

STATUTORY INSTRUMENTS

2003 No. 548

The British Nationality (General) Regulations 2003

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

[^{F1}(b) satisfy the requirements of Part 1 of Schedule 1 and any applicable requirements of Part II or III of Schedule 1 and such further requirements, if any, as are specified in relation thereto in Schedule 2.]

Textual Amendments

F1 Reg. 3(b) substituted (9.8.2018) by [The British Nationality \(General\) \(Amendment\) Regulations 2018 \(S.I. 2018/851\)](#), regs. 1(1), 2(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;

^{F2}(d)

[^{F3}(e) if the applicant is elsewhere, to the Secretary of State at the Home Office.]

(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 [^{F4}(acquisition by registration: British overseas territories citizens having connection with Gibraltar)]^{M1} is to be made is in all cases the Governor of Gibraltar.

Textual Amendments

- F2** Reg. 4(1)(d) omitted (12.11.2015) by virtue of [The British Nationality \(General\) \(Amendment No. 3\) Regulations 2015 \(S.I. 2015/1806\)](#), regs. 1, 4
- F3** Reg. 4(1)(e) substituted (16.7.2012) by [The British Nationality \(General\) \(Amendment\) Regulations 2012 \(S.I. 2012/1588\)](#), regs. 1, **2(3)**
- F4** Words in reg. 4(3) substituted (31.12.2020) by [The Immigration, Nationality and Asylum \(EU Exit\) Regulations 2019 \(S.I. 2019/745\)](#), regs. 1(2), **30(3)**; 2020 c. 1, Sch. 5 para. 1(1)

Marginal Citations

- M1** 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.

[^{F5}Knowledge of language and life in the United Kingdom

5A.—(1) [^{F6}Subject to paragraph (1A),] a person has sufficient knowledge of the English language for the purpose of an application for naturalisation as a British citizen under section 6 of the Act if that person—

- [^{F7}(a) has passed a test known as a Secure English Language Test administered by an English language test provider which has been approved by the Secretary of State for this purpose and which-
- (i) is at a level equivalent to level B1 or above on the Council of Europe’s Common European Framework of Reference for Languages: Learning, Teaching, Assessment; and
 - (ii) was taken no more than two years before the date of the application for naturalisation; or]
- (b) possesses an academic qualification deemed by UK NARIC to meet the recognised standard of a Bachelor’s or Master’s degree or PhD in the United Kingdom and—
- (i) UK NARIC has confirmed that the qualification was taught or, as the case may be, researched in English; or
 - (ii) the qualification was taught or, as the case may be, researched in an English speaking country specified in Schedule 2A other than Canada; or
- (c) is ordinarily resident outside the United Kingdom and a person designated by the Secretary of State certifies in writing that the person has sufficient knowledge of the English language for the purpose of an application for naturalisation; or
- (d) satisfied the Secretary of State when making a successful application for indefinite leave to remain within the meaning of section 33(1) of the Immigration Act 1971 that he or she possessed a qualification or had passed a test in English at a level equivalent to Level B1 or above on the Council of Europe’s Common European Framework of Reference for Languages: Learning, Teaching, Assessment; or
- (e) is a national of an English speaking country specified in Schedule 2A [^{F8}; or
- (f) is a relevant pre-1973 entrant; or
- (g) is not within sub-paragraph (f) but is an eligible child of a pre-1973 entrant.]

[^{F9}(1A) Where the Secretary of State has reasonable grounds to suspect that a person used deception in relation to a test or qualification mentioned in sub-paragraph (a), (b) or (d) of paragraph (1) and relied upon by that person in his or her application for naturalisation, the Secretary of State may—

- (a) disregard that test or qualification; and
- (b) require that person to take or (as the case may be) retake and pass a test specified in Schedule 2A for the purpose of demonstrating that he or she has sufficient knowledge of the English language.]

(2) [^{F10}Subject to paragraph (3),] a person has 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 that person—

- (a) 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 the Lieutenant Governor of the Isle of Man; or
- (b) has passed the test known as the “Citizenship Test” administered by an educational institution or other person approved for this purpose by the Lieutenant Governor of Guernsey or Jersey; or
- (c) is ordinarily resident outside the United Kingdom and a person designated by the Secretary of State certifies in writing that the person has sufficient knowledge about life in the United Kingdom for the purpose of an application for naturalisation [^{F11}; or
- (d) is a relevant pre-1973 entrant; or
- (e) is not within sub-paragraph (d) but is an eligible child of a pre-1973 entrant.]

[^{F12}(3) Where the Secretary of State has reasonable grounds to suspect that a person used deception in relation to a test mentioned in sub-paragraph (a) or (b) of paragraph (2) and relied upon by that person in his or her application for naturalisation, the Secretary of State may—

- (a) disregard that test; and
- (b) require that person to retake and pass the test mentioned in sub-paragraph (a) or (b) of paragraph (2) for the purpose of demonstrating that he or she has sufficient knowledge about life in the United Kingdom.]

[^{F13}(4) In this regulation “relevant pre-1973 entrant” means a person who is within paragraph (5) or (6).

(5) A person is within this paragraph if the person—

- [^{F14}(a) held indefinite leave to enter or remain in the United Kingdom or any of the Islands within the meaning of section 33(1) of the Immigration Act 1971 as at 1st January 1973; and
- (aa) holds such leave (whether or not that leave has been held continuously since 1st January 1973); and]
- (b) was, on 1st January 1973—
 - (i) a national of a country specified in Schedule 2B (certain members of the Commonwealth and British overseas territories etc.);
 - (ii) a citizen of the United Kingdom and Colonies by virtue of a connection with a country or territory specified in that Schedule; or
 - (iii) a British subject without citizenship (see sections 13 and 16 of the British Nationality Act 1948 as then in force).

