

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO
SOUTH AFRICAN CITIZENSHIP
AMENDMENT BILL**

[B 42—97]

(As agreed to by the Portfolio Committee on Home Affairs (National Assembly))

[B 42A—97]

REPUBLIEK VAN SUID-AFRIKA

**PORTEFEULJEKOMITEE-AMENDEMENTE
OP
WYSIGINGSWETSONTWERP
OP SUID-AFRIKAANSE
BURGERSKAP**

[W 42—97]

(Soos goedgekeur deur die Portefeuljekomitee oor Binnelandse Sake (Nasionale Vergadering))

[W 42A—97]

ISBN 0 621 27437 2

AMENDMENTS AGREED TO

SOUTH AFRICAN CITIZENSHIP AMENDMENT BILL
[B 42—97]

NEW CLAUSE

1. That the following be a new Clause to follow Clause 1:

Amendment of section 3 of Act 88 of 1995

2. Section 3 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) [who is] born outside the Republic [on or after the date of commencement of this Act], and—

- (i) one of whose parents was or is, at the time of his or her birth, a South African citizen and whose birth is registered in terms of the provisions of section 13 of the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992); or
- (ii) to whose responsible parent a certificate of [the] resumption of previous South African citizenship has, in terms of section 13(3), been issued, and who has entered the Republic for permanent residence therein before becoming a major, and whose birth is within one year after the date of issue of such certificate, or such longer period as the Minister in the special circumstances of the case may approve, registered in the Republic in the prescribed manner; or
- (iii) who is adopted in terms of the provisions of the Child Care Act, 1983 (Act No. 74 of 1983), by a South African citizen and whose birth is registered in accordance with the provisions of subparagraph (i), shall, subject to the provisions of subsection (2), be a South African citizen by descent.”

NEW CLAUSE

1. That the following be a new Clause to follow Clause 2:

Amendment of section 5 of Act 88 of 1995

3. Section 5 of the principal Act is hereby amended by the addition of the following subsection:

“(9) (a) Notwithstanding anything to the contrary contained in subsection (1), the Minister may under exceptional circumstances grant a certificate of naturalisation as a South African citizen to an applicant who does not comply with the requirements of the said subsection (1) relating to residence or ordinary residence in the Republic.

(b) The Minister shall within 14 days after the commencement of the sittings of Parliament in each year table in Parliament the names of any persons to whom were granted certificates of naturalisation were granted under paragraph (a) in the immediately preceding year, including the reasons for the granting of any such certificate.”.

NEW CLAUSE

1. That the following be a new Clause to follow Clause 5:

Substitution of section 22 of Act 88 of 1995

6. The following section is hereby substituted for section 22 of the principal Act:

“Delegation of powers

22. The Minister may, subject to such conditions as he or she may deem necessary, delegate any power conferred on him or her by this Act, excluding a power referred to in section 5(9) or 25, to an officer in the service of the Department, but shall not be divested of any power so delegated, and may set aside or amend any decision of the delegate made in the exercise of such a power.”.

NEW CLAUSE

1. That the following be a new Clause to follow Clause 6:

Amendment of section 26 of Act 88 of 1995

7. Section 26 of the principal Act is hereby amended by the addition of the following subsection:

“(4) Notwithstanding the repeal of section 15(1)(a) of the South African Citizenship Act, 1949, by subsection (1), the Minister may at any time exempt any person who ceased to be a South African citizen by virtue of the provisions of the said section 15(1)(a), on application on the prescribed form, from the provisions of the said section 15(1)(a), either unconditionally or on such conditions as the Minister may determine, and any person so exempted, shall be deemed to have remained a South African citizen.”.

LONG TITLE

1. On page 2, in the first line, after “regulate” to insert:

citizenship by descent; to further regulate

2. On page 2, in the fifth line, after “country” to insert:

; to empower the said Minister to grant a certificate of naturalisation in exceptional circumstances to an applicant who does not comply with the requirements relating to residence or ordinary residence in the Republic

3. On page 2, in the sixth line, after “laws” to insert:

; to empower the said Minister to grant exemption to a person who ceased to be a citizen by virtue of a certain provision of a prior law