



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

PRYS (AVB ingesluit 30c PRICE (GST included)

BUITELANDS 40c ABROAD

POSVRY · POST FREE

Vol. 226

KAAPSTAD, 11 APRIL 1984

No. 9159

CAPE TOWN, 11 APRIL 1984

KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 664.

11 April 1984

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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. 43 van 1984: Wysigingswet op Suid-Afrikaanse Burgerskap, 1984.

No. 43 of 1984: South African Citizenship Amendment Act, 1984.

Wet No. 43, 1984

WYSIGINGSWET OP SUID-AFRIKAANSE BURGERSKAP, 1984

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordeninge aan.

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

WET

Tot wysiging van die Wet op Suid-Afrikaanse Burgerskap, 1949, ten einde ander voorsiening te maak vir die verkryging van Suid-Afrikaanse burgerskap op grond van gewone verblyf in die Republiek; en weg te doen met die plig van die Minister van Binnelandse Aangeleenthede om sekere opgawes te publiseer; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 26 Maart 1984.)

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

Wysiging van artikel 11A van Wet 44 van 1949, soos ingevoeg deur artikel 1 van Wet 53 van 1978 en gewysig deur artikel 3 van Wet 95 van 1981.

1. (1) Artikel 11A van die Wet op Suid-Afrikaanse Burgerskap, 1949 (hieronder die Hoofwet genoem), word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

(1) 'n Vreemdeling wat—

(a) 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), skuldig bevind is nie, tensy die Minister in sy geval anders bepaal; en

(b) op permanente verblyf in die Republiek geregtig is uit hoofde van 'n permit ingevolge artikel 4 van die Wet op Vreemdelinge, 1937 (Wet No. 1 van 1937); en

(c) vir 'n tydperk van minstens vyf jaar nadat hy aldus op permanente verblyf geregtig geword het sy gewone verblyf in die Republiek gehad het, is 'n Suid-Afrikaanse burger deur naturalisasie met ingang van—

(i) in die geval van 'n vreemdeling aan wie so 'n permit voor 19 April 1978 uitgereik is, die datum ses maande vanaf die inwerkingtreding van die Wysigingswet op Suid-Afrikaanse Burgerskap, 1984, indien hy by die inwerkingtreding nie jonger as 15 jaar en nie ouer as 24 jaar en ses maande is nie, of, indien hy dan jonger as 15 jaar is, die datum ses maande vanaf die datum waarop hy die ouderdom van 15 jaar bereik; of

(ii) in die geval van 'n vreemdeling aan wie so 'n permit te eniger tyd na die datum twee jaar voor genoemde inwerkingtreding uitgereik is of word, die datum waarop die tydperk van vyf jaar bedoel in paragraaf (c) verstryk, indien hy dan nie jonger as 15 jaar en ses maande en nie ouer as 25 jaar is nie, of, indien hy dan jonger as 15 jaar en ses maande

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SOUTH AFRICAN CITIZENSHIP AMENDMENT ACT, 1984

Act No. 43, 1984

GENERAL EXPLANATORY NOTE:

- [** **]** Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the South African Citizenship Act, 1949, so as to make other provision for the acquisition of South African citizenship by virtue of ordinary residence in the Republic; and to do away with the duty of the Minister of Internal Affairs to publish certain returns; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 26 March 1984.)

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

1. (1) Section 11A of the South African Citizenship Act, 1949 (hereinafter referred to as the principal Act), is hereby amended—
- (a) by the substitution for subsection (1) of the following subsection:
- “(1) Any alien who—
- (a) has not been convicted of an offence referred to in section 43 or 44A of the Admission of Persons to the Republic Regulation Act, 1972 (Act No. 59 of 1972), unless the Minister determines otherwise in his case; and
- (b) is entitled to permanent residence in the Republic by virtue of a permit in terms of section 4 of the Aliens Act, 1937 (Act No. 1 of 1937); and
- (c) has been ordinarily resident in the Republic for a period of at least five years after he so became entitled to permanent residence,
- shall be a South African citizen by naturalization with effect from—
- (i) in the case of an alien to whom such a permit was issued before 19 April 1978, the date six months from the commencement of the South African Citizenship Amendment Act, 1984, if at that commencement he is not younger than 15 years and not older than 24 years and six months, or, if he is then younger than 15 years, the date six months from the date on which he attains the age of 15 years; or
- (ii) in the case of an alien to whom such a permit was or is issued at any time after the date two years before that commencement, the date on which the period of five years contemplated in paragraph (c) expires, if he was then not younger than 15 years and six months and not older than 25 years, or, if he was then younger than 15 years and six months,

Amendment of section 11A of Act 44 of 1949, as inserted by section 1 of Act 53 of 1978 and amended by section 3 of Act 95 of 1981.

