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STATUTORY INSTRUMENTS

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**2003 No. 548**

**BRITISH NATIONALITY**

**The British Nationality (General) Regulations 2003**

*Made* - - - - *6th March 2003*  
*Laid before Parliament* *11th March 2003*  
*Coming into force* - - *1st April 2003*

In exercise of the powers conferred upon him by section 41(1) and (3) of the British Nationality Act 1981 <sup>M1</sup>, the Secretary of State hereby makes the following Regulations:

**Marginal Citations**

**M1** 1981 c. 61.

**PART I**  
**GENERAL**

**Citation and commencement**

1. These Regulations may be cited as the British Nationality (General) Regulations 2003 and shall come into force on 1st April 2003.

**Interpretation**

2.—(1) In these Regulations, the following expressions have the meanings hereby assigned to them, that is to say—

“the Act” means the British Nationality Act 1981;

“applicant” in relation to an application made on behalf of a person not of full age or capacity means that person;

“High Commissioner” means, in relation to a country mentioned in Schedule 3 to the Act <sup>M2</sup>, the High Commissioner for Her Majesty’s Government in the United Kingdom appointed to that country, and includes the acting High Commissioner.

(2) In the application of the provisions of regulation 6(2)<sup>F1</sup>, 6(3), 6A(1), (3) and (5), paragraph 3 of Schedule 3<sup>F2</sup>... where a function of the Secretary of State under the Act is exercised by the

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Lieutenant-Governor of any of the Islands by virtue of arrangements made under section 43(1) of the Act<sup>M3</sup>, any reference in those provisions to the Secretary of State shall be construed as a reference to the Lieutenant-Governor.

#### Textual Amendments

- F1** Words in reg. 2(2) inserted (1.1.2004) by [The British Nationality \(General\) \(Amendment\) Regulations 2003 \(S.I. 2003/3158\)](#), regs. 1, **3**
- F2** Words in reg. 2(2) omitted (3.12.2007) by virtue of [The British Nationality \(General and Hong Kong\) \(Amendment\) Regulations 2007 \(S.I. 2007/3137\)](#), regs. 1(1), **2**

#### Marginal Citations

- M2** Schedule 3 has been amended by the [British Nationality \(Brunei\) Order 1983 \(S.I. 1983/1699\)](#); the [British Nationality \(Cameroon and Mozambique\) Order 1998 \(S.I. 1998/3161\)](#); the [Brunei and Maldives Act 1985](#), s.1, Schedule, paragraph 8; the [British Nationality \(Pakistan\) Order 1989 \(S.I. 1989/1331\)](#); the [Saint Christopher and Nevis Modification of Enactments Order 1983 \(S.I. 1983/882\)](#); the [British Nationality \(South Africa\) Order 1994 \(S.I. 1994/1634\)](#); the [British Nationality \(Namibia\) Order 1990 \(S.I. 1990/1502\)](#).
- M3** Section 43(1) has been amended by the [Hong Kong \(British Nationality\) Order 1986 \(S.I. 1986/948\)](#), **article 7**.

## PART II

### REGISTRATION AND NATURALISATION

#### Applications

**3.** Any application for registration as a British citizen, British Overseas citizen or British subject or for a certificate of naturalisation as a British citizen shall—

- (a) be made to the appropriate authority specified in regulation 4; and
- (b) satisfy the requirements of Part I and, if made on behalf of a person not of full age or capacity, Part II of Schedule 1 and such further requirements, if any, as are specified in relation thereto in Schedule 2.

#### Authority to whom application is to be made

**4.—(1)** Except as provided by paragraphs (2) and (3), the authority to whom an application is to be made is as follows:

- (a) if the applicant is in Great Britain or Northern Ireland, to the Secretary of State at the Home Office;
- (b) if the applicant is in any of the Islands, to the Lieutenant-Governor;
- (c) if the applicant is in a British overseas territory, to the Governor;
- (d) if the applicant is in a country mentioned in Schedule 3 to the Act, to the High Commissioner or, if there is no High Commissioner, to the Secretary of State at the Home Office;
- (e) if the applicant is elsewhere, to any consular officer, any established officer in the Diplomatic Service of Her Majesty's Government in the United Kingdom or any person authorised by the Secretary of State in that behalf.

(2) The authority to whom an application under section 4(5) of the Act (acquisition by registration: British overseas territories citizens, etc), on grounds of Crown Service under the government of a British overseas territory or service as a member of a body established by law in a British overseas territory, is to be made is in all cases the Governor of that territory.

(3) The authority to whom an application under section 5 of the Act (acquisition by registration: nationals for purposes of the Community Treaties) <sup>M4</sup> is to be made is in all cases the Governor of Gibraltar.

#### Marginal Citations

**M4** Section 5 is amended by section 1(2) of the [British Overseas Territories Act 2002 \(c. 8\)](#).

### Persons not of full age or capacity

5. An application may be made on behalf of someone not of full age or capacity by his father or mother or any person who has assumed responsibility for his welfare.

### [<sup>F3</sup> Knowledge of language and life in the United Kingdom

5A.—(1) A person has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom for the purpose of an application for naturalisation as a British citizen under section 6 of the Act if—

- (a) he has attended a course which used teaching materials derived from the document entitled “Citizenship Materials for ESOL Learners” (ISBN 1-84478-5424) and he has thereby attained a relevant accredited qualification; or
- (b) he has passed the test known as the “Life in the UK Test” administered by an educational institution or other person approved for this purpose by the Secretary of State; or
- (c) in the case of a person who is ordinarily resident outside the United Kingdom, a person designated by the Secretary of State certifies in writing that he has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom for this purpose.

