STATUTORY INSTRUMENTS

1972 No. 2061

BRITISH NATIONALITY

The British Nationality Regulations 1972

Made - - - - 28*th December* 1972

Coming into Operation 1*st January* 1973

ARRANGEMENT OF REGULATIONS

PART I

GENERAL

1. Citation and operation.
2. Interpretation.
3. Revocations and transitional provisions.

PART II

CITIZENSHIP AND NATIONALITY BY REGISTRATION

4. Application for registration under section 5A of the Act of 1948.
5. Application for registration under section 6(1) of the Act of 1948 as modified by Schedule 1 to the Act of 1971.
6. Application for registration under section 6(2) of the Act of 1948.
7. Application for registration under section 7(1) of the Act of 1948.
8. Application for registration under section 12(6) of the Act of 1948.
9. Application for registration under section 1 of the Act of 1964.
10. Application for registration under section 1 of the No. 2 Act of 1964.
11. Application for registration under section 1 of the Act of 1965.
12. Authority to whom application is to be made.
13. Oath of allegiance for purpose of registration.
14. Place of registration.

PART III

NATURALISATION AND RESUMPTION OF CITIZENSHIP AND NATIONALITY

15. Application for naturalisation.
16. Certificate of naturalisation.
17. Oath of allegiance for purpose of naturalisation.
18. Declaration of intention to resume nationality made under section 16(2) of the Act of 1948.

19. Declaration of intention to resume citizenship made under section 4(2) of the Cyprus Act 1960.
20. Place of registration of declaration of intention to resume nationality or citizenship.

PART IV

RENUNCIATION AND DEPRIVATION OF CITIZENSHIP AND NATIONALITY

21. Declaration of renunciation of citizenship.
22. Notice of proposed deprivation of citizenship or nationality.
23. Cancellation of registration of person deprived of citizenship or nationality.
24. Cancellation and amendment of certificate of naturalisation in case of deprivation of citizenship.

PART V

SUPPLEMENTAL

25. Authorised forms.
26. Certificate of citizenship in case of doubt.
27. Evidence.
28. Fees.
29. Application in relation to associated states.

SCHEDULES

Schedule 1: General requirements as respects applications, etc.

Schedule 2: Application for registration as a citizen of the United Kingdom and Colonies made by a British subject on the grounds of patriality and ordinary residence or Crown or other service.

Schedule 3: Application for discretionary registration as a citizen of the United Kingdom and Colonies made by a British subject or citizen of the Republic of Ireland.

Schedule 4: Application for registration as a citizen of the United Kingdom and Colonies made by a British subject or citizen of the Republic of Ireland on the ground of ordinary residence.

Schedule 5: Application for registration as a citizen of the United Kingdom and Colonies made by a woman who has been married to a citizen of the United Kingdom and Colonies.

Schedule 6: Application for registration of a minor child of a citizen of the United Kingdom and Colonies as a citizen thereof.

Schedule 7: Application for registration as a citizen of the United Kingdom and Colonies made by a former British subject.

Schedule 8: Application for registration as a citizen of the United Kingdom and Colonies made by a person who has ceased to be a citizen of the United Kingdom and Colonies as a result of a declaration of renunciation for the purpose of remaining or becoming a citizen of a country mentioned in section 1(3) of the Act of 1948.

Schedule 9: Application for registration as a citizen of the United Kingdom and Colonies by certain stateless persons.

Schedule 10: Application for registration as a British subject made by an alien woman who has been married to a British subject.

Schedule 11: Oath of allegiance.

Schedule 12: Application for a certificate of naturalisation by an alien or British protected person.

Schedule 13: Certificate of naturalisation.

Schedule 14: Declaration of intention to resume British nationality made by a person who has ceased to be a British subject on the loss of British nationality by his father or mother.

Schedule 15: Declaration of intention to resume citizenship of the United Kingdom and Colonies.

Schedule 16: Declaration of renunciation of citizenship.

Schedule 17: Table of fees.

In exercise of the powers conferred upon me by section 29(1) of the British Nationality Act 1948**(a)**, as extended and amended by section 5(2) of the British Nationality Act 1958**(b)**, section 4(7) of the Cyprus Act 1960**(c)**, section 1 of the South Africa Act 1962**(d)**, and Schedule 1 thereto, section 3(2) of the British Nationality Act 1964**(e)**, section 6(2) of the British Nationality (No. 2) Act 1964**(f)**, section 5(2) of the British Nationality Act 1965**(g)**, section 12 of the West Indies Act 1967**(h)** and Schedule 3 thereto and section 2(5) of the Immigration Act 1971**(i)** and Schedule 1 thereto, I hereby make with the consent, so far as Regulation 28 is concerned, of the Treasury the following Regulations:—

PART I

GENERAL

Citation and operation

1. These Regulations may be cited as the British Nationality Regulations 1972 and shall come into operation on 1st January 1973.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"the Act of 1948" means the British Nationality Act 1948;

"the Act of 1958" means the British Nationality Act 1958;

"the Act of 1964" means the British Nationality Act 1964;

"the No. 2 Act of 1964" means the British Nationality (No. 2) Act 1964;

(a) 1948 c. 56. (b) 1958 c. 10. (c) 1960 c. 52. (d) 1962 c. 23.
(e) 1964 c. 22. (f) 1964 c. 54. (g) 1965 c. 34. (h) 1967 c. 4.
(i) 1971 c. 77.

"the Act of 1965" means the British Nationality Act 1965;

"the Act of 1971" means the Immigration Act 1971;

"Governor" has, in relation to a protected state to which the provisions of section 8 of the Act of 1948 relating to protectorates are extended by Order in Council made under section 30 of that Act, the same meaning as in the Order;

"the High Commissioner" means, in relation to a country mentioned in section 1(3) of the Act of 1948, the High Commissioner for Her Majesty's government in the United Kingdom in that country, and includes the acting High Commissioner in that country.

