

# 10 GEORGE VI.

## CHAP. 15.

An Act respecting Citizenship, Nationality, Naturalization and Status of Aliens.

[Assented to 27th June, 1946.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

### SHORT TITLE.

1. This Act may be cited as *The Canadian Citizenship Act*. Short title Act.

### INTERPRETATION.

2. In this Act, unless the context otherwise requires,
- (a) "Canadian citizen" means a person who is a Canadian citizen under this Act; Definitions.  
"Canadian citizen."
  - (b) "Canadian ship" means a 'ship registered in Canada' within the meaning of the *Canada Shipping Act, 1934*; "Canadian ship."  
1934, c. 41
  - (c) "certificate of citizenship" means a certificate of citizenship granted under this Act; "certificate of citizenship."
  - (d) "certificate of naturalization" means a certificate of naturalization granted under any Act heretofore in force in Canada; "certificate of naturalization."
  - (e) "Clerk" or "Clerk of the Court" includes all officers exercising the functions of prothonotary, registrar or clerk of any court having jurisdiction under this Act, and, where a person is designated by the Governor in Council as a court under this Act, means the said person; "Clerk" or "Clerk of the Court."
  - (f) "consulate" means the office of a Canadian consular officer and includes the office of a Canadian Ambassador, Minister or High Commissioner or of a Canadian Trade Commissioner; and includes the office of a consular or other officer of any other country of the British Commonwealth where a register of births is kept; "consulate"

- "country of the British Commonwealth." (g) "country of the British Commonwealth" means for the purposes of this Act a country listed in the First Schedule to this Act or a country declared for the purposes of this Act to be a country of the British Commonwealth of Nations by proclamation issued under this Act, and includes, in the case of any such country, all colonies, dependencies or territories thereof;
- "Court." (h) "Court" means any Superior, Circuit, County or District Court, and includes in the province of Quebec any district magistrate, and, in the Northwest Territories and in the Yukon Territory, any stipendiary magistrate or any other person designated by the Governor in Council under this Act;
- "disability." (i) "disability" means the incapacity of a minor, a lunatic or an idiot;
- "domicile." (j) "domicile", for the purposes of this Act, means the place in which a person has his home or in which he resides and to which he returns as his place of permanent abode and does not mean the place where he resides for a mere special or temporary purpose, and "Canadian domicile" means such domicile maintained in Canada for at least five years;
- "Canadian domicile." (k) "Minister" means the Secretary of State of Canada;
- "Minister." (l) "minor" means a person who has not attained the age of twenty-one years;
- "minor." (m) "regulation" means a regulation made by the Governor in Council under this Act; and
- "regulation." (n) "responsible parent" means the father: except that, where the father is dead, or where the custody of a child has been awarded to his mother by order of a court of competent jurisdiction, or where a child was born out of wedlock and resides with the mother, "responsible parent" means the mother.
- "responsible parent."

Declaration of Canadian citizenship an adequate statement of national status.

3. Where a person is required to state or declare his national status, any person who is a Canadian citizen under this Act shall state or declare himself to be a Canadian citizen and his statement or declaration to that effect shall be a good and sufficient compliance with such requirement.

## PART I.

### NATURAL-BORN CANADIAN CITIZENS.

4. A person, born before the commencement of this Act, is a natural-born Canadian citizen:—

Born before the commencement of the Act.

- (a) if he was born in Canada or on a Canadian ship and has not become an alien at the commencement of this Act; or



(b) if he was born outside of Canada elsewhere than on a Canadian ship and his father, or in the case of a person born out of wedlock, his mother

(i) was born in Canada or on a Canadian ship and had not become an alien at the time of that person's birth, or

(ii) was, at the time of that person's birth, a British subject who had Canadian domicile,

if, at the commencement of this Act, that person has not become an alien, and has either been lawfully admitted to Canada for permanent residence or is a minor.

