

South Africa

South African Citizenship Act, 1995

Act 88 of 1995

Legislation as at 28 November 1997

FRBR URI: /akn/za/act/1995/88/eng@1997-11-28

There may have been updates since this file was created.

PDF created on 12 March 2024 at 10:58.

[Check for updates](#)



About this collection

The legislation in this collection has been reproduced as it was originally printed in the Government Gazette, with improved formatting and with minor typographical errors corrected. All amendments have been applied directly to the text and annotated. A scan of the original gazette of each piece of legislation (including amendments) is available for reference.

This is a free download from LawLibrary and is presented in collaboration with the African Legal Information Institute, the Judicial Institute for Africa and the Laws.Africa Legislation Commons, a collection of African legislation that is digitised by Laws.Africa and made available for free.

www.lawlibrary.org.za | info@lawlibrary.org.za

www.laws.africa | info@laws.africa

There is no copyright on the legislative content of this document.

This PDF copy is licensed under a Creative Commons Attribution 4.0 License (CC BY 4.0). Share widely and freely.

South African Citizenship Act, 1995

Contents

Chapter 1 – Interpretation and application of Act	1
1. Definitions	1
Chapter 2 – Acquisition of South African citizenship	3
2. Citizenship by birth	3
3. Citizenship by descent	4
4. Citizenship by naturalisation	4
5. Certificate of naturalisation	4
Chapter 3 – Loss of South African citizenship	6
6. Loss of citizenship	6
7. Renunciation of citizenship	6
8. Deprivation of citizenship	7
9. Deprivation of citizenship on grounds of using citizenship of another country	7
10. Deprivation of citizenship in case of children	7
Chapter 4 – Consequences of loss of South African citizenship	8
11. Status of persons who cease to be South African citizens	8
12. Saving of obligations incurred before loss of citizenship	8
Chapter 5 – Resumption of South African citizenship	8
13. Resumption of South African citizenship	8
Chapter 6 – Miscellaneous provisions in respect of citizenship	9
14. Marriage does not affect citizenship	9
15. Issue of certificate of citizenship in case of doubt	9
16. Certificate of South African citizenship	9
17. Evidence	10
18. Penalty for false representations or statements	10
19. Amendment of certificates of citizenship	10
20. Determination of questions of residence	10
21. Instruction in responsibilities and privileges of South African citizenship	10
Chapter 7 – General provisions	10
22. Delegation of powers	10
23. Regulations	11
24. Application of Act	11
25. Review of Minister's decision by court of law	11
26. Repeal of laws	11

26A. Construction of references to citizens and citizenship of former states in existing laws and in certain documents	12
27. Short title	12
Schedule 1 (Section 5(6))	12
Schedule 2 (Section 26)	13

South Africa

South African Citizenship Act, 1995

Act 88 of 1995

Published in Government Gazette 16751 on 6 October 1995

Assented to on 28 September 1995

Commenced on 6 October 1995

[This is the version of this document as it was from 28 November 1997 to 14 September 2004.]

*[Amended by [South African Citizenship Amendment Act, 1997 \(Act 69 of 1997\)](#) on 6 October 1995]
[Amended by [South African Citizenship Amendment Act, 1997 \(Act 69 of 1997\)](#) on 28 November 1997]*

(Afrikaans text signed by the President.)

ACT

To provide for the acquisition, loss and resumption of South African citizenship; and for matters incidental thereto.

Chapter 1

Interpretation and application of Act

1. Definitions

(1) In this Act, unless the context otherwise indicates—

“**alien**” means a person who is not a South African citizen;

“**customary union**” means the association of a man and a woman in a conjugal relationship according to indigenous law and custom, where neither the man nor the woman is party to a subsisting marriage, which is recognised by the Minister in terms of [section 1\(4\)](#) of this Act;

“**Department**” means the Department of Home Affairs;

“**former States**” means—

- (a) the former Republic of Transkei as referred to in the Status of Transkei Act, 1976 ([Act No. 100 of 1976](#));
- (b) the former Republic of Bophuthatswana as referred to in the Status of Bophuthatswana Act, 1977 ([Act No. 89 of 1977](#));
- (c) the former Republic of Venda as referred to in the Status of Venda Act, 1979 ([Act No. 107 of 1979](#)); and
- (d) the former Republic of Ciskei as referred to in the Status of Ciskei Act, 1981 ([Act No. 110 of 1981](#));

