

CHAPTER 213.

NATURALISATION.

[No. IV of 1891.]

[No. VIII of 1928.]

[8th April, 1891.]

[21st April, 1928.]

1. This Ordinance may be cited as the Naturalisation Ordinance. Short title.

PART I.

STATUS OF ALIENS.

2. Movable and immovable property of every description may be taken, acquired, held, and disposed of by an alien in the same manner in all respects as by a natural-born British subject; and a title to movable and immovable property of every description, may be derived through, from, or in succession to, an alien in the same manner in all respects as through, from, or in succession to, a natural born British subject : Capacity of alien as to acquisition and disposition of property :

Provided that this section shall not— Proviso.

- (a) confer any right on an alien to immovable property situate out of the colony, nor qualify an alien for any office or for any legislative franchise; but a person shall not be deemed to be disqualified for the office of interpreter by reason of his being an alien; or
- (b) entitle an alien to any right or privilege as a British subject except the rights and privileges in respect of property hereby expressly given to him; or
- (c) affect any estate or interest in movable or immovable property to which any person has or may become entitled, either mediately or immediately, in possession or expectancy, in pursuance of any disposition made before the commencement of this part of this Ordinance, or in pursuance of any devolution by law on the death of anyone dying before the commencement of this part of this Ordinance; or

- (d) affect the liability of an alien to serve on juries under the provisions of any Ordinance for the time being in force relating to juries.

NATURALISATION.

Grant and effect of certificate of naturalisation.

3.—(1) An alien who has resided in the colony, or has been in the service of the Crown, for a term in either case of not less than three years, and who intends when naturalised either to reside in the colony or to serve under the Crown, may apply to the Governor for a certificate of naturalisation, and shall adduce in support of his application the evidence of his residence or service, and of his intention to reside or serve, as the case may be, required by the Governor.

(2) The Governor, if satisfied with the evidence adduced, shall take the case of the applicant into consideration and may, with or without assigning any reason, give or withhold a certificate, as he thinks most conducive to the public good, and no appeal shall lie from his decision.

(3) The certificate shall not take effect until the applicant has taken the oath of allegiance, and until the certificate and oath have been recorded in the deeds registry.

(4) The oath shall be taken within two months after the date of the certificate, and the oath and certificate shall be recorded in a register book, to be kept for that purpose in the deeds registry, within three months after the date of the certificate; and if default is made in complying with either of those requirements, the certificate shall be void and of no effect.

(5) A notice of the recording of the certificate and oath shall be forthwith published by the registrar of deeds in the Gazette.

(6) An alien to whom a certificate of naturalisation is granted shall be entitled in the colony to all political and other rights, powers, and privileges, and be subject to all obligations, to which a natural-born British subject is entitled or subject in the colony, with this qualification, that, when within the limits of the foreign state of which he was a subject previously to obtaining his certificate of naturalisation, he shall not be deemed to be a British subject unless he has ceased to be a subject of that state in pursuance of the laws thereof or in pursuance of a treaty to that effect.

4. The Governor may in manner aforesaid grant a special certificate of naturalisation to anyone with respect to whose nationality as a British subject any doubt exists, and the certificate shall contain a statement that it is granted for the purpose of quieting doubts as to the right of that person to be deemed a British subject, and the grant of the certificate shall not be deemed to be any admission that the person to whom it was granted was not previously a British subject.

Grant of special certificate in case of doubt as to British nationality.

5. The oath hereinbefore referred to as the oath of allegiance shall be in the form set forth in the Promissory Oaths Ordinance, and the provisions as to affirming in lieu of swearing contained in that Ordinance shall apply in the same manner as if they were enacted in this part of this Ordinance.

Form of oath of allegiance.

Chapter 256.

6. Where the father, or the mother being a widow, has obtained a certificate of naturalisation in the colony, every child of that father or mother who during infancy has become resident with him or her in the colony shall within the colony be deemed to be a naturalised British subject.

Effect of naturalisation of parent on status of child.

SUPPLEMENTAL PROVISIONS.

7. A certificate of naturalisation granted under this part of this Ordinance shall be in the form contained in the first schedule hereto.

Form of certificate ; first schedule.

8. The oath of allegiance may be administered by any magistrate, and shall be administered without fee.

Administration of oath.

9. The fees set forth in the second schedule hereto shall be paid to the officers respectively as therein directed, in cases where any matter or thing is done in the colony under the provisions of the Imperial Act shortly entitled the British Nationality and Status of Aliens Act, 1914, or any amending Act, and shall be paid over in the manner from time to time directed by the Governor to the Colonial Treasurer for the public use of the colony.

Fees ; second schedule.

10. The Governor and Legislative Council may from time to time make regulations with respect to all or any of the following matters—

Regulations.