5. A person, born after the commencement of this Act, Born after the commencement of the Act. is a natural-born Canadian citizen:—

(a) if he is born in Canada or on a Canadian ship; or

(b) if he is born outside of Canada elsewhere than on a Canadian ship, and

(i) his father, or in the case of a child born out of wedlock, his mother, at the time of that person's birth, is a Canadian citizen by reason of having been born in Canada or on a Canadian ship, or having been granted a certificate of citizenship or having been a Canadian citizen at the commencement of this Act, and

(ii) the fact of his birth is registered at a consulate or with the Minister, within two years after its occurrence or within such extended period as may be authorized in special cases by the Minister, in accordance with the regulations.

6. Notwithstanding anything contained in section four or section five of this Act, a person who is, at the commencement of the Act, a minor born outside of Canada elsewhere than on a Canadian ship and who has not been lawfully admitted to Canada for permanent residence, or who is born after the commencement of this Act and outside of Canada elsewhere than on a Canadian ship, shall cease to be a Canadian citizen upon the expiration of one year after he attains the age of twenty-one years unless after attaining that age and before the expiration of the said year

Conditions for retention of Canadian citizenship by persons born outside of Canada.

(a) he asserts his Canadian citizenship by a declaration of retention thereof, registered in accordance with the regulations; and

(b) if he is a national or citizen of a country other than Canada under the law of which he can, at the time of asserting his Canadian citizenship, divest himself of the nationality or citizenship of that country by making a declaration of alienage or otherwise, he divests himself of such nationality or citizenship:

Proviso,  
special case.

Provided that in any special case the Minister may extend the time during which any such person may assert his Canadian citizenship and divest himself of the other nationality or citizenship, in which case upon so doing within the said time he shall thereupon again become a Canadian citizen.

Foundlings.

7. Every foundling, who is or was first found as a deserted infant in Canada, shall, until the contrary is proved, be deemed to have been born in Canada.

Child born  
after death  
of his father.

8. Where a child is born after the death of his father, the child shall, for the purposes of this Part, be deemed to have been born immediately before the death of the father.

## PART II.

### CANADIAN CITIZENS OTHER THAN NATURAL-BORN.

On com-  
mencement  
of the Act.

9 (1) A person other than a natural-born Canadian citizen, is a Canadian citizen, if he

(a) was granted, or his name was included in a certificate of naturalization and he has not become an alien at the commencement of this Act; or

(b) immediately before the commencement of this Act was a British subject who had Canadian domicile;

or, in the case of a woman,

(c) if she

(i) before the commencement of this Act, was married to a man who, if this Act had come into force immediately before the marriage, would have been a natural-born Canadian citizen as provided in section four of this Act or a Canadian citizen as provided in paragraphs (a) and (b) of this subsection, and

(ii) at the commencement of this Act, is a British subject and has been lawfully admitted to Canada for permanent residence.

When deemed  
to have  
become  
Canadian  
citizens.

(2) A person who is a Canadian citizen under subsection one of this section shall be deemed, for the purpose of Part III of this Act, to have become a Canadian citizen:—

(a) where he was granted, or his name was included in, a certificate of naturalization, on the date of the certificate;

(b) where he is a Canadian citizen by reason of being a British subject who had Canadian domicile, on the date he acquired Canadian domicile; and

(c) in the case of a woman to whom paragraph (c) of subsection one of this section applies, on the date of the marriage or on which she became a British subject or on which she was lawfully admitted to Canada for permanent residence, whichever is the latest date.



**10.** (1) The Minister may grant a certificate of Canadian citizenship to any person who is not a Canadian citizen, and who makes application for that purpose and satisfies the Court that:—

Grant of a certificate of Canadian citizenship.

