

70. Southern Rhodesia

(a) SOUTHERN RHODESIAN CITIZENSHIP AND BRITISH NATIONALITY ACT NO. 13 OF 1949.

PRELIMINARY

1. This Act may be cited as the Southern Rhodesian Citizenship and British Nationality Act, 1949, and shall come into operation on the first day of January, 1950.

2. (1) In this Act, unless inconsistent with the context:

“alien” means a person who is not a British subject, a British protected person or a citizen of Eire;

“Australia” includes Norfolk Island and the Territory of Papua;

“British protected person” means a person who is a member of a class of persons which His Majesty has declared by Order-in-Council made under the British Nationality Act, 1948, of the United Kingdom in relation to any protectorate, protected state, mandated territory or trust territory, to be British protected persons by virtue of their connexion with that protectorate, state or territory;

“certificate of naturalization” includes a certificate conferring the citizenship of a country to which section *three* of this Act applies upon an alien or British protected person;

“child” means a legitimate child and “father”, “ancestor” and “descended” shall be construed accordingly;

“consulate of His Majesty” means the office of a consular officer of His Majesty’s Government in the United Kingdom where a register of births is kept or, where there is no such office, such office as may be prescribed;

“foreign country” means a country other than the following:

- (a) Southern Rhodesia;
- (b) A country to which section *three* of this Act applies;
- (c) Eire;
- (d) A protectorate;
- (e) A protected state;
- (f) A mandated territory;
- (g) A trust territory;

“mandated territory” means a territory administered by the government of any part of His Majesty’s dominions in accordance with a mandate from the League of Nations;

“Minister” means the Minister of Internal Affairs or any other minister to whom the Governor may assign the administration of this Act;

“minor” means a person who has not attained the age of twenty-one years;

“naturalized person” means a person who has become a British subject or a citizen of Eire by virtue of a certificate of naturalization granted to him or in which his name was included;

“person naturalized in Southern Rhodesia” means:

(a) In relation to a person naturalized after the commencement of this Act, a person to whom a certificate of naturalization has been granted under this Act;

(b) In relation to a person naturalized before the commencement of this Act:

(i) A person to whom letters of naturalization were granted by the Administrator or Governor of Southern Rhodesia under the Southern Rhodesia Naturalization Order-in-Council, 1899;

(ii) A person who, by virtue of subsection (2) of section VIII of the Southern Rhodesia Naturalization Order-in-Council, 1899, or by virtue of section 10 of the Southern Rhodesia Naturalization Act [*Chapter 66*], is deemed to be naturalized.

(iii) A person to whom a certificate of naturalization was granted by the Governor under section 8 of the British Nationality and Status of Aliens Act, 1914, of the United Kingdom; or

(iv) A person who by virtue of subsection (2) of section 27 of the British Nationality and Status of Aliens Act, 1914, of the United Kingdom, is deemed to be a person to whom a certificate of naturalization was granted, if the certificate of naturalization in which his name was included was granted by the Governor;

“prescribed” means prescribed by regulations made under this Act;

“protected state” means any state or territory under the protection of His Majesty through his Government in the United Kingdom which has been declared by Order-in-Council made under the British Nationality Act, 1948, of the United Kingdom to be a protected state for the purposes of that Act, and includes the New Hebrides and Canton Island if by Order-in-Council the provisions of that Act have been applied to them as if they were protected states;

“protectorate” means any state or territory under the protection of His Majesty through his Government in the United Kingdom which has been declared by Order-in-Council made under the British Nationality Act, 1948, of the United Kingdom to be a protectorate for the purposes of that Act;

“registrar” means the Registrar of Citizenship appointed by the Minister for the purposes assigned to the registrar under this Act and such other purposes as may be prescribed by regulation;

“responsible parent”, in relation to a child, means the father of that child, or, where the father is dead or the mother has been given the custody of the child by order of a court or the child was born out of wedlock and resides with the mother, means the mother of that child;

“trust territory” means a territory administered by the government of any part of His Majesty’s dominions under the trusteeship system of the United Nations;

(2) References in this Act to any country to which section *three* of this Act applies shall include references to the dependencies of that country.

(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, and a person born aboard an unregistered ship or aircraft of the government of any country shall be deemed to have been born in the country to the government of which such ship or aircraft belonged at the date of his birth;

(b) A person shall be of full age if he has attained the age of twenty-one years and of full capacity if he is not of unsound mind;

(c) A person shall be deemed not to have attained a specified age until the commencement of the relevant anniversary of the day of his birth;

(d) The United Kingdom and Colonies shall be deemed to constitute one country, shall include the Channel Islands and the Isle of Man and shall exclude Southern Rhodesia.

(4) In this Act the expression "citizenship law" in relation to any country to which section *three* of this Act applies means an enactment of the legislature of that country declared by proclamation of the Governor made at the request of the government of that country to be an enactment making provision for citizenship thereof; and a citizenship law shall be deemed, for the purposes of this Act, to have taken effect in a country on the date which the Governor at the request of the government of that country by proclamation declares to be the date on which it took effect.

(5) Any reference in this Act to any other Act shall, unless the context otherwise requires, be construed as a reference to that Act as amended by any subsequent enactment.

BRITISH NATIONALITY

3. (1) Every person who under this Act is a Southern Rhodesian citizen or who under any citizenship law for the time being in force in any country to which this section applies is a citizen of that country shall, by virtue of that citizenship, be a British subject.

(2) The following are the countries to which this section applies, that is to say, the United Kingdom and Colonies, Canada, Australia, New Zealand, the Union of South Africa, India, Pakistan and Ceylon.

(3) If the Governor is notified by the Secretary of State that a country mentioned in subsection (2) of this section has left the Commonwealth, he shall by proclamation in the *Gazette* amend the said subsection by deleting the name of that country from the said subsection.

