

2013 No. 2541

BRITISH NATIONALITY

**The British Nationality (General) (Amendment)
Regulations 2013**

| | |
|-------------------------------|--------------------------|
| <i>Made</i> - - - - | <i>3rd October 2013</i> |
| <i>Laid before Parliament</i> | <i>7th October 2013</i> |
| <i>Coming into force</i> - - | <i>28th October 2013</i> |

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

Citation and commencement

1. These Regulations may be cited as the British Nationality (General) (Amendment) Regulations 2013 and shall come into force on 28th October 2013.

Amendments to the British Nationality (General) Regulations 2003

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

3. For regulation 5A(c) substitute—

“5A.—(1) 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 Act if that person—

- (a) possesses a qualification or has passed a test specified in Schedule 2A; or
- (b) possesses an academic qualification deemed by UK NARIC(d) to meet the recognised standard of a Bachelor’s or Master’s degree or PhD in the United Kingdom and—
 - (i) UK NARIC has confirmed that the qualification was taught or, as the case may be, researched in English; or
 - (ii) the qualification was taught or, as the case may be, researched in an English speaking country specified in Schedule 2A other than Canada; or

(a) 1981 c. 61; section 41(1)(ba), (bb) and (1A) were inserted by section 1 of the Nationality, Immigration and Asylum Act 2002 (c. 41).
(b) S.I. 2003/548.
(c) Regulation 5A was inserted by regulation 3 of S.I. 2004/1726. The wording of regulation 5A was revised by regulation 3 of S.I. 2005/2758 and further amended by regulation 3 of S.I. 2010/785.
(d) UK NARIC is managed by ECCTIS Ltd. on behalf of the government and provides services for individuals and organisations to compare international qualifications against UK qualification framework levels.

- (c) is ordinarily resident outside the United Kingdom and a person designated by the Secretary of State certifies in writing that the person has sufficient knowledge of the English language for the purpose of an application for naturalisation; or
- (d) satisfied the Secretary of State when making a successful application for indefinite leave to remain within the meaning of section 33(1) of the Immigration Act 1971^(a) that he or she possessed a qualification or had passed a test in English at a level equivalent to Level B1 or above on the Council of Europe’s Common European Framework of Reference for Languages: Learning, Teaching, Assessment^(b); or
- (e) is a national of an English speaking country specified in Schedule 2A.

(2) A person has sufficient knowledge about life in the United Kingdom for the purpose of an application for naturalisation as a British citizen under section 6 of the Act if that person—

- (a) has passed the test known as the “Life in the UK Test” administered by an educational institution or other person approved for this purpose by the Secretary of State or the Lieutenant Governor of the Isle of Man; or
- (b) has passed the test known as the “Citizenship Test” administered by an educational institution or other person approved for this purpose by the Lieutenant Governor of Guernsey or Jersey; or
- (c) is ordinarily resident outside the United Kingdom and a person designated by the Secretary of State certifies in writing that the person has sufficient knowledge about life in the United Kingdom for the purpose of an application for naturalisation.”

4. After Schedule 2 insert—

“SCHEDULE 2A

Regulation 5A

**SPECIFIED ENGLISH LANGUAGE TESTS AND
QUALIFICATIONS AND ENGLISH SPEAKING COUNTRIES**

Specified English Language Tests and Qualifications

1. The following tests and qualifications are specified for the purposes of regulation 5A(1)(a)—

- (a) a qualification included on the register maintained by the Office of Qualifications and Examinations Regulation under section 148 of the Apprenticeships, Skills, Children and Learning Act 2009(c) (“the Register of Regulated Qualifications”) which—
 - (i) is classified on the Register of Regulated Qualifications as a qualification in English for speakers of other languages;
 - (ii) was obtained in England, Wales or Northern Ireland; and
 - (iii) is at a level equivalent to level B1 or above on the Council of Europe’s Common European Framework of Reference for Languages: Learning, Teaching, Assessment;

(a) 1971 c. 77. Amendments have been made to this section but they are not relevant to these Regulations.

(b) The Common European Framework of Reference for Languages; Learning, Teaching, Assessment is published in English by Cambridge University Press (Hardback ISBN 0521803136, paperback ISBN 0521005310).