- (a) either he has filed in the office of the Clerk of the Court for the judicial district in which he resides, not less than one nor more than five years prior to the date of his application, a declaration of intention to become a Canadian citizen, the said declaration having been filed by him after he attained the age of eighteen years; or he is the spouse of and resides in Canada with a Canadian citizen; or he is a British subject;
- (b) he has been lawfully admitted to Canada for permanent residence therein;
- (c) he has resided continuously in Canada for a period of one year immediately preceding the date of the application and, in addition, except where the applicant has served outside of Canada in the armed forces of Canada during time of war or where the applicant is the wife of and resides in Canada with a Canadian citizen, has also resided in Canada for a further period of not less than four years during the six years immediately preceding the date of the application;
- (d) he is of good character;
- (e) he has an adequate knowledge of either the English or the French language, or, if he has not such an adequate knowledge, he has resided continuously in Canada for more than twenty years;
- (f) he has an adequate knowledge of the responsibilities and privileges of Canadian citizenship; and that
- (g) he intends, if his application is granted, either to reside permanently in Canada or to enter or continue in the public service of Canada or of a province thereof.

(2) Notwithstanding the provisions of subsection one of this section, the Minister may grant a certificate of Canadian citizenship to any person who is a British subject and who makes to the Minister a declaration that he desires such certificate and who satisfies the Minister that he possesses the qualifications prescribed by paragraphs (b), (c), (d), (e), (f) and (g) of subsection one of this section: Provided that in any case where, in the opinion of the Minister, there is doubt as to whether the applicant possesses the said qualifications, the Minister before granting such a certificate may refer the declaration and the material in support thereof to the court in the judicial district in which the declarant resides, and the declaration shall thereupon be dealt with as an application under subsection one of this section.

Grant of certificate to British subjects.

Proviso.

Special  
certificate  
to minor  
children.

(3) The Minister may grant a special certificate of citizenship to a minor child of a person to whom a certificate of citizenship is, or has been, granted under this Act, on the application of the said person,

(a) if the said person is the responsible parent of the child, and

(b) if the child was born before the date of the certificate granted to the said person and has been lawfully admitted to Canada for permanent residence.

Period in  
armed forces  
or public  
service  
equivalent to  
residence.

(4) Any period during which an applicant for a certificate of citizenship has served in the armed forces of Canada or was employed outside of Canada in the public service of Canada or of a province thereof, otherwise than as a locally engaged person, shall be treated as equivalent to a period of residence in Canada for the purposes of subsection one and subsection two of this section.

Period in  
penitentiary  
etc., not to  
be counted  
as residence.

(5) No period during which an applicant for a certificate of citizenship was confined in or an inmate of any penitentiary, gaol, reformatory, prison, or asylum for the insane, in Canada, shall be counted as a period of residence in Canada for the purposes of subsection one and subsection two of this section.

Grant  
of certifi-  
cate of citi-  
zenship in  
certain cases.

**11.** The Minister may, in his discretion, upon application, grant a certificate of citizenship to

(a) a person with respect to whose status as a Canadian citizen a doubt exists and the certificate may specify that the grant thereof is made for the purpose of removing doubts as to whether the person named therein is a Canadian citizen and the granting of the certificate shall not be deemed to establish that the person to whom it is granted was not previously a Canadian citizen;

(b) a minor in any special case whether or not the conditions required by this Act have been complied with; or

(c) a person who was an alien and who was naturalized under any Naturalization Act in force in Canada before the passing of *The Naturalization Act, 1914*.

1914, c. 44.

Certificate  
not effective  
till oath of  
allegiance  
taken.

**12.** A certificate of citizenship granted to any person under this Part, other than to a minor under the age of fourteen years, shall not take effect until the applicant has taken the oath of allegiance set forth in the Second Schedule to this Act, and thereupon the said person shall become a Canadian citizen.

Certificate  
not to be  
granted to  
persons under  
a disability.  
Rehearing.

**13.** Except as provided by this Act in the case of minors, a certificate of citizenship shall not be granted to any person under a disability.

