

[AS REPORTED FROM THE STATUTES REVISION COMMITTEE]  
*House of Representatives, 29 July 1977*

Words struck out by the Committee are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line.

*Hon. Mr Highet*

## CITIZENS AND ALIENS

### ANALYSIS

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### A BILL INTITULED

#### An Act to consolidate and amend the British Nationality and New Zealand Citizenship Act 1948 and the Aliens 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 and commencement**—(1) This Act may be cited as the Citizens and Aliens Act 1977.

(2) This Act shall come into force on the 1st day of 10  
January 1978.

2. **Interpretation**—(1) In this Act, unless the context otherwise requires,—

“Alien” means a person who does not have the status of a New Zealand citizen, a Commonwealth citizen 15  
(British subject), a British protected person, or an Irish citizen:

“Crown service under the New Zealand Government” means the service of the Crown under the Government of New Zealand or under the Government of 20  
a New Zealand mandated territory or New Zealand trust territory, whether that service is in any part of Her Majesty’s realms and territories or elsewhere; and includes employment in any of the State Services, as that term is defined in section 2 of the State 25  
Services Act 1962:

“Minister” means the Minister of Internal Affairs:

“New Zealand” includes the Cook Islands, Niue, Tokelau, and the Ross Dependency:

“New Zealand overseas representative” means a diplo- 30  
matic or consular representative for New Zealand or a representative of the Government of New Zealand in any other country; and includes a High Commissioner for New Zealand in any other country:

“Prescribed” means prescribed by regulations made under this Act or by the Minister:

5 “Protected state” means a State or territory that is declared by Her Majesty by Order in Council to be a protected state for the purposes of the British Nationality Act 1948 (U.K.); and includes the New Hebrides and Canton Island:

10 “Protectorate” means a state or territory that is declared by Her Majesty by Order in Council to be a protectorate for the purposes of the British Nationality Act 1948 (U.K.):

“Registered alien” means an alien registered under Part III of this Act:

15 “Secretary” means the Secretary for Internal Affairs.  
 (2) References in this Act to a country for the time being mentioned in the Second Schedule to this Act include references to every territory for the international relations of which that country is responsible.

20 (3) For the purposes of this Act,—  
 (a) A person born aboard a registered ship or aircraft shall be deemed to have been born in the place in which the ship or aircraft was registered:  
 (b) A person born aboard an unregistered ship or aircraft of the Government of a country shall be deemed  
 25 to have been born in that country:  
 (c) A person shall be deemed to be of full capacity if he is not of unsound mind.

30 **3. Special provisions relating to parentage—**(1) For the purposes of this Act a person shall, in the absence of evidence to the contrary, be presumed to be the father of another person if—

(a) He is or was married to that other person’s mother at the time of that other person’s conception or birth;  
 or

35 *Struck Out*

(b) He has admitted paternity of that other person, or paternity of that other person has been established against him, by one or more of the types of evidence specified by section 8 of the Status of Children Act 1969;—

40 *New*

(b) His paternity of that other person has been established by one or more of the types of evidence specified by section 8 of the Status of Children Act 1969;—

and (but without limiting subsection (2) of this section) the term "father", when used in this Act, shall be construed accordingly.

(2) For the purposes of this Act a person shall be deemed to be the child of a New Zealand citizen if he has been adopted by that citizen, either by an adoption order within the meaning of and made under the Adoption Act 1955 or by an adoption to which section 17 of that Act applies; and—

(a) The terms "father", "mother", and "parent", when used in this Act, shall be construed accordingly:

*Struck Out*

(b) The date of that person's adoption shall be deemed to be the date of his birth.

*New*

(b) The person shall be deemed to have been born when and where the adoption order was made:

Provided that, on the discharge for any reason of the adoption order in accordance with section 20 of that Act, the person shall cease to be deemed to be the child of that citizen.

(3) References in this Act to the status or description of the father or mother of a person at the time of that person's birth shall, in relation to a person born after the death of his father or mother (as the case may require), be construed as referring to the status or description of the father or mother at the time of his or her death.

(4) Where the relevant parent died before, and the person was born on or after, the 1st day of January 1949, the status or description that would have been applicable to the parent had he or she died on or after the 1st day of January 1949 shall be deemed to be the status or description applicable to him or her at the time of his or her death.

(5) Where the relevant parent died before, and the birth occurs on or after, the 1st day of January 1978, the status or description that would have been applicable to the parent had he or she died on or after that date shall be deemed to be the status or description applicable to him or her at the time of his or her death.

Cf. 1948, No. 15, ss. 2 (2), 26, 27; 1959, No. 38, s. 9; 1969, No. 18, s. 12 (2)

4. **Administration of Act**—Subject to the control of the Minister, the Secretary for Internal Affairs is responsible for the administration of this Act.

5. **Act binds Crown**—This Act binds the Crown.

5

PART I

NEW ZEALAND CITIZENSHIP

*Acquisition of Citizenship*

6. **Citizenship by birth**—(1) Subject to subsection (2) of this section, every person born in New Zealand on or after the 10 1st day of January 1949 shall be a New Zealand citizen by birth.