(2) In this regulation, a “relevant accredited qualification” is—

- (a) an ESOL “Skills for Life” qualification in speaking and listening at Entry Level approved by the Qualifications and Curriculum Authority; or
- (b) two ESOL Units at Access Level under the Scottish Credit and Qualifications Framework approved by the Scottish Qualifications Authority.]

#### Textual Amendments

**F3** Reg. 5A substituted (1.11.2005) by [The British Nationality \(General\) \(Amendment\) Regulations 2005 \(S.I. 2005/2785\)](#), regs. 1(2), 3

### [<sup>F4</sup> Citizenship oaths and pledges

6.—(1) Where a citizenship oath or pledge is required by section 42 of the Act to be made by an applicant for registration or for a certificate of naturalisation, it shall be administered in accordance with the requirements of Schedule 3.

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(2) If, on an application for registration or for a certificate of naturalisation by an applicant who is required to make a citizenship oath or pledge, the Secretary of State decides that the registration should be effected or the certificate should be granted, he shall cause notice in writing of the decision to be given to the applicant.

(3) The requirement to make a citizenship oath or pledge shall be satisfied within three months of the giving of the notice referred to in paragraph (2) or such longer time as the Secretary of State may allow.

(4) Any notice required by paragraph (2) to be given to an applicant may be given—

- (a) in any case where the applicant's whereabouts are known, by causing the notice to be delivered to him personally or by sending it to him by post;
- (b) in a case where the applicant's whereabouts are not known, by sending it by post in a letter addressed to him at his last known address.

(5) In this regulation, references to the requirement to make a citizenship oath or pledge include the requirement to make a citizenship oath and pledge at a citizenship ceremony.]

#### Textual Amendments

**F4** Regs. 6, 6A substituted for reg. 6 (1.1.2004) by [The British Nationality \(General\) \(Amendment\) Regulations 2003 \(S.I. 2003/3158\)](#), regs. 1, 4

#### [<sup>F4</sup>Arrangements for, and conduct of, citizenship ceremonies

**6A.**—(1) The Secretary of State may 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, and the reference in paragraph (3)(b) to “designated person” shall be construed accordingly.

(2) Each local authority (within the meaning of section 41(3B) of the Act) shall—

- (a) make available, or make arrangements for, premises at which citizenship ceremonies may be conducted; and
- (b) arrange for citizenship ceremonies to be conducted with sufficient frequency so as to enable applicants in their area who are required to make a citizenship oath and pledge at a citizenship ceremony to meet the time limit laid down by regulation 6(3).

(3) Where an applicant is required by section 42 of the Act to make a citizenship oath and pledge at a citizenship ceremony, the Secretary of State shall—

- (a) issue to the applicant an invitation in writing to attend a citizenship ceremony (a “ceremony invitation”);
- (b) notify the applicant of the local authority or designated person which the applicant should contact to arrange attendance at a citizenship ceremony (the “relevant authority”); and
- (c) notify the relevant authority of his decision in relation to the applicant.

(4) An applicant who has arranged attendance at a citizenship ceremony shall bring with him to the ceremony his ceremony invitation; and if the applicant fails to do so, the person conducting the ceremony may refuse admittance to, or participation in, the ceremony if he is not reasonably satisfied as to the identity of the applicant.

(5) Where an applicant makes the relevant citizenship oath and pledge at a citizenship ceremony as required by section 42 of the Act—

- (a) the person conducting the ceremony shall grant to the applicant a certificate of registration or naturalisation, duly dated with the date of the ceremony; and

- (b) the relevant authority shall notify the Secretary of State in writing within 14 days of the date of the ceremony that the applicant has made the relevant citizenship oath and pledge at a citizenship ceremony and the date on which the ceremony took place.

(6) In this regulation, “the person conducting the ceremony” is the person who administers the citizenship oath and pledge at the citizenship ceremony in accordance with paragraph 3 of Schedule 3.]

**Textual Amendments**

- F4** Regs. 6, 6A substituted for reg. 6 (1.1.2004) by [The British Nationality \(General\) \(Amendment\) Regulations 2003 \(S.I. 2003/3158\)](#), regs. 1, 4

**[<sup>F5</sup>Certificates of naturalisation**

7. A certificate of naturalisation shall include the following information relating to the person to whom the certificate is being granted—

- (a) full name;
- (b) date of birth; and
- (c) place and country of birth.]

**Textual Amendments**

- F5** Reg. 7 substituted (3.12.2007) by [The British Nationality \(General and Hong Kong\) \(Amendment\) Regulations 2007 \(S.I. 2007/3137\)](#), regs. 1(1), 3

## PART III

### RENUNCIATION AND DEPRIVATION

#### Declarations of renunciation

8. Any declaration of renunciation of British citizenship, British Overseas citizenship or the status of a British subject shall—

- (a) be made to the appropriate authority specified in regulation 9; and
- (b) satisfy the requirements of Schedule 5.

#### Authority to whom declaration of renunciation is to be made

9. The authority to whom a declaration of renunciation is to be made is as follows:
- (a) if the declarant is in Great Britain or Northern Ireland, to the Secretary of State at the Home Office;
  - (b) if the declarant is in any of the Islands, to the Lieutenant-Governor;
  - (c) if the declarant is in a British overseas territory, to the Governor;
  - (d) if the declarant is in a country mentioned in Schedule 3 to the Act, to the High Commissioner or, if there is no High Commissioner, to the Secretary of State at the Home Office;

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- (e) if the declarant is elsewhere, to any consular officer, any established officer in the Diplomatic Service of Her Majesty's Government in the United Kingdom or any person authorised by the Secretary of State in that behalf.

