

**THE CITIZENSHIP OF BOTSWANA (SUPPLEMENTARY  
PROVISIONS) LAW, 1966**



No. 39



1966

I assent,

14th September, 1966

H.S. Norman-Walker,  
Her Majesty's Commissioner.

**A LAW TO MAKE SUPPLEMENTARY PROVISION FOR THE ACQUISITION OF CITIZENSHIP OF BOTSWANA BY ADOPTION, NATURALIZATION AND REGISTRATION; TO REGULATE THE CIRCUMSTANCES AND MANNER IN WHICH CITIZENS OF BOTSWANA MAY RENOUNCE, BE DEPRIVED OF, OR LOSE THEIR CITIZENSHIP; TO MAKE PROVISION FOR CERTAIN OTHER MATTERS RELATING TO CITIZENSHIP OF BOTSWANA; AND TO PROVIDE FOR MATTERS INCIDENTAL TO OR CONNECTED THEREWITH.**

(30th September, 1966)

ENACTED BY the Legislature of Bechuanaland.

**PART I  
PRELIMINARY**

**Short Title and Commencement.**

1. This Law may be cited as the Citizenship of Botswana (Supplementary Provisions) Law, 1966 and shall come into operation on the 30th September, 1966.

**Interpretation**

2. (1) In this Law, unless the context otherwise requires –

“certificate of naturalisation” means a certificate of naturalisation granted under this Law;

“citizen” means a citizen of Botswana;

“consulate” means an office of a consular officer of the Government, or where there is no such office, such office as may be prescribed;

“The Territory” means Botswana or the former protectorate of Bechuanaland;

(2) For the purposes of this Law –

- (a) a person shall be of full age if he has attained the age of twenty-one years and of full capacity if he is not a mentally disordered or defective person, and not adjudged or otherwise declared to be of unsound mind;
- (b) a person shall be deemed not to have attained a given age until the beginning –

- (i) of the relevant anniversary of the day of his birth;
  - (ii) in the case of a person born on the twenty-ninth day of February in any year, of the first of March in the year which is twenty-one years after the year of his birth;
- (c) any woman who is or has been married shall be deemed to be of full age.

## **PART II**

### **CITIZENSHIP BY ADOPTION**

#### **Citizenship by Adoption**

3. A child adopted under the provisions of any written law relating to the adoption of children shall, if he was not a citizen at the date of such adoption, become a citizen by adoption on the date of such adoption if the adopter, or, in the case of a joint adoption, the male adopter, was at the date of the adoption a citizen.

## **PART III**

### **REGISTRATION AND NATURALISATION**

#### **Registration of Minors**

4. (1) The Minister may cause any person not of full age who is the child of a citizen to be registered as a citizen upon application made in the manner prescribed by a parent or guardian of such person.

(2) When the Minister is satisfied that any person not of full age has associations by way of descent, residence or otherwise with the Territory which would justify his registration as a citizen, he may cause such person to be registered as a citizen.

#### **President's Power to Register Citizens**

5. (1) The President may as a token of honour cause to be registered as a citizen any person who in his opinion has done signal honour or rendered distinguished service to Botswana.

(2) The President may cause to be registered as a citizen any person not otherwise entitled to or eligible for citizenship of Botswana with respect to whom special circum-

tances exist which, in the opinion of the President, warrant such registration.

#### **Effect on Registration**

6. Subject to the provisions of section 11 (2) a person entitled to be registered as a citizen under Chapter III of the Constitution or registered under section 4 or section 5 shall become a citizen by registration as from the date on which he is registered.

#### **Citizenship by Naturalisation**

7. (1) Any person of full age and capacity who makes application in the manner prescribed and who satisfies the Minister that he –

- (a) is, at the date of his application, ordinarily resident in Botswana;
- (b) has, at the date of his application, been ordinarily resident in the Territory for the period of five years immediately preceding that date;
- (c) is of good character;
- (d) has an adequate knowledge of a prescribed vernacular language or the English language;
- (e) intends, after the granting of his application, to
  - (i) continue to reside in Botswana; or
  - (ii) enter or continue in the service of the Government;
- (f) is willing to renounce any citizenship which he may possess; and
- (g) has not been refused naturalisation as a citizen within the period of two years immediately preceding his application;

shall be eligible to become a citizen by naturalisation and the Minister may grant a certificate of naturalisation to such person.

(2) The Minister shall cause every person to whom a certificate of naturalisation has been granted to be notified of the time within which and the person before whom he may take the oath of allegiance.

(3) A certificate of naturalisation shall be of force and effect only when the person to whom it has been granted has taken the oath of allegiance, and subject to the provisions of

section 11 (2), that person shall become a citizen by naturalisation on the day when such certificate becomes of force and effect.

**Periods not to count as Periods of Residence**

8. (1) Any period during which a person –
- (a) has been confined in or has been an inmate of a prison or mental institution; or
  - (b) has resided in the Territory as a visitor or in terms of a statutory permit authorising only temporary residence in the Territory;

shall not be counted for the purposes of section 7 as a period of residence in the Territory.

