

**Status:** Point in time view as at 28/06/2022. This version of this schedule contains provisions that are prospective.

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## SCHEDULES

### SCHEDULE 1

#### REQUIREMENTS FOR NATURALISATION

##### Modifications etc. (not altering text)

- C1** Sch. 1 modified (7.11.2002, partly retrospective) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\), s. 11](#)

##### *Naturalisation as a British citizen under section 6(1)*

- 1 (1) Subject to paragraph 2, the requirements for naturalisation as a British citizen under section 6(1) are, in the case of any person who applies for it—
- (a) the requirements specified in sub-paragraph (2) of this paragraph, or the alternative requirement specified in sub-paragraph (3) of this paragraph; and
  - (b) that he is of good character; and
  - (c) that he has a sufficient knowledge of the English, Welsh or Scottish Gaelic language; and
  - [<sup>F1</sup>(ca) that he has sufficient knowledge about life in the United Kingdom; and]
  - (d) that either—
    - (i) his intentions are such that, in the event of a certificate of naturalisation as a British citizen being granted to him, his home or (if he has more than one) his principal home will be in the United Kingdom; or
    - (ii) he intends, in the event of such a certificate being granted to him, to enter into, or continue in, Crown service under the government of the United Kingdom, or service under an international organisation of which the United Kingdom or Her Majesty's government therein is a member, or service in the employment of a company or association established in the United Kingdom.
- (2) The requirements referred to in sub-paragraph (1)(a) of this paragraph are—
- (a) that the applicant was in the United Kingdom at the beginning of the period of five years ending with the date of the application, and that the number of days on which he was absent from the United Kingdom in that period does not exceed 450; and
  - (b) that the number of days on which he was absent from the United Kingdom in the period of twelve months so ending does not exceed 90; and
  - (c) that he was not at any time in the period of twelve months so ending subject under the immigration laws to any restriction on the period for which he might remain in the United Kingdom; and
  - (d) that he was not at any time in the period of five years so ending in the United Kingdom in breach of the immigration laws.

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- (3) The alternative requirement referred to in sub-paragraph (1)(a) of this paragraph is that on the date of the application he is serving outside the United Kingdom in Crown service under the government of the United Kingdom.

**Textual Amendments**  
**F1** Sch. 1 para. 1(1)(ca) inserted (1.11.2005) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), ss. [1\(1\)](#), [162\(1\)](#) (with s. 159); S.I. 2005/2782, [art. 3\(1\)](#) (subject to [art. 3\(2\)](#))

- 2 <sup>F2</sup>(1) If in the special circumstances of any particular case the Secretary of State thinks fit, he may for the purposes of paragraph 1 do all or any of the following things, namely—

- <sup>F3</sup>(za) treat the applicant as fulfilling the first requirement specified in paragraph 1(2)(a) although the applicant was not in the United Kingdom at the beginning of the period there mentioned;
- (a) treat the applicant as fulfilling the <sup>F4</sup>second requirement specified in paragraph 1(2)(a) or the requirement specified in] paragraph 1(2)(b), or both, although the number of days on which he was absent from the United Kingdom in the period there mentioned exceeds the number there mentioned;
- (b) treat the applicant as having been in the United Kingdom for the whole or any part of any period during which he would otherwise fall to be treated under paragraph 9(1) as having been absent;
- (c) disregard any such restriction as is mentioned in paragraph 1(2)(c), not being a restriction to which the applicant was subject on the date of the application;
- (d) treat the applicant as fulfilling the requirement specified in paragraph 1(2) (d) although he was in the United Kingdom in breach of the immigration laws in the period there mentioned;
- (e) waive the need to fulfil <sup>F5</sup>either or both of the requirements specified in paragraph 1(1)(c) and (ca)] if he considers that because of the applicant’s age or physical or mental condition it would be unreasonable to <sup>F6</sup>expect him to fulfil that requirement or those requirements].

