

BRITISH NATIONALITY AND STATUS OF ALIENS (IN NEW ZEALAND) BILL.

EXPLANATORY MEMORANDUM.

CERTIFICATES OF NATURALIZATION.

THIS Bill makes provision for the adoption of Part II of the British Nationality and Status of Aliens Act, 1914 (Imperial). The effect of the adoption of the provisions referred to will be twofold, namely:—

- (1) Certificates of naturalization heretofore granted or that may hereafter be granted in the United Kingdom or in any of the self-governing dominions, in accordance with the said Part II, will be operative in New Zealand, and the holders will accordingly continue, when in New Zealand, to be entitled to the privileges and to be subject to the obligations of British subjects:
- (2) Certificates of naturalization granted in New Zealand after the commencement of the Act will confer on the holders thereof the complete status of British subjects, a status which will not be forfeited by departure from New Zealand. In this respect it differs from the status created by naturalization under the present law.

Holders of existing certificates of naturalization granted in New Zealand may apply for and receive certificates under the proposed law; unless and until new certificates are issued to them, their rights and obligations as British subjects remain restricted to New Zealand. The Bill does not impose any obligation upon the holders of such certificates to apply for the more complete form of naturalization proposed to be afforded by the Bill, and no limitations are placed upon the duration of existing certificates.

The Imperial Act provides as a condition precedent to the grant of a certificate of naturalization that the applicant must have an adequate knowledge of the English language. This condition was, in the case of Samoans, dispensed with in our amending Act of 1923. As it is not legally possible for the New Zealand Legislature to dispense with any conditions in the adoption of the Imperial Act, it is proposed in the Bill to retain for Samoan applicants for naturalization who cannot satisfy the above condition the limited type of certificate that has been heretofore granted. Every certificate which is so limited in its operation will bear on its face a statement to that effect. Samoans who satisfy the language requirements will be entitled to receive certificates conferring on them the full status of British subjects.

STATUS OF ALIENS.

Clause 13 of the Bill re-enacts the existing law as to the capacity of aliens to acquire and hold land in New Zealand. The electoral rights of aliens in relation to local government are defined in section 17 of the Local Elections and Polls Amendment Act, 1926, which it is not proposed to alter.

GENERAL.

Clause 6 of the Bill is declaratory of the law relating to British nationality which is in force in New Zealand without express enactment by the New Zealand Legislature.

The other provisions of the Bill require no explanation.

Right Hon. Sir Francis Bell.

BRITISH NATIONALITY AND STATUS OF ALIENS (IN NEW ZEALAND).

ANALYSIS.

<p>Title.</p> <p>1. Short Title and commencement.</p> <p>2. Interpretation.</p> <p>BRITISH NATIONALITY IN NEW ZEALAND.</p> <p><i>Adoption of Part II of Imperial Act.</i></p> <p>3. Adoption of Part II of Imperial Act.</p> <p>4. Exercise in New Zealand of powers conferred by Part II of Imperial Act.</p> <p>5. Persons previously naturalized may receive certificates of naturalization under this Act.</p> <p><i>Declaratory Statement as to other Provisions of Imperial Acts.</i></p> <p>6. Certain provisions of Imperial Acts declared part of law of New Zealand.</p> <p><i>Application of Act to Cook Islands and Western Samoa.</i></p> <p>7. Naturalization of aliens in Cook Islands and Western Samoa.</p> <p>8. Restricted operation of certain certificates of naturalization granted to residents of Western Samoa.</p>	<p><i>Miscellaneous.</i></p> <p>9. Oath of allegiance.</p> <p>10. Saving the powers of the General Assembly to differentiate between different classes of subjects.</p> <p>11. Records of naturalization.</p> <p>12. Penalty for false representation or statement.</p> <p>STATUS OF ALIENS IN NEW ZEALAND.</p> <p><i>Capacity to acquire Land.</i></p> <p>13. Capacity of aliens to acquire land in New Zealand.</p> <p>REGULATIONS.</p> <p>14. Governor-General may make regulations for purposes of this Act.</p> <p>REPEALS.</p> <p>15. Repeals. Saving of existing certificates. Schedules.</p>
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A BILL INTITULED

AN ACT to adopt Part II of the British Nationality and Status of Aliens Act, 1914 (Imperial), to make certain Provisions relating to British Nationality and the Status of Aliens in New Zealand, and also to make Special Provisions with respect to the Naturalization of Persons resident in Western Samoa.

