

**2003 No. 548**

**BRITISH NATIONALITY**

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

<i>Made</i>	<i>6th March 2003</i>
<i>Laid before Parliament</i>	<i>11th March 2003</i>
<i>Coming into force</i>	<i>1st April 2003</i>

**ARRANGEMENT OF REGULATIONS**

PART I

GENERAL

1. Citation and commencement.
2. Interpretation.

PART II

REGISTRATION AND NATURALISATION

3. Applications.
4. Authority to whom application is to be made.
5. Persons not of full age and capacity.
6. Oaths of allegiance.
7. Certificates of naturalisation.

PART III

RENUNCIATION AND DEPRIVATION

8. Declarations of renunciation.
9. Authority to whom declaration of renunciation is to be made.
10. Notice of proposed deprivation of citizenship.
11. Cancellation of registration of person deprived of citizenship.
12. Cancellation of certificate of naturalisation in case of deprivation of citizenship.

PART IV

SUPPLEMENTAL

13. Evidence.
14. Manner of signifying parental consent to registration.
15. Revocation.

SCHEDULES

- Schedule 1: General requirements as respects applications.  
Schedule 2: Particular requirements as respects applications.

- Schedule 3: Administration of oath of allegiance.  
Schedule 4: Form of certificate of naturalisation.  
Schedule 5: Requirements as respects declarations of renunciation.

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

## 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(b), 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) or Schedule 4 where a function of the Secretary of State under the Act is exercised by the Lieutenant-Governor of any of the Islands by virtue of arrangements made under section 43(1) of the Act(c), any reference in those provisions to the Secretary of State shall be construed as a reference to the Lieutenant-Governor.

## 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;

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(a) 1981 c.61.

(b) 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).

(c) Section 43(1) has been amended by the Hong Kong (British Nationality) Order 1986 (S.I. 1986/948), article 7.

- (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)(a) is to be made is in all cases the Governor of Gibraltar.

#### **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.

#### **Oaths of allegiance**

6.—(1) Where an oath of allegiance is required by section 42 of the Act(b) to be taken 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 take an oath of allegiance, 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; and the oath of allegiance shall be taken within three months of the giving of the notice or such longer time as the Secretary of State may allow.

(3) 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.

#### **Certificates of naturalisation**

7. A certificate of naturalisation shall be in the form set out in Schedule 4.

### **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;

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(a) Section 5 is amended by section 1(2) of the British Overseas Territories Act 2002 (c.8).

(b) Section 42 is amended by the Hong Kong (British Nationality) Order 1986 (S.I. 1986/948), article 7(6) and the Hong Kong (British Nationality) (Amendment) Order 1993 (S.I. 1993/1795), article 3.

- (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;
- (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>(a)</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.

### **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

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(a) Section 40 is amended by section 4 of the Nationality, Immigration and Asylum Act 2002 (c.41).

the Secretary of State, the Lieutenant-Governor, the High Commissioner or the Governor in that behalf.

**Manner of signifying parental consent to registration**

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

**Revocation**

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

Home Office  
6th March 2003

*Beverley Hughes*  
Minister of State

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<sup>(a)</sup> S.I. 1982/986.

## 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

## 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 that the applicant's father or mother became a British citizen, or became settled in the United Kingdom, after the applicant's birth.

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

2. An application under section 1(4) of the Act shall contain information showing that the applicant possesses the requisite qualifications in respect of residence.
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**

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
    - (ii) that the applicant was born stateless.
5. If the application is not made within 12 months after the applicant's birth and it is desired that the application should nevertheless be considered under section 3(4) of the Act, it shall specify the special circumstances to be taken into consideration.

#### **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.

#### **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.

(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.

#### **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.
- (2) The application shall specify the special circumstances to be taken into consideration.

#### **Application under section 4A of the Act(a)**

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.

#### **Application under section 4B of the Act(b)**

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 or a British protected person and has no other citizenship or nationality;
  - (b) that the applicant has not after 4th July 2002 renounced, voluntarily relinquished or lost through action or inaction any citizenship or nationality.

#### **Application under section 4C of the Act(c)**

11. An application under section 4C of the Act shall contain information showing—
- (a) that the applicant was born after 7th February 1961 and 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 by virtue of section 5 of the British Nationality Act 1948(d) if that section had provided for citizenship by descent from a mother in the same terms as it provided for citizenship by descent from a father;

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(a) Section 4A was inserted by section 4 of the British Overseas Territories Act 2002 (c.8).

(b) Section 4B was inserted by section 12 of the Nationality, Immigration and Asylum Act 2002 (c.41).

(c) Section 4C was inserted by section 13 of the Nationality, Immigration and Asylum Act 2002 (c.41).

(d) 1948 c.56.

- (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<sup>(a)</sup> had he become a citizen of the United Kingdom and Colonies as described in sub-paragraph (b) above.

#### **Application under section 5 of the Act**

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

#### **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 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.

#### **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 a British citizen;
- (b) that the applicant possesses the requisite qualifications in respect of residence, freedom from immigration restrictions, compliance with the immigration laws and good character;
- (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 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.

#### **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

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<sup>(a)</sup> 1971 c.77.



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.

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

**16.** 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 a person who has, or would if living have, such a connection;
- (c) that the applicant is of full capacity.

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

**17.** 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.

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

**18.** 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.

#### **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 OATH OF ALLEGIANCE

**1.** Subject to paragraph 2, an oath of allegiance 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;
- (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.

**2.** If the deponent is serving in Her Majesty’s naval, military or air forces, the oath may be administered by any officer holding a commission in any of those forces, whether the oath is made or taken in the United Kingdom or elsewhere.

## SCHEDULE 4

Regulation 7

### FORM OF CERTIFICATE OF NATURALISATION AS A BRITISH CITIZEN

#### BRITISH NATIONALITY ACT 1981 CERTIFICATE OF NATURALISATION AS A BRITISH CITIZEN

The Secretary of State, in exercise of the powers conferred by the British Nationality Act 1981, hereby grants this certificate of naturalisation to the person named below, who shall be a British citizen from the date of this certificate.

Full name

Name at birth if different

Date of birth

Place and country of birth

## 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;
  - (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.
3. A declaration shall contain a declaration that the particulars stated therein are true.

## 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;
- (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.

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