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Ms Linda Cordingley

Reference: TRO/0003520/19

Dear Ms Cordingley,

Thank you for your e-mail of 07 December 2018 regarding females passing on their British nationality to children prior to 1983.

It may be helpful if I provide some background information about female transmission of citizenship. Since the British Nationality Act 1981 came into effect on 1 January 1983, women who are British citizens have been able to pass on their nationality status in exactly the same way as men. This reversed a long-standing policy of only allowing the transmission of British nationality through the male line to those born outside British territory.

The possibility of making the change retrospective was closely examined at the time of drafting the current legislation. It was felt, however, that to confer British citizenship automatically on all children of British mothers born before 1983 would cause difficulties in some cases, especially if the citizenship were back-dated to the time of birth. Some might not have wanted British citizenship; others may have lost the citizenship of their country of birth as a result of acquiring British citizenship.

From 7 February 1979, the children of United Kingdom born mothers were able to acquire citizenship by making an application for registration. This was under the Home Secretary's discretionary power to register a child under the age of 18.

In April 2003, a new section was added to the British Nationality Act 1981 which provided for the registration of those who would have become British citizens had women been able to pass on their citizenship in the same way as men. This means that adult children of British mothers can now register as British citizens, if they would have acquired that status had women been able to pass on citizenship in the same way as men. There is no application fee for these applications.

It may help if I explain the nationality position of those born before 1983. At that time those who had a close connection with the UK or a country that was a UK colony could hold the status "citizen of the UK and Colonies".

A person born outside of the UK or a colony before 1983 would have been a citizen of the UK and Colonies if:

- their father was a citizen of the UK and Colonies by birth
- their father was a citizen of the UK and Colonies by descent and either

- o they or their father were born in a place that was a UK territory at that time
- o their birth was registered at a United Kingdom consulate in a foreign (not Commonwealth) country within 12 months of the birth
- o their father was in Crown service at the time of the birth
- o they were born in Ceylon/Sri Lanka.

A person born to a British mother may now be able to register as a British citizen if they would have met any of those criteria, had women been able to pass on citizenship in the same way as men at the time of the birth. Further information can be found in Guide UKM: <https://www.gov.uk/government/publications/application-to-register-as-a-british-citizen-form-ukm>.

Further information about the historical background to nationality law can be found on the Gov.UK website: <https://www.gov.uk/government/publications/historical-background-information-on-nationality>.

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