

Chapter 49

Automatic loss

49.1 Introduction

49.1.1 This Chapter deals with the automatic loss of British subject status.

49.1.2 Chapter 48 deals with the voluntary loss of British subject status by renunciation.

49.2 The Law

49.2.1 Section 35 of the British Nationality Act 1981 explains that British subjects other than under s.31 (see Chapters 43 and 46) 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 1981 Act itself.

49.2.2 This means that a person who is a British subject:

- automatically under s.30, or
- by registration under s.32, s.33 (women only) or paragraph 4 of Schedule 2, or
- automatically under paragraph 1 or 2 of Schedule 2,

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

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

49.2.3 Persons who are British subjects:

- under s.30 (automatic acquisition on 1 January 1983) are described in Chapter 43
- under s.32 (registration of minors) are described in Chapter 45

- under paragraph 1 or 2 of Schedule 2 (automatic acquisition by persons otherwise born stateless) are described in Chapter 44
- under paragraph 4 of Schedule 2 (registration of persons born stateless) are described in Chapter 47

49.2.4 A woman is a British subject under s.33 if she has been registered under that section on the grounds that:

- on 31 December 1982, she was married to a British subject; and
- on 31 December 1982, she was entitled to be registered as a British subject under s.1 of the British Nationality Act 1965 by virtue of marriage to the man who was then her husband; and
- on the date of her application for registration under s.33, that man was a British subject; and
- she had remained married to that man from 1 January 1983 to the date of her application for registration under s.33

49.2.5 Therefore, it is necessary to take care when considering:

- an application for registration as a British citizen under s.4 or s.4B of the British Nationality Act 1981 (see Chapter 12)
- a declaration of renunciation under s.34 of the 1981 Act (see Chapter 48)

as the person concerned may not be a British subject and, therefore, may not be eligible for such registration or to renounce that status.