Citizenship Act 1961 (CAP 52)

An Act to give effect to the provisions of subsection (1) of section 26 of the Republic of Tanganyika (Consequential, Transitional and Temporary Provisions) Act, 1962 (Cap 500). [Subsection (1) of section 26 of the Republic of Tanganyika (Consequential, Transitional and Temporary Provisions) Act, 1962, (Cap 500) provides that the existing citizenship laws (Chapter 1 of the Constitution set out in the Second Schedule to the Tanganyika (Constitution) Order in Council 1961: GN 1961 No 415), as amended in accordance with the Third Schedule to the said Act, shall continue to be the law after the commencement of the Republic of Tanganyika and shall have effect as if it were an Act of Parliament and shall be printed accordingly. Sections 3 to 11 inclusive extend to Zanzibar; GN 1964 No 652, First Schedule.]

[9th December, 1961]

1.—(1) Every person who, having been born in Tanganyika, is on the eighth day of December, 1961, a citizen of the United Kingdom and Colonies or a British protected person shall become a citizen of Tanganyika on the ninth day of December, 1961:

Provided that a person shall not become a citizen of Tanganyika by virtue of this subsection if neither of his parents was born in Tanganyika.

(2) Every person who, having been born outside Tanganyika, is on the eighth day of December, 1961, a citizen of the United Kingdom and Colonies or a British protected person shall, if his father becomes, or would but for his death have become, a citizen of Tanganyika in accordance with the provisions of subsection (1) of this section, become a citizen of Tanganyika on the ninth day of December, 1961.
2.—(1) Any person who, but for the proviso to subsection (1) of section 1 of this Act, would be a citizen of Tanganyika by virtue of that subsection, shall be entitled, upon making application before the specified date in such manner as may be prescribed by Parliament, to be registered as a citizen of Tanganyika:

Provided that a person who has not attained the age of twenty-one years (other than a woman who is or has been married) may not himself make an application under this subsection, but an application may be made on his behalf by his parent or guardian.

(2) Any woman who, on the eighth day of December, 1961, is or has been married to a person—
(a) who becomes a citizen of Tanganyika by virtue of section 1 of this Act; or
(b) who, having died before the ninth day of December, 1961, would, but for his death, have become a citizen of Tanganyika by virtue of that section,

shall be entitled, upon making application in such manner as may be prescribed by Parliament, to be registered as a citizen of Tanganyika.

(3) Any woman who, on the eighth day of December, 1961, is married to a person who subsequently becomes a citizen of Tanganyika by registration under subsection (1) of this section shall be entitled, upon making application before the specified date in such manner as may be prescribed by Parliament, to be registered as a citizen of Tanganyika.

(4) Any woman who, on the eighth day of December, 1961, has been married to a person who becomes, or would, but for his death, have become, entitled to be registered as a citizen of Tanganyika under subsection (1) of this section, but whose marriage has been terminated by death or dissolution shall be entitled, upon making application before the specified date in such manner as may be prescribed by Parliament, to be registered as a citizen of Tanganyika.

(5) Any person who, on the eighth day of December, 1961, is a citizen of the United Kingdom and Colonies, having become such a citizen by virtue or his having been naturalized or registered in Tanganyika under the British Nationality Act, 1948, shall be entitled, upon making application before the specified date in such manner as may be prescribed by Parliament, to be registered as a citizen of Tanganyika:

Provided that a person who has not attained the age of twenty-one years (other than a woman who is or has been married) may not himself make an application under this subsection but an application may be made on his behalf by his parent or guardian.

(6) In this section 'the specified date' means—
(a) in relation to a person to whom subsection (1) of this section refers, the ninth day of December, 1963;
(b) in relation to a woman to whom subsection (3) of this section refers, the expiration of such period after her husband is registered as a citizen of Tanganyika as may be prescribed by or under an Act of Parliament;
(c) in relation to a woman to whom subsection (4) of this section refers, the ninth day of December, 1963; and
(d) in relation to a person to whom subsection (5) of this section refers, the ninth day of December, 1963,
or such later date as may in any particular case be prescribed by or under an Act of Parliament.

