

SINGAPORE CITIZENSHIP LAWS

I. GENERAL INTRODUCTION

Historical Background

Prior to 1946, Singapore was part of the Straits Settlements. When the Straits Settlements broke up in 1946, Singapore became a separate Colony, being part of the United Kingdom and the Colonies. During this period there was no such status as a citizen of Singapore. The British Nationality Act, 1948¹ was applicable whereby citizenship of United Kingdom and Colonies was recognised. Under this Act, all persons born in Singapore acquired citizenship of United Kingdom and the Colonies by birth,² whilst others could have acquired it by registration or naturalisation if they had the necessary residential qualifications³ or if they were in the service of the United Kingdom Government.⁴

In 1958, by virtue of the Singapore (Constitution) Order-in-Council,⁵ Singapore achieved internal self-government. Soon before this, the Singapore Legislative Assembly had passed the Singapore Citizenship Ordinance, 1957.⁶ Under this statute, the status of Singapore Citizenship was introduced. The Singapore Citizenship Ordinance spelt out in full the circumstances under which one may acquire the citizenship of Singapore and also the different circumstances under which one may lose his citizenship. Many of the provisions of the 1957 Ordinance were similar to the British Nationality Act, 1948. Under the Ordinance, four categories of citizenship were recognised: by birth, descent, registration or naturalisation.⁷

In 1963, when the Federation of Malaysia was formed, Singapore became one of the fourteen states of the Federation. The Constitution of the State of Singapore was then first introduced.⁸

Part III of the Singapore Constitution dealt with citizenship. By virtue of Article 69 of the Singapore Constitution, the Singapore Citizenship Ordinance, 1957, was repealed. Persons, however, who became citizens under the Ordinance continued to be citizens of Singapore.⁹

1. See Clive Parry, *Nationality and Citizenship Laws of the Commonwealth and of the Republic of Ireland*, 1957, Vol. 1.
2. Section 4 (2).
3. Sections 6 and 10.
4. Section 6.
5. S.I. 1958/1956.
6. No. 35 of 1957. See Clive Parry, *Nationality and Citizenship Laws of the Commonwealth and of the Republic of Ireland*, 1960, Vol. 2.
7. Section 3 (2).
8. G.N. Sp. No. S. 1 of 1963.
9. Article 69 (2).

Whilst Singapore was part of Malaysia, the provisions of the Malaysian Constitution were also applicable to Singapore, the Malaysian Constitution being more comprehensive. During this period, all Singapore citizens became Malaysian citizens by operation of law.¹⁰ Singapore citizens therefore, while continuing to enjoy State rights and privileges also enjoyed other privileges as Federal citizens, for example, voting and standing for election to the Federal Parliament.

Provision was also made under both the constitutions for enrolment of a Singapore citizen as a Federal-citizen-who-was-not-a-Singapore-citizen¹¹ and of a Federal-citizen-who-was-not-a-Singapore-citizen, as a Singapore citizen.¹² Citizenship of Singapore during this period was not severable from Federal Citizenship. A Singapore citizen on losing either his Singapore or Malaysian citizenship lost the other too.¹³ This latter rule did not apply to a Singapore citizen who had been enrolled as a Federal-citizen-who-was-not-a-Singapore-citizen.¹⁴

On 9th August, 1965, by virtue of the Constitution and Malaysia (Singapore Amendment) Act,¹⁵ Singapore ceased to be a State of Malaysia and become an independent Republic. Singapore citizens who had become Malaysian citizens ceased to be so,¹⁶ but Malaysian citizens who became Singapore citizens by enrolment continued to be Singapore citizens.¹⁷

Though Singapore ceased to be part of Malaysia, certain provisions of the Malaysian Constitution continued to apply to Singapore by virtue of the Republic of Singapore Independence Act, 1965.¹⁸ These were mainly provisions which were absent under the Singapore Constitution. Eventually, the Singapore Constitution was amended whereby several provisions relating to citizenship of Singapore was added. In spite of this, certain provisions of the Malaysian Constitution still continue to apply.¹⁹ As such the present law of Singapore dealing with Singapore Citizenship is found both in the Malaysian and Singapore Constitutions.

II. CONSTITUTIONAL ISSUES

Introduction

The purpose of this section is twofold: first, to consider whether the principle of constitutional supremacy has been abrogated by the introduction of the various amendments to the citizenship provisions of the Constitution, and secondly, to consider the legality of the procedures compiled with in so amending certain of these provisions.

10. Article 14(1) (c) of Malaysian Constitution.

11. Article 19A(1) of Malaysian Constitution, see S. Jayakumar and F.A. Trindade, *Citizenship in Malaysia* (1964) 30 M.L.J. xlvi.

12. Article 19A(2). See article mentioned in footnote 11.

13. Article 64 of Singapore Constitution,

14. See wording of Article 64 of Singapore Constitution.

15. Federal Statutes No. 53 of 1965.

16. Section 12 of Constitution and Malaysia (Singapore Amendment) Act, 1965.

17. Article 53(1)(c) of Singapore Constitution.

18. No. 9 of 1965, hereinafter referred to as the Independence Act.

19. See Independence Act, 1965.

As pointed out earlier,²⁰ the major portion of the law relating to citizenship of Singapore is contained in Part III of the Singapore Constitution. During the past few years these provisions of the Constitution have undergone major modifications either in the form of amendments or repeals. The effect of these modifications has been to alter the citizenship laws of Singapore to a very large extent by introducing new concepts and requirements which are in keeping with the policy of the present Government. For example, Article 57 of the Constitution, dealing with citizenship by registration was amended in 1968²¹ so as to allow the Government to grant citizenship to any person who has not satisfied the ten year²² residential qualification. This amendment was mainly to attract foreign investors and skilled personnel to Singapore.²³ The Singapore Government is now able to grant citizenship to any foreign investor who invests a large capital in Singapore by either waiving the residential qualification²⁴ altogether or by reducing it to five out of six years.

The other recent modifications²⁵ include amendments to Articles 54(2) (c),²⁶ 55(2),²⁷ 60(3),²⁸ 61(3A),²⁹ 63A³⁰ and Article 66.³¹

An interesting question that arises at this juncture is whether the amendments to these provisions of the Singapore Constitution are valid. *Prima facie* there are several arguments which suggest that these amendments are unconstitutional and therefore void. It is now proposed that each of these arguments be considered separately to see whether they are valid.

Amendment by Modification Orders

Several articles³² of the Constitution of Singapore under Part III dealing with citizenship have been amended by Modification Orders, made by the President acting under section 13(3) (a) of the Republic of Singapore Independence Act, 1965. Section 13(3) (a) provides that the President may make "such modifications in any written law as appear to him to be necessary or expedient in consequence of the enactment of this Act and in consequence of the independence of Singapore upon separation from Malaysia." By virtue of section 13(6) of the same Act, 'modification' is said to include 'amendment' adaptation and repeal' and by section 13(7) 'written law' includes the Constitution of Malaysia and

20. See I *supra*.

21. Modification Order S. 214 of 1968. See Appendix A for the provision.

22. See Article 57(1) (c).

23. See IV *infra*, on Acquisition of Citizenship by Registration.

24. *I.e.* the ten out of twelve years requirement. However, in practice, the Government usually requires such persons to satisfy the five out of six years requirement.

