

NATIONALITY.

No. 48 of 1920.

An Act relating to Nationality and Aliens.

[Assented to 2nd December, 1920.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

PART I.—PRELIMINARY.

1. This Act may be cited as the *Nationality Act 1920*. Short title.

2. This Act is divided into Parts, as follows :— Parts.

Part I.—Preliminary.

Part II.—Natural-born British Subjects.

Part III.—Naturalization of Aliens.

Part IV.—General.

Division 1.—National Status of Married Women
and Infant Children.

Division 2.—Loss of British Nationality.

Division 3.—Procedure and Evidence.

Part V.—Miscellaneous.

3. The *Naturalization Act 1903–1917* is hereby repealed, but such repeal shall not affect the rights or status of any person naturalized under that Act. Repeal of
*Naturalization
Act 1903–1917.*

- Commencement. 4. This Act shall commence on a day to be fixed by proclamation.
- Definitions. 5.—(1.) In this Act, unless the contrary intention appears—
- “ Alien ” means a person who is not a British subject ;
 - “ British subject ” means a person who is a natural-born British subject, or a person to whom a certificate of naturalization has been granted, or a person who has become a subject of His Majesty by reason of any annexation of territory ;
 - “ Certificate of naturalization ” means a certificate of naturalization granted under this Act, and being, at the time when it is relied upon in connexion with any provision of this Act, unrevoked ;
 - “ Disability ” means the status of being a married woman, or a minor, lunatic or idiot ;
 - “ Justice of the Peace ” means a Justice of the Peace of the Commonwealth or of a State ;
 - “ Statutory Declaration ” means a statutory declaration within the meaning of any law of the Commonwealth or of the State in which the declaration is made relating to statutory declarations ;
 - “ Territorial waters ” includes any port, harbour or dock ;
 - “ The British Act ” means the *British Nationality and Status of Aliens Act*, 1914 (4 & 5 Geo. 5, Ch. 17) of the United Kingdom, as amended by the *British Nationality and Status of Aliens Act*, 1918 (8 & 9 Geo. 5, Ch. 5) of the United Kingdom ;
 - “ The Minister ” means the Minister of State for Home and Territories.

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name of a child is included in a certificate of naturalization granted to his parent, or where, in pursuance of any Act repealed by this Act, any child has been deemed to be a naturalized British subject, by reason of residence with his parent, such child shall, for the purposes of this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

PART II.—NATURAL-BORN BRITISH SUBJECTS.

Definition of
natural-born
British subject.

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

- (a) Any person born within His Majesty's dominions and allegiance ; and
- (b) Any person born out of His Majesty's dominions, whose father was a British subject at the time of that person's birth and either was born within His Majesty's allegiance or was a person to whom a certificate of naturalization had been granted, or had become a British subject by reason of any annexation of territory, or was at the time of that person's birth in the service of the Crown ; and
- (c) Any person born on board a British ship whether in foreign territorial waters or not :

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

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

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

PART III.—NATURALIZATION OF ALIENS.

7.—(1.) The Governor-General may grant a certificate of naturalization to an alien who makes an application for the purpose, and satisfies the Governor-General—

Certificate of
naturalization.

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

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

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

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

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

(6.) For the purposes of this section a period spent in the service of the Crown may, if the Governor-General thinks fit, be treated as equivalent to a period of residence in the Commonwealth.

Persons
previously
naturalized.

8.—(1.) Any person to whom a certificate of naturalization has been issued under the Act repealed by this Act or under any State Act. or who has been naturalized by virtue of a certificate of naturalization issued to his father or mother under any such Act, may apply to the Governor-General in the prescribed manner for a certificate of naturalization under this Act, and the Governor-General may, upon being satisfied that the applicant is of good character and would have been eligible had he remained an alien, to receive a certificate of naturalization under this Act, grant to him a certificate of naturalization which shall, for all purposes, have the same effect as a certificate of naturalization granted under section seven of this Act.

