STATUTORY INSTRUMENTS

2015 No. 681

BRITISH NATIONALITY

The British Nationality (General) (Amendment No. 2) Regulations 2015

Made - - - -	*11th March 2015*
Laid before Parliament	*16th March 2015*
Coming into force - -	*6th April 2015*

The Secretary of State, in exercise of the powers conferred by section 41(1)(b), (ba) and (bb), (1A) and (3) of the British Nationality Act 1981(**1**), makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the British Nationality (General) (Amendment No. 2) Regulations 2015 and come into force on 6th April 2015.

Amendments to the British Nationality (General) Regulations 2003

2. The British Nationality (General) Regulations 2003(**2**) are amended in accordance with regulations 3 to 5.

Amendments to Regulation 5A

3.—(1) Regulation 5A(**3**) (knowledge of language and life in the United Kingdom) is amended as follows.

(2) In paragraph (1), at the beginning, insert "Subject to paragraph (1A),".

(3) After paragraph (1), insert—

"(1A) Where the Secretary of State has reasonable grounds to suspect that a person used deception in relation to a test or qualification mentioned in sub-paragraph (a), (b) or (d) of paragraph (1) and relied upon by that person in his or her application for naturalisation, the Secretary of State may—

(**1**) 1981 c. 61; subsection (1)(ba) and (bb) of section 41 was inserted by section 1(3), and subsection (1A) by section 1(4), of the Nationality, Immigration and Asylum Act 2002 (c. 41).

(**2**) S.I. 2003/548, as amended by S.I. 2003/3158, S.I. 2004/1726, S.I. 2004/2109, S.I. 2005/2114, S.I. 2005/2785, S.I. 2007/3137, S.I. 2009/3363, S.I. 2010/785, S.I. 2011/1043, S.I. 2012/1588, S.I. 2013/2541 and S.I. 2014/1465, and as prospectively amended by the British Nationality (General) (Amendment) Regulations 2015.

(**3**) Regulation 5A was inserted by S.I. 2004/1726 and substituted by S.I. 2005/2785 and S.I. 2013/2541.

(a) disregard that test or qualification; and

(b) require that person to take or (as the case may be) retake and pass a test specified in Schedule 2A for the purpose of demonstrating that he or she has sufficient knowledge of the English language."

(4) In paragraph (2), at the beginning, insert "Subject to paragraph (3),".

(5) After paragraph (2), insert—

"(3) Where the Secretary of State has reasonable grounds to suspect that a person used deception in relation to a test mentioned in sub-paragraph (a) or (b) of paragraph (2) and relied upon by that person in his or her application for naturalisation, the Secretary of State may—

(a) disregard that test; and

(b) require that person to retake and pass the test mentioned in sub-paragraph (a) or (b) of paragraph (2) for the purpose of demonstrating that he or she has sufficient knowledge about life in the United Kingdom."

Amendments to Schedule 2

4.—(1) Schedule 2 (particular requirements as respects applications) is amended as follows.

(2) Before paragraph 1, insert—

"**Interpretation**

A1. In this Schedule—

(a) a reference to a person's "natural father" is to be construed in accordance with section 4J(1) of the Act(**4**);

(b) a reference to a person automatically becoming a British citizen, or a citizen of the United Kingdom and Colonies, is to be construed in accordance with section 4J(4) of the Act."

(3) After paragraph 11A, insert—

"**Application under section 4F of the Act**

11B. An application under section 4F of the Act(**5**) shall contain information showing—

(a) that the applicant would be entitled to be registered as a British Citizen under section 1(3), 3(2), or 3(5) of, or paragraph 4 or 5 of Schedule 2 to, the Act(**6**), had his mother been married to his natural father at the time of his birth; and

(b) where the applicant is aged 10 or over, that he is of good character.

Application under section 4G of the Act

11C. An application under section 4G of the Act(**7**) shall contain information showing—

(**4**) Section 4J is inserted by section 65 of the Immigration Act 2014 (c. 22).
(**5**) Section 4F is inserted by section 65 of the Immigration Act 2014.
(**6**) Section 1(3) was amended by section 41(3) of the Borders, Citizenship and Immigration Act 2009 (c. 11). Section 3(2) was amended by paragraph 3(2) of Schedule 5 to the British Overseas Territories Act 2002 (c. 8) and section 41(2) of the Borders, Citizenship and Immigration Act 2009. Section 3(5) was amended by paragraph 3(4) of Schedule 5 to the British Overseas Territories Act 2002. Paragraph 4 of Schedule 2 was amended by sections 1(1)(b) and 2(2)(b) of the British Overseas Territories Act 2002.
(**7**) Section 4G is inserted by section 65 of the Immigration Act 2014.

(a) that the applicant would have automatically become a British citizen by birth by operation of any provision of the Act or the British Nationality (Falkland Islands) Act 1983(**8**) ("the 1983 Act"), at any time in the period after commencement of the Act or (as the case may be) the 1983 Act, had his mother been married to his natural father at the time of his birth; and

(b) where the applicant is aged 10 or over, that he is of good character.

Application under section 4H of the Act

11D. An application under section 4H of the Act(**9**) shall contain information showing—

(a) that the applicant was a citizen of the United Kingdom and Colonies immediately before commencement of the Act;

(b) that the applicant would have automatically become a British citizen at commencement of the Act, by the operation of any provision of the Act, had his mother been married to his natural father at the time of his birth; and

(c) that the applicant is of good character.

Application under section 4I of the Act

11E.—(1) An application under section 4I of the Act(**10**) shall contain information showing —

(a) that the applicant—

(i) ceased to be a British subject or a citizen of the United Kingdom and Colonies by virtue of the commencement of any independence legislation, but would not have done so had his mother been married to his natural father at the time of his birth;

(ii) was a British subject who did not automatically become a citizen of the United Kingdom and Colonies at commencement of the British Nationality Act 1948(**11**) by the operation of any provision of it, but would have done so had his mother been married to his natural father at the time of his birth; or

(iii) would have automatically become a British subject or citizen of the United Kingdom and Colonies at birth or by virtue of paragraph 3 of Schedule 3 to the British Nationality Act 1948(**12**), had his mother been married to his natural father at the time of his birth; and

(b) that the applicant is of good character.

(2) In this paragraph, "British subject" and "independence legislation" have the same meaning as in section 4I(7) of the Act."

Amendments to Schedule 2A

5.—(1) Paragraph 1 of Schedule 2A(**13**) (specified English language tests and qualifications) is amended as follows.

(2) In paragraph 1 the existing provision becomes sub-paragraph (1).

(3) For paragraph (c) substitute—

(**8**) 1983 c. 6.
(**9**) Section 4H is inserted by section 65 of the Immigration Act 2014.
(**10**) Section 4I is inserted by section 65 of the Immigration Act 2014.
(**11**) 1948 c. 56.
(**12**) Schedule 3 was repealed by section 52(8) of, and Schedule 9 to, the British Nationality Act 1981.
(**13**) Schedule 2A was inserted by S.I. 2013/2541 and amended by S.I. 2014/1465.