### Notice of proposed deprivation of citizenship

**10.**—(1) Where it is proposed to make an order under section 40 of the Act <sup>M5</sup>depriving a person of a citizenship status, the notice required by section 40(5) of the Act to be given to that person may be given—

- (a) in a case where that person's whereabouts are known, by causing the notice to be delivered to him personally or by sending it to him by post;
- (b) in a case where that person's whereabouts are not known, by sending it by post in a letter addressed to him at his last known address.

(2) If a notice required by section 40(5) of the Act is given to a person appearing to the Secretary of State or, as appropriate, the Governor or Lieutenant-Governor to represent the person to whom notice under section 40(5) is intended to be given, it shall be deemed to have been given to that person.

(3) A notice required to be given by section 40(5) of the Act shall, unless the contrary is proved, be deemed to have been given—

- (a) where the notice is sent by post from and to a place within the United Kingdom, on the second day after it was sent;
- (b) where the notice is sent by post from or to a place outside the United Kingdom, on the twenty-eighth day after it was sent, and
- (c) in any other case on the day on which the notice was delivered.

#### Marginal Citations

**M5** Section 40 is amended by section 4 of the [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#).

### Cancellation of registration of person deprived of citizenship

**11.** Where an order has been made depriving a person who has a citizenship status by virtue of registration (whether under the Act or under the former nationality Acts) of that citizenship status, the name of that person shall be removed from the relevant register.

### Cancellation of certificate of naturalisation in case of deprivation of citizenship

**12.** Where an order has been made depriving a person who has a citizenship status by virtue of the grant of a certificate of naturalisation (whether under the Act or under the former nationality Acts) of that citizenship status, the person so deprived or any other person in possession of the relevant certificate of naturalisation shall, if required by notice in writing given by the authority by whom the order was made, deliver up the said certificate to such person, and within such time, as may be specified in the notice; and the said certificate shall thereupon be cancelled or amended.

## PART IV

### SUPPLEMENTAL

#### Evidence

**13.** A document may be certified to be a true copy of a document for the purpose of section 45(2) of the Act by means of a statement in writing to that effect signed by a person authorised by the Secretary of State, the Lieutenant-Governor, the High Commissioner or the Governor in that behalf.

#### [<sup>F6</sup>Manner of signifying parental consent to registration

**14.** Where a parent, in pursuance of section 3(5)(c) or 4D(3) of the Act, consents to the registration of a person as a British citizen under subsection 3(5) or section 4D, the consent shall be expressed in writing and signed by the parent.]

#### Textual Amendments

**F6** Reg. 14 substituted (13.1.2010) by [The British Nationality \(General\) \(Amendment\) Regulations 2009 \(S.I. 2009/3363\)](#), regs. 1, 3

#### Revocation

**15.** The British Nationality (General) Regulations 1982 <sup>M6</sup> are hereby revoked.

#### Marginal Citations

**M6** [S.I. 1982/986](#).

Home Office

*Beverley Hughes*  
Minister of State

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## SCHEDULE 1

Regulation 3

### GENERAL REQUIREMENTS AS RESPECTS APPLICATIONS

#### PART I

##### *All applications*

1. An application shall be made in writing and shall state the name, address and date and place of birth of the applicant.
2. An application shall contain a declaration that the particulars stated therein are true.

#### PART II

##### *Applications by persons not of full age or capacity*

3. An application in respect of someone not of full age or capacity made by another person on his behalf shall state that that is the case and the name and address of that person.
4. An application made by a person on behalf of someone not of full age or capacity shall indicate the nature of that person's connection with him and, if that person has any responsibility for him otherwise than as a parent, the nature of that responsibility and the manner in which it was assumed.

## SCHEDULE 2

Regulation 3

### PARTICULAR REQUIREMENTS AS RESPECTS APPLICATIONS

##### *Application under section 1(3) of the Act*

1. An application under section 1(3) of the Act shall contain information showing:  
[<sup>F7</sup>(a)] that the applicant's father or mother became a British citizen, or became settled in the United Kingdom, after the applicant's birth[<sup>F8</sup>; and  
(b) where the applicant is aged 10 or over, that he is of good character.]

#### Textual Amendments

- F7** Words in Sch. 2 para. 1 renumbered as Sch. 2 para. 1(a) (3.12.2007) by [The British Nationality \(General and Hong Kong\) \(Amendment\) Regulations 2007 \(S.I. 2007/3137\)](#), regs. 1(1), **4(2)(a)**
- F8** Sch. 2 para. 1(b) and word inserted (3.12.2007) by [The British Nationality \(General and Hong Kong\) \(Amendment\) Regulations 2007 \(S.I. 2007/3137\)](#), regs. 1(1), **4(2)(b)**

*[<sup>F9</sup>Application under section 1(3A) of the Act*

**Textual Amendments**

**F9** Sch. 2 para. 1A and-cross-heading inserted (13.1.2010) by [The British Nationality \(General\) \(Amendment\) Regulations 2009 \(S.I. 2009/3363\)](#), regs. 1, **4(1)**

- 1A.** An application under section 1(3A) shall contain information showing—
- (a) that the applicant’s father or mother became a member of the armed forces after the applicant’s birth; and
  - (b) where the applicant is aged 10 or over, that he is of good character.]

*Application under section 1(4) of the Act*

**Application under section 1(4) of the Act**

- 2.** An application under section 1(4) of the Act shall contain information showing:
- [<sup>F10</sup>(a)] that the applicant possesses the requisite qualifications in respect of residence[<sup>F11</sup>; and
  - (b) where the applicant is aged 10 or over, that he is of good character.]

