

No. 44, 1949.]

ACT

To make provision for South African Citizenship and for matters incidental thereto.

(Afrikaans Text signed by the Governor-General.)
(Assented to 29th June, 1949.)

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly, of the Union of South Africa, as follows:—

PART I.

DEFINITIONS.

Definitions.

1. (1) In this Act, unless the context otherwise indicates—
 - (i) "alien" means a person who is not a South African citizen, a citizen of a Commonwealth country or a citizen of the Republic of Ireland; (xi)
 - (ii) "Commonwealth country" means a country other than the Union which is a member of the Commonwealth and includes Southern Rhodesia; (iv)
 - (iii) "father", in relation to an illegitimate child, includes the mother of that child; (vii)
 - (iv) "Minister" means the Minister of the Interior; (iii)
 - (v) "minor" or "minor child" means a person who has not attained the age of twenty-one years; (ii)
 - (vi) "prescribed" means prescribed by regulations made under this Act; (ix)
 - (vii) "prior law" means the British Nationality in the Union and Naturalization and Status of Aliens Act, 1926 (Act No. 18 of 1926), or any law repealed by that Act; (x)
 - (viii) "responsible parent", in relation to a child, means the father of that child or, if the custody of that child has been awarded to the mother by the order of a competent court, or the father is dead, or the child is illegitimate and resides with the mother, the mother of that child; (viii)
 - (ix) "the United Kingdom and Colonies" includes the Channel Islands and the Isle of Man; (i)
 - (x) "Union" includes any part of South Africa now included in the Union and (except in sections *two* and *five*) also the territory of South-West Africa; (v)
 - (xi) "Union national" means a person who, immediately prior to the date of commencement of this Act, was a Union national in terms of the Union Nationality and Flags Act, 1927 (Act No. 40 of 1927), or the Nationalization and Amnesty Act, 1932 (Act No. 14 of 1932), and "Union nationality" has a corresponding meaning. (vi)
- (2) For the purposes of this Act—
 - (a) a person born aboard a registered ship or aircraft shall be deemed to have been born at the place where the ship or aircraft is registered, and a person born aboard an unregistered ship or aircraft belonging to the Government of any country shall be deemed to have been born in that country;
 - (b) the United Kingdom and Colonies shall be deemed to constitute one country.

PART II.

SOUTH AFRICAN CITIZENSHIP.

Citizenship by Birth.

Persons born in the Union or South-West Africa prior to date of commencement of this Act.

2. (1) Every person born in the Union prior to the date of commencement of this Act who was or is, in terms of subsection (3) of this section or section *thirteen*, deemed to have been, a Union national immediately prior to that date, shall be a South African citizen.
- (2) Every person born in South-West Africa on or after the date of commencement of the British Nationality in the Union and Naturalization and Status of Aliens Act, 1926 (Act No. 18 of 1926), but prior to the date of commencement of this Act and

who was, immediately prior to the date of commencement of this Act, domiciled in the Union or South-West Africa, shall be a South African citizen.

(3) Any person born in the Union prior to the date of commencement of this Act who would but for the provisions of section *one* of the Naturalization and Status of Aliens Amendment Act, 1942 (Act No. 35 of 1942), have been a Union national immediately prior to the date of commencement of this Act, shall, for the purposes of sub-section (1), be deemed to have been a Union national on that date.

Persons born in the Union after date of commencement of this Act.

3. (1) Every person born in the Union on or after the date of commencement of this Act who is not a prohibited immigrant under any law relating to immigration shall, subject to the provisions of sub-section (2), be a South African citizen.

(2) No person shall be a South African citizen by virtue of sub-section (1) if, at the time of his birth—

- (a) his father enjoyed diplomatic immunity in the Union and was not a South African citizen; or
- (b) his father was an enemy alien and the birth occurred at a place under occupation by the enemy and his mother was not a South African citizen; or
- (c) his father was an enemy alien without the right of permanent residence in the Union and was interned or detained in custody in the Union and his mother was not a South African citizen; or
- (d) his father was a prohibited immigrant under the law then in force in the Union.

South African citizens by birth.

4. (1) Every person who is a South African citizen by virtue of the provisions of section *two* or *three* shall, subject to the provisions of sub-section (2) of this section, be a South African citizen by birth.

(2) No person who—

- (a) after having ceased to be a Union national, has at any time prior to the date of commencement of this Act, again acquired Union nationality in consequence of naturalization as a British subject; or
- (b) after having ceased to be a South African citizen, at any time again acquires South African citizenship by registration or naturalization in the Union,

shall be a South African citizen by birth.

Citizenship by Descent.

Persons born outside Union prior to date of commencement of this Act.

