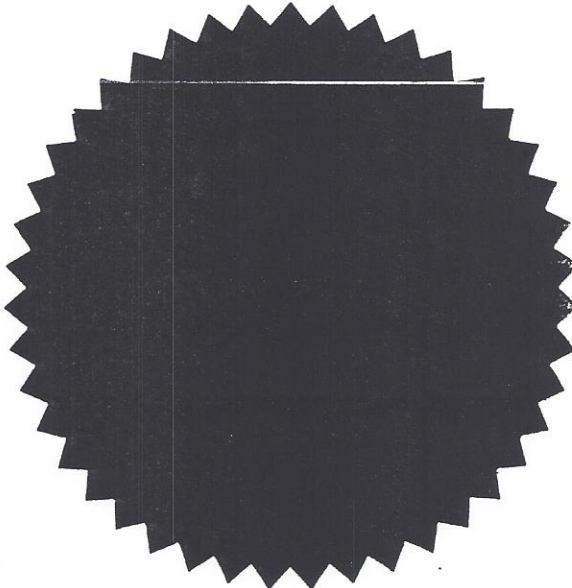


JAMAICA

ATTORNEY GENERAL
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No. 13 - 1999



In assent,

H. Boole
Governor-General

21st day of March, 1999

AN ACT to Amend the Constitution of Jamaica to provide for matters relating to citizenship.

[March 26, 1999]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, in accordance with the provisions of section 49 of the Constitution of Jamaica, and by the authority of the same, as follows:—

1. This Act may be cited as the Citizenship (Constitutional Amendment) Act, 1999, and shall be read and construed as one with the Constitution of Jamaica (hereinafter referred to as the Constitution) and all amendments thereto.

Short title
and construction.

Repeal and replacement of section 3 of Constitution.

2. The Constitution is amended by deleting section 3 and substituting therefor the following—

"Acquisition of Jamaican citizenship.

3.—(1) A person may, in accordance with the provisions of this Chapter, become a citizen of Jamaica by—

- (a) birth;
- (b) descent; or
- (c) registration as a citizen of Jamaica based on marriage to a citizen of Jamaica.

(2) Parliament may make provision for the acquisition of citizenship of Jamaica by persons who do not become citizens of Jamaica by virtue of the provisions of this Chapter.

(3) Subsection (1) shall not affect the right of any person who, before the coming into operation of this Act, was entitled to Jamaican citizenship by virtue of any provision of the Constitution in force before that date."

Insertion of new sections 3B and 3C in Constitution.

3. The Constitution is amended by inserting next after section 3A the following as sections 3B and 3C—

"Citizenship by birth. 3B.—(1) Every person born in Jamaica shall become a citizen of Jamaica—

- (a) on the sixth day of August, 1962, in the case of a person born before that date;
- (b) on the date of his birth, in the case of a person born on or after the sixth day of August, 1962.

(2) A person shall be deemed to be born in Jamaica—

(a) if he is born on a ship or aircraft registered in Jamaica or belonging to the Government; or

(b) if at the time of his birth his mother—

(i) is a citizen of Jamaica residing in a country other than Jamaica by reason of her employment in the diplomatic service of Jamaica; or

(ii) whether or not a citizen of Jamaica, is residing in a country other than Jamaica by reason of her being married to a citizen of Jamaica who is residing in that country by reason of his employment in the diplomatic service of Jamaica.

(3) A person shall not become a citizen of Jamaica by virtue of this section if at the time of his birth—

(a) his father or mother possesses such immunity from suit and legal process as is accorded to an envoy of a foreign sovereign power accredited to Her Majesty in right of her government in Jamaica and neither of his parents is a citizen of Jamaica; or

(b) his father or mother is an enemy alien and the birth occurs in a place then under occupation by the enemy.

Citizenship by descent.

3C. Every person born outside Jamaica shall become a citizen of Jamaica—

(a) on the sixth day of August, 1962, in the case of a person born before that date; or

(b) on the date of his birth, in the case of a person born on or after the sixth day of August, 1962,

if, at that date, his father or mother is a citizen of Jamaica by birth, descent or registration by virtue of marriage to a citizen of Jamaica.”

Repeal of sections 5 and 6 of Constitution.

4. The Constitution is amended by repealing sections 5 and 6.

Amendment of section 7 of Constitution.

5. Section 7 of the Constitution is amended—

(a) by inserting immediately after the word “shall” the words “subject to subsection (2),”;

(b) by renumbering the section as subsection (1) and by inserting next thereafter the following as subsections (2) and (3)—

“(2) A person may be denied registration under this section if—

(a) there is satisfactory evidence that—

(i) the marriage was entered into primarily for the purpose of enabling that person to acquire Jamaican citizenship; or

(ii) the parties to the marriage have no intention to live permanently with each other as spouses, after the marriage;

(b) the person has been convicted in any country of a criminal offence specified

in any law which makes provision for such denial on the ground of such conviction.

(3) Subsection (2) shall not affect the right of any person who, before the coming into operation of this Act, was entitled to apply for Jamaican citizenship by virtue of any provision of this Constitution in force before that date.”

6. The Constitution is amended by deleting section 8 and substituting therefor the following—

Repeal and replacement of section 8 of Constitution.

“Deprivation of citizenship.

8.—(1) No person who is a citizen of Jamaica by virtue of section 3 (1) (a), (b) or (c) shall be deprived of his citizenship of Jamaica.

(2) A person who is a citizen of Jamaica other than by virtue of section 3 (1) (a), (b) or (c), shall not be deprived of his citizenship except by or under the provisions of a law—

(a) specifying the grounds on which such deprivation may take place and the procedure for such deprivation; and

(b) securing to any person affected thereby a right of access to the Supreme Court for the purpose of reviewing the decision to deprive him of his right to such citizenship.”

7. Section 11 of the Constitution is amended—

Amendment of section 11 of the Constitution.

(a) by deleting paragraph (a);



(b) by deleting paragraph (b) and substituting therefor the following—

“(b) prescribing the grounds on which and the procedure whereby a person may be deprived of his citizenship of Jamaica;”

Passed in the House of Representatives this 10th day of March, 1999.

VIOLET NEILSON,
Speaker.

Passed in the Senate this 25th day of March, 1999.

SYRINGA MARSHALL-BURNETT, C.D.,
President.

This printed impression has been carefully compared by me with the authenticated impression of the foregoing Act, and has been found by me to be a true and correct printed copy of the said Act.

Clerk to the Houses of Parliament.

Members of
the House of
Representatives

Members of
the Senate