
STATUTORY INSTRUMENTS

2003 No. 3158

BRITISH NATIONALITY

**The British Nationality (General)
(Amendment) Regulations 2003**

Made - - - - *8th December 2003*
Laid before Parliament *9th December 2003*
Coming into force - - *1st January 2004*

The Secretary of State, in exercise of the powers conferred on him by section 41(1), (3) and (3A) of the British Nationality Act 1981(1), hereby makes the following Regulations:

1. These Regulations may be cited as the British Nationality (General) (Amendment) Regulations 2003 and shall come into force on 1st January 2004.
2. The British Nationality (General) Regulations 2003(2) shall be amended as follows.
3. In regulation 2(2), after “regulation 6(2)” there is inserted “, 6(3), 6A(1), (3) and (5), paragraph 3 of Schedule 3”.
4. For regulation 6 (Oaths of allegiance), there is substituted:

“Citizenship oaths and pledges

6.—(1) Where a citizenship oath or pledge is required by section 42 of the Act(3) to be made by an applicant for registration or for a certificate of naturalisation, it shall be administered in accordance with the requirements of Schedule 3.

(2) If, on an application for registration or for a certificate of naturalisation by an applicant who is required to make a citizenship oath or pledge, the Secretary of State decides that the registration should be effected or the certificate should be granted, he shall cause notice in writing of the decision to be given to the applicant.

(3) The requirement to make a citizenship oath or pledge shall be satisfied within three months of the giving of the notice referred to in paragraph (2) or such longer time as the Secretary of State may allow.

(4) Any notice required by paragraph (2) to be given to an applicant may be given—

(1) 1981 c. 61. Section 41(1) and (3) is amended, and section 41(3A) is inserted, by paragraphs 3, 4, 6 and 7 of Schedule 1 to the Nationality, Immigration and Asylum Act 2002 (c. 41).
(2) S.I.2003/548.
(3) Section 42 is substituted by paragraph 1 of Schedule 1 to the Nationality, Immigration and Asylum Act 2002 (c. 41).

- (a) in any case where the applicant's whereabouts are known, by causing the notice to be delivered to him personally or by sending it to him by post;
 - (b) in a case where the applicant's whereabouts are not known, by sending it by post in a letter addressed to him at his last known address.
- (5) In this regulation, references to the requirement to make a citizenship oath or pledge include the requirement to make a citizenship oath and pledge at a citizenship ceremony.

Arrangements for, and conduct of, citizenship ceremonies

6A.—(1) The Secretary of State may designate or authorise a person to exercise a function (which may include a discretion) in connection with a citizenship ceremony or a citizenship oath or pledge, and the reference in paragraph (3)(b) to “designated person” shall be construed accordingly.

- (2) Each local authority (within the meaning of section 41(3B) of the Act⁽⁴⁾) shall—
 - (a) make available, or make arrangements for, premises at which citizenship ceremonies may be conducted; and
 - (b) arrange for citizenship ceremonies to be conducted with sufficient frequency so as to enable applicants in their area who are required to make a citizenship oath and pledge at a citizenship ceremony to meet the time limit laid down by regulation 6(3).
- (3) Where an applicant is required by section 42 of the Act to make a citizenship oath and pledge at a citizenship ceremony, the Secretary of State shall—
 - (a) issue to the applicant an invitation in writing to attend a citizenship ceremony (a “ceremony invitation”);
 - (b) notify the applicant of the local authority or designated person which the applicant should contact to arrange attendance at a citizenship ceremony (the “relevant authority”); and
 - (c) notify the relevant authority of his decision in relation to the applicant.
- (4) An applicant who has arranged attendance at a citizenship ceremony shall bring with him to the ceremony his ceremony invitation; and if the applicant fails to do so, the person conducting the ceremony may refuse admittance to, or participation in, the ceremony if he is not reasonably satisfied as to the identity of the applicant.
- (5) Where an applicant makes the relevant citizenship oath and pledge at a citizenship ceremony as required by section 42 of the Act—
 - (a) the person conducting the ceremony shall grant to the applicant a certificate of registration or naturalisation, duly dated with the date of the ceremony; and
 - (b) the relevant authority shall notify the Secretary of State in writing within 14 days of the date of the ceremony that the applicant has made the relevant citizenship oath and pledge at a citizenship ceremony and the date on which the ceremony took place.
- (6) In this regulation, “the person conducting the ceremony” is the person who administers the citizenship oath and pledge at the citizenship ceremony in accordance with paragraph 3 of Schedule 3.”

5. In Schedule 3:

- (a) in the heading, for “OATH OF ALLEGIANCE” there is substituted “CITIZENSHIP OATH OR PLEDGE”;

(4) Section 41(3B) is inserted by paragraph 7 of Schedule 1 to the Nationality, Immigration and Asylum Act 2002 (c. 41).

- (b) in paragraph 1, for the words “paragraph 2” there is substituted “paragraphs 2 and 3”, and for “an oath of allegiance” there is substituted “a citizenship oath or pledge”;
- (c) in paragraph 2, after each reference to “the oath” there is inserted “or pledge”, and the words “or taken” are omitted; and
- (d) after paragraph 2, there is inserted:

“3. Where a citizenship oath and pledge is required by section 42 of the Act to be made at a citizenship ceremony, it shall be administered at the ceremony:

- (a) in the case of a ceremony held in England, Wales or Scotland, by a registrar (within the meaning of section 41(3B) of the Act); and
- (b) in the case of a ceremony held elsewhere, by a person authorised to do so by the Secretary of State.”.

Home Office
8th December 2003

Beverley Hughes
Minister of State

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the British Nationality (General) Regulations 2003 (“the principal regulations”) with effect from 1st January 2004 to make provision for citizenship ceremonies, citizenship oaths and pledges, to reflect amendments made to the British Nationality Act 1981 by section 3 of, and Schedule 1 to, the Nationality, Immigration and Asylum Act 2002.

These Regulations make the following changes of substances to the principal regulations:

- (a) References in the principal regulations to the oath of allegiance are replaced by references to the citizenship oath or pledge.
- (b) A new regulation 6A is inserted into the principal regulations, which makes provision for arrangements for, and the conduct of, citizenship ceremonies.
- (c) A new paragraph 3 is inserted into Schedule 3 to the principal regulations to make provision for the administration of a citizenship oath and pledge at a citizenship ceremony.