4. (1) Any citizen of Eire who immediately before the commencement of this Act was also a British subject shall not by reason of anything contained in section *three* of this Act be deemed to have ceased to be a British subject if at any time he gives notice in writing to the registrar claiming to remain a British subject on all or any of the following grounds:

(a) That he is or has been in Crown service under His Majesty's Government in Southern Rhodesia;

(b) That he is the holder of a British passport issued by His Majesty's Government in Southern Rhodesia;

(c) That he has associations by way of descent, residence or otherwise with Southern Rhodesia.

(2) A claim under subsection (1) of this section may be made on behalf of a child who has not attained the age of sixteen years by any person who satisfies the registrar that he is the responsible parent or guardian of that child.

(3) If by any citizenship law for the time being in force in any country to which section *three* of this Act applies provision, corresponding to the foregoing provisions of this section, is made for enabling citizens of Eire to claim to remain British subjects, any person who by virtue of that citizenship law remains a British subject shall be deemed also to be a British subject by virtue of this section.

5. (1) A British subject or citizen of Eire who is not a Southern Rhodesian citizen, shall not be guilty of an offence against any law of Southern Rhodesia by reason of anything done or omitted to be done in any country to which section *three* of this Act applies or in Eire or in a foreign country unless:

(a) The act or omission would be an offence if he were an alien; and

(b) In the case of an act or omission in any country to which section *three* of this Act applies or in Eire it would be an offence if the country in which the act is done or the omission made were a foreign country:

Provided that nothing in this subsection shall apply to the contravention of any provision of the Merchant Shipping Acts, 1894 to 1948, of the United Kingdom.

(2) Subject to the provisions of subsection (1) of this section, any law in force in Southern Rhodesia at the date of commencement of this Act, whether by virtue of a rule of law or of an Act of Parliament of the United Kingdom or of a statute of Southern Rhodesia or of any other enactment or instrument whatsoever, and any law which, although passed or made before that date, comes into force in Southern Rhodesia on or after that date shall, until provision is made to the contrary by the authority having power to alter that law, continue to have effect in relation to citizens of Eire in like manner as it has effect in relation to British subjects.

CITIZENSHIP BY BIRTH

6. (1) Subject to the provisions of subsection (3) of this section, every person who was born before the commencement of this Act shall on the date of commencement of this Act become a Southern Rhodesian citizen by birth if he was born on or after the 12th day of September, 1890, within the territories which at the date of commencement of this Act are comprised in Southern Rhodesia.

(2) Subject to the provisions of subsection (3) of this section, every person born in Southern Rhodesia after the commencement of this Act shall be a Southern Rhodesian citizen by birth.

(3) A person shall not by virtue of this section be a Southern Rhodesian citizen if at the time of his birth:

(a) His father possessed such immunity from suit and legal process as is accorded to an envoy of a foreign sovereign power accredited to His Majesty, and was not a Southern Rhodesian citizen; or

(b) The place of his birth was under occupation by the enemy and his father was an enemy alien.

CITIZENSHIP BY DESCENT

7. (1) A person born outside Southern Rhodesia before the commencement of this Act who was a British subject immediately before the date of commencement of this Act shall on that date become a Southern Rhodesian citizen by descent if at the time of his birth his father was a British subject and possessed any of the following qualifications, that is to say:

(a) That he was born within the territories which at the date of commencement of this Act are comprised in Southern Rhodesia and he would

have become a Southern Rhodesian citizen if section *six* of this Act had been in force at the time of his birth;

(b) That he was a person naturalized in Southern Rhodesia;

(c) That he became a British subject by reason of the annexation to His Majesty's dominions, under the Southern Rhodesia (Annexation) Order-in-Council, 1923, of the territories now known as the Colony of Southern Rhodesia.

(2) A person born outside Southern Rhodesia after the commencement of this Act shall be a Southern Rhodesian citizen by descent if:

(a) His father was at the time of such person's birth a Southern Rhodesian citizen otherwise than by descent; and

(b) Such person's birth is registered in manner prescribed, either with the Minister or at such a consulate of His Majesty as may be prescribed, within one year of its occurrence or, with the permission of the Minister, later.

(3) If the Minister so directs, a birth shall be deemed for the purposes of subsection (2) of this section to have been registered with his permission notwithstanding that his permission was not obtained before the registration.

CITIZENSHIP BY NATURALIZATION

8. A person naturalized in Southern Rhodesia who immediately before the commencement of this Act was a British subject or was, by virtue of the Southern Rhodesia Naturalisation Act [*Chapter 66*], entitled to all the political and other rights, powers and privileges to which a natural-born British subject was entitled in the Colony, shall on the date of commencement of this Act become a Southern Rhodesian citizen by naturalization.

9. (1) Any alien or British protected person of full age and capacity who makes application therefor in accordance with the provisions of this Act and satisfies the High Court that he is a fit and proper person to be naturalized and that he possesses the required qualifications shall be entitled to naturalization as a Southern Rhodesian citizen.

(2) The required qualifications for naturalization of a British protected person are:

(a) That he has filed in the office of the registrar not less than one nor more than five years before the date of his application a written declaration in manner prescribed of his intention to become a Southern Rhodesian citizen:

Provided

That in the case of a British protected person who at the date of commencement of this Act has been resident in the Colony for a period of ten years or more such written declaration may be so filed not less than six months before the date of his application;

(b) That he has resided in Southern Rhodesia throughout the period of twelve months immediately preceding the date of his application;

(c) That during the seven years immediately preceding the said period of twelve months he has resided in Southern Rhodesia for periods amounting in the aggregate to not less than four years;

(d) That he is of good character;

(e) That he has become assimilated with the community of the Colony;

(f) That he has an adequate knowledge of the English language; and

(g) That he intends, if his application is granted, either to reside permanently in Southern Rhodesia or to enter or continue in Crown service under His Majesty's Government in Southern Rhodesia.

(3) The required qualifications for naturalization of an alien are the same as those set out in subsection (2) of this section, and, in addition, an alien applicant must have been lawfully admitted to Southern Rhodesia for permanent residence therein.