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

1. This Act may be cited as the British Nationality and Status of Aliens (in New Zealand) Act, 1928, and shall come into operation on the day on which His Majesty's assent thereto is notified by the Governor-General by a Proclamation published in the *Gazette*, or on such later date (being not later than three months after the date of the publication of the Proclamation as aforesaid) as is specified in that behalf in the Proclamation.

Short Title and commencement.

2. In this Act the expression "the Imperial Act" or "the Imperial Acts" means the British Nationality and Status of Aliens Act, 1914 (Imperial), as amended by the British Nationality and Status of Aliens Act, 1918, the British Nationality and Status of Aliens Act, 1922, and any other enactment for the time being in force.

Interpretation.
Cf. 12 & 13 Geo. V,
c. 44, s. 3 (4)

BRITISH NATIONALITY IN NEW ZEALAND.

Adoption of Part II of Imperial Act.

Adoption of Part II of Imperial Act.

3. Part II of the Imperial Act (the said Part being set out in the *First Schedule* hereto) is hereby adopted.

Exercise in New Zealand of powers conferred by Part II of Imperial Act.

4. (1) Regulations for the purposes of Part II of the Imperial Act, in its application to New Zealand, may be made by the Governor-General in Council in accordance with the provisions of section *fourteen* hereof. All other powers conferred on the Government of New Zealand by the said Part II shall be exercisable by the Minister of Internal Affairs. 5 10

(2) Any case which, by virtue of sections seven and eight of the Imperial Act in their application to New Zealand, may be referred for inquiry to a "superior Court" in New Zealand, may be so referred to the Supreme Court of New Zealand.

Persons previously naturalized may receive certificates of naturalization under this Act.

Cf. 4 & 5 Geo. V, c. 17, s. 6

5. Any person who has been naturalized in New Zealand before the commencement of this Act may apply to the Minister of Internal Affairs for a certificate of naturalization under this Act, and the said Minister may grant to him a certificate on such terms and conditions as he may think fit. 15

Declaratory Statement as to other Provisions of Imperial Acts.

Certain provisions of Imperial Acts declared part of law of New Zealand.

6. The several provisions of the Imperial Acts set forth in the *Second Schedule* to this Act, in so far as the said provisions are capable of application in New Zealand, are hereby declared to be part of the law of New Zealand. 20

Application of Act to Cook Islands and Western Samoa.

Naturalization of aliens in Cook Islands and Western Samoa.

1923, No. 46, s. 14

7. (1) Subject to the provisions of this section, this Act shall apply to the Cook Islands and to Western Samoa in the same manner in all respect as if those territories were for all purposes part of New Zealand; and the term "New Zealand" as used in this Act shall, both in New Zealand and in the said territories respectively, be construed accordingly as including the Cook Islands and Western Samoa. 25 30

(2) In the application of this Act to the Cook Islands and Western Samoa—

(a) The power to grant certificates of naturalization shall be vested in the Governor-General, and in the case of a person resident in the Cook Islands shall be exercised on the recommendation of the Minister for the Cook Islands, and in the case of a person resident in Western Samoa shall be exercised on the recommendation of the Minister of External Affairs. 35

(b) The oath of allegiance shall be taken before a Judge or Commissioner of the High Court of the Cook Islands, or a Judge or Commissioner of the High Court of Western Samoa, as the case may require, and every such Judge and Commissioner is hereby respectively authorized to administer the said oath accordingly. 40 45

(c) The powers conferred by section five of the Imperial Act, in its application to New Zealand, shall be vested in the Governor-General.

5 (d) The powers conferred by sections seven and seven A of the Imperial Act, in its application to New Zealand, shall be exercised only by the Governor-General in Council.

8. (1) Notwithstanding anything to the contrary in paragraph (b) of section two of the Imperial Act, in its application to New Zealand, it shall not be a condition precedent to the grant of a certificate of naturalization to any Samoan as defined in the Samoa Act, 1921, that he has an adequate knowledge of the English language.