5. (1) A person born outside the Union prior to the date of commencement of this Act, other than a person referred to in sub-section (2) of section *two*, shall be a South African citizen if his father was at the time of his birth a British subject under the law then in force in the Union, and he fulfils any one of the following conditions, that is to say, if either—

- (a) his father was born in the Union; or
- (b) his father was, at the time of the birth, a person to whom a naturalization certificate had been granted in the Union; or
- (c) his father had acquired British nationality by reason of the annexation of the territories of the South African Republic and the Republic of the Orange Free State; or
- (d) his father was, at the time of the birth, in the service of the Government of the Union; or
- (e) his father was, at the time of the birth, domiciled in the Union or South-West Africa.

(2) A person who, immediately prior to the date of commencement of this Act, was a Union national by virtue of the provisions of paragraph (d) of section *one* of the Union Nationality and Flags Act, 1927 (Act No. 40 of 1927), but whose father was not, at the time of such person's birth, a British subject under the law then in force in the Union, shall be a South African citizen if he would have been such a citizen by virtue of the provisions of sub-section (1) of this section if his father had, at the time of the birth, been a British subject under the law then in force in the Union.

(3) A person other than a person referred to in sub-section (1) or (2), who immediately prior to the date of commencement of this Act, was a Union national by virtue of the provisions of

paragraph (d) of section *one* of the Union Nationality and Flags Act, 1927, and who—

- (a) had at any time prior to the date of commencement of this Act, been lawfully admitted to the Union or South-West Africa for permanent residence therein; or
- (b) is the holder of a valid South African passport; or
- (c) is the minor child of a person referred to in paragraph (b),

shall be a South African citizen.

(4) No person who, immediately prior to the date of commencement of this Act, was neither a Union national nor a British subject under the law then in force in the Union, shall be a South African citizen by virtue of the provisions of this section.

(5) No person who, immediately prior to the date of commencement of this Act, was a British subject by naturalization under the law then in force in the Union shall, unless he is a South African citizen by virtue of the provisions of sub-section (2) or (3), be a South African citizen by virtue of the provisions of this section.

Persons born outside Union after date of commencement of this Act.

6. (1) A person born outside the Union on or after the date of commencement of this Act shall, subject to the provisions of sub-section (2), be a South African citizen if—

- (a) his father was, at the time of such person's birth, a South African citizen and he fulfils any one of the following conditions, that is to say, if either—
 - (i) his father was a South African citizen by birth, registration or naturalization; or
 - (ii) his father was a South African citizen by descent and was born in South-West Africa; or
 - (iii) his father was, at the time of the birth, in the service of the Government of the Union; or
 - (iv) his father was, at the time of the birth, ordinarily resident in the Union; and
- (b) his birth is, within one year thereof or such longer period as the Minister may in the special circumstances of the case approve, registered at a Union consulate or such other place as may be prescribed.

(2) Notwithstanding the provisions of sub-section (1), no person who, after the date of commencement of this Act, is born in any Commonwealth country and whose father is not in the service of the Government of the Union or of a person or association of persons resident or established in the Union, or not ordinarily resident in the Union shall, if under the law of that country he becomes a citizen of that country at birth, be a South African citizen.

South African citizens by descent.

7. (1) Every person who is a South African citizen by virtue of the provisions of section *five* or *six* shall, subject to the provisions of sub-section (2), be a South African citizen by descent.

(2) No person who, after having ceased to be a South African citizen, at any time again acquires South African citizenship by registration or naturalization in the Union, shall be a South African citizen by descent.

Citizenship by Registration.

Certificates of registration.

8. (1) The Minister may, upon application in the prescribed form, grant a certificate of registration as a South African citizen to any person who is a citizen of any Commonwealth country or of the Republic of Ireland, provided he satisfies the Minister that—

- (a) he is not a minor; and
- (b) he has been lawfully admitted to the Union for permanent residence therein; and
- (c) he is ordinarily resident in the Union and that he has been so resident for a continuous period of not less than one year immediately preceding the date of his application and that he has, in addition, been resident in the Union for a further period of not less than four years during the six years immediately preceding the date of his application; and
- (d) he is of good character; and
- (e) he intends to continue to reside in the Union or to enter or continue in the service of the Government of the Union, or of an international organization of which the Government of the Union is a member, or of a

person or association of persons resident or established in the Union; and

- (f) he is able to read and write 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
- (g) he has an adequate knowledge of the responsibilities and privileges of South African citizenship.

(2) Any period during which an applicant for registration has been employed outside the Union in the service of the Government of the Union (otherwise than as a person engaged locally) or on a ship or aircraft registered in and operating from the Union, and any period during which a woman who is an applicant for registration has been resident outside the Union with her husband while the latter was so employed, shall, for the purposes of sub-section (1), be regarded as a period of residence in the Union.

(3) No period during which an applicant for registration is confined in any prison, gaol, reformatory or other place of detention established by or under any law, or in any internment camp, prisoner-of-war camp or mental institution in the Union or during which his residence in the Union is under any law in force in the Union either conditional or temporary shall, for the purposes of sub-section (1), be regarded as a period of residence in the Union.