25. See Appendix A for the provisions.

26. Amended by S. 58 of 1967.

27. Amended by S. 259 of 1966.

28. *Ibid.*

29. *Ibid.*

30. *Ibid.*

31. Amended by Act 21 of 1968.

32. *E.g.* Articles 54(2) (c), 55(2), 57(1) (c), 60(3), 61(3A), 63A.

the Constitution of Singapore. The President therefore seems to have power to amend the Constitution of Singapore and in so acting under this power he has purported to amend the Constitution by the various Modification Orders.

However, the validity of these Orders seems to be doubtful.

(a) *Validity of Independence Act*

Article 90 of the Singapore Constitution provides that the Constitution may be amended by a law enacted by the Legislature. Therefore any amendment to the Constitution must comply with this procedure. Are the amendments made by the President in compliance with this requirement? By Article 22 of the Constitution, the Legislature of Singapore is said to consist of the President *and* the Parliament and *not* the President alone. Besides, Article 42³³ provides that for the enactment of laws, the Bills must first be passed by Parliament and subsequently assented to by the President.

It would therefore appear that the Independence Act in giving the President alone the power to amend the Constitution is in direct conflict with the express provisions of the Constitution and should be declared unconstitutional. The Constitution is the supreme law of Singapore and by Article 52 of the Singapore Constitution any law which is inconsistent with the Constitution would be to the extent of the inconsistency be void. If the Independence Act is declared unconstitutional (at least to the extent of inconsistency with the Constitution) then the Modification Orders made by the President amending the Constitution would also be declared void for being made under an unconstitutional Act.³⁴

(b) *Concept of Implied Amendments*

Is there then any way whereby these amendments may be upheld? It can be argued that the Independence Act which deals with the independence and sovereignty of the Republic is no ordinary Act but an Act of Parliament which was intended to amend the Constitution of Singapore impliedly. In so passing the Independence Act to be inconsistent with the Constitution, the Constitution of Singapore was amended to empower the President to amend the Constitution by himself without the participation of the Parliament.

This concept of implied amendment is not a novel point. It has been recognised both in Australia³⁵ and Ceylon³⁶ that the Constitution of the country may be amended even impliedly by the enactment of a legislation which is inconsistent with the provisions of the Constitution. The Privy Council in the recent case of *Kariapper v. Wijesinha*,³⁷ pointed out:

33. Article 42 of the Constitution reads as follows: *inter alia* "(1) The power of the Legislature to make laws shall be exercised by Bills passed by Parliament and assented to by the President."

34. See *Eng Keock Cheng v. P.P.* [1966] 1 M.L.J. 18 for a similar argument.

35. See *McCawley v. The King* [1920] A.C. 691.

36. *Kariapper v. Wijesinha* [1967] 3 W.L.R. 1460.

37. *Ibid.*

“As long ago as 1920, the judicial committee in *McCawley v. The King*³⁸ decided that an uncontrolled Constitution could like any other Act of Parliament be altered simply by the enactment of inconsistent legislation...”³⁹

The distinction between controlled and uncontrolled constitutions was explained by Lord Birkenhead, L.C. in *McCawley's Case*⁴⁰ where he said:⁴¹

“The first point which requires consideration depends upon the distinction between constitutions the terms of which may be modified or repealed with no other formality than is necessary in the case of other legislation and constitutions which can only be altered with some special formality, and in some cases by a specially convened assembly....

Many different terms have been employed in the textbooks to distinguish these two contrasted forms of constitution. Their special qualities may perhaps be exhibited as clearly by calling the one as controlled and the other as uncontrolled constitution as by any other nomenclature.”

If the Constitution is an uncontrolled Constitution like that of Queensland⁴² or Singapore,⁴³ it could simply be amended by passing any law which is inconsistent with the Constitution. The same principle would also apply to a controlled Constitution only if the formalities set out in the Constitution are complied with.⁴⁴

The Courts in Singapore too may feel themselves inclined to follow these two decisions of the Privy Council⁴⁵ and hold that the Independence Act which contains provisions inconsistent with the Singapore Constitution to be an implied amendment to the Constitution to allow the President alone to modify the Constitution. If it were so held, then all the amendments made by the President to the Citizenship provisions of the Constitution would be held to be valid.

Though this argument seems rather attractive, yet it is submitted that such an approach is very undesirable and the Singapore Courts should not readily accept this approach. If Constitutions are to mean anything they must be such that certain amount of rights given by the Constitution should be guaranteed and safeguarded. Even in the existing form, the guarantees and safeguards given by the present Constitution seems hardly anything since the Constitution, like any other statute may be amended by any ordinary law.⁴⁶ If the concept of implied amendments is accepted, then the very little safeguard which is now provided will be eliminated. Parliament may then pass any law which is inconsistent with the Constitution, and when so challenged as being unconstitutional, it may then be argued by the Government that the new Act was meant to be an implied amendment of the Constitution and therefore should be valid. Surely, such a situation should never be allowed to arise. It was for this reason

38. See footnote 35.

39. [1967] 3 W.L.R. 1460 at 1471.

40. See footnote 35.

41. *Ibid*, at page 703.

42. Constitution Act of Queensland, 1867, (31 Vict., No. 38, Queensland).

43. G.N. Sp. No. S. 1 of 1963.

44. *Kariapper's Case*.

45. *I.e. McCawley's Case* and *Kariapper's Case*.

46. See Article 90.

too that the Constitutional Commission⁴⁷ in its recommendation of the entrenched provisions recommended that every Bill purporting to amend the Constitution should expressly declare itself to be a Bill for the Amendment of the Constitution. In this way the concept of implied amendment would not be recognised and would not be applicable under the Singapore Constitution.

Ultra Vires the Independence Act

Even assuming that this argument of implied amendment is accepted, then the question arises whether section 13(3) (a) allows the amendments made by the President by the subsidiary legislation to be open to challenge. Can one invoke section 13(3) (a) to establish that the Modification Orders made by the President are *ultra vires* the Independence Act itself? It would seem that on a close reading of the section, that there are two possible grounds of challenge. One of these is to establish that the modification made by the President did not "appear to him to be necessary or expedient" as required by the section. If this were so established, then the Modification Orders would be held void as being *ultra vires*.

Alternatively, these Modification Orders may also be subject to challenge as being *ultra vires* section 13(3) (a) of the Independence Act on another ground. Section 13(3) (a) provides that the President may make modifications if it appears to him that such modification is necessary or expedient as a consequence of (i) the enactment of the Independence Act, and (ii) as a consequence of the independence of Singapore upon separation from Malaysia. Any modification therefore must be as a consequence of (i) and (ii) above. Are all the Modification Orders made by the President amending the citizenship provision a consequence of (i) and (ii) above? If the Modification Order amending Article 55 of the Constitution so as to require an oath of allegiance to be taken by a minor on attaining the age of twenty-one, a consequence of (i) and (ii) ?

Though the language of section 13(3) (a) seems rather wide, it is submitted that the Modification Orders like the type amending Article 55 are not capable of falling within the ambit of section 13(3) (a).

