

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



REPUBLIEK VAN SUID-AFRIKA

# STAATSKOERANT

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# GOVERNMENT GAZETTE

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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1449.

29 Junie 1990

No. 1449.

29 June 1990

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

⚔ No. 74 van 1990: Wet op Reëling van Suid-Afrikaanse Burgerskap by Onafhanklikwording van Namibië, 1990.

No. 74 of 1990: South African Citizenship at Attainment of Independence by Namibia Regulation Act, 1990.

SOUTH AFRICAN CITIZENSHIP AT ATTAINMENT OF  
INDEPENDENCE BY NAMIBIA REGULATION ACT, 1990

Act No. 74, 1990

**ACT**

To regulate South African citizenship of certain persons at the attainment of independence by Namibia; and to provide for matters connected therewith.

*(English text signed by the State President.)*  
*(Assented to 21 June 1990.)*

**B**E IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

**Definitions**

1. In this Act, unless the context otherwise indicates—
- 5 “Minister” means the Minister of Home Affairs;  
“ordinary residence” means ordinary residence within the meaning of the expression as it appears in paragraph (d) of section 10 (1) of the South African Citizenship Act, 1949 (Act No. 44 of 1949);  
10 “the territory” means the Republic of Namibia which is known in the South African Citizenship Act, 1949 (Act No. 44 of 1949), as the territory of South West Africa.

**Loss of South African citizenship**

2. (1) Notwithstanding anything to the contrary contained in any other law, any South African citizen who on 21 March 1990 has ordinary residence in the territory  
15 shall, with effect from that date, cease to be a South African citizen: Provided that a person who was born in the Republic, or a natural parent or grandparent of whom was born in the Republic, shall not cease to be a South African citizen.

(2) The Minister may at any time in his discretion—

- 20 (a) exempt any person or category of persons, or any category of persons with the exclusion therefrom of a particular person or particular persons, for a specified or unspecified period unconditionally or on such conditions as he may think fit from the provisions of subsection (1); and  
(b) withdraw any exemption granted under paragraph (a) to any category of persons or to any person, whether as an individual or as a member of a  
25 category of persons.

(3) Any person or category of persons in respect of whom the Minister granted an exemption under subsection (2) (a) shall not cease or shall be deemed not to have ceased to be a South African citizen.

**Citizenship by birth after 21 March 1990**

- 30 3. Notwithstanding anything to the contrary contained in the South African Citizenship Act, 1949 (Act No. 44 of 1949), no person born in the territory on or after 21 March 1990, shall be a South African citizen by birth.

SOUTH AFRICAN CITIZENSHIP AT ATTAINMENT OF  
INDEPENDENCE BY NAMIBIA REGULATION ACT, 1990

Act No. 74, 1990

**Certificate of naturalization**

4. (1) The Minister may, *mutatis mutandis* in accordance with the provisions of subsection (1) (a), (c), (e), (f), (g) and (h) of section 10 of the South African Citizenship Act, 1949 (Act No. 44 of 1949), grant a certificate of naturalization as a
- 5 South African citizen to a person who has ceased by virtue of section 2 to be a South African citizen, if such a person—
- (a) is ordinarily resident in the Republic and has been so resident for a continuous period of not less than six months immediately preceding the date of his application; and
- 10 (b) was resident in the Republic for a further period of not less than two years during the four years immediately preceding the date of his application.
- (2) The provisions of section 10 (2), (3), (4), (5), (7), (9), (11), (12), (13) and (14) and section 11 (1) of the South African Citizenship Act, 1949, shall *mutatis mutandis* apply to any application referred to in subsection (1).

**15 Short title and commencement**

5. This Act shall be called the South African Citizenship at Attainment of Independence by Namibia Regulation Act, 1990, and shall be deemed to have come into operation on 21 March 1990.