Restricted operation of certain certificates of naturalization granted to residents of Western Samoa.

10 (2) Where a certificate of naturalization is granted as aforesaid to any Samoan who has not an adequate knowledge of the English language, such certificate shall bear on the face thereof a statement that it has been granted under the special provisions of this section. A certificate so granted shall not confer or impose on the holder thereof the rights or obligations of a British subject elsewhere than in New Zealand.

Miscellaneous.

20 9. The oath of allegiance which, by section two of the Imperial Act, in its application to New Zealand, is required to be taken by persons to whom certificates of naturalization are granted shall be taken before a Magistrate or Justice of the Peace, and every Magistrate and every Justice of the Peace is hereby authorized to administer the said

Oath of allegiance.

25 oath to any person whose application for a certificate of naturalization has been approved by the Minister of Internal Affairs.

10. In exercise of the powers of the Legislature of New Zealand recognized by subsection one of section twenty-six of the Imperial Act, in its application to New Zealand, it is hereby expressly provided that—

Saving the powers of the General Assembly to differentiate between different classes of subjects.

30 (a) Nothing in the Imperial Acts or this Act shall in any manner repeal, limit, or affect the provisions of the Immigration Restriction Act, 1908:

35 (b) Nothing in the Imperial Acts or this Act shall in any manner repeal, limit, or affect the provisions of any Act heretofore passed, or that may hereafter be passed, relating to electoral rights and distinguishing between classes of British subjects in relation to such rights.

40 11. (1) The Minister of Internal Affairs shall enrol for safe custody as of record a duplicate of all certificates of naturalization issued under this Act.

Records of naturalization.

(2) The said Minister shall cause proper indexes to be made to certificates enrolled by him as aforesaid, and shall permit every person desirous of so doing to inspect the same and make copies thereof on payment of the fee of *one* shilling for every such inspection.

45 (3) Copies of certificates enrolled as aforesaid shall, if certified to be true copies by the said Minister, be admissible in evidence for all purposes.

50 (4) Such fees shall be charged for certified copies as the said Minister prescribes.

Penalty for false representation or statement.
4 & 5 Geo. V, c. 17, s. 23

12. If any person for any of the purposes of this Act knowingly makes any false representation or any statement that is false in a material particular, he shall be liable on summary conviction in respect of each offence to imprisonment with or without hard labour for any term not exceeding *three* months.

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STATUS OF ALIENS IN NEW ZEALAND.

Capacity to acquire Land.

Capacity of aliens to acquire land in New Zealand.
Cf. *Ibid.*, s. 17

13. Notwithstanding the provisions of paragraph (1) of the proviso to section seventeen of the Imperial Act in the application of that section to New Zealand, real property in New Zealand of every description may be taken, acquired, held, and disposed of by an alien in the same manner in all respects as by a natural-born British subject, and a title thereto may be derived through, from, or in succession to an alien in the same manner in all respects as through, from, or in succession to a natural-born British subject.

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REGULATIONS.

Governor-General may make regulations for purposes of this Act.
Cf. *Ibid.*, s. 19

14. The Governor-General in Council may make regulations generally for carrying into effect the objects of this Act and in particular with respect to the following matters:—

- (a) The form and registration of certificates of naturalization granted under this Act: 20
- (b) The form and registration of declarations of alienage and declarations of resumption or retention of British nationality:
- (c) The time within which the oath of allegiance is to be taken after the grant of a certificate of naturalization: 25
- (d) The persons before whom declarations of alienage and declarations of resumption of British nationality may be made:
- (e) Whether or not oaths of allegiance are to be subscribed as well as taken, and the form in which the taking and subscription are to be attested: 30
- (f) The registration of oaths of allegiance:
- (g) The person by whom certified copies of oaths of allegiance may be given; and the proof in any legal proceeding of any such oaths:
- (h) The imposition and application of fees in respect of any registration authorized to be made by this Act; in respect of the making of any declaration or the grant of any certificate authorized to be made or granted by this Act; in respect of the administration or registration of any oath; and in respect of any other matter or thing authorized or required to be done pursuant to this Act. 35 40

REPEALS.