Section 13(3) (a) envisages modifications to laws which are to continue to apply or which are to cease to apply in Singapore as a result of Singapore becoming an independent and sovereign Republic separate from and independent of Malaysia. As a consequence of this, certain laws may need some changes in the text of the laws, like the alteration of a few terms and names, or certain other laws may not be applicable to Singapore any longer. It is for these purposes that section 13(3) (a) empowers the President to make the necessary modifications. But these modifications must always be as a consequence of (i) and (ii) above. If they are for some other reasons, then they should rightly be amended by the Legislature. That is, any amendment to the Constitution which is to introduce new requirements and which is not as a consequence of (i) and (ii) should be left to the Legislature. Surely, it cannot be said that the amendment to Article 55,⁴⁸ introduced by the Modification Orders, is as a consequence

47. Republic of Singapore, Report of the Constitutional Commission, 1966.

48. *I.e.* Article 55(2) — compelling a minor citizen by descent to take an oath on attaining the age of twenty-one.

of the independence and sovereignty of Singapore? It is a new limitation imposed by the Government because of certain policies. It should therefore be amended by an Act enacted by the Legislature and not by the President alone.

Though these are possible grounds of challenge, it is not clear whether they will be justiciable in a court of law. Will the courts be willing to decide on either of these two issues? Or will they say that they will not take cognisance of such issues. If one can show that an objective test should be employed by the President in deciding whether it appears to him to be necessary or expedient, then it would seem that one can challenge⁴⁹ the validity of the Modification Orders by showing that there was no ground upon which the President could have come to the conclusion. If, however, a subjective test is employed it would then not be open to challenge at all.⁵⁰

It would appear from the current trend⁵¹ and also on policy grounds⁵² the courts would be reluctant to employ an objective test and would hold such an issue to be non-justiciable.

Likewise, on policy grounds, the courts would not entertain challenge on the ground that the modification was not made as a consequence of the enactment of the Independence Act and in consequence of the independence of Singapore upon separation from Malaysia. To allow challenge would mean that the amendments might possibly be struck down. This might cause a great deal of difficulty and embarrassment to the Government.⁵³

Apparent Conflict between Articles 52 and 90

Finally, can it be argued that any amendment to the Constitution is unconstitutional because of the apparent conflict between Article 90 and Article 52 of the Singapore Constitution?

Article 90 provides that the Constitution may be amended by a law enacted by the Legislature. Article 52 on the other hand provides that any law enacted by the Legislature which is inconsistent with the Constitution would be void. Though it would seem that Article 90 permits constitutional amendments, Article 52 suggests that there can be no amendments to the Constitution at all, since inherent in every constitutional amendment is inconsistency with the provisions of the Constitution which is being amended. If, therefore, the Legislature were to introduce a provision like Article 63A which deals with termination of citizenship by acquisition of another citizenship, such an amendment would be held void under Article 52 as being a provision inconsistent with the Constitution.

49. See Lord Atkin's judgment in *Liversidge v. Anderson* [1942] A.C. 206.

50. See majority decision of *Liversidge v. Anderson*. Except possibly on grounds of *mala fide*: see *Rose-Clunis v. Papadopoulos* [1958] 1 W.L.R. 546.

51. See Approach of Federal Court and Privy Council in the recent case of *Ningkan v. Federation of Malaya* [1948] 1 M.L.J. 119, [1968] 2 M.L.J. 238.

52. See Groves, *Comparative Constitutional Law Cases and Material* (1963) p. 9.

53. Unless the courts avoid giving a retroactive effect to the declaration of unconstitutionality. See *Chicot County Drainage District v. Baxter State Bank* 308 U.S. 371.

A further example of this anomalous situation can also be illustrated by the Independence Act, 1965.⁵⁴ If this Act was intended to be an amendment to the Constitution, particularly to Articles 90 and 22,⁵⁵ so as to allow the President alone to amend the Constitution, the Act could still be held to be unconstitutional under Article 52 as being a law which is inconsistent with the Constitution.

If the above is the correct interpretation, it would then follow that there can be no amendments to any of the provisions of the Constitution and all the amendments to the Citizenship provisions under the Constitution would be unconstitutional and would be struck down as being void.

It is submitted, however, that this cannot be the correct interpretation of the Constitution, neither was it the intention of the Constitution makers. It would surely be absurd to suggest that the Constitution is amenable to no amendments at all. Besides, it is a canon of constitutional interpretation⁵⁶ that courts would generally lean towards constitutionality of statutes. Before striking down a provision as being conflicting, they would usually attempt to reconcile the different provisions of a statute so as to bring about consistency. In such an attempt, the Courts would probably hold that Article 52 does not cover constitutional amendments, but only refers to any other ordinary law which is inconsistent with the Constitution. It is only the latter which would be struck down as being inconsistent with the Constitution and thus void. If it can be shown that any Act was intended to be an amendment to the Constitution either expressly or impliedly, then it would not be struck down under Article 52. To have any other interpretation would only be to make nonsense of the Articles. Parliament might however consider amending Article 52 so as to exclude constitutional amendments. This might make the situation much clearer.

III. POLICY OF THE GOVERNMENT ⁵⁷

To understand fully the importance of citizenship and the circumstances under which Singapore citizenship is granted, it is necessary that one should appreciate the policy of the Government. As will be seen from the chapters that follow, it is much more difficult to acquire Singapore citizenship now than it was a few years ago.⁵⁸

Confronted with the threat of unemployment and the danger of overpopulation, the Singapore Government has found it necessary to enunciate

54. No. 9 of 1965.

55. Article 22 of the Constitution reads as follows: "The Legislature of Singapore shall consist of the President and Parliament."

56. See Groves, *Comparative Constitutional Law Cases and Materials*, 1969, pages 1-13.

57. Much of the policy of the Government on the granting of citizenship is found in the speeches in Parliament of the Minister of Labour — see Parliamentary Debates, Official Reports, Vol. 28, No. 5 and Vol. 29, No. 12.

58. See Table A for the number of applications received and the number rejected over the past few years.

new policies with respect to citizenship. Consistent with these policies, stricter citizenship laws have now been introduced.⁵⁹

To protect Singapore citizens from unemployment, jobs are now being given mainly to Singapore citizens. Licences for carrying on business are no longer given to non-citizens as freely as before. For example, in 1967, out of the 26,000 licences granted to hawkers, only 2% of this number were granted to non-citizens.⁶⁰ As the then Minister for Health⁶¹ said in Parliament:

“It has been the policy...not to issue licences to non-Singapore citizens.”⁶²

Non-citizens wishing to get employment in Singapore must first get a work-permit if their monthly income is to be less than \$750 per month.⁶³ Such work-permits are granted to non-Singapore citizens only if there are no Singapore citizens available to fill the said vacancy. Furthermore, citizenship is an important factor which is taken into consideration in granting promotions in the Singapore Civil Service.⁶⁴

Tighter immigration laws have also been imposed.⁶⁵ Some of these laws are designed to prevent non-citizens from staying in Singapore for long periods. Usually a definite period of stay is allowed.⁶⁶ These persons during this period are prevented from seeking employment. The several Immigration Passes⁶⁷ issued by the Immigration Department have several restrictions imposed. Employment Passes are issued to non-citizens only if their income per month exceeds \$1,200 and the persons so employed are under contracts which are for at least two years.⁶⁸ Though the Minister for Defence has indicated that this requirement may be waived when the need arises, there has only been one such case where a non-citizen with a salary of less than \$1,200 has been granted such a Pass in 1967.⁶⁹

Professional Visit Passes⁷⁰ are only granted if the applicant possesses certain skills and qualifications which Singapore citizens do not have.

59. Compare position under Singapore Citizenship Ordinance, 1957 and the Constitution of Singapore. See also reports in the Straits Times on 17th December 1968 and 21st March 1970 on cases of hardship caused as a result of the strict laws and policies.