“**husband**” includes a husband in a customary union;

“**major**” means any person who has attained the age of 21 years or who has under the provisions of section 2 of the Age of Majority Act, 1972 ([Act No. 57 of 1972](#)), been declared to be a major, and includes a person under the age of 21 years who has contracted a legal marriage;

“**marriage**” includes a customary union;

“**Minister**” means the Minister of Home Affairs;

“**minor**” or “minor child” means any person who is not a major;

“**prescribed**” means prescribed by regulation;

“**prior law**” means any law repealed by [section 26](#);

“**regulation**” means a regulation made under [section 23](#);

“**Republic**” means the Republic of South Africa as referred to in [section 1](#) of the [Constitution](#);

“**responsible parent**” means a parent as contemplated in [section 1](#) of the Guardianship Act, 1993 ([Act No. 192 of 1993](#));

“**South African citizenship by registration**” [*definition of “South African citizenship by registration” deleted by [section 1](#) of [Act 69 of 1997](#)*]

“**spouse**” includes a spouse in a customary union;

“**this Act**” includes the Schedules to the Act and the regulations;

“**wife**” includes a wife in a customary union.

(2) For the purposes of this Act, unless clearly inconsistent with the provisions of this Act—

- (a) any reference in this Act to entrance into the Republic, to permanent residence in the Republic, to any period of residence or ordinary residence in the Republic or to any period of absence from the Republic, shall be construed to include any entrance into, residence in or absence from the Republic of South Africa or any of the former States as they had existed immediately prior to the commencement of the [Constitution](#);
- (b) the expressions “**in the Republic**” and “outside the Republic” shall be construed as if the former States were part of the former Republic of South Africa, whenever it has to be determined whether any event or action which occurred or took place prior to the commencement of the [Constitution](#), occurred or took place in or outside the Republic;
- (c) the expression “**Government of the Republic**” shall be construed to include the governments of the former States whenever it has to be determined if a person was in the service of the Government of the Republic prior to the commencement of the [Constitution](#).

(3) For the purposes of this Act—

- (a) a person born aboard a registered ship or aircraft shall be deemed to have been born at the place where the ship or aircraft is registered, and a person born aboard an unregistered ship or aircraft belonging to the Government of any country shall be deemed to have been born in that country;
- (b) a person—
 - (i) to whom an exemption from the prohibition mentioned in [section 23\(a\)](#) of the Aliens Control Act, 1991 ([Act No. 96 of 1991](#)), has been granted unconditionally and for an unspecified period in terms of [section 28\(2\)](#) of that Act, whether as an individual or as a member of a category of persons; or
 - (ii) to whom the said prohibition is not applicable by virtue of [section 29\(1\)\(a\)](#) or (c) of that Act,

and who entered the Republic or is in the Republic for purposes of permanent residence, shall be deemed to be or have been lawfully admitted to the Republic for permanent residence therein, or permanently and lawfully residing in the Republic.

- (4) (a) A customary union shall be recognised by the Minister for the purposes of this Act, if the Minister is satisfied upon information submitted to him or her in the prescribed form by the

applicant and such other person alleged to be the applicant's spouse in the customary union, that the applicant is in fact a spouse in the customary union in question.

- (b) The Minister may, in addition to any information submitted in terms of paragraph (a) or to clarify any information so submitted, call for further information to be submitted to him or her, or may call upon any person to appear before him or her and require or allow such person to give such oral information or produce such other information as in the opinion of the Minister may assist him or her in deciding the matter in question.

