

REPUBLIC OF ZAMBIA

THE CITIZENSHIP OF ZAMBIA ACT

CHAPTER 124 OF THE LAWS OF ZAMBIA

CHAPTER 124 THE CITIZENSHIP OF ZAMBIA ACT

THE CITIZENSHIP OF ZAMBIA ACT

ARRANGEMENT OF SECTIONS

PART I PRELIMINARYPART I

PRELIMINARY

Section

1. Short title
2. Interpretation

PART II CITIZENSHIP BOARDPART II

CITIZENSHIP BOARD

3. Establishment and composition of Citizenship Board
4. Provisions relating to office of member
5. Directions by the President
6. Secretary of Board
7. Correction of errors in register
8. Functions of Board
9. Decisions of Board to be final
10. Meetings of Board

PART III CITIZENSHIP BY ADOPTIONPART III

CITIZENSHIP BY ADOPTION

11. Citizenship by adoption

PART IV CITIZENSHIP BY REGISTRATIONPART IV

CITIZENSHIP BY REGISTRATION

12. Registration of minors
13. President's power to cause persons to be registered as citizens
14. Repealed by Act No. 17 of 1986
15. Obsolete
16. Persons entitled to be registered as citizens
17. Persons excluded from applying for registration as citizens
18. Periods to count as periods of residence

PART V CESSER, DEPRIVATION AND RENUNCIATION OF CITIZENSHIPPART V

CESSER, DEPRIVATION AND RENUNCIATION OF CITIZENSHIP

Section

19. Cesser of citizenship
20. Extension of period
21. Restoration of lapsed citizenship
22. Deprivation of citizenship
23. Renunciation of citizenship

PART VI SUPPLEMENTALPART VI

SUPPLEMENTAL

The Laws of Zambia

24. Certificates of citizenship in cases of doubt
25. Evidence
26. Manner of making applications
27. Offences
28. Communications of Board to be privileged
29. Prohibition of publication and disclosure of information to unauthorised persons
30. Immunity of members
31. Fiat of Director of Public Prosecutions
32. Annual report
33. Regulations
34. Saving

CHAPTER 124

CITIZENSHIP OF ZAMBIA

26 of 1975
17 of 1986
10 of 1990
13 of 1994

An Act to repeal and replace the Citizenship of Zambia Act; to provide for the establishment of the Citizenship Board and to determine its composition and functions; to make provision for the acquisition of citizenship of Zambia by adoption and by registration; to provide for the confirmation of citizenship of Zambia; to provide for the cesser, deprivation and renunciation of citizenship of Zambia; and to provide for matters connected with or incidental to the foregoing.

[4th March, 1977]

PART I PRELIMINARYPART I

PRELIMINARY

1. This Act may be cited as the Citizenship of Zambia Act.*

Short title

(1)

* The Citizenship of Zambia Act commenced on 4th March, 1977 by virtue of S.I. No. 55 of 1977

2. (1) In this Act, unless the context otherwise requires-

Interpretation
Cap. 1
Cap. 1

"Board" means the Citizenship Board established under section *three*;

"certificate of registration" means a certificate of registration issued under this Act;

"Chairman" means the Chairman of the Board or any other person appointed to act as Chairman under section *four*;

"citizen" means a citizen of Zambia;

"Constitution" means the Constitution of Zambia;

"established resident" has the meaning assigned to it in the Constitution;

"member" means a member of the Board, and includes any person appointed to act as a member under section *four*;

"secretary" means the secretary of the Board;

"Zambia consulate" means an office of a consular officer of the Government where a register of births or residents is kept or, where there is no such office, such office as may be prescribed.

(2) For the purposes of this Act-

(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, so found and not discharged as sane, under the provisions of the Mental Disorders Act;

Cap. 305

(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 29th February in any year, of the 1st 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 BOARDPART II

CITIZENSHIP BOARD

3. (1) There is hereby established pursuant to Article 8 of the Constitution a Board to be known as the Citizenship Board.

Establishment and
composition of
Citizenship Board.

(2) The Board shall consist of the Minister as Chairman and four other members appointed by the President.

The Laws of Zambia

(3) Subject to the provisions of this Act, a member shall hold office for a period of four years from the date of his appointment, and upon such terms and conditions as the President may determine at the time of his appointment.

(4) Notwithstanding the provisions of subsection (3), two of the first four appointed members shall vacate office after a period of two years which shall be specified in their letters of appointment.

(5) A retiring member shall be eligible for re-appointment:

Provided that a member who retires after holding office for four years shall not be eligible for re-appointment for a period exceeding two years.

4. (1) A person shall not be qualified for appointment as a member if-

Provisions relating to
office of member

- (a) he is not a citizen;
- (b) he has not attained the age of twenty-one years;
- (c) he is, under any law in force in Zambia, adjudged or otherwise declared to be of unsound mind;
- (d) he has been sentenced to a term of imprisonment of or exceeding six months;
- (e) he is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any written law; or
- (f) his freedom of movement is restricted or he is detained under the authority of any written law.

(2) Subject to the provisions of this section-

- (a) a member shall hold office at the President's pleasure;

- (b) the office of a member shall become vacant- Cap. 1
- (i) if any circumstances arise that, if he were not a member, would cause him to be disqualified for appointment as such;
 - (ii) *obsolete*;
 - (iii) if he resigns his office; or
 - (iv) at the expiration of the term for which he was appointed or re-appointed.

(3) A member may be removed from office by the President for inability to discharge the functions of his office (whether arising from infirmity of body or mind or from any other cause) or for misbehaviour.

(4) If the office of Chairman is vacant or if the Minister holding that office is for any reason unable to perform the functions of his office, then, until another Minister has been appointed to and has assumed the functions of that office or until the Minister holding that office has resumed those functions, as the case may be, those functions shall be performed by one of the other members as the President may designate.