Repeals.

15. (1) The British Nationality and Status of Aliens (in New Zealand) Act, 1923, and the British Nationality and Status of Aliens (in New Zealand) Amendment Act, 1924, are hereby repealed.

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Saving of existing certificates.

(2) Every certificate of naturalization in force in New Zealand at the commencement of this Act shall continue in force unless and until it is superseded by a certificate granted under section *five* hereof, or unless

and until it is duly revoked by the Minister of Internal Affairs; and, while any such certificate continues in force, the holder thereof shall, in New Zealand but not elsewhere, continue to have to all intents and purposes the status of a natural-born British subject.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

THE BRITISH NATIONALITY AND STATUS OF ALIENS ACT, 1914 (IMPERIAL), (AS AMENDED).

PART II.—NATURALIZATION OF ALIENS.

2. (1) The Secretary of State may grant a certificate of naturalization to an alien who makes an application for the purpose, and satisfies the Secretary of State—

Certificate of naturalization.

- (a) That he has either resided in His Majesty's dominions for a period of not less than five years in the manner required by this section, or been in the service of the Crown for not less than five years within the last eight years before the application; and
- (b) That he is of good character and has an adequate knowledge of the English language; and
- (c) That he intends if his application is granted either to reside in His Majesty's dominions or to enter or continue in the service of the Crown.

4 & 5 Geo. V, c. 17, s. 2
8 & 9 Geo. V, c. 38, s. 2 (2)

(2) The residence required by this section is residence in the United Kingdom for not less than one year immediately preceding the application, and previous residence, either in the United Kingdom or in some other part of His Majesty's dominions, for a period of four years within the last eight years before the application.

(3) The grant of a certificate of naturalization to any such alien shall be in the absolute discretion of the Secretary of State, and he may, with or without assigning any reason, give or withhold the certificate as he thinks most conducive to the public good, and no appeal shall lie from his decision.

(4) A certificate of naturalization shall not take effect until the applicant has taken the oath of allegiance.

(5) In the case of a woman who was a British subject previously to her marriage to an alien, and whose husband has died or whose marriage has been dissolved, the requirements of this section as to residence shall not apply and the Secretary of State may in any other special case, if he thinks fit, grant a certificate of naturalization, although the four years' residence or five years' service has not been within the last eight years before the application.

(6) For the purposes of this section a period spent in the service of the Crown may, if the Secretary of State thinks fit, be treated as equivalent to a period of residence in the United Kingdom.

3. (1) A person to whom a certificate of naturalization is granted by a Secretary of State shall, subject to the provisions of this Act, be entitled to all political and other rights powers and privileges and be subject to all obligations, duties and liabilities, to which a natural-born British subject is entitled or subject, and, as from the date of his naturalization, have to all intents and purposes the status of a natural-born British subject.

Effect of certificate of naturalization.

4 & 5 Geo. V, c. 17, s. 3

(2) Section three of the Act of Settlement (which disqualifies naturalized aliens from holding certain offices) shall have effect as if the words "naturalized or" were omitted therefrom.

12 & 13 Will. III, c. 2

4. The Secretary of State may in his absolute discretion, in such cases as he thinks fit, grant a special certificate of naturalization to any person with respect to whose nationality as a British subject a doubt exists, and he may specify in the certificate that the grant thereof is made for the purpose of quieting doubts as to the right of the person to be a British subject, and the grant of such a special certificate shall not be deemed to be any admission that the person to whom it was granted was not previously a British subject.

Special certificate in case of doubt.

4 & 5 Geo. V, c. 17, s. 4

Persons under disability.

4 & 5 Geo. V, c. 17,
s. 5
8 & 9 Geo. V, c. 38,
s. 2 (3)

5. (1) Where an alien obtains a certificate of naturalization, the Secretary of State may, if he thinks fit, on the application of that alien, include in the certificate the name of any child of the alien born before the date of the certificate and being a minor, and that child shall thereupon, if not already a British subject, become a British subject; but any such child may, within one year after attaining his majority, make a declaration of alienage, and shall thereupon cease to be a British subject.

