

## BRITISH NATIONALITY AND NEW ZEALAND CITIZENSHIP AMENDMENT BILL

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### EXPLANATORY NOTE

THIS Bill amends the British Nationality and New Zealand Citizenship Act 1948.

*Clause 1* relates to the Short Title to the Bill.

*Clause 2* revises the list of countries whose citizens are entitled under New Zealand law to the status of British subjects. The list has been extended so as to include Ghana, the Federation of Rhodesia and Nyasaland, the Federation of Malaya, and the State of Singapore. Newfoundland is omitted from the list as it has now become a Province of Canada. Southern Rhodesia is no longer mentioned as a separate country because it is now included in the Federation of Rhodesia and Nyasaland. Provision is made for adding further countries to the list by Order in Council.

*Clause 3* amends section 7 of the principal Act so as to provide that the automatic acquisition of citizenship by descent by children born to a New Zealand citizen father in a foreign country shall be restricted to the first generation born abroad; and that subsequent generations born abroad shall acquire New Zealand citizenship at the Minister's discretion by his allowing their births to be registered at a New Zealand Consulate before they attain the age of 16 years.

*Clause 4* amends subsections (1), (2), and (3) of section 8 of the principal Act so as to confer on the Minister a discretion in connection with granting New Zealand citizenship to citizens of other Commonwealth countries and Irish citizens, and to lay down rules governing the granting of New Zealand citizenship to female citizens of other Commonwealth countries, female Irish citizens, and female British protected persons, who have married New Zealand citizens. In each case certain conditions precedent to the grant of New Zealand citizenship are specified, the conditions being analogous to certain of those specified in section 12 (1) of the principal Act.

*Clause 5:* Under section 9 (1) (a) of the principal Act, the Minister has an unqualified discretion as to whether he will grant New Zealand citizenship to an alien woman who is married to a New Zealand citizen. The clause provides that the Minister, before exercising his discretion, must be satisfied that the applicant satisfies certain conditions similar to those specified in *clause 4* in connection with women who are Commonwealth citizens or Irish citizens or British protected persons and who marry New Zealand citizens.

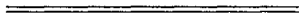
*Clause 6* rewrites section 9 (3) of the principal Act so as to provide that the Minister may require citizens of other Commonwealth countries, Irish citizens, and British protected persons to take the oath of allegiance before they are granted New Zealand citizenship under section 8 of the principal Act.

*Clause 7:* Subsection (3) of section 12 of the principal Act allows the Minister in special circumstances to waive the period of notice of intention to apply for naturalisation. The clause rewrites the provision so as to give an unqualified discretion to the Minister in this respect.

*Clause 8* restricts the class of cases in which registered and naturalised persons may be deprived of New Zealand citizenship.

*Clause 9* repeals section 26 (2) of the principal Act, which relates to the legitimation of children by the marriage of their parents and conflicts with section 3 (1) of the Legitimation Act 1939.

*Clause 10* extends to 12 months the period allowed for laying an information in respect of an offence against the legislation.



*Hon. Mr Anderton*

**BRITISH NATIONALITY AND NEW ZEALAND  
CITIZENSHIP AMENDMENT**

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ANALYSIS

Title	5. Registration of alien women married to New Zealand citizens
1. Short Title	6. Oath of allegiance
2. British nationality by virtue of citizenship	7. Naturalisation of aliens
3. Citizenship by descent	8. Deprivation of citizenship of registered and naturalised persons
4. Registration of citizens of Commonwealth countries, etc.	9. Legitimated children
	10. Time for laying information

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**A BILL INTITULED**

**An Act to amend the British Nationality and New Zealand  
Citizenship Act 1948**

BE IT ENACTED by the General Assembly of New Zealand  
5 in Parliament assembled, and by the authority of the same, as follows:

1. **Short Title**—This Act may be cited as the British Nationality and New Zealand Citizenship Amendment Act 1959, and shall be read together with and deemed part of the British  
10 Nationality and New Zealand Citizenship Act 1948 (hereinafter referred to as the principal Act).

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**2. British nationality by virtue of citizenship**—Section three of the principal Act is hereby amended by repealing subsection three, and substituting the following subsection:

“(3) The following are the countries hereinbefore referred to—that is to say, the United Kingdom and Colonies, Canada, 5  
Australia, the Union of South Africa, India, Pakistan, Ceylon, Ghana, the Federation of Rhodesia and Nyasaland, the Federation of Malaya, the State of Singapore, and every other country which the Governor-General, by an Order in Council that is made under this Act and is for the time being 10  
in force, has deemed to be referred to in this subsection; and the provisions of this Act shall apply to every country that, by any such Order in Council, is deemed to be referred to in this subsection as if that country were mentioned in this subsection.” 15

**3. Citizenship by descent**—(1) Paragraph (b) of the proviso to subsection one of section seven of the principal Act is hereby amended by emitting the words “within one year of its occurrence, or, with the permission of the Minister, later; or” and substituting the words “with the prior permission of 20  
the Minister and before that person has attained the age of sixteen years; or”.