**Textual Amendments**

**F10** Words in Sch. 2 para. 2 renumbered as Sch. 2 para. 2(a) (3.12.2007) by [The British Nationality \(General and Hong Kong\) \(Amendment\) Regulations 2007 \(S.I. 2007/3137\)](#), regs. 1(1), **4(2)(a)**

**F11** Sch. 2 para. 2(b) and word inserted (3.12.2007) by [The British Nationality \(General and Hong Kong\) \(Amendment\) Regulations 2007 \(S.I. 2007/3137\)](#), regs. 1(1), **4(2)(b)**

- 3.** If the applicant was absent from the United Kingdom on more than 90 days in all in any one of the first 10 years of his life and it is desired that the application should nevertheless be considered under section 1(7) of the Act, it shall specify the special circumstances to be taken into consideration.

*Application under section 3(2) of the Act*

**Application under section 3(2) of the Act**

- 4.** An application under section 3(2) of the Act shall contain information showing—
- (a) that the applicant’s father or mother (“the parent in question”) was a British citizen by descent at the time of the applicant’s birth;
  - (b) that the father or mother of the parent in question—
    - (i) was a British citizen otherwise than by descent at the time of the birth of the parent in question; or
    - (ii) became a British citizen otherwise than by descent at commencement; or
    - (iii) would have become a British citizen otherwise than by descent at commencement but for his or her death;
  - (c) either—
    - (i) that the parent in question possesses the requisite qualifications in respect of residence; or

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(ii) that the applicant was born stateless.

<sup>F12</sup>5. ....

**Textual Amendments**

**F12** Sch. 2 para. 5 omitted (13.1.2010) by virtue of [The British Nationality \(General\) \(Amendment\) Regulations 2009 \(S.I. 2009/3363\)](#), regs. 1, **4(2)**

*Application under section 3(5) of the Act*

- 6. An application under section 3(5) of the Act shall contain information showing—
  - (a) that the applicant’s father or mother was a British citizen by descent at the time of the applicant’s birth;
  - (b) that the applicant and his father and mother possess the requisite qualifications in respect of residence;
  - (c) that the consent of the applicant’s father and/or mother (as required by section 3(5)(c) and (6) of the Act) has been signified in accordance with regulation 14 and, if the consent of one parent only has been signified, the reason for that fact<sup>F13</sup>; and
  - (d) where the applicant is aged 10 or over, that he is of good character.]

**Textual Amendments**

**F13** Sch. 2 para. 6(d) and word inserted (3.12.2007) by [The British Nationality \(General and Hong Kong\) \(Amendment\) Regulations 2007 \(S.I. 2007/3137\)](#), regs. 1(1), **4(3)**

*Application under section 4(2) of the Act*

- 7.—(1) An application under section 4(2) of the Act shall contain information showing—
  - (a) that the applicant is a British overseas territories citizen, a British Overseas citizen, a British subject under the Act or a British protected person;
  - (b) that the applicant possesses the requisite qualifications in respect of residence, freedom from immigration restrictions and compliance with the immigration laws<sup>F14</sup>; and
  - (c) where the applicant is aged 10 or over, that he is of good character.]
- (2) If the applicant does not possess the requisite qualifications in respect of residence, freedom from immigration restrictions and compliance with the immigration laws and it is desired that the application should nevertheless be considered under section 4(4) of the Act, it shall specify the special circumstances to be taken into consideration.

**Textual Amendments**

**F14** Sch. 2 para. 7(1)(c) and word inserted (3.12.2007) by [The British Nationality \(General and Hong Kong\) \(Amendment\) Regulations 2007 \(S.I. 2007/3137\)](#), regs. 1(1), **4(4)**

*Application under section 4(5) of the Act*

- 8.—(1) An application under section 4(5) of the Act shall contain information showing—
- (a) that the applicant is a British overseas territories citizen, a British Overseas citizen, a British subject under the Act or a British protected person;
  - (b) that the applicant possesses the requisite qualifications in respect of service<sup>F15</sup>; and
  - (c) where the applicant is aged 10 or over, that he is of good character.]
- (2) The application shall specify the special circumstances to be taken into consideration.

**Textual Amendments**

- F15** Sch. 2 para. 8(1)(c) and word inserted (3.12.2007) by [The British Nationality \(General and Hong Kong\) \(Amendment\) Regulations 2007 \(S.I. 2007/3137\)](#), regs. 1(1), **4(4)**

*Application under section 4A of the Act*<sup>M7</sup>

**Marginal Citations**

- M7** Section 4A was inserted by section 4 of the [British Overseas Territories Act 2002 \(c. 8\)](#).

9. An application under section 4A of the Act shall contain information showing—
- (a) that the applicant is a British overseas territories citizen who is not such a citizen by virtue only of a connection with the Sovereign Base Areas of Akrotiri and Dhekelia;
  - (b) that the applicant has not ceased to be a British citizen as a result of a declaration of renunciation<sup>F16</sup>; and
  - (c) where the applicant is aged 10 or over, that he is of good character.]

**Textual Amendments**

- F16** Sch. 2 para. 9(c) and word inserted (3.12.2007) by [The British Nationality \(General and Hong Kong\) \(Amendment\) Regulations 2007 \(S.I. 2007/3137\)](#), regs. 1(1), **4(4)**

*<sup>F17</sup>Application under section 4B of the Act*

**Textual Amendments**

- F17** Sch. 2 para. 10 and cross-heading substituted (13.1.2010) by [The British Nationality \(General\) \(Amendment\) Regulations 2009 \(S.I. 2009/3363\)](#), regs. 1, **4(3)**

10. An application under section 4B of the Act shall contain information showing—
- (a) that the applicant is a British Overseas citizen, a British subject under the Act, a British protected person or a British National (Overseas) and does not have any other citizenship or nationality; and
  - (b) (i) in the case of an application made by virtue of subsection (1)(a), (b) or (c), that the applicant has not, after 4th July 2002, renounced, voluntarily relinquished or lost through action or inaction, any citizenship or nationality; or

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- (ii) in the case of an application made by virtue of subsection (1)(d), that the applicant has not, after 19th March 2009, renounced, voluntarily relinquished or lost through action or inaction, any citizenship or nationality.]