Chapter 2

Acquisition of South African citizenship

2. Citizenship by birth

- (1) Any person—
 - (a) who immediately prior to the date of commencement of this Act, was a South African citizen by birth; or
 - (b) who is born in the Republic on or after the date of commencement of this Act; or
 - (c) who is by virtue of [section 3\(1\)\(b\)](#) a South African citizen, and one of his or her parents or his or her mother if he or she was born out of wedlock, was at the time of such person's birth—
 - (i) in the service of the Government of the Republic; or
 - (ii) the representative or the employee of a person or an association of persons resident or established in the Republic; or
 - (iii) in the service of an international organisation of which the Government of the Republic was then a member,shall, subject to the provisions of subsections (2) and (3), be a South African citizen by birth.
- (2) No person shall be a South African citizen by virtue of subsection (1)(b) if, at the time of his or her birth, one of his or her parents—
 - (a) was a person enjoying diplomatic immunity in the Republic in terms of any law relating to diplomatic privileges, or was a career representative of the government of another country, or was a person employed in the embassy or legation of such a government or in the office of such a career representative, or was a member of the household or an employee of any such person; or
 - (b) had not been lawfully admitted to the Republic for permanent residence therein,and his or her other parent was not a South African citizen.
- (3) No person who, after having ceased to be a South African citizen, at any time thereafter acquires South African citizenship by naturalisation in the Republic, shall be a South African citizen by birth.
- (4) Any person born in the Republic and who is not a South African citizen by virtue of the provisions of subsection (2), shall be a South African citizen by birth, if—
 - (a) he or she is adopted by a South African citizen in accordance with the Child Care Act, 1983 ([Act No. 74 of 1983](#)); or
 - (b)
 - (i) he or she does not have the citizenship or nationality of any other country, or has no right to such citizenship or nationality; and
 - (ii) his or her birth is registered in the Republic in accordance with the Births and Deaths Registration Act, 1992 ([Act No. 51 of 1992](#)).

3. Citizenship by descent

- (1) Any person—
- (a) who, immediately prior to the date of commencement of this Act, was a South African citizen by descent; or
 - (b) born outside the Republic, and—
 - (i) one of whose parents was or is, at the time of his or her birth, a South African citizen and whose birth is registered in terms of the provisions of section 13 of the Births and Deaths Registration Act, 1992 ([Act No. 51 of 1992](#)); or
 - (ii) to whose responsible parent a certificate of resumption of previous South African citizenship has, in terms of [section 13\(3\)](#), been issued, and who has entered the Republic for permanent residence therein before becoming a major, and whose birth is within one year after the date of issue of such certificate, or such longer period as the Minister in the special circumstances of the case may approve, registered in the Republic in the prescribed manner; or
 - (iii) who is adopted in terms of the provisions of the Child Care Act, 1983 ([Act No. 74 of 1983](#)), by a South African citizen and whose birth is registered in accordance with the provisions of subparagraph (i),
- shall, subject to the provisions of subsection (2), be a South African citizen by descent.
- [paragraph (b) substituted by section 2 of [Act 69 of 1997](#)]*
- (2) No person who, after having ceased to be a South African citizen, at any time thereafter acquires South African citizenship by naturalisation in the Republic, shall be a South African citizen by descent.

4. Citizenship by naturalisation

- (1) Any person—
- (a) who, immediately prior to the date of commencement of this Act—
 - (i) was a South African citizen by naturalisation; or
 - (ii) was or was deemed to be a South African citizen by registration; or
 - (iii) *[subparagraph (iii) deleted by section 3 of [Act 69 of 1997](#)]*
 - (b) who, on or after the date of commencement of this Act, is granted a certificate of naturalisation as a South African citizen in terms of [section 5](#),
- shall be a South African citizen by naturalisation.
- (2) Any person referred to in subsection (1)(b) shall, with effect from the date of the issue of the certificate, be a South African citizen by naturalisation.

5. Certificate of naturalisation

- (1) The Minister may, upon application in the prescribed form, grant a certificate of naturalisation as a South African citizen to any alien who satisfies the Minister that—
- (a) he or she is not a minor; and
 - (b) he or she has been lawfully admitted to the Republic for permanent residence therein; and
 - (c) he or she is ordinarily resident in the Republic and that he or she has been so resident for a continuous period of not less than one year immediately preceding the date of his or her

