

SCHEDULES

SCHEDULE 1

Sections 6 and 18.

REQUIREMENTS FOR NATURALISATION

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
 - (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.
- (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.
- 2 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—

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- (a) treat the applicant as fulfilling the requirement specified in paragraph 1(2)(a) or 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 the requirement specified in paragraph 1(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.

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
- (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 requirement specified in paragraph 1(1)(b).

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

- (a) the reference to the purposes of paragraph 1 shall be read as a reference 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) and (e) 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 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.”.

Status: This is the original version (as it was originally enacted).

Naturalisation as a British Dependent Territories citizen under section 18(1)

- 5 (1) Subject to paragraph 6, the requirements for naturalisation as a British Dependent 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 British Dependent 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.
- 6 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—
- (a) treat the applicant as fulfilling the requirement specified in paragraph 5(2) (a) or 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 ;

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- (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.

Naturalisation as a British Dependent Territories citizen under section 18(2)

7 Subject to paragraph 8, the requirements for naturalisation as a British Dependent 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
- (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 requirement specified in paragraph 5(1)(b).

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

- (a) the reference to the purposes of paragraph 5 shall be read as a reference 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 1(d) respectively ;
- (c) paragraph 6(c) and (e) 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 is serving in service to which section 16(1)(b) applies, that person's recruitment for that service having taken place in a dependent territory.”.

Periods to be treated as periods of absence from U.K. or a dependent territory

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 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—

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- (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 Part V of the Mental Health Act 1959 or section 175 or 376 of the Criminal Procedure (Scotland) Act 1975 or Part III of the Mental Health Act (Northern Ireland) 1961, 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 dependent 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 Part V of the Mental Health Act 1959 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
 - (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 (6)(iii) of this sub-paragraph being required or specifically authorised, he was unlawfully at large and for that reason liable to be arrested.

Interpretation

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