3. Every person born in the United Republic on or after Union Day shall become a citizen of the United Republic at the date of his birth:

Provided that a person shall not become a citizen of the United Republic by virtue of this section if at the time of his birth—
(a) neither of his parents is a citizen of the United Republic and his father possesses such immunity from suit and legal process as is accorded to the envoy of a foreign sovereign power accredited to the United Republic; or
(b) his father is an enemy alien and the birth occurs in a place then under occupation by the enemy,

4. A person born outside the United Republic on or after Union Day shall become a citizen of the United Republic at the date of his birth if, at that date his father is a citizen of the United Republic otherwise than by descent.
5.—(1) Subject to the provisions of subsection (2) of this section and of section 6, a woman who is married to a citizen of the United Republic shall be entitled upon making application in the manner prescribed by Parliament, to be registered as a citizen of the United Republic.

(2) A woman who has renounced, or been deprived of, her status as a citizen of the United Republic or her status as a citizen of Tanganyika or as a Zanzibar subject or citizen in accordance with the law for the time being in force shall not be entitled to be registered under subsection (1) of this section, but may be registered with the approval of the Minister responsible for citizenship.

6.—(1) Any person who, upon the attainment of the age of twenty-one years, is a citizen of the United Republic or was a citizen of the former Republic of Tanganyika and also is or was a citizen of some country other than the United Republic or the former Republic of Tanganyika shall, subject to the provisions of subsection (7) of this section, cease to be a citizen of the United Republic upon the specified date unless he has renounced his citizenship of that other country, taken the oath of allegiance and, in the case of a citizen by descent, made and registered such declaration of his intention concerning residence as may be prescribed by Parliament.

(2) Any citizen of the United Republic who—
   (a) attained the age of twenty-one years before the ninth day of December, 1961; and
   (b) became a citizen of the former Republic of Tanganyika on that day by virtue of the provisions of section 1 of this Act; and
   (c) was, immediately after that day, also a citizen of some country other than the former Republic of Tanganyika.

shall, subject to the provisions of subsection (7) of this section, cease to be a citizen of the United Republic upon the specified date unless he has renounced his citizenship of that other country, taken the oath of allegiance and, in the case of a citizen by descent, made and registered such declaration of his intentions concerning residence as may be prescribed by Parliament.

(2A) Any person who—
   (a) attained the age of twenty-one years before Union Day; and
   (b) becomes a citizen of the United Republic by virtue of his former status as a Zanzibar subject under paragraph 2 of the Fourth Schedule to the Extension and Amendment of Laws (No 5) Decree, 1964; and
   (c) is, on Union Day, also a citizen of some country other than the United Republic,

shall, subject to the provisions of subsection (7) of this section, cease to be a citizen of the United Republic upon the specific date unless he has renounced his citizenship of that other country, taken the oath of allegiance and, in the case of a citizen by descent, made and registered such declaration of his intentions concerning residence as may be prescribed by Parliament.

(3) A citizen of the United Republic shall cease to be a citizen if—
   (a) having attained the age of twenty-one years, he acquires the citizenship of some country other than the United Republic by voluntary act (other than marriage);
   (b) having attained the age of twenty-one years, he otherwise acquires the citizenship of some country other than the United Republic (or while a citizen of the former republic of Tanganyika he otherwise acquired the citizenship of some country other than the United Republic or the former Republic of Tanganyika) and has not, by the specified date renounced his citizenship of that other country, taken the oath of allegiance and made and registered such declaration of his intentions concerning residence as may be prescribed by Parliament.

(4) Notwithstanding any other provisions of this Act, a person who has attained the age of twenty-one years or who is a woman who is or has been married shall not, if such person is a citizen of some country other than the United Republic, be entitled to be registered as a citizen of the United Republic unless he renounces citizenship of that other country, takes the oath of allegiance and makes and registers such declaration of his intentions concerning residence as may be prescribed by Parliament.
(5) For the purposes of this section, where under the law of a country other than the United Republic, a person cannot renounce his citizenship of that other country, he need not make such renunciation but he may instead be required to make such declaration concerning that citizenship as may be prescribed by Parliament:

Provided that where any person who has made such declarations aforesaid is thereafter able to renounce his citizenship of that other country, he may be required to renounce that citizenship.

