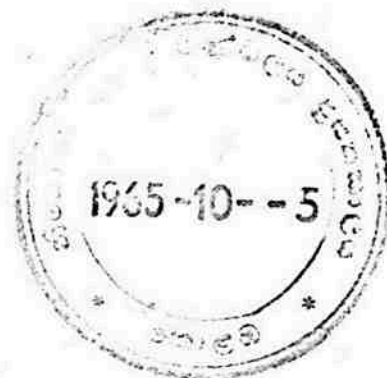


PARLIAMENT OF CEYLON

4th Session 1950



Citizenship Amendment Act, No. 40 of 1950

Date of Assent: December 14, 1950

Printed on the Orders of Government

Printed at the CEYLON GOVT. PRESS, COLOMBO. To be purchased at the GOVT. PUBLICATIONS BUREAU, COLOMBO. Annual Subscription (including Bills) Rs. 25, payable in advance to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, POST OFFICE BOX 500, Secretariat, Colombo 1

Price: 20 cents.

Postage: 5 cents.

L.D.—O. 16/50.

AN ACT TO AMEND THE CITIZENSHIP ACT,
No. 18 OF 1948.

[Date of Assent: December 14, 1950.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Citizenship Amendment Act, No. 40 of 1950.

Short title.

2. Section 5 of the Citizenship Act, No. 18 of 1948, (hereinafter referred to as "the principal Act") is hereby amended in sub-section (2) thereof, by the substitution, for all the words from "the birth is registered" to the end of that sub-section, of the following:—

Amendment of section 5 of Act No. 18 of 1948.

"or within such further period as the Minister may for good cause allow, the birth is registered in the prescribed manner—

(a) at the office of a consular officer of Ceylon in the country of birth, or

(b) at the office of the Minister in Ceylon."

3. Section 8 of the principal Act is hereby repealed and the following new section shall be substituted therefor:—

Replacement of section 8 of the principal Act.

Resumption of citizenship by descent.

8. (1) Any person who ceases under section 18 or section 19 to be a citizen of Ceylon by descent may at any time thereafter make application to the Minister for a declaration that such person has resumed the status of a citizen of Ceylon by descent; and the Minister may make the declaration for which the application is made—

(a) if that person renounces citizenship of any other country of which he is a citizen, in accordance with the law in force in that behalf in that other country; and

(b) if that person is, and intends to continue to be, ordinarily resident in Ceylon.

(2) Where a declaration is made in relation to any person under sub-section (1), that person shall, with effect from such date as may be specified in the declaration, again have the status of a citizen of Ceylon by descent.

(3) Any person who makes or has made an application under sub-section (1) may, in his application or by subsequent letter, make a request for the grant to any minor child of that person of the status of a citizen of Ceylon by descent; and if in any such case a declaration under sub-section (1) is made in relation to that person, each minor child specified in the declaration shall have the status of a citizen of Ceylon by descent.

(4) The Minister may refuse to make a declaration under sub-section (1) in relation to any person on grounds of public policy; and such refusal shall be final and shall not be contested in any court, but without prejudice to the power of the Minister subsequently to make such a declaration in relation to that person.

(5) The Minister may in his discretion exempt any person from the requirements of paragraph (a) of sub-section (1) of this section, and make a declaration under that sub-section notwithstanding that such person does not comply with the said requirements.

Amendment of
section 11
of the
principal Act.

4. Section 11 of the principal Act is hereby amended as follows:—

(1) in sub-section (1), by the repeal of sub-paragraph (iii) of paragraph (b) of that sub-section, and by the insertion, immediately after sub-paragraph (ii) of the said paragraph (b), of the following new sub-paragraphs:—

“(iii) is a person, whose father was a citizen of Ceylon by descent, and who would have been a citizen of Ceylon under sub-section (2) of section 5 if his birth had been registered in accordance with the provisions of that sub-section, or

(iv) is a person whose father, having been a citizen of Ceylon by descent whether at or before the time of the birth of that person, ceased under section 19 to be a citizen of Ceylon; and ”;

(2) in sub-section (2) by the insertion in paragraph (b) of that sub-section, after the figure “(iii)”, of the words and figure “or sub-paragraph (iv) ”.

5. Section 14 of the principal Act is hereby amended by the addition, at the end of that section, of the following new sub-section:—

Amendment of
section 14
of the
principal Act.

“ (3) The Minister may in his discretion exempt any person from the provisions of sub-section (2) of this section; and nothing in that sub-section shall prevent the registration as a citizen of Ceylon of any person so exempted ”.

6. Sections 19 and 20 of the principal Act are hereby repealed, and the following new sections shall be inserted after section 18 of that Act:

Insertion of
new sections
19, 20 and 20A
in the principal
Act.

Restrictions
against dual
citizenship of
persons who are
citizens by
descent.