(a) the registration of certificates of naturalisation;

33 & 34 Vict.,
c. 14.

- (b) the imposition and application of fees in respect of the making of any declaration, or the granting of any certificate, authorised to be made or granted by the Naturalization Act, 1870; and
- (c) generally, for the better carrying out of the provisions of this part of this Ordinance, and for the due proof in legal proceedings of all acts and things done hereunder.

Provisions
as to
evidence.

11. The following provisions shall have effect with respect to evidence under this part of this Ordinance, that is to say,—

33 & 34 Vict.,
c. 14.

- (a) any declaration authorised to be made under the Naturalization Act, 1870, or under this part of this Ordinance, may be proved in any legal proceeding by the production of the original declaration, or of any copy thereof certified to be a true copy by the registrar of deeds, or by anyone authorised by any regulation as aforesaid to give certified copies thereof; and the production of the declaration, or of the copy, shall be evidence of the person therein named as declarant having made the declaration at the date therein mentioned;
- (b) a certificate of naturalisation may be proved in any legal proceeding by the production of the original certificate, or of any copy thereof certified to be a true copy by the registrar of deeds, or by anyone authorised by regulation aforesaid to give certified copies thereof; and
- (c) entries in any register authorised to be made in pursuance of this part of this Ordinance shall be proved by the copies and certified in the manner directed by the registrar of deeds, and the copies of those entries shall be evidence of any matter by this part of this Ordinance, or by any regulation aforesaid, authorised to be inserted in the register.

MISCELLANEOUS PROVISIONS.

Making false
declaration
a mis-
demeanour.

33 & 34 Vict.,
c. 14.

12. Everyone who wilfully or corruptly makes or subscribes any declaration under the Naturalization Act, 1870, or under this part of this Ordinance, knowing it to be untrue in any material particular, shall be guilty of a misdemeanour.

13. Nothing in this part of this Ordinance shall affect the provisions of the Aliens Ordinance.

Saving of the Aliens Ordinance. Chapter 211.

14. Notwithstanding anything in this part of this Ordinance, any alien holding office at the commencement thereof shall not be deemed to be disqualified for that office on account of his being an alien.

Saving of cases of certain aliens holding office.

15. Nothing in this part of this Ordinance shall affect the employment of any alien in any special and temporary service.

Aliens specially or temporarily employed.

PART II.

DEPRIVATION OF NATURALISATION.

16. In this part of this Ordinance, unless the context otherwise requires, the term "certificate" means a certificate of naturalisation granted under the first part of this Ordinance and includes a special certificate of naturalisation granted thereunder.

Interpretation.

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

Revocation of certificate :

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

- (a) has, during any war in which His Majesty is engaged, unlawfully traded or communicated with the enemy or with the subject of an enemy state, or been engaged in or associated with any business which is to his knowledge so carried on as to assist the enemy in that war; or
- (b) has, within five years of the date of the grant of the certificate, been sentenced by any court in his Majesty's dominions to imprisonment for a term of not less than twelve months, or to a term of penal servitude, or to a fine of not less than one hundred pounds; or

- (c) was not of good character at the date of the grant of the certificate; or
- (d) has, since the date of the grant of the certificate, been for a period of not less than seven years ordinarily resident out of his Majesty's dominions otherwise than as a representative of a British subject, firm, or company, carrying on business, or an institution established, in his Majesty's dominions, or in the service of the Crown, and has not maintained substantial connection with his Majesty's dominion; or
- (e) remains, according to the law of a state at war with His Majesty, a subject of that state;

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

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

(4) An inquiry under this section shall be held by a committee constituted for the purpose by the Governor and be conducted in the manner directed by the Governor :

Proviso.

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

(5) A committee appointed under this section shall have all the powers, rights, and privileges vested in the Supreme Court or in a judge thereof on the occasion of any action, in respect of the following matters—

- (a) the enforcement of the attendance of witnesses and their examination on oath, affirmation, or otherwise, and the issue of a commission or a request to examine witnesses abroad; and
 - (b) compelling the production of documents; and
 - (c) the punishment of persons guilty of contempt;
- and a summons signed by one or more members of the committee may be substituted for, and shall be equivalent

to, any formal process capable of being issued in any action for enforcing the attendance of witnesses and compelling the production of documents.

(6) Where the Governor revokes a certificate the revocation shall have effect from the date directed by the Governor, and thereupon the certificate shall be given up and cancelled; and anyone refusing or neglecting to give up his certificate shall be liable on summary conviction to a fine not exceeding five hundred dollars. Penalty.