Wet No. 43, 1984

WYSIGINGSWET OP SUID-AFRIKAANSE BURGERSKAP, 1984

is, die datum waarop hy die ouderdom van 15 jaar en ses maande bereik,

tensy hy of, in die geval van 'n minderjarige, sy verantwoordelike ouer of voog ten behoeve van hom en terwyl hy 'n minderjarige was te eniger tyd na die datum waarop hy die ouderdom van 15 jaar bereik het maar voor die datum waarop hy uit hoofde van hierdie subartikel 'n Suid-Afrikaanse burger word, '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.”;

(b) deur paragraaf (a) van subartikel (3) deur die volgende paragraaf te vervang:

“(a) word hy vanaf die dag waarop die verklaring [afgelê] op die voorgeskrewe wyse geregistreer 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;”;

(c) deur subartikel (5) te skrap.

(2) Iemand wat uit hoofde van die bepalings van artikel 11A van die Hoofwet, soos dit onmiddellik voor die inwerkingtreding van hierdie Wet bestaan het, 'n Suid-Afrikaanse burger was, bly na die inwerkingtreding so 'n burger asof daardie artikel nie deur subartikel (1) van hierdie artikel gewysig was nie.

Wysiging van artikel 40 van Wet 44 van 1949, soos gewysig deur artikel 26 van Wet 69 van 1962 en artikel 14 van Wet 95 van 1981.

2. Artikel 40 van die Hoofwet word hierby gewysig deur paragraaf (c) deur die volgende paragraaf te vervang:

“(c) die vorm en registrasie van 'n verklaring van afstand of hernuwing van Suid-Afrikaanse burgerskap en van 'n verklaring in artikel 11A beoog.”;

Kort titel.

3. Hierdie Wet heet die Wysigingswet op Suid-Afrikaanse Burgerskap, 1984.

SOUTH AFRICAN CITIZENSHIP AMENDMENT ACT, 1984

Act No. 43, 1984

the date on which he attains the age of 15 years and six months,
 unless he or, in the case of a minor, his responsible parent or guardian on his behalf while he was a minor at any time after the date on which he attained the age of 15 years but before the date on which he becomes a South African citizen by virtue of this subsection, 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.”;

(b) by the substitution for paragraph (a) of subsection (3) of the following paragraph:

“(a) he shall from the day on which the declaration has been **[made]** registered in the prescribed manner, 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;”;

(c) by the deletion of subsection (5).

(2) Any person who was a South African citizen by virtue of the provisions of section 11A of the principal Act, as it existed immediately before the commencement of this Act, remains to be such a citizen after that commencement as if that section were not amended by subsection (1) of this section.

2. Section 40 of the principal Act is hereby amended by the substitution for paragraph (c) of the following paragraph:

“(c) the form and registration of any declaration of renunciation or resumption of South African citizenship and of any declaration contemplated in section 11A (1);”.

Amendment of section 40 of Act 44 of 1949, as amended by section 26 of Act 69 of 1962 and section 14 of Act 95 of 1981.

3. This Act is called the South African Citizenship Amendment Act, 1984.

Short title.

- the date on which he attains the age of 15 years and six months.
- unless he or, in the case of a minor, his responsible parent or guardian on his behalf while he was a minor at any time after the date on which he attained the age of 15 years but before the date on which he becomes a South African citizen by virtue of this subsection, 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."
- (b) by the substitution for paragraph (a) of subsection (3) of the following paragraph:
- (a) he shall from the day on which the declaration has been [made] registered in the prescribed manner, 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; and
- (c) by the deletion of subsection (5).
- (2) Any person who was a South African citizen by virtue of the provisions of section 11A of the principal Act, as it existed immediately before the commencement of this Act, remains to be such a citizen after that commencement as if that section were not amended by subsection (1) of this section.
2. Section 40 of the principal Act is hereby amended by the substitution for paragraph (c) of the following paragraph:
- "(c) the form and registration of any declaration of renunciation or resumption of South African citizenship and of any declaration contemplated in section 11A (1);"
3. This Act is called the South African Citizenship Amendment Act, 1984.
- Amendment of section 40 of Act 43 of 1949, as amended by section 306f of Act 69 of 1962 and section 14 of Act 93 of 1981.