



### CHAPTER 38.

An Act to amend the British Nationality and Status of Aliens Act, 1914. A.D. 1918.  
[8th August 1918.]

**B**E it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. The following sections shall be substituted for section seven of the British Nationality and Status of Aliens Act, 1914 (hereinafter referred to as "the principal Act"), which relates to the revocation of certificates of naturalization :—

Substitution of provisions for section 7 of the principal Act. 4 & 5 Geo. 5. c. 17.

"7.—(1) Where the Secretary of State is satisfied that a certificate of naturalization granted by him has been obtained by false representation or fraud, or by concealment of material circumstances, or that the person to whom the certificate is granted has shown himself by act or speech to be disaffected or disloyal to His Majesty, the Secretary of State shall by order revoke the certificate.

Revocation of certificate of naturalization.

"(2) Without prejudice to the foregoing provisions the Secretary of State shall by order revoke a certificate of naturalization granted by him in any case in which he is satisfied that the person to whom the certificate was granted either—

- (a) has during any war in which His Majesty is engaged unlawfully traded or communicated with the enemy or with the subject of an enemy state, or been engaged in or associated with any business which is to his knowledge carried on in such manner as to assist the enemy in such war ; or
- (b) has within five years of the date of the grant of the certificate been sentenced by any court in His Majesty's dominions to imprisonment for a term of not less than twelve months, or to a term of penal servitude, or to a fine of not less than one hundred pounds ; or

- A.D. 1918. —
- (c) was not of good character at the date of the grant of the certificate; or
  - (d) has since the date of the grant of the certificate been for a period of not less than seven years ordinarily resident out of His Majesty's dominions otherwise than as a representative of a British subject, firm, or company carrying on business, or an institution established, in His Majesty's dominions, or in the service of the Crown, and has not maintained substantial connection with His Majesty's dominions; or
  - (e) remains according to the law of a state at war with His Majesty a subject of that state;

and that (in any case) the continuance of the certificate is not conducive to the public good.

“(3) The Secretary of State may, if he thinks fit, before making an order under this section refer the case for such inquiry as is hereinafter specified, and in any case to which subsection (1) or paragraph (a), (c), or (e) of subsection (2) of this section applies, the Secretary of State shall, by notice given to or sent to the last-known address of the holder of the certificate, give him an opportunity of claiming that the case be referred for such inquiry, and if the holder so claims in accordance with the notice the Secretary of State shall refer the case for inquiry accordingly.

“(4) An inquiry under this section shall be held by a committee constituted for the purpose by the Secretary of State, presided over by a person (appointed by the Secretary of State with the approval of the Lord Chancellor) who holds or has held high judicial office, and shall be conducted in such manner as the Secretary of State may direct:

“Provided that any such inquiry may, if the Secretary of State thinks fit, instead of being held as aforesaid be held by the High Court, and the practice and procedure on any inquiry so held shall be regulated by rules of court.

“A committee appointed under this section shall have all such powers, rights, and privileges as are vested in the High Court or in any judge thereof on the occasion of any action, in respect of the following matters:—

- (a) the enforcing the attendance of witnesses and examining them on oath, affirmation, or otherwise, and the issue of a commission or a request to examine witnesses abroad; and
- (b) the compelling the production of documents; and
- (c) the punishing persons guilty of contempt;

and a summons signed by one or more members of the committee may be substituted for and shall be equivalent to any formal process capable of being issued in any action for enforcing the attendance of witnesses and compelling the production of documents.

“ (5) Where a person to whom a certificate of naturalization has been granted in some other part of His Majesty’s dominions is resident in the United Kingdom, the certificate may be revoked in accordance with this section by the Secretary of State, with the concurrence of the Government of that part of His Majesty’s dominions in which the certificate was granted. A.D. 1918.

“ (6) Where the Secretary of State revokes a certificate of naturalization, the revocation shall have effect from such date as the Secretary of State may direct, and thereupon the certificate shall be given up and cancelled, and any person refusing or neglecting to give up his certificate shall be liable on summary conviction to a fine not exceeding one hundred pounds.

“ 7A.—(1) Where a certificate of naturalization is revoked the Secretary of State may by order direct that the wife and minor children (or any of them) of the person whose certificate is revoked shall cease to be British subjects, and any such person shall thereupon become an alien ; but except where the Secretary of State directs as aforesaid, the nationality of the wife and minor children of the person whose certificate is revoked shall not be affected by the revocation, and they shall remain British subjects : Effect of revocation of certificate of naturalization.