<sup>F7</sup>(1A) Sub-paragraph (1B) applies where the applicant has indefinite leave to enter or remain in the United Kingdom.

(1B) The Secretary of State may for the purposes of paragraph 1 treat the applicant as fulfilling the requirement specified in paragraph 1(2)(d), without enquiring into whether or not the applicant was in the United Kingdom in breach of the immigration laws in the period there mentioned.

(1C) The reference in sub-paragraph (1A) to having indefinite leave to enter or remain is to be construed in accordance with the Immigration Act 1971.]

<sup>F8</sup>(2) .....

<sup>F9</sup>(3) .....

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### Textual Amendments

- F2** Sch. 1 para. 2 renumbered as Sch. 1 para. 2(1) (13.5.2014) by virtue of [Citizenship \(Armed Forces\) Act 2014 \(c. 8\)](#), [ss. 1\(2\)](#), [2\(2\)](#)
- F3** Sch. 1 para. 2(1)(za) inserted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\)](#), [s. 87\(1\)](#), [Sch. 1 para. 3\(2\)\(a\)](#); [S.I. 2022/590](#), [regs. 1\(2\)](#), [2](#), [Sch. 1 para. 8](#) (with [Sch. 2 para. 3](#))
- F4** Words in Sch. 1 para. 2(1)(a) substituted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\)](#), [s. 87\(1\)](#), [Sch. 1 para. 3\(2\)\(b\)](#); [S.I. 2022/590](#), [regs. 1\(2\)](#), [2](#), [Sch. 1 para. 8](#) (with [Sch. 2 para. 3](#))
- F5** Words in Sch. 1 para. 2(e) substituted (1.11.2005) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), [ss. 1\(2\)](#), [162\(1\)](#) (with [s. 159](#)); [S.I. 2005/2782](#), [art. 3\(1\)](#) (subject to [art. 3\(2\)](#))
- F6** Words in Sch. 1 para. 2(e) substituted (1.11.2005) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), [ss. 1\(2\)](#), [162\(1\)](#) (with [s. 159](#)); [S.I. 2005/2782](#), [art. 3\(1\)](#) (subject to [art. 3\(2\)](#))
- F7** Sch. 1 para. 2(1A)-(1C) inserted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\)](#), [s. 87\(1\)](#), [Sch. 1 para. 3\(2\)\(c\)](#); [S.I. 2022/590](#), [regs. 1\(2\)](#), [2](#), [Sch. 1 para. 8](#) (with [Sch. 2 para. 3](#))
- F8** Sch. 1 para. 2(2) omitted (28.6.2022) by virtue of [Nationality and Borders Act 2022 \(c. 36\)](#), [s. 87\(1\)](#), [Sch. 1 para. 3\(2\)\(d\)](#); [S.I. 2022/590](#), [regs. 1\(2\)](#), [2](#), [Sch. 1 para. 8](#) (with [Sch. 2 para. 3](#))
- F9** Sch. 1 para. 2(3) omitted (28.6.2022) by virtue of [Nationality and Borders Act 2022 \(c. 36\)](#), [s. 87\(1\)](#), [Sch. 1 para. 3\(2\)\(d\)](#); [S.I. 2022/590](#), [regs. 1\(2\)](#), [2](#), [Sch. 1 para. 8](#) (with [Sch. 2 para. 3](#))

### PROSPECTIVE

- [<sup>F10</sup>2A (1) A person has a qualifying immigration status for the purposes of paragraph 1(2) if the person has—
- (a) qualifying temporary residence leave;
  - (b) probationary citizenship leave;
  - (c) permanent residence leave;
  - (d) a qualifying CTA entitlement;
  - (e) a Commonwealth right of abode; or
  - (f) a temporary or permanent EEA entitlement.
- (2) A person who is required for those purposes to have a qualifying immigration status for the whole of the qualifying period need not have the same qualifying immigration status for the whole of that period.]