(5) If at any time there are less than two members besides the Chairman, the President may appoint any other person to act as a member, and the person so appointed shall, subject to the provisions of sub-paragraphs (i) and (ii) of paragraph (b) of subsection (2), continue to act until the appointment to act is revoked by the President.

(6) A member may resign his office by writing under his hand addressed to the President and his resignation shall take effect when it is accepted by the President.

5. Subject to the provisions of Part II of the Constitution and notwithstanding anything contained in this Act, the President may give to the Board such general directions with respect to the performance of its functions as he may consider necessary, and the Board shall give effect to such directions.

Directions by the
President.
Cap. 1

6. (1) The Permanent Secretary, Ministry of Home Affairs, shall be the secretary of the Board and it shall be his duty generally to counsel, aid and assist the Board in the performance of its functions.

Secretary of Board

(2) The Secretary shall compile and maintain in the prescribed form-

- (a) a register of citizens by registration; and
- (b) a register of persons who have renounced or been deprived of citizenship or whose citizenship has ceased under any provision of this Act.

7. (1) If the Board has reason to believe that an error appears in any register compiled and maintained under sub-section (2) of section six, the Board shall, after giving notice to the person concerned and after considering such representations from him as he may choose to make, direct the secretary to effect such alterations in the register as may appear to the Board to be necessary to correct the error.

Correction of errors in register

(2) Subject to the provisions of subsection (1), entries in the register shall be conclusive evidence of the matters therein contained.

8. The Board shall have power to consider and decide upon-

Functions of Board
Cap. 1
Cap. 1

- (a) *obsolete*;
- (b) any application for registration as a citizen under the provisions of the Constitution;
- (c) any other matter relating to citizenship in accordance with the provisions of this Act.

9. The Board shall not be required to assign any reason for the grant or rejection of any application under this Act, and the decision of the Board made under and in accordance with the provisions of this Act shall be final and shall not be subject to appeal or review in any court:

Decisions of Board to be final

Provided that the Board may, in the special circumstances of any case or in the light of any new facts coming to its knowledge, review its own decision.

10. The Board shall ordinarily meet for the transaction of business at such times as it may consider necessary, but not less than four times in any calendar year.

Meetings of Board

(2) Any matter at a meeting of the Board shall be decided by a majority of votes and, in case of an equality of votes, the Chairman shall have a casting vote in addition to his deliberative vote.

(3) The quorum necessary for the transaction of the business of the Board shall be three.

(4) The Board may act notwithstanding a vacancy in its membership.

PART III CITIZENSHIP BY ADOPTIONPART III

CITIZENSHIP BY ADOPTION

11. A child adopted under the provisions of the Adoption Act 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, one of the adopters was at the date of the adoption a citizen.

Citizenship by adoption.
Cap. 54

PART IV CITIZENSHIP BY REGISTRATIONPART IV

CITIZENSHIP BY REGISTRATION

12. (1) The Board 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 prescribed manner by a parent or guardian of such person.

Registration of minors

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

13. (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 Zambia.

President's power to cause persons to be registered as citizens

(2) The President may cause to be registered as a citizen any person not otherwise entitled to or eligible for citizenship of Zambia with respect to whom special circumstances exist which, in the opinion of the President, warrant such registration.

14. *Repealed by Act No. 17 of 1986.*

15. Obsolete

16. (1) A person to whom the provisions of Article 6 of the constitution apply may make an application to the Board for registration as a citizen in such manner as may be prescribed.

Other persons entitled to be registered as citizens.
Cap. 1

(2) The Board may grant the application for registration as a citizen of a person who applies for such registration under the provisions of subsection (1) if the Board is satisfied that he-

(a) is, at the date of his application, ordinarily resident in Zambia;

(b) has, at the date of his application, been ordinarily resident in Zambia for the period of ten years immediately preceding that date;

- (c) is of good character;
- (d) has an adequate knowledge of the English language or any language commonly used by the indigenous inhabitants of Zambia which may be prescribed;
- (e) intends, after the granting of his application, to-
 - (i) continue to reside in Zambia; 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 registration as a citizen within the period of five years immediately preceding his application.

(3) Any person born in Zambia before the commencement of the Constitution whose father was not a citizen at the time of such person's birth and who ceased to be a citizen by reason of his failure to renounce his citizenship by descent, may make an application to the Board for registration as a citizen; and the Board may grant such application upon the condition that the applicant shall produce a certificate of renunciation of his original citizenship within three months from the date on which he is notified that his application for registration as a citizen has been granted. Cap. 1

(4) The Board may, on application in writing, grant to any person to whom subsection (3) applies an extension of the period in which he may renounce his other citizenship.

(5) For the purposes of subsections (2) and (3) where, under the law of a country other than Zambia a person cannot renounce his citizenship of that other country, he need not make such renunciation but he may instead make such declaration concerning such citizenship in such manner as may be prescribed.

(6) The Board shall cause every person to whom a certificate of registration has been granted to be notified of the time within which and the person before whom he may take the oath of allegiance or produce a certificate of renunciation.

(7) A certificate of registration shall be of force and effect only when the person to whom it has been granted has taken the oath of allegiance and produced a certificate of renunciation, and, subject to the provisions of subsection (4), that person shall become a citizen by registration on the day when such certificate becomes of force and effect.

17. Application for registration as a citizen under sections *fifteen and sixteen* shall not be made by or on behalf of any person who, under any law in force in Zambia, is adjudged or otherwise declared to be of unsound mind.

Persons excluded from applying for registration as citizens

18. The period to be taken into account in computing the period of ten years mentioned in Article 6(i)(b) of the Constitution shall be that period during which a person has the right to reside in Zambia by virtue of an entry permit.