(2.) The grant of a certificate in pursuance of this section shall be in the absolute discretion of the Governor-General. and he may, with or without assigning any reason, give or withhold the certificate as he thinks most conducive to the public good, and no appeal shall lie from his decision.

Special
certificate in
case of doubt.

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

Persons
under disability.

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

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

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

Effect of
certificate of
naturalization.

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

Provided that where, by any provision of the Constitution or of any Act or State Constitution or Act, a distinction is made between the rights, powers or privileges of natural-born British subjects and those of persons naturalized in the Commonwealth or in a State, the rights, powers and privileges conferred by this section shall, for the purposes of that provision, be only those (if any) to which persons so naturalized are therein expressed to be entitled.

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

Revocation of
certificate of
naturalization.

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

- (a) has during any war in which His Majesty is engaged unlawfully traded or communicated with the enemy or with the subject of an enemy state, or been engaged in or associated with any business which is to his knowledge carried on in such manner as to assist the enemy in such war ; or
- (b) has within five years of the date of the grant of the certificate been sentenced by any court in His Majesty's dominions to imprisonment for a term of not less than twelve months, or to a term of penal servitude, or to a fine of not less than One hundred pounds ; or
- (c) was not of good character at the date of the grant of the certificate ; or
- (d) has since the date of the grant of the certificate been for a period of not less than seven years ordinarily resident out of His Majesty's dominions otherwise than as a representative of a British subject, firm or company carrying on business, or an institution established, in His Majesty's dominions, or in the service of the Crown, and has not maintained substantial connexion with His Majesty's dominions ; or
- (e) remains according to the law of a state at war with His Majesty a subject of that state ;

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

(3.) Where a person is naturalized by virtue of the grant of a certificate of naturalization to his father or mother, the provisions of this section shall apply to that person as if he were a person to whom a certificate of naturalization had been granted, and the Governor-General may, for the same reasons and subject to the same conditions as are provided in this section in relation to the revocation of a certificate of naturalization, by order declare that that person shall

cease to be a British subject, and that person shall thereupon become an alien and shall be regarded as a subject of the State to which he belonged at the time of the issue of the certificate of naturalization to his father or mother, and any reference in this Act to the revocation of a certificate of naturalization shall, unless the contrary intention appears, be read as a reference to an order made in pursuance of this sub-section.

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

(5.) An inquiry under this section shall be held by a committee constituted for the purpose by the Governor-General, presided over by a person (appointed by the Governor-General) who is or has been a Justice of the High Court of Australia or a Judge of a Supreme Court of a State, and shall be conducted in such manner as the Governor-General may direct :

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

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

- (a) the enforcing the attendance of witnesses and examining them on oath, affirmation, or otherwise, and the issue of a commission or a request to examine witnesses abroad ; and
- (b) the compelling the production of documents ; and
- (c) the punishing persons guilty of contempt ;

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

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

(8.) Where the Governor-General revokes a certificate of naturalization, the revocation shall have effect from such date as the Governor-General may direct, and thereupon the certificate shall be given up and

cancelled, and any person refusing or neglecting to give up his certificate shall be liable on summary conviction to a fine not exceeding One hundred pounds.

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

Effect of
revocation of
certificate of
naturalization.

Provided that—

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

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

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

14. For the purposes of the last two preceding sections “ certificate of naturalization ” includes a certificate of naturalization issued under the Act repealed by this Act or under any State Act.

Definition of
certificate of
naturalization.

15. A certificate of naturalization granted by the Secretary of State having charge of the administration of the British Act or by the Government of any British Possession shall, in the Commonwealth, have the same force and effect as a certificate of naturalization granted in pursuance of this Act.

Effect of
certificates
granted by
Governments
of United
Kingdom or
British
Possessions.

16. The last preceding section shall not apply to certificates granted by the Government of any Dominion specified in the Second Schedule to this Act unless the Legislature of that Dominion adopts Part II. of the British Act.

Conditional
application
of section.

Adoption of
Part II. of
British Act.

17.—(1.) Part II. of the British Act, a copy of which Part is set out in the First Schedule to this Act, is adopted.

