



Borders, Citizenship and Immigration Act 2009

2009 CHAPTER 11

PART 2

CITIZENSHIP

Acquisition of British citizenship by naturalisation

41 The qualifying period

- (1) After paragraph 4A of Schedule 1 to the British Nationality Act 1981 (c. 61) (inserted by section 40(5) above), insert—

“The qualifying period for naturalisation as a British citizen under section 6

- 4B (1) The qualifying period for the purposes of paragraph 1 or 3 is a period of years which ends with the date of the application in question.
- (2) The length of the period is determined in accordance with the following provisions of this paragraph.
- (3) In the case of an applicant who does not meet the activity condition, the number of years in the period is—
- (a) 8, in a case within paragraph 1;
 - (b) 5, in a case within paragraph 3.
- (4) In the case of an applicant who meets the activity condition, the number of years in the period is—
- (a) 6, in a case within paragraph 1;
 - (b) 3, in a case within paragraph 3.
- (5) The applicant meets the activity condition if the Secretary of State is satisfied that the applicant—

Status: This is the original version (as it was originally enacted).

- (a) has participated otherwise than for payment in prescribed activities; or
 - (b) is to be treated as having so participated.”
- (2) In section 41 of that Act (regulations etc.), in subsection (1), after paragraph (bb) insert—
- “(bc) for amending paragraph 4B(3)(a) or (b) or (4)(a) or (b) of Schedule 1 to substitute a different number for the number for the time being specified there;
 - (bd) for determining whether a person has, for the purposes of an application for naturalisation under section 6, participated in activities prescribed for the purposes of paragraph 4B(5)(a) of Schedule 1;
 - (be) for determining whether a person is to be treated for the purposes of such an application as having so participated;”.
- (3) After subsection (1A) of that section insert—
- “(1B) Regulations under subsection (1)(bc) may make provision so that—
- (a) the number specified in sub-paragraph (3)(a) of paragraph 4B of Schedule 1 is the same as the number specified in sub-paragraph (4) (a) of that paragraph;
 - (b) the number specified in sub-paragraph (3)(b) of that paragraph is the same as the number specified in sub-paragraph (4)(b) of that paragraph.
- (1C) Regulations under subsection (1)(bd) or (be)—
- (a) may make provision that applies in relation to time before the commencement of section 41 of the Borders, Citizenship and Immigration Act 2009;
 - (b) may enable the Secretary of State to make arrangements for such persons as the Secretary of State thinks appropriate to determine whether, in accordance with those regulations, a person has, or (as the case may be) is to be treated as having, participated in an activity.”
- (4) In subsection (7) of that section, after “this section” insert “(other than regulations referred to in subsection (8))”.
- (5) After subsection (7) of that section insert—
- “(8) Any regulations (whether alone or with other provision)—
- (a) under subsection (1)(a) for prescribing activities for the purposes of paragraph 4B(5)(a) of Schedule 1; or
 - (b) under subsection (1)(bc), (bd) or (be),
- may not be made unless a draft has been laid before and approved by a resolution of each House of Parliament.”