(2) A person shall not be a New Zealand citizen by virtue of this section if, at the time of his birth,—

15 (a) His father or mother was a person upon whom any immunity from jurisdiction was conferred by or under the Diplomatic Privileges and Immunities Act 1968 or the Consular Privileges and Immunities Act 1971 or in any other way, and neither of his parents was a New Zealand citizen; or

20 (b) His father and mother were enemy aliens and the birth occurred in a place then under occupation by the enemy.

(3) Notwithstanding subsection (2) of this section, every person born in New Zealand on or after the 1st day of 25 January 1978 shall be a New Zealand citizen by birth if he would otherwise be stateless.

Cf. 1948, No. 15, s. 6

7. **Citizenship by descent**—(1) Every person born outside 30 New Zealand on or after the 1st day of January 1978 shall be a New Zealand citizen by descent if, at the time of his birth, his father or mother is a New Zealand citizen otherwise than by descent.

(2) Notwithstanding subsection (1) of this section, the citizenship of any person acquired by virtue of that subsection 35 shall lapse on the expiration of the day ~~(12 months)~~ 2 years after the date on which he acquires his majority unless his birth is sooner registered in accordance with regulations made under this Act.

Cf. 1948, No. 15, s. 7

**8. Citizenship by grant**—(1) The Minister may authorise the grant of New Zealand citizenship to any person (notwithstanding that he may be a New Zealand citizen by descent) who has attained the age of ~~(16)~~ 18 years and is of full capacity and who applies for it in the prescribed manner, and satisfies the Minister that he meets each of the requirements specified in subsection (2) of this section. 5

(2) The requirements referred to in subsection (1) of this section are:

- (a) That the applicant was, throughout the period of 3 years immediately preceding the date of his application, ordinarily resident in New Zealand: 10
- (b) That the applicant is of good character: 11
- (c) That the applicant has sufficient knowledge of the responsibilities and privileges attaching to New Zealand citizenship: 15
- (d) That the applicant has sufficient knowledge of the English language: 16
- (e) That the applicant intends, if he is granted New Zealand citizenship, either— 20
  - (i) To continue to reside in New Zealand; or
  - (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 person, company, society, or other body of persons resident or established in New Zealand. 25

(3) For the purposes of paragraph (a) of subsection (2) of this section, the Minister may deem the applicant to have been residing in New Zealand during any period of Crown service under the New Zealand Government served by the applicant within the period of 3 years immediately preceding the date of his application. 30

(4) Notwithstanding the said paragraph (a) of subsection (2) of this section, if the Minister is satisfied in a particular case that, because of the applicant's age or for any other reason personal to the applicant, the applicant would suffer undue hardship if he were required to be ordinarily resident in New Zealand for the whole of the period of 3 years specified in that paragraph, the Minister may accept such residence by the applicant for such shorter period (not being less than 12 months) as he thinks fit as being sufficient compliance by the applicant with the requirement of that paragraph. 35 40 45

(5) Notwithstanding paragraph (d) of subsection (2) of this section, if the Minister is satisfied in a particular case that, because of the applicant's age or standard of education, or for any other reason personal to the applicant, the applicant  
 5 would suffer undue hardship if compliance with the requirement of that paragraph were insisted upon, the Minister may waive that requirement.

Cf. 1948, No. 15, ss. 8, 9, 12, 13

10 **9. Grant of citizenship in special cases**—(1) Notwithstanding anything in section 8 of this Act, the Minister may, upon application made to him in the prescribed manner, authorise the grant of New Zealand citizenship to any person (notwithstanding that he may be a New Zealand citizen by descent)—

- 15 (a) Who is a minor:  
 (b) Who is or has been married to a New Zealand citizen, and satisfies the Minister that—  
 (i) He meets each of the requirements specified in paragraphs (b) to (d) of subsection (2) of section  
 20 8 of this Act; and  
 (ii) He has established and will maintain some association with New Zealand (other than his marriage to a New Zealand citizen):

*New*

- 25 (ba) Whose father or mother was, at the time of that person's birth, a New Zealand citizen by descent:  
 (c) If, because of exceptional circumstances of a humanitarian or other nature relating to the applicant, the  
 30 Minister is satisfied that granting a certificate of New Zealand citizenship to the applicant would be in the public interest.

*Struck Out*

(2) Notwithstanding anything in section 8 of this Act, or in subsection (1) of this section, the Minister may, upon  
 35 application made to him in the prescribed manner, authorise the grant of New Zealand citizenship to any person who was born before the 1st day of January 1978 if, at the time of that person's birth, his mother was a New Zealand citizen otherwise than by descent.

(3) Notwithstanding any of the foregoing provisions of this section or of section 8 of this Act, the Minister may, upon application made to him in the prescribed manner, authorise the grant of a certificate of citizenship to any person who would otherwise be stateless.