- application, and that he or she has, in addition, been resident in the Republic for a further period of not less than four years during the eight years immediately preceding the date of his or her application; and
- (d) he or she is of good character; and
 - (e) he or she intends to continue to reside in the Republic or to enter or continue in the service of the Government of the Republic or of an international organisation of which the Government of the Republic is a member or of a person or association of persons resident or established in the Republic; and
 - (f) he or she is able to communicate in any one of the official languages of the Republic to the satisfaction of the Minister; and
 - (g) he or she has an adequate knowledge of the responsibilities and privileges of South African citizenship.
- (2) (a) Any period during which an applicant for naturalisation has been employed outside the Republic in the service of the Government of the Republic (otherwise than as a person engaged locally) or on a ship or aircraft or a public means of transport registered or licensed in and operating from the Republic, and any period during which an applicant for naturalisation has been resident outside the Republic with his or her spouse while the latter was so employed, shall, for the purposes of subsection (1), be regarded as a period of residence or ordinary residence in the Republic.
- (b) For the purposes of subsection (1) the Minister may, in his or her discretion, regard as a period of residence or ordinary residence in the Republic any period during which an applicant for naturalisation has been employed outside the Republic on a ship, aircraft or public means of transport operating from the Republic, and any period during which an applicant for naturalisation has been resident outside the Republic with his or her spouse while the latter was so employed, notwithstanding the fact that such ship, aircraft or public means of transport was not registered or licensed in the Republic.
- (3) Any period during which an applicant for naturalisation—
- (a) is or was confined in a prison or other place of detention in the Republic after being convicted; or
 - (b) has sojourned in the Republic, either conditionally, temporarily or in contravention of any law in force in the Republic,
- shall for the purposes of subsection (1), not be regarded as a period of residence or ordinary residence in the Republic.
- (4) The Minister may, notwithstanding the provisions of subsection (1), upon application in the prescribed form by the responsible parent or the guardian of a minor who is permanently and lawfully resident in the Republic, grant to that minor a certificate of naturalisation as a South African citizen.
- (5) The Minister may, notwithstanding the provisions of subsection (1), upon application in the prescribed form, grant a certificate of naturalisation as a South African citizen to a person who is an alien and who satisfies the Minister that—
- (a) in the case of a man, he is the husband or widower, or in the case of a woman, she is the wife or widow, of a South African citizen and he or she has been lawfully admitted to the Republic for permanent residence therein and has resided in the Republic for a period of not less than two years immediately preceding the date of his or her application and after the date of his or her marriage to such citizen; or
 - (b) he or she is the spouse of a South African citizen, and he or she has in terms of any law relating to the control of the admission of aliens obtained permission to enter the Republic for permanent residence therein and he or she has resided with his or her spouse in the

Republic or, while he or she was employed in the service of the Government of the Republic, outside the Republic for a period of not less than two years.

- (6) A certificate of naturalisation shall not be issued to any person over the age of 18 years before that person has made the declaration of allegiance set forth in Schedule 1.
- (7) The Minister may in respect of any person who has applied for a certificate of naturalisation make such enquiries as the Minister may deem fit, and require such person to appear personally before him or her or a person designated by him or her.
- (8) If the Minister has refused an application for a certificate of naturalisation by or on behalf of any person, the Minister shall not be obliged to reconsider such application at any time, but shall not consider another application for a certificate of naturalisation by or on behalf of such person until the expiration of a period of at least one year from the date upon which the person in question was advised of the Minister's decision: Provided that the Minister shall at any time reconsider an application if he or she receives any new information regarding the applicant which may influence his or her original decision.
- (9)
 - (a) Notwithstanding anything to the contrary contained in subsection (1), the Minister may under exceptional circumstances grant a certificate of naturalisation as a South African citizen to an applicant who does not comply with the requirements of the said subsection (1) relating to residence or ordinary residence in the Republic.
 - (b) The Minister shall within 14 days after the commencement of the sittings of Parliament in each year table in Parliament the names of any persons to whom certificates of naturalisation were granted under paragraph (a) in the immediately preceding year, including the reasons for the granting of any such certificate.

[subsection (9) added by section 4 of [Act 69 of 1997](#)]

Chapter 3

Loss of South African citizenship

6. Loss of citizenship

- (1) Subject to the provisions of subsection (2), a South African citizen shall cease to be a South African citizen if—
 - (a) he or she, whilst not being a minor, by some voluntary and formal act other than marriage, acquires the citizenship or nationality of a country other than the Republic; or
 - (b) he or she in terms of the laws of any other country also has the citizenship or nationality of that country, and serves in the armed forces of such country while that country is at war with the Republic.
- (2) Any person referred to in subsection (1) may, prior to his or her loss of South African citizenship in terms of this section, apply to the Minister to retain his or her South African citizenship, and the Minister may, if he or she deems it fit, order such retention.