60. Parliamentary Debates, Official Reports, 8th September, 1967, Col. 192.

61. Mr. Yong Nyuk Lin.

62. See footnote 59.

63. Regulation of Employment Act, No. 12 of 1965, section 5.

64. “The Government does not today require the serving non-citizen Division I officer to take up Singapore Citizenship. But if there is any promotion their citizenship status will be one of the factors which will be considered” — Parliamentary Secretary to Minister for Finance — Parliamentary Session, 8th September 1967 — Col. 179.

65. See Reprint of Immigration Ordinance, 1959, Reprint Supplement (Acts) No. 20 of 1966 and also Immigration Regulation S. 147 of 1966.

66. Section 9 of the Immigration Ordinance.

67. Immigration Regulation, 1966, sections 8-15.

68. Section 9 of Immigration Regulations.

69. “The stipulation that such persons should be entitled to a salary of not less than \$1,200 per month is not a rigid one. It is the policy that in case no Singapore resident is available to do the job... approval is granted to waive the stipulation” — Parliamentary Session, 8th September, 1967.

70. Immigration Regulation, 1966, section. 8.

This again is designed to give priority to Singapore citizens. All these restrictions therefore have made it difficult for non-citizens to get employment in Singapore.

Further, non-citizens are prevented from staying in Singapore beyond the stipulated period. Such persons must now pay a security, as a guarantee that the person would comply with the conditions imposed in respect of his stay.⁷¹ Breach of these conditions would result in the forfeiture of the security.⁷² Stricter citizenship laws are enforced to prevent non-citizens from coming into Singapore in the hope of acquiring Singapore citizenship. Only if they are able to contribute to the economy of Singapore, for example, either by investing \$250,000 in local industries⁷³ or by possessing certain skills,⁷⁴ will they be eligible for citizenship.

It is also the policy of the Government now to bestow several other benefits on citizens alone. Social benefits⁷⁵ are given to citizens only. As the then Minister for Labour⁷⁶ said:

“Granting of citizenship. . . confers certain rights and privileges on a person. In one case, it gives him the right to work, to apply for a house, to get places for his children in our schools...”⁷⁷

As a result of the above policy, a large number of persons in Singapore, especially those who have been living in Singapore for a great many years applied to become Singapore citizens. The Registry of Citizenship received thousands of such applications.⁷⁸ The Government being aware of the motives of many of these applicants has stated categorically:

“We do not want citizens of convenience.... There are people who want citizenship for obtaining travel documents.... There are others who want citizenship to obtain social benefits like housing, education, public assistance and jobs.”⁷⁹

The Government maintains that it would not be in the interest of the Republic to grant such persons Singapore citizenship. These persons the Government feels would only become a liability to the Republic.⁸⁰

To overcome this difficulty of granting citizenship to all applicants who had the necessary legal qualifications,⁸¹ the Government formulated certain other policies. The Government announced that citizenship would no longer be granted on the mere satisfaction of the requirements enlisted

71. Immigration Regulation, 1966, section 18.

72. *Ibid*, section 19.

73. See page 181 *infra*.

74. See speech by Prime Minister, Mr. Lee Kuan Yew, Straits Times, 26th January 1970. As to the meaning of ‘skill’ see Mr. Rajaratnam’s speech in Parliament, Vol. 29, No. 12, Parliamentary Debates Col. 817.

75. E.g. public assistance and tuberculosis treatment allowances is now given to citizens alone — see Parliamentary Debates, Vol. 26, Col. 316.

76. Mr. Jek Yuen Thong.

77. Parliamentary Debates, Vol. 26, Col. 805.

78. See Table A.

79. *Per* Mr. Jek Yuen Thong, see footnote 77.

80. *Per* Mr. S. Rajaratnam, see Parliamentary Debates, Vol. 28, No. 5, Col. 348 and Vol. 29, No. 12, Col. 814.

81. *I.e.* the requirements under Part III of the Constitution of Singapore.

in the Constitution but would be granted only if the applicant could make a positive contribution to the economy of Singapore. The Minister for Labour⁸² said the following in Parliament:⁸³

“A person who has the necessary residential qualifications will not automatically be granted Singapore citizenship.... The number of cases [of Citizenship] that will be approved will now depend upon our economic position. A person who is granted citizenship must be able to make a positive contribution to the economic well-being of Singapore.”

With this policy in mind, it is now proposed to discuss the Citizenship Laws of Singapore.

IV. ACQUISITION OF CITIZENSHIP

Introduction

Laws relating to the acquisition of Singapore Citizenship are found both in the Malaysian⁸⁴ and Singapore Constitutions.⁸⁵ Part III of the Singapore Constitution spells out certain categories of citizenship, whilst Part III of the Malaysian Constitution which is still applicable to Singapore by virtue of section 6 of the Singapore Independence Act⁸⁶ spells out certain other categories of citizenship of Singapore.

Currently there are four methods⁸⁷ of acquiring citizenship of Singapore, viz.

- (i) by birth
- (ii) by descent
- (iii) by registration
- (iv) by naturalisation.

Though these are the four methods of acquiring citizenship under the present law, there are persons who might have acquired citizenship by some other means. There was a class of persons who during the period whilst Singapore was part of Malaysia acquired Singapore citizenship by enrolment.⁸⁸ These persons still continue to be citizens of Singapore under the Singapore Constitution.

As seen earlier⁸⁹ the four methods of acquiring citizenship under the Singapore and Malaysian Constitutions only apply to persons after

82. Mr. S. Rajaratnam.

83. Parliamentary Debates, Vol. 28, No. 5, Col. 348.

84. Federal Constitution as printed by the Government Printers, incorporating all amendments made up to 1st March, 1964. Henceforth referred to as the Malaysian Constitution.

85. Constitution of Singapore, Reprint Supplement No. 14 of 1966. (Date of reprint 25th March, 1966).

86. Republic of Singapore Independence Act, No. 9 of 1965.

87. See Article 53 of Singapore Constitution.

88. See Article 56 of the Singapore Constitution. (Now repealed).

89. See *I supra*.

16th September 1963. Prior to this date citizenship laws of Singapore were governed by the Singapore Citizenship Ordinance, 1957.⁹⁰

The Singapore Citizenship Ordinance too provided four methods of acquiring citizenship, viz., by birth, descent, registration and naturalisation.⁹¹ Under this Ordinance a large number of persons born in and outside Singapore before and after the coming into operation of the Ordinance obtained citizenship of Singapore. In 1963 when the Singapore Constitution came into operation, the Singapore Citizenship Ordinance, 1957 was repealed.⁹² However, by virtue of Article 69 of the Constitution, any person who immediately before the coming into operation of the Singapore Constitution was by virtue of the Singapore Citizenship Ordinance a citizen of Singapore by birth, descent, registration or naturalisation, shall as from the coming into operation of the Constitution continue to possess that status.

Therefore citizens of Singapore today could either have acquired their citizenship under the 1957 Ordinance or presently under the Malaysian and Singapore Constitutions.

It is now proposed that each of the methods of acquiring such citizenship be considered in detail.

(i) *Citizenship by Birth*

The general principle followed by many countries is that persons born in that country should generally be able to acquire the citizenship of that country.⁹³ However, this principle may be modified by different countries which impose certain limitations on the acquisition of such a right. Most countries⁹⁴ provide that persons who are born of fathers who are either enemy aliens or who possess diplomatic immunity would not acquire the citizenship of that country by birth. Citizenship laws of other countries, the Union of South Africa,⁹⁵ for instance, may provide that if the father is a prohibited immigrant then the child would not become a citizen of South Africa by birth. Likewise, the Constitution of Singapore imposes certain limitations.