Period to count as period of residence
Cap. 1

(As amended by No. 17 of 1986)

PART V CESSER, DEPRIVATION AND RENUNCIATION OF CITIZENSHIP

CESSER, DEPRIVATION AND RENUNCIATION OF CITIZENSHIP

19. (1) A person to whom the provisions of Article 5 of the Constitution apply and who is a citizen or has a claim to the citizenship of a country other than Zambia shall cease to be a citizen upon attaining the age of twenty-two years unless, after attaining the age of twenty-one years, he renounces his citizenship of that other country or of any claim thereto in such manner as may be prescribed.

Cesser of citizenship.
Cap. 1

(2) Any citizen of full age who by voluntary act, other than marriage, acquires the citizenship of a country other than Zambia, or who does any act indicating his intention to adopt or make use of such other citizenship, shall cease to be a citizen on the date of his acquisition of the citizenship of that other country.

(3) *Repealed by No. 17 of 1986*

(4) A person to whom the provisions of Article 9 (2) of the Constitution apply shall cease to be a citizen at the expiration of three months after he becomes a citizen unless he renounces his citizenship of a country other than Zambia, takes the oath of allegiance and makes and registers a declaration of his intention concerning residence in such manner as may be prescribed.

Cap. 1

(5) For the purposes of this Part, where under the law of a country other than Zambia a person cannot renounce his citizenship of that other country, he need not make such renunciation but he may instead make such declaration concerning such citizenship in such manner as may be prescribed.

(As amended by No. 17 of 1986)

20. Where, under the provisions of this Part or of Part II of the Constitution, the period within which any person is required to make a renunciation of citizenship or take the oath of allegiance or make and register a declaration of his intention concerning residence is prescribed, the Board may grant an extension of such period, and, where such extension is granted, the person concerned shall cease to be a citizen only if, at the expiration of the extended period, he has not made the renunciation or taken the oath of allegiance or made and registered a declaration of his intention concerning residence, as the case may be.

Extension of period.
Cap. 1

21. Notwithstanding anything to the contrary contained in this Part, a person who ceases to be a citizen and who satisfies the Board that at the time of the cesser of his citizenship of Zambia that he was unaware of such cesser may make application to the Board for his citizenship of Zambia to be restored.

Restoration of lapsed
citizenship

22. (1) A person to whom the provisions of section *thirteen* apply may be deprived of his citizenship of Zambia if, at any time, the President decides that his continued citizenship of Zambia is not conducive to the public good.

Deprivation of
citizenship

(2) Any decision of the President depriving any citizen of his citizenship of Zambia under subsection (1) shall be final and shall not be subject to appeal or review in any court.

(3) The Board may, subject to the provisions of this section, by order, deprive any citizen (other than a citizen to whom the provisions Article 4 or 5 of the Constitution apply) of his citizenship of Zambia if the Board is satisfied-

Cap. 1

- (a) that the citizen has shown himself by act or speech to be disloyal or disaffected towards Zambia;
- (b) that the citizen has, during any war in which Zambia 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 manner as to assist an enemy in that war;
- (c) that the citizen has been absent from Zambia for a continuous period of seven years without registering with a Zambia consulate in such manner as may be prescribed, or declaring by notice in writing to the Board his intention to retain his citizenship of Zambia;
- (d) that the registration as a citizen was obtained by means of fraud, false representation, the concealment of any material fact or through some other corrupt practice; or
- (e) that the citizen has, to the satisfaction of the Board, been guilty of currency smuggling or of harbouring criminals or prohibited immigrants.

(4) For the purposes of paragraph (c) of subsection (3), no period-

- (a) spent in the discharge of his duties outside Zambia by a person in the service of the Government; or
- (b) during which a person was absent from Zambia 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 Zambia.

(5) The Board shall not deprive a person of his citizenship under this section unless the Board is satisfied that it is not conducive to the public good that such person should continue to be a citizen.

(6) Before making an order under this section, the Board 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 inquiry as provided in subsection (7).

(7) If a person notified in pursuance of the provisions of sub-section (6) applies for an inquiry within such time and in such manner as may be prescribed, the Board shall refer the case for inquiry and report to a commissioner appointed by the Board for the purpose.

(8) The powers, rights and privileges of a commissioner appointed in terms of subsection (7) shall be the same as those conferred on a commissioner by the Inquiries Act, and the provisions of that Act shall, *mutatis mutandis*, apply in relation to an inquiry under this section and to a person summoned to give evidence or giving evidence at the inquiry.

Cap. 41

(9) A person shall not be qualified for appointment as a commissioner unless he is or has been a Judge of the Supreme Court, or the High Court.

23. (1) *Repealed by Act No. 17 of 1986*

Renunciation of
citizenship

(2) A citizen of full age and capacity who-

- (a) is also a citizen of a country other than Zambia; or

- (b) satisfies the Board that he will, after renouncing his citizenship of Zambia, become a citizen of another country;

may, in such manner as may be prescribed, make a declaration of renunciation of his citizenship of Zambia and the Board shall, subject to the provisions of subsection (3), cause such declaration to be registered.

(3) The Board may decline to register any declaration of renunciation of citizenship made during any war in which Zambia may be engaged.

(4) Subject to the provisions of subsection (5), the person making a declaration of renunciation of citizenship of Zambia shall cease to be a citizen upon registration of such declaration.

(5) Where a citizen who has satisfied the Board as provided in paragraph (b) of subsection (2) 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 Zambia, notwithstanding the registration of his declaration of renunciation.

PART VI SUPPLEMENTALPART VI

SUPPLEMENTAL

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

Certificates of citizenship in cases of doubt

(2) A certificate issued under subsection (1) shall, unless it is proved that it was obtained by means of fraud, false representation, the concealment of any material fact, or through some other corrupt practice, 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.

25. (1) Every document purporting to be a notice, certificate, order or declaration, or any entry in a register, given, granted or made under Part II of the Constitution or under this Act 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.

Evidence
Cap. 1

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

(3) An entry in a register made under Part II of the Constitution or under this Act shall be received as evidence of the matters stated therein.

Cap. 1

(4) For the purposes of this Act, 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.

