

STATUTORY INSTRUMENTS

2020 No. 1309

The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020

PART 4

Nationality

CHAPTER 1

Amendment of primary legislation

Amendment of the British Nationality Act 1981

78.—(1) The British Nationality Act 1981 ^{F1} is amended as follows.

(2) In section 50A (meaning of references to being in breach of immigration laws) ^{F2}—

(a) in subsection (4)—

(i) after paragraph (b) insert—

“(ba) is not an Irish citizen who does not require leave to enter or remain in the United Kingdom (see section 3ZA of the Immigration Act 1971);”;

(ii) omit paragraphs (d) and (e);

(b) omit subsection (5).

F1 1981. c. 61.

F2 Section 50A was inserted by section 48(1) of the [Borders, Citizenship and Immigration Act 2009](#) (c. 11).

Commencement Information

I1 Reg. 78 not in force at made date, see [reg. 1](#)

I2 Reg. 78 in force at 31.12.2020, see [reg. 1\(2\)](#) and [S.I. 2020/1279, reg. 4\(c\)](#)

Amendment of the Borders, Citizenship and Immigration Act 2009

79.—(1) The Borders, Citizenship and Immigration Act 2009 ^{F3} is amended as follows.

(2) In section 39(2) (application requirements general), in paragraph 1(2) inserted into Schedule 1 to the British Nationality Act 1981 (“the 1981 Act”), in paragraph (d)—

(a) for “a qualifying CTA entitlement” substitute “ the relevant status as an Irish citizen ”;

(b) omit “or a permanent EEA entitlement”.

(3) In section 39(11), in paragraph 2A(1) inserted into Schedule 1 to the 1981 Act—

Changes to legislation: *The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020, Cross Heading: CHAPTER 1 is up to date with all changes known to be in force on or before 19 January 2022. 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) View outstanding changes*

(a) for paragraph (d) substitute—

“(d) the relevant status as an Irish citizen, or”;

(b) omit paragraph (f).

(4) In section 40(3)(application requirements: family members general), in paragraph 3(2)(d)(ii) inserted into Schedule 1 to the 1981 Act for “a qualifying CTA entitlement” substitute “ the relevant status as an Irish citizen ”.

(5) In section 40(5), in paragraph 4A(1) inserted into Schedule 1 to the 1981 Act, for paragraph (d) substitute—

“(d) the relevant status as an Irish citizen; or”.

(6) In section 49(3), in paragraph 11 inserted into Schedule 1 to the 1981 Act—

(a) for sub-paragraph (5) substitute—

“(5) A person has the relevant status as an Irish citizen if the person is an Irish citizen who does not require leave to enter or remain in the United Kingdom (see section 3ZA of the Immigration Act 1971).”;

(b) omit sub-paragraphs (7) and (8).

F3 2009 c. 11.

Commencement Information

I3 Reg. 79 not in force at made date, see [reg. 1](#)

I4 Reg. 79 in force at 31.12.2020, see reg. 1(2) and [S.I. 2020/1279, reg. 4\(c\)](#)

Changes to legislation:

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- sch. 4 para. 3(ta) inserted by [S.S.I. 2021/249 sch. 5 para. 9\(2\)](#)