Article 54(1) of the Singapore Constitution first states a general proposition that every person born in Singapore⁹⁶ after the 16th September 1963 shall be a citizen of Singapore by birth. The Article however goes

90. Singapore Citizenship Ordinance, 1957 (No. 35); Singapore Citizenship (Amendment) Ordinance 1958 (No. 1), (No. 2), 1958 (No. 6), 1959 (No. 36), 1960 (No. 41) and 1960 (No. 68).

91. Section 3(2).

92. Article 69(1) of the Singapore Constitution.

93. Doctrine of *jus soli*, but see Citizenship law of Ceylon. Citizenship Act, 1948, where there is no provision for citizenship by birth. To this extent then the doctrine of *jus soli* is not applicable in Ceylon.

94. E.g. United Kingdom: British Nationality Act, 1948, s. 4; Australia: The Nationality and Citizenship Act, 1948-1955, s. 10; New Zealand: British Nationality and New Zealand Citizenship Act, 1948, s. 6; India: The Citizenship Act, 1955, s. 3, etc.

95. South African Citizenship Act, 1949, ss. 3 and 4.

96. As to persons born on ships or aircrafts, see section 11 of Third Schedule, Constitution of Singapore.

on further to provide certain limitations. It provides⁹⁷ that before such a person can acquire citizenship by birth, one of his parents must be a Singapore citizen. This limitation was as a result of an amendment introduced in 1967, with effect from 17th March 1967.⁹⁸ Another amendment⁹⁹ at the same time provided that if such a person born in Singapore could not show that one of his parents was a Singapore citizen, the Government may if it considers it just and fair and having regard to all the circumstances prevailing at the time of the application confer citizenship upon such a person. The exact scope of this exception is not clear. Being completely discretionary it would not be possible to enunciate any criteria which would be used by the Government in invoking this section. As the Registrar of Citizenship pointed out to the present writer, during an interview, this wide power of the Government may be used whenever the Government considers that a particular case so demands its application.

Before the amendment, the limitation was quite different. Under the old law it was not necessary that either of the parents was a Singapore citizen. If it could be shown that either of his parents was a permanent resident in Singapore, then any person born in Singapore could acquire Singapore citizenship by birth. Further, under a proviso¹⁰⁰ which existed then, if it could be shown that neither of the parents of such a person who was born in Singapore was either a Singapore citizen or a permanent resident, and that such a person could not acquire the citizenship of any other country, then such a person may be exempted from this requirement. This therefore meant that if a person born in Singapore could show that neither of his parent is a Singapore citizen nor a permanent resident of Singapore, and that he could not acquire the citizenship of another country, then he would be a citizen of Singapore by birth. This provision was mainly intended to prevent a person from being stateless.¹

The present position however is different. If such a person cannot show that one of his parents is a citizen but can show that one of his parents is a permanent resident of Singapore, yet he would not acquire Singapore citizenship by birth as he would have done before the amendment, unless the Government considers it just and fair and so exercises its discretion to allow him to be such a citizen. Therefore under the present position if the Government refuses to exercise its discretion to allow him to be a citizen by birth,² then such a minor would be stateless.³ Though the desirability of such a provision may be questioned, especially since it is a trend of International Law to discourage persons from being stateless, in view of the present policy of the Singapore Government, such a provision would appear to be inevitable.

97. Article 54 (2) (c).

98. See Modification Orders, S. 58 of 1957.

99. *Ibid.*

100. Proviso to Article 54(2) (c).

1. Though the number of persons who might have benefited from this provision might have been reduced by allowing minors to register themselves as citizens under clause (2) of Article 58, this was not so since the policy of the Registry of Citizenship was not to allow minors whose parents were not citizens of Singapore to so register themselves. As a result, these minors became citizens of Singapore by birth.
2. That is, under Article 54(3).
3. He would not be able to register himself as a citizen as it is still the policy of the Registry not to allow such minors to register if their parents are not citizens.

*Illustration:*⁴

(i) S was born in Singapore. His father is a Singapore citizen at the time of his birth.

S would be a Singapore citizen, whenever he was born.⁵

(ii) S was born in Singapore. His parents are neither citizens of Singapore nor permanent residents of Singapore. Assume that he would not be a citizen of any country at the time of his birth. Here S's status would depend on the period during which he was born.

Pre 1963 — S would be a citizen.⁶

1963-1967 — Since he would not be a citizen of any country, he would obtain citizenship by birth.⁷

Post 1967 — Though he would not be a citizen of any other country, he would only be granted citizenship by birth, if the Government considers it just and fair to do so.⁸

Since under the present position, the Government may exercise its discretion only when it deems it 'just and fair', it would therefore appear that the new provision is more restrictive since a person who can show that one of his parents is a permanent resident of Singapore cannot automatically acquire citizenship by birth as before.

Though this may be so, in another aspect the present position may be wider. By virtue of Article 54(2) (c), to acquire citizenship by birth, a person born in Singapore must show that at the time of his birth, one of his parents was a citizen of Singapore. The Government now, after taking into consideration any circumstances has very wide discretion to waive this requirement and grant citizenship to any person born in Singapore, even though at the time of his birth neither of his parents was a Singapore citizen nor a permanent resident. The list of circumstances for invoking this discretion is not defined. The Government may invoke the provision whenever it considers it just and fair.

Illustration:

C was born in Singapore in 1964. At the time of his birth neither of his parents was a Singapore citizen nor a permanent resident of Singapore.

In 1967, both his parents became Singapore citizens.

Can C acquire citizenship of Singapore by birth?

Before Amendment:

C could not have acquired citizenship by birth since at the time of his birth neither of his parents was a citizen nor a permanent resident. He could, however, be granted such citizenship only if he had shown that he would be a citizen of no other country.⁹

4. The following illustrations are meant only to show the importance of the status of the father. No consideration has been taken of other factors.
5. That is, under the 1957 Ordinance, and the Singapore Constitution before and after the amendments.
6. Singapore Citizenship Ordinance, 1957, s 4.
7. Under the now repealed proviso to Article 54(2) (c) of Singapore Constitution.
8. Under the present Article 54(3).
9. See Appendix A for the old proviso to Article 54(2)(c).

After Amendment:

The Government, may now, acting under Article 54(3) grant citizenship by birth to C, even though C would not be able to show that he would not be a citizen of any other country.

But to what extent the Government will invoke this exception is quite another question. However, it is not difficult to envisage that in view of the present policy¹⁰ of the Government in awarding citizenship, this exception would be sparingly used.

Article 54 is also subject to the two other usual exceptions. No person shall be a citizen of Singapore by birth if his father was a person who possessed immunity from suit and legal process as is accorded to an envoy of a sovereign power,¹¹ or his father was an enemy alien and "the birth occurred in a place then under the occupation of the enemy."¹²

Unlike India, but like several other countries,¹³ it is provided under the Singapore Constitution that any new born child found in Singapore of unknown parentage would be deemed to be a citizen of Singapore by birth, until the contrary is so proved.¹⁴

Let us briefly look at the position of those persons born before the coming into operation of the Constitution.¹⁵ Section 4 of the Singapore Citizenship Ordinance, 1957 provided that every person born in the then Colony before, on or after the date of coming into operation of the relevant part of the Ordinance¹⁶ shall be a citizen of Singapore by birth. There were no other requirements for such an acquisition except the two usual exceptions.¹⁷ It was therefore much easier to acquire such a citizenship then, than it is today. This is yet another example of the restrictive policy of granting citizenship today.

