

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.



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

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OFFICE OF THE PRIME MINISTER

KANTOOR VAN DIE EERSTE MINISTER

No. 2338. 6 November 1981.

No. 2338. 6 November 1981.

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

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

95 of 1981: South African Citizenship Amendment Act, 1981.

No. 95 van 1981: Wysigingswet op Suid-Afrikaanse Burgerskap, 1981.

Act No. 95, 1981

SOUTH AFRICAN CITIZENSHIP AMENDMENT ACT, 1981

GENERAL EXPLANATORY NOTE:

[Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the South African Citizenship Act, 1949, so as to provide that certain children born in the Republic shall upon adoption by South African citizens become South African citizens by descent; to limit the language requirement to be complied with for the obtaining of South African citizenship by naturalization to the ability to speak either of the official languages of the Republic; to lower the age limit for the automatic acquisition by virtue of permanent residence of such citizenship; to provide for the withdrawal of a declaration that the declarant does not wish to become a South African citizen or that the declarant desires a minor of whom he is the parent or guardian not to become such a citizen; to authorize the Minister to direct that a South African citizen who, while outside the Republic, acquires the citizenship of another country by a voluntary and formal act, shall retain his South African citizenship; to repeal the provision, now fallen into disuse, which authorizes the Minister to deprive a certain person of his South African citizenship in certain circumstances; to delete the provision requiring the giving of notice of the intention to apply for a certificate of naturalization; to delete the provision relating to the keeping of a register of certificates of naturalization and registration; and to do away with the requirement relating to the payment of fees in respect of the performance of certain acts under the Act; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 15 October 1981.)*

BE IT ENACTED by the State President and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of section 3 of Act 44 of 1949, as amended by section 3 of Act 64 of 1961.

1. Section 3 of the South African Citizenship Act, 1949 (hereinafter referred to as the principal Act), is hereby amended by the addition of the following subsection:

“(3) A person born in the Republic out of wedlock of a mother who at the time of his birth—

(a) was not a prohibited immigrant; and

(b) had no right of permanent residence in the Republic, shall, if he is adopted by a South African citizen in accordance with the Children's Act, 1960 (Act No. 33 of 1960), be a South African citizen.”

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Amendment of section 10 of Act 44 of 1949, as amended by section 9 of Act 64 of 1961, section 20 of Act 69 of 1962 and section 3 of Act 23 of 1964.

2. Section 10 of the principal Act is hereby amended—

- (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:
 “The Minister may, upon application in the prescribed form [and subject to the provisions of section *twenty-nine*], grant a certificate of naturalization as a South African citizen to any alien who satisfies the Minister that—”;
- (b) by the substitution for paragraph (g) of subsection (1) of the following paragraph: 10
 “(g) he is able to [read and write] speak either of the official languages of the Union to the satisfaction of the Minister [or, if he has been ordinarily resident in the Union for a period of not less than twenty years he is able to read and speak either of the official languages of the Union to the satisfaction of the Minister]; and”;
- (c) by the substitution for subsection (3)*ter* of the following subsection:
 “(3)*ter* If an applicant is able to [read and write] speak both official languages of the Union to the satisfaction of the Minister, the Minister may grant a certificate of naturalization to him, notwithstanding the fact that the applicant had been resident in the Union for a period of only three years during the eight years immediately preceding the date of his application.”; 25
- (d) by the deletion of subsection (11)*bis*.

Amendment of section 11A of Act 44 of 1949, as inserted by section 1 of Act 53-of 1978.

