



THE GAMBIA.

NO. 1 OF 1970.

Assented to in Her Majesty's name this Twenty-fourth day of April, 1970.

A. S. JACK,
Acting Governor-General.

LS

AN ACT to establish and to make provision for the Constitution of the Republic of The Gambia.

[24th April, 1970.]

Date of commencement.

ENACTED by The Parliament of The Gambia.

Enactment.

CHAPTER I

THE REPUBLIC

1. The Gambia is a Sovereign Republic.
2. The Public Seal of the Republic shall be such device as Parliament shall prescribe.

Declaration of the Republic.

Public Seal.

CHAPTER II

CITIZENSHIP

Persons who become citizens on 18th February, 1965.

3.—(1) Every person who, having been born in The Gambia, is a citizen of the United Kingdom and Colonies or British protected person shall become a citizen of The Gambia on 18th February, 1965:

Provided that a person shall not become a citizen of The Gambia by virtue of this subsection if—

- (a) neither of his parents nor any of his grandparents was born in The Gambia; or
 - (b) neither of his parents was naturalized in The Gambia as a British subject under the British Nationality Act, 1948, (a) or before that Act came into force.
- (2) Every person who, on 17th February, 1965, is a citizen of the United Kingdom and Colonies—
- (a) having become such a citizen under the British Nationality Act 1948 by virtue of his having been naturalised in The Gambia as a British subject before that Act came into force; or
 - (b) having become such a citizen by virtue of his having been naturalised or registered in The Gambia under that Act, shall become a citizen of The Gambia on 18th February 1965.
- (3) Every person who, having been born outside The Gambia, is on 17th February 1965 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 The Gambia by virtue of subsection (1) or subsection (2) of this section, become a citizen of The Gambia on 18th February 1965.

Persons entitled to be registered as citizens by virtue of connection with The Gambia before 18th February 1965.

4.—(1) Any person who, but for the proviso to subsection (1) of section 3 of this Constitution, would be a citizen of The Gambia by virtue of that subsection shall be entitled, upon making application before the specified date in such manner as may be prescribed by or under an Act of Parliament, to be registered as a citizen of The Gambia:

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 17th February 1965, has been married to a person—

(a) who becomes a citizen of The Gambia by virtue of section 3 of this Constitution; or

(a) 11 and 12 Geo. 6. c. 56.

(b) who, having died before 18th February 1965, would, but for his death, have become a citizen of The Gambia by virtue of that section

but whose marriage has been terminated by death or dissolution before 18th February 1965 shall be entitled, upon making application in such manner as may be prescribed by or under an Act of Parliament, to be registered as a citizen of The Gambia.

(3) Any woman who, on 17th February 1965, has been married to a person who becomes, or would but for his death have become, entitled to be registered as a citizen of The Gambia under subsection (1) of this section but whose marriage has been terminated by death or dissolution before 18th February 1965 or is so terminated on or after that date but before 18th February 1967 and before that person exercises his right to be registered as a citizen of The Gambia under subsection (1) of this section, shall be entitled, upon making application before the specified date in such manner as may be prescribed by or under an Act of Parliament, to be registered as a citizen of The Gambia.

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

(a) in relation to a person to whom subsection (1) of this section refers, 18th February 1967; and

(b) in relation to a woman to whom subsection (3) of this section refers, 18th February 1967 or the expiration of a period of two years commencing with the termination of her marriage (whichever is the later), or such later date as may in any particular case be prescribed by or under an Act of Parliament.

5. Every person born in The Gambia after 17th February 1965 shall become a citizen of The Gambia at the date of his birth:

Persons born in The Gambia after 17th February 1965.

Provided that a person shall not become a citizen of The Gambia by virtue of this section if at the time of his birth—

(a) neither of his parents is a citizen of The Gambia 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 Gambia; or

(b) his father is a citizen of a country with which The Gambia is at war and the birth occurs in a place then under occupation by that country.

6. A person born outside The Gambia after 17th February 1965 shall become a citizen of The Gambia at the date of his birth if, at that date, his father is a citizen of The Gambia otherwise than by virtue of this section or section 3(3) of this Constitution.