(ii) *Citizenship by Descent*

The general principle seems to be that any person born outside Singapore should be able to attain citizenship by descent if his father at the time of the birth was a citizen of Singapore.¹⁸ This general rule, however, is subject to certain modifications under the 1957 Ordinance and under the present provisions.

Under section 5 of the 1957 Ordinance any person born outside the Colony before, on or after 1st November 1957 shall be a citizen by descent if at the time of his birth his father was, or would have been entitled to

10. See III *supra*.

11. Article 54(2) (a).

12. Article 54(2) (b). The words within quotes clearly refer to Singapore. This odd phraseology is due to the fact that this provision was taken *verbatim* from the British Nationality Act, 1948.

13. *E.g.* Canadian Citizenship Act, 1946-51, s. 7; Irish Nationality and Citizenship Act, 1935, s. 13; Nationality Act of Germany, 1913, s. 4.

14. Section 13 of Third Schedule, Constitution of Singapore.

15. That is, 16th September 1963.

16. That is, 1st November 1957.

17. Relating to fathers who were either enemy aliens or who possessed diplomatic immunity — section 4.

18. Doctrine of *jus sanguinis*.

be a citizen of Singapore by birth. This of course meant that only children of fathers who were born in Singapore could attain such a citizenship. Children of fathers who were citizens of Singapore by registration, naturalisation or by descent could not acquire such a citizenship.

Section 5 was also subject to further limitations. All persons who acquired such a citizenship irrespective of when they were born — whether before, on, or after 1st November 1957, were subject to the provisions of section 19 of the Ordinance which provided that a minor who becomes a citizen of Singapore by descent shall cease to be one unless within twelve months of attaining the age of twenty-one, he takes an oath of allegiance, renunciation and loyalty.¹⁹ This limitation did not apply to a person who was already twenty-one before the Ordinance came into operation.

The other limitation²⁰ only applied to persons who were born on or after 1st November 1957. Such persons would not be citizens unless their births were registered within one year of their occurrence. Discretion was given to the Minister to allow such registration even after the expiry of the one year after birth.²¹

The position under the Singapore Constitution seems to be more complicated. Article 55 provides that a person born outside Singapore after 16th September 1963 shall be a citizen of Singapore by descent if at the time of birth his father was a citizen of Singapore *by birth or by registration*.²² It would therefore be seen that Article 55 is wider than section 5 of the Citizenship Ordinance since it also allows children of fathers who are citizens of Singapore by registration to obtain citizenship by descent. It must, however, be pointed out that the position before 15th August 1968²³ was very much wider since during that period any child of any citizen of Singapore by whatever means could attain citizenship by descent.²⁴

The phrase underlined above was added on 15th August 1968 to restrict it to fathers who were citizens either by birth or by registration. Since the provision refers to fathers who were citizens of Singapore by birth or by registration, it then, in this aspect, treats fathers who are citizens by descent in an inferior level than citizens by registration. This appears to be a peculiar situation. Again the rationale of this amendment is not clear. Presumably this is another means of restricting the grant of such citizenship.

19. See section 19.

20. See proviso to section 5.

21. *Ibid.*

22. Italics supplied. Words italicised added by Act 21 of 1968 with effect from 15th August, 1968.

23. That is, prior to the amendment.

24. See the then Article 55. However, the writer has been informed by the Registrar of Citizenship that it is the practice and policy of the Registry to grant citizenship by descent even to children whose father is a citizen by descent. If this is the case, the writer would then like to query the necessity for such an amendment to have stated 'birth or registration' alone. Why did it not include descent as well? To this query the writer has not been able to obtain a satisfactory answer.

Illustration :²⁵

(i) S was born in Ceylon. S's father F, is a citizen of Singapore by birth. S would be a citizen by descent at whatever period he was born.²⁶

(ii) S was born in Ceylon. S's father is a citizen of Singapore by descent at the time of S's birth.

Here S's status would depend on when he was born.

Pre 1957 — He would not be a citizen by descent.²⁷

16th September 1963 to 15th August 1968 — S would be a citizen by descent.²⁸

Post 15th August 1968 — S would not be a citizen by descent.²⁹

Article 55 was further amended in 1966³⁰ and 1968³¹ and more limitations were imposed. However, before and after the amendment, any person who was born outside Singapore after 16th September 1963 shall not become a citizen by descent unless his birth had been registered at a Consulate of Singapore within a year of its occurrence. Such registration can be made after the one year period if the Government so grants the permission.³²

From 1963 until 1966,³³ there was no requirement for a minor who became a citizen by descent to take an oath of allegiance, renunciation and loyalty on attaining the age of twenty-one years and before attaining twenty-two years. Under the Singapore Citizenship Ordinance there was such a requirement.

In 1966, however, Article 55 was amended by Modification Orders³⁴ to include clause 2 which provided that such an oath should be taken by such a minor when he attains twenty-one years of age. If such a minor did not take such an oath by the time he attained twenty-two years, he would then cease to be a citizen of Singapore.

This amendment presently gives rise to certain major difficulties. In fact this is one of the controversial areas which has troubled lawyers most. These problems shall therefore be discussed further in a subsequent section.³⁵

25. The following illustrations are again intended to show the importance of the status of the father as the law stands. No consideration has been taken of other factors.
26. Under 1957 Ordinance, s. 5; and under Singapore Constitution, Article 55(1) (before and after the relevant amendment).
27. See section 5 of 1957 Ordinance.
28. See Article 55 of Singapore Constitution *before* the amendment.
29. See Article 55 of Singapore Constitution *after* the amendment.
30. That is, Article 55(2) was added by S. 259 of 1966.
31. Second proviso to clause (2) of Article 55 was added by Act 21 of 1968.
32. First proviso to clause (2) of Article 55. This permission may be granted before or after registration — see section 5 of Third Schedule, Constitution of Singapore.
33. That is, till clause (2) to Article 55 was added by s. 259 of 1966.
34. *Ibid.*
35. See V, *infra*.

Acquisition of citizenship by descent is also subject to another proviso.³⁶ In 1968, a new proviso was added to read as follows:³⁷

“And provided further that where such person is born of a father who is a citizen of Singapore by registration at the time of the birth, he would not acquire the citizenship of that country in which he was born by reason of his birth in that country.”

Reading the above proviso in isolation, it would seem to suggest that the Singapore Government is attempting to impose certain limitations extra-territorially.³⁸ In such a case the provision would be without any legal effect. Surely then, this could not have been the intention of the Legislature. The writer understands from the Registrar of Citizenship that this proviso was intended to provide against dual citizenship. If this is so, then such an intention may only be inferred by reading the proviso together with clause (1) of Article 55. The provision would then read as follows:

“A person born outside Singapore...shall be a citizen of Singapore by descent.. provided that.. he would not acquire the citizenship of that country in which he was born....”

The writer is of the opinion that this is yet another instance of bad draftsmanship and that the proviso should be amended accordingly. It is an accepted rule of construction that provisos to certain sections of the Act generally refer to the sections immediately preceding the provisos.³⁹ In such a case the said proviso should have been inserted immediately following clause (1) of Article 55 rather than under clause 2.