3. Section 11A of the principal Act is hereby amended—

- (a) by the substitution for paragraph (a) of subsection (1) of the following paragraph: 30
 “(a) is not older than [25] 23 years.”; and
- (b) by the insertion after subsection (3) of the following subsection:
 “(3A) Any person who made a declaration in terms of subsection (1) may withdraw that declaration with the consent of the Minister and subject to the conditions determined by the Minister, and if such declaration is so withdrawn— 35
 (a) the provisions of this section shall apply with reference to such person, and any minor on whose behalf that declaration has been made, as if that declaration had not been made; 40
 (b) such person shall be deemed to be in possession of a permit issued to him in terms of section 4 of the Aliens Act, 1937; and 45
 (c) such person shall be deemed to have been in possession of such a permit during the period from the date on which he made that declaration to the date on which that declaration is withdrawn in terms of this section.”; and 50
- (c) by the substitution for subsection (4) of the following subsection:
 “(4) If a declaration contemplated in subsection (1) has been made by or on behalf of a minor, he may at any time during a period of three months after attaining majority make a declaration in the prescribed form stating that he wishes to become a South African citizen, and thereupon [the provisions of subsection (3) (b) and (c) shall cease to apply in respect of him]— 55
 (a) the provisions of subsection (1) shall apply in respect of such person as if the first-mentioned declaration had not been made on his behalf; 60
 (b) he shall be deemed to be in possession of a permit issued to him in terms of section 4 of the Aliens Act, 1937; and 65

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(c) he shall, notwithstanding the provisions of subsection (3), be deemed to have been in possession of such a permit during the period from the date on which the first-mentioned declaration was made on his behalf to the date on which he made the declaration in accordance with this section." 5

Amendment of section 15 of Act 44 of 1949, as substituted by section 10 of Act 64 of 1961.

4. Section 15 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

"(a) he, whilst outside the Union, and not being a minor, 10 by some voluntary and formal act, other than marriage, acquires the citizenship or nationality of a country other than the Union, unless the Minister directs otherwise; or".

Amendment of section 19 of Act 44 of 1949, as amended by section 22 of Act 69 of 1962.

5. Section 19 of the principal Act is hereby amended by the 15 substitution for subsection (1) of the following subsection:

"(1) A South African citizen by registration or naturalization shall cease to be a South African citizen if deprived thereof by an order under this section [or under section 20 twenty].". 20

Repeal of section 20 of Act 44 of 1949.

6. Section 20 of the principal Act is hereby repealed.

Amendment of section 21 of Act 44 of 1949, as amended by section 15 of Act 64 of 1961 and section 1 of Act 30 of 1980.

7. Section 21 of the principal Act is hereby amended—

(a) by the deletion of subsection (2); and
(b) by the substitution for paragraph (a) of subsection (4) 25 of the following paragraph:

"(a) Whenever a person ceases to be a South African citizen under the provisions of section 16, 19, 19bis [20] or 20bis, he shall for the purposes of the Aliens Act, 1937, be deemed to be an alien who is not in possession or is not deemed to be in 30 possession of a permit referred to in section 4 or 5 of that Act.".

Repeal of section 26 of Act 44 of 1949.

8. Section 26 of the principal Act is hereby repealed.

Amendment of section 27 of Act 44 of 1949, as amended by section 17 of Act 64 of 1961.

9. Section 27 of the principal Act is hereby amended by the 35 substitution for subsection (1) of the following subsection:

"(1) The Minister may on the application of any person [and on payment of the prescribed fee,] cause to be issued to that person a certificate in respect of the status of any person who to his satisfaction is, or was, a South African citizen." 40

Substitution of section 28 of Act 44 of 1949.

10. The following section is hereby substituted for section 28 of the principal Act:

"Production of evidence. 28. The Minister may call for the production of such evidence of citizenship as he deems fit before authorizing the issue of [any copy or] any certificate 45 in terms of section [twenty-six or] 27.".

Repeal of section 29 of Act 44 of 1949.

11. Section 29 of the principal Act is hereby repealed.

Amendment of section 30 of Act 44 of 1949.

12. Section 30 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) Any person may make representations to the 50 Minister with regard to any person who has applied [or advertised his intention to apply] for a certificate of registration or naturalization.".

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Amendment of section 39 of Act 44 of 1949, as amended by section 22 of Act 64 of 1961 and section 25 of Act 69 of 1962.

13. Section 39 of the principal Act is hereby amended—
(a) by the deletion of paragraph (a) of subsection (1); and
(b) by the deletion of paragraph (c) of subsection (1).

Amendment of section 40 of Act 44 of 1949, as amended by section 26 of Act 69 of 1962.

14. Section 40 of the principal Act is hereby amended by the deletion of paragraph (e).

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Short title.

15. This Act shall be called the South African Citizenship Amendment Act, 1981.