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## STATUTORY INSTRUMENTS

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# 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 <sup>F1</sup> is amended as follows.
- (2) In section 50A (meaning of references to being in breach of immigration laws) <sup>F2</sup>—
- (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).

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#### **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 <sup>F3</sup> 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—

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(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\(c\)](#)

## Chapter 2

### *Amendment of secondary legislation*

#### **Amendment and saving of the British Nationality (General) Regulations 2003**

**80.**—(1) The British Nationality (General) Regulations 2003 <sup>F4</sup> are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1), omit the following definitions—

(a) “document certifying permanent residence”;

(b) “permanent residence card”;

(c) “residence document issued under the Immigration (European Economic Area) Regulations 2000”; and

(d) “residence permit issued under the Immigration (European Economic Area) Regulations 2000”.

(3) In regulation 7E (use and retention of biometric information), in paragraph (2)—

(a) at the end of sub-paragraph (c) insert “ and ”;

(b) omit sub-paragraph (e) (and the “and” before it).

(4) In regulation 7G (retention of fingerprints)—

(a) in paragraph (2)—

(i) at the end of sub-paragraph (d) insert “ or ”;

(ii) omit sub-paragraph (f) (and the “or” before it);

(b) in paragraph (3)—

(i) omit “or (f)”;

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(ii) omit “or who no longer enjoys the right of permanent residence”;

(c) omit paragraph (4).

(5) In Schedule 2 (particular requirements as respects applications) omit paragraphs 7(1A), 13(1A) and 14(1A).

(6) Notwithstanding the amendment made by paragraph (5) Schedule 2 continues to apply as if not amended by these Regulations in relation to any application made under the British Nationality Act 1981 before commencement day.

**F4** [S.I. 2003/548](#), relevant amending instruments are [S.I. 2015/738](#), 2015/1806 and 2019/745. The amendments made by [S.I. 2019/745](#) are not yet in force and are revoked by regulation 48 of these Regulations before they come into force.

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**Commencement Information**

**I5** Reg. 80 not in force at made date, see [reg. 1](#)

**I6** Reg. 80 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\(2\)](#)