One should also note that the proviso only applies to fathers who are citizens of Singapore by registration. Here again, the writer is informed that in practice, the Registry of Citizenship also extends this proviso to fathers who are citizens of Singapore by descent or naturalisation.⁴⁰ It does not apply, however, to fathers who are citizens of Singapore by birth. In the latter case then, under certain circumstances the said child may acquire dual citizenship.⁴¹

Illustration:

S was born in Malaysia in 1965. S's father F is a Singapore citizen by birth. S's mother, however, is a Malaysian citizen.

In such a case S would be a Malaysian citizen by virtue of the fact that he was born in Malaysia and one of his parents is a Malaysian citizen. He would also be a Singapore citizen by descent⁴³ since his father was a citizen of Singapore by birth. He would therefore have dual citizenship.

36. Second proviso to Article 55.

37. Added by Act 21 of 1968.

38. That is, it appears to say that persons born in another country cannot acquire citizenship of that country. It does not say that such a person would not acquire citizenship of Singapore.

39. See Odgers, *“The Construction of Deeds and Statutes”*, (1956) 4th ed., page 224. “It [proviso] must be construed with reference to the preceding parts of the clause to which it is appended.”

40. See footnote 24.

41. That is, of Singapore and of the country in which he was born.

42. Article 14 of the Malaysian Constitution — see also Second Schedule, Part II, section 1(a).

43. Subject to the other limitations.

If the purpose of the proviso was to prevent dual citizenship, why then draw an exception to fathers who are citizens by birth? Here again, the writer was unable to get a satisfactory explanation from any of the senior civil servants interviewed.

(iii) *Citizenship by Registration*

The third category of citizenship which one can acquire under the Singapore Constitution is by registration.⁴⁴

Citizenship by registration is normally by way of application made by persons who satisfy certain requirements, especially certain residential qualifications. Whether such a person who applies for registration as a citizen is entitled as of right to be granted the status of a citizen would depend on the policy of the Government. In Malaysia, under the Federal Constitution, it would seem that any person who satisfies all the requirements of certain provisions⁴⁵ of the Constitution may be able to attain such a status as of right.⁴⁶ The relevant provisions provide that such a person shall be “*entitled*” to such citizenship. The position under the Singapore Constitution would appear to be different. All the necessary provisions⁴⁷ of the Singapore Constitution relating to citizenship by registration indicate that the Government has the sole discretion whether to grant such a citizenship or not. Each of the provisions provides that on application any person “*may...be registered....*” Furthermore as we shall see, the Government has made it quite clear that Singapore citizenship is not granted as of right. It is a privilege which the Government may bestow on anyone whom it deems fit to do so. What the Minister in charge of Citizenship⁴⁸ had to say of this should be recollected:

“...the grant of citizenship is a matter of privilege and not of right. A person who has the necessary qualifications will not automatically be granted Singapore citizenship.... A person who is granted citizenship must be able to make a positive contribution to the economic well-being of Singapore.”⁴⁹

Having come to the conclusion that no one may claim citizenship by registration as of right, let us then consider who are the persons eligible to make such an application.

Persons Eligible for Registration

Citizenship by registration under the Singapore Constitution can be classified into three main categories:

A. Application by persons over the age of twenty-one.⁵⁰

44. Articles 57-60.

45. Malaysian Constitution, Articles 15, 16, and 16A.

46. This is, of course, subject to the condition that the applicant is able to satisfy the Federal Government certain requirements which themselves are in subjective terms. *E.g.* the applicant must show that he is of “good character.”

47. Articles 57(1), 57(2), 58(1) and 58(2).

48. The Minister for Foreign Affairs and Minister for Labour, Mr. S. Rajaratnam.

49. Parliamentary Debates, Singapore. Official Report. Vol. 27, No. 7. Col. 345. Tuesday, 21st May, 1968.

50. Article 57(1) of the Singapore Constitution.

B. Women who are married to Singapore citizens.⁵¹

C. Application by minors.⁵²

A. *Application by Persons over the age of Twenty-one Years*

Article 57 of the Constitution provides that any person of or over the age of twenty-one and who was a resident of Singapore on 16th September 1963 may make an application to be registered as a Singapore citizen. But before he may do so he has to satisfy the Government of certain requirements.

Firstly, he must show that he "is of good character."⁵³ What amounts to good character is not defined.⁵⁴ Will a person who has been convicted of certain offences be termed as of no good character? Or would an active opposition member be termed so? Or does it only refer to persons who had taken an active part against the security of the nation? These queries cannot be answered, as pointed out earlier for want of a definition of the term. But the writer understands that it is the practice of the Registry of Citizenship to follow a certain standard procedure. All applications are sent to the Police for screening. The person's background is looked into to see whether he would be a threat to the security of the Republic. Police records of any previous convictions are also looked into. Following Police investigations, the Customs Department would look into their record to see whether the applicant has ever been guilty of smuggling or is suspected of being so. Only after these investigations will the person's character be certified.⁵⁵

The applicant must also satisfy the Government that he intends to reside in Singapore permanently.⁵⁶ This he can now do by showing that he is (a) a holder of a blue Singapore identity card,⁵⁷ (b) holder of a Malaysian identity card, either red⁵⁸ or blue⁵⁹ and (c) his passport entitles him to reside in Singapore for an indefinite period.⁶⁰ or an entry permit for permanent stay has been issued. The best proof of such an intention to reside in Singapore permanently is to hold a blue Singapore identity card. Persons with Malaysian identity cards must either show that he has informed the Registrar of Citizenship in Malaysia that he

51. Article 57(2) of the Singapore Constitution.

52. Article 58 of the Singapore Constitution.

53. Article 57(1) (a).

54. It should be interesting to note that the Malaysian Constitution had a provision which purported to define what "good character" was. This provision, however, has now been repealed — see Article 18(4) of Malaysian Constitution.

55. The writer is informed that a large number of applicants had their applications rejected because of their previous records. Statistics, however, were not made available.

56. Article 57(1) (c) of the Singapore Constitution. Section 16 of the Third Schedule to the Singapore Constitution defined what may be treated as "permanent residence." This section has, however, been repealed by s. 88 of 1967, with effect from 17th March, 1967.

57. A blue card is issued to non-citizens.

58. A red card in Malaysia is issued to non-citizens.

59. Citizens in Malaysia are issued with a blue identity card.

60. Therefore holders of Restricted Passports (issued for travel between Singapore and Malaysia alone) who are allowed to stay in Singapore for two weeks cannot qualify for permanent residence.

intends to reside in Singapore permanently and that he wishes to change his Malaysian address on the identity card to a Singapore address⁶¹ or he must show that he has been in Singapore long before 1st July 1967.⁶²

The third category of persons are those who have been granted permission to reside in Singapore permanently by the Immigration Department.⁶³ The following persons fall within this class.

(i) "Any person who has professional or specialist qualifications which would enable him to following his profession or occupation in Singapore without prejudicing the interests of citizens of, and other persons resident in Singapore with corresponding or similar qualifications.⁶⁴ This generally applies to technical and management experts. The scope of this section may be seen from the following circular issued by the Economic Development Board:⁶⁵

"As part of its programme to promote the growth of industries the Government is introducing an Immigration Scheme which will permit persons with special technical and managerial skills to reside in Singapore if they wish to do so.

2. While the exact type of skills of such personnel cannot be fully described, the Government will consider the following categories:—

(a) Those with at least 10 years experience in a key management post in industry or those with a high degree of skill in finance, production, export sales or in a specific technical field.