26. Every application made under this Act-

Manner of making applications

- (a) shall be in such manner as may be prescribed;
- (b) shall be supported by such evidence of the statements made therein as may be prescribed;
- (c) shall be verified by affidavit or a declaration made before a magistrate or commissioner for oaths; and
- (d) shall be accompanied by such fee as may be prescribed.

27. (1) Any person who-

Offences

- (a) for the purpose of procuring anything to be done or not to be done under the provisions of Part II of the Constitution or under this Act; or
- (b) in connection with the performance of any function of the Board, wilfully gives to the Board or any member thereof any information, or makes any statement which he knows to be false or misleading in any material particular, or recklessly makes any statement which is false or misleading in any material particular;

Cap. 1

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five thousand penalty units or to imprisonment for a term not exceeding twelve months, or to both.

(2) Any person who, otherwise than in the course of his duties directly or indirectly by himself or by or through any other person in any manner whatsoever, influences or attempts to influence any decision of the Board shall be guilty of an offence and shall be liable on conviction to a fine of twenty five thousand penalty units to imprisonment for a term of five years, or to both.

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

(As amended by Act No. 13 of 1994)

28. Notwithstanding anything to the contrary contained in any other written law, no person shall in any legal proceedings be permitted or compelled to produce or disclose any communication, either written or oral, which has taken place between the Board and any member thereof, or between any member of the Board and the secretary in the performance of any of the functions of the Board, unless the Chairman consents in writing to such production or disclosure.

Communications of Board to be privileged

The Laws of Zambia

29. (1) No member or any other person shall, without the consent in writing of the Chairman, publish or disclose to any person otherwise than in the course of his duties the contents or any part of the contents of any document, communication or information whatsoever, which has come to his knowledge in the course of his duties under this Act.

Prohibition of publication and disclosure of information to unauthorised persons

(2) Any person who knowingly acts in contravention of the provisions of subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand penalty units or to imprisonment for a term not exceeding six months, or to both.

(3) If any person having information which to his knowledge has been published or disclosed in contravention of subsection (1) publishes or communicates any such information to any other person, otherwise than for the purpose of any prosecution under this Act or in the course of his duties, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand penalty units or to imprisonment not exceeding six months, or to both.

(As amended by Act No. 13 of 1994)

30. No action or other proceeding shall lie against any member for or in respect of any act done or omitted to be done in good faith in the exercise or purported exercise of his duties under this Act.

Immunity of members

31. No prosecution shall be instituted in respect of any offence under subsection (2) of section *twenty-seven* or section *twenty-nine* except by or with the written consent of the Director of Public Prosecutions.

Fiat of Director of Public Prosecutions

32. The Board shall as soon as may be after the 31st December of every calendar year submit to the National Assembly a report on its work during the year.

Annual report

33. (1) The Board may, by statutory instrument, make regulations generally for carrying into effect the purposes of this Act.

Regulations

(2) Without prejudice to the generality of the foregoing provision, the Board may make regulations for-

The Laws of Zambia

- (a) the publication by *Gazette* notice of the names and addresses of-
 - (i) persons to be registered or confirmed as citizens, subject to the renunciation of any other citizenship they may have;
 - (ii) persons whose registration as citizens has been cancelled for failure to renounce any other citizenship they may have;
 - (iii) citizens who have ceased to be such citizens by a formal act of renunciation of their Zambian citizenship following the acquisition of the citizenship of a country other than Zambia;
 - (iv) citizens who have ceased to be such citizens following deprivation of their Zambian citizenship by the Board;
- (b) prescribing anything which under this Act may or is to be prescribed;
- (c) the registration of anything required or authorised to be registered under Part II of the Constitution or under this Act; Cap. 1
- (d) the administration and taking of the oath of allegiance under this Act, the time within which the oath of allegiance shall be taken, and the registration of oaths of allegiance;
- (e) the giving of any notice required or authorised to be given to any person under this Act;
- (f) the cancellation of the registration of, and the cancellation of certificates of registration relating to, persons being deprived of or renouncing citizenship under this Act, and requiring such certificates to be delivered up for that purpose;
- (g) the registration by persons or classes of persons authorised in that behalf by the Board, of the births and deaths of persons of any class or description born or dying elsewhere than in Zambia;
- (h) 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 interests in that country, or by a person authorised in that behalf by the Board;
- (i) defining the circumstances in which and the conditions subject to which copies of certificates issued under this Act may be obtained;
- (j) the imposition and recovery of fees in respect of any application made to the Board 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 Part II of the Constitution or under this Act, 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 Act, and for the application of any such fees. Cap. 1
Cap. 1

(3) In prescribing the manner in which application may be made for any purpose under this Act, the Board may prescribe different procedures to be followed by different classes of persons.

34. (1) The Citizenship of Zambia Act, Chapter 121 of the Revised Edition, is hereby repealed. Repeal and Saving

(2) Notwithstanding the repeal of the said Act-

(a) any regulations made under that Act;

(b) any certificates, orders and acts, granted, made or done, as the case may be, under that Act;

having force and effect, or in operation, as the case may be, immediately before the commencement of this Act shall, in so far as they are not inconsistent with this Act, be deemed to have been made, granted or done, as the case may be, under this Act.