### Textual Amendments

- F10** Sch. 1 para. 2(A) inserted (prosp.) by [Borders, Citizenship and Immigration Act 2009 \(c. 11\)](#), [ss. 39\(11\)](#), [58](#)

### *Naturalisation as a British citizen under section 6(2)*

- 3 Subject to paragraph 4, the requirements for naturalisation as a British citizen under section 6(2) are, in the case of any person who applies for it—
- (a) that he was in the United Kingdom at the beginning of the period of three years ending with the date of the application, and that the number of days on which he was absent from the United Kingdom in that period does not exceed 270; and
  - (b) that the number of days on which he was absent from the United Kingdom in the period of twelve months so ending does not exceed 90; and

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- (c) that on the date of the application he was not subject under the immigration laws to any restriction on the period for which he might remain in the United Kingdom; and
- (d) that he was not at any time in the period of three years ending with the date of the application in the United Kingdom in breach of the immigration laws; and
- (e) the <sup>F11</sup>requirements specified in paragraph 1(1)(b), (c) and (ca) .

#### Textual Amendments

**F11** Words in Sch. 1 para. 3(e) substituted (28.7.2004) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), [ss. 2\(1\)\(a\)](#), 162 (with s. 159); S.I. 2004/1707, [art. 3](#)

4 Paragraph 2 shall apply in relation to paragraph 3 with the following modifications, namely—

- (a) <sup>F12</sup>[the references] to the purposes of paragraph 1 shall be read as <sup>F13</sup>[references] to the purposes of paragraph 3;
- (b) the references to paragraphs 1(2)(a), 1(2)(b) and 1(2)(d) shall be read as references to paragraphs 3(a), 3(b) and 3(d) respectively;
- (c) paragraph 2(c) <sup>F14</sup>. . . shall be omitted; and
- (d) after paragraph (e) there shall be added—
  - “(f) waive the need to fulfil all or any of the requirements specified in paragraph 3(a) and (b) if on the date of the application the person to whom the applicant is married <sup>F15</sup>[or of whom the applicant is the civil partner,] is serving in service to which section 2(1)(b) applies, that person’s recruitment for that service having taken place in the United Kingdom”

#### Textual Amendments

**F12** Words in Sch. 1 para. 4(a) substituted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\)](#), s. 87(1), [Sch. 1 para. 3\(3\)\(a\)](#); S.I. 2022/590, regs. 1(2), 2, Sch. 1 para. 8 (with Sch. 2 para. 3)

**F13** Word in Sch. 1 para. 4(a) substituted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\)](#), s. 87(1), [Sch. 1 para. 3\(3\)\(b\)](#); S.I. 2022/590, regs. 1(2), 2, Sch. 1 para. 8 (with Sch. 2 para. 3)

**F14** Words in Sch. 1 para. 4(c) omitted (28.7.2004) and repealed (prosp.) by virtue of [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), [ss. 2\(1\)\(b\)](#), 161, 162, [Sch. 9](#) (with s. 159); S.I. 2004/1707, [art. 3](#)

**F15** Words in Sch. 1 para. 4(d) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 261(1), 263, [Sch. 27 para. 78](#); S.I. 2005/3175, [art. 2\(2\)](#) (subject to art. 2(3)-(5))

PROSPECTIVE

<sup>F16</sup>4A (1) Subject to paragraph 3(5), a person has a qualifying immigration status for the purposes of paragraph 3 if the person has—

- (a) qualifying temporary residence leave based on a relevant family association;
- (b) probationary citizenship leave based on a relevant family association;
- (c) permanent residence leave based on a relevant family association;
- (d) a qualifying CTA entitlement; or

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(e) a Commonwealth right of abode.