(4) Any period during which an applicant for naturalization has served outside Southern Rhodesia in the armed forces of Southern Rhodesia or has been employed outside Southern Rhodesia in Crown service under His Majesty's Government in Southern Rhodesia, otherwise than as a locally engaged person, shall be treated for the purposes of this section as equivalent to a period of residence in Southern Rhodesia.

(5) No period during which an applicant for naturalization was confined in or an inmate of any prison, gaol, reformatory or mental hospital or institution in Southern Rhodesia or in which he resided in Southern Rhodesia under terms of conditional or temporary residence permitted by any law shall be counted for the purposes of this section as a period of residence in Southern Rhodesia.

10. (1) An applicant for naturalization shall lodge with the registrar an application in manner prescribed and shall give notice of his application and of the date thereof by advertisement in a newspaper circulating in the district in which he resides; every such advertisement shall appear at least once in each of three successive weeks immediately following the date of his application.

(2) The date on which the registrar receives an application for naturalization shall be the date of that application for the purposes of this Act.

11. At any time within the three months immediately following the date of the application for naturalization any person objecting to the grant of naturalization to the applicant may lodge with the registrar in manner prescribed an opposition in which shall be stated the grounds of his objection.

12. On the expiry of the three months immediately following the date of an application the registrar shall transmit to the Registrar of the High Court the application, any opposition made thereto and such other papers, documents and reports as may be required by regulation or by rules of court made under this Act.

13. An applicant for naturalization shall produce to the High Court such evidence as the High Court may require that he is qualified and fit to be granted naturalization under this Act and shall personally appear before the High Court for examination unless it is established to the satisfaction of the High Court that he is prevented from so appearing by some good and sufficient cause.

14. When the High Court has decided on an application for naturalization the Registrar of the High Court shall transmit to the registrar a certified copy of that decision together with such other papers, documents and reports as may be required by regulation or by rule of court made under this Act.

15. If the High Court has decided that an application for naturalization shall be granted the registrar shall upon receipt of a certified copy of such decision issue a certificate of naturalization of the applicant and send

the certificate to the magistrate of the district in which the applicant resides. Upon the applicant taking an oath of allegiance in the form specified in the Schedule to this Act the magistrate shall deliver the certificate to the applicant after having endorsed thereon the date of the taking of such oath of allegiance. On that date the applicant shall become a Southern Rhodesian citizen by naturalization.

16. If the High Court has rejected an application for naturalization that applicant shall not make another application for naturalization under this Act until a period of two years from the date of such rejection has expired.

CITIZENSHIP BY INCORPORATION OF TERRITORY

17. (1) A person who was a British subject immediately before the date of commencement of this Act shall on that date become a Southern Rhodesian citizen if he became a British subject by reason of the annexation to His Majesty's dominions, under the Southern Rhodesia (Annexation) Order-in-Council, 1923, of the territories now known as the Colony of Southern Rhodesia, and does not on that date become a Southern Rhodesian citizen by virtue of any of the foregoing provisions of this Act.

(2) If at any time after the commencement of this Act any territory becomes a part of Southern Rhodesia, the Governor may by proclamation specify the persons who shall be Southern Rhodesian citizens by reason of their connexion with that territory; and those persons shall be Southern Rhodesian citizens as from a date to be specified in the proclamation.

(3) A person who is a Southern Rhodesian citizen by virtue of this section shall be a Southern Rhodesian citizen by incorporation of territory.

CITIZENSHIP BY REGISTRATION

18. A person who was a British subject immediately before the date of the commencement of this Act and does not on that date become a Southern Rhodesian citizen by virtue of any other provision of this Act shall on that date become a Southern Rhodesian citizen by registration if on that date his name is on the roll of voters for an electoral district of Southern Rhodesia.

19. (1) After the commencement of this Act any person of full age and capacity who is a citizen of a country to which section *three* of this Act applies or a citizen of Eire and who makes application therefor in the prescribed manner and satisfies the registrar that he possesses the required qualifications shall be entitled, subject to the provisions of section *twenty-one* of this Act, to be registered as a Southern Rhodesian citizen:

Provided that a person who has previously been a Southern Rhodesian citizen and has been deprived of, or renounced, that citizenship shall not be entitled to be registered as a Southern Rhodesian citizen, but may be so registered with the approval of the Minister.

(2) The required qualifications for the registration of an applicant are:

(a) That he is ordinarily resident in Southern Rhodesia and has been so resident throughout the period of two years immediately preceding his application:

Provided that if the applicant is a naturalized person such period of residence in Southern Rhodesia shall be three years;

(b) That he is of good character;

(c) That he has become assimilated with the community of the Colony;
 (d) That he has an adequate knowledge of the English language; and
 (e) That he intends if his application is granted either to reside permanently in Southern Rhodesia or to enter or continue in Crown service under His Majesty's Government in Southern Rhodesia.

(3) Any period during which an applicant for registration has served outside Southern Rhodesia in the armed forces of Southern Rhodesia or has been employed outside Southern Rhodesia in Crown service under His Majesty's Government in Southern Rhodesia, otherwise than as a locally engaged person, shall be treated for the purposes of this section as equivalent to a period of residence in Southern Rhodesia.

(4) No period during which an applicant for registration was confined in or an inmate of any prison, gaol, reformatory or mental hospital or institution in Southern Rhodesia or during which he resided in Southern Rhodesia under terms of conditional or temporary residence permitted by any law shall be counted for the purposes of this section as a period of residence in Southern Rhodesia.

(5) If on any application for registration under subsection (1) of this section the registrar is doubtful whether the applicant possesses the required qualifications for registration, he shall refer the application to the Minister for his decision.

(6) If the registrar refuses an application for registration under this section the unsuccessful applicant may appeal to the Minister, who may refuse or grant the application or refer it to the Registrar of the High Court in terms of section *twenty* of this Act.

