STATUTORY INSTRUMENTS

1981 No. 1571

BRITISH NATIONALITY

The British Nationality (Amendment) Regulations 1981

Made - - - - 30*th October* 1981

Coming into Operation 30*th October* 1981

In exercise of the powers conferred upon me by section 29(1) of the British Nationality Act 1948(**a**), as extended by section 3(2) of the British Nationality Act 1964(**b**), section 6(2) of the British Nationality (No.2) Act 1964(**c**) and section 5(2) of the British Nationality Act 1965(**d**), I hereby make with the consent, so far as Regulation 8 is concerned, of the Treasury the following Regulations:—

1. These Regulations may be cited as the British Nationality (Amendment) Regulations 1981 and shall come into operation forthwith.

2. In these Regulations any reference to the principal Regulations is a reference to the British Nationality Regulations 1975(**e**).

3. These Regulations shall not apply in relation to any application for registration or for a certificate of naturalisation under any provision of the British Nationality Acts 1948 to 1965, whenever made, where the person to whom the application relates has been registered or, as the case may be, granted such a certificate before the making of these Regulations.

4. In Regulation 2 of the principal Regulations (interpretation), in paragraph (1) after the definition of "the Act of 1979" there shall be inserted the following definition:—

"'the Act of 1981' means the British Nationality Act 1981;".

5. For Regulation 13 of the principal Regulations there shall be substituted the following Regulation:—

"Oath of allegiance for purpose of registration

13.—(1) The oath of allegiance required by section 49 of the Act of 1981 to be taken by an applicant for registration as a British subject under section 1 of the Act of 1965 and by an applicant for registration as a citizen of the United Kingdom and Colonies under section 5A, 6 or 8 of the Act of 1948 or section 1 of the Act of 1964 or section 1 of the No. 2 Act of 1964 who is not a citizen of a country of which Her Majesty is Queen nor a British subject by virtue of section 1 of the said Act of 1965 shall be subscribed and attested in the form set out in Schedule 13 in accordance with the requirements of paragraph 4 of Schedule 1.

(**a**) 1948 c. 56. (**b**) 1964 c. 22.
(**c**) 1964 c. 54. (**d**) 1965 c. 34.
(**e**) S.I. 1975/225, amended by S.I. 1976/1520, 1978/91, 1979/240, 1980/197, 358.

(2) If, in the case of such an application for registration as a citizen of the United Kingdom and Colonies as is mentioned in paragraph (1), the person to whom the application is made decides that the registration should be effected he shall give the applicant notice in writing of the decision and the oath of allegiance, if required, shall be taken within three months of the giving of the notice.

(3) Any notice required by paragraph (2) to be given to an applicant may be given—

(*a*) in a case where the applicant's whereabouts are known, by causing the notice to be delivered to him personally or by sending it to him by post;

(*b*) in a case where the applicant's whereabouts are not known, by sending the notice by post to his last known address.".

6. At the end of Regulation 16 of the principal Regulations (certificate of naturalisation) there shall be added the following paragraph:—

"(4) Where a certificate of naturalisation is granted by a Governor of a place mentioned in paragraph (2) he shall cause a copy of the certificate of naturalisation to be sent to the Home Office.".

7. For Regulation 17 of the principal Regulations there shall be substituted the following Regulation:—

"Oath of allegiance for purpose of naturalisation

17.—(1) The oath of allegiance required by section 49 of the Act of 1981 to be taken by an applicant for a certificate of naturalisation shall be subscribed and attested in the form set out in Schedule 13 in accordance with the requirements of paragraph 4 of Schedule 1.

(2) If, on an application for a certificate of naturalisation, the person to whom the application is made decides that the certificate should be granted he shall give the applicant notice in writing of the decision and the oath of allegiance shall be taken within three months of the giving of the notice.

