

PARLIAMENT OF CEYLON

3rd Session 1954-55



Citizenship (Amendment)

Act, No. 13 of 1955

Date of Assent : April 12, 1955

Printed on the Orders of Government

Printed at the GOVERNMENT PRESS, CEYLON. To be purchased
at the GOVERNMENT 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 : 25 cents.

Postage : 10 cents.

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

[Date of Assent: April 12, 1955]

BE it enacted by the Queen'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. 13 of 1955.

Short
title.

2. The Citizenship Act, No. 18 of 1948 (hereinafter referred to as the "principal enactment"), is hereby amended in section 11 (as amended by Act No. 40 of 1950), as follows:—

Amendment of
section 11 of
Act No. 18
of 1948.

(1) in sub-section (1) of that section, by the omission of sub-paragraph (ii) of paragraph (b); and

(2) in paragraph (a) of sub-section (2) of that section, by the substitution, for the words and figures "if he has any of the qualifications set out in sub-paragraphs (i) and (ii)", of the words and figures "if he has the qualification set out in sub-paragraph (i)".

3. The following new section is hereby inserted immediately after section 11, and shall have effect as section 11A, of the principal enactment:—

Insertion of
new section
11A in the
principal
enactment.

"Registration
of spouse,
widow or
widower of
citizen of
Ceylon.

11A (1) Subject to the other provisions of this Part, no person who is the spouse, or the widow or widower, of a citizen of Ceylon by descent or registration, shall be registered as a citizen of Ceylon under this Act, except in accordance with the succeeding provisions of this section.

(2) A person who desires to be registered as a citizen of Ceylon under this section shall send an application in the prescribed form and manner to the prescribed officer.

(3) After the receipt of the application under sub-section (2), the prescribed officer shall send the application to the

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Minister, if he is satisfied that the applicant has the following qualifications:—

- (a) that the applicant has the qualifications specified in paragraphs (a) and (c) of sub-section (1) of section 11;
 - (b) that the applicant has been resident in Ceylon throughout a period of one year immediately preceding the date of the application of such applicant; and
 - (c) that the applicant is the spouse, or the widow or widower, of a citizen of Ceylon by descent or registration.
- (4) The Minister may refuse an application sent to him under sub-section (3), if he is satisfied that it is not in the public interest to grant the application.
- (5) Where the Minister grants an application for registration made under this section by any person, such person shall be registered as a citizen of Ceylon.
- (6) The Minister's refusal under sub-section (4) of this section to allow the application of any person for registration as a citizen of Ceylon shall be final and shall not be contested in any Court."

Amendment
of section
12 of the
principal
enactment.

4. Section 12 of the principal enactment is hereby amended by the substitution, for the expression "section 11", of the words and figures "section 11 or section 11A".

Amendment of
section 13 of
the principal
enactment.

5. Section 13 of the principal enactment is hereby amended in sub-section (2) of that section by the substitution, for the words and figures "section 11 or section 12, the Minister shall," of the words and figures "section 11 or section 11A or section 12, the Minister may,".

Amendment of
section 16 of
the principal
enactment.

6. Section 16 of the principal enactment is hereby amended by the substitution, for the expression "section 12", of the words and figures "section 11A or section 12".

7. Section 22 of the principal enactment is hereby repealed and the following new section is substituted therefor:—

Replacement
of section 22
of the
principal
enactment.

" Declaration
by Minister
of loss of
citizenship
in specified
circumstances.

22. (1) Where the Minister is satisfied that a person who is a citizen of Ceylon by registration—

(a) has been convicted of an offence under this Act; or

(b) has been convicted of any offence under Chapter VI of the Penal Code; or

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(c) was registered as a citizen of Ceylon by means of fraud, false representation, or the concealment of material circumstances or by mistake; or

(d) has, within five years after the date of registration as a citizen of Ceylon, been sentenced in any court to imprisonment for a term of twelve months or more; or

(e) has, since the date of his becoming a citizen of Ceylon by registration, been for a period of not less than two years ordinarily resident in a foreign country of which he was a national or citizen at any time prior to that date, and has not maintained a substantial connection with Ceylon; or

(f) has taken an oath or affirmation of, or made a declaration of, allegiance to a foreign country; or

(g) has so conducted himself that his continuance as a citizen of Ceylon is detrimental to the interests of Ceylon,

the Minister may by Order declare that such person shall cease to be such a citizen, and thereupon the person in respect of whom the Order is made shall cease to be a citizen of Ceylon by registration.

(2) Before the Minister makes any Order in relation to a person to whom paragraph (g) of sub-section (1) of this section applies, he shall refer that person's case for inquiry by one or more persons appointed by him, with such qualifications as may be prescribed. The person or persons who have been authorized to make an inquiry under the preceding provisions of this section shall, as soon as the inquiry is completed, make a written report to the Minister. He shall not make any order under sub-section (1) of this section without carefully considering such report.

(3) Where a person ceases to be a citizen of Ceylon under sub-section (1) of this section, the Minister may by Order direct that all or any of the persons specified in the following paragraphs shall cease to be citizens of Ceylon, and thereupon they shall cease to be citizens:—

- (a) all or any of the minor children of such person who have been included in the certificate of registration issued to him at the time of his registration, and
- (b) the spouse, widow or widower of such person, if such spouse, widow or widower was registered under this Act."