“ Provided that—

“ (a) it shall be lawful for the wife of any such person within six months after the date of the order of revocation to make a declaration of alienage, and thereupon she and any minor children of her husband and herself shall cease to be British subjects and shall become aliens ; and

“ (b) the Secretary of State shall not make any such order as aforesaid in the case of a wife who was at birth a British subject, unless he is satisfied that if she had held a certificate of naturalization in her own right the certificate could properly have been revoked under this Act, and the provisions of this Act as to referring cases for inquiry shall apply to the making of any such order as they apply to the revocation of a certificate.

“ (2) The provisions of this section shall, as respects persons affected thereby, have effect in substitution for any other provisions of this Act as to the effect upon the wife and children of any person where the person ceases to be a British subject and such other provisions shall accordingly not apply in any such case.

“ (3) Where a certificate of naturalization is revoked the former holder thereof shall be regarded as an alien and as a

A.D. 1918. subject of the state to which he belonged at the time the certificate was granted.”

Minor amend-  
ments of the  
principal Act.

2. The following amendments shall be made in the principal Act:—

(1) In paragraph (b) of subsection (1) of section one (which defines natural-born British subjects) after the words “had been granted” there shall be inserted the words “or had become a British subject by reason of any annexation of territory, or was at the time of that person’s birth in the service of the Crown”; and at the end of that section the following subsection shall be inserted:—

“(4) The certificate of a Secretary of State that a person was at any date in the service of the Crown shall, for the purposes of this section, be conclusive.”

(2) At the end of section two (which relates to the grant of certificates of naturalization) the following subsection shall be inserted:—

“(6) For the purposes of this section a period spent in the service of the Crown may, if the Secretary of State thinks fit, be treated as equivalent to a period of residence in the United Kingdom.”

(3) In subsection (2) of section five “whether or not” shall be substituted for “although” and “not” shall be omitted, and in subsection (3) of section five “Act” shall be substituted for “section.”

(4) In subsection (1) of section eight (which relates to the grant of certificates of naturalization in British possessions) after the words “United Kingdom” there shall be inserted the words “and of a High Court or superior court of the possession for the High Court, and with the omission of any reference to the approval of the Lord Chancellor,” and after the words “any certificate proposed to be granted” there shall be inserted the words “and any proposal to revoke any certificate.”

(5) In section ten (which relates to the national status of married women) at the end of the section there shall be added the words “and provided that 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.”

(6) In subsection (1) of section twenty-seven (which contains definitions) at the end of the definition of “British subject” after the words “has been granted” there shall be inserted the words “or a person who has become a subject of His Majesty

by reason of any annexation of territory," and for subsection (2) of that section the following subsection shall be substituted :— A.D. 1918.

"(2) Where in pursuance of this Act the name of a child is included in a certificate of naturalization granted to his parent, or where, in pursuance of any Act repealed by this Act, any child has been deemed to be a naturalized British subject by reason of residence with his parent, such child shall, for the purposes of this Act, be deemed to be a person to whom a certificate of naturalization has been granted."

3.—(1) Where a certificate of naturalization has been granted in the United Kingdom during the present war to a person who at, or at any time before, the grant of the certificate was the subject of a country which at the date of the grant was at war with His Majesty, the Secretary of State shall refer for such inquiry as is provided for in the case of revocation of certificates the question whether it is desirable that the certificate should be revoked, and if such question shall be answered in the affirmative shall revoke the certificate, but this provision shall not apply to a person who at birth was a British subject. Provisions as to naturalization certificate.

(2) No certificate of naturalization shall, before the expiration of a period of ten years after the termination of the present war, be granted in the United Kingdom to any subject of a country which at the time of the passing of this Act was at war with His Majesty, but this provision shall not apply to a person who—

- (a) has served in His Majesty's forces or in the forces of any of His Majesty's Allies or of any country acting in naval or military co-operation with His Majesty ; or
- (b) is a member of a race or community known to be opposed to the enemy governments ; or
- (c) was at birth a British subject.

4.—(1) This Act may be cited as the British Nationality and Status of Aliens Act, 1918, and the principal Act and this Act may be cited together as the British Nationality and Status of Aliens Acts, 1914 and 1918. Short title and printing.

(2) Every enactment and word which is directed by this Act to be substituted for or added to any portion of the principal Act shall form part of that Act in the place assigned to it by this Act ; and the principal Act, and any enactments referring thereto, shall after the commencement of this Act be construed as if that enactment or word had been originally enacted in the principal Act in the place so assigned, and, where it is substituted for another enactment or word, had been so enacted in lieu of that enactment or word, and the expression "this Act" in the principal Act or this Act shall be construed accordingly.

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A.D. 1918. (3) A copy of the principal Act with every such enactment and word inserted in the place so assigned shall be prepared and certified by the Clerk of the Parliaments and deposited with the rolls of Parliament, and His Majesty's printer shall print in accordance with the copy so certified all copies of the principal Act which are printed after the commencement of this Act.

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