

*Status: Point in time view as at 15/01/2018.*

*Changes to legislation: Nationality, Immigration and Asylum Act 2002, SCHEDULE 1 is up to date with all changes known to be in force on or before 03 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

Section 3

#### CITIZENSHIP CEREMONY, OATH AND PLEDGE

1 The following shall be substituted for section 42 of the British Nationality Act 1981 (c. 61) (registration and naturalisation: fee and oath)—

#### **“42 Registration and naturalisation: citizenship ceremony, oath and pledge**

- (1) A person of full age shall not be registered under this Act as a British citizen unless he has made the relevant citizenship oath and pledge specified in Schedule 5 at a citizenship ceremony.
- (2) A certificate of naturalisation as a British citizen shall not be granted under this Act to a person of full age unless he has made the relevant citizenship oath and pledge specified in Schedule 5 at a citizenship ceremony.
- (3) A person of full age shall not be registered under this Act as a British overseas territories citizen unless he has made the relevant citizenship oath and pledge specified in Schedule 5.
- (4) A certificate of naturalisation as a British overseas territories citizen shall not be granted under this Act to a person of full age unless he has made the relevant citizenship oath and pledge specified in Schedule 5.
- (5) A person of full age shall not be registered under this Act as a British Overseas citizen or a British subject unless he has made the relevant citizenship oath specified in Schedule 5.
- (6) Where the Secretary of State thinks it appropriate because of the special circumstances of a case he may—
  - (a) disapply any of subsections (1) to (5), or
  - (b) modify the effect of any of those subsections.
- (7) Sections 5 and 6 of the Oaths Act 1978 (c. 19) (affirmation) apply to a citizenship oath; and a reference in this Act to a citizenship oath includes a reference to a citizenship affirmation.

#### **42A Registration and naturalisation: fee**

- (1) A person shall not be registered under a provision of this Act as a citizen of any description or as a British subject unless any fee payable by virtue of this Act in connection with the registration has been paid.
- (2) A certificate of naturalisation shall not be granted to a person under a provision of this Act unless any fee payable by virtue of this Act in connection with the grant of the certificate has been paid.

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#### **42B Registration and naturalisation: timing**

- (1) A person who is registered under this Act as a citizen of any description or as a British subject shall be treated as having become a citizen or subject—
  - (a) immediately on making the required citizenship oath and pledge in accordance with section 42, or
  - (b) where the requirement for an oath and pledge is disapplied, immediately on registration.
- (2) A person granted a certificate of naturalisation under this Act as a citizen of any description shall be treated as having become a citizen—
  - (a) immediately on making the required citizenship oath and pledge in accordance with section 42, or
  - (b) where the requirement for an oath and pledge is disapplied, immediately on the grant of the certificate.
- (3) In the application of subsection (1) to registration as a British Overseas citizen or as a British subject the reference to the citizenship oath and pledge shall be taken as a reference to the citizenship oath.”

- 2 The following shall be substituted for Schedule 5 to the British Nationality Act 1981 (c. 61)—

#### “SCHEDULE 5

##### CITIZENSHIP OATH AND PLEDGE

- 1 The form of citizenship oath and pledge is as follows for registration of or naturalisation as a British citizen—

##### **OATH**

“I,*[name]*, swear by Almighty God that, on becoming a British citizen, I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors according to law.”

##### **PLEDGE**

“I will give my loyalty to the United Kingdom and respect its rights and freedoms. I will uphold its democratic values. I will observe its laws faithfully and fulfil my duties and obligations as a British citizen.”

- 2 The form of citizenship oath and pledge is as follows for registration of or naturalisation as a British overseas territories citizen—

##### **OATH**

“I,*[name]*, swear by Almighty God that, on becoming a British overseas territories citizen, I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors according to law.”

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## PLEDGE

“I will give my loyalty to *[name of territory]* and respect its rights and freedoms. I will uphold its democratic values. I will observe its laws faithfully and fulfil my duties and obligations as a British overseas territories citizen.”

3 The form of citizenship oath is as follows for registration of a British Overseas citizen—

“I, *[name]*, swear by Almighty God that, on becoming a British Overseas citizen, I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors according to law.”

4 The form of citizenship oath is as follows for registration of a British subject—

“I, *[name]*, swear by Almighty God that, on becoming a British subject, I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors according to law.”

3 Section 41 of the British Nationality Act 1981 (c. 61) (regulations) shall be amended as follows.

4 For subsection (1)(d) substitute—

- “(d) for the time within which an obligation to make a citizenship oath and pledge at a citizenship ceremony must be satisfied;
- (da) for the time within which an obligation to make a citizenship oath or pledge must be satisfied;
- (db) for the content and conduct of a citizenship ceremony;
- (dc) for the administration and making of a citizenship oath or pledge;
- (dd) for the registration and certification of the making of a citizenship oath or pledge;
- (de) for the completion and grant of a certificate of registration or naturalisation;”.

5 In subsection (2)(c)—

- (a) for “the taking there of any oath of allegiance” substitute “ the making there of a citizenship oath or pledge ”, and
- (b) for “granted or taken” substitute “ or granted ”.

6 In subsection (3)(a) for “taking of oaths of allegiance” substitute “ making of oaths and pledges of citizenship ”.

7 After subsection (3) insert—

“(3A) Regulations under subsection (1)(d) to (de) may, in particular—

- (a) enable the Secretary of State to 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;
- (b) require, or enable the Secretary of State to require, a local authority to provide specified facilities and to make specified arrangements in connection with citizenship ceremonies;
- (c) impose, or enable the Secretary of State to impose, a function (which may include a discretion) on a local authority or on a registrar.

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(3B) In subsection (3A)—

“local authority” means—

- (a) in relation to England and Wales, a county council, a county borough council, a metropolitan district council, a London Borough Council and the Common Council of the City of London, and
- (b) in relation to Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39), and

“registrar” means—

- (a) in relation to England and Wales, a superintendent registrar of births, deaths and marriages (or, in accordance with section 8 of the Registration Service Act 1953 (c. 37), a deputy superintendent registrar), and
- (b) in relation to Scotland, a district registrar within the meaning of section 7(12) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 (c. 49).”

8       The Secretary of State may make a payment to a local authority in respect of anything done by the authority in accordance with regulations made by virtue of section 41(3A) of the British Nationality Act 1981 (c. 61).

9       (1) A local authority must—

- (a) comply with a requirement imposed on it by regulations made by virtue of that section, and
- (b) carry out a function imposed on it by regulations made by virtue of that section.

(2) A local authority on which a requirement or function is imposed by regulations made by virtue of that section—

- (a) may provide facilities or make arrangements in addition to those which it is required to provide or make, and
- (b) may make a charge for the provision of facilities or the making of arrangements under paragraph (a) which does not exceed the cost of providing the facilities or making the arrangements.

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