(2) In these Regulations, any reference to a Regulation or Schedule shall be construed as a reference to a Regulation contained in these Regulations or, as the case may be, to a Schedule thereto; and any reference in a Regulation or Schedule to a paragraph shall be construed as a reference to a paragraph of that Regulation or of that Schedule.

(3) In these Regulations, except where the context otherwise requires, a reference to any enactment shall be construed as a reference to that enactment as amended, extended or applied by any subsequent enactment.

(4) The Interpretation Act 1889**(a)** shall apply to the interpretation of these Regulations in like manner as it applies to the interpretation of an Act of Parliament.

Revocations and transitional provisions

3.—(1) The British Nationality Regulations 1969**(b)** and the British Nationality (Amendment) Regulations 1970**(c)** are hereby revoked.

(2) Section 38 of the Interpretation Act 1889 shall apply in relation to the said Regulations as if these Regulations were an Act of Parliament and the said Regulations were Acts of Parliament repealed by an Act of Parliament.

(3) Without prejudice to paragraph (2), any application, declaration, direction or authorisation made or given before the coming into operation of these Regulations in accordance with the provisions of any Regulation revoked by these Regulations by or to any person or authority shall continue to have effect as if made or given in accordance with the corresponding provisions of these Regulations.

(4) Without prejudice to the generality of paragraph (3), any application made by a citizen or former citizen of the Republic of South Africa by virtue of section 1 of the South Africa Act 1962 in accordance with the provisions of Regulation 4(3) of and Schedule 4 to the British Nationality Regulations 1969 shall, subject to paragraph 2 of Schedule 1 to the Act of 1971, continue to have effect and may be dealt with as if these Regulations had not been made.

(a) 1889 c. 63.

(b) S.I. 1969/760 (1969 II, p. 2142).

(c) S.I. 1970/120 (1970 I, p. 542).

PART II

CITIZENSHIP AND NATIONALITY BY REGISTRATION

Application for registration under section 5A of the Act of 1948

4.—(1) An application for registration as a citizen of the United Kingdom and Colonies under section 5A(1) of the Act of 1948 shall be made to the appropriate authority specified in Regulation 12 and shall satisfy the requirements of Schedules 1 and 2.

(2) An application for registration as a citizen of the United Kingdom and Colonies under section 5A(2) of the Act of 1948 shall be made to the appropriate authority specified in Regulation 12 and shall satisfy the requirements of Schedules 1 and 3.

Application for registration under section 6(1) *of the Act of* 1948 *as modified by Schedule 1 to the Act of* 1971

5. An application for registration as a citizen of the United Kingdom and Colonies under or by virtue of section 6(1) of the Act of 1948 as modified by paragraph 2 of Schedule 1 to the Act of 1971 shall be made to the appropriate authority specified in Regulation 12(2) and shall satisfy the requirements of Schedules 1 and 4.

Application for registration under section 6(2) *of the Act of* 1948

6. An application by a woman for registration as a citizen of the United Kingdom and Colonies under section 6(2) of the Act of 1948 shall be made to the appropriate authority specified in Regulation 12(4) and shall satisfy the requirements of Schedules 1 and 5.

Application for registration under section 7(1) *of the Act of* 1948

7. An application for the registration of a minor child of a citizen of the United Kingdom and Colonies as a citizen thereof under section 7(1) of the Act of 1948 shall be made to the appropriate authority specified in Regulation 12(4) and shall satisfy the requirements of Schedules 1 and 6.

Application for registration under section 12(6) *of the Act of* 1948

8. An application for registration as a citizen of the United Kingdom and Colonies under section 12(6) of the Act of 1948 made by virtue of section 3(1)(*b*)(iii) of the Act of 1958 shall be made to the appropriate authority specified in Regulation 12(8) and shall satisfy the requirements of Schedules 1 and 7.

Application for registration under section 1 *of the Act of* 1964

9. An application for registration as a citizen of the United Kingdom and Colonies under section 1 of the Act of 1964 shall be made to the appropriate authority specified in Regulation 12(9) and shall satisfy the requirements of Schedules 1 and 8.

Application for registration under section 1 of the No. 2 Act of 1964

10. An application for registration as a citizen of the United Kingdom and Colonies under section 1 of the No. 2 Act of 1964 shall be made to the appropriate authority specified in Regulation 12(4) and shall satisfy the requirements of Schedules 1 and 9.

Application for registration under section 1 of the Act of 1965

11. An application by a woman for registration as a British subject under section 1 of the Act of 1965 shall be made to the appropriate authority specified in Regulation 12(4) and shall satisfy the requirements of Schedules 1 and 10.

Authority to whom application is to be made

12.—(1) Such an application as is mentioned in Regulation 4(1), made on grounds consisting of or including ordinary residence immediately preceding the application, shall be made—

(*a*) in the case of ordinary residence in the United Kingdom, to the Secretary of State at the Home Office;

(*b*) in the case of ordinary residence in the Channel Islands or Isle of Man, to the Governor.

(2) Such an application as is mentioned in Regulation 4(2) made on grounds consisting of, or including, ordinary residence immediately preceding the application, or such an application as is mentioned in Regulation 5, shall be made—

(*a*) in the case of ordinary residence in the United Kingdom, to the Secretary of State at the Home Office;

(*b*) in the case of ordinary residence in a colony or protectorate, to the Governor.

(3) Such an application as is mentioned in Regulation 4(1) (other than an application to which paragraph (1) applies), made on grounds consisting of, or including, Crown service immediately preceding the application under Her Majesty's Government in the United Kingdom, shall be made—

(*a*) if the applicant is resident in a Commonwealth country mentioned in paragraph (11), to the High Commissioner;

(*b*) if the applicant is resident in the Channel Islands or Isle of Man, to the Governor;

(*c*) in any other case, to the Secretary of State at the Home Office.

