
STATUTORY INSTRUMENTS

2018 No. 851

BRITISH NATIONALITY

**The British Nationality (General)
(Amendment) Regulations 2018**

<i>Made</i>	- - - -	<i>16th July 2018</i>
<i>Laid before Parliament</i>		<i>19th July 2018</i>
<i>Coming into force</i>	- -	<i>9th August 2018</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 41(1)(b) and (e) and (3) of the British Nationality Act 1981⁽¹⁾.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the British Nationality (General) (Amendment) Regulations 2018 and come into force on 9th August 2018.

(2) In these Regulations, “the 2003 Regulations” means the British Nationality (General) Regulations 2003⁽²⁾.

Applications

2.—(1) Regulation 3 of the 2003 Regulations is amended as follows.

(2) For paragraph (b) substitute—

“(b) satisfy the requirements of Part 1 of Schedule 1 and any applicable requirements of Part II or III of Schedule 1 and such further requirements, if any, as are specified in relation thereto in Schedule 2.”.

Service of a notice of proposed deprivation of citizenship

3. For regulation 10 of the 2003 Regulations substitute—

“10.—(1) Where it is proposed to make an order under section 40 of the Act depriving a person of a citizenship status, the notice required by section 40(5) of the Act to be given to the person may be—

(1) 1981 c. 61.
(2) S.I. 2003/548.

- (a) given to the person by hand;
- (b) sent by fax;
- (c) sent by email;
- (d) sent by courier;
- (e) sent by document exchange;
- (f) sent by post, whether or not delivery or receipt is recorded; or
- (g) sent by any of the means set out at (b) to (f) to—
 - (i) the person's representative; or
 - (ii) if the person is under 18, their parent or guardian.

(2) Where the notice is sent under paragraph (1)(b), it must be sent to a number provided by the person or the person's representative.

(3) Where the notice is sent under any one or more of paragraphs (1)(c) to (g), it must be sent—

- (a) to the address for correspondence provided by the person or the person's representative; or
- (b) where no such address has been provided, the person's last known address or the address of their representative.

(4) Where—

- (a) the person's whereabouts are not known; and
- (b) either—
 - (i) no address has been provided for correspondence and the Secretary of State does not know of any address which the person has used in the past; or
 - (ii) the address provided to the Secretary of State is defective, false or no longer in use by the person; and
- (c) no representative appears to be acting for the person or the address provided in respect of that representative is defective, false or no longer used by the representative,

the notice shall be deemed to have been given when the Secretary of State enters a record of the above circumstances and places the notice or a copy of it on the person's file.

(5) A notice required to be given by section 40(5) of the Act is, unless the contrary is proved, deemed to have been given—

- (a) where the notice is sent by fax, when it is sent;
- (b) where the notice is sent by email, when it is sent;
- (c) where the notice is sent by document exchange, on the day after the day on which it is sent;
- (d) where the notice is sent by post from and to a place within the United Kingdom, on the second day after the day on which it is sent;
- (e) where the notice is sent by post from or to a place outside the United Kingdom, on the twenty-eighth day after the day on which it is sent;
- (f) where the notice is sent by post where delivery or receipt is recorded, when the notice is recorded as having been delivered or received;
- (g) in any other case on the day on which the notice is delivered.

(6) In this regulation “representative” is a person who appears to the Secretary of State to be representing the person to whom the notice under section 40(5) of the Act is required to be given, and, where the notice is sent to the person’s representative by any of the means set out in paragraph (1), it is deemed to have been served on the person in accordance with that section.

(7) In this regulation—

“document exchange” means a document exchange providing a system of delivery of documents by reference to numbered boxes at document exchanges; and

“fax” means the making of a facsimile copy of a document by the transmission of electronic signals.”.

General requirements as respects applications

4.—(1) Schedule 1 to the 2003 Regulations is amended as follows.