18.—(1) Where a certificate is revoked the Governor may by order direct that the wife of the person whose certificate is revoked and any of the minor children who became naturalised British subjects by virtue of section six of this Ordinance shall cease to have the rights and privileges of a natural-born British subject; but, except where the Governor directs as aforesaid, the wife and minor children of the person whose certificate is revoked shall not be affected by the revocation and shall continue to enjoy within the colony the privileges of naturalisation: Position of wife and children of person whose certificate is revoked:

Provided that—

- (a) it shall be lawful for the wife of the person, within six months after the date of the order of revocation, to make a declaration of alienage in the form in the third schedule hereto, and thereupon she and any minor children of her husband and herself who became naturalised British subjects as aforesaid shall cease to enjoy within the colony the privileges of naturalisation; and Proviso.
- (b) the Governor shall not make any order aforesaid in the case of a wife who was at birth a British subject, unless he is satisfied that if she had held a certificate in her own right the certificate could properly have been revoked under this part of this Ordinance, and the provisions of this part as to referring cases for inquiry shall apply to the making of the order as they apply to the revocation of a certificate. Third schedule.

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

19. A person to whom a certificate has been granted who, when in any foreign state and not under disability, by obtaining a certificate of naturalisation or by any other Loss of naturalisation.

voluntary and formal act, becomes naturalised therein, shall thenceforth be deemed to have ceased to be a person naturalised under the first part of this Ordinance.

SCHEDULES.

FIRST SCHEDULE.

(Section 7.)

CERTIFICATE OF NATURALISATION.

BRITISH GUIANA.

The Naturalisation Ordinance.

No. _____
Whereas _____ an alien, now residing at _____ in
the county of _____ in the said colony, has presented to me
a memorial praying for a certificate of naturalisation, and alleging that he
is a _____ and that he has resided in the colony for a term
of _____ years [or has been in the service of the Crown for
a term of _____ years] and intends, when naturalised, to
reside in the colony [or to serve under the Crown] ;

And whereas I have inquired into the circumstances of the case, and have received such evidence as I have deemed necessary for proving the truth of the allegations contained in the memorial, so far as the same relate to the memorialist :—

Now, in pursuance of the authority given to me by the said Ordinance, I grant to the aforesaid _____ this certificate, and declare that he is hereby naturalised as a British subject, and that, upon taking the oath of allegiance and recording this certificate and the said oath of allegiance in the manner provided by the said Ordinance, he shall in the colony be entitled to all political and other rights, powers and privileges, and be subject to all obligations, to which a natural-born British subject is entitled or subject in the colony ; with this qualification, that he shall not, when within the limits of the foreign state of which he was a subject previously to his obtaining this certificate of naturalisation, be deemed to be a British subject, unless he has ceased to be a subject of that state in pursuance of the laws thereof or in pursuance of a treaty to that effect.

In witness whereof I have hereto subscribed in my name this
day of _____ 1 _____

(Signed)

Governor.

NOTE.—*The above certificate is void and of no effect unless the following oath is taken before a magistrate within two months of the above date.*

OATH OF ALLEGIANCE.

I, _____ do swear that I will be faithful and bear true
allegiance to His Majesty King George the Fifth, his heirs and successors,
according to law.—So help me God.

(Signed)

Sworn and subscribed before me this _____ day of _____ 1 _____

(Signed)

Magistrate.

NOTE.—*The above certificate and oath must be recorded in the deeds registry within three months from the date of the certificate, otherwise the certificate will be void and of no effect.*

SECOND SCHEDULE.

(Section 9.)

TABLE OF FEES.

For what payable.	Amount payable.	To whom payable.
	\$ c.	
Certificate of naturalisation	5 00	The Colonial Secretary.
Recording certificate and oath	2 50	The Registrar.
Certified copy of the same	2 50	The Registrar.
Certificate of naturalisation to a woman who was a British subject previous to her marriage to an alien, and whose husband has died, or whose marriage has been dissolved	1 50	Colonial Secretary.
Certificate of naturalisation in other cases	48 00	Colonial Secretary.
Recording certificate and oath	2 50	Registrar of deeds.
Certified copy of certificate, or of declaration of alienage or British nationality, with or without oath	2 50	Registrar of deeds.

THIRD SCHEDULE.

(Section 18 (1) (a))

Naturalisation Ordinance

DECLARATION OF ALIENAGE.

, of _____, being the wife of _____, a person whose certificate of naturalisation has been revoked within six months before the present date and being also the mother of the following minor children of the marriage of the said _____ and myself, namely,

_____, all of whom became naturalised by virtue of section six of the Naturalisation Ordinance, do hereby renounce my nationality as a British subject.

(Signed)

Made and subscribed this _____ day of _____

, before me,

(Signed)

Justice of the Peace or Commissioner of Oaths.