(4) Such an application as is mentioned in Regulation 4(2) (other than an application to which paragraph (2) applies), made on grounds consisting of, or including Crown service immediately preceding the application under Her Majesty's Government in the United Kingdom or such an application as is mentioned in Regulation 6, 7, 10 or 11 shall be made—

(*a*) if the applicant is resident in a dependency mentioned in paragraph (10), to the Governor;

(*b*) if the applicant is resident in a Commonwealth country mentioned in paragraph (11), to the High Commissioner;

(*c*) in any other case, to the Secretary of State at the Home Office.

(5) Such an application as is mentioned in Regulation 4(1), made on the grounds consisting of or including, service immediately preceding the application in the employment of a society, company or body of persons established as mentioned in section 5A(4) of the Act of 1948, shall be made—

(*a*) if the society, company or body is established in the United Kingdom and the applicant is serving in its employment in a Commonwealth country mentioned in paragraph (11), to the High Commissioner;

(*b*) if the society, company or body is established in the United Kingdom and the applicant is serving in its employment otherwise than as aforesaid, to the Secretary of State at the Home Office;

(*c*) if the society, company or body is established in the Channel Islands or Isle of Man, to the Governor.

(6) Such an application as is mentioned in Regulation 4(2), made on grounds consisting of, or including, service immediately preceding the application in the employment of a society, company or body of persons established as mentioned in section 5A(4) of the Act of 1948, shall be made—

(*a*) if the society, company or body is established in the United Kingdom and the applicant is serving in its employment in a Commonwealth country mentioned in paragraph (11), to the High Commissioner;

(*b*) if the society, company or body is established in the United Kingdom and the applicant is serving in its employment otherwise than as aforesaid, to the Secretary of State at the Home Office;

(*c*) if the society, company or body is established in a colony or a protectorate, to the Governor.

(7) Such an application as is mentioned in Regulation 4(1) or (2) made on grounds consisting of, or including, service immediately preceding the application under an international organisation of which Her Majesty's Government in the United Kingdom is a member, shall be made—

(*a*) if the applicant is serving as aforesaid in a Commonwealth country mentioned in paragraph (11), to the High Commissioner;

(*b*) in any other case, to the Secretary of State at the Home Office.

(8) Such an application as is mentioned in Regulation 8 shall be made—

(*a*) if the applicant is resident in a dependency mentioned in paragraph (10) to the Governor;

(*b*) in any other case, to the Secretary of State at the Home Office.

(9) Such an application as is mentioned in Regulation 9 shall be made—

(*a*) if the applicant is resident in a dependency mentioned in paragraph (10), to the Governor;

(*b*) if the applicant has such a qualifying connection as is mentioned in section 1 of the Act of 1964 and is resident in a Commonwealth country mentioned in paragraph (11), to the High Commissioner;

(*c*) in any other case, to the Secretary of State at the Home Office.

(10) The dependencies referred to in this Regulation are the Channel Islands, the Isle of Man, a colony, a protectorate and a protected state to which the provisions of section 8(1) of the Act of 1948 relating to protectorates are extended by Order in Council made under section 30 thereof.

(11) The Commonwealth countries referred to in this Regulation are those countries mentioned in section 1(3) of the Act of 1948 in which there is a High Commissioner.

Oath of allegiance for purpose of registration

13.—(1) The oath of allegiance required by section 1 of the Act of 1965 to be taken by an applicant for registration as a British subject and by section 9 of the Act of 1948 to be taken by an applicant for registration as a citizen of the United Kingdom and Colonies under section 5A, 6, or 8 of the said 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 Act of 1965 shall be subscribed and attested in the form set out in Schedule 11 in accordance with the requirements of paragraph 4 of Schedule 1.

(2) In the case of an application for registration as a British subject under the Act of 1965 the oath of allegiance required and subscribed and attested as aforesaid shall be included in the form of application.

(3) 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 oath of allegiance required as aforesaid shall be taken within one calendar month of the date when the applicant is notified of the registration of his application or within such extended time as the Secretary of State (in the case of a registration effected by the Secretary of State) or the person (not being the Secretary of State) by whom the registration is effected (in the case of a registration effected elsewhere than in the United Kingdom) may permit and if the oath is not taken within the said time the registration shall have no effect.

(4) In the case of an oath of allegiance which relates to such an application for registration as a citizen of the United Kingdom and Colonies as is mentioned in paragraph (1) the oath shall be registered—

(*a*) if the registration to which it relates is effected by the Secretary of State, at the Home Office;

(*b*) in any other case, in such place as the person by whom the registration is effected may direct or, if no such direction is given, at the Home Office.

(5) Where an oath of allegiance is registered in accordance with the directions of a person other than the Secretary of State under paragraph (4), he shall cause a copy of the oath to be sent to the Home Office.

Place of registration

14.—(1) The registration of a person as a citizen of the United Kingdom and Colonies in pursuance of such an application as is mentioned in Regulation 4, 5, 6, 7, 8, 9 or 10 or as a British subject in pursuance of such an application as is mentioned in Regulation 11 shall be effected at such place as the person to whom the application is made may direct.

(2) If a person is entitled to be registered as a citizen of the United Kingdom and Colonies or as a British subject in pursuance of such an application as aforesaid made to a person other than the Secretary of State and the Secretary of State is satisfied that it is impracticable for the registration to be effected at a place directed by the person to whom the application was made, the registration shall be effected at such place as the Secretary of State may direct.

PART III

NATURALISATION AND RESUMPTION OF CITIZENSHIP AND NATIONALITY

Application for naturalisation

15. An application for a certificate of naturalisation shall satisfy the requirements of Schedules 1 and 12.

Certificate of naturalisation

16.—(1) A certificate of naturalisation granted by the Secretary of State shall be in the form set out in Schedule 13 and shall be signed by an officer of the Home Department not below the rank of Assistant Secretary.

