

British Nationality (Regularisation of Past Practice) Bill

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Home Office, are published separately as Bill 313—EN.

EUROPEAN CONVENTION ON HUMAN RIGHTS

Secretary Suella Braverman has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the British Nationality (Regularisation of Past Practice) Bill are compatible with the Convention rights.

British Nationality (Regularisation of Past Practice) Bill

[AS INTRODUCED]

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[AS INTRODUCED]

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BILL

TO

Make provision for immigration restrictions to be disregarded for the purposes of the British Nationality Act 1981 in historical cases in which such restrictions were in practice disregarded.

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Immigration restrictions to be disregarded in certain cases

- (1) In the British Nationality Act 1981, after section 50A insert—

“50B Immigration restrictions to be disregarded in certain cases

- (1) A person exercising a freedom of movement right at any time falling within the remedial period is treated for the purposes of this Act as not subject at that time under the immigration laws to any restriction on the period for which they may remain in the United Kingdom. 5 10
- (2) In this section—
- “freedom of movement right” means—
- (a) a right to reside in Great Britain and Northern Ireland that arises under or by virtue of— 15
- (i) section 2(1) or (2) of the European Communities Act 1972, or 20
- (ii) any other enactment so far as passed or made, or operating, for a purpose

mentioned in section 2(2)

(a) or (b) of that Act, or

- (b) a right to reside in any of the Islands that is conferred by reference to, or that otherwise corresponds to or is similar to, a right within paragraph (a);

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“the remedial period” means—

- (a) where the freedom of movement right is a right to reside in Great Britain and Northern Ireland, the period beginning with 1 January 1983 and ending with 1 October 2000;

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- (b) where the freedom of movement right is a right to reside in the Bailiwick of Guernsey, the period beginning with 1 August 1993 and ending with 30 September 2004;

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- (c) where the freedom of

movement right is a right to reside in the Bailiwick of Jersey, the period beginning with 1 January 1983 and ending with 8 February 2004;

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(d) where the freedom of movement right is a right to reside in the Isle of Man, the period beginning with 1 October 1994 and ending with 1 October 2000.”

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(2) The provision inserted by subsection (1) is treated as always having had effect.

2 Extent and short title

(1) This Act extends to England and Wales, Scotland, Northern Ireland, the Channel Islands, the Isle of Man, and the British overseas territories.

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(2) This Act may be cited as the British Nationality (Regularisation of Past Practice) Act 2023.

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Make provision for immigration restrictions to be disregarded for the purposes of the British Nationality Act 1981 in historical cases in which such restrictions were in practice disregarded.

*Presented by Secretary Suella Braverman
supported by The Prime Minister and Robert
Jenrick*

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