(6) In this section ‘the specified date’ means—

(a) in relation to a person to whom subsection (1) refers, the date on which he attains the age of twenty-two years, or in the case of a person who becomes a citizen of the United Republic by virtue of his former status as a Zanzibar subject under paragraph 2 of the Fourth Schedule to the Extension and Amendment of Laws (No 5) Decree, 1964, the date on which he attains the age of twenty-two years or the 12th day of January, 1966, whichever is the later;

(b) in relation to a person to whom subsection (2) refers, the date specified in accordance with section 23 of the Citizenship Ordinance, or any provision amending or replacing the same;

(c) in relation to a person to whom subsection (2A) refers, the 12th day of January, 1966;

(d) in relation to a person to whom paragraph (b) of subsection (3) refers, the expiration of one year after the date on which he acquired the citizenship of the country other than the United Republic or, as the case may be, the former Republic of Tanganyika,

or in the case of a person of unsound mind, such later date as may be prescribed by or under an Act of Parliament.

(7) Provisions may be made by or under an Act of Parliament for extending beyond the specified date the period in which any person may make a renunciation of citizenship, take an oath or make or register a declaration for the purposes of this section and, if such provision is made, that person shall not cease to be a citizen of the United Republic upon the specified date but shall cease to be such a citizen upon the expiration of the extended period if he has not then made the renunciation, taken the oath or made or registered the declaration, as the case may be.

(8) For the purposes of subsection (1) or (2A), no person shall be deemed to have been a citizen of a country other than the United Republic by reason only of his being a Zanzibar subject.

7.—(1) Every person who under this Act or any Act of Parliament is a citizen of the United Republic or under any enactment for the time being in force in any country to which this section applies is a citizen of that country shall, by virtue of that citizenship, have the status of a Commonwealth citizen.

(2) Every person who is a British subject without citizenship under the British Nationality Act, 1948, or who continues to be a British subject under section 2 of that Act shall, by virtue of that status, have the status of a Commonwealth citizen.

(3) Save as may be otherwise provided by Parliament, the countries to which this section applies are the United Kingdom and Colonies, Canada, Australia, New Zealand, India, Pakistan, Ceylon, Ghana, Malaysia, the Federation of Nigeria, the Republic of Cyprus, Sierra Leone, Singapore, Jamaica, Trinidad and Tobago, Uganda, Kenya, Malawi, Zambia, Malta and Gambia.

(4) Any person who—

but for the inclusion of Southern Rhodesia in subsection (3) of section 1 of the British Nationality Act, 1948, of the Parliament of the United Kingdom, would be a citizen of the United Kingdom and Colonies,

shall have the status of a Commonwealth citizen, and for the purposes of this Act and of the Tanganyika Citizenship Ordinance, shall be deemed to be citizen of the United Kingdom and Colonies.
10.—(1) In this Act—

'alien' means a person who is not a Commonwealth citizen, a British protected person or a citizen of the Republic of Ireland;

'British protected person' means a person who is a British protected person for the purposes of the British Nationality Act, 1948.

'citizen by birth' means a person who is a citizen of the United Republic—

(a) by virtue of section 3 of this Act;

(b) by virtue of the combined effect of subsection (1) of section 1 of this Act and paragraph 1 of the Fourth Schedule to the Extension and Amendment of Laws (No 5) Decree, 1964; or

(c) by virtue of his birth in Zanzibar and the effect of paragraph 2 of the Fourth Schedule to the Extension and Amendment of Laws (No 5) Decree, 1964;

'Citizen by descent' means a person who is a citizen of the United Republic—

(a) by virtue of section 4 of this Act; or

(b) by virtue of the combined effect of subsection (2) of section 1 of this Act, or of section 4 of this Act as in force immediately before the commencement of the Extension and Amendment of Laws (No 5) Decree, 1964, and of paragraph 1 of the Fourth Schedule to the said Decree;

(c) by virtue of the combined effect of his being a Zanzibar subject by descent in accordance with the former law of Zanzibar (and had that law remained in force until immediately before Union Day) and of paragraph 2 of the Fourth Schedule to the said Decree.

(2) For the purposes of this Act, a person born aboard a registered ship or aircraft, or aboard an unregistered ship or aircraft of the government of any country, shall be deemed to have been born in the place in which the ship or aircraft was registered or, as the case may be, in that country.

(3) Any reference in this Act to the national status 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 national status that the father would have had if he had died on the ninth where—

(a) the death occurred before the ninth day of December, 1961, and the birth occurred after the eighth day of December, 1961, the national status that the father would have had if he had died on the ninth day of December, 1961; or

(b) the death occurred before Union Day and the birth occurred on or after Union Day the national status that the father would have had if he had died on Union Day, shall be deemed to be his national status at the time of his death.