(2) A certificate of naturalisation granted by the Governor of any of the Channel Islands, the Isle of Man or a colony, protectorate or protected state shall be similar to a certificate granted by the Secretary of State and shall be signed by the Governor or by a person authorised by him in that behalf.

(3) Where in accordance with the provisions of section 10(2) of the Act of 1948 the Secretary of State has given his approval to the grant of a certificate of naturalisation by the Governor of a place mentioned in the last foregoing paragraph, the approval of the Secretary of State shall be signified by adding to the certificate a statement to that effect, which shall be signed by a person authorised by him in that behalf.

Oath of allegiance for purpose of naturalisation

17.—(1) The oath of allegiance required by section 10(1) of the Act of 1948 to be taken by a person to whom a certificate of naturalisation has been granted shall be subscribed and attested in the form set out in Schedule 11 in accordance with the requirements of paragraph 4 of Schedule 1 and as so subscribed and attested shall be endorsed on the certificate of naturalisation to which it relates.

(2) The oath of allegiance required as aforesaid shall be taken within one calendar month of the date of the certificate of naturalisation to which it relates, or within such extended time as the Secretary of State (in the case of any certificate) or the Governor of a place mentioned in paragraph (2) of Regulation 16 (in the case of a certificate granted by the Governor of that place) may permit, and if the oath is not taken within the said time the certificate shall have no effect:

Provided that permission shall not be deemed to have been given under this paragraph unless a statement to that effect is endorsed on the certificate and signed by a person authorised by Regulation 16 to sign a certificate of naturalisation.

(3) The oath of allegiance required as aforesaid shall be registered—

(*a*) if the certificates of naturalisation to which it relates is granted by the Secretary of State, at the Home Office;

(*b*) in any other case, in such place as the Governor who grants the certificate may direct, or, if no such direction is given, at the Home Office.

(4) Where the oath of allegiance is registered in accordance with the directions of the Governor under paragraph (3), he shall cause a copy of the oath and of the certificate of naturalisation to which it relates to be sent to the Home Office.

Declaration of intention to resume nationality made under section 16(2) *of the Act of* 1948

18. A declaration of intention to resume British nationality under section 16(2) of the Act of 1948 shall be made to the Secretary of State and shall satisfy the requirements of Schedules 1 and 14.

Declaration of intention to resume citizenship made under section 4(2) *of the Cyprus Act* 1960

19. A declaration of intention to resume citizenship of the United Kingdom and Colonies under section 4(2) of the Cyprus Act 1960 shall be made to the Secretary of State and shall satisfy the requirements of Schedules 1 and 15.

Place of registration of declaration of intention to resume nationality or citizenship

20. Such a declaration as is mentioned in Regulation 18 or 19 shall be registered at the Home Office.

PART IV

RENUNCIATION AND DEPRIVATION OF CITIZENSHIP AND NATIONALITY

Declaration of renunciation of citizenship

21.—(1) A declaration of renunciation of citizenship of the United Kingdom and Colonies under section 19(1) of the Act of 1948 shall satisfy the requirements of Schedules 1 and 16.

(2) Such a declaration as is mentioned in paragraph (1) shall be made—

(*a*) if the declarant is resident in a country mentioned in section 1(3) of the Act of 1948 in which there is a High Commissioner, to that High Commissioner;

(*b*) in any other case, to the Secretary of State at the Home Office.

(3) Such a declaration as is mentioned in paragraph (1) shall, subject to the provisions of the said section 19(1), be registered at such place as the person to whom the declaration is made may direct.

Notice of proposed deprivation of citizenship or nationality

22.—(1) When it is proposed to make an order under section 20 of the Act of 1948 depriving a person of his citizenship of the United Kingdom and Colonies or under section 3 of the Act of 1965 depriving a person of the status of British subject by virtue of section 1 of that Act, the notice required by section 20(6) of the Act of 1948 to be given to that person may be given—

(*a*) in a case where that person'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 that person's whereabouts are not known, by sending it to his last known address.

(2) Where the Secretary of State has given notice as aforesaid and the person to whom it is given has the right, on making application therefor, to an inquiry under section 20(7) of the Act of 1948, the application shall be made—

(*a*) if that person is in the United Kingdom at the time when the notice is given to him, within twenty-one days from the giving of the notice;

(*b*) in any other case, within such time, not being less than twenty-one days from the giving of the notice, as the Secretary of State may determine:

Provided that the Secretary of State may in special circumstances at any time extend the time within which the application may be made.

(3) Where the Governor of any of the Channel Islands, the Isle of Man or a colony, protectorate or protected state has given notice as aforesaid, the provisions of the last foregoing paragraph shall apply with the substitution for references to the Secretary of State of references to the Governor and the substitution for the reference to the United Kingdom of a reference to that island, colony, protectorate or state.

(4) Any notice given in accordance with the provisions of this Regulation shall, in a case in which the person to whom it is given has the right, on making application therefor, to an inquiry under section 20(7) of the Act of 1948, include a statement of the time within which such application must be made.

Cancellation of registration of person deprived of citizenship or nationality

23. Where an order has been made depriving a person who is a citizen of the United Kingdom and Colonies by registration of that citizenship or depriving a person who is a British subject by virtue of section 1 of the Act of 1965 of that status, the name of that person shall be removed from the register of citizens of the United Kingdom and Colonies or, as the case may be, from the register of British subjects by virtue of the said section 1.

Cancellation and amendment of certificate of naturalisation in case of deprivation of citizenship

24. Where an order has been made depriving a person naturalised in the United Kingdom and Colonies of his citizenship of the United Kingdom and Colonies, the person so deprived or any other person in possession of the relevant certificate of naturalisation shall, if required by notice in writing given by the Secretary of State or any Governor having power to deprive persons of that citizenship, deliver up the said certificate to such person, and within such time, as may be specified in the notice; and the said certificate shall thereupon be cancelled or amended.

