

Assented to in Her Majesty's name this 17th day of March, 1962.

MAURICE H. DORMAN,
Governor-General.

LS

No. 10



1962

Sierra Leone

An Act Relating to Nationality and Citizenship of Sierra Leone

[27th April, 1961.] Date of commencement.

WHEREAS the Constitution of Sierra Leone contains certain provisions relating to citizenship of Sierra Leone including provisions for the acquisition of citizenship by birth and by descent:

Preamble.

AND WHEREAS under the said Constitution it is within the competence of the Legislature of Sierra Leone to make laws consistent therewith for the acquisition and termination of and other matters relating to citizenship:

AND WHEREAS it is considered expedient to provide for the acquisition of citizenship by registration and naturalization, the termination of citizenship and other matters relating to citizenship generally with the intent that such provisions shall be deemed to have come into operation simultaneously with the coming into operation of the Constitutional provisions:

NOW, THEREFORE, BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Representatives of Sierra Leone in this present Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY

Short title
and com-
mencement.

1. This Act may be cited as the Sierra Leone Nationality and Citizenship Act, 1962, and shall be deemed to have come into operation on the 27th day of April, 1961.

Interpreta-
tion.

2. (1) In this Act, unless the context otherwise requires—

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

“certificate of naturalization” means a certificate of naturalization granted under this Act;

“the Commonwealth” means Sierra Leone, any country to which section 7 of the Constitution applies and any dependency of any such country;

“the Constitution” means the Constitution of Sierra Leone;

“foreign country” means a country (other than the Republic of Ireland) that is not part of the Commonwealth;

“the Minister” means the Minister charged with responsibility for matters relating to nationality and citizenship of Sierra Leone;

“minor” means a person who has not attained the age of twenty-one years, and when used adjectivally shall be construed accordingly;

“Sierra Leone consulate” means an office of a consular officer of the Government of Sierra Leone where a register of births is kept, or where there is no such office, such office as may be prescribed;

“protected person” means any person who under any enactment for the time being in force in any country that is part of the Commonwealth is a British protected person or a protected person of that country.

(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) A person shall for the purposes of this Act be of full age if he has attained the age of twenty-one years and of full capacity if he is not of unsound mind.

(4) For the purposes of this Act a person shall be deemed not to have attained a given age until the commencement of the relevant anniversary of the day of his birth.

PART II—CITIZENSHIP BY REGISTRATION AND NATURALIZATION

3. (1) Subject to the provisions of subsection (4), a citizen of any country to which section 7 of the Constitution applies or of the Republic of Ireland or a protected person, being a person of full age and capacity, on making application therefor to the Minister in the prescribed manner, may be registered as a citizen of Sierra Leone if he satisfies the Minister—

Registration of certain persons as citizens.

- (a) that he is of good character;
- (b) that he would be a suitable citizen of Sierra Leone;
- (c) that he has a sufficient knowledge of a language in current use in Sierra Leone; and
- (d) that he is ordinarily resident in Sierra Leone and has been so resident throughout the period of five years, or such shorter period as the Minister may in the special circumstances of any particular case accept, immediately preceding his application.

(2) Subject to the provisions of subsection (4), any person of full age and capacity born outside Sierra Leone whose father was at the time of that person's birth a citizen of Sierra Leone by virtue of the provisions of subsection (2) of section 1 or section 5 of the Constitution may, on making application therefor to the Minister in the prescribed manner, be registered as a citizen of Sierra Leone.

(3) Subject to the provisions of subsection (4), any woman who is or has been married to a citizen of Sierra Leone may, on making application therefor to the Minister in the prescribed manner, be registered as a citizen of Sierra Leone whether or not she is of full age and capacity.

(4) A person shall not be registered as a citizen of Sierra Leone under this section unless and until he has made a declaration in writing in the prescribed form of his willingness to renounce any other nationality or citizenship he may possess and has taken an oath of allegiance in the form specified in the First Schedule.

First Schedule.

4. (1) The Minister may cause the minor child of any citizen of Sierra Leone to be registered as a citizen of Sierra Leone upon application made in the prescribed manner by a parent or guardian of the child.

(2) The Minister, in such special circumstances as he thinks fit, may cause any minor to be registered as a citizen of Sierra Leone.

Effect of
registration
as a citizen.

5. A person registered under section 3 or section 4 shall be a citizen of Sierra Leone by registration as from the date on which he is registered.

Naturalisa-
tion of aliens

Second
Schedule.

First Sche-
dule.

6. The Minister, if application therefor is made to him in the prescribed manner by any alien of full age and capacity who satisfies him that he is qualified under the provisions of the Second Schedule for naturalization, may grant him a certificate of naturalization, and the person to whom the certificate is granted shall, on taking an oath of allegiance in the form specified in the First Schedule, and on making a declaration in writing in the prescribed form of his willingness to renounce any other nationality or citizenship he may possess and any claim to the protection of any other country, be a citizen of Sierra Leone by naturalization as from the date on which that certificate is granted.