5

*New*

(4) Notwithstanding any of the foregoing provisions of this section, in considering whether to authorise the grant of New Zealand citizenship to any person under any of those provisions except subsection (1) (b), the Minister may have regard to such of the requirements set out in section 8 (2) of this Act as he thinks fit.

10

9A. Grant of citizenship as of right in certain cases—Notwithstanding anything in section 8 or section 9 of this Act, the Minister shall, upon application made to him in the prescribed manner, authorise the grant of New Zealand citizenship to any person who was born before the 1st day of January 1978 if, at the time of that person's birth, his mother was a New Zealand citizen.

15

10. Minister may require oath of allegiance to be taken—The Minister may, in such case or class of cases as he thinks fit, make the grant of (an application for) New Zealand citizenship (under section 8 or section 9 of this Act) conditional upon the applicant taking an oath of allegiance in the form specified in the First Schedule to this Act.

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Cf. 1948, No. 18, s. 9A; 1959, No. 38, s. 6

11. Certificate of New Zealand citizenship—(1) Where the Minister authorises the grant of New Zealand citizenship to any person (under section 8 or section 9 of this Act), the Secretary shall issue to that person a certificate of New Zealand citizenship in the prescribed form.

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(2) A person to whom a certificate of New Zealand citizenship is issued under subsection (1) of this section shall be a New Zealand citizen as from the specified date.

*New*

35

(2A) Where a certificate of New Zealand citizenship is issued to a person who is a New Zealand citizen by descent, he shall cease to have that status as from the specified date.



(3) For the purposes of subsection (2) of this section the specified date shall be—

5 (a) In the case of a person required under section 10 of this Act to take an oath of allegiance, the date on which he takes that oath or makes an affirmation to the same effect:

(b) In every other case, the date on which the certificate is issued.

Cf. 1948, No. 18, ss. 11, 14

10 *Transitional Provisions Relating to Citizenship*

12. Existing rights of citizenship protected—(1) Notwithstanding the repeal of the British Nationality and New Zealand Citizenship Act 1948 by section 38 of this Act, every person who, by virtue of that Act, was a New Zealand citizen  
15 immediately before the commencement of this Act, shall, subject to the succeeding provisions of this Part of this Act, continue to be a New Zealand citizen.

(2) Notwithstanding subsection (1) of this section, a person who, by virtue of the British Nationality and New Zealand  
20 Citizenship Act 1948, was, immediately before the commencement of this Act, a New Zealand citizen by descent only, shall, for the purposes of this Act, be deemed to be a New Zealand citizen by descent only.

(3) Without limiting subsection (1) or subsection (2) of  
25 this section, but subject to subsection (4) of this section, every person born outside New Zealand on or after the 1st day of January 1949 but before the 1st day of January 1978 shall be a New Zealand citizen by descent if—

30 (a) In any case, his father was a New Zealand citizen at the time of that person's birth; or

(b) In the case of a person born on or after the 1st day of January 1970 (being the date of the commencement of the Status of Children Act 1969), his mother was a New Zealand citizen at the time of his birth.

35 (4) A person shall not be a New Zealand citizen by virtue of subsection (3) of this section if that person's relevant parent was a New Zealand citizen by descent only, unless—

40 (a) That person or his relevant parent was born in a protectorate, protected state, mandated territory, or trust territory, or any place in a foreign country where by treaty, capitulation, grant, usage, sufferance, or other lawful means Her Majesty then had jurisdiction over British subjects; or

- (b) In the case of a person born in a place other than a place mentioned in paragraph (a) of this subsection, his birth is registered, in accordance with regulations made under this Act, before that person has attained the age of 16 years; or 5
- (c) The relevant parent of that person was, at the time of the person's birth, in Crown service under the New Zealand Government.

**13. Applications made under British Nationality and New Zealand Citizenship Act 1948 may be proceeded with under this Act—**If a person has, before the commencement of this Act,— 10

- (a) Applied for registration as a New Zealand citizen; or
- (b) Given notice of his intention to apply for a certificate of naturalisation; or 15
- (c) Applied for a certificate of naturalisation—
- in accordance with the provisions of the British Nationality and New Zealand Citizenship Act 1948, the application (if it has not been finally determined under that Act) or notice may be dealt with in accordance with this Act as if it were 20 an application for the grant of New Zealand citizenship under this Act.

*Loss of Citizenship*

**14. Renunciation of citizenship—**(1) A New Zealand citizen who has attained the age of ~~(16)~~ 18 years and is of full 25 capacity and who is recognised by the law of another country as a citizen of that country may, at any time, make a declaration of renunciation of his New Zealand citizenship in the prescribed manner.

(2) Subject to subsection (3) of this section, the Minister 30 shall cause every declaration made under subsection (1) of this section to be registered in the prescribed manner, and, as from the date of that registration, the declarant shall cease to be a New Zealand citizen.