SUBSIDIARY LEGISLATION

CITIZENSHIP OF ZAMBIA

THE CITIZENSHIP OF ZAMBIA REGULATIONS

ARRANGEMENT OF REGULATIONS

PART I PRELIMINARY

PRELIMINARY

Regulation

1. Title
2. Interpretation
3. Appointment and duties of Citizenship Officer

PART II APPLICATION FOR REGISTRATION AS A CITIZEN OF ZAMBIA

APPLICATION FOR REGISTRATION AS A CITIZEN OF ZAMBIA

The Laws of Zambia

4. Making of applications
5. Advertisement of intention to apply for registration
6. Obsolete
7. Obsolete
8. Obsolete
9. Registration under Article 6 of Constitution
10. Registration under section 12 (1) of Act
11. Registration under section 16 (3) of Act
12. Certificate of registration
13. Withdrawal of certificate of registration
14. Oath of allegiance
15. Declaration in lieu of renunciation
16. Alternative forms for application
17. Prescription of languages
18. Evidence in support of application

PART III LOSS OF CITIZENSHIPPART III

LOSS OF CITIZENSHIP

19. Renunciation of citizenship
20. Procedure for deprivation of citizenship
21. Surrender of certificate of registration

PART IV MISCELLANEOUSPART IV

MISCELLANEOUS

Regulation

22. Registers
23. Registration of intention to remain Zambian
24. Certificate in cases of doubt
25. Certified copies of documents
26. Impounding of certain documents
27. Prescribed fees

FIRST SCHEDULE-Prescribed forms

SECOND SCHEDULE-Prescribed fees

SECTION 33-THE CITIZENSHIP OF ZAMBIA REGULATIONS

Regulations by the Citizenship Board

Statutory Instrument
56 of 1977
Act No.
13 of 1994
38 of 1997

PART I PRELIMINARYPART I

PRELIMINARY

1. These Regulations may be cited as the Citizenship of Zambia Regulations.* Title
2. In these Regulations, unless the context otherwise requires- Interpretation

"Board" means the Citizenship Board established by section *three* of the Act;

"Chief Immigration Officer" shall have the meaning assigned thereto in the Immigration and Deportation Act; Cap. 123

"Citizenship Office" means the office of the Citizenship Officer;

"Citizenship Officer" means the person appointed under regulation 3 to be a Citizenship Officer;

"immigration officer" shall have the meaning assigned thereto in the Immigration and Deportation Act; Cap. 123

"Secretary" means the secretary of the Board;

"senior government officer" means any officer in the service of the Government who is in receipt of a salary exceeding K2,500 per annum.

3. (1) There shall be a Citizenship Officer who shall be a public officer. Appointment and duties of Citizenship Officer

(2) A Citizenship Officer shall, subject to the orders and directions of the Board, carry out the duties imposed upon him by these Regulations.

PART II APPLICATION FOR REGISTRATION AS A CITIZEN OF ZAMBIA PART II

APPLICATION FOR REGISTRATION AS A CITIZEN OF ZAMBIA

4. Every application made in accordance with this Part shall be addressed to the Citizenship Officer who shall, on receipt thereof and after ensuring that the application is duly and properly made as required by these Regulations, lodge the same with the secretary for consideration by the Board. Making of applications

5. Every applicant for registration as a citizen of Zambia under Article 6 of the Constitution shall publish in the *Gazette* and in two consecutive issues of a newspaper registered under the Printed Publications Act and circulating in his area of residence, a notice of intention to apply for registration as a citizen of Zambia in Form 1 in the First Schedule: Advertisement of intention to apply for registration.
Cap. 1
Cap. 161

Provided that the Board may in writing exempt any person or by statutory order exempt any class of persons from compliance with the provisions of this regulation.

6. Obsolete.

7. Obsolete.

8. Obsolete.

9. An application for registration as a citizen of Zambia under Article 6 of the Constitution shall be in Form 5 in the First Schedule. Registration under the Constitution.
Cap. 1

10. An application made by the parent or guardian of any person not of full age who is the child of a citizen of Zambia under subsection (1) of section *twelve* of the Act shall be in Form 6 in the First Schedule. Registration under section 12 (1) of Act

11. An application for registration as a citizen of Zambia made under subsection (3) of section *sixteen* of the Act shall be in Form 7 in the First Schedule. Registration under section 16 (3) of Act

12. Upon registration of a person as a citizen of Zambia a certificate of registration in Form 8 in the First Schedule shall be issued by the Board and signed by the Citizenship Officer. Certificate of registration

The Laws of Zambia

13. (1) Where any person registered as a citizen of Zambia is required to renounce his citizenship of any country other than Zambia, to take the oath of allegiance or to register a declaration of intention concerning his residence in Zambia, the certificate of registration issued in respect of such person may, subject to the provisions relating to extension of time contained in the Act, be withdrawn at the expiration of a period of three months following his registration unless such person has earlier renounced the citizenship of that other country, taken the oath of allegiance and registered such declaration of intention concerning his residence in Zambia as may be required.

Withdrawal of certificate of registration

(2) Where under the law of any country a person cannot renounce his citizenship, a person required to renounce the citizenship of such country may, in lieu of renunciation, subscribe and attest a declaration in the form prescribed herein to the effect that he does not have any claim to that other citizenship.

(3) Where an extension of time within which any person is required to make a renunciation of citizenship or take the oath of allegiance has been granted pursuant to the provisions relating to extension of time contained in the Act, the Citizenship Officer shall endorse the fact of such extension on the certificate of registration.

(4) A certificate of renunciation or a declaration in lieu thereof, as the case may be, shall be registered at the Citizenship Office.

14. The oath of allegiance required to be taken under the Constitution shall be subscribed and attested in Form 9 in the First Schedule and shall be registered at the Citizenship Office.

Oath of allegiance. Cap. 1

15. A declaration in lieu of renunciation made under subsection (5) of section *nineteen* of the Act shall be in Form 10 in the First Schedule and shall be registered at the Citizenship Office.

Declaration in lieu of renunciation

16. Where a person wishes to make an application or declaration under any of these Regulations and the form referred to in the regulation is, in the opinion of the Board, unsuitable to the particular case, the Board may authorise the application or declaration to be in some other form.

Alternative forms for application

17. The following languages commonly used by the indigenous inhabitants of Zambia are hereby prescribed for the purposes of paragraph (a) of subsection (2) of section *sixteen* of the Act, namely: Bemba, Kaonde, Lozi, Lunda, Luvale, Nyanja and Tonga.