7. Renunciation of citizenship

- (1) A South African citizen who intends to accept the citizenship or nationality of another country, or who also has the citizenship or nationality of a country other than the Republic, may make a declaration in the prescribed form renouncing his or her South African citizenship.
- (2) The Minister shall upon receipt of a declaration made under this section cause such declaration to be registered in the manner prescribed, and thereupon the person who made the declaration shall cease to be a South African citizen.

- (3) Whenever a person ceases under subsection (2) to be a South African citizen, his or her minor children who are under the age of 18 years shall also cease to be South African citizens if the other parent of such children is not, or does not remain, a South African citizen.

8. Deprivation of citizenship

- (1) The Minister may by order deprive any South African citizen by naturalisation of his or her South African citizenship if he or she is satisfied that—
- (a) the certificate of naturalisation was obtained by means of fraud, false representation or the concealment of a material fact; or
 - (b) such certificate was granted in conflict with the provisions of this Act or any prior law.
- (2) The Minister may by order deprive a South African citizen who also has the citizenship or nationality of any other country of his or her South African citizenship if—
- (a) such citizen has at any time been sentenced in any country to a period of imprisonment of not less than 12 months for any offence which, if it was committed outside the Republic, would also have constituted an offence in the Republic; or
 - (b) the Minister is satisfied that it is in the public interest that such citizen shall cease to be a South African citizen.
- (3) Whenever the Minister deprives a person of his or her South African citizenship under this section or section 9 or 10, that person shall cease to be a South African citizen with effect from such date as the Minister may direct and thereupon the certificate of naturalisation or any other certificate issued under this Act in relation to the status of the person concerned, shall be surrendered to the Minister and cancelled, and any person who refuses or fails on demand to surrender any such certificate which he or she has in his or her possession, shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding two years.

9. Deprivation of citizenship on grounds of using citizenship of another country

- (1) The Minister may by order deprive a South African citizen of his or her South African citizenship if he or she also has the citizenship or nationality of another country, and has at any time made use of the franchise or the passport facilities of that country or performed such other voluntary act which, to the satisfaction of the Minister, indicates that such citizen has made use of the citizenship or nationality of that other country.

[subsection (1), previously unnumbered, renumbered by section 5(1) of [Act 69 of 1997](#)]

- (2) Notwithstanding anything to the contrary contained in subsection (1), the Minister may under circumstances regarded by him or her as exceptional exempt any person, on application in the prescribed form, from the provisions of the said subsection (1), in so far as they relate to the use of the passport facilities of another country, for such period and on such conditions as may be determined by the Minister.

[subsection (2) added by section 5(1) of [Act 69 of 1997](#)]

- (3) The Minister may at any time withdraw an exemption contemplated in subsection (2) or withdraw, amend or supplement any condition on which any such exemption was granted.

[subsection (3) added by section 5(1) of [Act 69 of 1997](#)]

10. Deprivation of citizenship in case of children

Whenever the responsible parent of a minor has in terms of the provisions of section 6, 8 or 9 ceased to be a South African citizen, the Minister may, with due regard to the provisions of the Guardianship Act, 1993 ([Act No. 192 of 1993](#)), order that such minor, if he or she was born outside the Republic and is under the age of 18 years, shall cease to be a South African citizen.

Chapter 4

Consequences of loss of South African citizenship

11. Status of persons who cease to be South African citizens

- (1) Whenever a person, under the provisions of [section 8](#), ceases to be a South African citizen, he or she shall be regarded as having the citizenship or nationality which he or she had before he or she became a South African citizen.
- (2) Whenever a person, under the provisions of [section 10](#), ceases to be a South African citizen, he or she shall be regarded as having the citizenship or nationality which he or she had before he or she became a South African citizen, and, if he or she had no other citizenship or nationality, he or she shall be regarded as having the citizenship or nationality of his or her responsible parent.
- (3) Whenever—
 - (a) a South African citizen by naturalisation or registration ceased to be a South African citizen by virtue of the provisions of any prior law; or
 - (b) a South African citizen by naturalisation ceases to be a South African citizen by virtue of the provisions of [section 6](#), [7](#), [8](#), [9](#) or [10](#),he or she shall for the purposes of the Aliens Control Act, 1991 ([Act No. 96 of 1991](#)), but subject to the provisions of subsection [\(4\)](#), be deemed to be an alien who is not—
 - (i) in possession or is not deemed to be in possession of a permit referred to in [section 25](#) or [26](#) of that Act; or
 - (ii) in terms of [section 28\(2\)](#) of the said Act exempted or deemed to be exempted from the prohibition in [section 23\(a\)](#) of that Act.