PART III—RENUNCIATION AND DEPRIVATION OF CITIZENSHIP

Renunciation
of citizen-
ship by
reason of
dual citizen-
ship or
nationality.

7. (1) If any citizen of Sierra Leone of full age and capacity makes a declaration in the prescribed manner of renunciation of citizenship of Sierra Leone the Minister, if he is satisfied that the person is, or on ceasing to be a citizen of Sierra Leone will become—

(a) a citizen of any country to which section 7 of the Constitution applies; or

(b) a national of a foreign country;
may cause the declaration to be registered and upon registration that person shall cease to be a citizen of Sierra Leone:

Provided that the Minister may withhold registration of any such declaration if—

(i) he is satisfied that the person is ordinarily resident in Sierra Leone; and

(ii) in his opinion registration of the declaration would be contrary to public policy.

(2) For the purposes of this section any woman who has been married shall be deemed to be of full age.

8. (1) The Minister may by Order deprive any person, other than a person who is a citizen of Sierra Leone by virtue of his having been born in Sierra Leone, of his Sierra Leonean citizenship if the Minister is satisfied that that person has at any time while a citizen of Sierra Leone and of full age and capacity—

Deprivation of citizenship on naturalisation or exercise of certain rights in other countries or failure to renounce other nationality or citizenship.

- (a) acquired the nationality or citizenship of a foreign country by any voluntary and formal act other than marriage; or
- (b) voluntarily claimed and exercised—
 - (i) in a foreign country; or
 - (ii) in any other country under the law of which provision is in force for conferring on its own citizens rights not available to Commonwealth citizens generally,

any right available to him under the law of that country, being a right accorded exclusively to its own citizens,

and that it is not conducive to the public good that he should continue to be a citizen of Sierra Leone.

(2) The Minister may require any citizen of Sierra Leone other than a person who is a citizen of Sierra Leone by virtue of his having been born in Sierra Leone who also possesses some other citizenship or nationality to renounce his nationality or citizenship of that country within such period as the Minister may specify and in the event of any such person failing to renounce such nationality or citizenship within the time specified the Minister may by Order deprive that person of his citizenship of Sierra Leone.

9. (1) Subject to the provisions of this section, the Minister may by Order deprive any citizen who is such by registration or naturalization of his citizenship if he is satisfied that that citizen was obtained by means of fraud, false representation or the concealment of any material fact.

Deprivation of citizenship of citizens by registration and naturalised persons.

(2) Subject to the provisions of this section the Minister may by Order deprive any citizen of Sierra Leone who is such by naturalization of his citizenship if he is satisfied that that citizen—

- (a) has shown himself by act or speech to be disloyal or disaffected towards Her Majesty or the Government of Sierra Leone; or

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

(c) has within seven years after becoming naturalized been sentenced in any country to imprisonment for a term of not less than twelve months.

(3) The Minister may by Order deprive any citizen by naturalization of his citizenship of Sierra Leone if he is satisfied that that person has been ordinarily resident in a foreign country or foreign countries for a continuous period of seven years and during the period has not registered annually in the prescribed manner at a Sierra Leone consulate, or by notice in writing to the Minister, his intention to retain his citizenship of Sierra Leone.

(4) 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 of Sierra Leone.

10. Where a citizen of Sierra Leone who is such by

Deprivation of citizenship of Sierra Leone when persons deprived of citizenship elsewhere.

registration—

(a) was a citizen of any country to which section 7 of the Constitution applies or of the Republic of Ireland by virtue of a certificate of naturalization granted to him or in which his name was included; and

(b) has been deprived of that citizenship on grounds which in the opinion of the Minister are substantially similar to any of the grounds specified in subsections (1), (2) and (3) of section 9,

the Minister may by an Order made under this section deprive him of his Sierra Leonean citizenship, if the Minister is satisfied that it is not conducive to the public good that that person should continue to be a citizen of Sierra Leone.

Effect of renunciation or deprivation of citizenship.

11. (1) A citizen of Sierra Leone who is deprived of his citizenship by an Order of the Minister under sections 8, 9 or 10 shall, upon the making of the Order, cease to be a citizen of Sierra Leone.

(2) The renunciation by any person of his Sierra Leonean citizenship or the deprivation of any person's Sierra Leonean citizenship under the provisions of this Part shall not affect the liability of that person for any offence committed by him before the renunciation or deprivation of his citizenship.

PART IV—SUPPLEMENTAL

Posthumous children.

12. 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 of the father at the time of the father's death; and where that death occurred before the 27th April, 1961, and the birth occurred after the 26th April, 1961, the national status that the father would have had if he has died on the 27th April, 1961, shall be deemed to be his national status at the time of his death.