Prescription of languages

18. (1) No evidence other than the evidence prescribed in this regulation shall be accepted by the Board in support of any application made under the Act:

Evidence in support of application

Provided that the Board may, where the circumstances of any particular case so warrant, in its discretion accept evidence other than the evidence prescribed in this regulation.

(2) In any application made under the Act-

- (a) any statement concerning particulars of birth shall be supported by a birth certificate issued in respect of such birth or an affidavit of the date and place of such birth;
- (b) any statement concerning particulars of marriage shall be supported by a marriage certificate issued in respect of such marriage;
- (c) any statement concerning particulars of citizenship shall be supported by a passport, a certificate of registration, a national registration card, a birth certificate, or an affidavit of the date and place of birth, issued or, as the case may be, made on the grounds of such citizenship.

(3) Every application for registration as a citizen made under Article 6 of the Constitution shall include a certificate of status as an established resident issued by the Chief Immigration Officer under the Immigration and Deportation Act, or as the case may be, a certificate of residence issued in the same manner.

Cap. 1
Cap. 122

(4) Every application submitted in accordance with regulation 9 shall be sponsored by four persons who are citizens of Zambia and at least two of whom shall be persons from the following category, that is to say: a member of the National Assembly; a senior government officer; a magistrate; a legal practitioner; a bank official; a municipal councillor; the chairman of a township council; the chairman of a rural council; an ordained minister of religion; or a medical practitioner.

(5) Every application, declaration, or oath of allegiance required to be made by or under these Regulations shall have no effect unless it is made in the presence of, or administered by, a magistrate or a commissioner for oaths and signed by that magistrate or commissioner for oaths.

(6) Any certificate, declaration, or affidavit issued or, as the case may be, sworn before the advocate of the applicant shall not be valid for the purposes of these Regulations.

PART III LOSS OF CITIZENSHIP

LOSS OF CITIZENSHIP

19. A declaration of renunciation of Zambian citizenship shall be in Form 11 in the First Schedule and shall be registered at the Citizenship Office. Renunciation of citizenship

20. (1) Where it is proposed to make an order under section *twenty-two* of the Act depriving a person of his citizenship of Zambia, the notice required to be given to such person by subsection (6) of that section may be given- Procedure for deprivation of citizenship

- (a) in any case where that person's whereabouts are known, by causing the notice to be delivered to him personally or by sending it to him by registered post;
- (b) in any case where that person's whereabouts are not known, by sending it to his last known address.

(2) Where the Board has given notice as aforesaid and the person to whom it is given has the right, on making application therefor, to an inquiry under subsection (7) of section *twenty-two* of the Act, the application shall be made-

- (a) if that person is in Zambia at the time when the notice is given to him, within seven days from the giving of the notice;
- (b) in any other case, within such time, not being less than seven days from the giving of the notice, as the Board may determine:

Provided that the Board may in special circumstances at any time extend the time within which the application may be made.

(3) Any notice given in accordance with the provisions of this regulation shall, in any case in which the person to whom it is given has the right, on making application therefor, to an inquiry under subsection (7) of section *twenty-two* of the Act, include a statement of the time within which such application must be made.

21. Where an order has been made depriving a person of his citizenship of Zambia, his name shall be removed from the register of citizens and, if required by notice in writing given by the Board, such person or any other person who is in possession of the relevant certificate of registration shall deliver up the same to such person and within such time as may be specified in the notice, and the said certificate shall be cancelled. Surrender of certificate of registration

PART IV MISCELLANEOUSPART IV

MISCELLANEOUS

- 22.** The Board shall maintain the following registers, that is to say: Registers
- (a) a register of citizens by registration;
 - (b) a register of persons who have renounced citizenship;
 - (c) a register of persons who have been deprived of citizenship or whose citizenship has ceased under any provision of the Act;
 - (d) a register of declarations of intent to retain *Zambian* citizenship made under paragraph (c) of subsection (3) of section *twenty-two* of the Act, and of any registrations made under the same provision.
- 23.** (1) The registration required to be made with a Zambia consulate by paragraph (c) of subsection (3) of section *twenty-two* of the Act and the declaration required by the aforesaid provision to be made by notice in writing to the Board, shall be made by means of a letter addressed to a Zambia consulate or the Board, as the case may be, stating the name and address of the citizen to whom it relates, the date and number of the certificate of registration, the date of his last registration or declaration, as the case may be, and his intention of retaining his citizenship. Registration of intention to remain *Zambian*
- (2) The letter shall be despatched so as to reach the Zambia consulate or the Board, as the case may be, not later than the seventh anniversary of the date of the applicant's departure from Zambia or, in the case of a subsequent registration or declaration, not later than the seventh anniversary of the date of the last registration or declaration.
- (3) Every registration received by a Zambia consulate shall be registered at that consulate and every declaration received by the Board shall be registered at the Citizenship Office.
- 24.** A certificate of citizenship to be given in cases of doubt pursuant to subsection (1) of section *twenty-four* of the Act shall be in Form 12 in the First Schedule and shall be signed by the Citizenship Officer with the approval of the Board in each case. Certificate in cases of doubt
- 25.** A document may be certified to be a true copy of a document for the purpose of subsection (2) of section *twenty-five* of the Act by means of a statement in writing to that effect signed by the Citizenship Officer. Certified copies of documents
- 26.** Where it appears to the Citizenship Officer, an immigration officer or a police officer that reasonable grounds exist for believing that any passport or national registration card was wrongfully obtained or is wrongfully possessed, it shall be lawful for the Citizenship Officer, such immigration officer or police officer, to impound the said passport or registration card pending the conclusion of any investigation which may be commenced in relation thereto. Impounding of certain documents
- 27.** (1) Subject to the other provisions of this regulation, the fees specified in the Second Schedule shall be payable to the Citizenship Officer in respect of the matters specified therein. Prescribed fees

The Laws of Zambia

(2) Of the fee payable in respect of the grant of a certificate of registration, 10 fee units shall be payable on the application for such certificate and the balance shall be payable upon the receipt of a decision to grant a certificate, where such a decision is made:

Provided that where a husband and wife apply at the same time for certificates and are residing together at the time of the applications and at the time of receipt of the decision to grant certificates (where such a decision is made), the balance shall be payable in respect of one certificate only.