20. (1) If on any application for registration referred to him by the registrar in terms of subsection (5) of section *nineteen* of this Act or on any appeal in terms of subsection (6) of section *nineteen* of this Act the Minister is doubtful whether the applicant possesses the required qualifications for registration, he may draw up a statement of the facts and shall sign it in attestation of its correctness and transmit it to the Registrar of the High Court to be laid before a judge in chambers.

(2) When a case is stated under this section the Minister and the applicant shall be entitled to be heard in person or by counsel in argument upon the question stated in the case.

(3) The judge before whom is laid any statement of case under this section may call for further information if he deems fit from the Minister, and shall give such decision on the case as appears to him right and proper. There shall be no appeal from a decision of a judge under this section and the Minister shall act upon the application in accordance with such decision.

21. On every application the decision of the registrar or of the Minister, as the case may be, shall be notified to the applicant by the registrar. If the application is granted, the applicant shall thereafter on taking an oath of allegiance in the form specified in the Schedule to this Act be registered and become a Southern Rhodesian citizen by registration as from the date of his taking such oath.

MARRIED WOMEN AND MINOR CHILDREN

22. A woman who:

(a) Was a British subject immediately before the date of commencement of this Act; and

(b) Was at that date the wife of a person who becomes, or the widow of a person who but for his death would have become, on that date a Southern Rhodesian citizen by virtue of any of the foregoing provisions of this Act; and

(c) Does not herself in her own right become a Southern Rhodesian citizen by virtue of any of the foregoing provisions of this Act; shall on the date of commencement of this Act herself become such a Southern Rhodesian citizen as her husband becomes or would but for his death have become.

23. Where at any time before the commencement of this Act a woman ceased to be a British subject by reason that:

(a) On her marriage to an alien she acquired the nationality of her husband; or

(b) Her husband, being a British subject, during the continuance of the marriage acquired a new nationality and, by reason of her husband acquiring that new nationality, she also acquired that nationality, she shall be deemed for the purposes of this Act to have been a British subject immediately before the date of commencement of this Act.

24. Subject to the provisions of this Act, a married woman shall be capable of acquiring and divesting herself and being deprived of Southern Rhodesian citizenship in all respects as if she were an unmarried woman or a widow, and after the commencement of this Act no woman shall acquire or lose such citizenship by reason of marriage only.

25. (1) Subject to the provisions of subsection (4) and (5) of this section, a woman who is a citizen of a country to which section *three* of this Act applies or a citizen of Eire and who is the wife of a Southern Rhodesian citizen shall be entitled on making application to the registrar in the prescribed manner to be registered as a Southern Rhodesian citizen, whether or not she is of full age.

(2) The registrar may cause to be registered as a Southern Rhodesian citizen:

(a) A woman, who is an alien or a British protected person and is the wife of a Southern Rhodesian citizen;

(b) A minor child of a Southern Rhodesian citizen; upon application made in the prescribed manner by the woman or, as the case may be, by the responsible parent or guardian of the child.

(3) The registrar may, in such special circumstances as he thinks fit, cause any minor to be registered as a Southern Rhodesian citizen.

(4) If the registrar refuses an application for registration under subsection (2) or (3) of this section the unsuccessful applicant may appeal to the Minister who may refuse or grant the application.

(5) A woman who has renounced or been deprived of Southern Rhodesian citizenship under this Act shall not be registered as a Southern Rhodesian citizen under this section except with the approval of the Minister.

(6) No woman of full age and capacity shall be registered as a Southern Rhodesian citizen under this section until she has taken an oath of allegiance in the form specified in the Schedule to this Act.

(7) A person registered as a citizen under this section shall be a Southern Rhodesian citizen by registration as from the date on which he is registered.

RENUNCIATION, DEPRIVATION AND LOSS OF CITIZENSHIP

26. (1) A Southern Rhodesian citizen of full age and capacity who is also a citizen of any country to which section *three* of this Act applies or of Eire may make a declaration of renunciation of his Southern Rhodesian citizenship:

Provided that a declaration made under this subsection by a person who is ordinarily resident in Southern Rhodesia shall not be registered except with the permission of the Minister.

(2) A Southern Rhodesian citizen of full age and capacity who is also a national of a foreign country may make a declaration of renunciation of his Southern Rhodesian citizenship:

Provided that a declaration under this subsection made during any war in which His Majesty may be engaged shall not be registered except with the permission of the Minister.

(3) A declaration under this section shall be of no effect unless it is made and registered in such manner as may be prescribed.

(4) Upon a declaration being made and registered under this section, the person by whom the declaration was made shall cease to be a Southern Rhodesian citizen.

(5) For the purposes of this section any woman who has been married shall be deemed to be of full age notwithstanding that she has not attained the age of twenty-one years.

27. (1) A Southern Rhodesian citizen who is a citizen by registration or a naturalized person shall cease to be a Southern Rhodesian citizen if he is deprived of his citizenship by an order made under this section or under section *twenty-eight* of this Act.

(2) Subject to the provisions of this section, the Governor may by order deprive of his citizenship any Southern Rhodesian citizen by registration or any person naturalized in Southern Rhodesia if the Governor is satisfied that his registration or naturalization was obtained by means of fraud, false representation or the concealment of any material fact.

(3) Subject to the provisions of this section, the Governor may by order deprive of his citizenship any Southern Rhodesian citizen who is a naturalized person if he is satisfied:

(a) That he has shown himself by act or speech to be disloyal or disaffected towards His Majesty; or

(b) That he has, during any war in which His Majesty was engaged, unlawfully traded or communicated with an enemy or been engaged in or associated in business that was to his knowledge carried on in such manner as to assist an enemy in that war; or

(c) That he has within five years after becoming naturalized been sentenced in any country to imprisonment for a term of not less than twelve months.

(4) The Governor shall not deprive a person of his citizenship under this section unless he is satisfied that it is not conducive to the public good that that person should continue to be a Southern Rhodesian citizen.

