Seychelles Ordinance No. 9 of 1976.

I Assent,

COLIN H. ALLAN,
Governor.

22 June, 1976.

An Ordinance to provide for the acquisition of citizenship of Seychelles by registration in certain cases; to make provision for the acquisition of Seychelles citizenship by adoption and by naturalisation; to regulate the circumstances and manner in which citizens of Seychelles may renounce, be deprived of, or lose their citizenship; to make provision for certain other matters relating to citizenship of Seychelles; and to provide for matters incidental to or connected with the foregoing.

ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the House of Assembly of Seychelles, and by the authority of the same, as follows:—

PART I—PRELIMINARY

1. This Ordinance may be cited as the Citizenship of Seychelles Ordinance, 1976 and shall come into operation on 29th June, 1976.
2.—(1) In this Ordinance, unless the context otherwise requires—

“certificate of naturalisation” means a certificate of naturalisation granted under this Ordinance;

“citizen” means a citizen of Seychelles;

“Government” means the Government of Seychelles;

“law” means—

(a) an enactment;

(b) an Ordinance of the former Colony of Seychelles whether amended or modified by any instrument;

(c) subsidiary legislation made under any instrument referred to in paragraph (a) or (b);

“Minister” means the Minister for the time being charged by the President with responsibility for citizenship;

“oath of allegiance” means the oath of allegiance in the form set out in the Schedule;

“Republic” means—

(a) Seychelles; and

(b) in relation to any period before the commencement of this Ordinance under the provisions of any law relating to the adoption of children shall, if he was not a citizen at the date of such adoption, become a citizen by adoption on the date of that adoption if the adoption, or, in the case of a joint adoption, the male adopter, was at the date of the adoption a citizen.

PART III—REGISTRATION AND NATURALISATION

4.—(1) The Minister may cause any person not of full age who is the child of a citizen to be registered as a citizen by adoption, upon application made in the manner prescribed by the parent of guardian of such person.

(2) When the Minister is satisfied that any person not of full age has associations by way of decent, residence or otherwise with the Republic which would justify his registration as a citizen, he may cause such person to be registered as a citizen.

5.—(1) The President may as a token or honour cause to be registered as a citizen any person who in his opinion has done signal honour or rendered distinguished service to Seychelles.
Seychelles shall cease to be a citizen upon the registration of such declaration.

(4) Where a citizen who has satisfied the Minister as provided in paragraph (b) of subsection (1) does not thereafter become a citizen of another country within six months from the date of registration of his declaration of renunciation, he shall be, and be deemed to have remained, a citizen of Seychelles, notwithstanding the registration of his declaration of renunciation.

10.—(1) The Minister may, subject to the provisions of this section, by order deprive of his citizenship of Seychelles any citizen who is such by registration or naturalisation if he is satisfied—

(a) that the citizen has shown himself by act or speech to be disloyal or disaffected towards Seychelles;

(b) that the citizen has, during any war in which Seychelles was engaged, unlawfully traded or communicated with the enemy or been engaged in or associated with any business that was to his knowledge carried on in such a way as to assist any enemy in that war;

(c) that the citizen has been absent from Seychelles for a continuous period of seven years without registering in the prescribed manner, with a Seychelles consulate, or declaring by notice in writing to the Minister, his intention to retain his citizenship of Seychelles; or

(d) that the registration or naturalisation was obtained by means of fraud, false representation, or the concealment of any material fact.

(2) For the purposes of paragraph (c) of subsection (1), no period—

(a) spent in the discharge of his duties outside Seychelles by a person in the service of the Government; or

(b) during which a person was absent from Seychelles by reason of his service with an international organisation of which the Government was, at the time of such service, a member;

shall be taken into account for the purpose of determining the length of a person's absence from Seychelles.

(3) The Minister shall not deprive a person of citizenship under this section unless he is satisfied that it is not conducive to the public good that that person should continue to be a citizen.

(4) Before making an order under this section, the Minister shall give the person against whom the order is proposed to be made notice in writing informing him of the ground on which it is proposed to be made and of his right to have his case referred for inquiry as in subsection (5) provided.

(5) If a citizen notified in pursuance of the provisions of subsection (4) applies for an inquiry within such time and in such manner as may be prescribed, the Minister shall refer the case for inquiry and report to a commissioner appointed by him for the purpose.

