
STATUTORY INSTRUMENTS

2022 No. 602

The British Nationality (General, British Overseas Territories and Fees) (Amendment) Regulations 2022

Amendments to the British Nationality (General) Regulations 2003

2.—(1) The British Nationality (General) Regulations 2003⁽¹⁾ are amended as follows.

(2) In Schedule 2—

(a) in paragraph 11B—

(i) in sub-paragraph (a), for “or 3(5)” substitute “3(5) or 4D”⁽²⁾;

(ii) in sub-paragraph (b), for “or 3(5)” substitute “, 3(5) or 4D”;

(b) after paragraph 11E insert—

“Application under section 4K of the Act

11F. An application under section 4K of the Act⁽³⁾ must contain information showing—

(a) that the applicant—

(i) is entitled to be registered as a British overseas territories citizen under section 17A, 17C, 17D, 17E or 17F of the Act⁽⁴⁾, otherwise than by virtue only of a connection with the Sovereign Base Areas of Akrotiri and Dhekelia, or

(ii) would be entitled to be registered as a British overseas territories citizen under any of those sections, otherwise than by virtue only of a connection with the Sovereign Base Areas of Akrotiri and Dhekelia, but for the fact that the applicant has already become a British overseas territories citizen under a different provision, and

(b) where the applicant is aged 10 or over and the provision under which the applicant would be entitled to be registered as a British overseas territories citizen (as mentioned in section 17C(1)(b) of the Act) is section 15(3) or 17(2) or (5) of the Act, that the applicant is of good character.

Application under section 4L of the Act

11G.—(1) An application under section 4L of the Act⁽⁵⁾ must specify the information to be considered by the Secretary of State in forming an opinion under section 4L of the

⁽¹⁾ [S.I. 2003/548](#); relevant amending instruments are [S.I. 2015/681](#), [2019/1164](#).

⁽²⁾ Section 4D of the British Nationality Act 1981 was inserted by section 46 of the Borders, Citizenship and Immigration Act 2009 (c. 11).

⁽³⁾ Section 4K of the British Nationality Act 1981 was inserted by section 4(2) of the Nationality and Borders Act 2022.

⁽⁴⁾ Section 17A of the British Nationality Act 1981 was inserted by section 1(2) of the Nationality and Borders Act 2022, and sections 17C, 17D, 17E and 17F were inserted by section 2(2) of that Act.

⁽⁵⁾ Section 4L of the British Nationality Act 1981 was inserted by section 8(2) of the Nationality and Borders Act 2022.

Act about whether the applicant would have been, or would have been able to become, a British citizen but for—

- (a) historical legislative unfairness,
 - (b) an act or omission of a public authority, or
 - (c) exceptional circumstances relating to the applicant.
- (2) The application must contain information showing that the applicant is of full capacity.
- (3) Where sub-paragraph (4) applies, the application must also—
- (a) contain information showing that the applicant is of good character, or
 - (b) specify why the Secretary of State should not take into account whether the applicant is of good character in considering whether to grant the application.
- (4) This sub-paragraph applies where—
- (a) the application is made on the basis that the applicant would have been able to become a British citizen but for a matter mentioned in paragraph (a), (b) or (c) of sub-paragraph (1), and
 - (b) the process by which the applicant would have been able to become a British citizen would have involved the Secretary of State being required, under section 41A of the Act, to be satisfied that the applicant was of good character.
- (5) In this paragraph, “historical legislative unfairness” and “public authority” have the same meaning as in section 4L of the Act.”;
- (c) in paragraph 11F (inserted by regulation 2(2)(b)), in sub-paragraph (a)(i) for “or 17F” substitute “, 17F or 17H”;
 - (d) after paragraph 19 insert—

“Application under paragraph 3A of Schedule 2 to the Act

19A.—(1) An application under paragraph 3A of Schedule 2 to the Act⁽⁶⁾ must 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, and
 - (c) that the applicant is unable to acquire another nationality in accordance with sub-paragraph (2).
- (2) A person is able to acquire a nationality in accordance with this sub-paragraph if—
- (a) the nationality is the same as that of one of the person’s parents,
 - (b) the person has been entitled to acquire the nationality since birth, and
 - (c) in all the circumstances, it is reasonable to expect the person (or someone acting on the person’s behalf) to take the steps which would enable the person to acquire the nationality in question.
- (3) For the purposes of sub-paragraph (2)(b), a person is not entitled to acquire a nationality if its acquisition is conditional on the exercise of a discretion on the part of the country or territory in question.

⁽⁶⁾ Paragraph 3A of Schedule 2 to the British Nationality Act 1981 was inserted by section 11(4) of the Nationality and Borders Act 2022.

(4) 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, the application must specify the special considerations to be taken into consideration.”