(4) The Minister may, notwithstanding the provisions of sub-section (1), upon application in the prescribed form by the responsible parent or the guardian of a minor child whose father is a South African citizen by birth, descent or registration, or a citizen of a Commonwealth country, grant to that minor child, if he is not already a South African citizen, a certificate of registration as a South African citizen if the Minister is satisfied that the child concerned has been lawfully admitted to the Union for permanent residence therein.

(5) The Minister may, notwithstanding the provisions of sub-section (1), upon application in the prescribed form, grant a certificate of registration as a South African citizen to a married woman who is not an alien and who satisfies the Minister that—

- (a) she is the wife of a South African citizen; and
- (b) she has been lawfully admitted to the Union for permanent residence therein; and
- (c) she has resided with her husband in the Union for a period of not less than two years.

(6) The Minister may, in such cases as he thinks fit, grant an application for a certificate of registration notwithstanding the fact that the applicant, if he had previously been a South African citizen or a Union national, had not been resident in the Union for the additional period of not less than four years during the six years immediately preceding the date of his application as required by paragraph (c) of sub-section (1).

(7) The Minister may waive the requirements of paragraph (f) of sub-section (1) in relation to an applicant who satisfies the Minister that he had previously been a South African citizen or a Union national.

(8) If a person to whom a certificate of registration has been granted under this section is not a citizen of a Commonwealth country and has attained the age of fourteen years, no certificate of registration shall be issued to him until he has, within a period of three months from the date of notification of the grant of the certificate, taken the oath of allegiance set forth in the First Schedule before one of such persons as may be prescribed.

(9) The Minister may require any person who has applied for a certificate of registration to appear personally before him or a person designated by him.

(10) The grant of a certificate of registration shall be in the absolute discretion of the Minister and he may, without assigning any reason, grant or refuse a certificate as he thinks most conducive to the public good, and no appeal shall lie from his decision.

South African
citizens by
registration.

9. (1) A person to whom a certificate of registration has been granted under section *eight* shall, from the date of the issue of the certificate, be a South African citizen by registration.

(2) A person, other than a person referred to in section *four* or *seven*, who, immediately prior to the date of commencement of this Act, was a British subject by reason of the

annexation of the territories of the South African Republic and the Republic of the Orange Free State or became a Union national by virtue of the provisions of the Nationalization and Amnesty Act, 1932 (Act No. 14 of 1932), shall be a South African citizen and shall for the purposes of this Act be deemed to be a South African citizen by registration.

(3) A person, other than a person referred to in sub-section (2) of section *eleven*, who, immediately prior to the date of commencement of this Act, was a Union national by virtue of domicile in the Union, shall be a South African citizen and shall for the purposes of this Act be deemed to be a South African citizen by registration.

Citizenship by Naturalization.

Certificates of naturalization.

10. (1) 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—

- (a) he is not a minor; and
- (b) he has filed in the office of the Minister, not less than one year and not more than six years before the date of his application, a written declaration of his intention to apply for a certificate of naturalization; and
- (c) he has been lawfully admitted to the Union for permanent residence therein; and
- (d) he is ordinarily resident in the Union and that he has been so resident for a continuous period of not less than one year immediately preceding the date of his application, and that he has, in addition, been resident in the Union for a further period of not less than five years during the seven years immediately preceding the date of his application; and
- (e) he is of good character; and
- (f) he intends to continue to reside in the Union or to enter or continue in the service of the Government of the Union or of an international organization of which the Government of the Union is a member, or of a person or association of persons resident or established in the Union; and
- (g) he is able to read and write 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
- (h) he has an adequate knowledge of the responsibilities and privileges of South African citizenship.

(2) Any period during which an applicant for naturalization has been employed outside the Union in the service of the Government of the Union (otherwise than as a person engaged locally) or on a ship or aircraft registered in and operating from the Union, and any period during which a woman who is an applicant for naturalization has been resident outside the Union with her husband while the latter was so employed, shall, for the purposes of sub-section (1), be regarded as a period of residence in the Union.

(3) No period during which an applicant for naturalization is confined in any prison, gaol, reformatory or other place of detention established by or under any law or in any internment camp, prisoner-of-war camp or mental institution in the Union or during which his residence in the Union is under any law in force in the Union, either conditional or temporary shall, for the purposes of sub-section (1), be regarded as a period of residence in the Union.

(4) The Minister may, notwithstanding the provisions of sub-section (1), upon application in the prescribed form by the responsible parent or the guardian of a minor child who is permanently and lawfully resident in the Union, grant to that minor child a certificate of naturalization as a South African citizen.

(5) Where an application for naturalization under the British Nationality in the Union and Naturalization and Status of Aliens Act, 1926 (Act No. 18 of 1926), was made to the Minister before the date of commencement of this Act but was not disposed of before that date and the person to whom the application relates satisfies the Minister that he has, at the date of the

application, complied with the requirements of sections *two* and *nineteen* of the first-mentioned Act, the Minister may notwithstanding the provisions of sub-section (1) of this section, grant to the person concerned, or to his wife or minor child covered by the application, a certificate of naturalization as a South African citizen.