(2.) Any power which, under Part II. of the British Act, is exercisable by the Secretary of State, shall be vested in and exercisable by the Governor-General.

PART IV.—GENERAL.

DIVISION 1.—NATIONAL STATUS OF MARRIED WOMEN AND INFANT CHILDREN.

National
status of
married women.

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

Provided that where a man ceases during the continuance of his marriage to be a British subject it shall be lawful for his wife to make a declaration that she desires to retain British nationality, and thereupon she shall be deemed to remain a British subject :

Provided also where an alien is a subject of a state at war with His Majesty it shall be lawful for his wife if she was at birth a British subject to make a declaration that she desires to resume British nationality, and thereupon the Governor-General, if he is satisfied that it is desirable that she be permitted to do so, may grant her a certificate of naturalization.

Status
of widows.

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

Status
of children.

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

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

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

DIVISION 2.—LOSS OF BRITISH NATIONALITY.

Loss of
British
nationality
by foreign
naturalization.

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

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

Declaration of alienage.

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

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

Power of naturalized subjects to divest themselves of their status in certain cases.

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

Saving of obligations incurred before loss of nationality.

DIVISION 3.—PROCEDURE AND EVIDENCE.

25.—(1.) An applicant for a certificate of naturalization shall produce in support of his application his own statutory declaration stating his name, age, birthplace, occupation and residence, the length of his residence in the British Empire or the period within the eight years preceding the date of his application during which he has been in the service of the Crown, and such other particulars as are prescribed and that he intends to settle in the British Empire or to enter or continue in the service of the Crown.

Evidence in support of application.

(2.) In addition to compliance with the preceding provisions of this section an applicant shall—

- (a) advertise in the manner prescribed his intention to seek naturalization and produce to the Minister newspapers containing copies of the prescribed advertisement; and
- (b) produce certificates of character from three natural-born British subjects, two of whom are householders and one of whom is a Justice of the Peace, a postmaster, a teacher of a State school or an officer of the police force of the Commonwealth or a State.

(3.) Any person may, on payment of the prescribed fee, inspect any certificate produced in pursuance of the last preceding sub-section.

Representations to Minister with regard to any person who has applied for naturalization.

26.—(1.) Any person may make representations to the Minister with regard to any person who has applied or has advertised his intention to apply for naturalization.

(2.) The representations shall be in the form of a statutory declaration.

Evidence of declarations.

27. Any declaration made under this Act or under any Act hereby repealed 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 Governor-General, or by any person authorized by him in that behalf, and the production of the declaration or copy shall be evidence of the person therein named as declarant having made the declaration at the date therein mentioned :

Provided that if any person, other than the person making the declaration, is affected by such declaration, he shall be entitled to publicly examine and cross-examine the declarant before such declaration is acted upon by the Minister.

Evidence of certificates of naturalization.

28. A certificate of naturalization 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 Governor-General, or by any person authorized by him in that behalf.

Evidence of entries in registers.

29. Entries in any register made in pursuance of this Act or under any Act hereby repealed may be proved by such copies and certified in such manner as may be directed by the Governor-General, and the copies of any such entries shall be evidence of any matters, by this Act or by any Act hereby repealed or by any regulation of the Governor-General, authorized to be inserted in the register.

Penalty for false representation or statement.

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

Form of oath of allegiance.

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

PART V.—MISCELLANEOUS.

Record of certificates and fees.

32.—(1.) The Minister shall—

- (a) enrol as of record memorials of all certificates of naturalization granted under this Act ;
- (b) cancel all certificates of naturalization which have been revoked ;

- (c) cause to be made indexes of the certificates of naturalization and permit any person at all reasonable times to inspect the indexes and to make copies of the certificates on payment of the prescribed fee ;
- (d) cause to be laid before both Houses of the Parliament annually a return showing the number of persons to whom certificates of naturalization have been granted under this Act, the nations to which they belonged, and whence they came ; and
- (e) cause to be published in the *Gazette* from time to time a list of persons naturalized with their addresses.

(2.) A person to whom a certificate of naturalization is granted shall not be liable to any fee or charge in respect thereof.