(3) The Board may, in respect of any person or class of persons, waive or reduce any fee payable under these Regulations.

(4) Any fee which is required to be paid under these Regulations and which is paid in accordance therewith shall in no circumstances be refunded.

(As amended by Act No. 13 of 1994)

FIRST SCHEDULE

PRESCRIBED FORMS

Zambia Coat of Arms

THE CITIZENSHIP OF ZAMBIA ACT

NOTICE OF INTENTION TO APPLY FOR REGISTRATION

NOTICE IS HEREBY GIVEN that
of
(*present address*)

is applying to the Board for registration as a citizen of the Republic of Zambia, and that any person who knows any reason why registration should not be granted should send a written and signed statement of such reason to the Citizenship Officer, P.O. Box 104, Lusaka, within twenty-eight days from the date of this publication.

The Laws of Zambia

FORM 5
(Regulation 9)

Zambia Coat of Arms

THE CITIZENSHIP OF ZAMBIA ACT

APPLICATION FOR REGISTRATION AS A CITIZEN OF ZAMBIA

(Under Article 6 of the Constitution)

The Laws of Zambia

PART I-APPLICATION

1. I,
of
do state that-

- (a) I am of full age and capacity/a woman who is or has been married;
- (b) I am ordinarily resident in Zambia and I have been so resident for a continuous period of not less than ten years immediately preceding this application;
- (c) I am of good character and I have an adequate knowledge of the English/ language (as prescribed);
- (d) In the event of this application being granted I intend to continue to reside in Zambia/to enter or continue in the service of the Government, and to renounce any other citizenship which I possess;
- (e) I have not been refused registration as a citizen within the period of five years immediately preceding this application.

2. My intention to apply for registration was published in the *Gazette* dated
and in two issues of
(state name of paper)
dated.....and....., which is a newspaper circulating in my area of residence.

3. I hereby apply to be registered as a citizen of Zambia.

Declared at this day of, 19.....

.....
Signature

PART II-PARTICULARS OF APPLICANT

- 4. Place and date of birth of applicant
- 5. Nationality at birth
- 6. Nationality if now different
- 7. Address in Zambia
- 8. Occupation
- 9. State if single, married, widowed or divorced
- 10. Father's full name and address (if living)
- 11. Father's nationality
(if dead, give nationality at time of death)
- 12. Mother's full name and address (if living)
- 13. Mother's nationality
(if dead, give nationality at time of death)
- 14. Date of any previous application for registration
- 15. If original name has been changed, give particulars
- 16. If nationality has changed since birth, give particulars
- 17. If now of no nationality, give circumstances in which nationality was lost
- 18. Give particulars of all criminal proceedings taken against the applicant at any time and in any country
- 19. If married, give date and place of marriage
- 20. Husband's full name or wife's full name before marriage
- 21. If husband or wife is dead, give place and date of death
- 22. If marriage is dissolved, give date and place

The Laws of Zambia

23. Give particulars of legitimate children:

Full name of each child	Date of birth	Place of birth	Where now resident
.....
.....
.....
.....
.....

24. Give details of previous residence in Zambia:

From (date)	To (date)	Address	Years	Months
.....
.....
.....
.....

(NOTE-Any period spent as an inmate of a prison or mental institution or any period spent as a visitor to this country or under a temporary residence permit does not count as residence.)

The Laws of Zambia

FOR OFFICIAL USE ONLY

Documents produced:

Passport No.

Other documents

THE CITIZENSHIP OF ZAMBIA ACT

APPLICATION FOR REGISTRATION AS A CITIZEN OF ZAMBIA

(Under Section 12 (1) of the Act)

PART I-APPLICATION

1. I,
of
being a parent/guardian of
(name of minor)

do state that-

(a) is not of full age;
(name of minor)

(b) is the child of
(name of minor)
who is a citizen of Zambia.

2. I do hereby apply to have the said
(name of minor)
registered as a citizen of Zambia.

Dated at this day of, 19.....

PART II-PARTICULARS OF MINOR AND PARENT

3. Place and date of birth of minor
(NOTE-The applicant must produce a birth certificate or a sworn affidavit of date and place of birth.)

4. Place and date of *father's/mother's birth

5. Evidence of *father's/mother's citizenship of Zambia
(NOTE-The applicant must produce the father's/mother's birth certificate or a sworn affidavit of date and place of birth or father's/mother's certificate of registration.)

PART III-DECLARATION BY APPLICANT

I,, do solemnly and sincerely declare that to the best of my knowledge and belief the particulars stated in this application are true.

.....
Signature of Applicant

Declared at this day of, 19.....

.....
*(Magistrate/Commissioner for Oaths)

*Delete whichever is not applicable.

FOR OFFICIAL USE ONLY

Documents produced:

Birth Certificate No.

Certificate of Registration/Naturalisation No.

Other documents

The Laws of Zambia

THE CITIZENSHIP OF ZAMBIA ACT

APPLICATION FOR REGISTRATION AS A CITIZEN OF ZAMBIA

(Under Section 16 (3) of the Act)

PART I-APPLICATION

1. I,
of
do state that-

- (a) I am of full age and capacity/a woman who is or has been married;
- (b) I was born in Zambia before the 25th August, 1973;
- (c) My father was not a citizen at the time of my birth;
- (d) I ceased to be a citizen by reason of my failure to renounce my citizenship by descent.

2. I hereby apply to be registered as a citizen of Zambia.

Dated at this day of, 19.....

.....
Signature

PART II-PARTICULARS OF APPLICANT

3. Place and date of birth of applicant

.....
(NOTE-The applicant must produce his birth certificate or sworn affidavit of date and place of birth.)

