

WESTERN PACIFIC HIGH COMMISSION.

No. 9 of 1919



[L.S.]

C. H. RCDWELL,

High Commissioner.

29th November, 1919.

## KING'S REGULATION

RELATING TO THE REVOCATION OF CERTIFICATES OF NATURALISATION.

Made by His Britannic Majesty's High Commissioner for the Western Pacific under the provisions of the Pacific Order in Council, 1893.

In the name of His Majesty, George the Fifth, by the Grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India.

[29th November, 1919.]

1. This Regulation may be cited for all purposes as the Denaturalisation Regulation 1919 and shall apply to any person or persons resident in the Kingdom of Tonga who were prior to the grant of certificates of British naturalisation citizens or subjects of a State with which His Majesty was at any time during the year of our Lord one thousand nine hundred and eighteen at war.

SHORT TITLE AND APPLICATION.

2.—(1) When the High Commissioner is satisfied that a certificate of naturalisation granted in and for the Kingdom of Tonga in pursuance of any existing power and authority 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 High Commissioner shall by order revoke the certificate.

REVOCATION OF CERTIFICATE OF NATURALISATION.

(2) Without prejudice to the foregoing provisions the High Commissioner shall by order revoke a certificate of naturalisation 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

(c) was not of good character at the date of the grant of the certificate; or

(d) 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 High Commissioner 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 paragraphs (a) (c) or (d) of subsection (2) of this section apply the High Commissioner 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 High Commissioner 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 High Commissioner presided over by such person as the High Commissioner may appoint and shall be conducted in such manner as the High Commissioner may direct. Provided that any such inquiry may if the High Commissioner thinks fit instead of being held as aforesaid be held by the Chief Justice of Tonga 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 Commissioner's Court 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 of 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 the High Commissioner revokes a certificate of naturalisation the revocation shall have effect from such date as the High Commissioner 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.

3.—(1) Where a certificate of naturalisation is revoked the High Commissioner 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 naturalised British subjects in the Kingdom of Tonga and any such person shall thereupon become an alien but except where the High Commissioner 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 naturalised British subjects in the Kingdom of Tonga. Provided that—

EFFECT OF  
REVOCATION OF  
NATURALISA-  
TION.

- (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 naturalised British subjects in the Kingdom of Tonga and shall become alien; and
- (b) the High Commissioner 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 naturalisation in her own right the certificate could properly have been revoked under this Regulation and the provisions of this Regulation 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) Where a certificate of naturalisation is revoked the former holder thereof shall be regarded as an alien and as a subject of the State to which he belonged at the time the certificate was granted.

4. No certificate of naturalisation shall before the expiration of a period of ten years after the termination of the great war with Germany and her allies be granted in the Kingdom to any subject of a country with which His Majesty was at any time during the year of our Lord one thousand nine hundred and eighteen at war but this provision shall not apply to a person who—

NO NATURALI-  
SATION FOR  
CERTAIN  
PERSONS FOR  
TEN YEARS.

- (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.

Published and exhibited in the Public Office of the High Commissioner for the Western Pacific this twenty-ninth day of November one thousand nine hundred and nineteen.

By Command,

ROGER GREENE,  
Secretary to His Britannic Majesty's High  
Commissioner for the Western Pacific.