(6) The Minister may, notwithstanding the provisions of sub-section (1), upon application in the prescribed form, grant a certificate of naturalization as a South African citizen to a married woman who is an alien and who satisfies the Minister that—

- (a) she is the wife of a South African citizen; and
- (b) she has been lawfully admitted to the Union for permanent residence therein; and
- (c) she has resided with her husband in the Union for a period of not less than three years.

(7) Where an application for a certificate of naturalization is made within two years after the date of commencement of this Act, the Minister may grant the application notwithstanding the fact that the requirements of paragraph (b) of sub-section (1) have not been complied with.

(8) The Minister may, in such cases as he thinks fit, grant an application for a certificate of naturalization notwithstanding the fact that the applicant, if he had previously been a South African citizen or a Union national, has not been resident in the Union for the additional period of not less than five years during the seven years immediately preceding the date of his application as required by paragraph (d) of sub-section (1).

(9) The Minister may waive the requirements of paragraph (g) of sub-section (1) in relation to an applicant who satisfies the Minister that he had previously been a South African citizen or a Union national.

(10) The requirements of paragraph (g) of sub-section (1) shall not apply in relation to an applicant who is a person to whom the provisions of sub-section (1) of section *one* of the Naturalization and Status of Aliens Amendment Act, 1942 (Act No. 35 of 1942), applied.

(11) A certificate of naturalization shall not be issued to any person over the age of fourteen years until that person has, within a period of three months from the date of notification of the grant of the certificate, taken the oath of allegiance set forth in the First Schedule before one of such persons as may be prescribed.

(12) The Minister may require any person who has applied for a certificate of naturalization to appear personally before him or a person designated by him.

(13) If the Minister has refused an application for a certificate of naturalization by or on behalf of any person, the Minister shall not, until the expiration of a period of at least one year from the date upon which the person concerned was advised of the Minister's decision, reconsider that application or consider another application for a certificate of naturalization by or on behalf of that person.

(14) The grant of a certificate of naturalization shall, subject to the provisions of sub-section (13), be in the absolute discretion of the Minister and he may, without assigning any reason, grant or refuse a certificate as he thinks most conducive to the public good, and no appeal shall lie from his decision.

11. (1) A person to whom a certificate of naturalization has been granted under section *ten* shall, with effect from the date of the issue of the certificate, be a South African citizen by naturalization.

(2) A person who, immediately prior to the date of commencement of this Act, was a British subject by virtue of his naturalization in the Union, shall be a South African citizen and shall for the purposes of this Act be deemed to be a South African citizen by naturalization.

PART III.

MARRIED WOMEN.

12. A married woman shall, subject to the provisions of this Act, be capable of acquiring and losing South African citizenship in all respects as if she were an unmarried person, and no woman shall acquire or lose South African citizenship by reason merely of a marriage contracted by her.

13. A woman who was a Union national or a British subject whilst she was unmarried and who, in consequence of her marriage to any person prior to the date of commencement of this Act, ceased at the time of the marriage or during the subsistence thereof, to be a Union national or, as the case may be, a British subject and who would, but for such marriage, still

South African citizens by naturalization.

Marriage of a woman does not affect citizenship.

Women who ceased to be Union nationals or British subjects by reason of marriage.

have been a Union national or, as the case may be, a British subject immediately prior to the date of commencement of this Act, shall, for the purposes of this Act, be deemed to have been a Union national or, as the case may be, a British subject immediately prior to the said date.

Status of certain married women.

14. (1) A woman who—

- (a) in consequence of her marriage to a person who was a British subject by virtue of his naturalization in the Union or a Union national, was immediately prior to the date of commencement of this Act, a British subject or, as the case may be, a Union national; or
- (b) is in terms of section *thirteen* deemed to have been, immediately prior to the date of commencement of this Act, a British subject or a Union national; and
- (c) is not by virtue of the provisions of section *two* or *five* a South African citizen by birth or descent,

shall be a South African citizen under this section and shall for the purposes of this Act be deemed to be a South African citizen by registration: Provided that if she originally acquired Union or British nationality in consequence of or by naturalization, or if, as the case may be, her husband was a British subject by virtue of his naturalization in the Union, she shall for the purposes of this Act be deemed to be a South African citizen by naturalization.

(2) The provisions of sub-section (1) shall not apply to a woman who has not, at any time prior to the date of commencement of this Act, been lawfully admitted to the Union for permanent residence therein.

PART IV.

LOSS OF CITIZENSHIP.

Loss of South African citizenship by persons who, whilst outside the Union, acquire the citizenship or nationality of another country.

15. A South African citizen who whilst outside the Union, and not being a minor, by some voluntary and formal act, other than marriage, acquires the citizenship or nationality of a country other than the Union, shall thereupon cease to be a South African citizen.