PART V

SUPPLEMENTAL

Authorised forms

25. Where the preceding provisions of these Regulations require that an application or declaration shall satisfy requirements set out in a Schedule those requirements shall be treated as satisfied if the application or declaration is made in a form authorised by the Secretary of State or other authority to whom the application or declaration is made, if in the opinion of the Secretary of State or that other authority, as the case may be, the form so authorised is suitable in the circumstances of a particular case.

Certificate of citizenship in case of doubt

26. A certificate of citizenship in case of doubt given under section 25 of the Act of 1948 shall be signed by an officer of the Home Department not below the rank of Assistant Secretary.

Evidence

27. A document may be certified to be a true copy of a document for the purpose of section 27(2) of the Act of 1948 by means of a statement in writing to that effect signed by a person authorised by the Secretary of State, the High Commissioner or the Governor in that behalf.

Fees

28.—(1) Subject to the provisions of this Regulation, the fees specified in Schedule 17 may in the United Kingdom be taken and shall be applied in the manner set out in the said Schedule, and in any country mentioned in section 1(3) of the Act of 1948 the like fees (or fees of the corresponding amounts in the local currency) may be taken and shall be applied in the like manner as fees taken in the United Kingdom:

Provided that no fee shall be taken under this Regulation for witnessing the signing of an application or declaration or for administering the oath of allegiance, in a case where the application or declaration is witnessed, or the oath administered, by a justice of the peace.

(2) Of the fee payable in respect of the grant of a certificate of naturalisation, two pounds (if the applicant is a British protected person) and three pounds

(if the applicant is an alien) shall be payable on the submission of the application for a certificate, and the balance shall be payable on the receipt of the decision to grant a certificate:

Provided that where a husband and wife apply at the same time for certificates and are residing together at the time of the applications and the balance is paid in respect of the grant of a certificate to one of them, no balance shall be payable in respect of the grant of a certificate to the other.

Application in relation to associated states

29.—(1) In relation to an associated state a reference in these Regulations to a colony shall be construed as if it included a reference to such a state but in relation to an associated state any reference to the Governor shall be construed as a reference to the Secretary of State or, where he has issued a relevant direction under paragraph 4 of Schedule 3 to the West Indies Act 1967, to the person, or the person for the time being holding the office, specified in the direction.

(2) In accordance with paragraph (1), by reason of the issue of such directions as aforesaid, any reference in these Regulations to the Governor shall be construed—

(*a*) in relation to the associated state of Antigua, of Dominica, of Saint Christopher, Nevis and Anguilla, of Saint Lucia or of Saint Vincent, as a reference to the person holding the office of Secretary to the Cabinet;

(*b*) in relation to the associated state of Grenada, as a reference to the person holding the office of Permanent Secretary to the Premier.

(3) Regulation 16(3) shall have effect as if the reference therein to section 10(2) of the Act of 1948 included a reference to paragraph 5 of Schedule 3 to the West Indies Act 1967.

Robert Carr,

One of Her Majesty's Principal Secretaries of State.

21st December 1972.

We consent to Regulation 28 of these Regulations.

Hugh Rossi,

Oscar Murton,

Two of the Lords Commissioners of Her Majesty's Treasury.

28th December 1972.

Regulations 4 to 11, 13, 15, 17 to 19 and 21

SCHEDULE 1

General Requirements as Respects Applications, etc.

1. An application or declaration shall be made in writing and shall state the name, address, date and place of birth of the applicant or declarant.

2. An application, other than such an application as is mentioned in Regulation 7, 8, 9, 10, or 15 shall state whether the applicant has ever renounced or been deprived of citizenship of the United Kingdom and Colonies.

3. An application or declaration shall contain a declaration that the particulars stated therein are true.

4. An application or declaration shall be signed in the presence of, and an oath of allegiance shall be of no effect unless administered by, one of the following persons:—

(*a*) in England and Wales or Northern Ireland—

any justice of the peace, commissioner authorised to administer oaths in the Supreme Courts or notary public;

(*b*) in Scotland—

any sheriff, sheriff-substitute, justice of the peace or notary public;

(*c*) in the Channel Islands, the Isle of Man or any colony, protectorate or protected state or in the New Hebrides or Canton Island—

any judge of any court of civil or criminal jurisdiction, any justice of the peace or magistrate, or any person for the time being authorised by the law of the place where the applicant, declarant or deponent is, to administer an oath for any judicial or other legal purpose;

(*d*) in any country mentioned in section 1(3) of the Act of 1948 of which Her Majesty is Queen, or in any terrritory administered by the government of any such country—

any person for the time being authorised by the law of the place where the applicant, declarant or deponent is, to administer an oath for any judicial or other legal purpose or any established officer not below the rank of second secretary of the Diplomatic Service of Her Majesty's Government in the United Kingdom;

(*e*) elsewhere—

any consular officer or established officer not below the rank of second secretary of the Diplomatic Service of Her Majesty's Government in the United Kingdom or any person authorised by the Secretary of State in that behalf;

Provided that if the applicant, declarant or deponent is serving in Her Majesty's naval, military or air forces, the application or declaration may be signed in the presence of, or the oath administered by, any officer holding a commission in any of those forces, whether the application, declaration or oath is made or taken in the United Kingdom or elsewhere.

Regulation 4(1)

SCHEDULE 2

BRITISH NATIONALITY ACT 1948, SECTION 5A(1)

Application for registration as a citizen of the United Kingdom and Colonies made by a British subject on the grounds of patriality and ordinary residence or Crown or other service.

1. The application shall contain sufficient information to enable the authority to whom it is made (hereinafter referred to as "the appropriate authority") to satisfy himself that the applicant—

(*a*) is a citizen of a country mentioned in section 1(3) of the Act of 1948 or a British subject without citizenship by virtue of section 13 or 16 of that Act or (being a woman) a British subject to whom section 2 of the Act of 1965 applies;

(*b*) is of full age and capacity;

(*c*) is patrial within the meaning of the Act of 1971 by virtue of section 2(1)(*d*) of that Act or of the reference thereto in section 2(2);

(*d*) has (except where paragraph 3 applies) been throughout the period of 5 years ending with the date of the application—

(i) ordinarily resident in the United Kingdom or, as the case may be, in the Channel Islands or Isle of Man, or

(ii) engaged in relevant employment (as defined in paragraph 2), or

(iii) partly the one and partly the other.