*<sup>F18</sup>Application under section 4C of the Act*

**Textual Amendments**

**F18** Sch. 2 para. 11 and-cross-heading substituted (13.1.2010) by [The British Nationality \(General\) \(Amendment\) Regulations 2009 \(S.I. 2009/3363\)](#), regs. 1, **4(4)**

- 11.** An application under section 4C of the Act shall contain information showing—
- (a) that the applicant was born before 1st January 1983;
  - (b) that the applicant would at some time before 1st January 1983 have become a citizen of the United Kingdom and Colonies—
    - (i) under section 5 or 12(2) of, or paragraph 3 of Schedule 3 to, the British Nationality Act 1948 if (as the case may be) that section or paragraph provided for citizenship by descent from a mother in the same terms as it provided for citizenship by descent from a father and if references in that provision to a father were references to the applicant’s mother; or
    - (ii) under section 12(2), (3), (4) or (5) of the British Nationality Act 1948 if a provision of the law at some time before 1st January 1949, which provided for a nationality status to be acquired by descent from a father, provided in the same terms for its acquisition by descent from a mother and if references in that provision to a father were references to the applicant’s mother;
  - (c) that immediately before 1st January 1983 the applicant would have had the right of abode in the United Kingdom by virtue of section 2 of the Immigration Act 1971 had he become a citizen of the United Kingdom and Colonies as described in either sub-paragraph (b)(i) or (ii) above; and
  - (d) that he is of good character.]

*<sup>F19</sup>Application under section 4D of the Act*

**Textual Amendments**

**F19** Sch. 2 para. 11A and-cross-heading inserted (13.1.2010) by [The British Nationality \(General\) \(Amendment\) Regulations 2009 \(S.I. 2009/3363\)](#), regs. 1, **4(5)**

- 11A.—(1)** An application under section 4D of the Act shall contain information showing—
- (a) that the applicant’s father or mother was a member of the armed forces and serving outside of the United Kingdom and qualifying territories at the time of the applicant’s birth;
  - (b) that the consent of the applicant’s father and/or mother (as required by section 4D(3) and (4) of the Act) has been signified in accordance with regulation 14 and, if the consent of one parent only has been signified, the reason for that fact; and
  - (c) where the applicant is aged 10 or over, that he is of good character.

(2) If the application is made without the consent of the applicant's father and/or mother and it is desired that the application should nevertheless be considered under section 4D(5) of the Act, it shall specify the special circumstances to be taken into consideration.]

*Application under section 5 of the Act*

12. An application under section 5 of the Act shall contain information showing:

[<sup>F20</sup>(a)] that the applicant is a British overseas territories citizen who falls to be treated as a national of the United Kingdom for the purposes of the Community Treaties<sup>F21</sup>; and

(b) where the applicant is aged 10 or over, that he is of good character.]

**Textual Amendments**

**F20** Words in Sch. 2 para. 12 renumbered as Sch. 2 para. 12(a) (3.12.2007) by [The British Nationality \(General and Hong Kong\) \(Amendment\) Regulations 2007 \(S.I. 2007/3137\)](#), regs. 1(1), **4(2)(a)**

**F21** Sch. 2 para. 12(b) and word inserted (3.12.2007) by [The British Nationality \(General and Hong Kong\) \(Amendment\) Regulations 2007 \(S.I. 2007/3137\)](#), regs. 1(1), **4(2)(b)**

*Application under section 6(1)*

13.—(1) An application under section 6(1) of the Act shall contain information showing—

(a) that the applicant possesses the requisite qualifications in respect of residence or Crown service, freedom from immigration restrictions, compliance with the immigration laws, good character, knowledge of language<sup>F22</sup>, knowledge about life in the United Kingdom] and intention with respect to residence or occupation in the event of a certificate of naturalisation being granted to him;

(b) that the applicant is of full capacity.

(2) If the applicant does not possess the requisite qualifications in respect of residence, freedom from immigration restrictions, compliance with the immigration laws and knowledge of language and it is desired that the application should nevertheless be considered under paragraph 2 of Schedule 1 to the Act, it shall specify the special circumstances to be taken into consideration.

[<sup>F23</sup>(3) If the applicant is not of full capacity and it is desired that the requirement of full capacity be waived in accordance with section 44A of the Act (waiver of requirement for full capacity), the application shall specify why it would be in the applicant's best interests for the requirement to be waived in his case.]

**Textual Amendments**

**F22** Words in Sch. 2 para. 13(1)(a) inserted (1.11.2005) by [The British Nationality \(General\) \(Amendment\) Regulations 2005 \(S.I. 2005/2785\)](#), regs. 1(2), **4(a)**

**F23** Sch. 2 para. 13(3) inserted (3.12.2007) by [The British Nationality \(General and Hong Kong\) \(Amendment\) Regulations 2007 \(S.I. 2007/3137\)](#), regs. 1(1), **4(5)**

*Application under section 6(2) of the Act*

14.—(1) An application under section 6(2) of the Act shall contain information showing—

(a) that the applicant is married to<sup>F24</sup>, or is the civil partner of,] a British citizen;

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- (b) that the applicant possesses the requisite qualifications in respect of residence, freedom from immigration restrictions, compliance with the [<sup>F25</sup>immigration laws, good character, knowledge of language and knowledge about life in the United Kingdom];
- (c) that the applicant is of full capacity.