Renunciation of citizenship.

16. (1) A South African citizen who acquires the citizenship or nationality of any country other than the Union whilst a minor or in consequence of marriage, may at any time after attaining the age of twenty-one years or, as the case may be, during the subsistence of the marriage or thereafter, make a declaration in the prescribed form renouncing his South African citizenship.

(2) A person who became a South African citizen by reason of the issue of a certificate of registration or naturalization granted to him while he was a minor may, at any time within a period of twelve months after attaining the age of twenty-one years, make a declaration in the prescribed form renouncing his South African citizenship.

(3) A person who is a South African citizen by virtue of the provisions of sub-section (2) of section *two* or sub-section (3) of section *nine* may, at any time within a period of twelve months after the date of commencement of this Act, make a declaration in the prescribed form renouncing his South African citizenship.

(4) Whenever the wife of any person who has ceased to be a South African citizen under the provisions of this Part acquires, under the law of a country other than the Union, the citizenship or nationality of her husband, she may, at any time after acquiring that citizenship or nationality, make a declaration in the prescribed form renouncing her South African citizenship.

(5) The Minister shall upon receipt by him cause to be registered in the manner prescribed every declaration made under this section and thereupon the person who made the declaration shall cease to be a South African citizen.

Loss of citizenship by residence outside the Union.

17. (1) A South African citizen by registration or naturalization shall cease to be a South African citizen if he resides outside the Union for a continuous period of at least seven years exclusive of any period during which—

- (a) he so resides in the service of the Government of the Union; or
- (b) he so resides as the representative or employee of a person or association of persons resident or established in the Union, or in the service of an international organization of which the Government of the Union is a member; or
- (c) in the case of a wife or minor child of a person referred to in paragraph (a) or (b), such wife or child so resides with such person; or
- (d) in the case of the wife or minor child of a person who is a South African citizen by birth or descent, such wife or child so resides with such person; or
- (e) he has at least once in every year registered in the prescribed manner at a Union consulate or such other place as may be prescribed, his intention to retain his South African citizenship.

(2) Whenever a person ceases under sub-section (1) to be a South African citizen, his minor children who are South African citizens by registration or naturalization shall also cease to be South African citizens if the other parent of such children is not, or does not remain, a South African citizen.

(3) A child who has ceased to be a South African citizen under sub-section (2) and who is resident in the Union or has returned to the Union for permanent residence therein, may within one year after attaining the age of twenty-one years, make a declaration in the prescribed form that he wishes to resume South African citizenship, and upon registration of the declaration in the prescribed manner, shall resume his former South African citizenship.

(4) The provisions of this section shall not apply in relation to a person who is a South African citizen by virtue of the provisions of sub-section (2) or (3) of section *nine*, other than a person who acquired Union nationality in consequence of naturalization as a British subject.

Loss of South African citizenship by certain persons resident outside the Union.

18. A person who is a South African citizen under sub-section (3) of section *five* (other than a person referred to in paragraph (a) of that sub-section) shall cease to be a South African citizen—

- (a) in the case of the holder of a valid South African passport, upon the expiration of the period of validity of his passport unless he has, before the expiration of the period of validity of his passport, lawfully entered the Union for permanent residence therein; and
- (b) in the case of the minor child of the holder of a valid South African passport, upon the expiration of the period of validity of the relevant passport or upon the expiration of a period of one year after he has attained the age of twenty-one years, whichever is the earlier, unless he has, before the expiration of the period of validity of the relevant passport or, as the case may be, before he has attained the age of twenty-one years, lawfully entered the Union for permanent residence therein.

Deprivation of citizenship.

19. (1) A South African citizen by registration or naturalization shall cease to be a South African citizen if deprived thereof by an order made under this section or under section *twenty*.

(2) The Minister may by order deprive any South African citizen by registration or naturalization of his South African citizenship if he is satisfied that the certificate of registration or naturalization was obtained by means of fraud, false representation or the concealment of a material fact.

(3) Subject to the provisions of this section, the Minister may by order deprive any South African citizen, by registration or naturalization, of his South African citizenship if he is satisfied that such citizen—

- (a) if outside the Union, has shown himself by act or speech to be disloyal or disaffected towards His Majesty; or
- (b) if in the Union, has been convicted of high treason, *crimen laesae majestatis*, sedition or public violence; or
- (c) has, during any war in which the Union is or has been engaged, unlawfully traded or communicated with an

enemy or been engaged in or associated with any business which was to his knowledge carried on in such a manner as to assist an enemy in that war; or

(d) has, within five years of the date of the grant of the certificate of registration or naturalization, been sentenced in any country to a period of imprisonment of not less than twelve months or to a fine of not less than one hundred pounds or the equivalent thereof: Provided that a sentence as aforesaid imposed by a court of any enemy country in time of war for an offence of a political character shall not be a ground for deprivation.