(5) Before making an order under this section the Governor shall cause to be served on the person against whom an order is proposed to be made a notice in writing informing him of the ground on which it is proposed to be made and of his right, upon making application therefor in the prescribed manner, to have his case referred for enquiry.

(6) If the person against whom the order is proposed to be made applies in the prescribed manner for an enquiry, the Governor shall refer the case for enquiry and report, in accordance with rules of court, to the High Court.

28. (1) Where a naturalized person who was a citizen of any country to which section *three* of this Act applies or of Eire has under any provision of the law in force in the country of which he was such a citizen been deprived of that citizenship on grounds which, in the opinion of the Governor, are substantially similar to any of the grounds specified in section *twenty-seven* of this Act, then, if that person is also a Southern Rhodesian citizen, the Governor may by an order made under this section deprive him of his Southern Rhodesian citizenship, if he is satisfied that it is not conducive to the public good that he should continue to be a Southern Rhodesian citizen.

(2) To the making of any order under this section the provisions of subsections (5) and (6) of section *twenty-seven* of this Act shall apply.

29. (1) Subject to the provisions of this section, a Southern Rhodesian citizen of full age and capacity who is a citizen by registration or by naturalization shall lose his citizenship and cease to be a Southern Rhodesian citizen if, after he has become of full age and while he is of full capacity, he resides outside Southern Rhodesia for a continuous period of three years, exclusive of any period during which:

(a) He is in Crown service under His Majesty's Government in Southern Rhodesia and resides outside Southern Rhodesia for the purposes of such service; or

(b) He is the spouse of such a person as is mentioned in paragraph (a) hereof and resides outside Southern Rhodesia for the purpose of being with his spouse; or

(c) He is the spouse of a Southern Rhodesian citizen by birth, by descent or by incorporation of territory and resides outside Southern Rhodesia for the purpose of being with his spouse.

(2) The provisions of subsection (1) of this section shall not apply to any Southern Rhodesian citizen who has served in His Majesty's armed forces in time of war and has been honourably discharged therefrom nor shall the provisions of the said subsection apply to the wife of any such citizen.

(3) If a Southern Rhodesian citizen who is a citizen by registration or by naturalization and is residing outside Southern Rhodesia gives notice in the prescribed manner to the registrar that he wishes to retain his Southern Rhodesian citizenship, any period or periods, not exceeding three years in all, during which he has resided outside Southern Rhodesia before the date on which the registrar received such notice shall not be counted for the purpose of reckoning the continuous period of three years referred to in subsection (1) of this section.

SUPPLEMENTAL

30. Where any person whose British nationality depended upon his birth having been registered at a consulate of His Majesty has, under any enactment in force at any time before the commencement of this Act, ceased to be a British subject by reason of his failure to make a declaration of retention of British nationality after becoming of full age, that person shall, if he would but for that failure have been a British

subject immediately before the commencement of this Act, be deemed for the purposes of this Act then to have been a British subject.

31. (1) A person born out of wedlock and legitimated by the subsequent marriage of his parents shall, as from the date of the marriage or of the commencement of this Act, whichever is later, be treated, for the purpose of determining whether he is a Southern Rhodesian citizen or was a British subject immediately before the commencement of this Act, as if he had been born legitimate.

(2) A person shall be deemed for the purposes of this section to have been legitimated by the subsequent marriage of his parents if by the law of the place in which his father was domiciled at the time of the marriage the marriage operated immediately or subsequently to legitimate him, and not otherwise.

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

33. (1) A person who immediately before the commencement of this Act was a British subject and is at that date potentially a citizen of any country to which section *three* of this Act applies, but is not at that date a Southern Rhodesian citizen or a citizen of any country to which the aforementioned section applies or of Eire shall as from that date for the purposes of this Act remain a British subject without citizenship until he becomes a Southern Rhodesian citizen, a citizen of any country to which section *three* of this Act applies, a citizen of Eire or an alien.

(2) The law in force before the commencement of this Act relating to British nationality shall continue to apply to a person while he remains a British subject without citizenship as aforesaid as if this Act had not been passed:

Provided that:

(i) If that person is a male, nothing in this subsection shall confer British nationality on any woman whom he marries during the period during which he is a British subject without citizenship, or on any child born to him during that period;

(ii) He shall not, by becoming naturalized in a foreign state, be deemed to have ceased to be a British subject by virtue of section 13 of the British Nationality and Status of Aliens Act, 1914, of the United Kingdom; and

(iii) So long as a woman remains a British subject without citizenship as aforesaid she shall not on marriage to an alien cease to be a British subject.

(3) So long as a person remains a British subject without citizenship as aforesaid he shall be treated for the purpose of any application made by him for registration as a Southern Rhodesian citizen under this Act as if he were a citizen of one of the countries to which section *three* of this Act applies or of Eire.

(4) A person shall, in relation to any country to which section *three* of this Act applies in which a citizenship law has not taken effect at the

commencement of this Act, be deemed for the purposes of this section to be potentially a citizen of that country at that date if he, or his nearest ancestor in the male line who acquired British nationality otherwise than by reason of his parentage, acquired British nationality by any of the following means, that is to say:

(a) By birth within the territory comprised at the commencement of this Act in that country; or

(b) By virtue of a certificate of naturalization granted by the government of that country; or

(c) By virtue of the annexation of any territory included at the commencement of this Act in that country;

and a woman shall, in addition, be deemed for the purposes of this Act to be at the commencement of this Act potentially a citizen of any country to which section *three* of this Act applies if any person to whom she has been married is, or would but for his death have been, potentially a citizen thereof at that date.

34. The Minister may in such cases as he thinks fit grant a certificate of citizenship to a person with respect to whose citizenship of Southern Rhodesia a doubt exists; and a certificate issued under this section shall be conclusive evidence that that person was such a citizen on the date thereof, but without prejudice to any evidence that he was a citizen at an earlier date.

35. (1) The Minister shall give to an applicant his reasons for the grant or refusal of any application under this Act the decision on which is at his discretion unless, in his opinion, it is contrary to the public interest to disclose his reasons.