(3) Any notice required by paragraph (2) to be given to an applicant may be given—

(*a*) in any case where the applicant's whereabouts are known, by causing the notice to be delivered to him personally or by sending it to him by post;

(*b*) in a case where the applicant's whereabouts are not known, by sending the notice by post to his last known address.".

8. In Regulation 28 of the principal Regulations (fees), after paragraph (2A) there shall be added the following paragraph:—

"(2B) The fee payable in respect of the registration of a person as a citizen of the United Kingdom and Colonies under section 5A(2) of the Act of 1948 or the grant of a certificate of naturalisation to a British protected person, pursuant to an application made after the passing of the Act of 1981, shall be £50 if he would have been entitled to registration as a British citizen under section 4 of the Act of 1981 had —

(*a*) that Act come into force on the date of his application; and

(*b*) his application for registration or a certificate of naturalisation been an application for registration under the said section 4.".

9. For Schedule 13 to the principal Regulations (which sets out the form of the oath of allegiance to be taken by certain persons who apply to become citizens of the United Kingdom and Colonies by registration or naturalisation under the Act of 1948 or the Act of 1965) there shall be substituted the schedule set out in Appendix A to these Regulations.

10. For Schedule 15 to the principal Regulations (which sets out the form of a certificate of naturalisation) there shall be substituted the Schedule set out in Appendix B to these Regulations.

W. S. I. Whitelaw,
One of Her Majesty's Principal
Secretaries of State.

Home Office.
30th October 1981.

We consent to Regulation 8 of these Regulations.
30th October 1981.

Tony Newton,
P. L. Brooke,
Two of the Lords Commissioners
of Her Majesty's Treasury.

Regulation 9

APPENDIX A

SCHEDULE 13

Regulation 13(1) and 17(1)

BRITISH NATIONALITY ACT 1981, SECTION 49

OATH OF ALLEGIANCE

I, A.B., swear by Almighty God that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth The Second, Her Heirs and Successors, according to law.

(Signed) A.B.

Sworn and subscribed this day of 19 before me.

(Signed) X.Y.

[Justice of the Peace, Commissioner, Notary Public or other official title]

APPENDIX B Regulation 10

SCHEDULE 15

Regulation 16(1)

BRITISH NATIONALITY ACT 1948, SECTION 10

Certificate of Naturalisation

Whereas A.B., has applied to one of Her Majesty's Principal Secretaries of State for a certificate of naturalisation, alleging with respect to [himself] [herself] the particulars set out below, and has satisfied the Secretary of State that the conditions laid down in the British Nationality Act 1948 [the Commonwealth Immigrants Act 1962] and the British Nationality Act 1981 for the grant of naturalisation are fulfilled:

Now, therefore, the Secretary of State, in exercise of the powers conferred upon him by the said Act of 1948, grants to the above named this certificate of naturalisation and declares that [he] [she] shall be a citizen of the United Kingdom and Colonies as from the date of this certificate.

In witness whereof I have hereto subscribed my name this day of 19 .

(Signed) C.D.

[Rank]

Home Office,
London.

Particulars relating to applicant

Full name .....

Place of birth .....

Date of birth .....

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the British Nationality Regulations 1975 in consequence of section 49 of the British Nationality Act 1981 (c. 61) which provides, inter alia, that after the passing of that Act a person shall not be registered or naturalised as a citizen of the United Kingdom and Colonies under any provision of the British Nationality Acts 1948 to 1965 unless, where applicable, he has taken the oath of allegiance. This provision replaced the former requirement, applicable in most cases, whereby the oath of allegiance had to be taken after the registration or naturalisation had been effected.

The Regulations of 1975 are also amended so as to provide for a reduced fee to be paid by certain persons who apply after the passing of the Act of 1981 to be registered or naturalised as citizens of the United Kingdom and Colonies, if the person concerned would have been entitled to be registered as a British citizen under section 4 of the Act of 1981, had that Act come into force on the date of his application (Regulation 8).

The Regulations have immediate effect.

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