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GOVERNMENT GAZETTE

STAATSKOERANT

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DEPARTMENT OF THE PRIME MINISTER

No. 791.

19 April 1978.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 53 of 1978: South African Citizenship Amendment Act, 1978.

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 791.

19 April 1978.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 53 van 1978: Wysigingswet op Suid-Afrikaanse Burgenskap, 1978.

Wet No. 53, 1978

WYSIGINGSWET OP SUID-AFRIKAANSE
BURGERSKAP, 1978.**ALGEMENE VERDUIDELIKENDE NOTA:**

Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordeninge aan.

WET

Tot wysiging van die Wet op Suid-Afrikaanse Burgerskap, 1949, ten einde voorsiening te maak vir die verkryging van Suid-Afrikaanse burgerskap op grond van permanente verblyf in die Republiek en vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 12 April 1978.)*

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Invoeging van
artikel 11A in
Wet 44 van 1949.

1. Die volgende artikel word hierby in die Wet op Suid-Afrikaanse Burgerskap, 1949, na artikel 11 ingevoeg: 5

„Verkryging
van Suid-
Afrikaanse
Burgerskap
deur natura-
lisasie op
grond van
permanente
verblyf.

11A. (1) 'n Vreemdeling wat—

- (a) nie ouer as 25 jaar is nie; 10
 - (b) uit hoofde van 'n permit ingevolge die Wet op Vreemdelinge, 1937 (Wet No. 1 van 1937), en na die inwerkingtreding van die Wysigingswet op Suid-Afrikaanse Burgerskap, 1978, uitgereik, geregtig is op permanente verblyf in die Republiek; 15
 - (c) vir 'n tydperk van twee jaar nadat hy aldus geregtig geword het, sy gewone verblyf in die Republiek gehad het; en 20
 - (d) tensy die Minister hom van die bepalings van hierdie paragraaf uitgesluit het, nie skuldig bevind is nie aan 'n misdryf vermeld in artikel 43 of 44A van die Wet op die Reëling van die Toelating van Persone tot die Republiek, 1972 (Wet No. 59 van 1972), 25
- is 'n Suid-Afrikaanse burger deur naturalisasie, tensy hy, of sy verantwoordelike ouer of voog ten behoeve van hom, indien en terwyl hy 'n minderjarige was, te eniger tyd gedurende daardie tydperk van twee jaar 'n verklaring in die voorgeskrewe vorm afgelê het waarin verklaar word dat hy nie so 'n burger wil word nie of, na gelang van die geval, dat hy verlang dat die minderjarige nie so 'n burger word nie. 30
- (2) (a) Die Minister kan na goëddunke 'n persoon of kategorie persone, met die uitsonderings wat hy mag goëdvind, van die bepalings van subartikel (1) uitsluit, en wel vir 'n bepaalde of onbepaalde tydperk en of onvoorwaardelik of op die voorwaardes wat die Minister oplê. 35
 - (b) Die Minister kan na goëddunke so 'n uitsluiting intrek of so 'n uitsluiting wat op 'n kategorie persone betrekking het, intrek wat betref iemand wat tot daardie kategorie behoort. 40
 - (3) Indien 'n verklaring bedoel in subartikel (1) deur of ten behoeve van iemand afgelê is—
 - (a) word hy vanaf die dag waarop die verklaring

SOUTH AFRICAN CITIZENSHIP
AMENDMENT ACT, 1978.

Act No. 53, 1978

GENERAL EXPLANATORY NOTE:

Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the South African Citizenship Act, 1949, so as to provide for the acquisition of South African citizenship by virtue of permanent residence in the Republic and for matters connected therewith.

(English text signed by the State President.)
(Assented to 12 April 1978.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. The following section is hereby inserted in the South African Citizenship Act, 1949, after section 11:

Insertion of
section 11A in
Act 44 of 1949.