**14.** (1) Before granting a certificate of citizenship to any person whose application has been approved by the Court, the Minister may, if he is in doubt whether the



certificate should be granted, refer the application to the Court for another hearing to be known as a rehearing.

(2) Where the Minister refers an application for a rehearing, he shall give notice in writing by registered mail of the rehearing to the applicant at the postal address shown in the application, and the rehearing shall not be proceeded with until the expiration of at least thirty days after the mailing of the said notice. Notice.

(3) An applicant shall, on a rehearing, produce to the Court such evidence as the court may require that he is qualified and fit to be granted a certificate of citizenship and shall also personally appear before the court for examination. Production of evidence.

(4) The decision of the Court on a rehearing shall be final and conclusive as regards the application. Decision to be final.

**15.** An applicant whose application has been rejected by the Court on a hearing or rehearing may make another application under section ten of this Act after the expiration of a period of two years from the date of such rejection. New application allowed

### PART III.

#### LOSS OF CANADIAN CITIZENSHIP.

**16.** A Canadian citizen who, when outside of Canada and not under a disability, by any voluntary and formal act other than marriage, acquires the nationality or citizenship of a country other than Canada shall thereupon cease to be a Canadian citizen. On acquisition of other nationality.

**17.** (1) Where a natural-born Canadian citizen, at his birth or during his minority, or any Canadian citizen on marriage, became or becomes under the law of any other country a national or citizen of that country, if, after attaining the full age of twenty-one years, or after the marriage, he makes, while not under disability, and still such a national or citizen, a declaration renouncing his Canadian citizenship, he shall thereupon cease to be a Canadian citizen. By renunciation where dual nationality

(2) Where a Canadian citizen who is under the law of any other country a national or a citizen of that country serves in the armed forces of any country when it is at war with Canada, he shall thereupon cease to be a Canadian citizen. Canadian citizen, serving in armed forces of another country.

**18.** (1) Where the responsible parent of a minor child ceases to be a Canadian citizen under section sixteen or section seventeen of this Act, the child shall thereupon cease to be a Canadian citizen if he is or thereupon becomes, under the law of any other country, a national or citizen of that country. Child of parent ceasing to be a Canadian citizen.

Declaration  
for resuming  
Canadian  
citizenship.

(2) A person who has ceased to be a Canadian citizen under subsection one of this section may, within one year after attaining the age of twenty-one years or in special circumstances with the consent of the Minister within any longer period than one year, make a declaration that he wishes to resume Canadian citizenship and he shall thereupon again become a Canadian citizen.

When loss of  
Canadian  
citizenship  
involves loss  
of British  
nationality.

**19.** Where a person ceases to be a Canadian citizen as provided in section sixteen, section seventeen or section eighteen of this Act, if he is at such time or thereupon becomes a national or citizen of a country other than a country of the British Commonwealth, he thereupon ceases to be a British subject.

By residence  
outside of  
Canada for  
six years.

**20.** A Canadian citizen, other than a natural-born Canadian citizen or a Canadian citizen who has served in the armed forces of Canada in time of war and been honourably discharged therefrom, ceases to be a Canadian citizen if he resides outside of Canada for a period of at least six consecutive years exclusive of any period during which,

- (a) he is in the public service of Canada or of a province thereof;
- (b) he is a representative or employee of a firm, business, company or organization, religious or otherwise, established in Canada or of an international agency of an official character in which Canada participates;
- (c) he resides outside of Canada on account of ill-health or disability;
- (d) he is the spouse or minor child of, and resides outside of Canada for the purpose of being with a spouse or parent who is a Canadian citizen residing outside of Canada for any of the objects or causes specified in paragraphs (a) to (c) inclusive of this section;
- (e) he is the spouse of, and resides outside of Canada for the purpose of being with a spouse who is a natural-born Canadian citizen; or
- (f) his Canadian citizenship is certified to be extended by endorsement of his certificate of citizenship, or if he has no certificate of citizenship, of his passport, by the officer in charge of a consulate, which endorsement shall state that the Canadian citizen appeared before the officer prior to the expiration of the said period of six years and established
  - (i) that his absence from Canada was of a temporary nature, and
  - (ii) that he intended in good faith to return to Canada for permanent residence as a Canadian citizen,
 and shall be in such form and may extend his Canadian citizenship for such period as may be prescribed by regulation.



