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STATUTORY INSTRUMENTS

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**2018 No. 851**

**The British Nationality (General)  
(Amendment) Regulations 2018**

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the British Nationality (General) (Amendment) Regulations 2018 and come into force on 9th August 2018.

(2) In these Regulations, “the 2003 Regulations” means the British Nationality (General) Regulations 2003<sup>(1)</sup>.

**Applications**

2.—(1) Regulation 3 of the 2003 Regulations is amended as follows.

(2) For paragraph (b) substitute—

“(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.”.

**Service of a notice of proposed deprivation of citizenship**

3. For regulation 10 of the 2003 Regulations substitute—

“**10.**—(1) Where it is proposed to make an order under section 40 of the Act depriving a person of a citizenship status, the notice required by section 40(5) of the Act to be given to the person may be—

- (a) given to the person by hand;
- (b) sent by fax;
- (c) sent by email;
- (d) sent by courier;
- (e) sent by document exchange;
- (f) sent by post, whether or not delivery or receipt is recorded; or
- (g) sent by any of the means set out at (b) to (f) to—
  - (i) the person’s representative; or
  - (ii) if the person is under 18, their parent or guardian.

(2) Where the notice is sent under paragraph (1)(b), it must be sent to a number provided by the person or the person’s representative.

(3) Where the notice is sent under any one or more of paragraphs (1)(c) to (g), it must be sent—

- (a) to the address for correspondence provided by the person or the person's representative; or
  - (b) where no such address has been provided, the person's last known address or the address of their representative.
- (4) Where—
- (a) the person's whereabouts are not known; and
  - (b) either—
    - (i) no address has been provided for correspondence and the Secretary of State does not know of any address which the person has used in the past; or
    - (ii) the address provided to the Secretary of State is defective, false or no longer in use by the person; and
  - (c) no representative appears to be acting for the person or the address provided in respect of that representative is defective, false or no longer used by the representative,

the notice shall be deemed to have been given when the Secretary of State enters a record of the above circumstances and places the notice or a copy of it on the person's file.

(5) A notice required to be given by section 40(5) of the Act is, unless the contrary is proved, deemed to have been given—

- (a) where the notice is sent by fax, when it is sent;
- (b) where the notice is sent by email, when it is sent;
- (c) where the notice is sent by document exchange, on the day after the day on which it is sent;
- (d) where the notice is sent by post from and to a place within the United Kingdom, on the second day after the day on which it is sent;
- (e) where the notice is sent by post from or to a place outside the United Kingdom, on the twenty-eighth day after the day on which it is sent;
- (f) where the notice is sent by post where delivery or receipt is recorded, when the notice is recorded as having been delivered or received;
- (g) in any other case on the day on which the notice is delivered.

(6) In this regulation "representative" is a person who appears to the Secretary of State to be representing the person to whom the notice under section 40(5) of the Act is required to be given, and, where the notice is sent to the person's representative by any of the means set out in paragraph (1), it is deemed to have been served on the person in accordance with that section.

(7) In this regulation—

"document exchange" means a document exchange providing a system of delivery of documents by reference to numbered boxes at document exchanges; and

"fax" means the making of a facsimile copy of a document by the transmission of electronic signals."

#### **General requirements as respects applications**

4.—(1) Schedule 1 to the 2003 Regulations is amended as follows.

(2) After paragraph 4, insert—

## “PART III

### Applications for a waiver on the basis of physical or mental condition

**5.**—(1) This paragraph applies where the applicant seeks a waiver under paragraph 2(1)(e) of Schedule 1 to the British Nationality Act 1981(2) on the basis of their physical or mental condition.

(2) A request made under paragraph (1) must be accompanied by—

- (a) a statement that the waiver applies and how it applies; and
- (b) written confirmation of the matters stated in the statement.

(3) The written confirmation required under sub-paragraph (2)(b) must be—

- (a) provided by a registered medical practitioner, who must confirm that the practitioner’s knowledge of the applicant’s age or physical or mental condition derives from having met the applicant in person, and provide the date of their last meeting with the applicant, and
- (b) made using the form which appears at Schedule 6 to these Regulations.”.

### **Waiver request for the life in the UK test**

**5.** After Schedule 5 to the 2003 Regulations insert the Schedule 6 which is set out in the Schedule to these Regulations.

16th July 2018

*Caroline Nokes*  
Minister of State  
Home Office

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(2) Paragraph 2 was amended by section 1 of the Nationality, Immigration and Asylum Act 2002 (c. 41). Other amendments have been made, but are not relevant to this instrument.