(2) The decision of the Minister on any such application shall not be subject to appeal or review in any court.

36. (1) Every document purporting to be a notice, certificate, order 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 Acts, 1914 to 1943, of the United Kingdom or any Act repealed by those Acts, shall be received in evidence, and shall, unless the contrary is proved, be deemed to have been given, granted or made by or on behalf of the person by whom or on whose behalf it purports to have been given, granted or made.

(2) *Prima facie* evidence of any such document as aforesaid 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.

(3) Any entry in a register made under this Act, the British Nationality and Status of Aliens Acts, 1914 to 1943, or any Act repealed by those Acts, 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 Crown service under His Majesty's Government in Southern Rhodesia shall be conclusive evidence of that fact.

37. (1) Any person who, for the purpose of procuring anything to be done or not to be done under this Act, knowingly or recklessly makes any statement which is false in a material particular, shall, without prejudice to any other proceedings that might be taken against him, be guilty of an offence and liable to a fine not exceeding one hundred pounds or to

imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

(2) If any person fails to comply with any requirements imposed on him by regulations made under this Act with respect to the delivering up of certificates of naturalization he shall be guilty of an offence and liable to a fine not exceeding one hundred pounds.

38. The Governor may by regulations make provision generally for carrying into effect the purposes of this Act, and in particular:

(a) For prescribing anything which under this Act is to be prescribed;

(b) For determining the time within which anything required or authorized to be done under this Act shall be done;

(c) For the registration of anything required or authorised under this Act to be registered;

(d) For the administration and taking of an oath of allegiance under this Act and for the time within which such oath shall be taken;

(e) For the giving of any notice required or authorised to be served on any person under this Act;

(f) For the cancellation and amendment of certificates of naturalization and certificates of registration relating to persons deprived of citizenship under this Act, and for requiring such certificates to be delivered up for those purposes;

(g) For the registration by consular officers or other officers in the service of His Majesty's Government in the United Kingdom of the birth and death of any class or description of persons born or dying in a protected state or foreign country;

(h) For enabling the births and deaths of Southern Rhodesian citizens born or dying in any country in which His Majesty's Government in the United Kingdom has for the time being no diplomatic or consular representatives to be registered by persons serving in the diplomatic, consular or other foreign service of any country which, by arrangement with His Majesty's Government in the United Kingdom, has undertaken to represent that Government's interest in that country, or by a person authorised in that behalf by the Governor;

(i) For defining the circumstances in which and the conditions subject to which copies of certificates issued under this Act may be obtained;

(j) For the imposition and recovery of fees in respect of any application made to the Minister or registrar under this Act or in respect of any registration, or the making of any declaration, or the grant of any certificate, or the taking of an oath of allegiance, authorized to be made, granted or taken by or under this Act, and in respect of supplying a certified or other copy of any declaration, certificate or oath made, granted or taken as aforesaid; and for the application of any such fees:

Provided that any regulation making provision for matters described in paragraph (g) and paragraph (h) of this subsection shall only be made after consultation with His Majesty's Government in the United Kingdom.

39. (1) The Chief Justice and other judges of the High Court may make rules for regulating matters to be dealt with by the High Court under this Act.

(2) The provisions of section 4 of the High Court Practice and Procedure Act [*Chapter 9*] shall apply to all rules made in terms of this subsection.

40. Subject to the provisions of subsection (2) of section *thirty-three* of this Act, the British Nationality and Status of Aliens Act, 1914 to 1943,

of the United Kingdom, so far as they have hitherto extended to Southern Rhodesia, shall from the date of commencement of this Act cease to be in force in Southern Rhodesia.

41. (1) Subject to the provisions of this section, in any Act of the Parliament of Southern Rhodesia and in any instrument made under any such Act, whether passed or made before or after the commencement of this Act, the expression "British subject" shall mean a person who is a British subject under the provisions of this Act, and the expressions "British protected person" and "alien" shall have the same meanings as they have for the purposes of this Act, unless provision is expressly made in such Act or instrument to the contrary or the context otherwise requires.

(2) For the purposes of the Deportation of Aliens Act [*Chapter 61*] the expression "alien" shall mean any person who is neither a British subject under the provisions of this Act nor a citizen of Eire.

(3) The Aliens Act, 1946, is hereby amended in section 2 thereof by the omission of the definition of alien and the substitution therefor of the following definition:

"'alien' means any person who is not a British subject, a British protected person or a citizen of Eire, but does not include a native."

42. The Southern Rhodesian Naturalization Act [*Chapter 66*] is hereby repealed with the exception of the long title and sections 1 and 2, and in the said section 1 the words "Status of Aliens" shall be substituted for the words "Southern Rhodesia Naturalization" and in the said long title the words "the local naturalization and" are repealed.

SCHEDULE (Sections 15, 21 and 25).

OATH OF ALLEGIANCE

I, A.B., swear by Almighty God that I will be faithful and bear true allegiance to His Majesty King George VI, his heirs and successors according to law, and that I will faithfully observe the laws of Southern Rhodesia and fulfil my duties as a Southern Rhodesian citizen.

(b) SOUTHERN RHODESIAN CITIZENSHIP AND BRITISH NATIONALITY (AMENDMENT) ACT, 1951.

1. This Act may be cited as the Southern Rhodesian Citizenship and British Nationality Amendment Act, 1951.

2. Section 2 of the Southern Rhodesian Citizenship and British Nationality Act, 1949 (hereinafter called the principal Act), which contains definitions, is hereby amended by the repeal of subsection (4).

3. Section 3 of the principal Act, which relates to British nationality by virtue of citizenship, is hereby amended in subsection (1) by the omission of the words "citizenship law" and by the substitution of the word "enactment" in place thereof.

4. Section 4 of the principal Act, which relates to the continuance of certain citizens of the Republic of Ireland as British subjects, is hereby amended in subsection (3) by the omission of the words "citizenship law" wherever they occur and by the substitution of the word "enactment" in place thereof.