(6) The powers, rights and privileges of a commissioner appointed in terms of subsection (5) shall be the same as those conferred on a commissioner by the Commissioners of Inquiry Ordinance, and the provisions of that Ordinance shall, mutatis mutandis apply in relation to an inquiry under this section and to a person summoned to give evidence or giving evidence at the inquiry.

(7) A person shall not be qualified for appointment as a commissioner unless he is or has been a Judge of the Court of Appeal, or the Supreme Court, or is or has been a Judge of a Court in civil and criminal matters in any country in which subsection applies, or a court having jurisdiction in appeals from any such court.

(8) The countries to which subsection (7) applies are the United Kingdom and Colonies, any country which, immediately before the commencement, is listed in section 13 of the British Nationality Act, 1948, the Republic of Ireland, and any other country which may be prescribed.

11.—(1) Any registered or naturalised citizen of Seychelles who, immediately after becoming a citizen of Seychelles or attaining full age, whichever is the later, remains a citizen of some other country and who fails before the specified date to produce to a public officer, authorised in that behalf by the Minister, evidence sufficient to satisfy such officer that he has renounced his citizenship of that country shall be deemed never to have become a citizen.
and his registration or his certificate of naturalisation, as the case may be, shall be cancelled.

(2) Any registered or naturalised citizen of full age who by voluntary and formal act (other than marriage) acquires the citizenship of another country shall cease to be a citizen on the date of his acquisition of the citizenship of such other country.

(3) Any person who has ceased to be a citizen of Seychelles and who satisfies the Minister that on the date when he so ceased to be a citizen of Seychelles he was unaware that he was a citizen of any country other than Seychelles shall be deemed never to have ceased to be a citizen of Seychelles and the Minister shall notify him accordingly:

Provided that he shall thereafter cease to be a citizen of Seychelles on the specified date unless before that date he has produced to a public officer, authorised in that behalf by the Minister, evidence sufficient to satisfy that officer that he has renounced his citizenship of that other country.

(4) In this section "the specified date" means—

(a) in relation to a person to whom subsection (1) refers, the day following the expiration of a period of three months from the date on which such person became a citizen of Seychelles or attained full age, whichever is the later, or such later date as the Minister or the said public officer may allow in respect of any individual case; and

(b) in relation to a person to whom subsection (3) refers, the day following the expiration of a period of three months from the date on which such person was notified by the Minister that he had been deemed never to have ceased to be a citizen of Seychelles.

(5) For the purposes of subsections (1) and (3) where, under the law of a country other than Seychelles, a person cannot renounce his citizenship of that other country, he need not make such renunciation, but may instead make such declaration concerning that citizenship as may be prescribed.

12.—(1) Any person born in Seychelles after the commencement who is, in accordance with the law of a prescribed country, a citizen by descent of that country, and whose father is at the time of his birth a citizen of that country, shall cease on the day following his birth to be a citizen of Seychelles.

(2) For the purposes of this section, the citizenship of the father of a person at the time of that person's birth shall, in relation to a person born after the death of his father, be construed as a reference to the citizenship of the father at the time of the father's death, and where that death occurred before the commencement, and the birth occurred after the 28th June 1976, the citizenship that the father would have had if he had died on the commencement shall be deemed to be his citizenship at the time of his death.

PART V—SUPPLEMENTAL

13.—(1) The Minister may, in such cases as he thinks fit, on the application of any person with respect to whose citizenship of Seychelles a doubt exists, whether on a question of fact or law, certify that that person is a citizen.

(2) A certificate issued under subsection (1) shall, unless it is proved that it was obtained by means of fraud, false representation or concealment of any material fact, be conclusive evidence that the person was a citizen on the date of the issue of the certificate, but without prejudice to any evidence that he was a citizen at an earlier date.

14. The Minister shall not be required to assign any reason for the grant or refusal of any application under this Ordinance, and the decision of the Minister made under and in accordance with the provisions of this Ordinance shall not be subject to an appeal or to review in any court.

15.—(1) Every document purporting to be a notice, certificate, order or declaration, or any entry in a register or subscription of an oath of allegiance, given, granted, or made under Chapter II of the Constitution or under this Ordinance shall be received in evidence, and shall, unless
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the contrary is proved, be deemed to have been given, granted or made by or on behalf of the person by whom or on whose behalf it purports to have been given, granted or made.