- (2) For the purposes of paragraph 3 and this paragraph, the leave mentioned in sub-paragraph (1)(a), (b) or (c) is based on a relevant family association if it was granted on the basis of the person having a relevant family association.
- (3) A person who is required for the purposes of paragraph 3 to have, for the whole of the qualifying period, a qualifying immigration status and a relevant family association need not, for the whole of that period—
- (a) have the same qualifying immigration status; or
  - (b) (subject to paragraph 3(5)) have the same relevant family association.
- (4) Where, by virtue of sub-paragraph (3)(a), a person relies upon having more than one qualifying immigration status falling within sub-paragraph (1)(a), (b) or (c)—
- (a) subject to paragraph 3(5), it is not necessary that the leave to which each status relates is based on the same relevant family association, and
  - (b) in a case where paragraph 3(5) applies, the relationship by reference to which the persons referred to in paragraph 3(5) are partners need not be of the same description in respect of each grant of leave.]

#### Textual Amendments

**F16** Sch. 1 para. 4A inserted (prosp.) by Borders, Citizenship and Immigration Act 2009 (c. 11), ss. 40(5), 58

PROSPECTIVE

*[<sup>F17</sup>The qualifying period for naturalisation as a British citizen under section 6*

#### Textual Amendments

**F17** Sch. 1 para. 4B inserted (prosp.) by Borders, Citizenship and Immigration Act 2009 (c. 11), ss. 41(1), 58

- 4B (1) The qualifying period for the purposes of paragraph 1 or 3 is a period of years which ends with the date of the application in question.
- (2) The length of the period is determined in accordance with the following provisions of this paragraph.
- (3) In the case of an applicant who does not meet the activity condition, the number of years in the period is—
- (a) 8, in a case within paragraph 1;
  - (b) 5, in a case within paragraph 3.
- (4) In the case of an applicant who meets the activity condition, the number of years in the period is—
- (a) 6, in a case within paragraph 1;
  - (b) 3, in a case within paragraph 3.
- (5) The applicant meets the activity condition if the Secretary of State is satisfied that the applicant—

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- (a) has participated otherwise than for payment in prescribed activities; or
- (b) is to be treated as having so participated.]

*Naturalisation as a <sup>F18</sup>British overseas territories citizen] under section 18(1)*

#### Textual Amendments

**F18** Words in *Sch. 1 para. 5* cross-heading substituted (26.2.2002) by *British Overseas Territories Act 2002 (c. 8), s. 2(2)(b)*

- 5 (1) Subject to paragraph 6, the requirements for naturalisation as a <sup>F19</sup>British overseas territories citizen] under section 18(1) are, in the case of any person who applies for it—
- (a) the requirements specified in sub-paragraph (2) of this paragraph, or the alternative requirement specified in sub-paragraph (3) of this paragraph; and
  - (b) that he is of good character; and
  - (c) that he has a sufficient knowledge of the English language or any other language recognised for official purposes in the relevant territory; and
  - (d) that either—
    - (i) his intentions are such that, in the event of a certificate of naturalisation as a <sup>F19</sup>British overseas territories citizen] being granted to him, his home or (if he has more than one) his principal home will be in the relevant territory; or
    - (ii) he intends, in the event of such a certificate being granted to him, to enter into, or continue in, Crown service under the government of that territory, or service under an international organisation of which that territory or the government of that territory is a member, or service in the employment of a company or association established in that territory.
- (2) The requirements referred to in sub-paragraph (1)(a) of this paragraph are—
- (a) that he was in the relevant territory at the beginning of the period of five years ending with the date of the application, and that the number of days on which he was absent from that territory in that period does not exceed 450; and
  - (b) that the number of days on which he was absent from that territory in the period of twelve months so ending does not exceed 90; and
  - (c) that he was not at any time in the period of twelve months so ending subject under the immigration laws to any restriction on the period for which he might remain in that territory; and
  - (d) that he was not at any time in the period of five years so ending in that territory in breach of the immigration laws.
- (3) The alternative requirement referred to in sub-paragraph (1)(a) of this paragraph is that on the date of the application he is serving outside the relevant territory in Crown service under the government of that territory.



