

Status: Point in time view as at 22/11/2018.

Changes to legislation: Nationality, Immigration and Asylum Act 2002, SCHEDULE 1 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 3

CITIZENSHIP CEREMONY, OATH AND PLEDGE

1 The following shall be substituted for section 42 of the British Nationality Act 1981 (c. 61) (registration and naturalisation: fee and oath)—

“42 Registration and naturalisation: citizenship ceremony, oath and pledge

- (1) A person of full age shall not be registered under this Act as a British citizen unless he has made the relevant citizenship oath and pledge specified in Schedule 5 at a citizenship ceremony.
- (2) A certificate of naturalisation as a British citizen shall not be granted under this Act to a person of full age unless he has made the relevant citizenship oath and pledge specified in Schedule 5 at a citizenship ceremony.
- (3) A person of full age shall not be registered under this Act as a British overseas territories citizen unless he has made the relevant citizenship oath and pledge specified in Schedule 5.
- (4) A certificate of naturalisation as a British overseas territories citizen shall not be granted under this Act to a person of full age unless he has made the relevant citizenship oath and pledge specified in Schedule 5.
- (5) A person of full age shall not be registered under this Act as a British Overseas citizen or a British subject unless he has made the relevant citizenship oath specified in Schedule 5.
- (6) Where the Secretary of State thinks it appropriate because of the special circumstances of a case he may—
 - (a) disapply any of subsections (1) to (5), or
 - (b) modify the effect of any of those subsections.
- (7) Sections 5 and 6 of the Oaths Act 1978 (c. 19) (affirmation) apply to a citizenship oath; and a reference in this Act to a citizenship oath includes a reference to a citizenship affirmation.

42A Registration and naturalisation: fee

- (1) A person shall not be registered under a provision of this Act as a citizen of any description or as a British subject unless any fee payable by virtue of this Act in connection with the registration has been paid.
- (2) A certificate of naturalisation shall not be granted to a person under a provision of this Act unless any fee payable by virtue of this Act in connection with the grant of the certificate has been paid.

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42B Registration and naturalisation: timing

- (1) A person who is registered under this Act as a citizen of any description or as a British subject shall be treated as having become a citizen or subject—
 - (a) immediately on making the required citizenship oath and pledge in accordance with section 42, or
 - (b) where the requirement for an oath and pledge is disapplied, immediately on registration.
- (2) A person granted a certificate of naturalisation under this Act as a citizen of any description shall be treated as having become a citizen—
 - (a) immediately on making the required citizenship oath and pledge in accordance with section 42, or
 - (b) where the requirement for an oath and pledge is disapplied, immediately on the grant of the certificate.
- (3) In the application of subsection (1) to registration as a British Overseas citizen or as a British subject the reference to the citizenship oath and pledge shall be taken as a reference to the citizenship oath.”

- 2 The following shall be substituted for Schedule 5 to the British Nationality Act 1981 (c. 61)—

“SCHEDULE 5

CITIZENSHIP OATH AND PLEDGE

- 1 The form of citizenship oath and pledge is as follows for registration of or naturalisation as a British citizen—

OATH

“I,*[name]*, swear by Almighty God that, on becoming a British citizen, I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors according to law.”

PLEDGE

“I will give my loyalty to the United Kingdom and respect its rights and freedoms. I will uphold its democratic values. I will observe its laws faithfully and fulfil my duties and obligations as a British citizen.”

- 2 The form of citizenship oath and pledge is as follows for registration of or naturalisation as a British overseas territories citizen—

OATH

“I,*[name]*, swear by Almighty God that, on becoming a British overseas territories citizen, I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors according to law.”

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PLEDGE

“I will give my loyalty to *[name of territory]* and respect its rights and freedoms. I will uphold its democratic values. I will observe its laws faithfully and fulfil my duties and obligations as a British overseas territories citizen.”

3 The form of citizenship oath is as follows for registration of a British Overseas citizen—

“I, *[name]*, swear by Almighty God that, on becoming a British Overseas citizen, I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors according to law.”

4 The form of citizenship oath is as follows for registration of a British subject—

“I, *[name]*, swear by Almighty God that, on becoming a British subject, I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors according to law.”

3 Section 41 of the British Nationality Act 1981 (c. 61) (regulations) shall be amended as follows.

4 For subsection (1)(d) substitute—

- “(d) for the time within which an obligation to make a citizenship oath and pledge at a citizenship ceremony must be satisfied;
- (da) for the time within which an obligation to make a citizenship oath or pledge must be satisfied;
- (db) for the content and conduct of a citizenship ceremony;
- (dc) for the administration and making of a citizenship oath or pledge;
- (dd) for the registration and certification of the making of a citizenship oath or pledge;
- (de) for the completion and grant of a certificate of registration or naturalisation;”.

5 In subsection (2)(c)—

- (a) for “the taking there of any oath of allegiance” substitute “ the making there of a citizenship oath or pledge ”, and
- (b) for “granted or taken” substitute “ or granted ”.

6 In subsection (3)(a) for “taking of oaths of allegiance” substitute “ making of oaths and pledges of citizenship ”.

7 After subsection (3) insert—

“(3A) Regulations under subsection (1)(d) to (de) may, in particular—

- (a) enable the Secretary of State to designate or authorise a person to exercise a function (which may include a discretion) in connection with a citizenship ceremony or a citizenship oath or pledge;
- (b) require, or enable the Secretary of State to require, a local authority to provide specified facilities and to make specified arrangements in connection with citizenship ceremonies;
- (c) impose, or enable the Secretary of State to impose, a function (which may include a discretion) on a local authority or on a registrar.

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(3B) In subsection (3A)—

“local authority” means—

- (a) in relation to England and Wales, a county council, a county borough council, a metropolitan district council, a London Borough Council and the Common Council of the City of London, and
- (b) in relation to Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39), and

“registrar” means—

- (a) in relation to England and Wales, a superintendent registrar of births, deaths and marriages (or, in accordance with section 8 of the Registration Service Act 1953 (c. 37), a deputy superintendent registrar), and
- (b) in relation to Scotland, a district registrar within the meaning of section 7(12) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 (c. 49).”

8 The Secretary of State may make a payment to a local authority in respect of anything done by the authority in accordance with regulations made by virtue of section 41(3A) of the British Nationality Act 1981 (c. 61).

9 (1) A local authority must—

- (a) comply with a requirement imposed on it by regulations made by virtue of that section, and
- (b) carry out a function imposed on it by regulations made by virtue of that section.

(2) A local authority on which a requirement or function is imposed by regulations made by virtue of that section—

- (a) may provide facilities or make arrangements in addition to those which it is required to provide or make, and
- (b) may make a charge for the provision of facilities or the making of arrangements under paragraph (a) which does not exceed the cost of providing the facilities or making the arrangements.

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