(2) The Secretary of State may, in his absolute discretion in any special case in which he thinks fit, grant a certificate of naturalization to any minor, whether or not the conditions required by this Act have been complied with.

(3) Except as provided by this Act, a certificate of naturalization shall not be granted to any person under disability.

Persons previously naturalized.

4 & 5 Geo. V, c. 17,
s. 6

6. An alien who has been naturalized before the passing of this Act may apply to the Secretary of State for a certificate of naturalization under this Act, and the Secretary of State may grant to him a certificate on such terms and conditions as he may think fit.

Revocation of certificate of naturalization.

8 & 9 Geo. V, c. 38,
s. 1

7. (1) Where the Secretary of State is satisfied that a certificate of naturalization granted by him has been obtained by false representation or fraud, or by concealment of material circumstances, or that the person to whom the certificate is granted has shown himself by act or speech to be disaffected or disloyal to His Majesty, the Secretary of State shall by order revoke the certificate.

(2) Without prejudice to the foregoing provisions the Secretary of State shall by order revoke a certificate of naturalization granted by him in any case in which he is satisfied that the person to whom the certificate was granted either—

(a) Has during any war in which His Majesty is engaged unlawfully traded or communicated with the enemy or with the subject of an enemy State, or been engaged in or associated with any business which is to his knowledge carried on in such manner as to assist the enemy in such war; or

(b) Has within five years of the date of the grant of the certificate been sentenced by any Court in His Majesty's dominions to imprisonment for a term of not less than twelve months, or to a term of penal servitude, or to a fine of not less than one hundred pounds; or

(c) Was not of good character at the date of the grant of the certificate; or

(d) Has since the date of the grant of the certificate been for a period of not less than seven years ordinarily resident out of His Majesty's dominions otherwise than as a representative of a British subject, firm, or company carrying on business, or an institution established, in His Majesty's dominions, or in the service of the Crown, and has not maintained substantial connection with His Majesty's dominions; or

(e) Remains according to the law of a State at war with His Majesty a subject of that State;

and that (in any case) the continuance of the certificate is not conducive to the public good.

(3) The Secretary of State may, if he thinks fit, before making an order under this section refer the case for such inquiry as is hereinafter specified, and in any case to which subsection (1), or paragraph (a), (c), or (e) of subsection (2) of this section applies, the Secretary of State shall, by notice given to or sent to the last known address of the holder of the certificate, give him an opportunity of claiming that the case be referred for such inquiry, and if the holder so claims in accordance with the notice the Secretary of State shall refer the case for inquiry accordingly.

(4) An inquiry under this section shall be held by a committee constituted for the purpose by the Secretary of State, presided over by a person (appointed by the Secretary of State with the approval of the Lord Chancellor) who holds or has held high judicial office, and shall be conducted in such manner as the Secretary of State may direct:

Provided that any such inquiry may, if the Secretary of State thinks fit, instead of being held as aforesaid be held by the High Court, and the practice and procedure on any inquiry so held shall be regulated by rules of Court.

A committee appointed under this section shall have all such powers, rights and privileges as are vested in the High Court or in any Judge thereof on the occasion of any action, in respect of the following matters:—

(a) The enforcing the attendance of witnesses and examining them on oath, affirmation, or otherwise, and the issue of a commission or a request to examine witnesses abroad; and

- (b) The compelling the production of documents ; and
- (c) The punishing persons guilty of contempt ;

and a summons signed by one or more members of the committee may be substituted for and shall be equivalent to any formal process capable of being issued in any action for enforcing the attendance of witnesses and compelling the production of documents.

(5) Where a person to whom a certificate of naturalization has been granted in some other part of His Majesty's dominions is resident in the United Kingdom, the certificate may be revoked in accordance with this section by the Secretary of State, with the concurrence of the Government of that part of His Majesty's dominions in which the certificate was granted.

(6) Where the Secretary of State revokes a certificate of naturalization, the revocation shall have effect from such date as the Secretary of State may direct, and thereupon the certificate shall be given up and cancelled, and any person refusing or neglecting to give up his certificate shall be liable on summary conviction to a fine not exceeding one hundred pounds.