(2) If the applicant does not possess the requisite qualifications in respect of residence and compliance with the immigration laws and it is desired that the application should nevertheless be considered under paragraph 4 of Schedule 1 to the Act, it shall specify the special circumstances to be taken into consideration.

(3) If the applicant does not possess the requisite qualifications in respect of residence and it is desired that the application should nevertheless be considered under paragraph 4(d) of Schedule 1 to the Act on the grounds of marriage to [<sup>F26</sup>or civil partnership with] a person who is serving in Crown Service under the government of the United Kingdom or other designated service, it shall specify the nature of the service and contain information showing that recruitment for that service took place in the United Kingdom.

[<sup>F27</sup>(4) If the applicant is not of full capacity and it is desired that the requirement of full capacity be waived in accordance with section 44A of the Act (waiver of requirement for full capacity), the application shall specify why it would be in the applicant's best interests for the requirement to be waived in his case.]

#### Textual Amendments

- F24** Words in Sch. 2 para. 14(1)(a) inserted (5.12.2005) by [The Civil Partnership Act 2004 \(Amendments to Subordinate Legislation\) Order 2005 \(S.I. 2005/2114\)](#), art. 1, **Sch. 13 para. 5(2)(a)**
- F25** Words in Sch. 2 para. 14(1)(b) substituted (1.11.2005) by [The British Nationality \(General\) \(Amendment\) Regulations 2005 \(S.I. 2005/2785\)](#), regs. 1(2), **4(b)**
- F26** Words in Sch. 2 para. 14(3) inserted (5.12.2005) by [The Civil Partnership Act 2004 \(Amendments to Subordinate Legislation\) Order 2005 \(S.I. 2005/2114\)](#), art. 1, **Sch. 13 para. 5(2)(b)**
- F27** Sch. 2 para. 14(4) inserted (3.12.2007) by [The British Nationality \(General and Hong Kong\) \(Amendment\) Regulations 2007 \(S.I. 2007/3137\)](#), regs. 1(1), **4(6)**

#### *Application under section 10(1) of the Act*

15. An application under section 10(1) of the Act shall contain information showing—
- (a) that the applicant renounced citizenship of the United Kingdom and Colonies;
  - (b) that at the time when he renounced it the applicant was, or was about to become, a citizen of a country mentioned in section 1(3) of the British Nationality Act 1948;
  - (c) that the applicant could not have remained or become such a citizen but for renouncing it or had reasonable cause to believe that he would be deprived of his citizenship of that country unless he renounced it;
  - (d) that the applicant possessed the requisite qualifying connection with the United Kingdom immediately before commencement or was married before commencement to a person who possessed the requisite qualifying connection with the United Kingdom immediately before commencement or would if living have possessed such a connection;
  - (e) that the applicant has not previously been registered under section 10(1) of the Act<sup>F28</sup>; and
  - (f) where the applicant is aged 10 or over, that he is of good character.]

### Textual Amendments

- F28** Sch. 2 para. 15(f) and word inserted (3.12.2007) by [The British Nationality \(General and Hong Kong\) \(Amendment\) Regulations 2007 \(S.I. 2007/3137\)](#), regs. 1(1), **4(7)**

#### *Application under section 10(2) of the Act*

- 16.**—<sup>F29</sup>(1) An application under section 10(2) of the Act shall contain information showing—
- (a) that the applicant has renounced citizenship of the United Kingdom and Colonies and his reason for so doing;
  - (b) that the applicant possesses the requisite qualifying connection with the United Kingdom or has been married to<sup>F30</sup>, or has been the civil partner of,] a person who has, or would if living have, such a connection;
  - (c) that the applicant is of full capacity<sup>F31</sup>; and
  - (d) where the applicant is aged 10 or over, that he is of good character.]

<sup>F32</sup>(2) If the applicant is not of full capacity and it is desired that the requirement of full capacity be waived in accordance with section 44A of the Act (waiver of requirement for full capacity), the application shall specify why it would be in the applicant's best interests for the requirement to be waived in his case.]

### Textual Amendments

- F29** Sch. 2 para. 16 renumbered as Sch. 2 para. 16(1) (3.12.2007) by [The British Nationality \(General and Hong Kong\) \(Amendment\) Regulations 2007 \(S.I. 2007/3137\)](#), regs. 1(1), **4(8)(a)**
- F30** Words in Sch. 2 para. 16(b) inserted (5.12.2005) by [The Civil Partnership Act 2004 \(Amendments to Subordinate Legislation\) Order 2005 \(S.I. 2005/2114\)](#), art. 1, **Sch. 13 para. 5(2)(c)**
- F31** Sch. 2 para. 16(1)(d) and word inserted (3.12.2007) by [The British Nationality \(General and Hong Kong\) \(Amendment\) Regulations 2007 \(S.I. 2007/3137\)](#), regs. 1(1), **4(8)(b)**
- F32** Sch. 2 para. 16(2) inserted (3.12.2007) by [The British Nationality \(General and Hong Kong\) \(Amendment\) Regulations 2007 \(S.I. 2007/3137\)](#), regs. 1(1), **4(8)(c)**

#### *Application under section 13(1) of the Act*

- 17.**—<sup>F33</sup>(1) An application under section 13(1) of the Act shall contain information showing—
- (a) that the applicant has renounced British citizenship;
  - (b) that, at the time when he renounced it, the applicant had or was about to acquire some other citizenship or nationality;
  - (c) that the renunciation of British citizenship was necessary to enable him to retain or acquire that other citizenship or nationality;
  - (d) that the applicant has not previously been registered under section 13(1) of the Act;
  - (e) that the applicant is of full capacity<sup>F34</sup>; and
  - (f) where the applicant is aged 10 or over, that he is of good character.]