(2) For the purpose of this section a person shall not be deemed to have been confined in prison unless –

- (a) he has been so confined consequent on a sentence of imprisonment imposed on him by a court; and
- (b) the sentence of imprisonment imposed on him has not, on appeal or review, been quashed or a fine substituted therefor.

**PART IV**

**RENUNCIATION, DEPRIVATION AND LOSS OF CITIZENSHIP**

**Renunciation of Citizenship**

9. (1) A citizen of full age and capacity who –
- (a) is also a citizen of a country other than Botswana; or
  - (b) satisfies the Minister that he will, after renouncing his citizenship of Botswana, become a citizen of another country;

may, in the prescribed manner, make a declaration of renunciation of his citizenship of Botswana and the Minister shall, subject to the provisions of, subsection (2), cause such declaration to be registered.

(2) The Minister may decline to register any declaration of renunciation of citizenship made during any war in which Botswana may be engaged.

(3) Subject to the provisions of subsection (4), the person making a declaration of renunciation of citizenship of Botswana

shall cease to be a citizen upon the registration of such declaration.

(4) Where a citizen who has satisfied the Minister as provided in subsection (1) (b) does not thereafter become a citizen of another country within six months from the date of registration of his declaration of renunciation he shall be, and be deemed to have remained, a citizen of Botswana notwithstanding the registration of his declaration of renunciation.

#### **Deprivation of Citizenship.**

10. (1) The Minister may, subject to the provisions of this section, by order deprive of his citizenship of Botswana, any citizen who is such by registration or naturalisation if he is satisfied —

- (a) that the citizen has shown himself by act or speech to be disloyal or disaffected towards Botswana;
- (b) that the citizen has, during any war in which Botswana was engaged, unlawfully traded or communicated with the enemy or been engaged in or associated with any business that was to his knowledge carried on in such a way as to assist an enemy in that war;
- (c) that the citizen has been absent from Botswana for a continuous period of seven years without registering in the prescribed manner, with a consulate, or declaring by notice in writing to the Minister, his intention to retain his citizenship of Botswana; or
- (d) that the registration or naturalisation was obtained by means of fraud, false representation, or the concealment of any material fact.

(2) For the purposes of subsection (1) (c) no period —

- (a) spent in the discharge of his duties outside Botswana by a person in the service of the Government; or
- (b) during which a person was absent from Botswana by reason of his service with an international organisation of which the Government was, at the time of such service, a member;

shall be taken into account for the purpose of determining the length of a person's absence from Botswana.

(3) The Minister shall not deprive a person of citizenship under this section unless he is satisfied that it is not

conducive to the public good that that person should continue to be a citizen.

(4) Before making an order under this section the Minister shall give the person against whom the order is proposed to be made notice in writing informing him of the ground on which it is proposed to be made and of his right to have his case referred for enquiry as in subsection (5) provided.

(5) If a person notified in pursuance of the provisions of subsection (4) applies for an enquiry within such time and in such manner as may be prescribed the Minister shall refer the case for enquiry and report to a commissioner appointed by him for the purpose.

(6) The powers, rights and privileges of a commissioner appointed in terms of subsection (5) shall be the same as those conferred on commissioners by the Commissions of Enquiry Law, 1963, and the provisions of that Law shall, *mutatis mutandis*, apply in relation to an enquiry under this section and to a person summoned to give evidence or giving evidence at the enquiry.

(7) A person shall not be qualified for appointment as a commissioner unless he is qualified to become a judge of the High Court.

#### **Declarations to be made in Cases of Dual Citizenship.**

11. Where a person is a citizen of Botswana and is also the citizen of some other country, the law of which does not permit such person to renounce his citizenship thereof, and but for such law that person would, under Chapter III of the Constitution, cease to be a citizen of Botswana unless he renounced his citizenship of that other country by a specified date, that person shall cease to be a citizen of Botswana on that date unless before that date he has produced to a public officer authorised in that behalf by the Minister, a declaration concerning his citizenship in the form specified in the Schedule.

#### **Loss of Botswana Citizenship by Children born in Botswana with Citizenship of Prescribed Countries**

12. (1) Any person born in Botswana after the commencement who is, in accordance with the law of a prescribed country, a citizen by descent of that country, and whose father is at the time of his birth a citizen of that country, shall cease on the day following his birth to be a citizen.

(2) For the purposes of this section the citizenship of the father of a person at the time of that person's birth shall, in

relation to a person born after the death of his father, be construed as a reference to the citizenship of the father at the time of the father's death; and where that death occurred before the commencement, and the birth occurred after the 30th September, 1966, the citizenship that the father would have had if he had died on the commencement shall be deemed to be his citizenship at the time of his death.

## **PART V**

### **SUPPLEMENTAL**

#### **Certificates of Citizenship in cases of doubt**

13. (1) The Minister may, in such cases as he thinks fit, on the application of any person with respect to whose citizenship of Botswana a doubt exists, whether on a question of fact or law, certify that that person is a citizen.