5. Section 6 of the principal Act, which relates to persons born within the Colony, is hereby amended in subsection (3) as follows:

(a) By the addition at the end of paragraph (b) of the word "or";

(b) By the addition of the following paragraph:

"(c) His father was an enemy alien and his mother was interned in any place in the Colony set aside for the internment of enemy aliens."

6. Section 7 of the principal Act, which relates to persons born outside the Colony, is hereby amended by the addition of the following subsection to follow subsection (2):

"(2a) A person shall not by virtue of this section be a Southern Rhodesian citizen if he is the child of a polygamous marriage."

7. (1) Section 9 of the principal Act, which relates to the requisites for naturalization, is hereby amended as follows:

(a) By the repeal of subsection (1) and by the substitution of the following subsection in place thereof:

"(1) The Minister may grant a certificate of naturalization to any alien or British protected person of full age and capacity who makes application therefor in the prescribed manner and satisfies the Minister that he is a fit and proper person to be naturalized and that he possesses the required qualifications. Before considering any such application, the Minister shall obtain a report thereon from a committee appointed by him for the purpose of considering all such applications and consisting of such persons as may be prescribed."

(b) By the omission in paragraph (b) of subsection (2) of the words "resided in Southern Rhodesia throughout" and by the substitution of the words "been ordinarily resident in Southern Rhodesia during" in place thereof.

(2) Any application for naturalization made before the date of commencement of this Act but not granted at that date shall be treated as if it were an application made under section 9 of the principal Act as amended by this Act.

8. Section 10 of the principal Act, which relates to application for naturalization and advertisement thereof, is hereby repealed and the following section is substituted in place thereof:

"10. (1) No certificate of naturalization granted to any person shall have effect until he has taken an oath of allegiance in the form prescribed in the Schedule to this Act.

"(2) The person to whom a certificate of naturalization is granted under this Act shall, on taking the oath of allegiance as aforesaid, be a Southern Rhodesian citizen by naturalization as from the date of his taking such oath."

9. Sections 11, 12, 13, 14 and 15 of the principal Act are hereby repealed.

10. Section 16 of the principal Act, which relates to the renewal of a rejected application, is hereby amended by the omission of the words "High Court" and by the substitution of the word "Minister" in place thereof.

11. Section 19 of the principal Act, which relates to the requisites for registration after the commencement of the Act is hereby amended as follows:

(a) In subsection (1) by the omission of the word "registrar" and by the substitution of the word "Minister" in place thereof;

(b) In subsection (2) by the repeal of paragraph (a) and by the substitution of the following paragraph in place thereof:

"(a) That he is ordinarily resident in Southern Rhodesia and has been so resident throughout the period of three years immediately preceding his application:

"Provided that, if the applicant resided in Southern Rhodesia for a continuous period of at least five years or for periods which in the aggregate amounted to seven years before the date of commencement of this Act, the period of residence in Southern Rhodesia immediately preceding his application shall be one year."

(c) By the repeal of subsections (5) and (6) and by the substitution of the following subsection in place thereof:

"(5) If the Minister has rejected an application for registration under this section, the applicant shall not make another application for registration under this Act until a period of two years from the date of such rejection has expired."

12. Section 20 of the principal Act, which relates to stating a case for the decision of a judge, is hereby repealed.

13. Section 21 of the principal Act, which relates to the date on which registration is effectual, is hereby amended by the omission of the words "registrar or of the Minister, as the case may be," and by the substitution of the word "Minister" in place thereof.

14. Section 25 of the principal Act, which relates to the registration of wives of citizens and minor children, is hereby amended as follows:

(a) In subsection (1) by the omission of the word "registrar" and by the substitution of the word "Minister" in place thereof;

(b) In subsection (2) by the omission of the word "registrar" and by the substitution of the word "Minister" in place thereof;

(c) In subsection (3) by the omission of the word "registrar" and by the substitution of the word "Minister" in place thereof;

(d) By the repeal of subsection (4);

(e) In subsection (5) by the omission of the words "registered as a Southern Rhodesian citizen under this section except" and by the substitution of the words "entitled to be registered as a Southern Rhodesian citizen under this section, but may be so registered" in place thereof.

15. The principal Act is hereby amended by the addition of the following section after section 25:

"25A. The provisions of sections *twenty-two*, *twenty-three* and *twenty-five* of this Act shall not apply to any woman who was or is a party to a polygamous marriage, and the provisions of section *twenty-five* of this Act shall not apply to any child of a polygamous marriage."

16. Section 27 of the principal Act, which relates to deprivation of citizenship, is hereby amended as follows:

(a) In subsection (2) by the omission of the word "Governor" wherever it occurs and by the substitution of the word "Minister" in place thereof;

(b) In subsection (3) by the omission of the word "Governor" and by the substitution of the word "Minister" in place thereof;

(c) In subsection (4) by the omission of the word "Governor" and by the substitution of the word "Minister" in place thereof;

(d) In subsection (5) by the omission of the word "Governor" and by the substitution of the word "Minister" in place thereof;

(e) By the repeal of subsection (6) and by the substitution of the following subsection in place thereof:

"(6) Whenever it is proposed to make the order, the Minister shall, unless the person concerned objects, refer the case for enquiry and report to a commissioner appointed by him for the purpose, who shall be a judge, a retired judge, an advocate of not less than ten years standing, a magistrate or a retired magistrate. The practice and procedure to be followed in connection with references under this section to a commissioner shall be as prescribed."

17. The principal Act is hereby amended by the addition of the following section after section 28:

"28A. (1) Where a person is deprived of his Southern Rhodesian citizenship under section *twenty-seven* or *twenty-eight* of this Act, the Minister may by order direct that all or any of the children of whom that person is the responsible parent and who are not of full age shall cease to be Southern Rhodesian citizens, and thereupon they shall cease to be Southern Rhodesian citizens.