<sup>F35</sup>(2) If the applicant is not of full capacity and it is desired that the requirement of full capacity be waived in accordance with section 44A of the Act (waiver of requirement for full capacity), the

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application shall specify why it would be in the applicant's best interests for the requirement to be waived in his case.]

#### Textual Amendments

- F33** Sch. 2 para. 17 renumbered as Sch. 2 para. 17(1) (3.12.2007) by [The British Nationality \(General and Hong Kong\) \(Amendment\) Regulations 2007 \(S.I. 2007/3137\)](#), regs. 1(1), **4(9)(a)**
- F34** Sch. 2 para. 17(1)(f) and word inserted (3.12.2007) by [The British Nationality \(General and Hong Kong\) \(Amendment\) Regulations 2007 \(S.I. 2007/3137\)](#), regs. 1(1), **4(9)(b)**
- F35** Sch. 2 para. 17(2) inserted (3.12.2007) by [The British Nationality \(General and Hong Kong\) \(Amendment\) Regulations 2007 \(S.I. 2007/3137\)](#), regs. 1(1), **4(9)(c)**

#### *Application under section 13(3) of the Act*

- 18.**—<sup>[F36]</sup>(1) An application under section 13(3) of the Act shall contain information showing—
- (a) that the applicant has renounced British citizenship and his reason for so doing;
  - (b) that the applicant is of full capacity<sup>[F37]</sup>; and
  - (c) where the applicant is aged 10 or over, that he is of good character.]

<sup>[F38]</sup>(2) If the applicant is not of full capacity and it is desired that the requirement of full capacity be waived in accordance with section 44A of the Act (waiver of requirement for full capacity), the application shall specify why it would be in the applicant's best interests for the requirement to be waived in his case.]

#### Textual Amendments

- F36** Sch. 2 para. 18 renumbered as Sch. 2 para. 18(1) (3.12.2007) by [The British Nationality \(General and Hong Kong\) \(Amendment\) Regulations 2007 \(S.I. 2007/3137\)](#), regs. 1(1), **4(10)(a)**
- F37** Sch. 2 para. 18(1)(c) and word inserted (3.12.2007) by [The British Nationality \(General and Hong Kong\) \(Amendment\) Regulations 2007 \(S.I. 2007/3137\)](#), regs. 1(1), **4(10)(b)**
- F38** Sch. 2 para. 18(2) inserted (3.12.2007) by [The British Nationality \(General and Hong Kong\) \(Amendment\) Regulations 2007 \(S.I. 2007/3137\)](#), regs. 1(1), **4(10)(c)**

#### *Application under paragraph 3 of Schedule 2 to the Act*

**19.**—(1) An application under paragraph 3 of Schedule 2 to the Act shall contain information showing—

- (a) that the applicant is and always has been stateless;
- (b) that the applicant seeks British citizenship and possesses the requisite qualifications in respect of residence.

(2) If the applicant does not possess the requisite qualifications in respect of residence and it is desired that the application should nevertheless be considered under paragraph 6 of Schedule 2 to the Act, it shall specify the special circumstances to be taken into consideration.

#### *Application under paragraph 4 of Schedule 2*

**20.**—(1) An application under paragraph 4 of Schedule 2 to the Act shall contain information showing—

- (a) that the applicant is and always has been stateless;
  - (b) in respect of both the father and mother of the applicant, which of the following statuses, namely, British citizenship, British overseas territories citizenship, British Overseas citizenship or the status of a British subject under the Act, was held at the time of the applicant's birth;
  - (c) that the applicant possesses the requisite qualifications in respect of residence;
  - (d) if more than one of the statuses mentioned in sub-paragraph (b) above are available to the applicant, which status or statuses is or are wanted.
- (2) If the applicant does not possess the requisite qualifications in respect of residence and it is desired that the application should nevertheless be considered under paragraph 6 of Schedule 2 to the Act, it shall specify the special circumstances to be taken into consideration.

*Application under paragraph 5 of Schedule 2*

**21.** An application under paragraph 5 of Schedule 2 to the Act shall contain information showing—

- (a) that the applicant is and always has been stateless;
- (b) if he was not born at a place which is at the date of the application within the United Kingdom and British overseas territories—
  - (i) that the applicant's mother was a citizen of the United Kingdom and Colonies at the time of his birth; or
  - (ii) that he possesses the requisite qualifications in respect of parentage or residence and parentage;
- (c) that the applicant seeks British citizenship or British Overseas citizenship and that that citizenship is available to the applicant in accordance with paragraph 5(2) of Schedule 2 to the Act.

SCHEDULE 3

Regulation 6

ADMINISTRATION OF [F39]CITIZENSHIP OATH OR PLEDGE]

**Textual Amendments**

**F39** Words in Sch. 3 heading substituted (1.1.2004) by [The British Nationality \(General\) \(Amendment\) Regulations 2003 \(S.I. 2003/3158\)](#), regs. 1, **5(a)**

1. Subject to [F40]paragraphs 2 and 3], [F40]a citizenship oath or pledge] shall be administered by one of the following persons:

- (a) in England and Wales or Northern Ireland—any justice of the peace, commissioner for oaths or notary public;
- (b) in Scotland—any sheriff principal, sheriff, justice of the peace or notary public;
- (c) in the Channel Islands, the Isle of Man or any British overseas territory—any judge of any court of civil or criminal jurisdiction, any justice of the peace or magistrate, or any person for the time being authorised by the law of the place where the applicant, declarant or deponent is, to administer an oath for any judicial or other legal purpose;

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**Changes to legislation:** There are currently no known outstanding effects for the The British Nationality (General) Regulations 2003. (See end of Document for details)

- (d) in any country mentioned in Schedule 3 to the Act of which Her Majesty is Queen, or in any territory administered by the government of any such country—any person for the time being authorised by the law of the place where the deponent is to administer an oath for any judicial or other legal purpose, any consular officer or any established officer of the Diplomatic Service of Her Majesty’s Government in the United Kingdom;
- (e) elsewhere—any consular officer, any established officer of the Diplomatic Service of Her Majesty’s Government in the United Kingdom or any person authorised by the Secretary of State in that behalf.

