

2007 No. 3137

BRITISH NATIONALITY

**The British Nationality (General and Hong Kong) (Amendment)
Regulations 2007**

<i>Made</i>	- - - -	<i>26th October 2007</i>
<i>Laid before Parliament</i>		<i>2nd November 2007</i>
<i>Coming into force</i>	- -	<i>3rd December 2007</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 41(1) and (3) of the British Nationality Act 1981(a).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the British Nationality (General and Hong Kong) (Amendment) Regulations 2007 and shall come into force on 3rd December 2007.

(2) In these Regulations “the 2003 Regulations” means the British Nationality (General) Regulations 2003(b).

Amendment of the British Nationality (General) Regulations 2003

2. In regulation 2(2) (interpretation)(c) omit “or Schedule 4”.

3. For regulation 7 of the 2003 Regulations (certificates of naturalisation) substitute—

“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.”

4.—(1) Schedule 2 to the 2003 Regulations (particular requirements as respects applications) is amended as follows.

(2) In paragraphs 1, 2 and 12 (applications under sections 1(3), 1(4) and 5 of the Act)—

(a) 1981 c. 61. Section 41(1) of the 1981 Act has been amended by: sections 1 and 3 of, and paragraphs 3 and 4 of Schedule 1 to, the Nationality, Immigration and Asylum Act 2002 (c. 41); section 2 of the British Overseas Territories Act 2002 (c. 8); and S.I. 1986/948. Section 41(1) of the 1981 Act is also amended by section 50(4) of the Immigration, Asylum and Nationality Act 2006 (c. 13) but that amendment is not yet in force. Section 41(3) of the 1981 Act has been amended by: section 3 of, and paragraphs 3 and 6 of Schedule 1 to, the Nationality, Immigration and Asylum Act 2002; and sections 52 and 61 of, and Schedules 2 and 3 to, the Immigration, Asylum and Nationality Act 2006.

(b) S.I. 2003/548 which has been amended by: S.I. 2003/3158; S.I. 2004/1726; S.I. 2005/214; and S.I. 2005/2785.

(c) Regulation 2(2) of the 2003 Regulations has been amended by S.I. 2003/3158.

- (a) after “showing” insert “(a)”; and
 - (b) at the end insert—
 - “; and
 - (b) where the applicant is aged 10 or over, that he is of good character.”.
- (3) In paragraphs 6 and 11 (applications under sections 3(5) and 4C of the Act) at the end insert—
- “; and
 - (d) where the applicant is aged 10 or over, that he is of good character.”.
- (4) In paragraphs 7(1), 8(1) and 9 (applications under sections 4(2), 4(5) and 4A of the Act), at the end insert—
- “; and
 - (c) where the applicant is aged 10 or over, that he is of good character.”.
- (5) In paragraph 13 (application under section 6(1) of the Act)(a) at the end insert—
- “(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)(b), the application shall specify why it would be in the applicant’s best interests for the requirement to be waived in his case.”.
- (6) In paragraph 14 (application under section 6(2) of the Act)(c) at the end insert—
- “(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.”.
- (7) In paragraph 15 (application under section 10(1) of the Act) at the end insert—
- “; and
 - (f) where the applicant is aged 10 or over, that he is of good character.”.
- (8) In paragraph 16 (application under section 10(2) of the Act)(d)—
- (a) the provisions of the paragraph shall become sub-paragraph (1) of that paragraph;
 - (b) at the end insert—
 - “; and
 - (d) where the applicant is aged 10 or over, that he is of good character.”; and
 - (c) after sub-paragraph (1) insert—

“(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.”.
- (9) In paragraph 17 (application under section 13(1) of the Act)—
- (a) the provisions of the paragraph shall become sub-paragraph (1) of that paragraph;
 - (b) at the end insert—
 - “; and
 - (f) where the applicant is aged 10 or over, that he is of good character.”; and
 - (c) after sub-paragraph (1) insert —

(a) Paragraph 13 of Schedule 2 to the 2003 Regulations has been amended by S.I. 2005/2785.
 (b) Section 44A of the 1981 Act was inserted by section 49 of the Immigration, Asylum and Nationality Act 2006.
 (c) Paragraph 14 of Schedule 2 to the 2003 Regulations has been amended by S.I. 2005/2114 and S.I. 2005/2785.
 (d) Paragraph 16 of Schedule 2 to 2003 Regulations has been amended by S.I. 2005/2114.

“(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.”.

(10) In paragraph 18 (application under section 13(3) of the Act)—

(a) the provisions of the paragraph shall become sub-paragraph (1) of that paragraph;

(b) at the end insert—

“; and

(c) where the applicant is aged 10 or over, that he is of good character.”; and

(c) after sub-paragraph (1) insert—

“(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.”.

5. Schedule 4 to the 2003 Regulations (form of certificate of naturalisation as a British citizen) is omitted.

6. In Schedule 5 to the 2003 Regulations (requirements as respects declarations of renunciation) after paragraph 2(a) insert—

“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.”.

Amendment of the British Nationality (Hong Kong) Regulations 1986

7. In Schedule 2 to the British Nationality (Hong Kong) Regulations 1986(b) (requirements as respects declarations of renunciation), after paragraph 2 insert—

“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.”.

Home Office
26th October 2007

Liam Byrne
Minister of State

(a) Paragraph 2 of Schedule 5 to the 2003 Regulations has been amended by S.I. 2005/2114.

(b) S.I. 1986/2175 which has been amended by: sections 1 and 2 of the British Overseas Territories Act 2002; and S.I. 2003/540.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend regulations 2 and 7 of, and Schedules 2, 4 and 5 to, the British Nationality (General) Regulations 2003 (“the 2003 Regulations”) and Schedule 2 to the British Nationality (Hong Kong) Regulations 1986 (“the 1986 Regulations”).

The amendments to the 2003 Regulations require an application under sections 1(3) and (4), 3(5), 4(2) and 4(5), 4A, 4C, 5, 10(1) and (2) and 13(1) and (3) of the British Nationality Act 1981 (“the 1981 Act”) to contain information showing that an applicant aged 10 or over is of good character, a requirement imposed pursuant to section 58 of the Immigration, Asylum and Nationality Act 2006. They also require an application under sections 6(1) and (2), 10(2) and 13(1) and (3) of the 1981 Act by a person who is not of full capacity to specify why it would be in the applicant’s best interests for the requirement to be waived if it is desired that the full capacity requirement be waived. The amendments to the 2003 Regulations also omit the form which a certificate of naturalisation must take but specify the information that must be included in such a certificate, which no longer includes the name which the holder had at birth if different from his current name.

The amendment to Schedule 5 to the 2003 Regulations and Schedule 2 to the 1986 Regulations requires a declaration of renunciation by a person who is not of full capacity to specify why it would be in the applicant’s best interests for the requirement to be waived if it is desired that the full capacity requirement be waived.

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