(2) A certificate issued under subsection (1) shall, unless it is proved that it was obtained by means of fraud, false representation or concealment of any material fact, be conclusive evidence that the person was a citizen on the date of the issue of the certificate, but without prejudice to any evidence that he was a citizen at an earlier date.

#### **Minister's Decision to be Final**

14. The Minister shall not be required to assign any reason for the grant or refusal of any application under this Law, and the decision of the Minister made under and in accordance with the provisions of this Law shall not be subject to an appeal to or review by any court.

#### **Evidence**

15. (1) Every document purporting to be a notice, certificate, order or declaration, or any entry in a register or subscription of an oath of allegiance, given, granted, or made under Chapter III of the Constitution or under this Law shall be received in evidence, and shall, unless the contrary is proved, be deemed to have been given, granted or made by or on behalf of the person by whom or on whose behalf it purports to have been given, granted or made.

(2) *Prima facie* evidence of any such document referred to in subsection (1) may be given by production of a document purporting to be certified as a true copy thereof by such person and in such manner as may be prescribed.

(3) Any entry in a register made under Chapter III of the Constitution or under this Law shall be received as evidence of the matters stated therein.

(4) For the purposes of this Law a certificate given by any Permanent Secretary stating that a person was at any time in the service of the Government shall be conclusive evidence of that fact.

#### **Offences**

16. (1) Any person who, for the purpose of procuring anything to be done or not to be done under the provisions of Chapter III of the Constitution or under this Law, makes any statement which he knows to be false in any material particular, or recklessly makes any statement which is false in a material particular, shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(2) Any person who fails to comply with any requirement imposed on him by regulations made under this Law with respect to the delivering up of certificates of naturalisation shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand.

(3) The liability of any person in relation to any offence shall not be affected by any renunciation, deprivation or loss of his citizenship of Botswana after the commission of the offence.

#### **Manner for making Applications**

17. Save for an application made under the provisions of section 10 (5), every application made under Chapter III of the Constitution, or under this Law shall -

- (a) be accompanied by the prescribed fee (if any);
- (b) where the form of such application is prescribed, be made in such form with such variations as the circumstances require and the Minister accepts;
- (c) shall be supported by such evidence of the statements made therein as may be prescribed; and
- (d) shall be verified by affidavit or a declaration made before a magistrate, justice of the peace, or commissioner of oaths.

#### **Regulations**

18. The Minister may by regulations make provision generally for carrying into effect the purposes of this Law and in particular

for -

- (a) prescribing anything to be prescribed or which may be prescribed under Chapter III of the Constitution or under this Law;
- (b) the registration of anything required or authorised under Chapter III of the Constitution or under this Law to be registered;
- (c) the administration and taking of the oath of allegiance under this Law, for the time within which the oath of allegiance be taken, and for the registration of oaths of allegiance;
- (d) the giving of any notice required or authorised to be given to any person under this Law;
- (e) the cancellation of the registration of, and the cancellation of certificates of naturalisation relating to, persons being deprived of, renouncing or losing citizenship under this Law, and for requiring such certificates to be delivered up for that purpose;
- (f) the registration by public officers, or by persons or classes of persons authorised in that behalf by the Minister, of the births and deaths of persons of any class or description born or dying elsewhere than in Botswana;
- (g) enabling the births and deaths of citizens born or dying in any country in which the Government has for the time being no diplomatic or consular representatives to be registered by persons serving in the diplomatic, consular or other foreign service of any country which, by arrangement with the Government, has undertaken to represent the Government's interest in that country, or by a person authorised in that behalf by the Minister;
- (h) defining the circumstances in which and the conditions subject to which copies of certificates issued under the Law may be obtained;
- (i) the imposition and recovery of fees in respect of any application, other than an application made under the provisions of section 10 (5) made to the Minister or in respect of any registration, the making of any declaration, the grant of a certificate, or the taking of the oath of allegiance authorised to be made, granted or taken under Chapter III of the Constitution or under this Law, and in respect of supplying a certified copy of any notice, certificate, order, declaration, entry or oath made, granted or taken under that part

of the Constitution or this Law, and for the application of any such fees.

**SCHEDULE**

(section 11)

**DECLARATION CONCERNING CITIZENSHIP**

(under section 11 of the Citizenship of Botswana (Supplementary Provisions) Law, 1966)

I, .....  
(full name in block capitals)

do solemnly and sincerely declare —

1. That I was born at .....  
(insert name of place)

in .....  
(insert name of country)

and am of or over the age of ..... years.

2. That I married .....  
at .....

3. That I am a citizen of Botswana by birth/descent/registration/naturalisation  
and am also a citizen of .....  
by birth/descent/registration/naturalisation/marriage.

4. That as I am desirous of retaining my status as a citizen of Botswana I hereby renounce so far as it lies within my power my status as a citizen of

.....  
and any claim I have to the protection of that country.

.....  
Signature of applicant.

Declared before me at .....  
this ..... day of ..... 19 .....

.....  
Commissioner of Oaths.

Passed by the Legislative Assembly this day,  
the 24th August, 1966.

G.T. MATENGE,  
Clerk of the Legislative Assembly.