

New Zealand.

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Title.

AN ACT to amend the British Nationality and Status of Aliens (in New Zealand) Act, 1928.

[26th March, 1935.]

Preamble.

WHEREAS by section six of the British Nationality and Status of Aliens (in New Zealand) Act, 1928, certain provisions of the British Nationality and Status of Aliens Acts, 1914 to 1922 (Imperial), are declared to be part of the law of New Zealand in so far as they are capable of application in New Zealand: And whereas the British Nationality and Status of Aliens Act, 1933 (Imperial), has been passed for the purpose of giving effect to a Convention on certain questions relating to the conflict of nationality laws, signed on behalf of His Majesty at the Hague on the twelfth day of April, nineteen hundred and thirty, and for purposes incidental to the matter aforesaid: And whereas by section one of the last-

Status of Aliens (in New Zealand) Amendment

mentioned Act section ten of the Imperial Act of 1914 (the provisions of which have been declared to be part of the law of New Zealand as hereinbefore recited) was repealed, and new provisions substituted therefor: And whereas it is desirable that the substituted provisions be declared part of the law of New Zealand in so far as they are capable of application in New Zealand in lieu of the provisions originally contained in section ten of the Imperial Act of 1914: And whereas it is desirable that certain special provisions be made in respect of the rights and privileges of married women who by reason of their marriage to aliens have acquired the nationality of their husbands:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the British Nationality and Status of Aliens (in New Zealand) Amendment Act, 1934-35, and shall be read together with and deemed part of the British Nationality and Status of Aliens (in New Zealand) Act, 1928 (hereinafter referred to as the principal Act).

Short Title.

See Reprint of Statutes, Vol. I, p. 159

2. (1) Subject to the modifications made by the next succeeding subsection, the provisions of the Imperial Act set out in the Schedule to this Act are hereby declared to be part of the law of New Zealand in so far as the said provisions are capable of application in New Zealand.

Section 10 of the British Nationality and Status of Aliens Act, 1914 (Imperial), as re-enacted in 1933, declared part of law of New Zealand.

(2) In their application as part of the law of New Zealand the provisions of the Imperial Act set out in the Schedule to this Act shall be read subject to the following modifications, namely:—

(a) The several references in subsections four, five, and six to the Secretary of State shall be read as references to the Minister of Internal Affairs:

(b) The reference in subsection five to the year nineteen hundred and thirty-three shall be read as a reference to the year nineteen hundred and thirty-four.

(3) Section fourteen of the principal Act is hereby amended by inserting, after the words "declarations of resumption or retention" in paragraph (b), the words "or acquisition".

Consequential amendment of principal Act.

Special provisions as to married women who by reason of their marriage to aliens have acquired the nationality of their husbands.

3. (1) This section shall apply to every woman who at the time of her marriage to an alien, whether before or after the passing of this Act, was a British subject and who, by reason of her marriage, has acquired the nationality of her husband.

(2) Any woman to whom this section applies (whether her marriage is still continuing or not) may, at any time within twelve months after the passing of this Act (in the case of a woman married to an alien before the passing of this Act), or within twelve months after the date of her marriage (in the case of a woman married to an alien after the passing of this Act), or in either case at such later time as the Minister of Internal Affairs may in special circumstances allow, make a declaration in the prescribed form and manner that she desires to retain while in New Zealand the rights of a British subject, and thereupon she shall, within New Zealand, be entitled to all political and other rights, powers, and privileges, and be subject to all obligations, duties, and liabilities, to which a natural-born British subject is entitled or subject.

SCHEDULE.

PROVISIONS OF IMPERIAL ACT DECLARED TO BE PART OF THE LAW OF NEW ZEALAND.

Section 10 of the British Nationality and Status of Aliens Act, 1914 (Imperial), as re-enacted in Section 1 of the British Nationality and Status of Aliens Act, 1933 (Imperial).

10. (1) Subject to the provisions of this section, the wife of a British subject shall be deemed to be a British subject, and the wife of an alien shall be deemed to be an alien.

(2) Where a woman has (whether before or after the commencement of this Act) married an alien, and was at the time of her marriage a British subject, she shall not, by reason only of her marriage, be deemed to have ceased to be a British subject unless, by reason of her marriage, she acquired the nationality of her husband.

(3) Where a man has, during the continuance of his marriage, ceased (whether before or after the commencement of this Act) to be a British subject, his wife shall not, by reason only of that fact, be deemed to have ceased to be a British subject unless, by reason of the acquisition by her husband of a new nationality, she also acquired that nationality.

Schedule.

National status of married women.

(4) Where a man ceases, during the continuance of his marriage, to be a British subject and, by reason of his acquisition of a new nationality, his wife also acquires that nationality, she may, whether her marriage is still continuing or not, at any time within the period of twelve months from the date on which she so acquired that nationality, or at such later time as the Secretary of State may in special circumstances allow, make a declaration that she desires to retain British nationality, and thereupon she shall be deemed to have remained a British subject.

(5) Where, after the end of the year nineteen hundred and thirty-three, a certificate of naturalization is granted to an alien, his wife, if not already a British subject, shall not be deemed to be a British subject, unless, within the period of twelve months from the date of the certificate, or within such longer period as the Secretary of State may in special circumstances allow, she makes a declaration that she desires to acquire British nationality.

(6) Where an alien is a subject of a State at war with His Majesty, it shall be lawful for his wife, if she was at birth a British subject, to make a declaration that she desires to resume British nationality, and thereupon the Secretary of State, if he is satisfied that it is desirable that she be permitted to do so, may grant her a certificate of naturalization.