(4) Before making an order under this section or under section *twenty*, the Minister may, if he thinks fit, refer the matter to an enquiry as hereinafter provided, and if the order is proposed to be made on any of the grounds specified in sub-section (2) or paragraph (a) or (c) of sub-section (3), the Minister shall give the person in respect of whom the order is proposed to be made, notice in writing addressed to his last known place of residence, informing him of the grounds on which the order is proposed to be made and giving him an opportunity of claiming that the matter be referred to an enquiry, and if the person concerned so claims within a period of six months of the date of the notice, the Minister shall refer the matter to an enquiry as hereinafter provided.

(5) Any person in respect of whom an order is proposed to be made shall, if he is in the Union, be entitled to appear personally or by counsel or attorney on his behalf, or, if he is outside the Union, by counsel or attorney on his behalf, at any enquiry, held under sub-section (4).

(6) An enquiry under sub-section (4) shall be held by a committee of not more than three persons including the chairman, constituted for the purpose by the Minister, presided over by a person, appointed by the Minister, who is or has been a judge of the Supreme Court of South Africa or of the High Court of South-West Africa: Provided that any such enquiry may, if the Minister thinks fit, be held by any provincial division of the Supreme Court of South Africa or by the High Court of South-West Africa.

(7) The provisions of the Commissions Act, 1947 (Act No. 8 of 1947), except section *one* thereof, shall apply with reference to any committee constituted under sub-section (6) of this section: Provided that any reference in the said Act to the secretary of a commission shall in its application with reference to a committee constituted under sub-section (6) of this section, be deemed to be a reference to the chairman of such a committee.

(8) Whenever the Minister deprives a person of his South African citizenship under this section or section *twenty*, that person shall cease to be a South African citizen with effect from such date as the Minister may direct and thereupon the certificate of registration or naturalization or any other certificate issued under this Act in relation to the status of the person concerned, shall be surrendered to the Minister and cancelled, and any person who refuses or fails on demand to surrender any such certificate which he has in his possession, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding six months.

(9) The provisions of this section shall not apply in relation to a person who is a South African citizen by virtue of the provisions of sub-section (2) or (3) of section *nine*, other than a person who acquired Union nationality in consequence of naturalization as a British subject.

(10) A member of a committee constituted under sub-section (6) may be paid such remuneration for his services as the Minister may, in consultation with the Minister of Finance, determine.

Deprivation of South African citizenship of persons deprived of citizenship elsewhere.

20. Whenever a person who was a citizen by naturalization of any Commonwealth country or of the Republic of Ireland has been deprived of such citizenship on grounds which, in the opinion of the Minister, are substantially similar to the grounds specified in sub-section (2) or (3) of section *nineteen* then, if that person is a South African citizen, the Minister may by order made under this section deprive him of his South African citizenship if the Minister is satisfied that it is not conducive to the public good that that person should continue to be a South African citizen.

Status of persons who cease to be South African citizens.

21. (1) Whenever a person ceases to be a South African citizen under the provisions of section *nineteen*, he shall be regarded as having the citizenship or nationality which he had before he became a South African citizen.

(2) Whenever a person ceases to be a South African citizen under the provisions of section *twenty*, he shall be regarded as having the nationality which he had before he became a citizen by naturalization in the Commonwealth country concerned or in the Republic of Ireland.

Saving of obligations incurred before loss of citizenship.

22. Whenever a person ceases to be a South African citizen he shall not thereby be discharged from any obligation, duty or liability in respect of any act done before he ceased to be a South African citizen.

PART V.

MISCELLANEOUS.

British subjects without citizenship.

23. (1) A person who, immediately prior to the date of commencement of this Act—

(a) was a British subject under the law then in force in the Union; and

(b) is not a South African citizen under this Act; and

(c) is not a citizen of one or other Commonwealth country, shall, until he becomes a South African citizen, a citizen of one or other Commonwealth country or a citizen of the Republic of Ireland or of any other country, be deemed, for the purposes of this Act, to be a citizen of a Commonwealth country, and if he was under the said law a natural-born British subject, he shall be so deemed to be such a citizen by virtue of birth or descent.

(2) A person who, on or after the date of commencement of this Act, is born outside the Union and becomes a British subject under the law in force in any Commonwealth country but does not become a citizen of that country under the law then in force therein or a South African citizen under this Act, shall, until he becomes a South African citizen, a citizen of one or other Commonwealth country or a citizen of the Republic of Ireland or of any other country, be deemed, for the purposes of this Act, to be a citizen of a Commonwealth country, and if he is under such law a natural-born British subject, he shall be so deemed to be such a citizen by virtue of birth or descent.

Posthumous children.

24. Any reference in this Act to the status or description of the father of a person at the time of that person's birth shall, in relation to a person born after the death of his father, be construed as a reference to the status or description of the father at the time of the father's death, and where the death occurred prior to, and the birth occurred after, the date of commencement of this Act, the status or description which would have been applicable to the father if he had died after that date shall be deemed to be the status or description applicable to him at the time of his death.

