
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the British Nationality (General) Regulations 2003 (“the 2003 Regulations”), which detail the procedures and requirements relating to applications in connection with British nationality made under the British Nationality Act 1981 (“the 1981 Act”).

Regulation 3 amends regulation 5A of the 2003 Regulations, which sets out how applicants for naturalisation as a British citizen under section 6 of the 1981 Act must demonstrate sufficient knowledge of the English language and life in the United Kingdom. Paragraphs (2) to (5) of regulation 3 amend the 2003 Regulations to enable the Secretary of State to require an applicant to take and pass a (further) English language or Life in the UK test for the purpose of their application in cases where the Secretary of State has reasonable grounds to suspect that the applicant used deception in relation to a test or qualification which the applicant is relying upon to show knowledge of English language or life in the United Kingdom.

Regulation 4 inserts into Schedule 2 to the 2003 Regulations new paragraphs A1 and 11B to 11E, which specify the information that must be included in applications for registration as a British citizen made under sections 4F to 4I of the 1981 Act. Those sections, together with 4E and 4J, are inserted into the 1981 Act by section 65 of the Immigration Act 2014 (c. 22), which also comes into force on 6th April 2015.

Regulation 5 amends sub-paragraph 1(c) of Schedule 2A to the 2003 Regulations to specify that English language tests must be taken at test centres which have been approved by the Secretary of State, no more than two years before the date of application. It further replaces the table of recognised English language tests and qualifications with two tables specifying recognised English language tests respectively within and outside the United Kingdom.

Under regulation 6, transitional provision is made for applications for naturalisation made before 6th November 2015 where the test or qualification specified in Schedule 2A of the 2003 Regulations was taken or (as the case may be) completed before 6th April 2015. By virtue of section 50(8) of the 1981 Act, an application for naturalisation is made at the time of its receipt by a person authorised to receive it on behalf of the person to whom it is made.

An impact assessment has not been produced for this instrument as limited impact on the private or voluntary sector is foreseen.