(c) 2009 c. 22. The Register can be viewed at <http://register.ofqual.gov.uk/>.

- (b) a National Qualification in English awarded by the Scottish Qualifications Authority^(a) which—
- (i) was obtained in Scotland; and
 - (ii) is at level 4, 5 or 6 on the Scottish Credit and Qualifications Framework^(b);
- (c) a qualification or test specified in the following table which is at a level equivalent to level B1 or above on the Council of Europe’s Common European Framework of Reference for Languages: Learning, Teaching, Assessment.

Recognised English Language Tests and Qualifications

| <i>Awarding body</i> | <i>Specified English language test or qualification</i> |
|--|---|
| Cambridge English (previously known as Cambridge ESOL) | Business Language Testing Service (BULATS) Online Test (Certificated version) Cambridge English: Key (also known as Key English Test) Cambridge English: Preliminary (also known as Preliminary English Test) Cambridge English: First (also known as First Certificate in English) Cambridge English: Advanced (also known as Certificate in Advanced English) Cambridge English: Proficiency (also known as Certificate of Proficiency in English) Cambridge English: Business Preliminary (also known as Business English Certificate Preliminary) Cambridge English: Business Vantage (also known as Business English Certificate Vantage) Cambridge English: Business Higher (also known as Business English Certificate Higher) Cambridge English: Legal (also known as International Legal English Certificate) Cambridge English: Financial (also known as International Certificate in Financial English) ESOL Skills for Life at Entry level 3, level 1 or level 2 IELTS (International English Language Testing System) |
| Cambridge International Examinations | Cambridge IGCSE: English as a First Language Cambridge IGCSE: English as a Second Language |
| City and Guilds | City and Guilds International ESOL (IESOL) Diploma |
| Educational Testing Service | Test of English as a Foreign Language Internet Based Test (TOEFL iBT) Test of English for International Communication (TOEIC) |
| Pearson | Pearson Test of English Academic (PTE Academic) |
| Trinity College London | ESOL Skills for Life at Entry level 3, level 1 or level 2 Integrated Skills in English |

(a) The Scottish Qualifications Authority was established by S.I. 1996/2248.

(b) The Scottish Credit and Qualifications Framework can be viewed at <http://www.scqf.org.uk/>.

Specified English Speaking Countries

2. The following countries are specified English speaking countries for the purposes of regulation 5A(1)(b)(ii) and (e)—

- (a) Antigua and Barbuda;
- (b) Australia;
- (c) the Bahamas;
- (d) Barbados;
- (e) Belize;
- (f) Canada;
- (g) Dominica;
- (h) Grenada;
- (i) Guyana;
- (j) Jamaica;
- (k) New Zealand;
- (l) the Republic of Ireland;
- (m) Saint Christopher and Nevis;
- (n) Saint Lucia;
- (o) Saint Vincent and the Grenadines;
- (p) Trinidad and Tobago; or
- (q) the United States of America.”

Home Office
3rd October 2013

Mark Harper
Minister of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the British Nationality (General) Regulations 2003 (“the 2003 Regulations”), which detail the procedures and requirements relating to applications in connection with British nationality made under the British Nationality Act 1981 (“the 1981 Act”). These Regulations insert a revised regulation 5A into the 2003 Regulations. Regulation 5A specifies how applicants for naturalisation as a British citizen under section 6 of the 1981 Act can demonstrate sufficient knowledge of life in the United Kingdom and the English language for the purposes of their application. The revised regulation 5A changes the qualifications applicants may rely on to prove their knowledge of English and of life in the United Kingdom and states that those from certain English speaking countries will be assumed to have sufficient knowledge of English for naturalisation purposes. The new regulation 5A, which is also supplemented by a new Schedule 2A to the Regulations, will come into force on 28th October 2013.

A full Impact Assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

© Crown copyright 2013

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty’s Stationery Office and Queen’s Printer of Acts of Parliament.

£4.00

UK2013100324 10/2013 19585

<http://www.legislation.gov.uk/id/uksi/2013/2541>

ISBN 978-0-11-110449-1



9 780111 104491