(2) After paragraph 4, insert—

“PART III

Applications for a waiver on the basis of physical or mental condition

5.—(1) This paragraph applies where the applicant seeks a waiver under paragraph 2(1)(e) of Schedule 1 to the British Nationality Act 1981(3) on the basis of their physical or mental condition.

(2) A request made under paragraph (1) must be accompanied by—

- (a) a statement that the waiver applies and how it applies; and
- (b) written confirmation of the matters stated in the statement.

(3) The written confirmation required under sub-paragraph (2)(b) must be—

- (a) provided by a registered medical practitioner, who must confirm that the practitioner’s knowledge of the applicant’s age or physical or mental condition derives from having met the applicant in person, and provide the date of their last meeting with the applicant, and
- (b) made using the form which appears at Schedule 6 to these Regulations.”.

Waiver request for the life in the UK test

5. After Schedule 5 to the 2003 Regulations insert the Schedule 6 which is set out in the Schedule to these Regulations.

16th July 2018

Caroline Nokes
Minister of State
Home Office

(3) Paragraph 2 was amended by section 1 of the Nationality, Immigration and Asylum Act 2002 (c. 41). Other amendments have been made, but are not relevant to this instrument.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Regulation 5

This Schedule sets out the new Schedule 6 to the British Nationality (General) Regulations 2003 to be inserted after Schedule 5 to those Regulations—

Waiver request for the knowledge of language and life in the UK requirement – medical opinion

This form is to support a request for waiver from the knowledge of language and life in the UK requirement, for a person applying for settlement in the United Kingdom or naturalisation as a British citizen. It must be completed by a General Medical Council registered medical practitioner who is able to comment on the individual's condition.
Applicant's name:

Date of birth:

In your professional opinion please state:

1. What is the nature of the person's condition?
2. How does their condition impact on their daily life?
3. How would this condition prevent them from learning English? There are a number of ways to learn English, including classes and home study. The language requirement for citizenship and settlement is only for speaking and listening skills – not reading and writing.
4. How would this condition prevent them from studying for the knowledge of language and life in the UK test? The study materials are available in a number of formats including audio.
5. How would this condition prevent them from sitting the knowledge of language and life in the UK test or taking an English test? The knowledge of language and life in the UK test can be taken in an audio form, and that test centres can cater for a range of disabilities. It is computer-based and comprises 24 questions with multiple choice answers. Candidates are allowed 45 minutes and the pass mark is 18 correct answers.
6. In your opinion is this condition likely to improve sufficiently for them to be able to study and take the required tests? If so, is this likely to do so within the next 2 years?
7. In what capacity you have dealt with this person, for example as GP, consultant, other medical professional?
8. Have you worked professionally⁵ with this person other than for the purposes of this report, and over what period?

Please state your profession/qualifications and any registration number(s).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the British Nationality (General) Regulations 2003 ([S.I. 2003/548](#)) (the “2003 Regulations”).

Regulation 2 amends regulation 3 of the 2003 Regulations, as a consequence of the amendment made by regulation 4 of these Regulations, and requires applicants for registration as a British citizen, British Overseas citizen or British subject or for a certificate of naturalisation as a British citizen to comply with the provision introduced by regulation 4(3), if that person seeks a waiver from the knowledge of language and life in the UK requirement on the basis of their physical or mental condition.

Regulation 3 substitutes regulation 10 of the 2003 Regulations, updating the methods by which service of a notice proposing to deprive a person of citizenship under section 40 of the British Nationality Act 1981 (the Act) can be effected.

Regulation 4 amends Schedule 1 to the 2003 Regulations, and introduces a further Schedule to those Regulations. The amendment makes provision that, where a person seeks a waiver of the requirement for applicants for naturalisation as British citizens to demonstrate that they have sufficient knowledge of language or life in the UK, an application must be accompanied by written confirmation (in the form introduced to the 2003 Regulations as Schedule 6) from a registered medical practitioner that the waiver applies and how.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.