(3) The Minister may decline to register a declaration of 35 renunciation if—

- (a) The declarant is ordinarily resident in New Zealand; or
- (b) A state of war exists between New Zealand and any other country. 40

Cf. 1948, No. 15, s. 21

15. **Deprivation of New Zealand citizenship on acquisition of other citizenship, etc.**—Subject to section 18 of this Act, the Minister may, by order, deprive a person of his New Zealand citizenship if he is satisfied that the person has, while  
5 a New Zealand citizen and while of or over the age of **(16) 18** years and of full capacity,—

- (a) Acquired the nationality or citizenship of another country by any voluntary and formal act, other than marriage, and acted in a manner that is contrary to the interests of New Zealand; or
- 10 (b) Voluntarily exercised any of the privileges or performed any of the duties of another nationality or citizenship possessed by him in a manner that is contrary to the interests of New Zealand.

15 Cf. 1948, No. 15, s. 22

16. **Deprivation of New Zealand citizenship in case of fraud, etc.**—(1) This section applies to a New Zealand citizen who has acquired that citizenship—

- 20 (a) By registration under the British Nationality and New Zealand Citizenship Act 1948; or
- (b) By naturalisation under that Act; or
- (c) By grant under this Act.

(2) Subject to section 18 of this Act, the Minister may, by order, deprive a New Zealand citizen to whom this section  
25 applies of his New Zealand citizenship if he is satisfied that the registration, naturalisation, or grant was procured by fraud, false representation, or wilful concealment of relevant information, or by mistake.

Cf. 1948, No. 15, s. 23

30 17. **Effect of order**—A person in respect of whom an order is made under section 15 or section 16 of this Act shall cease to be a New Zealand citizen as from the date of the order.

18. **Court review of grounds for depriving person of citizenship**—(1) Before making an order under section 15 or section  
35 16 of this Act depriving any person of New Zealand citizenship, the Minister shall serve on that person a notice—

- (a) Stating that he intends to make such an order; and
- (b) Citing the section of this Act under which he considers that he has grounds to make such an order; and

(c) Specifying the grounds on which he intends to make such an order; and

(d) Advising the person of his right to have the matter reviewed by the Court in accordance with the succeeding provisions of this section.

(2) Every person upon whom a notice is served under subsection (1) of this section may, within 28 days after it is served on him, apply to the Supreme Court for a declaration that there are insufficient grounds to justify the making of an order under section 15 or, as the case may require, section 16 of this Act depriving the applicant of New Zealand citizenship; and the Court may make or refuse to make such a declaration accordingly.

(3) Notwithstanding any of the foregoing provisions of this section, in any case where the whereabouts of the person concerned are unknown or for any other reason service on him of a notice under this section is not practicable, the Minister may apply to the Court for the dispensing of the requirement to serve notice; and, in such a case, if the Court dispenses with that requirement, it shall proceed to consider the merits of the case, in accordance with the provisions of this section, as if the person concerned had applied to the Court for a declaration of the kind referred to in subsection (2) of this section.

(4) Where the Court makes such a declaration, the Minister shall not thereafter, without fresh cause, make an order under section 15 or section 16 of this Act depriving the applicant of New Zealand citizenship.

(5) Every application under this section shall be heard and determined by the Administrative Division of the Supreme Court.

(6) Subject to the succeeding provisions of this section, the procedure in respect of an application under this section shall be in accordance with the rules of Court.

(7) When hearing any application under this section the Court may receive as evidence any statement, document, information, or matter that, in the opinion of the Court, may assist it to deal justly with the application before it, whether or not the same would be otherwise admissible in proceedings before the Court.

(8) Where the Court is satisfied that it is desirable to do so by reason of the confidential nature of any evidence submitted or to be submitted to it in respect of any application under this section, the Court may, of its own motion or on the application of any party to the proceedings,—

- (a) Take or hear the evidence in private:
- (b) Make an order prohibiting the publication of any report or account of the whole or any part of any such evidence (whether heard or taken in public or private).

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Cf. 1948, No. 15, s. 23 (6), (7); S.R. 1949/121

**19. Saving of obligations incurred before loss of citizenship, etc.**—A person who ceases to be a New Zealand citizen shall not thereby be discharged from any obligation, duty, or liability in respect of any act or thing done or omitted to be done before he ceased to be a New Zealand citizen.

Cf. 1948, No. 15, s. 25

*Miscellaneous Provisions Relating to Citizenship*

**20. Certificate of citizenship in case of doubt**—(1) The Minister may, in respect of a person whose New Zealand citizenship is in doubt, whether because of a question of fact or of law, on receiving an application in the prescribed manner, determine whether that person is or is not a New Zealand citizen, and, if he is satisfied that that person is a New Zealand citizen, he shall issue a certificate to that effect.

(2) A certificate issued under subsection (1) of this section shall, unless it is proved that the issue of the certificate was procured by fraud, false representation, or the wilful concealment of relevant information, be evidence that the person named in the certificate was, on the date on which the certificate was issued, a New Zealand citizen, but without prejudice to any evidence that he was a New Zealand citizen at an earlier date.