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### Textual Amendments

**F19** Words in Sch. 1 para. 5 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 2\(2\)\(b\)](#)

6 <sup>F20</sup>(1) If in the special circumstances of any particular case the Secretary of State thinks fit, he may for the purposes of paragraph 5 do all or any of the following things, namely—

- <sup>F21</sup>(za) treat the applicant as fulfilling the first requirement specified in paragraph 5(2)(a) although the applicant was not in the relevant territory at the beginning of the period there mentioned;
- (a) treat the applicant as fulfilling the <sup>F22</sup>second requirement specified in paragraph 5(2)(a) or the requirement specified in] paragraph 5(2)(b), or both, although the number of days on which he was absent from the relevant territory in the period there mentioned exceeds the number there mentioned;
- (b) treat the applicant as having been in the relevant territory for the whole or any part of any period during which he would otherwise fall to be treated under paragraph 9(2) as having been absent;
- (c) disregard any such restriction as is mentioned in paragraph 5(2)(c), not being a restriction to which the applicant was subject on the date of the application;
- (d) treat the applicant as fulfilling the requirement specified in paragraph 5(2) (d) although he was in the relevant territory in breach of the immigration laws in the period there mentioned;
- (e) waive the need to fulfil the requirement specified in paragraph 5(1)(c) if he considers that because of the applicant's age or physical or mental condition it would be unreasonable to expect him to fulfil it.

### Textual Amendments

**F20** Sch. 1 para. 6 renumbered as Sch. 1 para. 6(1) (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\), s. 87\(1\), Sch. 1 para. 3\(4\)\(a\)](#); S.I. 2022/590, regs. 1(2), 2, Sch. 1 para. 8 (with Sch. 2 para. 3)

**F21** Sch. 1 para. 6(1)(za) inserted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\), s. 87\(1\), Sch. 1 para. 3\(4\)\(b\)](#); S.I. 2022/590, regs. 1(2), 2, Sch. 1 para. 8 (with Sch. 2 para. 3)

**F22** Words in Sch. 1 para. 6(1)(a) substituted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\), s. 87\(1\), Sch. 1 para. 3\(4\)\(c\)](#); S.I. 2022/590, regs. 1(2), 2, Sch. 1 para. 8 (with Sch. 2 para. 3)

*Naturalisation as a <sup>F23</sup>British overseas territories citizen] under section 18(2)*

### Textual Amendments

**F23** Words in Sch. 1 para. 7 cross-heading substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 2\(2\)\(b\)](#)

7 Subject to paragraph 8, the requirements for naturalisation as a <sup>F24</sup>British overseas territories citizen] under section 18(2) are, in the case of any person who applies for it—

- (a) that he was in the relevant territory at the beginning of the period of three years ending with the date of the application, and that the number of days on which he was absent from that territory in that period does not exceed 270; and

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- (b) that the number of days on which he was absent from that territory in the period of twelve months so ending does not exceed 90; and
- (c) that on the date of the application he was not subject under the immigration laws to any restriction on the period for which he might remain in that territory; and
- (d) that he was not at any time in the period of three years ending with the date of the application in that territory in breach of the immigration laws; and
- (e) the <sup>F25</sup>requirements specified in paragraph 5(1)(b) and (c)].

#### Textual Amendments

- F24** Words in Sch. 1 para. 7 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 2\(2\)\(b\)](#)
- F25** Words in Sch. 1 para. 7(e) substituted (28.7.2004) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\), ss. 2\(2\)\(a\), 162 \(with s. 159\); S.I. 2004/1707, art. 3](#)