2. For the purposes of paragraph 1(*d*)(ii) "relevant employment" means—

(*a*) Crown service under Her Majesty's Government in the United Kingdom; or

(*b*) service under an international organisation of which Her Majesty's Government in the United Kingdom is a member; or

(*c*) service in the employment of a society, company or body of persons established in the United Kingdom or, as the case may be, in the Channel Islands or Isle of Man.

3. If the applicant desires that a qualifying period shorter than 5 years should be accepted, the application shall specify the special circumstances which the applicant desires should be taken into consideration by the appropriate authority.

4. If the application is made wholly of partly on the grounds of service within paragraph 2(*b*) or (*c*) the application shall state the nature of the applicant's connection with the United Kingdom or, as the case may be, the Channel Islands or Isle of Man.

5. The application shall show where the applicant has been ordinarily resident throughout the period of 5 years ending with the date of the application, and shall state whether he has been in Crown service under Her Majesty's Government in the United Kingdom during that period or any part of it.

Regulation 4(2)

SCHEDULE 3

BRITISH NATIONALITY ACT 1948, SECTION 5A(2)

Application for discretionary registration as a citizen of the United Kingdom and Colonies made by a British subject or citizen of the Republic of Ireland.

1. The application shall contain sufficient information to enable the authority to whom it is made (hereinafter referred to as "the appropriate authority") to satisfy himself that the applicant—

(*a*) is a citizen of a country mentioned in section 1(3) of the Act of 1948 or of the Republic of Ireland or a British subject without citizenship by virtue of section 13 or 16 of that Act or (being a woman) is a British subject to whom section 2 of the Act of 1965 applies;

(*b*) is of full age and capacity;

(*c*) has been throughout the period of 5 years (except where paragraph 4 applies) ending with the date of the application—

(i) ordinarily resident in the United Kingdom or, as the case may be, in a colony or protectorate specified in the application, or

(ii) engaged in relevant employment (as defined in paragraph 2), or

(iii) partly the one and partly the other;

(*d*) is of good character;

(*e*) has a sufficient knowledge of the English or Welsh language or, in the case of an application which relates to residence or relevant employment in a colony or protectorate of any other language in current use in that colony or protectorate; and

(*f*) intends in the event of his being registered to reside in the United Kingdom or a colony or protectorate or to enter into or continue in relevant employment.

2. For the purposes of paragraph 1 "relevant employment" means—

(*a*) Crown service under Her Majesty's Government in the United Kingdom; or

(*b*) service under an international organisation of which Her Majesty's Government in the United Kingdom is a member; or

(*c*) service in the employment of a society, company or body of persons established in the United Kingdom or, as the case may be, in a colony or protectorate specified in the application.

3. The application shall contain such further information as the appropriate authority may require in order to determine whether the applicant is a fit and proper person to be registered as a citizen of the United Kingdom and Colonies.

4. If the applicant desires that a qualifying period shorter than 5 years should be accepted, the application shall specify the special circumstances which the applicant desires should be taken into consideration by the appropriate authority.

5. If the application is made wholly or partly on the grounds of service within paragraph 2(*b*) or (*c*) the application shall state the nature of the applicant's connection with the United Kingdom and Colonies.

6. The application shall show where the applicant has been ordinarily resident throughout the period of 5 years ending with the date of the application, and shall state whether he has been in Crown service under Her Majesty's Government in the United Kingdom during that period or any part of it.

Regulation 5

SCHEDULE 4

BRITISH NATIONALITY ACT 1948, SECTION 6(1)
IMMIGRATION ACT 1971 SCHEDULE 1, PARAGRAPH 2

Application for registration as a citizen of the United Kingdom and Colonies made by a British subject or citizen of the Republic of Ireland on the ground of ordinary residence.

The application shall contain sufficient information to enable the authority to whom it is made to satisfy himself that the applicant—

(*a*) is a citizen of a country mentioned in section 1(3) of the Act of 1948 or of the Republic of Ireland or a British subject without citizenship by virtue of section 13 or 16 of that Act or (being a woman) a British subject to whom section 2 of the Act of 1965 applies;

(*b*) is of full age and capacity;

(*c*) at the date of his application has throughout the last five years or, if it is more than five years, throughout the period since the coming into force of the Act of 1971 been ordinarily resident in the United Kingdom or, as the case may be, in a colony or protectorate specified in the application without being subject by virtue of any law relating to immigration, to any restriction on the period for which he might remain.

Regulation 6

SCHEDULE 5

BRITISH NATIONALITY ACT 1948, SECTION 6(2)

Application for registration as a citizen of the United Kingdom and Colonies made by a woman who has been married to a citizen of the United Kingdom and Colonies.

The application shall state the citizenship or nationality of the applicant and shall contain sufficient information to enable the authority to whom it is made to satisfy himself that the applicant has been married to a citizen of the United Kingdom and Colonies.

Regulation 7

SCHEDULE 6

BRITISH NATIONALITY ACT 1948, SECTION 7(1)

Application for registration of a minor child of a citizen of the United Kingdom and Colonies as a citizen thereof.

1. The application shall contain sufficient information to enable the authority to whom it is made to satisfy himself—

(*a*) that the applicant is a parent or guardian of the child and, if he is a guardian, as to how he became such, and

(*b*) that the child is a child of a citizen of the United Kingdom and Colonies.

2. The application shall state the reasons for which it is desired that the child should be registered as a citizen of the United Kingdom and Colonies.