Cf. 1948, No. 15, s. 28

**21. Minister may delegate functions and powers to overseas representatives**—(1) The Minister may from time to time, by writing under his hand, authorise any New Zealand overseas representative in any country to perform and exercise in that country any of the Minister's functions and powers under this Part of this Act.

(2) In the performance or exercise of any such functions or powers, the New Zealand overseas representative shall act in accordance with all directions in that behalf given to him by the Minister, whether generally or in a particular case.

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(3) Any authority and any directions under this section may be given to a specified person, or to the holder for the time being of a specified office.

Cf. 1948, No. 15, s. 10

## PART II

5

### COMMONWEALTH CITIZENSHIP

**22. Status of Commonwealth citizen—**(1) Every person who—

- (a) Is a New Zealand citizen; or
- (b) Is recognised by the law of a country listed in the Second Schedule to this Act as a citizen of that country—

shall, for the purposes of the law of New Zealand, have the status of a Commonwealth citizen.

(2) For the purpose of determining from time to time who is to enjoy the status of a Commonwealth citizen in New Zealand the Governor-General may by Order in Council add to or omit from the list of countries in the Second Schedule to this Act the name of any country.

(3) A person who has the status of a Commonwealth citizen may be known as a Commonwealth citizen or as a British subject; and for the purposes of this Act and of any other enactment (whether passed or made before or after the commencement of this Act) the terms "Commonwealth citizen" and "British subject" have the same meaning.

Cf. 1948, No. 15, s. 3

## PART III

### REGISTRATION OF ALIENS

**23. Part not to apply to diplomats, etc.—**Nothing in this Part of this Act shall apply to any person upon whom any immunity from jurisdiction is for the time being conferred by or under the Diplomatic Privileges and Immunities Act 1968, or the Consular Privileges and Immunities Act 1971, or in any other way.

**24. Aliens to apply to be registered—**(1) Subject to sub-section (2) of this section, every alien who, on the 1st day of January 1978, is in New Zealand and has attained the age of 16 years shall, within 30 days after that date, apply in the

prescribed manner to be registered as an alien, unless he was, immediately before that date, registered as an alien under the Aliens Act 1948.

5 (2) If an alien has applied to be registered as an alien under the Aliens Act 1948 but no certificate of registration has been issued to him before the commencement of this Act, the application shall be deemed to have been made under this section, and the alien shall not be required to make a further application.

10 (3) Every alien who, having attained the age of ~~(16)~~ 18 years, arrives in New Zealand after the 1st day of January 1978 shall, upon his arrival, apply in the prescribed manner to be registered as an alien.

15 (4) Every alien who, after the 1st day of January 1978, attains the age of ~~(16)~~ 18 years while residing in New Zealand shall, within 30 days after attaining that age, apply in the prescribed manner to be registered as an alien.

*New*

20 (5) Where any person residing in New Zealand becomes an alien by losing any other status that he previously had, he shall, within 30 days thereafter, apply in the prescribed manner to be registered as an alien.

Cf. 1948, No. 28, s. 6

25 **25. Certificate of registration**—The Secretary shall, upon receipt of an application for registration as an alien, issue to the applicant a certificate of registration in the prescribed form.

Cf. 1948, No. 28, s. 8

30 **26. Register of Aliens**—(1) For the purposes of this Part of this Act the Secretary shall set up and maintain a Register of Aliens in the prescribed form.

35 (2) The Secretary shall cause to be entered in the Register of Aliens, in respect of each person to whom he issues a certificate of registration under section 25 of this Act, that person's name, residential address, occupation, and business address, and such other particulars as may from time to time be prescribed.

(3) For the purpose of keeping the Register of Aliens correct and up to date, the Secretary shall from time to time—

40 time—

- (a) Correct any entry in the Register that is erroneous in any particular:
- (b) Amend any entry in the Register relating to any alien who has changed his name or his address or any other particulars noted in the Register: 5
- (c) Remove from the Register any entry relating to any person who has died, or has left New Zealand, or has ceased to be an alien.

Cf. 1948, No. 28, s. 9

**27. Aliens to notify change of name or address—**(1) Every registered alien who changes his name (whether by marriage or otherwise) or his residential address shall, within ~~(14)~~ 30 days after making the change, give notice of the change in the prescribed form and in the prescribed manner.

(2) On giving a notice pursuant to subsection (1) of this section, the alien shall at the same time surrender his certificate of registration, which shall be returned to him when particulars of the change have been noted on it.

