

THE CITIZENSHIP (AMENDMENT) BILL 1986

(NAME OF BILL)

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Covering letter from Minister to Clerk to Parliament

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✓ FROM:

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4/6/86

✓ TO:

Minister - HAF

4/6/86

(for signing Objects & Reasons, Notice of Presentation and covering letter to Clerk)

~~TO:~~

~~Minister of Finance~~

~~(for signing of letter to Clerk signifying Cabinet approval under s 60 of Constitution)~~

✓ TO:

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(for printing)

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(for reference during 1st, 2nd and 3rd Readings)

(Date passed 24/6/86 Act No. 6/86)

Substantive 24/6/86

✓ TO:

Attorney General's Chambers

(for checking before Assent)

TO:

Governor General

(for Assent)

2/7/86

TO:

Clerk to National Parliament

(for distribution:

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Ministry

1 copy

Parliament Office

Reserve of the House



**THE CITIZENSHIP
(AMENDMENT) ACT 1986**

NO. 6 OF 1986



THE CITIZENSHIP (AMENDMENT) ACT 1986

NO. 6 OF 1986

Passed by the National Parliament this twenty-fourth day of June 1986.

This printed impression has been carefully compared by me with the Bill passed by Parliament and found by me to be a true and correct copy of the said Bill.

J M Tuhaika
Clerk to the National Parliament

Assented to in Her Majesty's name and on Her Majesty's behalf this fourth day of July 1986.

B Devesi
Governor-General

Date of commencement: see section 1

AN ACT to amend the Citizenship Act 1978.

ENACTED by the National Parliament of Solomon Islands.

Short title
and commence-
ment.

Amendment of
section 8 of Act
No. 7 of 1978.

1. This Act may be cited as the Citizenship (Amendment) Act 1986 and shall come into operation on such date as the Minister may, by notice in the Gazette, appoint.

2. Section 8 of the Citizenship Act (hereinafter referred to as the principal Act) is hereby amended as follows -

- (a) by inserting in subsection (2) the words "other than the female person to whom an application made under subsection 3A relates" immediately after the words "person making the application"; and
- (b) by inserting immediately after subsection (3), the following new subsection -

"(3A) Where in an application made under this subsection -

- (a) a citizen requests that his wife shall become a citizen by naturalisation; or
- (b) a wife of a citizen requests that she shall become a citizen by naturalisation;

and as a result of such inquiries as the Commission may cause to be made, the Commission is satisfied that the female person to whom the application so relates -

- (i) was married to that citizen in accordance with law or custom of Solomon Islands, before the application was made;
- (ii) is not living apart from that citizen under a decree of court or a deed of separation;
- (iii) is, on the date of the application, and has been, during the period of two years immediately prior to that, ordinarily resident in Solomon Islands;
- (iv) satisfies the conditions specified in paragraphs (b) to (i) (inclusive) of subsection (2); and
- (v) in the case of an application made by such female person, that her husband consents to the grant of citizenship to her by naturalisation,

the Commission may grant the application but otherwise shall refuse it.

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Explanation 1 - In this subsection "citizen" means a male person who has become a citizen of Solomon Islands under the provisions of Chapter III of the Constitution, or who has been granted a certificate of naturalisation under this Act;

Explanation 2 - In this subsection and in subsection (2), "ordinarily resident" subject to the provisions of subsections (8) and (9), means some degree of continuity of residence at a place apart from accidental or temporary absence from that place, and a person is ordinarily resident at a place where he makes his home for an indefinite period.";

- (c) by inserting in subsection (5) -
- (i) the words "or subsection 3A" immediately after the words "under subsection (1)"; and
 - (ii) the words "or subsection 3A as the case may be," immediately after the words "pursuant to subsection (3)".

3. The principal Act is hereby amended by inserting therein immediately after section 11 the following new section -

"Loss of citizenship 11A.(1) Subject to the provisions of subsection (2), where a woman, who obtained citizenship by on subsequent virtue of the provisions of section 8, is divorced marriage.

under a decree of court, subsequently remarries a non-citizen, she shall be deemed to have renounced her citizenship, unless, on the date of the subsequent marriage she had ordinarily been resident in Solomon Islands for a period of ten years.

(2) The loss of citizenship by virtue of the operation of the provisions of subsection (1), shall, however, for the purpose of this law, immigration and labour laws be disregarded for such period as may be required for her to regain citizenship of her country of origin or that of her husband.

(3) The loss of citizenship by a woman pursuant to the provisions of subsection (1), shall not, in any way affect the rights of citizenship acquired

by any child under the provisions of section 8, unless and until the provisions of Part III of the Act apply.”.

Amendment of
Schedule to the
principal Act.

4. The Schedule to the principal Act is hereby amended -
- (a) by deleting subparagraph (3) of paragraph 9 and by substituting therefor the following new sub paragraph -
- “(3) The Minister may make rules with respect to -
- (i) the convening and conduct of meetings;
 - (ii) interviewing of all applicants by or on behalf of the Commission before granting or refusing their applications;
 - (iii) documents to accompany applications to be made under section 8;
 - (iv) formal honouring of persons who have been granted certificates of naturalisation in any year, on the anniversary of the independence day next following the date of the grant of those certificates.”;
- (b) in paragraph 10 -
- (i) by deleting the words “(not being public officers)”;
 - and
 - (ii) by inserting the following proviso at the end -
- “Provided that where a public officer is a member of the Commission, or has been such member before the date of the commencement of the citizenship (Amendment) Act 1983, he shall be entitled, and shall be deemed always to have been entitled, to such remuneration and expenses, from the date of his appointment to the date he ceases or has ceased to be such member, as the Minister may, from time to time, prescribe, and the Minister shall have power to prescribe such remuneration to such public officer with retrospective effect from a date not earlier than the date of his appointment.”.

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