STATUTORY INSTRUMENTS

2018 No. 618

BRITISH NATIONALITY
IMMIGRATION
NATIONALITY

The Immigration and Nationality (Requirements for Naturalisation and Fees) (Amendment) Regulations 2018

Made - - - -	*23rd May 2018*
Laid before Parliament	*24th May 2018*
Coming into force - -	*30th May 2018*

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 41(1)(ba) and (bb) and (3) of the British Nationality Act 1981(**1**) and sections 68(1) and (10)(b), 69(2) and 74(8)(a) and (b) of the Immigration Act 2014(**2**) and, in the case of provision made under the Act of 2014, with the consent of the Treasury and further to provision in the Immigration and Nationality (Fees) Order 2016(**3**).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Immigration and Nationality (Requirements for Naturalisation and Fees) (Amendment) Regulations 2018.

(2) These Regulations come into force on 30th May 2018.

(3) The amendments made by regulations 2 and 3 (and the Schedule) have the same extent as the instrument they amend.

(4) The amendments made by regulation 4 have the same extent as the provision they amend.

(**1**) 1981 c. 61. Section 41(1) was amended by section 1 of the Nationality, Immigration and Asylum Act 2002 (c. 41). Other amendments have been made to section 41 but none are relevant for the purposes of these Regulations.

(**2**) 2014 c. 22. Treasury consent has been obtained in pursuance of section 69(1) of the Immigration Act 2014 ("the 2014 Act") to the provisions of these Regulations which are made under that Act. Sections 68 to 70 of the 2014 Act were extended, subject to specified modifications, to the Isle of Man by articles 5 and 7 of the Immigration (Isle of Man) (Amendment) Order 2015 (S.I. 2015/1765) which inserted new articles 22 and 23 and Schedule 9A into the Immigration (Isle of Man) Order 2008 (S.I. 2008/680); other amendments have been made to the Order of 2008 but none are relevant for the purposes of these Regulations. Sections 68 to 70 of the 2014 Act were also extended to the Bailiwick of Guernsey by article 4 of the Immigration (Guernsey) Order 2016 (S.I. 2016/996), subject to the modifications specified in the Schedule to that Order. Sections 68 to 70 of the 2014 Act were also extended to the Bailiwick of Jersey by article 3 of the Immigration (Jersey) Order 2016 (S.I. 2016/994), subject to the modifications specified in the Schedule to that Order.

(**3**) S.I. 2016/177; amended by S.I. 2017/440 and S.I. 2018/329.

(5) The amendment made by regulation 5 extends as provided for by regulation 1 of the Immigration and Nationality (Fees) Regulations 2018(**4**) as amended by regulation 4 of these Regulations.

Amendment of the British Nationality (General) Regulations 2003

2.—(1) Regulation 5A of the British Nationality (General) Regulations 2003(**5**) (knowledge of language and life in the United Kingdom) is amended as follows.

(2) In paragraph (1), at the end of paragraph (e) insert—

"; or

(f) is a relevant pre-1973 entrant; or

(g) is not within sub-paragraph (f) but is an eligible child of a pre-1973 entrant.".

(3) In paragraph (2), at the end of paragraph (c) insert—

"; or

(d) is a relevant pre-1973 entrant; or

(e) is not within sub-paragraph (d) but is an eligible child of a pre-1973 entrant.".

(4) At the end insert—

"(4) In this regulation "relevant pre-1973 entrant" means a person who is within paragraph (5) or (6).

(5) A person is within this paragraph if the person—

(a) has indefinite leave to enter or remain in the United Kingdom or any of the Islands by virtue of section 1(2) of the Immigration Act 1971(**6**) (persons settled in the United Kingdom or any of the Islands as at 1st January 1973(**7**)); and

(b) was, on 1st January 1973—

(i) a national of a country specified in Schedule 2B (certain members of the Commonwealth and British overseas territories etc.);

(ii) a citizen of the United Kingdom and Colonies(**8**) by virtue of a connection with a country or territory specified in that Schedule; or

(iii) a British subject without citizenship (see sections 13 and 16 of the British Nationality Act 1948(**9**) as then in force).

(6) A person is within this paragraph if the person—

(a) has the right of abode in the United Kingdom or any of the Islands by virtue of section 2(1)(b) of the Immigration Act 1971(**10**) (certain Commonwealth citizens with the right of abode);

(**4**) S.I. 2018/330.