- 10 *Acquisition of South African citizenship by naturalization by virtue of permanent residence.
- 15 **11A. (1) An alien who—**
- 20 (a) is not older than 25 years;
- 25 (b) is entitled to permanent residence in the Republic by virtue of a permit issued in terms of the Aliens Act, 1937 (Act No. 1 of 1937), after the commencement of the South African Citizenship Amendment Act, 1978;
- 30 (c) has for a period of two years after he so became entitled, been ordinarily resident in the Republic; and
- 35 (d) unless he has been excluded by the Minister from the provisions of this paragraph, has not been convicted of an offence mentioned in section 43 or 44A of the Admission of Persons to the Republic Regulation Act, 1972 (Act No. 59 of 1972),
- 40 shall be a South African citizen by naturalization unless he, or his responsible parent or guardian on his behalf if and while he was a minor, at any time during that period of two years made a declaration in the prescribed form stating that he does not wish to become such a citizen or, as the case may be, that he desires the minor not to become such a citizen.
- (2) (a) The Minister may in his discretion exclude any person or category of persons, with such exceptions as he may deem fit, from the provisions of subsection (1), and either for a specified or unspecified period and either unconditionally or subject to such conditions as the Minister may impose.
- (b) The Minister may in his discretion withdraw any such exclusion or withdraw any such exclusion relating to a category of persons in so far as a person belonging to that category is concerned.
- (3) If a declaration contemplated in subsection (1) has been made by or on behalf of any person—
- (a) he shall from the day on which the declaration

Wet No. 53, 1978

WYSIGINGSWET OP SUID-AFRIKAANSE
BURGERSKAP, 1978.

afgelê is, geag 'n vreemdeling te wees wat by die
toepassing van die Wet op Vreemdelinge, 1937,
nie in besit is nie van 'n permit wat ingevolge
artikel 4 of 5 van genoemde Wet aan hom
uitgereik is;

(b) kan daar nie aan hom 'n permit ingevolge artikel
4 van genoemde Wet uitgereik word nie; en

(c) kan hy nie op enige wyse Suid-Afrikaanse
burgerskap verkry nie.

(4) Indien 'n verklaring bedoel in subartikel (1) ten
behoewe van 'n minderjarige afgelê is, kan hy te
eniger tyd binne 'n tydperk van drie maande nadat hy
meerderjarig geword het, 'n verklaring in die voor-
geskrewe vorm aflê waarin verklaar word dat hy 'n
Suid-Afrikaanse burger wil word, en daarop hou die
bepalings van subartikel (3) (b) en (c) op om ten
opsigte van hom van toepassing te wees.

(5) Die Minister moet een maal elke drie maande in
die *Staatskoerant* 'n opgawe laat publiseer van alle
vreemdelinge deur of ten behoewe van wie gedurende
die voorafgaande drie maande verklarings ingevolge
subartikel (1) of (4) afgelê is en in daardie opgawe
met betrekking tot iedere sodanige persoon die
besonderhede laat uiteensit wat hy van tyd tot tyd
mag goedvind."

Kort titel.

2. Hierdie Wet heet die Wysigingswet op Suid-Afrikaanse
Burgerskap, 1978.

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AMENDMENT ACT, 1978.

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has been made, be deemed to be an alien who, for the purposes of the Aliens Act, 1937, is not in possession of a permit issued to him in terms of section 4 or 5 of the said Act;

5 (b) a permit may not in terms of section 4 of the said Act be issued to him; and

(c) he shall be disqualified from acquiring South African citizenship in any manner.

10 (4) If a declaration contemplated in subsection (1) has been made on behalf of a minor, he may at any time during a period of three months after attaining majority make a declaration in the prescribed form stating that he wishes to become a South African citizen, and thereupon the provisions of subsection

15 (3) (b) and (c) shall cease to apply in respect of him.

(5) The Minister shall once in every three months cause to be published in the *Gazette* a return of all aliens by or on behalf of whom declarations were in terms of subsection (1) or (4) made during the

20 preceding three months, and in that return cause to be set out in relation to every such person such particulars as he may from time to time deem fit."

2. This Act shall be called the South African Citizenship Short title.
Amendment Act, 1978.