Regulation 8

SCHEDULE 7

BRITISH NATIONALITY ACT 1948, SECTION 12(6)
BRITISH NATIONALITY ACT 1958, SECTION 3(1)(*b*)(iii) AND (*c*)

Application for registration as a citizen of the United Kingdom and Colonies made by a former British subject.

1. The application shall contain sufficient information to enable the authority to whom it is made to satisfy himself that the applicant—

(*a*) was a British subject immediately before 1st January 1949;

(*b*) was, on that date, a citizen or potentially a citizen of a country mentioned in section 1(3) of the Act of 1948, as originally enacted and, but for that citizenship or potential citizenship, would have become a citizen of the United Kingdom and Colonies by virtue of section 12(4) of that Act;

(*c*) having been on that date a citizen of such a country, or having subsequently been made one by the coming into operation of a law of that country, lost that citizenship otherwise than by his own act done for the purpose and thereby ceased to be a British subject;

(*d*) is of full age and capacity.

2. The application shall state the nature of the applicant's connection with the United Kingdom and Colonies.

3. If the application is intended to relate to any of the children of the applicant, it shall so state and the names, dates of birth and places of birth of the children in question shall be specified.

Regulation 9

SCHEDULE 8

BRITISH NATIONALITY ACT 1964, SECTION 1

Application for registration as a citizen of the United Kingdom and Colonies made by a person who has ceased to be a citizen of the United Kingdom and Colonies as a result of a declaration of renunciation for the purpose of remaining or becoming a citizen of a country mentioned in section 1(3) *of the Act of* 1948.

1. The application shall contain sufficient information to enable the authority to whom it is made (hereinafter referred to as "the appropriate authority") to satisfy himself that the applicant—

(*a*) has ceased to be a citizen of the United Kingdom and Colonies as a result of a declaration of renunciation made under section 19 of the Act of 1948;

(*b*) at the time of the declaration was, or was about to become, a citizen of a country mentioned in section 1(3) of the Act of 1948;

(*c*) either could not have remained or become such a citizen but for the declaration or had reasonable cause to believe that he would be deprived of his citizenship of that country unless he made the declaration;

(*d*) unless he makes such a statement as is mentioned in paragraph 4, has a qualifying connection (as defined in paragraph 2) with the United Kingdom and Colonies or a protectorate or protected state specified in the application, or, if the applicant is a woman, that she has been married to a person who has, or would, if living, have, such a connection;

(*e*) is of full capacity.

2. For the purpose of paragraph 1(*d*) a person has a qualifying connection—

(*a*) in relation to the United Kingdom and Colonies, if he, his father or his father's father—

(i) was born in the United Kingdom or a colony; or

(ii) is or was a person naturalised in the United Kingdom and Colonies; or

(iii) was registered as a citizen of the United Kingdom and Colonies; or

(iv) became a British subject by reason of the annexation of any territory included in a colony;

(*b*) in relation to a protectorate or protected state, if—

(i) he was born there; or

(ii) his father or his father's father was born there and is or at any time was a British subject.

3. Any reference in paragraph 1 or 2 to any country, or to countries or territories of any description, shall be construed as referring to that country or description as it exists at the date on which the application is made to the appropriate authority; and paragraph 2(*a*) does not apply to any person by virtue of any certificate of naturalisation granted or registration effected by the Governor or Government of a country or territory outside the United Kingdom which is not at that date a colony, protectorate or protected state.

4. If the applicant does not have a qualifying connection as defined in paragraph 2, the application shall state the factors which the applicant wishes the appropriate authority to take into account in considering the application.

Regulation 10

SCHEDULE 9

BRITISH NATIONALITY (NO. 2) ACT 1964, SECTION 1

Application for registration as a citizen of the United Kingdom and Colonies by certain stateless persons.

1. The application shall contain sufficient information to enable the authority to whom it is made to satisfy himself that the person in respect of whom it is made is and always has been stateless and is qualified for registration under section 1 of the No. 2 Act of 1964.

2. In the case of an application in respect of a minor by his parent or guardian the application shall state whether the applicant is a parent or guardian of the minor, and if he is a guardian, how he became such.

Regulation 11

SCHEDULE 10

BRITISH NATIONALITY ACT 1965, SECTION 1

Application for registration as a British subject made by an alien woman who has been married to a British subject.

1. The application shall contain sufficient information to enable the authority to whom it is made to satisfy himself that the applicant—

(*a*) is an alien, and

(*b*) has been married to a person who at the date of the application is, or but for his death would be, a British subject by virtue of section 2(1) of the Act of 1948 or a British subject without citizenship by virtue of section 13 or 16 of that Act.

2. The application shall state whether the applicant has ever been deprived of the status of British subject.

Regulations 13(1) and 17(1)

SCHEDULE 11

BRITISH NATIONALITY ACT 1948, SECTION 9
BRITISH NATIONALITY ACT 1948, SECTION 10
BRITISH NATIONALITY ACT 1965, SECTION 1

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 Successsors, 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.*]

Regulation 5

SCHEDULE 12

BRITISH NATIONALITY ACT 1948, SECTION 10
COMMONWEALTH IMMIGRANTS ACT 1962, SECTION 12(2)

Application for a certificate of naturalisation by an alien or British protected person.

1. The application shall show whether the applicant is a British protected person or an alien, and, if he is a British protected person, shall state the connection with a protectorate, protected state or other territory by virtue of which he is a British protected person.

2. The application shall contain sufficient evidence to enable the Secretary of State or the Governor, as the case may be, to satisfy himself that the applicant is of full age and capacity and possesses the requisite qualifications for naturalisation in respect of residence, Crown service, good character, knowledge of the English or other appropriate language and intention with respect of his residence or occupation in the event of a certificate being granted to him, and such further information as the Secretary of State or the Governor may require in order to determine whether the applicant is a fit and proper person to be granted a certificate of naturalisation.

Regulation 16(1)

SCHEDULE 13

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 [and the Commonwealth Immigrants Act 1962] 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 upon taking the oath of allegiance within the time and in the manner required by the regulations made in that behalf [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.....