(2) Subsection two of section seven of the principal Act is hereby repealed.

**4. Registration of citizens of Commonwealth countries, 25  
etc.**—Section eight of the principal Act is hereby amended by repealing subsections one, two, and three, and substituting the following subsections:

“(1) The Minister may cause any person to be registered as a New Zealand citizen, if the person is a citizen of any country 30  
mentioned in subsection three of section three of this Act or an Irish citizen, and makes application for registration to the Minister in the prescribed manner, and satisfies the Minister that—

“(a) He has either resided in New Zealand or been in 35  
Crown service under the New Zealand Government, or partly the one and partly the other, throughout the period of three years, or such shorter period (being not less than twelve months) as the Minister may accept, immediately preceding the 40  
date of his application; and

- “(b) He is of good character ; and  
“(c) He has sufficient knowledge of the English language ;  
and  
“(d) He has sufficient knowledge of the responsibilities and  
5 privileges of New Zealand citizenship ; and  
“(e) He is of full age and capacity ; and  
“(f) He intends, in the event of being registered as a New  
Zealand citizen,—

10 “(i) To reside in New Zealand or in Western  
Samoa or any other New Zealand trust territory ;  
or

15 “(ii) To enter into or continue in Crown service  
under the New Zealand Government, or service under  
an international organisation of which the New  
Zealand Government is a member, or service in the  
employment of a society, company, or body of persons  
established in New Zealand or established in  
Western Samoa or any other New Zealand trust  
territory.

20 “(2) The Minister shall register any woman as a New Zealand  
citizen, whether or not she is of full age and capacity, if  
the woman is a citizen of any country mentioned in subsection  
three of section three of this Act or an Irish citizen or a British  
protected person, and has been married to a New Zealand  
25 citizen, and makes application for registration to the Minister  
in the prescribed manner, and satisfies the Minister that—

- “(a) She has sufficient knowledge of the responsibilities and  
privileges of New Zealand citizenship ; and  
“(b) She is of good character ; and  
30 “(c) She has sufficient knowledge of the English language :  
“Provided that the Minister may dispense with  
this requirement in any case where good reason can  
be shown and hardship would otherwise result.”

35 **5. Registration of alien women married to New Zealand  
citizens**—Section nine of the principal Act is hereby amended  
by inserting, after subsection one, the following subsection :

“(1A) In any case to which paragraph (a) of subsection one  
of this section applies, the woman who is the applicant shall  
satisfy the Minister that—

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- “(a) She has sufficient knowledge of the responsibilities and privileges of New Zealand citizenship ; and
- “(b) She is of good character ; and
- “(c) She has sufficient knowledge of the English language :  
    “Provided that the Minister may dispense with 5  
    this requirement in any case where good reason can  
    be shown and hardship would otherwise result.”

**6. Oath of Allegiance**—(1) The principal Act is hereby amended by inserting, after section nine, the following section : 10  
    “9A. The Minister may in such cases as he thinks fit require any person to take an oath of allegiance in the form specified in the First Schedule to this Act before being registered as a New Zealand citizen under section eight or section nine of this Act.”

(2) Subsection three of section nine of the principal Act is 15  
hereby consequentially repealed.

**7. Naturalisation of aliens**—Section twelve of the principal Act is hereby amended by repealing subsection three, and substituting the following subsection :

“(3) If the Minister is satisfied that, at the time of 20  
giving notice of his intention to apply for a certificate of naturalisation, an applicant possesses and meets the qualifications prescribed by paragraphs (b) to (g) of subsection one of this section, he may waive the period of notice prescribed by paragraph (a) of that subsection.” 25

**8. Deprivation of citizenship of registered and naturalised persons**—(1) Section twenty-three of the principal Act is hereby amended—

- (a) By repealing subsections three, four, and five:
- (b) By omitting from subsection six the words “if the order 30  
is proposed to be made on any of the grounds specified in subsections two and three of this section”:
- (c) By omitting from subsection seven the words “the order is proposed to be made on any of the grounds specified in subsections two and three of this section and”, 35  
and also the words “and in any other case the Minister may”.

(2) Section twenty-four of the principal Act is hereby consequentially amended—

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- (a) By omitting from subsection one the words “subsections two, three, and four of the last preceding section”, and substituting the words “subsection two of section twenty-three of this Act”:
- 5 (b) By omitting from subsection two the word “may”, and substituting the word “shall”.

**9. Legitimated children**—Section twenty-six of the principal Act is hereby amended by repealing subsection two.

**10. Time for laying information**—The principal Act is  
10 hereby amended by inserting, after section thirty-two, the following section:

“32A. Notwithstanding anything in section fourteen of the Summary Proceedings Act 1957, any information in respect of any offence against this Act may be laid at any time  
15 within twelve months from the time when the matter of the information arose.”