"(2) A person who has ceased to be a Southern Rhodesian citizen under subsection (1) of this section may, within one year after attaining the age of twenty-one years or in special circumstances within any such extended period as the Minister may allow, make application to the Minister to resume Southern Rhodesian citizenship. If the Minister grants the application, the applicant shall file a declaration that he wishes to resume Southern Rhodesian citizenship, and upon the registration of such declaration in the prescribed manner such person shall again become a Southern Rhodesian citizen."

18. Section 33 of the principal Act, which relates to British subjects whose citizenship has not been ascertained at the commencement of the Act, is hereby amended as follows:

(a) By the repeal of subsection (1) and by the substitution of the following subsection in place thereof:

"(1) If by any enactment for the time being in force in any country to which section *three* of this Act applies provision is made for enabling persons to remain or to become British subjects without citizenship, any person who by virtue of that enactment is a British subject without citizenship shall be deemed also to be a British subject without citizenship by virtue of this section."

(b) By the repeal of subsection (4).

19. Section 38 of the principal Act, which relates to regulations, is hereby amended by the addition of the following paragraph after paragraph (e):

"(ee) For prescribing the practice and procedure to be followed in connection with references under this Act to a commissioner for an enquiry, and in particular for conferring on any such commissioner any powers, rights and privileges of a commission under the Commissions of Inquiry Act, 1941, and for applying all or any of the provisions of that Act with or without modifications accordingly;"

20. Section 39 of the principal Act, which relates to rules of court, is hereby repealed.

21. Section 2 of the Aliens Act, 1946, which contains definitions, is hereby further amended in the definition of "alien" as substituted by section 41 of the principal Act by the omission of the word "Eire" and by the substitution of the words "the Republic of Ireland" in place thereof.

22. The Schedule to the principal Act is hereby amended by the repeal of all the words appearing therein after the words "Oath of Allegiance" and by the substitution of the following words in place thereof:

"I, A.B., swear by Almighty God that I will be faithful and bear true allegiance to His Majesty King George VI, his heirs and successors according to law; that I will faithfully observe and defend the Constitution and laws of Southern Rhodesia and fulfil my duties as a Southern Rhodesian citizen; and that I will accept any obligations which may be imposed on me by the laws of Southern Rhodesia in respect of military service whether in times of peace or war and whether within Southern Rhodesia or beyond its borders."

23. The several provisions of the principal Act specified in the first column of the Schedule to this Act are hereby amended to the extent indicated in the second column of that Schedule.

SCHEDULE (Section 23)

<i>Provisions amended</i>	<i>Extent of amendment</i>
Section 2	<p>(a) In the definition of "alien" in subsection (1) by the omission of the word "Eire" and by the substitution of the words "the Republic of Ireland" in place thereof;</p> <p>(b) In paragraph (c) of the definition of "foreign country" in subsection (1) by the omission of the word "Eire" and by the substitution of the words "the Republic of Ireland" in place thereof;</p> <p>(c) In the definition of "naturalized person" in subsection (1) by the omission of the word "Eire" and by the substitution of the words "the Republic of Ireland" in place thereof.</p>
Section 4	<p>(a) In subsection (1) by the omission of the word "Eire" and by the substitution of the words "the Republic of Ireland" in place thereof;</p> <p>(b) In subsection (3) by the omission of the word "Eire" and by the substitution of the words "the Republic of Ireland" in place thereof.</p>
Section 5	<p>(a) In subsection (1) by the omission of the word "Eire" wherever it occurs and by the substitution of the words "the Republic of Ireland" in place thereof;</p> <p>(b) In subsection (2) by the omission of the word "Eire" and by the substitution of the words "the Republic of Ireland" in place thereof.</p>
Section 19	In subsection (1) by the omission of the word "Eire" and by the substitution of the words "the Republic of Ireland" in place thereof.
Section 25	In subsection (1) by the omission of the word "Eire" and by the substitution of the words "the Republic of Ireland" in place thereof.

<i>Provisions amended</i>	<i>Extent of amendmen</i>
Section 26	In subsection (1) by the omission of the word "Eire" and by the substitution of the words "the Republic of Ireland" in place thereof.
Section 28	In subsection (1) by the omission of the word "Eire" and by the substitution of the words "the Republic of Ireland" in place thereof.
Section 33	In subsection (3) by the omission of the word "Eire" and by the substitution of the words "the Republic of Ireland" in place thereof.
Section 41	In subsection (2) by the omission of the word "Eire" and by the substitution of the words "the Republic of Ireland" in place thereof.

71. Spain

CIVIL CODE, ARTICLES 17 TO 28 ¹

(as amended by the Act of 9 December 1931).

PART I

Spaniards and aliens

Article 17. The following persons are Spanish nationals:

1. A person born in Spanish territory;
2. A person whose father or mother is a Spanish national, even if that person was born outside Spain;
3. An alien who has obtained naturalization papers;
4. A person who, although not in possession of such papers, has acquired the status of resident in any town in the Kingdom.

Article 18. While under parental authority, a minor follows the nationality of his parents.

The benefit of article 17, paragraph 1, shall not extend to a child born in Spanish territory of alien parents unless the latter makes a declaration in the manner and before the officials specified in article 19 to the effect that they opt ² on behalf of the child for Spanish nationality and renounce any other nationality.

Article 19. If a person was born in a Spanish possession of an alien parent, that person shall within one year after attaining his majority or becoming *sui juris*, make a declaration stating whether he wishes to claim the Spanish nationality granted to him by article 17.

If he is present in the Kingdom he shall make this declaration before the official in charge of the civil registry of the town in which he resides; if he is resident abroad he shall make the declaration before one of the

¹ Translation by the Secretariat of the United Nations.

² If a person is called up for military service by the Spanish authorities and voluntarily performs such service, this voluntary act shall be deemed to constitute an option for Spanish nationality in any case in which an option is necessary. (Royal Ordinance of 9 September 1887.)