.1 A declaration will be void if:

- the declarant has no other citizenship; and
- having made the declaration to acquire another nationality fails to do so within 6 months of the date of registration

48.8.2 A declaration may be void if evidence comes to light that the declarant lost the other citizenship before the renunciation was registered. Such cases should be referred to NPSCU Policy Section for advice.

48.8.3 The procedure for noting a voided declaration is set out in Annex B.

48.9 **Position after renunciation**

48.9.1 There is no provision for resumption of British subject status and a person who is, for the time being at least, without any citizenship or nationality and wishes to travel may be eligible for a Home Office Travel Document as a stateless person. Enquiries should be referred to the Travel Document Section.