
STATUTORY INSTRUMENTS

2018 No. 618

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

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.

(5) The amendment made by regulation 5 extends as provided for by regulation 1 of the Immigration and Nationality (Fees) Regulations 2018(1) 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(2) (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(3) (persons settled in the United Kingdom or any of the Islands as at 1st January 1973(4)); and

(1) [S.I. 2018/330](#).

(2) [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](#).

(3) [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

- (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⁽⁵⁾ 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⁽⁶⁾ 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⁽⁷⁾ (certain Commonwealth citizens with the right of abode);
 - (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;

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](#).

- (4) 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.
- (5) 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”).
- (6) 1948 c. 56. Sections 13 and 16 were repealed by section 52 of, and Schedule 9 to, the 1981 Act.
- (7) 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 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](#).

(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⁽⁸⁾ 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—

“Windrush Scheme: power to waive fees

13A. The Secretary of State may waive any fee specified in these Regulations which would otherwise be payable by a person for or in connection with an application made under the Windrush Scheme⁽⁹⁾.”.

23rd May 2018

Caroline Nokes
Minister of State
Home Office

We consent

23rd May 2018

Andrew Stephenson
Paul Maynard
Two of the Lords Commissioners of Her
Majesty’s Treasury

⁽⁸⁾ 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.

⁽⁹⁾ The Windrush Scheme is accessible at: www.gov.uk.