19. (1) Where a person born before the appointed date is a citizen of Ceylon by descent and is also on that date a citizen of any other country, that person shall—

(a) on the thirty-first day of December, 1952, or

(b) on the day on which he attains the age of twenty-two years.

whichever day is in his case the later, cease to be a citizen of Ceylon, unless before that day he renounces citizenship of that other country in accordance with the law therein in force in that behalf and notifies such renunciation to a prescribed officer.

(2) Where a person is a citizen of Ceylon by descent and that person, by operation of law, is at the time of his birth or becomes thereafter, also a citizen of any other country, that person shall—

(a) on the thirty-first day of December, 1952, or

(b) on the day immediately succeeding the date of the expiration of a period of twelve months from the date on which he so becomes a citizen of that other country, or

(c) on the day on which he attains the age of twenty-two years, whichever day is in his case the latest, cease to be a citizen of Ceylon, unless before that day he renounces citizenship of that other country in accordance with the law therein in force in that behalf and notifies such renunciation to a prescribed officer.

(3) A person who, under sub-section (2) of section 5, is a citizen of Ceylon by descent but whose father is or was a citizen of Ceylon by registration, shall, on the day on which he attains the age of twenty-two years, cease to be a citizen of Ceylon, unless before that day he transmits to the Minister in the prescribed manner and form a declaration of retention of citizenship of Ceylon.

(4) In the case of any person to whom the provisions of any of the preceding sub-sections apply, the Minister may in his discretion direct that those provisions shall apply in that case subject to the modification that the reference therein to the age of twenty-two years shall be construed as a reference to such higher age as may be specified in the direction.

(5) A person who is a citizen of Ceylon by descent shall cease to be a citizen of Ceylon if he voluntarily becomes a citizen of any other country.

(6) Where a person who, having been exempted from the requirements of paragraph (a) of sub-section (1) of section 8, resumes the status of a citizen of Ceylon by descent by virtue of a declaration under that sub-section, that person shall, on the day immediately succeeding the date of the expiration of a period of three months (or such longer period as the Minister may for good cause allow)

from the date of the declaration, cease to be a citizen of Ceylon, unless he earlier complies with the requirements of the aforesaid paragraph (a).

Restrictions
against dual
citizenship of
persons who
are citizens by
registration.

20. (1) A person who is a citizen of Ceylon by registration shall cease to be a citizen of Ceylon if he voluntarily becomes a citizen of any other country.

(2) Where a person who is registered as a citizen of Ceylon thereafter becomes, by operation of law, also a citizen of any other country, that person shall—

(a) on the day immediately succeeding the date of the expiration of a period of three months (or such longer period as the Minister may for good cause allow) from the date on which he so becomes a citizen of that other country, or

(b) on the day on which he attains the age of twenty-two years,

whichever day is in his case the later, cease to be a citizen of Ceylon, unless before that day he renounces citizenship of that other country in accordance with the law therein in force in that behalf and notifies such renunciation to a prescribed officer.

(3) Where any person—

(a) who, having been exempted from the provisions of sub-section (2) of section 14, is registered under this Act as a citizen of Ceylon; or

(b) who is registered under the Indian and Pakistani Residents (Citizenship) Act, No. 3 of 1949, as a citizen of Ceylon,

continues after such registration to be a citizen of any other country, that person shall—

(i) on the day immediately succeeding the date of the expiration of a period of three months

(or such longer period as the Minister may for good cause allow) from the date of his registration as a citizen of Ceylon, or

(ii) on the day on which he attains the age of twenty-two years, whichever day is in his case the later, cease to be a citizen of Ceylon, unless before that day he renounces citizenship of that other country in accordance with the law therein in force in that behalf and notifies such renunciation to a prescribed officer.

Cases of invalid or ineffective renunciations of foreign citizenship.

20A. In any case where any person purports to renounce citizenship of any country for the purpose of acquiring, retaining or resuming, under any provision of this Act, the status of a citizen of Ceylon, and it is found at any time that the renunciation was not in accordance with or not effective under the law in force in that behalf in such other country, that person shall be deemed never to have acquired, retained or resumed, under that provision, the status of a citizen of Ceylon; and if the Minister makes a declaration to that effect in any such case, the declaration shall be final and shall not be contested in any court.

Amendment of section 26 of the principal Act.

7. Section 26 of the principal Act is hereby amended in sub-section (1) thereof, as follows:—

- (1) by the omission of the definition of “appropriate embassy or consulate”; and
- (2) in the definition of “consular officer of Ceylon”, by the insertion after the words ‘High Commissioner,’ of the words ‘a Commissioner, a Representative,’.

Retrospective effect of this Act.

8. This Act shall be deemed to have come into force on September 21, 1948, (being the date of commencement of the principal Act); and, accordingly, the principal Act shall have effect and be deemed always to have had effect for all purposes in like manner as though that Act had on the date aforesaid been amended in the manner and to the extent provided by the preceding sections of this Act.