(2) Prima facie evidence of any such document referred to in subsection (1) may be given by production of a document purporting to be certified as a true copy thereof by such person and in such manner as may be prescribed.

(3) Any entry in a register made under Chapter II of the Constitution or under this Ordinance shall be received as evidence of the matters stated therein.

(4) For the purposes of this Ordinance, a certificate given by any Permanent Secretary stating that a person was at any time in the service of the Government shall be conclusive evidence of that fact.

16.—(1) Any person who, for the purpose of procuring anything to be done or not to be done under the provisions of Chapter II of the Constitution or under this Ordinance, makes any statement which he knows to be false in any material particular, or recklessly makes any statement which is false in a material particular, shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rupees or to imprisonment for a term not exceeding twelve months, or to both such fine and imprisonment.

(2) Any person who fails to comply with any requirement imposed on him by regulations made under this Ordinance with respect to the delivering up of certificates of naturalisation shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rupees.

(3) The liability of any person in relation to any offence shall not be affected by any renunciation, deprivation or loss of his citizenship of Seychelles after the commission of the offence.

17. Save for an application made under the provisions of subsection (5) of section 10, every application made under Chapter II of the Constitution or under this Ordinance shall—

(a) be accompanied by the prescribed fee (if any);
(b) where the form of such application is prescribed under this Ordinance, be made in such form with such variations as the circumstances require and the Minister accepts;
(c) shall be supported by such evidence of the statements made therein as may be prescribed; and
(d) shall be verified by affidavit or a declaration made before a magistrate or commissioner for oaths.

18.—(1) The Minister may, by order published in the Gazette, make regulations to provide generally for carrying into effect the purposes of this Ordinance, and in particular for—

(a) prescribing anything to be prescribed or which may be prescribed under Chapter II of the Constitution or under this Ordinance;
(b) the registration of anything required or authorised under Chapter II of the Constitution or under this Ordinance to be registered;
(c) the administration and taking of the oath of allegiance under this Ordinance, for the time within which the oath of allegiance be taken, and for the registration of oaths of allegiance;
(d) the giving of any notice required or authorised to be given to any person under this Ordinance;
(e) the cancellation of the registration of, and the cancellation of certificates of naturalisation relating to, persons being deprived of, renouncing or losing citizenship under this Ordinance, and for requiring such certificates to be delivered up for that purpose;
(f) the registration by public officers, or by persons of classes of persons authorised in that behalf by the Minister, of the births and deaths of persons of any class or description born or dying elsewhere than in Seychelles;
(g) enabling the births and deaths of citizens born or dying in any country in which the Government has for the time being no diplomatic or consular representatives to be registered by persons serving in the diplomatic, consular or other foreign service of any country which, by arrangement with the Government, has undertaken to represent the Govern-
ment's interest in that country, or by a person authorised in that behalf by the Minister;

(h) defining the circumstances in which and the conditions subject to which copies of certificates issued under this Ordinance may be obtained;

(i) the imposition and recovery of fees in respect of any application, other than an application made under the provisions of subsection (5) of section 10, made to the Minister or in respect of any registration, the making of any declaration, the grant of a certificate, or the taking of the oath of allegiance authorised to be made, granted or taken under Chapter II of the Constitution or under this Ordinance, and in respect of supplying a certified copy of any notice, certificate, order, declaration, entry or oath made, granted or taken under that part of the Constitution or this Ordinance, and for the application of any such fees;

(j) the creation of offences and the imposition of penalties for breaches of this Ordinance or any regulations made thereunder, such penalties not to exceed a fine of Rs. 5,000 or imprisonment for two years or both such fine and imprisonment.

(2) In prescribing the manner in which application may be made for any purpose under this Ordinance, the Minister may prescribe different procedures to be followed by different classes of persons.

SCHEDULE
(Section 2(1))

OATH OF ALLEGIANCE

I, ..................................................... do swear that I will be faithful, and bear true, allegiance to the President of the Republic of Seychelles, and that I will preserve, protect and defend the Constitution of Seychelles, as by law established.

SO HELP ME GOD.