Persons born outside The Gambia after 17th February 1965.

7. Any woman who is married to a citizen of The Gambia or who has been married to a man who was, during the subsistence of the marriage, a citizen of The Gambia shall be entitled, upon making application in such manner as may be prescribed by or under an Act of Parliament, to be registered as a citizen of The Gambia.

Marriage to citizen of The Gambia.

Commonwealth citizenship.

8.—(1) Every person who, under this Constitution or any Act of Parliament, is a citizen of The Gambia or who, 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) The countries to which this section applies are the United Kingdom and Colonies, Canada, Australia, New Zealand, India, Pakistan, Ceylon, Ghana, Malaysia, Nigeria, The Republic of Cyprus, Sierra Leone, Tanzania, Jamaica, Trinidad and Tobago, Uganda, Kenya, Malawi, Malta, Zambia, Singapore, Guyana, Botswana, Lesotho, Barbados, Mauritius and Swaziland.

(4) Subsection (3) of this section may from time to time be amended by resolution of the House of Representatives.

Powers of Parliament.

9.—(1) Parliament may make provision for the acquisition of citizenship of The Gambia by persons who are not eligible or who are no longer eligible to become citizens of The Gambia under the provisions of this Chapter.

(2) Parliament may make provision authorising the Minister to deprive of his citizenship of The Gambia any person who is a citizen of The Gambia otherwise than by virtue of section 3, section 5 or section 6 of this Constitution.

(3) Parliament may make provision for the renunciation by any person of his citizenship of The Gambia.

Deprivation of citizenship on acquisition or exercise of right of other citizenship.

10.—(1) If the Minister is satisfied that any citizen of The Gambia has at any time after 17th February 1965 acquired by registration, naturalisation or other voluntary and formal act (other than marriage) the citizenship of any country other than The Gambia, the Minister may by order deprive that person of his citizenship.

(2) If the Minister is satisfied that any citizen of The Gambia has at any time after 17th February 1965 voluntarily claimed and exercised in a country other than The Gambia any rights available to him under the law of that country, being rights accorded exclusively to its citizens, the Minister may by order deprive that person of his citizenship.

Procedure for deprivation of citizenship.

11.—(1) Before any order is made under section 10 of this Constitution or under a law made in pursuance of section 9(2) of this Constitution depriving a person of his citizenship of The Gambia, the Minister shall give that person notice in writing informing him of the ground on which the order is proposed to be made and of his right to have his case referred to a committee of enquiry.

(2) If any person to whom notice is given applies to have his case referred to a committee of enquiry the Minister shall, and in any other case the Minister may, refer the case to a committee of enquiry which he shall appoint for that purpose and which shall consist of a chairman who shall be selected by the Chief Justice from among persons who are entitled to practise as a barrister or a solicitor in The Gambia and two other members who shall be selected by the Minister.

(3) Where any case is referred to a committee under this section, the committee shall hold an enquiry in such manner as the Minister may direct and submit its report to the Minister; and the Minister shall have regard to the report in determining whether to make the order but shall not be obliged to act in accordance with any recommendation contained in the report.

12.—(1) In this Chapter—

“British protected person” means a person who is a British protected person for the purposes of the British Nationality Act 1948; and

“the Minister” means the Minister who is for the time being responsible for matters relating to citizenship of The Gambia.

(2) For the purposes of this Chapter, 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 Chapter 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 of the father at the time of the father's death; and where that death occurred before 18th February 1965 and the birth occurred after 17th February 1965 the national status that the father would have had if he had died on 18th February 1965 shall be deemed to be his national status at the time of his death.

CHAPTER III

PROTECTION OF FUNDAMENTAL RIGHTS AND FREEDOMS

13. Whereas every person in The Gambia is entitled to the fundamental rights and freedoms, that is to say, the right, whatever his race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following, namely—

- (a) life, liberty, security of the person and the protection of the law;
- (b) freedom of conscience, of expression and of assembly and association; and

Inter-
tation.

Fundamental
rights and
freedoms.