STATUTORY INSTRUMENTS

2010 No. 785

BRITISH NATIONALITY

The British Nationality (General) (Amendment) Regulations 2010

Made - - - -	*15th March 2010*
Laid before Parliament	*16th March 2010*
Coming into force - -	*7th April 2010*

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 41(1) (ba) and (bb), (1A) and (3) of the British Nationality Act 1981(**a**):

Citation and Commencement

1. These Regulations may be cited as the British Nationality (General) (Amendment) Regulations 2010 and shall come into force on 7th April 2010.

Amendments to the British Nationality (General) Regulations 2003

2. The British Nationality (General) Regulations 2003(**b**) shall be amended as follows.

3.—(1) For regulation 5A(1)(a)(**c**) (knowledge of language and life in the United Kingdom) substitute—

"(a) (i) he has attended a course at an accredited college;

(ii) the course used teaching materials derived from the document entitled "Citizenship Materials for ESOL Learners"(**d**);

(iii) he has demonstrated relevant progress in accordance with paragraph (2); and

(iv) he has attained a relevant qualification; or".

(2) In regulation 5A(1)(c) after "for this purpose" insert—

"; or

(d) the Secretary of State has previously accepted that he has sufficient knowledge of language and sufficient knowledge about life in the United Kingdom when granting the person Indefinite Leave to Remain".

(**a**) 1981 c.61, section 41(1)(ba) and (bb) and (1A) were inserted by section 1(3) and (4) of the Nationality, Immigration and Asylum Act 2002 (c. 41) and section 41(3) was amended by section 3 of and paragraphs 3 and 6 of Schedule 1 to the Nationality, Immigration and Asylum Act 2002; and amended by sections 52(7) and 61 of, paragraph 1(b) of Schedule 2 to and Schedule 3 to the Immigration, Asylum and Nationality Act 2006 (c.13).

(**b**) S.I. 2003/548 which has been amended by: S.I. 2003/3158; S.I. 2004/1726; S.I. 2005/214; S.I. 2005/2785; S.I. 2007/3137; S.I. 2009/3363; and S.I. 2010/677.

(**c**) Regulation 5A was inserted by regulations 2 and 3 of S.I. 2004/1726; and substituted by regulations 2 and 3 of S.I. 2005/2785.

(**d**) ISBN 1-84478-5424.

(3) For regulation 5A(2)(**a**), substitute—

"(2) A person has demonstrated relevant progress if he meets the requirements of paragraph (3) or (4).".

(4) After regulation 5A(2) insert—

"(3) The requirements in respect of a relevant qualification awarded or authenticated by a body which is recognised by the Office of Qualifications and Examinations Regulation under section 132 of the Apprenticeships, Skills, Children and Learning Act 2009(**b**) are that the person provides evidence to the Secretary of State that —

(a) prior to his commencing a course of study leading to a relevant qualification an ESOL assessment was undertaken by a suitably qualified person to assess his level of language ability; and

(b) he has successfully completed a course of study leading to a relevant qualification; and

(c) having been assessed in accordance with paragraph (a) as being below Entry 1, he has attained a relevant qualification at Entry 1, 2 or 3; or

(d) having been assessed in accordance with paragraph (a) as being at Entry 1, he has attained a relevant qualification at Entry 2 or 3; or

(e) having been assessed in accordance with paragraph (a) as being at Entry 2, he has attained a relevant qualification at Entry 3.

(4) The requirements in respect of a relevant qualification approved by the Scottish Qualifications Authority are that the person provides evidence to the Secretary of State that—

(a) prior to his commencing a course of study leading to a relevant qualification an ESOL assessment was undertaken by a suitably qualified person to assess his level of language ability; and

(b) he has successfully completed a course of study leading to a relevant qualification; and

(c) having been assessed in accordance with paragraph (a) as being below Access 2, he has attained a relevant qualification at Access 2 or 3 or at Intermediate 1 level; or

(d) having been assessed in accordance with paragraph (a) at Access 2, he has attained a relevant qualification at Access 3 or Intermediate 1 level; or

(e) having been assessed in accordance with paragraph (a) at Access 3, he has attained a relevant qualification at Intermediate 1 level.

(5) In this regulation:

(a) an "accredited college" is:

(i) a publicly funded college that is subject to inspection by the Office for Standards in Education, Children's Services and Skills (if situated in England), the Education and Training Inspectorate (if situated in Northern Ireland), Her Majesty's Inspectorate of Education (if situated in Scotland), Estyn (if situated in Wales), or an inspection programme that has been approved by the Island's Government (if situated in the Channel Islands or Isle of Man); or

(ii) a private college accredited by Accreditation UK, the British Accreditation Council, the Accreditation Body for Language Services, the Accreditation Service for International Colleges;

(**a**) Regulation 5A(2)(a) was amended (except in relation to the Channel Islands, the Isle of Man and the British Overseas Territories) by S.I. 2010/677.

(**b**) 2009 c.22.

(b) a "relevant qualification" is:

(i) an ESOL qualification in speaking and listening which is awarded or authenticated by a body which is recognised by the Office of Qualifications and Examinations Regulation (Ofqual) under section 132 of the Apprenticeships, Skills, Children and Learning Act 2009 and is determined by Ofqual as being at Entry Level; or

(ii) one National Qualifications Unit in ESOL at Access 2, Access 3 or Intermediate 1 level approved by the Scottish Qualifications Authority;

(c) a "suitably qualified person" is a person who is deemed suitably qualified by the institution in which the assessment is undertaken.".

Home Office
15th March 2010

Phil Woolas
Minister of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the British Nationality (General) Regulations 2003 ("the 2003 Regulations"). They have effect from 7th April 2010. They extend to the United Kingdom, the Channel Islands, the Isle of Man and British Overseas Territories.

Regulation 5A of the 2003 Regulations makes provision for determining whether a person has sufficient knowledge of language and of life in the UK for the purpose of an application for naturalisation as a British citizen under section 6 of the British Nationality Act 1981. Under regulation 5A of the 2003 Regulations, one of the circumstances in which a person will have such sufficient knowledge of life and language in the UK is if they have completed a course of language study.

These Regulations amend regulation 5A in two respects.

First, they require a course of language study which uses particular teaching materials to be completed at an accredited college and for the person taking the course to have demonstrated progress and to have obtained a relevant qualification. An accredited college is defined as a college which has been inspected or approved by a specific accrediting body. The teaching materials relating to knowledge of life in the UK entitled "Citizenship Materials for ESOL Learners" (ISBN 1-84478-5424) can be downloaded from The National Institute of Adult Continuing Education website at http://www.niace.org.uk/projects/esolcitizenship/.

Second, they are amended so that a person who has previously been accepted as having sufficient knowledge of language and of life in the United Kingdom for the purposes of a grant of Indefinite Leave to Remain by the Secretary of State, will have such knowledge for the purposes of an application for naturalisation as a British citizen under section 6 of the British Nationality Act 1981.

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£4.00

E6528 03/2010 106528T 19585