33. The right to issue certificates of naturalization in the Commonwealth shall be exclusively vested in the Government of the Commonwealth, and no certificate of naturalization or letters of naturalization issued after the commencement of this Act under any State Act shall be of any effect.

Exclusive
power of
Commonwealth.

34.—(1.) Where the Governor-General is satisfied that it is desirable for any reason that a certificate or letters of naturalization, issued under the Act repealed by this Act or under any State Act, should be amended, he may amend the certificate or letters of naturalization.

Amendment of
certificates.

(2.) Any certificate or letter of naturalization amended in pursuance of this section shall upon amendment be, and be taken to have been, of effect as so amended.

35.—(1.) The wife of any person whose certificate or letters of naturalization have been revoked may, within six months after the date of the order of revocation, make a declaration of alienage, and, on making that declaration, she, and any minor children of her husband and herself who have acquired British nationality by virtue of the issue of the certificate or letters of naturalization, shall cease to be British subjects and shall become aliens.

Declarations
of alienage.

(2.) The minor child of any person whose certificate or letters of naturalization have been revoked may, within six months after attaining the age of twenty-one years, make a declaration of alienage, and thereupon he shall cease to be a British subject and shall become an alien.

36. The Governor-General may make regulations prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for giving effect to this Act.

Regulations.

SCHEDULES.

THE FIRST SCHEDULE.

PART II. OF THE *British Nationality and Status of Aliens Act 1914* (4 & 5 GEO. 5, CH. 17) AS AMENDED BY THE *British Nationality and Status of Aliens Act 1918* (8 & 9 GEO. 5, CH. 38).

Certificate of naturalization.

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

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

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

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

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

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

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

Effect of certificate of naturalization.

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

12 & 13 Will. 3, c. 2.

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

Special certificate in case of doubt.

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

Persons under disability.

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

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

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

THE FIRST SCHEDULE—*continued*.

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

Persons
previously
naturalized.

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

Revocation of
certificate of
naturalization.

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

- (a) has during any war in which His Majesty is engaged unlawfully traded or communicated with the enemy or with the subject of an enemy state, or been engaged in or associated with any business which is to his knowledge carried on in such manner as to assist the enemy in such war; or
- (b) has within five years of the date of the grant of the certificate been sentenced by any court in His Majesty's dominions to imprisonment for a term of not less than twelve months, or to a term of penal servitude, or to a fine of not less than One hundred pounds; or
- (c) was not of good character at the date of the grant of the certificate; or
- (d) has since the date of the grant of the certificate been for a period of not less than seven years ordinarily resident out of His Majesty's dominions otherwise than as a representative of a British subject, firm, or company carrying on business, or an institution established, in His Majesty's dominions, or in the service of the Crown, and has not maintained substantial connection with His Majesty's dominions; or
- (e) remains according to the law of a state at war with His Majesty a subject of that state;

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

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

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

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

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

- (a) the enforcing the attendance of witnesses and examining them on oath, affirmation, or otherwise, and the issue of a commission or a request to examine witnesses abroad; and
- (b) the compelling the production of documents; and
- (c) the punishing persons guilty of contempt;

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

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

THE FIRST SCHEDULE—*continued.*

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

Effect of
revocation of
certificate of
naturalization.

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

Provided that—

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

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

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

Power of
Governments of
British
possessions to
grant
certificates of
Imperial
naturalization.

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

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

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

Application of
Part II. to
Self-Governing
Dominions.

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

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

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

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

THE SECOND SCHEDULE.

Section 16.

LIST OF DOMINIONS.

The Dominion of Canada.
The Commonwealth of Australia (including for the purposes of this Act the territory
of Papua and Norfolk Island).
The Dominion of New Zealand.
The Union of South Africa.
Newfoundland.

THE THIRD SCHEDULE.

Section 31.

OATH OF ALLEGIANCE.

"I, A.B., swear by Almighty God that I will be faithful and bear true allegiance
to His Majesty, King George the Fifth, his Heirs and Successors, according to law."