Address .....

Place and date of birth.....

Nationality .....

Single, married, etc.....

Regulation 18

SCHEDULE 14

BRITISH NATIONALITY ACT 1948, SECTION 16(2)

Declaration of intention to resume British nationality made by a person who has ceased to be a British subject on the loss of British nationality by his father or mother.

1. The declaration shall contain sufficient information to enable the Secretary of State to satisfy himself—

(*a*) that the declarant's father or mother, as the case may be, ceased to be a British subject and as to how he or she ceased to be such;

(*b*) that the declarant thereby ceased to be a British subject by virtue of section 12(1) of the British Nationality and Status of Aliens Act 1914(a);

(*c*) that the declarant would, if he had not so ceased to be a British subject, at the time of the application be a citizen of the United Kingdom and Colonies or a British subject without citizenship under section 13 of the Act of 1948.

Regulation 19

SCHEDULE 15

CYPRUS ACT 1960, SECTION 4(2)

Declaration of intention to resume citizenship of the United Kingdom and Colonies.

1. The declaration shall contain sufficient information to enable the Secretary of State to satisfy himself that the declarant—

(*a*) was granted citizenship of the Republic of Cyprus in pursuance of an application made in accordance with section 4 or 5 of Annex D to the Treaty concerning the Establishment of the Republic of Cyprus before he attained the age of 16 years; and

(*b*) immediately before being granted such citizenship was a citizen of the United Kingdom and Colonies.

Regulation 21(1)

SCHEDULE 16

BRITISH NATIONALITY ACT 1948, SECTION 19
BRITISH NATIONALITY ACT 1964, SECTION 2

Declaration of renunciation of citizenship

1. The declaration shall contain sufficient information to enable the authority to whom it is made to satisfy himself that the declarant—

(a) 4 & 5 Geo. 5. c. 17.

(*a*) is a citizen of the United Kingdom and Colonies;

(*b*) is of full age and capacity;

(*c*) except where paragraph 2 applies, is a citizen or national of another country specified in the declaration.

2. If the declarant is not a citizen or national of another country the declaration shall state that to the best of his knowledge or belief he is about to become such a citizen or national and shall state the reasons for that belief.

Regulation 28(1)

SCHEDULE 17

TABLE OF FEES

Matter in which fee may be taken	Amount of fee	To whom fee is to be paid
	£	
Registration of a woman who is a British protected person or an alien as a citizen under s.6(2) of the British Nationality Act 1948.	2·00	Into the Exchequer in accordance with Treasury directions.
Registration of a woman as a British subject under s.1 of the British Nationality Act 1965	2·00	The same.
Registration of a minor who is a British protected person or an alien as a citizen under s.7 of the British Nationality Act 1948—		
Subject as hereinafter provided, where the minor is a British protected person;	7·50	The same.
Subject as hereinafter provided, where the minor is an alien;	15·00	The same.
If the application for the minor's registration was made at the same time as an application by one of his parents for a certificate of naturalisation;	2·00	The same.
If the application for the minor's registration was made at the same time as an application for the registration of another minor child of the same parent except in the case of the first child registered in pursuance of those applications.	2·00	The same.
Registration of a stateless person as a citizen under s.1 of the British Nationality (No. 2) Act 1964.	2·00	The same.
Grant of a certificate of naturalisation—		
To a British protected person;	15·00	The same.
To an alien.	30·00	The same.
Grant of a certificate of citizenship in case of doubt.	15·00	The same.

Matter in which fee may be taken	Amount of fee	To whom fee is to be paid
	£	
Witnessing the signing of an application or declaration mentioned in paragraph 4 of Schedule 1 to these Regulations.	0·25	In England or Northern Ireland if the application or declaration is witnessed, or the oath administered, by a commissioner or notary public to the commissioner or notary public.
Administering the oath of allegiance.	0·25	In Scotland, if the application or declaration is witnessed, or the oath administered, by a sheriff or sheriff-substitute, to the sheriff clerk or to any of his deputes, and if by a notary public, to the notary public.
Registration of a declaration of intention to resume British nationality.	2·00	Into the Exchequer in accordance with Treasury directions.
Registration of a declaration of renunciation of citizenship other than a declaration made in the circumstances mentioned in s.1(1)(*a*) of the British Nationality Act 1964.	2·00	The same.
Supplying a certified true copy of any notice, certificate, order, declaration or entry given, granted or made by or under the British Nationality Act 1948.	0·50	The same.

For the purposes of this Schedule—

(*a*) any reference to a child and his parent includes a reference to a step-child and his step-parent, to an illegitimate child and his mother and to an adopted child and his adoptive parent, and

(*b*) where two or more children of the same parent are registered on the same occasion, the eldest of those children shall be treated as the first child registered on that occasion.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations consolidate with amendments the British Nationality Regulations 1969 and the British Nationality (Amendment) Regulations 1970.

The principal changes relate to the requirements to be satisfied by an applicant for registration as a citizen of the United Kingdom and Colonies and take account of the provisions of Schedule 1 to the Immigration Act 1971 (1971 c.77). These provisions abolish the right to registration under section 6(1) of the British Nationality Act 1948 (except in the transitional cases allowed for in paragraph 2 of the Schedule) and insert a new section 5A in the Act of 1948 which, except for the transitional cases, replaces section 6(1). The Regulations also make changes in the requirements for taking an oath of allegiance to take account of the provisions of section 9 of the Act of 1948, as inserted by Appendix C to Schedule 1 to the Act of 1971, which requires such an oath to be taken by any person of full age and capacity registered under section 5A, 6 or 8 of the Act of 1948, section 1 of the British Nationality Act 1964 or section 1 of the British Nationality (No. 2) Act 1964 if he or she is not already a citizen of a country of which Her Majesty is Queen, or a British subject by virtue of section 1 of the British Nationality Act 1965.

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