[subsection [\(3\)](#) amended by section 6 of [Act 69 of 1997](#)]
- (4) The Minister may at any time, unconditionally or subject to such conditions as he or she may deem fit, exempt any person for a definite or an indefinite period from the provisions of subsection [\(3\)](#).

12. Saving of obligations incurred before loss of citizenship

Whenever a person ceases to be a South African citizen he or she shall not thereby be discharged from any obligation, duty or liability in respect of any act done or committed before he or she ceased to be a South African citizen.

Chapter 5

Resumption of South African citizenship

13. Resumption of South African citizenship

- (1) The Minister may, in such cases as he or she deems fit, withdraw any order made under [section 9](#) and thereupon the person concerned shall, with effect from such date as the Minister may direct, resume the form of South African citizenship of which he or she was deprived by that order.
- (2) A minor who has in terms of [section 10](#) or a provision in any of the laws referred to in [Schedule 2](#) ceased to be a South African citizen and who is resident in the Republic or has returned to the Republic for permanent residence therein, may at any time after attaining the age of 18 years make a declaration in the prescribed form stating that he or she wishes to resume South African citizenship, and if the Minister deems it fit, he or she may order that such a declaration be registered, and upon registration thereof, such person shall resume his or her former South African citizenship.

- (3) (a) Any person who ceased to be a South African citizen by virtue of the provisions of any prior law or ceases to be a South African citizen by virtue of the provisions of section 6, 7, 8, 9 or 10 may—
- (i) if he or she is not a person as referred to in section 11(3) and who is residing in the Republic permanently or returns to the Republic for permanent residence therein, as the case may be; or
 - (ii) if he or she is a person as referred to in section 11(3) and a permit for permanent residence referred to in section 25 of the Aliens Control Act, 1991 ([Act No. 96 of 1991](#)), is issued to him or her,
- apply to the Minister in the prescribed form for the resumption of his or her former South African citizenship.
- [paragraph (a) substituted by section 7 of [Act 69 of 1997](#)]*
- (b) The Minister may upon receipt of such an application allow such person to resume his or her former South African citizenship if the Minister is satisfied that the grounds for the loss or deprivation of his or her South African citizenship no longer exist or are of any consequence, and issue to him or her a certificate to that effect in the prescribed form.
- (4) The provisions of [section 5\(7\)](#) shall *mutatis mutandis* apply in respect of a certificate referred to in subsection [\(3\)\(b\)](#).

Chapter 6

Miscellaneous provisions in respect of citizenship

14. Marriage does not affect citizenship

A married person shall, subject to the provisions of this Act, be capable of acquiring and losing South African citizenship in all respects as if he or she were an unmarried person, and no person shall acquire or lose South African citizenship by reason merely of a marriage contracted by him or her.

15. Issue of certificate of citizenship in case of doubt

- (1) The Minister may in such cases as he or she deems fit, issue to any person in respect of whose South African citizenship there is any doubt, a certificate that he or she is a South African citizen.
- (2) Before issuing any certificate under subsection [\(1\)](#), the Minister may require the person concerned to comply with such provisions of this Act as the Minister may direct.
- (3) The Minister may in any certificate issued under subsection [\(1\)](#) describe the person to whom it relates as a South African citizen by birth, descent or naturalisation, as the Minister may deem fit.
- (4) A certificate issued under this section shall, unless it is proved that it was obtained by means of fraud, false representation or the concealment of some material fact, be conclusive evidence that the person to whom it relates was a South African citizen by birth, descent or naturalisation, as the case may be, at the date of the issue of the certificate, but shall not be deemed to imply any admission that the person to whom it has been issued was not a South African citizen previously.

16. Certificate of South African citizenship

- (1) The Minister may on the application of any person cause to be issued to that person a certificate in respect of the status of any person who to his or her satisfaction is, or was, a South African citizen.
- (2) A certificate issued under subsection [\(1\)](#) shall indicate in addition to such other particulars as the Minister may deem fit whether the person in respect of whom it has been issued, is or was at the date or for the period mentioned therein, a South African citizen by birth, descent or naturalisation

without prejudice to any evidence that he or she was at any other date or during any other period a South African citizen as mentioned therein.