7A. (1) Where a certificate of naturalization is revoked the Secretary of State may by order direct that the wife and minor children (or any of them) of the person whose certificate is revoked shall cease to be British subjects, and any such person shall thereupon become an alien ; but except where the Secretary of State directs as aforesaid, the nationality of the wife and minor children of the person whose certificate is revoked shall not be affected by the revocation, and they shall remain British subjects:

Effect of revocation of certificate of naturalization.
8 & 9 Geo. V, c. 38, s. 1

Provided that—

- (a) It shall be lawful for the wife of any such person within six months after the date of the order of revocation to make a declaration of alienage, and thereupon she and any minor children of her husband and herself shall cease to be British subjects and shall become aliens ; and
- (b) The Secretary of State shall not make any such order as aforesaid in the case of a wife who was at birth a British subject, unless he is satisfied that if she had held a certificate of naturalization in her own right the certificate could properly have been revoked under this Act, and the provisions of this Act as to referring cases for inquiry shall apply to the making of any such order as they apply to the revocation of a certificate.

(2) The provisions of this section shall, as respects persons affected thereby, have effect in substitution for any other provisions of this Act as to the effect upon the wife and children of any person where the person ceases to be a British subject, and such other provisions shall accordingly not apply in any such case.

(3) Where a certificate of naturalization is revoked the former holder thereof shall be regarded as an alien and as a subject of the State to which he belonged at the time the certificate was granted.

8. (1) The Government of any British Possession shall have the same power to grant a certificate of naturalization as the Secretary of State has under this Act, and the provisions of this Act as to the grant and revocation of such a certificate shall apply accordingly, with the substitution of the Government of the Possession for the Secretary of State, and the Possession for the United Kingdom, and of a High Court or superior Court of the Possession for the High Court, and with the omission of any reference to the approval of the Lord Chancellor, and also, in a Possession where any language is recognized as on an equality with the English language, with the substitution of the English language or that language for the English language :

Power of Governments of British Possessions to grant certificates of Imperial naturalization.
4 & 5 Geo. V, c. 17, s. 8
8 & 9 Geo. V, c. 38, s. 2 (4)

Provided that, in any British Possession other than British India and a Dominion specified in the First Schedule to this Act, the powers of the Government of the Possession under this section shall be exercised by the Governor or a person acting under his authority, but shall be subject in each case to the approval of the Secretary of State, and any certificate proposed to be granted and any proposal to revoke any certificate shall be submitted to him for his approval.

(2) Any certificate of naturalization granted under this section shall have the same effect as a certificate of naturalization granted by the Secretary of State under this Act.

9. (1) This Part of this Act shall not, nor shall any certificate of naturalization granted thereunder, have effect within any of the Dominions specified in the First Schedule to this Act, unless the Legislature of that Dominion adopts this Part of this Act.

Application of Part II to self-governing Dominions.
4 & 5 Geo. V, c. 17, s. 9

(2) Where the Legislature of any such Dominion has adopted this Part of this Act, the Government of the Dominion shall have the like powers to make regulations with respect to certificates of naturalization and to oaths of allegiance as are conferred by this Act on the Secretary of State.

(3) The Legislature of any such Dominion which adopts this Part of this Act may provide how and by what Department of the Government the powers conferred by this Part of this Act on the Government of a British Possession are to be exercised.

(4) The Legislature of any such Dominion may at any time rescind the adoption of this Part of this Act, provided that no such rescission shall prejudicially affect any legal rights existing at the time of such rescission.

SECOND SCHEDULE.

PROVISIONS OF THE BRITISH NATIONALITY AND STATUS OF ALIENS ACT, 1914 (IMPERIAL), (AS AMENDED), IN THIS ACT DECLARED PART OF THE LAW OF NEW ZEALAND.

PART I.—NATURAL-BORN BRITISH SUBJECTS.