8 Paragraph 6 shall apply in relation to paragraph 7 with the following modifications, namely—

- (a) [<sup>F26</sup>the references] to the purposes of paragraph 5 shall be read as [<sup>F27</sup>references] to the purposes of paragraph 7;
- (b) the references to paragraphs 5(2)(a), 5(2)(b) and 5(2)(d) shall be read as references to paragraphs 7(a), 7(b) and 7(d) respectively;
- (c) paragraph 6(c) <sup>F28</sup>. . . shall be omitted; and
- (d) after paragraph (e) there shall be added—
  - “(f) waive the need to fulfil all or any of the requirements specified in paragraph 7(a) and (b) if on the date of the application the person to whom the applicant is married [<sup>F29</sup>, or of whom the applicant is the civil partner,] is serving in service to which section 16(1)(b) applies, that person’s recruitment for that service having taken place in a [<sup>F30</sup>British overseas territory].”

#### Textual Amendments

- F26** Words in Sch. 1 para. 8(a) substituted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\), s. 87\(1\), Sch. 1 para. 3\(5\)\(a\); S.I. 2022/590, regs. 1\(2\), 2, Sch. 1 para. 8 \(with Sch. 2 para. 3\)](#)
- F27** Word in Sch. 1 para. 8(a) substituted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\), s. 87\(1\), Sch. 1 para. 3\(5\)\(b\); S.I. 2022/590, regs. 1\(2\), 2, Sch. 1 para. 8 \(with Sch. 2 para. 3\)](#)
- F28** Words in Sch. 1 para. 8(c) omitted (28.7.2004) and repealed (prosp.) by virtue of [Nationality, Immigration and Asylum Act 2002 \(c. 41\), ss. 2\(2\)\(b\), 161, 162, Sch. 9 \(with s. 159\); S.I. 2004/1707, art. 3](#)
- F29** Words in Sch. 1 para. 8(d) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\), ss. 261\(1\), 263, Sch. 27 para. 78; S.I. 2005/3175, art. 2\(2\) \(subject to art. 2\(3\)-\(5\)\)](#)
- F30** Words in Sch. 1 para. 8 substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\), s. 1\(1\)\(b\)](#)



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*Periods to be treated as periods of absence from U.K. or a <sup>F31</sup>British overseas territory]*

**Textual Amendments**

**F31** Words in Sch. 1 para. 9 cross-heading substituted (26.2.2002) by [British Overseas Territories Act 2002](#) (c. 8), {1(1)(b)}

- 9 (1) For the purposes of this Schedule a person shall (subject to paragraph 2(b)) be treated as having been absent from the United Kingdom during any of the following periods, that is to say—
- (a) any period when he was in the United Kingdom and either was entitled to an exemption under section 8(3) or (4) of the <sup>M1</sup>Immigration Act 1971 (exemptions for diplomatic agents etc. and members of the forces) or was a member of the family and formed part of the household of a person so entitled;
  - (b) any period when he was detained—
    - (i) in any place of detention in the United Kingdom in pursuance of a sentence passed on him by a court in the United Kingdom or elsewhere for any offence;
    - (ii) in any hospital in the United Kingdom under a hospital order made under <sup>F32</sup>Part III of the Mental Health Act 1983] or section 175 or 376 of the <sup>M2</sup>Criminal Procedure (Scotland) Act 1975 or Part III of the Mental Health <sup>F33</sup>(Northern Ireland) Order 1986], being an order made in connection with his conviction of an offence; or
    - (iii) under any power of detention conferred by the immigration laws of the United Kingdom;
  - (c) any period when, being liable to be detained as mentioned in paragraph (b) (i) or (ii) of this sub-paragraph, he was unlawfully at large or absent without leave and for that reason liable to be arrested or taken into custody;
  - (d) any period when, his actual detention under any such power as is mentioned in paragraph (b)(iii) of this sub-paragraph being required or specifically authorised, he was unlawfully at large and for that reason liable to be arrested.
- (2) For the purposes of this Schedule a person shall (subject to paragraph 6(b)) be treated as having been absent from any particular <sup>F34</sup>British overseas territory] during any of the following periods, that is to say—
- (a) any period when he was in that territory and either was entitled to an exemption under the immigration laws of that territory corresponding to any such exemption as is mentioned in sub-paragraph (1)(a) or was a member of the family and formed part of the household of a person so entitled;
  - (b) any period when he was detained—
    - (i) in any place of detention in the relevant territory in pursuance of a sentence passed on him by a court in that territory or elsewhere for any offence;
    - (ii) in any hospital in that territory under a direction (however described) made under any law for purposes similar to, <sup>F35</sup>Part III of the Mental Health Act 1983] which was for the time being in force in that territory, being a direction made in connection with his conviction of an offence and corresponding to a hospital order under that Part; or