- (3) The Minister may require the production of such evidence of citizenship as he or she deems fit before authorising the issue of any certificate in terms of this section.

17. Evidence

Any certificate issued under this Act or any prior law, or any certified extract of an entry made in any register in pursuance of this Act or any prior law, shall in all courts of law be *prima facie* evidence of the particulars set forth therein.

18. Penalty for false representations or statements

Any person who makes for any of the purposes of this Act, any false representation or any statement which is false in any material particulars, shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding eight years.

19. Amendment of certificates of citizenship

- (1) Whenever the Minister is satisfied that any error has occurred in any certificate issued under this Act or any prior law, or any change has occurred in respect of the particulars recorded therein, he or she may rectify the error or alter the particulars by amending the certificate.
- (2) Any certificate amended in pursuance of the provisions of subsection (1) shall, as from the date of the amendment thereof, have effect as so amended.
- (3) The Minister may call upon any person to produce to him or her any certificate which requires to be amended in terms of subsection (1), and any person who refuses or fails on demand so to produce such a certificate which he or she has in his or her possession, shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding two years.

20. Determination of questions of residence

Whenever a question arises under this Act as to whether or not a person was resident or ordinarily resident in the Republic the question may be determined by the Minister.

21. Instruction in responsibilities and privileges of South African citizenship

The Minister may in respect of—

- (a) South African citizens, make such arrangements as he or she deems fit; or
- (b) applicants for certificates of naturalisation, establish such facilities as may appear necessary or desirable,

to enable such citizens or applicants to receive instruction in the responsibilities and privileges of South African citizenship.

Chapter 7

General provisions

22. Delegation of powers

The Minister may, subject to such conditions as he or she may deem necessary, delegate any power conferred on him or her by this Act, excluding a power referred to in section 5(9) or 25, to an officer in

the service of the Department, but shall not be divested of any power so delegated, and may set aside or amend any decision of the delegate made in the exercise of such a power.

[section 22 substituted by section 8 of [Act 69 of 1997](#)]

23. Regulations

The Minister may make regulations not inconsistent with this Act, with regard to—

- (a) the form of an application, declaration, certificate or other document under this Act;
[paragraph (a) substituted by section 9(a) of [Act 69 of 1997](#)]
- (b) *[paragraph (b) deleted by section 9(b) of [Act 69 of 1997](#)]*
- (c) the persons before whom declarations of renunciation or resumption of South African citizenship may be made;
- (d) the issuing of certificates of acknowledgment of South African citizenship to persons born elsewhere than in the Republic;
- (e) the fees to be charged for the issuing of any certificate or approval under this Act in consultation with the Minister of Finance; and
- (f) generally, all matters which in terms of this Act are required or permitted to be prescribed or which he or she considers necessary or expedient to prescribe in order that the purposes of this Act may be achieved or that this Act may be effectively administered.

24. Application of Act

This Act and any amendment thereof shall also apply in the Prince Edward Islands.

25. Review of Minister's decision by court of law

- (1) Any provincial or local division of the Supreme Court of South Africa shall have jurisdiction to review any decision made by the Minister under this Act.
- (2) A court hearing a review in terms of subsection (1) may call upon the Minister to furnish reasons and to submit such information as the court deems fit, and the court shall have jurisdiction to—
 - (a) consider the merits of the matter under review; and
 - (b) confirm, vary or set aside the decision of the Minister.

26. Repeal of laws

- (1) Subject to the provisions of subsection (2), the laws mentioned in the second column of Schedule 2 are hereby repealed to the extent set out in the third column thereof.
- (2) Anything done under a provision repealed by subsection (1) and which is capable of being done in terms of a provision of this Act shall be deemed to have been done in terms of the latter provision.
- (3) Any person who, due to passage of time after attaining majority, was disqualified by a provision repealed by subsection (1) from making a declaration with a view to obtaining South African citizenship, shall be deemed not to have been so disqualified at any time.
- (4) Notwithstanding the repeal of section 15(1)(a) of the South African Citizenship Act, 1949, by subsection (1), the Minister may at any time exempt any person who ceased to be a South African citizen by virtue of the provisions of the said section 15(1)(a), on application on the prescribed form, from the provisions of the said section 15(1)(a), either unconditionally or on such conditions

as the Minister may determine, and any person so exempted, shall be deemed to have remained a South African citizen.

