
STATUTORY INSTRUMENTS

2004 No. 2109

BRITISH NATIONALITY

**The British Nationality (General)
(Amendment No. 2) Regulations 2004**

Made - - - - *10th August 2004*
Laid before Parliament *11th August 2004*
Coming into force - - *1st September 2004*

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

1. These Regulations may be cited as the British Nationality (General) (Amendment No. 2) Regulations 2004 and shall come into force on 1st September 2004.

2.—(1) Regulation 5A of the British Nationality (General) Regulations 2003⁽²⁾ is amended as follows.

(2) In paragraph (1)(b), for “the person designated” substitute “a person designated”.

(3) After paragraph (1)(b), there is inserted:

“; or

(c) a person designated by the Secretary of State under paragraph (3) below certifies in writing that he has knowledge of the English language to the level reasonably to be expected of a person of full age and capacity whose native language is English.”

(4) In paragraph (2), for the words from “The Secretary of State” to “of the Act” substitute “A person designated by the Secretary of State may determine sufficiency of knowledge of the English language for the purpose of paragraph (1)(b) above”.

(5) After paragraph (2) there is inserted:

“(3) A person designated by the Secretary of State may determine sufficiency of knowledge of the English language for the purpose of paragraph (1)(c) above where an applicant—

⁽¹⁾ 1981 c. 61. Section 41(1)(ba) and (1A) are inserted by section 1(3) and (4) of the Nationality, Immigration and Asylum Act 2002 (c. 41).

⁽²⁾ S.I.2003/548; as amended by S.I. 2003/3158 and S.I. 2004/1726. Regulation 5A is inserted by S.I. 2004/1726.

Status: This is the original version (as it was originally made).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

- (a) claims to have knowledge of the English language to the level reasonably to be expected of a person of full age and capacity whose native language is English; and
- (b) attends an interview with the designated person for the purpose of establishing that he does.”.

Home Office
10th August 2004

Des Browne
Minister of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend regulation 5A of the British Nationality (General) Regulations 2003 (which regulation makes provision for determining whether a person has sufficient knowledge of the English language for the purpose of an application for naturalisation as a British citizen under section 6 of the British Nationality Act 1981) with effect from 1st September 2004.

These Regulations insert into regulation 5A an additional means of demonstrating sufficiency of knowledge of the English language for this purpose, namely where a person designated by the Secretary of State certifies in writing that an applicant has knowledge of the English language to the level reasonably to be expected of a person of full age and capacity whose native language is English.