**21.** (1) The Governor in Council may order that any person other than a natural-born Canadian citizen shall cease to be a Canadian citizen if, upon a report from the Minister, he is satisfied that the said person either

By revoca-  
tion of  
Canadian  
citizenship

- (a) has, during any war in which Canada is or has been engaged, unlawfully traded or communicated with the enemy or with a subject of an enemy state or has been engaged in or associated with any business which to his knowledge is carried on in such manner as to assist the enemy in such war;
- (b) has obtained a certificate of naturalization or of Canadian citizenship by false representation or fraud or by concealment of material circumstances;
- (c) has, since becoming a Canadian citizen or being naturalized in Canada, been for a period of not less than six years ordinarily resident out of Canada and has not maintained substantial connection with Canada; or
- (d) if out of Canada, has shown himself by act or speech to be disaffected or disloyal to His Majesty, or, if in Canada, has been convicted of treason or sedition by a court of competent jurisdiction.

(2) The Minister before making a report under this section shall cause notice to be given or sent to the last known address of the person in respect of whom the report is to be made, giving him an opportunity of claiming that the case be referred for such inquiry as is hereinafter specified and if said person so claims in accordance with the notice, the Minister shall refer the case for inquiry accordingly.

Notice and  
reference for  
inquiry

(3) An inquiry under this section shall be held by a commission constituted for the purpose by the Governor in Council upon the recommendation of the Minister, presided over by a person appointed by the Governor in Council who holds or has held high judicial office, and shall be conducted in such manner as the Governor in Council shall order: Provided that any such inquiry may, if the Governor in Council thinks fit, instead of being held by such commission, be held by the superior court of the province in which the person concerned resides, and the practice and procedure on any inquiry so held shall be regulated by rules of court.

Inquiry by  
Commission.

Proviso.

(4) The members of any commission appointed under this section shall have all such powers, rights and privileges as are vested in any superior court or in any judge thereof on the occasion of any action in respect of

Powers of  
Commission.

- (a) enforcing the attendance of witnesses and examining them on oath, affirmation or otherwise, and the issue of a commission or a request to take evidence abroad;
  - (b) compelling the production of documents; and
  - (c) punishing persons guilty of contempt;
- and a summons signed by one or more members of the



Commission 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.

Cancellation  
of certifi-  
cate.

(5) Where the Governor in Council, under this section, directs that any person cease to be a Canadian citizen, the order shall have effect from such time as the Governor in Council may direct and thereupon the said person shall cease to be a Canadian citizen and shall give up and surrender for cancellation any certificate of citizenship or naturalization granted to him and any person omitting to give up the said certificate shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five hundred dollars.

Revocation  
of certificate  
granted in  
other  
country of the  
British Com-  
monwealth.

**22.** The Governor in Council may, with the concurrence of a government of a country of the British Commonwealth other than Canada, revoke a certificate of naturalization granted in the said country to a person who resides in Canada and the provisions of section twenty-one of this Act shall apply *mutatis mutandis* in respect of the said revocation.

Citizenship  
of spouse  
or minor  
children.

**23.** (1) Where a person ceases to be a Canadian citizen under section twenty or under section twenty-one or a British subject under section twenty-two of this Act, the citizenship or status as to nationality of the spouse and minor children of the said person shall not be affected thereby except as provided in this section.

When wife or  
child shall  
cease to be a  
Canadian  
citizen.

