



REPUBLIEK VAN SUID-AFRIKA

STAATSKOERANT

GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1449. 29 Junie 1990

No. 1449. 29 June 1990

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

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

No. 74 van 1990: Wet op Reëling van Suid-Afrikaanse Burgerskap by Onafhanklikwording van Namibië, 1990.

No. 74 of 1990: South African Citizenship at Attainment of Independence by Namibia Regulation Act, 1990.

WET

Om Suid-Afrikaanse burgerskap van sekere persone by die onafhanklikwording van Namibië te reël; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 21 Junie 1990.)*

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

Woordomskrywing

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
 - “die gebied” die Republiek van Namibië wat in die Wet op Suid-Afrikaanse Burgerskap, 1949 (Wet No. 44 van 1949), as die gebied Suidwes-Afrika bekend staan; 5
 - “gewone verblyf” gewone verblyf binne die bedoeling van die uitdrukking soos dit voorkom in paragraaf (d) van artikel 10 (1) van die Wet op Suid-Afrikaanse Burgerskap, 1949 (Wet No. 44 van 1949); 10
 - “Minister” die Minister van Binnelandse Sake.

Verbeuring van Suid-Afrikaanse burgerskap

2. (1) Ondanks andersluidende bepalings van die een of ander wet, hou 'n Suid-Afrikaanse burger wat op 21 Maart 1990 gewone verblyf in die gebied het, met ingang van daardie datum op om 'n Suid-Afrikaanse burger te wees: Met dien verstande dat iemand wat in die Republiek gebore is, of van wie 'n natuurlike ouer of grootouer in die Republiek gebore is, nie ophou om 'n Suid-Afrikaanse burger te wees nie. 15
- (2) Die Minister kan te eniger tyd na goëddunke—
 - (a) enige persoon of kategorie persone, of enige kategorie persone met die uitsondering van 'n bepaalde persoon of bepaalde persone, onvoorwaardelik of op die voorwaardes wat hy goëdvind vir 'n bepaalde of onbepaalde tydperk van die bepalings van subartikel (1) vrystel; en 20
 - (b) enige vrystelling wat kragtens paragraaf (a) verleen is, aan 'n kategorie persone of aan iemand, hetsy as 'n individu of as 'n lid van 'n kategorie persone, intrek. 25
- (3) Enige persoon of kategorie persone ten opsigte van wie die Minister 'n vrystelling kragtens subartikel (2)(a) verleen het, hou nie op of word geag nie op te gehou het om 'n Suid-Afrikaanse burger te wees nie.

Burgerskap deur geboorte na 21 Maart 1990

3. Ondanks andersluidende bepalings van die Wet op Suid-Afrikaanse Burgerskap, 1949 (Wet No. 44 van 1949), is niemand wat op of na 21 Maart 1990 in die gebied gebore word, 'n Suid-Afrikaanse burger deur geboorte nie. 30

SOUTH AFRICAN CITIZENSHIP AT ATTAINMENT OF
INDEPENDENCE BY NAMIBIA REGULATION ACT, 1990

Act No. 74, 1990

ACT

To regulate South African citizenship of certain persons at the attainment of independence by Namibia; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 21 June 1990.)

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

Definitions

1. In this Act, unless the context otherwise indicates—

5 “Minister” means the Minister of Home Affairs;

“ordinary residence” means ordinary residence within the meaning of the expression as it appears in paragraph (d) of section 10 (1) of the South African Citizenship Act, 1949 (Act No. 44 of 1949);

10 “the territory” means the Republic of Namibia which is known in the South African Citizenship Act, 1949 (Act No. 44 of 1949), as the territory of South West Africa.

Loss of South African citizenship

2. (1) Notwithstanding anything to the contrary contained in any other law, any South African citizen who on 21 March 1990 has ordinary residence in the territory shall, with effect from that date, cease to be a South African citizen: Provided that a person who was born in the Republic, or a natural parent or grandparent of whom was born in the Republic, shall not cease to be a South African citizen.

(2) The Minister may at any time in his discretion—

20 (a) exempt any person or category of persons, or any category of persons with the exclusion therefrom of a particular person or particular persons, for a specified or unspecified period unconditionally or on such conditions as he may think fit from the provisions of subsection (1); and

(b) withdraw any exemption granted under paragraph (a) to any category of persons or to any person, whether as an individual or as a member of a category of persons.

25 (3) Any person or category of persons in respect of whom the Minister granted an exemption under subsection (2) (a) shall not cease or shall be deemed not to have ceased to be a South African citizen.

Citizenship by birth after 21 March 1990

30 3. Notwithstanding anything to the contrary contained in the South African Citizenship Act, 1949 (Act No. 44 of 1949), no person born in the territory on or after 21 March 1990, shall be a South African citizen by birth.

Wet No. 74, 1990 WET OP REËLING VAN SUID-AFRIKAANSE BURGERSKAP BY
ONAFHANKLIKWORDING VAN NAMIBIË, 1990

Sertifikaat van naturalisasie

4. (1) Die Minister kan, *mutatis mutandis* ooreenkomstig die bepalings van subartikel 1(a), (c), (e), (f), (g) en (h) van artikel 10 van die Wet op Suid-Afrikaanse Burgerskap, 1949 (Wet No. 44 van 1949), 'n sertifikaat van naturalisasie as 'n Suid-Afrikaanse burger toeken aan 'n persoon wat uit hoofde van artikel 2 opgehou het om 'n Suid-Afrikaanse burger te wees, indien so 'n persoon— 5

(a) sy gewone verblyf in die Republiek het en sodanige verblyf aldus gehad het vir 'n ononderbroke tydperk van minstens ses maande onmiddellik voor die datum van sy aansoek; en

(b) vir 'n verdere tydperk van minstens twee jaar gedurende die vier jaar onmiddellik voor die datum van sy aansoek, sy verblyf in die Republiek gehad het. 10

(2) Die bepalings van artikel 10 (2), (3), (4), (5), (7), (9), (11), (12), (13) en (14) en artikel 11 (1) van die Wet op Suid-Afrikaanse Burgerskap, 1949, is *mutatis mutandis* van toepassing op 'n in subartikel (1) bedoelde aansoek. 15

Kort titel en inwerkingtreding

5. Hierdie Wet heet die Wet op Reëling van Suid-Afrikaanse Burgerskap by Onafhanklikwording van Namibië, 1990, en word geag op 21 Maart 1990 in werking te getree het.

SOUTH AFRICAN CITIZENSHIP AT ATTAINMENT OF
INDEPENDENCE BY NAMIBIA REGULATION ACT, 1990

Act No. 74, 1990

Certificate of naturalization

4. (1) The Minister may, *mutatis mutandis* in accordance with the provisions of subsection (1) (a), (c), (e), (f), (g) and (h) of section 10 of the South African Citizenship Act, 1949 (Act No. 44 of 1949), grant a certificate of naturalization as a
5 South African citizen to a person who has ceased by virtue of section 2 to be a South African citizen, if such a person—

- (a) is ordinarily resident in the Republic and has been so resident for a continuous period of not less than six months immediately preceding the date of his application; and
10 (b) was resident in the Republic for a further period of not less than two years during the four years immediately preceding the date of his application.

(2) The provisions of section 10 (2), (3), (4), (5), (7), (9), (11), (12), (13) and (14) and section 11 (1) of the South African Citizenship Act, 1949, shall *mutatis mutandis* apply to any application referred to in subsection (1).

15 Short title and commencement

5. This Act shall be called the South African Citizenship at Attainment of Independence by Namibia Regulation Act, 1990, and shall be deemed to have come into operation on 21 March 1990.