Cf. 1948, No. 28, s. 11

**28. Aliens to produce certificate of registration, etc., on demand—**(1) Every registered alien shall produce his certificate of registration whenever required to do so by the Secretary, or any other officer of the Department of Internal Affairs authorised in that behalf in writing by the Secretary, or by a member of the Police. 25

(2) Every alien (whether registered or not) shall produce such documents relating to his identity as he may have in his possession whenever required to do so by the Secretary, or any other officer of the Department of Internal Affairs authorised in that behalf in writing by the Secretary, or by a member of the Police. 30

(3) If any alien without reasonable excuse fails or refuses to produce his certificate of identification or other document when required to do so under this section by a member of the Police, the officer may caution him, and, if he persists in his failure or refusal after such caution, may arrest him without warrant. 35

Cf. 1948, No. 28, s. 12



*Struck Out*

- 29. General provisions as to certificates of registration and other documents—**(1) For the purposes of this section the term “document” means a certificate of registration, or any document evidencing any exemption, condition, or variation, issued to a person under this Part of this Act, and includes a duplicate of a document.
- (2) No person shall lend or part with a document issued to him unless required to do so under this Act.
- 10 (3) No person shall alter or deface a document otherwise than pursuant to this Act.
- (4) Every document that is altered or defaced shall be void.
- (5) Every person to whom a document is issued under this Part of this Act shall, on the expiry or revocation of the document, or of the exemption or condition evidenced by it, 15 deliver the document to the Secretary.
- (6) If a document that has been damaged to the extent that it is no longer legible is returned to the Secretary, or if the Secretary is satisfied that a document has been destroyed, 20 lost, or stolen, the Secretary shall, upon application by the person to whom the document was issued and upon payment of the prescribed fee, issue a duplicate of the document.
- (7) The production of a duplicate document shall be of the same effect as the production of the original document.
- 25 Cf. 1948, No. 28, s. 13

PART IV

MISCELLANEOUS PROVISIONS

- 30. Application of Act to Irish citizens—**Subject to the provisions of any other enactment, the provisions of this Act 30 shall apply to every Irish citizen as if he were a Commonwealth citizen.

Cf. 1948, No. 15, s. 4

- 31. Capacity as to property—**(1) Subject to subsection (2) of this section and to any other enactment, every person who 35 is not a New Zealand citizen shall be entitled to take, acquire, hold, and dispose of real or personal property in the same manner in all respects as if he were a New Zealand citizen.
- (2) Subsection (1) of this section shall not—
- (a) Qualify an alien for any office, or for any parliamentary, municipal, or other franchise, for which he is 40 not otherwise qualified:

- (b) Qualify an alien to be the owner of a ship registered in New Zealand, or of a share in any such ship:
- (c) Entitle an alien to acquire property under a transaction to which Part IIA of the Land Settlement Promotion and Land Acquisition Act 1952 applies otherwise than in accordance with the provisions of that Part: 5
- (d) Entitle a person to any right or privilege as a New Zealand citizen, except the rights and privileges conferred on him in respect of property by that subsection. 10

Cf. 1948, No. 28, s. 3

*New*

**31A. General provisions as to certificates and other documents—**(1) For the purposes of this section the term “document” means a certificate or other document issued under this Act; and includes a certificate or other document issued under any enactment referred to in section 32 (1) of this Act; and also includes a duplicate of any such certificate or other document. 15 20

(2) No alien shall lend or part with a document issued to him unless required to do so under this Act.

(3) No person shall alter or deface a document otherwise than pursuant to this Act.

(4) Every person to whom a document is or has been issued shall, on the expiry or revocation of the document, or of the exemption or condition or status evidenced by it, deliver the document to the Secretary. 25

(5) If a document that has been damaged to the extent that it is no longer legible is returned to the Secretary, or if the Secretary is satisfied that a document has been destroyed, lost, or stolen, the Secretary shall, upon application by the person to whom the document was issued and upon payment of the prescribed fee, issue a duplicate of the document. 30

**32. Evidence—**(1) Every document purporting to be a notice, certificate, or declaration, or an entry in a register, or a subscription of an oath of allegiance given, granted, or made under this Act, the British Nationality and Status of Aliens (in New Zealand) Act 1923 or any enactment repealed by that Act, the British Nationality and Status of Aliens (in New Zealand) Act 1928, or the Registration of Aliens Act 40

1917, or any enactment repealed by section (40) 38 of this Act shall be received in evidence, and shall, unless the contrary is proved, be deemed to have been given, granted, or made by or on whose behalf it purports to have been given, granted, or  
5 made.

(2) Evidence of any document to which subsection (1) of this section applies may be given by production of a document purporting to be certified as a true copy thereof by such person and in such manner as may be prescribed.

10 (3) Any entry in a register made under this Act or any other Act referred to in subsection (1) of this section shall be received as evidence of the matters stated in the entry.

(4) For the purposes of this Act, a certificate given by or on behalf of the Minister that a person was at any time in  
15 Crown service under the New Zealand Government shall be conclusive evidence of that fact.

Cf. 1948, No. 15, s. 30

**33. Onus of proof where person alleged to be an alien—**

If a question arises under this Act as to whether a person is or  
20 is not an alien, the burden of proving that that person is not an alien shall be upon that person.

**34. Discovery of documents held under this Act—**(1) Notwithstanding section 17 or section 27 of the Crown Proceedings Act 1950, but subject to subsection (2) of this section, no  
25 Court shall have power in any civil proceedings to require the Crown to make discovery of a document or to produce a document for inspection if the document is held by or on behalf of the Crown for any of the purposes of this Act.