(2) Where a person ceases to be a Canadian citizen under section twenty or section twenty-one or a British subject under section twenty-two of this Act, if

(a) the wife of the said person became a British subject by reason only of her marriage to the said person; or

(b) the said person is the responsible parent of a child, the Governor in Council may direct that the said wife or the said children shall cease to be Canadian citizens or British subjects, as the case may be.

Declaration  
renouncing  
Canadian  
citizenship

(3) The wife of a person who has ceased to be a Canadian citizen under section twenty or under section twenty-one or a British subject under section twenty-two of this Act, may within six months thereafter make a declaration renouncing her Canadian citizenship or her status as a British subject and thereupon any minor children of her husband and herself shall cease to be Canadian citizens or British subjects, as the case may be.

Reversion  
to prior  
nationality.

**24.** Where a person ceases to be a Canadian citizen as provided in section twenty, section twenty-one or section twenty-three, or ceases to be a British subject as provided in section twenty-two or section twenty-three of this Act,



he shall be regarded as having the nationality or citizenship which he had before he became a Canadian citizen or a British subject, as the case may be.

**25.** Where a person ceases to be a Canadian citizen or a British subject, he shall not thereby be discharged from any obligation, duty or liability in respect of any act or thing done or omitted before he ceased to be a Canadian citizen or a British subject.

Saving of obligations incurred before loss of citizenship

#### PART IV.

##### STATUS OF CANADIAN CITIZENS AND RECOGNITION OF BRITISH SUBJECTS

**26.** A Canadian citizen is a British subject.

Canadian citizen a British subject.

**27.** A Canadian citizen other than a natural-born Canadian citizen shall, subject to the provisions of this Act, be entitled to all rights, powers and privileges and be subject to all obligations, duties and liabilities to which a natural-born Canadian citizen is entitled or subject and, on and after becoming a Canadian citizen, shall, subject to the provisions of this Act, have a like status to that of a natural-born Canadian citizen.

Rights and obligations.

**28.** A person, who has acquired the status of British subject by birth or naturalization under the laws of any country of the British Commonwealth other than Canada to which he was subject at the time of his birth or naturalization, shall be recognized in Canada as a British subject.

British subjects under the laws of other countries of the British Commonwealth

#### PART V.

##### STATUS OF ALIENS.

**29.** (1) Real and personal property of every description may be taken, acquired, held and disposed of by an alien in the same manner in all respects as by a natural-born Canadian citizen; and a title to real and personal property of every description may be derived through, from or in succession to an alien in the same manner in all respects as through, from or in succession to a natural-born Canadian citizen.

Rights of aliens.

(2) This section shall not operate so as to

Disabilities.

- (a) qualify an alien for any office or for any municipal, parliamentary or other franchise;
- (b) qualify an alien to be the owner of a Canadian ship;
- (c) entitle an alien to any right or privilege as a Canadian citizen except such rights and privileges in respect of property as are hereby expressly given to him; or

(d) affect an estate or interest in real or personal property to which any person has or may become entitled, either mediately or immediately, in possession or expectancy, in pursuance of any disposition made before the fourth day of July, one thousand eight hundred and eighty-three, or in pursuance of any devolution by law on the death of any person dying before that day.

Trial of  
alien

**30.** An alien shall be triable at law in the same manner as if he were a natural-born Canadian citizen.

## PART VI.

### PROCEDURE AND EVIDENCE.

Application,  
where made.

**31.** An application for a certificate of citizenship shall be made to the Court in the judicial district in which the applicant resides or as otherwise prescribed by regulation.

To be filed  
with the clerk  
of the Court.

Posting

**32.** An application for a certificate of citizenship shall be filed with the Clerk of the Court and shall be posted by the Clerk in a conspicuous place in his office, or as otherwise prescribed by regulation, continuously for a period of at least three months before the application is heard by the Court.

Filing of  
opposition.