1. (1) The following persons shall be deemed to be natural-born British subjects namely:—

- (a) Any person born within His Majesty's Dominions and allegiance; and
- (b) Any person born out of His Majesty's dominions whose father was, at the time of that person's birth, a British subject, and who fulfils any of the following conditions, that is to say, if either—
 - (i) His father was born within His Majesty's allegiance; or
 - (ii) His father was a person to whom a certificate of naturalization had been granted; or
 - (iii) His father had become a British subject by reason of any annexation of territory; or
 - (iv) His father was at the time of that person's birth in the service of the Crown; or
 - (v) His birth was registered at a British consulate within one year or in special circumstances, with the consent of the Secretary of State, two years after its occurrence, or, in the case of a person born on or after the first day of January, nineteen hundred and fifteen, who would have been a British subject if born before that date, within twelve months after the first day of August, nineteen hundred and twenty-two; and
- (c) Any person born on board a British ship, whether in foreign territorial waters or not:

Provided that the child of a British subject, whether that child was born before or after the passing of this Act, shall be deemed to have been born within His Majesty's allegiance if born in a place where by treaty, capitulation, grant, usage, sufferance, or other lawful means, His Majesty exercises jurisdiction over British subjects:

Provided also that any person whose British nationality is conditional upon registration at a British consulate shall cease to be a British subject unless within one year after he attains the age of twenty-one, or within such extended period as may be authorized in special cases by regulations made under this Act—

- (i) He asserts his British nationality by a declaration of retention of British nationality, registered in such manner as may be prescribed by regulations made under this Act; and
- (ii) If he is a subject or citizen of a foreign country under the law of which he can, at the time of asserting his British nationality, divest himself of the nationality of that foreign country by making a declaration of alienage or otherwise, he divests himself of such nationality accordingly.

(2) A person born on board a foreign ship shall not be deemed to be a British subject by reason only that the ship was in British territorial waters at the time of his birth.

Definition of
natural-born
British subject.
4 & 5 Geo. V, c. 17,
s. 1
8 & 9 Geo. V, c. 38,
s. 2 (1)
12 & 13 Geo. V,
o. 44, s. 1

(3) Nothing in this section shall, except as otherwise expressly provided, affect the status of any person born before the commencement of this Act.

(4) The certificate of a Secretary of State that a person was at any date in the service of the Crown shall, for the purposes of this section, be conclusive.

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PART III.—GENERAL.

National Status of Married Woman and Infant Children.

10. The wife of a British subject shall be deemed to be a British subject, and the wife of an alien shall be deemed to be an alien :

National status of married women.

Provided that where a man ceases during the continuance of his marriage to be a British subject it shall be lawful for his wife to make a declaration that she desires to retain British nationality, and thereupon she shall be deemed to remain a British subject ; and provided that where an alien is a subject of a State at war with His Majesty it shall be lawful for his wife if she was at birth a British subject to make a declaration that she desires to resume British nationality, and thereupon the Secretary of State, if he is satisfied that it is desirable that she be permitted to do so, may grant her a certificate of naturalization.

4 & 5 Geo. V, c. 17, s. 10
8 & 9 Geo. V, c. 38, s. 2 (5)

11. A woman who, having been a British subject, has by, or in consequence of, her marriage become an alien, shall not, by reason only of the death of her husband, or the dissolution of her marriage, cease to be an alien, and a woman who, having been an alien, has by, or in consequence of, her marriage become a British subject, shall not, by reason only of the death of her husband or the dissolution of her marriage, cease to be a British subject.

Status of widows.
4 & 5 Geo. V, c. 17, s. 11

12. (1) Where a person being a British subject ceases to be a British subject, whether by declaration of alienage or otherwise, every child of that person, being a minor, shall thereupon cease to be a British subject, unless such child, on that person ceasing to be a British subject, does not become by the law of any other country naturalized in that country :

Status of children.
Ibid., s. 12

Provided that, where a widow who is a British subject marries an alien, any child of hers by her former husband shall not, by reason only of her marriage, cease to be a British subject, whether he is residing outside His Majesty's dominions or not.

(2) Any child who has so ceased to be a British subject may, within one year after attaining his majority, make a declaration that he wishes to resume British nationality, and shall thereupon again become a British subject.

Loss of British Nationality.

13. A British subject who, when in any foreign State and not under disability, by obtaining a certificate of naturalization, or by any other voluntary and formal act, becomes naturalized therein, shall thenceforth be deemed to have ceased to be a British subject.