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- (iii) under any power of detention conferred by the immigration laws of that territory;
- (c) any period when, being liable to be detained as mentioned in paragraph (b) (i) or (ii) of this sub-paragraph, he was unlawfully at large or absent without leave and for that reason liable to be arrested or taken into custody;
- (d) any period when, his actual detention under any such power as is mentioned in paragraph (b)(iii) of this sub-paragraph being required or specifically authorised, he was unlawfully at large and for that reason liable to be arrested.

#### Textual Amendments

- F32** Words substituted by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), s. 148, [Sch. 4 para. 60\(a\)](#)
- F33** Words substituted by [S.I. 1986/596](#), [art. 8](#)
- F34** Words in [Sch. 1 para. 9\(2\)](#) substituted (26.2.2002) by [British Overseas Territories Act 2002 \(c. 8\)](#), [s. 1\(1\)\(b\)](#)
- F35** Words substituted by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), s. 148, [Sch. 4 para. 60\(b\)](#)

#### Marginal Citations

- M1** 1971 c. 77.
- M2** 1975 c. 21.

#### Interpretation

- 10 In this Schedule “the relevant territory” has the meaning given by section 18(3).

#### PROSPECTIVE

- <sup>F36</sup>11 (1) This paragraph applies for the purposes of this Schedule.
- (2) A person has qualifying temporary residence leave if—
  - (a) the person has limited leave to enter or remain in the United Kingdom, and
  - (b) the leave is granted for a purpose by reference to which a grant of probationary citizenship leave may be made.
- (3) A person has probationary citizenship leave if—
  - (a) the person has limited leave to enter or remain in the United Kingdom, and
  - (b) the leave is of a description identified in rules under section 3 of the Immigration Act 1971 as “probationary citizenship leave”,
 and the reference in sub-paragraph (2) to a grant of probationary citizenship leave is to be construed accordingly.
- (4) A person has permanent residence leave if the person has indefinite leave to enter or remain in the United Kingdom.
- (5) A person has a qualifying CTA entitlement if the person—
  - (a) is a citizen of the Republic of Ireland,
  - (b) last arrived in the United Kingdom on a local journey (within the meaning of the Immigration Act 1971) from the Republic of Ireland, and

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- (c) on that arrival, was a citizen of the Republic of Ireland and was entitled to enter without leave by virtue of section 1(3) of the Immigration Act 1971 (entry from the common travel area).
- (6) A person has a Commonwealth right of abode if the person has the right of abode in the United Kingdom by virtue of section 2(1)(b) of the Immigration Act 1971.
- (7) A person has a permanent EEA entitlement if the person is entitled to reside in the United Kingdom permanently by virtue of any provision made under section 2(2) of the European Communities Act 1972.
- (8) A person has a temporary EEA entitlement if the person does not have a permanent EEA entitlement but is entitled to reside in the United Kingdom by virtue of any provision made under section 2(2) of the European Communities Act 1972.
- (9) A reference in this paragraph to having leave to enter or remain in the United Kingdom is to be construed in accordance with the Immigration Act 1971.]

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**Textual Amendments**

**F36** Sch. 1 para. 11 inserted (prosp.) by [Borders, Citizenship and Immigration Act 2009 \(c. 11\)](#), ss. **49(3)**, 58

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**Changes to legislation:**

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