4. Place and date of father's birth

PART III-DECLARATION BY APPLICANT

I, do solemnly and sincerely declare that to the best of my knowledge and belief the particulars stated in this application are true, and I undertake to produce a certificate of renunciation of my original citizenship as required by law in the event of notification that this application has been granted.

.....
Signature of Applicant

Declared at this day of, 19.....

.....
**(Magistrate/Commissioner for Oaths)*

*Delete whichever is not applicable.

THE CITIZENSHIP OF ZAMBIA ACT

CERTIFICATE OF REGISTRATION

WHEREAS
has applied to the Citizenship Board for a certificate of registration alleging with respect to himself (herself) the particulars set out below, and has satisfied the Board that the conditions set out in the Citizenship of Zambia Act for the grant of a certificate of registration are fulfilled:

NOW, THEREFORE, the Board, in pursuance of the powers conferred upon it by the said Act grants to the said this certificate of registration, and declares that upon taking the Oath of Allegiance within the time and in the manner required by the regulations made in that behalf he (she) shall be a citizen of Zambia as from the date of this certificate.

IN WITNESS WHEREOF I have hereto subscribed my name this day of, 19.....

.....
Citizenship Officer

PARTICULARS RELATING TO APPLICANT

Full name

Address

Profession or occupation

Place and date of birth

Nationality at birth.....

Marital status

Name of wife or husband

Names and nationalities of parents:

Father

Mother

The Oath of Allegiance was sworn and subscribed before a Magistrate/ Commissioner for Oaths on the day of, 19.....

Certificate of Renunciation/Declaration in lieu of Certificate of Renunciation registered on the day of, 19.....

The Laws of Zambia

FORM 9
(Regulation 14)

Zambia Coat of Arms

THE CITIZENSHIP OF ZAMBIA ACT

OATH OF ALLEGIANCE

I,
do swear that I will be faithful and bear true allegiance to the President of the Republic of Zambia and that I will preserve,
protect and defend the Constitution of Zambia as by law established.

SO HELP ME GOD

.....
Signature

Sworn and subscribed this day of, 19.....

.....
**(Magistrate/Commissioner for Oaths)*

*Delete whichever is not applicable.

THE CITIZENSHIP OF ZAMBIA ACT

DECLARATION BY A CITIZEN OF A COUNTRY WHOSE LAW
PRECLUDES RENUNCIATION OF CITIZENSHIP

(Under Section 19 (5) of the Act)

1. I,
do state that-
 - (a) I am of full age and capacity and was born at
on
 - (b) I am a citizen of Zambia by *birth/descent/registration;
 - (c) I am also a citizen/national of, and under the law of that country it is impossible for me to renounce my citizenship of that country;
 - (d) I hereby divest myself of my allegiance to and enjoyment of the protection of that country.
 2. I,, do solemnly and sincerely declare that the foregoing particulars stated in this declaration are true, and I make this solemn declaration conscientiously believing the same to be true.
(Signed)
- Made and subscribed this day of, 19....., before me.
(Signed)
*(Magistrate/Commissioner for Oaths)
- *Delete whichever is not applicable.

THE CITIZENSHIP OF ZAMBIA ACT

DECLARATION OF RENUNCIATION OF ZAMBIAN CITIZENSHIP

1. I,
of
do state that-
 - (a) I am of full age and capacity and was born at
on
 - (b) I *am/have/have not been married;
 - (c) I am a *citizen/national of under the law of that
country/I intend to become a citizen/national of after renouncing my citizenship of
Zambia.
2. I hereby renounce my citizenship of Zambia.
3. I, do solemnly and sincerely
declare that the foregoing particulars stated in this declaration are true and I make this solemn declaration conscientiously
believing the same to be true.

(Signed)

.*(Magistrate/Commissioner for Oaths)

*Delete whichever is not applicable.

THE CITIZENSHIP OF ZAMBIA ACT

CERTIFICATE OF CITIZENSHIP

WHEREAS (the applicant) has applied to the Citizenship Board to certify that he/she is a citizen of Zambia;

AND WHEREAS the Board is satisfied that a doubt exists with respect to the applicant's citizenship;

NOW THEREFORE, the Board, in pursuance of the powers conferred upon it by the Citizenship of Zambia Act grants to the said..... this Certificate of Citizenship.

IN WITNESS WHEREOF I have hereto subscribed my name this day of, 19.....

.....
Citizenship Officer

PARTICULARS RELATING TO APPLICANT

Full name
Address
Profession or occupation
Place and date of birth
Nationality at birth
Marital status
Name of wife or husband
Names and nationalities of parents:
 Father
 Mother

The Laws of Zambia

SECOND SCHEDULE

(Regulation 27)

PRESCRIBED FEES

	<i>Fees units</i>
A. ZAMBIAN CITIZENSHIP	
Application for Citizenship	56
Registration for Zambian Citizenship	278
Certificate of Zambian Citizenship	2,278
Declaration of renunciation of Zambian Citizenship	111
Application form for restoration of Zambian Citizenship	28
Registration for restoration of Zambian Citizenship	167
Supplying a certified copy of any notice, certificate, order, declaration or entry given, granted or made by or under the Citizenship Act	6
B. PASSPORT AND TRAVEL DOCUMENTS	
Zambian Passport (32 pages)	222
Replacement of lost, stolen or misplaced passport	556
Local travel document of identity (paper type)	56
Replacement of lost, stolen or misplaced travel document	167
Revalidation of passport or travel document	56
Endorsement of passport or travel document	44
Application Forms	11
C. UNITED NATIONS CONVENTION ON TRAVEL DOCUMENTS (UNCTFD)	
UNCTD Fee	56
UNCTD Renewal Fee	28

(As amended by S.I. No. 38 of 1997)

Endnotes

1 (Popup - Popup)

The Citizenship of Zambia Act commenced on 4th March, 1977 by virtue of S.I. No. 55 of 1977