(2) Subsection (1) of this section does not apply to pro-  
30 ceedings relating to any matter arising under this Act to which the Crown is a party.

**35. Offences—**(1) Every person who—

(a) For the purpose of procuring anything to be done or  
35 not to be done under this Act, makes any statement that he knows to be false in a material particular, or recklessly makes any statement that is false in a material particular; or

(b) Knowingly resists, obstructs, or deceives any person  
40 who is exercising or attempting to exercise any function or power imposed or conferred under this Act—

commits an offence and is liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding ~~£500~~ \$1000.

(2) Every person who, being an alien,—

- (a) Fails without reasonable excuse to apply to be registered as an alien in contravention of section 24 of this Act: 5
- (b) Fails to notify any change of particulars or to surrender his certificate of registration in contravention of section 27 of this Act: 10
- (c) Fails without reasonable excuse to produce his certificate of registration or any other document when lawfully required to do so under section 28 of this Act: 15

*Struck Out*

- (d) Lends or parts with a document, or alters or defaces a document, or fails to surrender a document, in contravention of section 29 of this Act—

commits an offence and is liable on summary conviction to a fine not exceeding \$200. 20

*New*

(2A) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$200 who knowingly lends or parts with a document, or knowingly alters or defaces a document, or knowingly fails to surrender a document, in contravention of section 31A of this Act. 25

(3) Notwithstanding section 14 of the Summary Proceedings Act 1957, an information in respect of any offence against this Act or against any regulations made under this Act may be laid at any time within 2 years after the date of the alleged offence. 30

**36. Regulations**—The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

- (a) Prescribing anything that under this Act is to be prescribed: 35
- (b) Providing for the registration of anything required or authorised under this Act to be registered:

- 5 (c) Providing for the administration and taking of oaths of allegiance under this Act, prescribing the time within which oaths of allegiance shall be taken, and providing for the registration of oaths of allegiance:
- (d) Providing for the giving of any notice required or authorised to be given to any person under this Act:
- 10 (e) Providing for the cancellation and amendment of certificates of naturalisation and certificates of New Zealand citizenship, and for the cancellation of the registration of such certificates, relating to persons deprived of New Zealand citizenship under this Act, and providing for the surrender of such certificates by such persons:
- 15 (f) Providing for the registration, by officers in the service of the New Zealand Government, of the births and deaths of persons of any class or description born or dying in any country mentioned in the **(First)** Second Schedule to this Act, or in a protected state, or in any foreign country:
- 20 (g) Enabling the births and deaths of New Zealand citizens and British protected persons born and dying in any country in which the New Zealand Government has for the time being no overseas representatives to be registered by persons serving in the diplomatic, consular, or other foreign service of any country that, by arrangement with the New Zealand Government, has undertaken to represent that Government's interests in that country, or by any person authorised in that behalf by the Governor-General:
- 25 (h) Providing for the keeping of records, registers, and indexes for the purposes of this Act, specifying which (if any) such records, registers, and indexes are to be kept confidential and providing for such confidentiality, and enabling persons to inspect and make copies of any entry in any other such record, register, or index:
- 30 (i) Providing for the imposition, recovery, and application of fees in respect of—
  - 35 (i) Any application made under this Act:
  - 40 (ii) The registration of any document under this Act:

- (iii) The making of any declaration under this Act:
- (iv) The taking of an oath of allegiance under this Act:
- (v) The grant of any certificate under this Act: 5
- (vi) The issue of any copy (whether certified or not) of any notice, certificate, order, declaration, or entry given, granted, or made under this Act:
- (vii) The inspection of any record, register, or index kept under this Act: 10
- (viii) Any other matter arising under this Act:
- (j) **Applying the Births and Deaths Registration Act 1951, with any necessary modifications, either in addition to or in substitution for the provisions of section 36 of this Act, to births and deaths registered in accordance with regulations made under this Act, or registered at a consulate of Her Majesty in accordance with regulations made under the British Nationality and Status of Aliens Acts 1914 to 1943 (U.K.), or in accordance with instructions of the Secretary of State of the United Kingdom, or in accordance with the instructions of the Minister:** 15
- (k) **Providing for periodic reporting by aliens:**
- (l) **Exempting or providing for the exemption of any class of aliens from any of the provisions of Part III of this Act, subject to such conditions (if any) as may be prescribed in the regulations:** 25
- (m) **Prescribing offences in respect of the contravention of or non-compliance with any regulations made under this Act, and prescribing the amount of any fine that may be imposed in respect of any such offence, being an amount not exceeding \$200 and, where the offence is a continuing one, a further amount not exceeding \$20 for every day during which the offence has continued:** 30
- (n) **Providing for such other matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for the due administration thereof.** 35

**37. Application of Act to Cook Islands, Niue, and Tokelau—**(1) Whereas in accordance with Article 46 of the Constitution of the Cook Islands (as set out in the Second Schedule to the Cook Islands Constitution Amendment Act 40

1965) the Government of the Cook Islands has requested and consented to the enactment of a provision extending all of the provisions of this Act except Part III to the Cook Islands as part of the law of the Cook Islands: Be it therefore enacted

5 as follows:

The provisions of this Act, except Part III, shall extend to the Cook Islands as part of the law of the Cook Islands.

