



ANALYSIS

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1959, No. 38

**An Act to amend the British Nationality and New Zealand
Citizenship Act 1948** [15 October 1959]

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

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

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

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

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any such Order in Council, is deemed to be referred to in this subsection as if that country were mentioned in this subsection."

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

(2) Subsection two of section seven of the principal Act is hereby repealed.

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

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

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

"(b) He is of good character; and

"(c) He has sufficient knowledge of the English language; and

"(d) He has sufficient knowledge of the responsibilities and privileges of New Zealand citizenship; and

"(e) He is of full age and capacity; and

"(f) He intends, in the event of being registered as a New Zealand citizen,—

"(i) To reside in New Zealand or in Western Samoa or any other New Zealand trust territory; 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 society, company, or body of persons established in New Zealand or established in Western Samoa or any other New Zealand trust territory.

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

“(a) She has sufficient knowledge of the responsibilities and privileges of New Zealand citizenship; and

“(b) She is of good character; and

“(c) She has sufficient knowledge of the English language:
“Provided that the Minister may dispense with this requirement in any case where good reason can be shown and hardship would otherwise result.”

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

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

“(a) She has sufficient knowledge of the responsibilities and privileges of New Zealand citizenship; and

“(b) She is of good character; and

“(c) She has sufficient knowledge of the English language:
“Provided that the Minister may dispense with this requirement in any case where good reason can be shown and hardship would otherwise result.”

6. Oath of allegiance—(1) The principal Act is hereby amended by inserting, after section nine, the following section:

“9A. The Minister may in such cases as he thinks fit require any person to take an oath of allegiance in the form specified in the First Schedule to this Act before being registered as a New Zealand citizen under section eight or section nine of this Act.”

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

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

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

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

(a) By repealing subsections three, four, and five:

(b) By omitting from subsection six the words “if the order is proposed to be made on any of the grounds specified in subsections two and three of this section”:

(c) By omitting from subsection seven the words “the order is proposed to be made on any of the grounds specified in subsections two and three of this section and”, and also the words “and in any other case the Minister may”.

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

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

(b) By omitting from subsection two the word “may”, and substituting the word “shall”.

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

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

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