Grant of certificate of citizenship in cases of doubt.

25. (1) The Minister may in such cases as he thinks fit, grant to any person with respect to whose South African citizenship a doubt exists, a certificate that he is a South African citizen.

(2) Before granting any certificate under sub-section (1), the Minister may require the person concerned to comply with such provisions of this Act as the Minister may direct.

(3) The Minister may in any certificate under sub-section (1) describe the person to whom it relates as a South African citizen by birth, descent, registration or naturalization, as he deems fit.

(4) A certificate granted under this section shall, unless it is proved that it was obtained by means of fraud, false representation or the concealment of some material fact, be conclusive evidence that the person to whom it relates was a South African citizen by birth, descent, registration or naturalization, as the case may be, at the date of the issue of the certificate, but shall not be deemed to imply any admission that the person to whom it is granted was not previously a South African citizen.

Copies of certificates.

26. The Minister may, on the application of any person, and on payment of the prescribed fee, cause to be issued to such person a certified copy of any certificate issued under section *twenty-five* or of any certificate of registration or naturalization issued under this Act or a prior law.

Certificates of South African citizenship.

27. (1) The Minister shall 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.

(2) A certificate under sub-section (1) shall indicate whether the person in respect of whom it is issued, is or was at the date or for the period mentioned therein, a South African citizen by birth, descent, registration or naturalization, without prejudice to any evidence that he was at any other date or during any other period a South African citizen as mentioned therein.

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 in terms of section *twenty-six* or *twenty-seven*.

Applicants for naturalization must comply with certain requirements.

29. (1) Subject to the provisions of this section, every applicant for a certificate of naturalization under section *ten* shall—

(a) in the declaration of intention to apply for a certificate of naturalization filed in terms of paragraph (b) of sub-section (1) of that section, set forth his full name, birthplace, date of birth, occupation, residential address and such other particulars as may be prescribed or as the Minister may from time to time require; and

(b) not less than one month and not more than six months before he makes application for naturalization to the Minister, cause to be published in the *Gazette* in both the official languages and in one Afrikaans and one English newspaper circulating in the district in which he ordinarily resides, a notice in the prescribed form of his intention to apply under this Act for a certificate of naturalization; and

(c) produce in support of his application proof that he has caused to be so published such notices together with a certificate signed by a magistrate or justice of the peace stating whether or not, from enquiries made by the person signing the certificate, the applicant is of good character and possesses the qualifications necessary under this Act for naturalization as a South African citizen.

(2) The Minister may waive any or all of the requirements mentioned in sub-section (1) of this section in respect of an application made by or on behalf of a minor child under sub-section (4) of section *ten*.

(3) The provisions of sub-section (1) of this section shall not apply to an applicant who is a person to whom the provisions of sub-section (1) of section *one* of the Naturalization and Status of Aliens Amendment Act, 1942 (Act No. 35 of 1942), applied.

(4) Any person may, on payment of the prescribed fee, inspect any document produced under sub-section (1).

Representations to Minister with regard to any person who has applied for registration or naturalization.

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

(2) The representations shall be made in the form of an affidavit.

(3) The contents of any affidavit filed with the Minister in pursuance of this section shall not be disclosed to any person other than for the purpose of criminal proceedings for any false statement made in the affidavit.

Proof of affidavits.

31. Any affidavit made under this Act or a prior law may be proved in any legal proceedings by the mere production of the original affidavit or of any copy thereof certified, as may be prescribed to be a true copy and the production of the affidavit or copy shall be *prima facie* evidence of the person therein named as deponent having made the affidavit at the date therein mentioned.

Proof of certificates of registration or naturalization.

32. A certificate of registration or naturalization issued under this Act or a prior law may be proved in any legal proceedings by the mere production of the original certificate or of any copy thereof certified in the manner prescribed to be a true copy.

Proof of entries in registers.

33. Entries in any register made in pursuance of this Act or a prior law may be proved by such copies to be certified in such manner as may be directed by the Minister, and the copies of

such entries shall be evidence of any matters, by this Act or by any law hereby repealed or by any regulation of the Minister, authorized to be inserted in the register.

Penalty for false representations or statements.

34. Any person who makes for any of the purposes of this Act, any false representation or any statement which is false in a material particular, knowing the same to be false, shall be guilty of an offence and liable on conviction to the penalties prescribed by law for the crime of perjury.

Amendment of certificates of citizenship.

35. (1) Whenever the Minister is satisfied that any error has occurred in any certificate issued under this Act, or any change has occurred in respect of the particulars recorded therein, he may rectify the error or alter the particulars by amending the certificate.

(2) Any certificate amended in pursuance of the provisions of sub-section (1) shall as from the date of the amendment thereof, have effect as so amended.