Loss of British nationality by foreign naturalization.
Ibid., s. 13

14. (1) Any person who by reason of his having been born within His Majesty's dominions and allegiance or on board a British ship is a natural-born British subject, but who at his birth or during his minority became under the law of any foreign State a subject also of that State, and is still such a subject, may, if of full age and not under disability, make a declaration of alienage, and on making the declaration shall cease to be a British subject.

Declaration of alienage.
Ibid., s. 14

(2) Any person who though born out of His Majesty's dominions is a natural-born British subject may, if of full age and not under disability, make a declaration of alienage, and on making the declaration shall cease to be a British subject.

15. Where His Majesty has entered into a convention with any foreign State to the effect that the subjects or citizens of that State to whom certificates of naturalization have been granted may divest themselves of their status as such subjects, it shall be lawful for His Majesty, by Order in Council, to declare that the convention has been entered into by His Majesty ; and from and after the date of the Order any person having been originally a subject or citizen of the State therein referred to, who has been naturalized as a British subject, may, within the limit of time provided in the convention, make a declaration of alienage, and on his making the declaration he shall be regarded as an alien and as a subject of the State to which he originally belonged as aforesaid.

Power of naturalized subjects to divest themselves of their status in certain cases.
Ibid., s. 15

16. Where any British subject ceases to be a British subject he shall not thereby be discharged from any obligation, duty or liability in respect of any act done before he ceased to be a British subject.

Saving of obligations incurred before loss of nationality.
Ibid., s. 16

Status of Aliens.

Capacity of alien as to property.
4 & 5 Geo. V, c. 17, s. 17

17. Real and personal property of every description may be taken, acquired, held and disposed of by an alien in the same manner in all respects as by a natural-born British subject; and a title to real and personal property of every description may be derived through, from or in succession to an alien in the same manner in all respects as through, from or in succession to a natural-born British subject:

Provided that this section shall not operate so as to—

- (1) Confer any right on an alien to hold real property situate out of the United Kingdom; or
- (2) Qualify an alien for any office or for any municipal, parliamentary, or other franchise or;
- (3) Qualify an alien to be the owner of a British ship; or
- (4) Entitle an alien to any right or privilege as a British subject, except such rights and privileges in respect of property as are hereby expressly given to him; or
- (5) Affect any estate or interest in real or personal property to which any person has or may become entitled, either mediately or immediately, in possession or expectancy, in pursuance of any disposition made before the twelfth day of May eighteen hundred and seventy, or in pursuance of any devolution by law on the death of any person dying before that day.

Trial of alien.
Ibid., s. 18

18. An alien shall be triable in the same manner as if he were a natural-born British subject.

Procedure and Evidence.

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Form of oath of allegiance.
Ibid., s. 24

24. The oath of allegiance shall be in the form set out in the Second Schedule to this Act.

Supplemental.

Saving for letters of denization.
Ibid., s. 25

25. Nothing in this Act shall affect the grant of letters of denization by His Majesty.

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Definitions.
Ibid., s. 27
8 & 9 Geo. V, c. 38, s. 2 (6)
12 & 13 Geo. V, c. 44, s. 2

27. (1) In this Act, unless the context otherwise requires,—

The expression "British subject" means a person who is a natural-born British subject, or a person to whom a certificate of naturalization has been granted, or a person who has become a subject of His Majesty by reason of any annexation of territory:

The expression "alien" means a person who is not a British subject:

The expression "certificate of naturalization" means a certificate of naturalization granted under this Act or under any Act repealed by this or any other Act:

The expression "disability" means the status of being a married woman, or a minor, lunatic, or idiot:

The expression "territorial waters" includes any port, harbour, or dock:

The expression "British consulate" means the office of any British Consular officer where a register of births is kept, and includes, in the case of any territory where there is no British Consulate and there is a British Resident or other representative of His Majesty, the office of such Resident or representative.

(2) Where in pursuance of this Act the name of a child is included in a certificate of naturalization granted to his parent, or where, in pursuance of any Act repealed by this Act, any child has been deemed to be a naturalized British subject by reason of residence with his parent, such child shall, for the purposes of this Act, be deemed to be a person to whom a certificate of naturalization has been granted.

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SECOND 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 Fifth, his heirs and successors, according to law.

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