**Textual Amendments**

**F40** Words in Sch. 3 para. 1 substituted (1.1.2004) by [The British Nationality \(General\) \(Amendment\) Regulations 2003 \(S.I. 2003/3158\)](#), regs. 1, **5(b)**

2. If the deponent is serving in Her Majesty’s naval, military or air forces, the oath [<sup>F41</sup>or pledge] may be administered by any officer holding a commission in any of those forces, whether the oath [<sup>F41</sup>or pledge] is made <sup>F42</sup>...in the United Kingdom or elsewhere.

**Textual Amendments**

**F41** Words in Sch. 3 para. 2 inserted (1.1.2004) by [The British Nationality \(General\) \(Amendment\) Regulations 2003 \(S.I. 2003/3158\)](#), regs. 1, **5(c)**

**F42** Words in Sch. 3 para. 2 omitted (1.1.2004) by virtue of [The British Nationality \(General\) \(Amendment\) Regulations 2003 \(S.I. 2003/3158\)](#), regs. 1, **5(c)**

[<sup>F43</sup>3. Where a citizenship oath and pledge is required by section 42 of the Act to be made at a citizenship ceremony, it shall be administered at the ceremony:

- (a) in the case of a ceremony held in England, Wales or Scotland, by a registrar (within the meaning of section 41(3B) of the Act); and
- (b) in the case of a ceremony held elsewhere, by a person authorised to do so by the Secretary of State.]

**Textual Amendments**

**F43** Sch. 3 para. 3 inserted (1.1.2004) by [The British Nationality \(General\) \(Amendment\) Regulations 2003 \(S.I. 2003/3158\)](#), regs. 1, **5(d)**

<sup>F44</sup>SCHEDULE 4

Regulation 7

**Textual Amendments**

**F44** Sch. 4 omitted (3.12.2007) by virtue of [The British Nationality \(General and Hong Kong\) \(Amendment\) Regulations 2007 \(S.I. 2007/3137\)](#), regs. 1(1), **5**

## SCHEDULE 5

Regulation 8

### REQUIREMENTS AS RESPECTS DECLARATIONS OF RENUNCIATION

1. A declaration shall be made in writing and shall state the name, address, date and place of birth of the declarant.
2. A declaration shall contain information showing that the declarant—
  - (a) is a British citizen, British Overseas citizen or British subject, as the case may be;
  - (b) is of full age or, if not, has been married [<sup>F45</sup>or has been a civil partner];
  - (c) is of full capacity;
  - (d) will, after the registration of the declaration, have or acquire some citizenship or nationality other than British citizenship, British Overseas citizenship or British subject status, as the case may be.

#### Textual Amendments

**F45** Words in Sch. 5 para. 2(b) inserted (5.12.2005) by [The Civil Partnership Act 2004 \(Amendments to Subordinate Legislation\) Order 2005 \(S.I. 2005/2114\)](#), art. 1, **Sch. 13 para. 5(3)**

[<sup>F46</sup>**2A.** If the declarant is not of full capacity and it is desired that the requirement of full capacity be waived in accordance with section 44A of the Act (waiver of requirement for full capacity), the declaration shall specify why it would be in the applicant's best interests for the requirement to be waived in his case.]

#### Textual Amendments

**F46** [Sch. 5 para. 2A](#) inserted (3.12.2007) by [The British Nationality \(General and Hong Kong\) \(Amendment\) Regulations 2007 \(S.I. 2007/3137\)](#), regs. 1(1), **6**

3. A declaration shall contain a declaration that the particulars stated therein are true.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations replace the British Nationality (General) Regulations 1982. These Regulations make the following changes of substance:

- (a) references to applications for registration under sections of the British Nationality Act 1981 which were repealed by section 15 of and Schedule 2 to the Nationality, Immigration and Asylum Act 2002 are not re-enacted;
- (b) provision is made as to how applications for registration as British citizens under sections 4B and 4C of the British Nationality Act 1981 (as inserted by sections 12 and 13 of the Nationality, Immigration and Asylum Act 2002) are to be made. The new registration entitlements under sections 4B and 4C come into force on the 30th April 2003;

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- (c) provision is made as to how applications for registration as a British citizen under section 4A of the British Nationality Act 1981 (as inserted by section 4 of the British Overseas Territories Act 2002) are to be made. Section 4 of the British Overseas Territories Act came into force on the 21st May 2002;
- (d) the provisions relating to the giving of notice of proposed deprivation of citizenship are amended to reflect the changes to be introduced by section 4 of the Nationality, Immigration and Asylum Act 2002 which substitutes a new section 40 and 40A into the British Nationality Act 1981 and comes into force on the 1st April 2003;
- (e) the requirements for applications for registration as a British citizen under section 10 of the British Nationality Act 1981 are amended to reflect the amendment to section 10 effected by section 5 of the Nationality, Immigration and Asylum Act 2002.

**Status:**

Point in time view as at 13/01/2010.

**Changes to legislation:**

There are currently no known outstanding effects for the The British Nationality (General) Regulations 2003.