13. The Minister shall not be required to assign any reason for the grant or refusal of any application under this Act and the decision of the Minister on any such application shall not be subject to appeal to or review in any court. Decision of Minister to be final.

14. The Minister may in such cases as he thinks fit, on the application of any person with respect to whose citizenship of Sierra Leone a doubt exists, whether on a question of fact or law, certify that that person is a citizen of Sierra Leone; and a certificate issued under this section 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 that person was such a citizen on the date thereof, but without prejudice to any evidence that he was such a citizen at an earlier date. Certificate of citizenship in cases of doubt.

15. (1) Every document purporting to be a notice, certificate order or declaration, or any entry in a register, or a subscription of an oath of allegiance, given, granted or made under this Act or under the provisions of Chapter I of the Constitution, shall be received in evidence, and shall, unless 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. Evidence.

(2) *Prima facie* evidence of any such document as aforesaid 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 this Act or under the provisions of Chapter I of the Constitution, shall be received as evidence of the matters stated in the entry.

16. (1) Any person who for the purpose of procuring anything to be done or not to be done under this Act or under the provisions of Chapter I of the Constitution makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, shall be guilty of an offence and on summary conviction be liable to a fine of one hundred pounds and to imprisonment for six months. Offences.

(2) Any person who fails to comply with any requirement imposed on him by regulations made under this Act with respect to the delivering up of certificates of naturalization shall be guilty of an offence and on summary conviction be liable to a fine of one hundred pounds and to imprisonment for six months.

Regulations.

17. The Governor-General may by Regulations make provision generally for carrying into effect the purposes of this Act and Chapter I of the Constitution, and in particular—

- (a) for prescribing anything which is to be prescribed under this Act or Chapter I of the Constitution;
- (b) for the registration of anything required or authorised under this Act to be registered;
- (c) for the administration and taking of Oaths of Allegiance under this Act, for the time within which Oaths of Allegiance shall be taken and for the registration of Oaths of Allegiance;
- (d) for the giving of any notice required or authorised to be given to any person under this Act;
- (e) for the cancellation of the registration of, and the cancellation and amendment of certificates of naturalization relating to, persons deprived of citizenship under this Act, and for requiring such certificates to be delivered up for those purposes;
- (f) for the registration by officers in the service of the Government of Sierra Leone of the births and deaths of persons of any class or description born or dying elsewhere than in Sierra Leone;
- (g) for enabling the births and deaths of citizens of Sierra Leone born or dying in any country in which the Government of Sierra Leone 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 of Sierra Leone, has undertaken to represent that Government's interest in that country, or by a person authorised in that behalf by the Governor-General;
- (h) for the imposition and recovery of fees in respect of any application made to the Minister under this Act or in respect of any registration, or the making of any declaration, or the grant of any certificate, or the taking of any Oath of Allegiance, authorised to be made, granted or taken by or under this Act, and in respect of supplying a certified or other copy of any notice, certificate, order, declaration or entry, given, granted or made as aforesaid and for the application of any such fees.

Inconsistency
with Constitutional
provisions.

18. The provisions of this Act shall have effect subject to any provision inconsistent therewith for the time being contained in the Constitution.

Repeals,
Cap. 84 and
Cap. 83,

19. The Aliens Naturalization and Acquisition of Property Act and the British Nationality Act, are repealed.

FIRST SCHEDULE (Sections 3 & 6)
OATH OF ALLEGIANCE

I,.....swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, according to law and that I will support and uphold the Constitution of Sierra Leone as by law established. So help me God.

SECOND SCHEDULE (Section 6)

(1) Subject to the provisions of the next following paragraph, the qualifications for naturalization of an alien who applies therefor are—

- (a) that he has resided in Sierra Leone throughout the period of twelve months immediately preceding the date of the application; and
- (b) that during the seven years immediately preceding the said period of twelve months he has resided in Sierra Leone for periods amounting in the aggregate to not less than five years; and
- (c) that he has an adequate knowledge of a language in current use in Sierra Leone; and
- (d) that he is of good character; and
- (e) that he would be a suitable citizen of Sierra Leone; and
- (f) that he intends, if naturalized, to continue to reside permanently in Sierra Leone.

(2) The Minister, if in the special circumstances of any particular case he thinks fit, may with the approval of the Governor-General—

- (a) allow a continuous period of twelve months ending not more than six months before the date of application to be reckoned for the purposes of sub-paragraph (a) of the last foregoing paragraph as though it had immediately preceded that date;
- (b) allow residence in a country other than a foreign country to be reckoned for the purposes of sub-paragraph (b) of the last foregoing paragraph as if it had been residence in Sierra Leone;
- (c) allow periods of residence earlier than eight years before the date of application to be reckoned in computing the aggregate mentioned in the said sub-paragraph (b).