[subsection (4) added by section 10 of [Act 69 of 1997](#)]

26A. Construction of references to citizens and citizenship of former states in existing laws and in certain documents

A reference in any law in force immediately prior to the commencement of this Act, or in any certificate or other document under any such law, to a citizen of any former state or citizenship of any former state shall, unless inconsistent with the context or otherwise clearly inappropriate, be construed as a reference to a South African citizen or South African citizenship, respectively.

[section 26A inserted by section 11(1) of [Act 69 of 1997](#)]

27. Short title

This Act shall be called the South African Citizenship Act, 1995.

Schedule 1 (Section 5(6))

Declaration of allegiance

I, _____ (AB), do hereby solemnly declare that I will be loyal to the Republic of South Africa, promote all that will advance it and oppose all that may harm it, uphold and respect its [Constitution](#) and commit myself to the furtherance of the ideals and principles contained therein.

Signed at _____ on this _____ day of _____ (month), 19 _____.

Signature

In the presence of the following two witnesses who are South African citizens

1. _____ (Witness)
2. _____ (Witness)

Schedule 2 (Section 26)**Laws repealed**

No. and year of law	Short title	Extent of repeal
<u>Act No. 44 of 1949</u>	South African Citizenship Act, 1949	The whole
<u>Act No. 64 of 1961</u>	South African Citizenship Amendment Act, 1961	The whole
<u>Act No. 69 of 1962</u>	Commonwealth Relations Act, 1962	Section 13 and sections 18 to 28 inclusive
<u>Act No. 23 of 1964</u>	Residence in the Republic Regulation Act, 1964	The whole
<u>Act No. 41 of 1973</u>	South African Citizenship Amendment Act, 1973	The whole
<u>Act No. 53 of 1978</u>	South African Citizenship Amendment Act, 1978	The whole
<u>Act No. 30 of 1980</u>	South African Citizenship Amendment Act, 1980	The whole
<u>Act No. 95 of 1981</u>	South African Citizenship Amendment Act, 1981	The whole
<u>Act No. 43 of 1984</u>	South African Citizenship Amendment Act, 1984	The whole
<u>Act No. 53 of 1986</u>	Matters concerning Admission to and Residence in the Republic Amendment Act, 1986	The whole
<u>Act No. 74 of 1990</u>	South African Citizenship at Attainment of Independence by Namibia Regulation Act, 1990	The whole
<u>Act No. 70 of 1991</u>	South African Citizenship Amendment Act, 1991	The whole

Act No. 132 of 1993	General Law Fourth Amendment Act, 1993	Sections 5, 6, 7, 8 and 9
Act No. 196 of 1993	Restoration and Extension of South African Citizenship Act, 1993	The whole
Act No. 15 of 1976 (Transkei)	Republic of Transkei Constitution Act, 1976	Sections 57 and 58
Act No. 26 of 1976 (Transkei)	Citizenship of Transkei Act, 1976	The whole
Act No. 18 of 1977 (Bophuthatswana)	Republic of Bophuthatswana Constitution Act, 1977	Section 80
Act No. 19 of 1978 (Bophuthatswana)	Bophuthatswana Citizenship Act, 1978	The whole
Act No. 15 of 1986 (Bophuthatswana)	Bophuthatswana Citizenship Amendment Act, 1986	The whole
Act No. 9 of 1979 (Venda)	Republic of Venda Constitution Act, 1979	Sections 59 and 60
Act No. 8 of 1980 (Venda)	Citizenship of Venda Act, 1980	The whole
Act No. 20 of 1981 (Ciskei)	Republic of Ciskei Constitution Act, 1981	Section 67
Act No. 38 of 1984 (Ciskei)	Ciskeian Citizenship Act, 1984	The whole
Act No. 7 of 1987 (Ciskei)	Ciskeian Citizenship Amendment Act, 1987	The whole
Act No. 16 of 1988 (Ciskei)	Ciskeian Citizenship Amendment Act, 1988	The whole