

2020 No. 1141

BRITISH NATIONALITY

**The British Nationality (General) (Amendment) Regulations
2020**

<i>Made</i> - - - -	<i>20th October 2020</i>
<i>Laid before Parliament</i>	<i>22nd October 2020</i>
<i>Coming into force</i> - -	<i>1st December 2020</i>

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

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the British Nationality (General) (Amendment) Regulations 2020 and come into force on 1st December 2020.

(2) In these Regulations, “the 2003 Regulations” means the British Nationality (General) Regulations 2003(b).

Amendment to Regulation 5A

2.—(1) Regulation 5A (knowledge of language and life in the United Kingdom) of the 2003 Regulations(c) is amended as follows.

(2) For paragraph (5)(a) substitute—

“(a) held indefinite leave to enter or remain in the United Kingdom or any of the Islands within the meaning of section 33(1) of the Immigration Act 1971 as at 1st January 1973; and

(aa) holds such leave (whether or not that leave has been held continuously since 1st January 1973); and”.

(3) In paragraph (7)(a)—

(a) at the end of paragraph (ii) omit “or;”

(b) at the end of paragraph (iii) insert “or;”

(c) after paragraph (iii) insert—

(a) 1981 c. 61; section 41(1)(ba) and (bb) were inserted by section 1(3) of the Nationality, Immigration and Asylum Act 2002 (c. 41).

(b) S.I. 2003/548; relevant amending instruments are S.I. 2004/1726, 2005/2785, 2013/2541, 2015/681, 2018/618, 2019/1242.

(c) Regulation 5A was inserted by S.I. 2004/1726 and amended by 2005/2785, 2013/2541, 2015/681, 2018/681 and 2019/1242.

“(iv) a person who would be (or would have been at the time of their death) a relevant pre-1973 entrant but for a subsequent lapse in their indefinite leave to enter or remain in the United Kingdom or any of the Islands;”.

Amendment to Schedule 2A

3.—(1) Paragraph 2 (specified English speaking countries) of Schedule 2A (specified English language tests and English speaking countries) to the 2003 Regulations^(a) is amended as follows.

(2) After sub-paragraph (j) insert—

“(ja)Malta;”.

Priti Patel
Secretary of State
Home Office

20th October 2020

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”). In particular, regulation 5A sets out the circumstances in which an applicant for naturalisation as a British citizen under section 6 of the 1981 Act is to be taken to have sufficient knowledge of the English language and about life in the United Kingdom for the purposes of the application.

The Home Office has set up a scheme, the Windrush Scheme, to deal with requests concerning the immigration or British nationality status of certain people who settled in the United Kingdom before 1st January 1973, as well as people who arrived between that date and 31st December 1988. Regulation 2 is made in connection with that scheme.

Regulation 2 amends the 2003 Regulations so that returned residents who had indefinite leave to enter or remain in the UK on 1st January 1973 but who subsequently lost and re-acquired that leave, fall within the definition of a ‘relevant pre-1973 entrant’ at paragraph (5) of regulation 5A and are thereby considered to demonstrate sufficient knowledge of the English language and life in the United Kingdom. The amendments made by Regulation 2 provide that eligible children of returned residents will also be considered to fulfil this requirement and will remain an eligible child of a pre-1973 entrant where the parent subsequently loses their indefinite leave to remain.

Regulation 3 adds Malta to the list of specified English speaking countries at paragraph 2 of Schedule 2A to the 2003 Regulations.

Hard copies of the Windrush Scheme can be obtained from the Home Office, Access to Work, Services and Windrush Policy Group, 2 Marsham Street, London SW1P 4DF or at <https://www.gov.uk/government/publications/windrush-scheme>.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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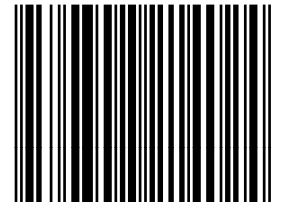
(a) Paragraph 2 of Schedule 2A was inserted by S.I. 2013/2541 and amended by 2015/1806, 2015/681 and 2019/1242.

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