

EXTRACT FROM THE BRITISH NATIONALITY AND STATUS OF ALIENS (IN NEW ZEALAND) ACT, 1928.
1928, No. 58.

Title.

AN ACT to adopt Part II of the British Nationality and Status of Aliens Act, 1914 (Imperial), to make certain Provisions relating to British Nationality and the Status of Aliens in New Zealand, and also to make Special Provisions with respect to the Naturalization of Persons resident in Western Samoa.

[Reserved for the signification of His Majesty's pleasure thereon.]

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

Short Title and commencement.

1. This Act may be cited as the British Nationality and Status of Aliens (in New Zealand) Act, 1928, and shall come into operation on the day on which His Majesty's assent thereto is notified by the Governor-General by a Proclamation published in the *Gazette*, or on such later date (being not later than three months after the date of the publication of the Proclamation as aforesaid) as is specified in that behalf in the Proclamation.*

Interpretation. (Cf. 12 & 13 Geo. V, c. 44, s. 3 (4).)

2. In this Act the expression "the Imperial Act" or "the Imperial Acts" means the British Nationality and Status of Aliens Act, 1914 (Imperial), as amended by the British Nationality and Status of Aliens Act, 1918, the British Nationality and Status of Aliens Act, 1922, and any other enactment for the time being in force.

BRITISH NATIONALITY IN NEW ZEALAND.

Adoption of Part II of Imperial Act.

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3. Part II of the Imperial Act (the said Part being set out in the First Schedule hereto) is hereby adopted.

Exercise in New Zealand of powers conferred by Part II of Imperial Act.

4. (1) Regulations for the purposes of Part II of the Imperial Act, in its application to New Zealand, may be made by the Governor-General in Council in accordance with the provisions of section fourteen hereof. All other powers conferred on the Government of New Zealand by the said Part II shall be exercisable by the Minister of Internal Affairs.

(2) Any case which, by virtue of sections seven and eight of the Imperial Act in their application to New Zealand, may be referred for inquiry to a "superior Court" in New Zealand, may be so referred to the Supreme Court of New Zealand.

Persons previously naturalized may receive certificates of naturalization under this Act. (Cf. 4 & 5 Geo. V, c. 17, s. 6.)

5. Any person who has been naturalized in New Zealand before the commencement of this Act may apply to the Minister of Internal Affairs for a certificate of naturalization under this Act, and the said Minister may grant to him a certificate on such terms and conditions as he may think fit.

Declaratory Statement as to other Provisions of Imperial Acts.

Certain provisions of Imperial Acts declared part of law of New Zealand.

6. The several provisions of the Imperial Acts set forth in the Second Schedule to this Act, in so far as the said provisions are capable of application in New Zealand, are hereby declared to be part of the law of New Zealand.

Application of Act to Cook Islands and Western Samoa.

Naturalization of aliens in Cook Islands and Western Samoa. (1923, No. 46, s. 14.)

7. (1) Subject to the provisions of this section, this Act shall apply to the Cook Islands and to Western Samoa in the same manner in all respects as if those territories were for all purposes part of New Zealand; and the term "New Zealand" as used in this Act shall, both in New Zealand and in the said territories respectively, be construed accordingly as including the Cook Islands and Western Samoa.

(2) In the application of this Act to the Cook Islands and Western Samoa—

- (a) The power to grant certificates of naturalization shall be vested in the Governor-General, and in the case of a person resident in the Cook Islands shall be exercised on the recommendation of the Minister for the Cook Islands, and in the case of a person resident in Western Samoa shall be exercised on the recommendation of the Minister of External Affairs;
- (b) The oath of allegiance shall be taken before a Judge or Commissioner of the High Court of the Cook Islands, or a Judge or Commissioner of the High Court of Western Samoa, as the case may require, and every such Judge and Commissioner is hereby respectively authorized to administer the said oath accordingly;
- (c) The powers conferred by section five of the Imperial Act, in its application to New Zealand, shall be vested in the Governor-General;
- (d) The powers conferred by sections seven and seven A of the Imperial Act, in its application to New Zealand, shall be exercised only by the Governor-General in Council.

Restricted operation of certain certificates of naturalization granted to residents of Western Samoa.

8. (1) Notwithstanding anything to the contrary in paragraph (b) of section two of the Imperial Act, in its application to New Zealand, it shall not be a condition precedent to the grant of a certificate of naturalization to any Samoan as defined in the Samoa Act, 1921, that he has an adequate knowledge of the English language.

(2) Where a certificate of naturalization is granted as aforesaid to any Samoan who has not an adequate knowledge of the English language, such certificate shall bear on the face thereof a statement that it has been granted under the special provisions of this section. A certificate so granted shall not confer or impose on the holder thereof the rights or obligations of a British subject elsewhere than in New Zealand.

[Extract from *New Zealand Gazette* No. 51, 27th June, 1928, page 2073.]

REGULATIONS IMPOSING A PORT AND CUSTOMS SERVICE TAX UNDER THE SAMOA ACT, 1921.

CHARLES FERGUSSON, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 27th day of June, 1928.

Present: His Excellency the Governor-General in Council.

His Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of that Dominion, and in pursuance of the authority to make regulations for the peace, order, and good government of Samoa conferred upon him by the Samoa Act, 1921, and of all other powers and authorities enabling him in that behalf, doth hereby make the following regulations.

* This Act came into operation on the 1st July, 1929.