**33.** At any time after the filing of an application for a certificate of citizenship and previous to the hearing of the application, any person objecting to the granting of the certificate to the applicant may file in the Court an opposition in which shall be stated the grounds of his objection.

Production  
of evidence.

Applicant to  
appear  
personally.

**34.** The applicant for a certificate of citizenship shall produce to the Court such evidence as the Court may require that he is qualified and fit to be granted a certificate under the provisions of this Act, and shall personally appear before the Court for examination unless it is established to the satisfaction of the Court that he is prevented from so appearing by some good and sufficient cause.

Copy of  
favourable  
decision  
transmitted  
to the  
Minister.

**35.** If the Court decides that the applicant for a certificate of citizenship is a fit and proper person to be granted such certificate and possesses the required qualifications, a certified copy of the decision shall be transmitted by the Clerk of the Court to the Minister together with the application and such other papers, documents and reports as may be required by regulation.

Issuance and  
delivery of  
certificate.

**36.** When the Minister receives a decision of the Court under section thirty-five of this Act, he may thereupon



issue a certificate of citizenship and shall send the certificate to the Clerk of the Court by whom such decision was forwarded, or as otherwise prescribed by regulation, and upon the applicant taking the oath of allegiance, the Clerk shall deliver the certificate to the applicant after having endorsed thereon the date of the taking of the oath of allegiance which date shall be the date of the certificate of citizenship.

Oath of  
allegiance.

Date of  
certificate

**37.** The Minister, with the approval of the Governor in Council, shall take such measures as to him may appear fitting to provide facilities to enable applicants for certificates of citizenship to receive instruction in the responsibilities and privileges of Canadian citizenship.

Instruction  
in the respon-  
sibilities and  
privileges of  
Canadian  
citizenship.

**38.** The Court, in the conduct of proceedings under this Act, shall, by appropriate ceremonies, impress upon applicants the responsibilities and privileges of Canadian citizenship.

Proceedings  
in Court.

## PART VII.

### GENERAL.

**39.** (1) The Governor in Council may make regulations generally for carrying into effect the purposes and provisions of this Act, and in particular with respect to the following matters:—

Regulations.

- (a) the forms to be used under this Act including the form and manner of registration of declarations and of certificates;
- (b) the time within which the oath of allegiance is to be taken after the issue of a certificate of citizenship;
- (c) the persons before whom the oath of allegiance may be taken and the persons before whom any declarations under this Act may be made;
- (d) the form in which the taking of oaths of allegiance is to be attested and the registration thereof;
- (e) the persons by whom certified copies of oaths of allegiance may be given; and the proof in any legal proceeding of any such oaths;
- (f) the imposition and application of fees in respect of any registration authorized to be made by this Act or any Act heretofore in force in Canada and in respect of the making of any declaration or the grant of any certificate authorized to be made or granted by this Act or any Act heretofore in force in Canada, and in respect of the administration or registration of any oath;
- (g) the expedient and fitting procedure to be followed in the conduct of proceedings before the Court to impress upon applicants the responsibilities and privileges of Canadian citizenship;

Powers of  
Governor in  
Council.

Regulations  
to be laid  
before Par-  
liament.

Evidence of  
declarations.

Evidence of  
certificate.

Evidence of  
entries and  
certification  
of copies.

Question of  
domicile,  
how  
determined.

R S., c. 93.

(h) the manner of proof of any qualification required for the grant of a certificate of citizenship under this Act; and

(i) the manner of proof of Canadian citizenship and the granting of special certificates for such purpose.

(2) The Governor in Council may

(a) authorize the issue of a proclamation declaring that any part of His Majesty's dominions not listed in the First Schedule to this Act is a country of the British Commonwealth for the purposes of this Act;

(b) designate persons in the Northwest Territories and in the Yukon Territory who shall constitute courts for the purposes of this Act.

(3) All such regulations shall be laid before Parliament within fifteen days after they are made if Parliament is then sitting, or if Parliament is not then sitting, within fifteen days after the commencement of the next ensuing session thereof.