(3) The Minister may call upon any person to produce to him any certificate which requires to be amended in terms of sub-section (1) and any person who refuses or fails on demand so to produce such a certificate which he has in his possession, shall be guilty of an offence and liable on conviction to a fine not exceeding twenty-five pounds.

Determination of questions of residence.

36. Whenever a question arises under this Act as to whether or not a person was ordinarily resident in the Union the question may be determined by the Minister and his decision thereon shall be final.

Instruction in the responsibilities and privileges of South African citizenship.

37. The Minister may establish such facilities as to him may appear necessary or desirable to enable applicants for certificates of registration or naturalization under this Act to receive instruction in the responsibilities and privileges of South African citizenship.

References in other laws to Union nationals or British subjects.

38. As from the date of commencement of this Act, any reference in any law to a Union national or to Union nationality shall be deemed to be a reference to a South African citizen or to South African citizenship, as the case may be, and any reference to a British subject shall be deemed to be a reference to a South African citizen, a citizen of a Commonwealth country or a citizen of the Republic of Ireland, and any reference to natural-born British subjects shall be deemed to be a reference to persons who by virtue of birth or descent are South African citizens or citizens of any Commonwealth country or of the Republic of Ireland, or who have at any time been such citizens and are not aliens.

Register of certificates and publication of returns.

39. The Minister shall—

- (a) cause to be kept a register of all certificates of registration and naturalization issued under this Act;
- (b) cause to be cancelled all certificates of registration or naturalization of persons who have ceased to be South African citizens, all copies of such certificates which are surrendered, and all entries in the register in respect of such persons, and shall cause to be published in the *Gazette* lists of all such certificates of persons deprived of their citizenship under section *nineteen* or *twenty*;
- (c) permit any person at all reasonable times on payment of the prescribed fee to inspect the register and to make copies of any entry therein;
- (d) in the month of January of every year, cause to be published in the *Gazette* a return of all persons to whom certificates of registration or naturalization have been granted during the preceding year, and in that return cause to be set forth, in respect of each person—
 - (i) his full name;
 - (ii) his place of birth;
 - (iii) his citizenship or nationality immediately prior to the grant of the certificate of registration or naturalization;
 - (iv) his occupation; and
 - (v) the date of the issue of the certificate.

Regulations.

40. The Minister may make regulations not inconsistent with this Act with regard to—

- (a) the form of an application for a certificate of registration or naturalization as a South African citizen;
- (b) the form of any certificate of registration or naturalization as a South African citizen;
- (c) the form and registration of any declaration of renunciation or resumption of South African citizenship;
- (d) the persons before whom the oath of allegiance may be taken and the persons before whom declarations of

- renunciation or resumption of South African citizenship may be made;
- (e) the fees to be paid in respect of any application or declaration made or certificate or copy thereof issued or amended under this Act or in respect of any inspection made under this Act;
- (f) the registration of the births of persons included in any class or description of persons born elsewhere than in the Union;

and generally, with regard to all matters which by this Act are required or permitted to be prescribed or which he considers it necessary or expedient to prescribe in order that the purposes of this Act may be achieved or that this Act may be effectively administered.

Application of Act.

41. This Act shall apply in the Territory of South-West Africa and in the Prince Edward Islands.

Repeal and amendment of laws.

42. The laws specified in the Second Schedule are hereby repealed or amended to the extent set out in the third column thereof.

Short title and date of commencement.

43. This Act shall be called the South African Citizenship Act, 1949, and shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*.

First Schedule.

OATH OF ALLEGIANCE.

I, A.B., swear by Almighty God that I will be faithful and bear true allegiance to His Majesty King George the Sixth, His Heirs and Successors according to law, and that I will faithfully observe the laws of the Union and fulfil my duties as a South African citizen.

Second Schedule.

LAWS REPEALED AND AMENDED.

No. and year of law.	Title of law.	Extent of repeal or amendment.
30 of 1924 ..	South-West Africa Naturalization of Aliens Act, 1924.	The whole.
18 of 1926 ..	British Nationality in the Union and Naturalization and Status of Aliens Act, 1926.	The whole.
10 of 1927 ..	British Nationality in the Union and Naturalization and Status of Aliens Act, 1926, Amendment Act, 1927.	The whole.
40 of 1927 ..	Union Nationality and Flags Act, 1927.	In the long title the deletion of the words "To define Union Nationality, and"; The deletion of the whole of Chapter I; In Chapter III the deletion of the definitions of "alien", "British subject", and "Minister"; In the short title, the deletion of the words "Union Nationality and".
27 of 1928 ..	Naturalization of Aliens (South-West Africa) Act, 1928.	The whole.
14 of 1932 ..	Nationalization and Amnesty Act, 1932.	The whole.
35 of 1942 ..	Naturalization and Status of Aliens Amendment Act, 1942.	The whole.
52 of 1946 ..	Aliens Affairs Amendment Act, 1946.	The whole.
26 of 1949 ..	Aliens Affairs Amendment Act, 1949.	The whole.