
STATUTORY INSTRUMENTS

2009 No. 3363

**The British Nationality (General)
(Amendment) Regulations 2009**

4. In Schedule 2—

(1) After paragraph 1 insert —

“Application under section 1(3A) of the Act

1A. An application under section 1(3A)(1) 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.”.

(2) Omit paragraph 5.

(3) For paragraph 10 (application under section 4B of the Act) substitute—

“Application under section 4B of the Act

10. An application under section 4B(2) 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
- (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.”.

(4) For paragraph 11(3) (application under section 4C of the Act) substitute—

“Application under section 4C of the Act

11. An application under section 4C(4) of the Act shall contain information showing—

- (a) that the applicant was born before 1st January 1983;

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- (1) Section 1(3A) was inserted into the British Nationality Act 1981 by section 42(4) of the Borders, Citizenship and Immigration Act 2009 which comes into force on 13th January 2009 ([SI 2009/2731](#)).
 - (2) Section 4B was inserted into the British Nationality Act 1981 by section 12(1) of the Nationality, Immigration and Asylum Act 2002 and was amended by section 44 of the Borders, Citizenship and Immigration Act 2009 which comes into force on 13th January 2009 ([SI 2009/2731](#)).
 - (3) Schedule 2, paragraph 11 was amended by regulation 4(1) and (3) of [SI 2007/3137](#).
 - (4) Section 4C was inserted into the British Nationality Act 1981 by section 13(1) of the Nationality, Immigration and Asylum Act 2002 and was amended by section 45 of the Borders, Citizenship and Immigration Act 2009 which comes into force on 13th January 2009 ([SI 2009/2731](#)).

- (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⁽⁵⁾ 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⁽⁶⁾ 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.”
- (5) After paragraph 11 insert—

“Application under section 4D of the Act

- 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.”

(5) 1948 c.56.
(6) 1971 c.77.