

**EXPLANATORY MEMORANDUM TO
THE CITIZENSHIP OATH AND PLEDGE (WELSH LANGUAGE)
ORDER 2007**

2007 No. 1484

1. This explanatory memorandum has been prepared by Home Office and is laid before Parliament by Command of Her Majesty.

2. **Description**

All adults who are successful in applying for British citizenship must, as the final step in the process, make a citizenship oath (or affirmation) and pledge, usually at a citizenship ceremony. This Order will enable prospective British citizens in Wales to make the oath (or affirmation) and pledge in Welsh rather than English, if they wish to do so.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None

4. **Legislative Background**

4.1 The power to prescribe, by order, a Welsh language alternative to any form of words prescribed by statute is contained in section 26 of the Welsh Language Act 1993. That section enables the order to further prescribe in what circumstances, and subject to what conditions (if any), the Welsh language alternative may be used.

4.2 Paragraph 1 of schedule 5 to the British Nationality Act 1981 prescribes the form of the citizenship oath and pledge for registration or naturalisation as a British citizen. Section 6 of the Oaths Act 1978 makes provision for the form of affirmation which may be made in place of an oath.

5. **Extent**

5.1 This instrument applies to the United Kingdom.

6. **European Convention on Human Rights**

The Minister of State, Liam Byrne, has made the following statement regarding Human Rights:

“In my view the provisions of the Citizenship Oath and Pledge (Welsh Language) Order 2007 are compatible with the Convention rights.”

7. Policy background

7.1 All adults who are successful in applying for British citizenship must, as the final step in the process, make a citizenship oath (or affirmation) and pledge. This usually takes place in the context of a citizenship ceremony, although the requirement to attend a ceremony may be disapplied in exceptional cases.

7.2 As the law currently stands, the citizenship oath and pledge must be made in English in all cases. This is considered to be at odds with the fact that an applicant for naturalisation as a British citizen may qualify on the basis of his or her knowledge of the Welsh language and the fact that local authorities are encouraged to give a “local flavour” to citizenship ceremonies that they host. It is also in keeping with the spirit of the Welsh Language Act that its provisions should be used to prescribe a Welsh alternative to the form of words in the British Nationality Act.

7.3 This Order prescribes a Welsh language alternative to the citizenship oath and pledge prescribed by the British Nationality Act 1981, and the form of affirmation prescribed by section 6 of the Oaths Act 1978, which can be used, *should an applicant wish to*, when the oath (or affirmation) and pledge are made in Wales.

7.4 The decision to make the Order is supported by the Welsh Assembly Government, but (since prospective citizens in Wales will not be *obliged* to make the citizenship oath/affirmation and pledge in Welsh) no wider consultation has taken place.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

Anthony Pilgrim at the Border and Immigration Agency of the Home Office (Tel: 0151 237 5312 or e-mail: anthony.pilgrim@homeoffice.gsi.gov.uk) can answer any queries regarding the instrument.