(6) A person is within this paragraph if the person—

- (a) has the right of abode in the United Kingdom or any of the Islands by virtue of section 2(1) (b) of the Immigration Act 1971 (certain Commonwealth citizens with the right of abode);
- (b) was, on 1st January 1973, ordinarily resident in the United Kingdom or any of the Islands; and
- (c) has strong ties with the United Kingdom or any of the Islands.
- (7) For the purposes of this regulation, a person (“C”) is an eligible child of a pre-1973 entrant if C—
- (a) is the child (including an adopted child) of—
- (i) a person who is (or was at the time of their death) a relevant pre-1973 entrant;
 - (ii) a person who is (or was at the time of their death) a British citizen and was, immediately before they became a British citizen, a relevant pre-1973 entrant; ^{F15} ...
 - (iii) a pre-1973 deceased entrant; [^{F16}or]
 - [a person who would be (or would have been at the time of their death) a relevant ^{F17}(iv) pre-1973 entrant but for a subsequent lapse in their indefinite leave to enter or remain in the United Kingdom or any of the Islands;]
- (b) was born outside the United Kingdom and the Islands;
- (c) entered the United Kingdom or any of the Islands on or after 1st January 1973 and was, at the time of entry, under the age of 18; and
- (d) is settled in the United Kingdom or any of the Islands and has, since C’s entry as mentioned in sub-paragraph (c), been ordinarily resident in the United Kingdom or any of the Islands.
- (8) In paragraph (7) “pre-1973 deceased entrant” means a person who—
- (a) died before 1st January 1973;
 - (b) was settled in the United Kingdom or any of the Islands before their death; and
 - (c) was, immediately before they died—
 - (i) a national of a country specified in Schedule 2B;
 - (ii) a citizen of the United Kingdom and Colonies by virtue of a connection with a country or territory specified in that Schedule; or
 - (iii) a British subject without citizenship.
- (9) In paragraphs (5) to (8) “the United Kingdom” means England and Wales, Scotland and Northern Ireland.
- (10) For the purposes of this regulation, a reference to a country or territory in Schedule 2B includes a reference to any former country or territory which forms part of the country or territory concerned.]]

Textual Amendments

- F5** Reg. 5A substituted (28.10.2013) by [The British Nationality \(General\) \(Amendment\) Regulations 2013 \(S.I. 2013/2541\)](#), regs. 1, **3**
- F6** Words in reg. 5A(1) inserted (6.4.2015) by [The British Nationality \(General\) \(Amendment No. 2\) Regulations 2015 \(S.I. 2015/681\)](#), regs. 1, **3(2)**
- F7** Reg. 5A(1)(a) substituted (1.10.2019) by [The British Nationality \(General\) \(Amendment\) Regulations 2019 \(S.I. 2019/1242\)](#), regs. 1(1), **2(2)**
- F8** Reg. 5A(1)(f)(g) and word inserted (30.5.2018) by [The Immigration and Nationality \(Requirements for Naturalisation and Fees\) \(Amendment\) Regulations 2018 \(S.I. 2018/618\)](#), regs. 1(2), **2(2)**
- F9** Reg. 5A(1A) inserted (6.4.2015) by [The British Nationality \(General\) \(Amendment No. 2\) Regulations 2015 \(S.I. 2015/681\)](#), regs. 1, **3(3)**

- F10** Words in reg. 5A(2) inserted (6.4.2015) by The British Nationality (General) (Amendment No. 2) Regulations 2015 (S.I. 2015/681), regs. 1, **3(4)**
- F11** Reg. 5A(2)(d)(e) and word inserted (30.5.2018) by The Immigration and Nationality (Requirements for Naturalisation and Fees) (Amendment) Regulations 2018 (S.I. 2018/618), regs. 1(2), **2(3)**
- F12** Reg. 5A(3) inserted (6.4.2015) by The British Nationality (General) (Amendment No. 2) Regulations 2015 (S.I. 2015/681), regs. 1, **3(5)**
- F13** Regs. 5A(4)-(10) inserted (30.5.2018) by The Immigration and Nationality (Requirements for Naturalisation and Fees) (Amendment) Regulations 2018 (S.I. 2018/618), regs. 1(2), **2(4)**
- F14** Reg. 5A(5)(a)(aa) substituted for reg. 5A(5)(a) (1.12.2020) by The British Nationality (General) (Amendment) Regulations 2020 (S.I. 2020/1141), regs. 1(1), **2(2)**
- F15** Word in reg. 5A(7)(a)(ii) omitted (1.12.2020) by virtue of The British Nationality (General) (Amendment) Regulations 2020 (S.I. 2020/1141), regs. 1(1), **2(3)(a)**
- F16** Word in reg. 5A(7)(a)(iii) inserted (1.12.2020) by The British Nationality (General) (Amendment) Regulations 2020 (S.I. 2020/1141), regs. 1(1), **2(3)(b)**
- F17** Reg. 5A(7)(a)(iv) inserted (1.12.2020) by The British Nationality (General) (Amendment) Regulations 2020 (S.I. 2020/1141), regs. 1(1), **2(3)(c)**

[^{F18}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.

(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

- F18** 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**

[^{F18}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

F18 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

[^{F19}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

F19 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

Changes to legislation:

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