**40.** Any declaration made under this Act or under any Act heretofore in force may be proved in any legal proceeding by the production of the original declaration or of any copy thereof certified to be a true copy by the Minister or by any person authorized by him in that behalf, without proof of such authorization, and the production of the declaration or copy shall be evidence of the contents thereof and of the person therein named as declarant having made the declaration at the date therein mentioned.

**41.** A certificate of citizenship or a certificate of naturalization may be proved in any legal proceeding by the production of the original certificate or of any copy thereof certified to be a true copy by the officer or persons authorized to issue such certificate of citizenship or such certificate of naturalization or by any person authorized by such officer or person in that behalf, without proof of such authorization.

**42.** Entries made in any register in pursuance of this Act or under any Act heretofore in force may be proved by such copies and certified in such manner as may be directed by the Minister, and the copies of any such entries shall be evidence of any matters, by this Act or by any regulation of the Governor in Council or of the Minister, authorized to be inserted in the register.

**43.** Where any question arises under this Act as to whether any person had Canadian domicile immediately prior to the coming into force of this Act, the question shall be determined by the same authority and in a like manner as if it arose under the *Immigration Act* and the determination thereof in such manner shall be final and conclusive for the purposes of this Act.



**44.** If any person for any of the purposes of this Act knowingly makes any false representation or any statement false in a material particular, he shall be guilty of an offence and liable on summary conviction in respect of each offence to imprisonment with or without hard labour for any term not exceeding three months.

Penalty for  
false  
representation  
or statement.

Offence.

**45.** (1) The *Naturalization Act*, chapter one hundred and thirty-eight of the Revised Statutes of Canada, 1927 and the *Canadian Nationals Act*, chapter twenty-one of the Revised Statutes of Canada, 1927, are repealed.

Acts  
repealed.

(2) Where, in any Act of the Parliament of Canada or any order or regulation made thereunder, any provision is made applicable in respect of

New status  
to apply.

(a) a "natural-born British subject" it shall apply in respect of a "natural-born Canadian citizen"; or

(b) a "naturalized British subject" it shall apply in respect of a "Canadian citizen other than a natural-born Canadian citizen"; or

(c) a "Canadian national" it shall apply in respect of a "Canadian citizen";

under this Act, and where in any Act, order or regulation aforesaid any provision is made in respect of the status of any such person as a Canadian national or British subject it shall apply in respect of his status as a Canadian citizen or British subject under this Act.

**46.** (1) Notwithstanding the repeal of the *Naturalization Act* and the *Canadian Nationals Act*, this Act is not to be construed or interpreted as depriving any person who is a Canadian national, a British subject or an alien as defined in the said Acts or in any other law in force in Canada of the national status he possesses at the time of the coming into force of this Act.

Saving.

(2) This Act is to be construed and interpreted as affording facilities for any person mentioned in the last preceding subsection if he should so desire to become a Canadian citizen if he is not a natural-born Canadian citizen as defined in this Act, and if he possesses the qualifications for Canadian citizenship as defined in this Act.

Construction  
as to facilities  
for becoming  
Canadian  
citizen

**47.** This Act shall come into force upon a date to be fixed by proclamation of the Governor in Council.

Coming into  
force.

## SCHEDULES

## FIRST SCHEDULE.

The United Kingdom.

Canada.

The Commonwealth of Australia (including for the purposes of this Act the territory of Papua and Norfolk Island).

The Dominion of New Zealand.

The Union of South Africa.

Ireland.

Newfoundland.

## SECOND SCHEDULE.

*Oath of Allegiance.*

I, A.B., swear that I will be faithful and bear true allegiance to His Majesty King George the Sixth, his Heirs and Successors, according to law, and that I will faithfully observe the laws of Canada and fulfil my duties as a Canadian citizen.

So help me God.

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