

Doubt Certificates (Issue of)

1. Meaning of the term

1.1 Under s.25 of the BNA 1948, the Secretary of State was able to issue a certificate of citizenship in such cases as he thought fit, upon application, where a doubt existed as to whether a person was a citizen of the United Kingdom and Colonies. A certificate issued under s.25 was conclusive proof that the applicant was a citizen of the United Kingdom and Colonies from the date of issue, unless it was proved to have been obtained by fraud, false representation or concealment of any material fact. There were no statutory qualifications, no application forms, and the applicant was not required to take the oath of allegiance.

1.2 There is no comparable provision in the BNA 1981.

2. History of doubt certificates

2.1 "Doubt certificates" were first introduced under s.7 of the Naturalization Act 1870, when the Secretary of State could, at his discretion, "specify in such certificate that the grant thereof is made for the purpose of quieting doubts as to the right of such person to be a British subject ...". In those days applicants were required to fulfil all the requirements for naturalisation although they were probably not aliens.

2.2 Provision for the issue of doubt certificates was again made by s.4 of the British Nationality and Status of Aliens Act 1914. Although the prescribed form did not mention the requirements, applicants were still generally expected to satisfy them.

2.3 Under the BNA 1948, the "doubt certificate" severed its connections with naturalisation and became a certificate of nationality. They continued to be issued sparingly. About a third of the certificates issued since 1948 were cases where, though a birth certificate could not be produced, the applicant believed that he or she was born in the United Kingdom and there was no reason to doubt this. The last was issued in 1961.

3. Current ways of dealing with cases of doubt

3.1 Since the last "doubt certificate" was issued it has been the practice to send a status letter in cases of near certainty that the applicant is a citizen of the United Kingdom and Colonies/British citizen or a letter giving administrative recognition if, through some error, the person has held a British passport for many years (but see "ADMINISTRATIVE RECOGNITION").