(**5**) S.I. 2003/548. Regulation 5A was inserted by S.I. 2004/1726 and most recently substituted by S.I. 2013/2541. It was subsequently amended by S.I. 2015/681 and S.I. 2015/1806.

(**6**) 1971 c. 77. Section 1(2) of the Immigration Act 1971 ("the 1971 Act") extends to the Isle of Man with modifications pursuant to article 6 of, and Schedule 3 to, S.I. 2008/680. It also extends, with modifications, to the Bailiwick of Guernsey pursuant to article 3 of, and Schedule 1 to, S.I. 1993/1796 and to the Bailiwick of Jersey pursuant to article 3 of, and Schedule 1 to, S.I. 1993/1797.

(**7**) 1st January 1973 was the date on which section 1(2) of the 1971 Act came into force. Section 1(2) (as extended) provides that a person settled in the United Kingdom or any of the Islands at its coming into force is to be treated as having been given indefinite leave to enter or remain in the United Kingdom or any of the Islands under that Act.

(**8**) Citizenship of the United Kingdom and Colonies was provided for by Part 2 of the British Nationality Act 1948 (c. 56). Part 2 of that Act was repealed by section 52 of, and Schedule 9 to, the British Nationality Act 1981 (c. 61) ("the 1981 Act").

(**9**) 1948 c. 56. Sections 13 and 16 were repealed by section 52 of, and Schedule 9 to, the 1981 Act.

(**10**) Section 2 of the 1971 Act was substituted by section 39(2) of the 1981 Act. Section 2(2) of the 1971 Act was subsequently amended by section 3(3) of the Immigration Act 1988 (c. 14). Section 2 of the 1971 Act extends to the Isle of Man, with modifications, pursuant to article 6 of, and Schedule 3 to, S.I. 2008/680. It also extends, with modifications, to the Bailiwick

(b) was, on 1st January 1973, ordinarily resident in the United Kingdom or any of the Islands; and

(c) has strong ties with the United Kingdom or any of the Islands.

(7) For the purposes of this regulation, a person ("C") is an eligible child of a pre-1973 entrant if C—

(a) is the child (including an adopted child) of—

(i) a person who is (or was at the time of their death) a relevant pre-1973 entrant;

(ii) a person who is (or was at the time of their death) a British citizen and was, immediately before they became a British citizen, a relevant pre-1973 entrant; or

(iii) a pre-1973 deceased entrant;

(b) was born outside the United Kingdom and the Islands;

(c) entered the United Kingdom or any of the Islands on or after 1st January 1973 and was, at the time of entry, under the age of 18; and

(d) is settled in the United Kingdom or any of the Islands and has, since C's entry as mentioned in sub-paragraph (c), been ordinarily resident in the United Kingdom or any of the Islands.

(8) In paragraph (7) "pre-1973 deceased entrant" means a person who—

(a) died before 1st January 1973;

(b) was settled in the United Kingdom or any of the Islands before their death; and

(c) was, immediately before they died—

(i) a national of a country specified in Schedule 2B;

(ii) a citizen of the United Kingdom and Colonies by virtue of a connection with a country or territory specified in that Schedule; or

(iii) a British subject without citizenship.

(9) In paragraphs (5) to (8) "the United Kingdom" means England and Wales, Scotland and Northern Ireland.

(10) For the purposes of this regulation, a reference to a country or territory in Schedule 2B includes a reference to any former country or territory which forms part of the country or territory concerned.".

3. After Schedule 2A to the British Nationality (General) Regulations 2003(**11**) insert Schedule 2B (certain members of the Commonwealth and British overseas territories etc.) as set out in the Schedule to these Regulations.

Amendment of the Immigration and Nationality (Fees) Regulations 2018

4. In regulation 1 of the Immigration and Nationality (Fees) Regulations 2018 (extent etc)—

(a) in paragraph (4), after "11," insert "13A,",

(b) in paragraph (5), after "12," insert "13A,".

5. After regulation 13 of those Regulations insert—

of Guernsey pursuant to article 3 of, and Schedule 1 to, S.I. 1993/1796 and to the Bailiwick of Jersey pursuant to article 3 of, and Schedule 1 to, S.I. 1993/1797.

(**11**) Schedule 2A to S.I. 2003/548 was inserted by S.I. 2013/2541. There are amendments to that Schedule but none are relevant for the purposes of these Regulations.