(2) Whereas in accordance with Article 36 of the Constitution of Niue (as set out in the Second Schedule to the Niue Constitution Act 1974) the Niue Assembly has by resolution requested and consented to the enactment of a provision extending all of the provisions of this Act, except Part III, to Niue as part of the law of Niue: Be it therefore enacted as follows:

15 The Niue Act 1966 is hereby amended by inserting, after section 684, the following section:

“684A. **Citizens and Aliens Act, except Part III, in force in Niue**—The Citizens and Aliens Act 1977, except Part III, shall extend to and be in force in Niue.”

20 (3) The provisions of this Act, except Part III, shall be in force in Tokelau.

**38. Repeals, consequential amendments, and revocation—**

(1) The enactments specified in the Third Schedule to this Act are hereby consequentially repealed.

25 (2) The enactments specified in the Fourth Schedule to this Act are hereby consequentially amended in the manner indicated in that Schedule.

(3) The Citizenship Deprivation Rules 1949 are hereby consequentially revoked.

## SCHEDULES

Section 10

## FIRST SCHEDULE

## OATH OF ALLEGIANCE

I, [*Full name*], swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, by the Grace of God Queen of New Zealand and Her Other Realms and Territories, Head of the Commonwealth, Defender of the Faith, and her heirs and successors according to law, and that I will faithfully observe the laws of New Zealand and fulfil my duties as a New Zealand citizen.

So help me God.

Sections 2 (2), 22

## SECOND SCHEDULE

COUNTRIES WHOSE CITIZENS SHALL HAVE THE STATUS OF (*British Subjects*) COMMONWEALTH CITIZENS (BRITISH SUBJECTS)

Australia	Malta
Bahamas	Mauritius
Bangladesh	Nauru
Barbados	Nigeria
Botswana	Papua - New Guinea
Canada	Seychelles
Cyprus	Sierra Leone
Fiji	Singapore
Gambia	Sri Lanka
Ghana	Swaziland
Grenada	Tanzania
Guyana	Tonga
India	Trinidad and Tobago
Jamaica	Uganda
Kenya	United Kingdom and Colonies
Lesotho	Western Samoa
Malawi	Zambia
Malaysia	

Section 38 (1)

## THIRD SCHEDULE

## ENACTMENTS CONSEQUENTIALLY REPEALED

- 1948, No. 15—The British Nationality and New Zealand Citizenship Act 1948.  
 1948, No. 28—The Aliens Act 1948.  
 1959, No. 38—The British Nationality and New Zealand Citizenship Amendment Act 1959.  
 1965, No. 71—The Aliens Amendment Act 1965.  
 1965, No. 72—The British Nationality and New Zealand Citizenship Amendment Act 1965.  
 1967, No. 56—The Aliens Amendment Act 1967.  
 1969, No. 70—The British Nationality and New Zealand Citizenship Amendment Act 1969.  
 1973, No. 51—The British Nationality and New Zealand Citizenship Amendment Act 1973.



FOURTH SCHEDULE

Section 38 (2)

ENACTMENTS CONSEQUENTIALLY AMENDED

Enactment	Amendment
1950, No. 13—The Republic of Ireland Act 1950	By repealing section 3 (3).
1952, No. 49—The Shipping and Seamen Act 1952	By omitting so much of the Seventh Schedule as relates to the Aliens Act 1948.
1955, No. 93—The Adoption Act 1955	By repealing section 16 (2) (e), and substituting the following paragraph: “(e) Subject to the Citizens and Aliens Act 1977, the adoption order shall not affect the race, nationality, or citizenship of the adopted child.”
1961, No. 68—The Western Samoa Act 1961	By omitting so much of the Second Schedule as relates to the British Nationality and New Zealand Citizenship Act 1948.
1968, No. 36—The Diplomatic Privileges and Immunities Act 1968	By omitting from section 7 (2) the words “paragraph (a) of the proviso to section 6 of the British Nationality and New Zealand Citizenship Act 1948”, and substituting the words “ <u>paragraph (a) of subsection (2) of section 4 of the Citizens and Aliens Act 1977</u> ”.
1968, No. 152—The Land Settlement Promotion and Land Acquisition Amendment Act 1968	By repealing section 8.
1969, No. 18—The status of Children Act 1969	By omitting so much of the Schedule as relates to the British Nationality and New Zealand Citizenship Act 1948.
1970, No. 123—The Western Samoa Amendment Act 1970	By repealing section 3. By repealing section 4.
1970, No. 137—The Age of Majority Act 1970	By omitting so much of the First Schedule as relates to the British Nationality and New Zealand Citizenship Act 1948.
1971, No. 11—The Consular Privileges and Immunities Act 1971	By omitting so much of the Second Schedule as relates to the British Nationality and New Zealand Citizenship Act 1948.