(b) Engineers and technicians with specialised knowledge in certain industries such as precision engineering, marine and allied industries.

(c) Skilled artisans such as diamond cutters and polishers, certain categories of metal workers, etc.

(d) In addition, the Government will also consider specialists who may be required from time to time to assist in the promotion of feasible industries.

3. Such persons will allowed permanent stay in Singapore whether they are employed by the private sector or whether they seek to establish consultant firms or manufacturing companies of their own. The approval will, however, be on the condition that the person works in an approved institution or industry in Singapore for a period of not less than 5 years."

(ii) "Any person who is in possession of a certificate issued by the Minister certifying that his admission would be in the economic interest of Singapore."⁶⁶ Within this category falls the foreign investors who are able to invest \$250,000 in an industry in Singapore. As pointed out earlier this is in keeping with the policy of the Singapore Government to grant citizenship to those who are able to contribute to the economy of Singapore. One of the Schemes of the Government⁶⁷ is to allow any such person who invests the \$250,000⁶⁸ to reside in Singapore permanently and subse-

61. In which case a white card will be issued.

62. That was the period before the new Immigration laws of Singapore came into effect.

63. Such people are enlisted in The Schedule to the Immigration (Prohibition of Entry) Order. S. 148 of 1966.

64. *Ibid.*, s.1.

65. Issued by the Review Committee (Immigration).

66. See footnote 64.

67. The other is the \$100,000 Active Participation Scheme where the foreigner has to set up a factory or other industrial undertaking.

68. Under the \$250,000 Deposit Scheme.

quently, after the necessary residential qualification, to be able to apply for Singapore citizenship. Citizenship, however, would not be granted if the Scheme is not successful within the five years. As the Minister for Labour told Parliament:

“...anybody who invests \$250,000 in Singapore does not get citizenship [immediately].... He [only] gets right of permanent residence....”⁶⁹

(iii) Wife and children of any citizen,⁷⁰ and

(iv) “Any person permitted by the Minister to enter Singapore on special compassionate grounds.”⁷¹

An elementary knowledge of the national language, which must be to the satisfaction of the Government, must be had by every applicant.⁷² Here again, it is not stated what exactly is the standard of knowledge of the national language required by each applicant. Is it necessary for him to be able to read and write the national language or is it sufficient for him just to be able to answer a few standard questions?

The writer, however, understands from the Registrar of Citizenship that the test is a simple oral one, where a few questions as to the person's name, occupation, age, etcetera, are asked. The writer too was informed that a number of persons were unable to pass such a test. Here again statistics were not made available.

The Registry does not envisage that foreigners who have invested \$250,000 in Singapore would have much difficulty with the language test since many of these investors so far have been Chinese businessmen from Indonesia who speak Malay well. Besides, if these investors⁷³ are above forty-five years of age, the Government has the discretion to waive this requirement.⁷⁴

The last and most important requirement which an applicant must satisfy before he can apply to be a citizen by registration is the residential qualification.⁷⁵ All applicants must have resided in Singapore throughout

69. Parliamentary Debates, Singapore Official Report. Vol. 28, No. 5. Col. 347. Monday, 16th December, 1968.

70. See footnote 64.

71. *Ibid.*

72. Article 57(1)(e).

73. Under the proviso to Article 57(1) (e).

74. The only other circumstance where there can be such a waiver by the Government is when the applicant is deaf or dumb.

75. Article 57(1) (c). Article 57(1) of the Constitution further provides that a person who applies to be a citizen by registration should have been a resident in Singapore on the coming into operation of this Constitution, i.e. on 16th September 1963. Though this is a constitutional requirement, this has not been complied with by the Registry of Citizenship. The Government in wanting to grant citizenship to persons who have resided in Singapore for 5 years, amended Article 57(1)(c) to give themselves this discretion to so grant citizenship to such persons. In so doing the Government has overlooked this constitutional requirement that all persons who are granted citizenship by registration should have been residents in Singapore on 16th September 1963. As such citizenship was granted to persons who had resided in Singapore for five years but who were not residents in Singapore on 16th September 1963. It would appear that the validity of such citizenship is doubtful. *Query*: Can the Government later when it wishes to deprive such persons of their citizenship do so on the ground that it was effected or granted by mistake?

the twelve months preceding the date of their application.⁷⁶ Then, generally the applicant must have resided in Singapore for an aggregate period of not less than ten years during the twelve years preceding the date of application.⁷⁷ That is, within a period of twelve years before the date of application, the applicant must have been in Singapore for a total of ten years.

With changes in policy of the Government so as to attract foreign investors and skilled personnel, Article 57 of the Singapore Constitution was amended in 1967. By this amendment⁷⁸ two provisos were added to the ten-out-of-twelve year provision.

The first proviso⁷⁹ gave the Government complete discretion to waive this ten-out-of-twelve year requirement to five-out-of-six years. The Government was therefore able to grant citizenship to any person who resided in Singapore for a total period of five years during the six years preceding the application.

It is as a consequence of this amendment that the Government is able to grant citizenship to foreign investors and skilled personnel who have resided in Singapore for five years during the six years preceding their applications.⁸⁰ Non-citizens of Singapore who are holding Division I and Division II posts in the Government are also eligible for this reduced period of residential qualification. In 1967, of the total of 697 officers in such posts, 387 of them took advantage of this concession and applied for citizenship.⁸¹ During the period from 1st January 1968 to 30th June 1968, fifty-five such officers had applied.⁸² As the Parliamentary Secretary to the Minister for Labour, pointed out to the writer, this provision would only be used by the Government to exempt anyone who would be of economic benefit to the Republic of Singapore.

By the second proviso,⁸³ the Government was given further discretion to exempt any applicant completely from this residential requirement. Citizenship may now be granted by the Government to anyone who has resided in Singapore as short a period as twelve months. Though the new provision provides that the Government may grant such a waiver only in a 'special case', it is not clear what may amount to a 'special case'. Possibly it could be interpreted to mean any exceptional circumstances. The writer is informed by the Registrar of Citizenship that to date the Government has yet not exercised this discretion to grant anyone citizen-

76. As to certain periods which may be taken into account and certain other periods which may not be taken into account in calculating a period of residence, see sections 17 and 18 of Third Schedule, Constitution of Singapore.

77. Under the Singapore Citizenship Ordinance, 1957, such period of residence was generally eight out of twelve years — see s. 8.

78. First amended by s. 88 of 1967. Subsequently repealed and substituted by s. 214 of 1968.

79. *Ibid.*

80. See page 180.

81. Figure given by Dr. Goh Keng Swee in Parliament — see Parliamentary Debates, Vol. 26, Col. 257, October 1967.

82. Parliamentary Debates, Vol. 28, No. 1, Col. 10, 3rd December, 1968.

83. Added by s. 214 of 1968.

ship without any residential qualification. This being the case, one can only conjecture the circumstance under which such an exception may be invoked.

Though the above are the requirements entitled in the Singapore Constitution as qualification for the granting of citizenship by registration, there appear to be certain other unwritten qualifications.⁸⁴ These qualifications are in accordance with the Government's policy of granting citizenship. One such unwritten requirement is that any such applicant should be able to make a contribution to the economy of Singapore. As the Permanent Secretary to the Ministry of Labour said:⁸⁵

“Residential qualifications alone do not automatically entitle a person to Singapore citizenship.

Singapore citizenship will not be granted as freely *as* in the past. Approval will depend upon our economic position and a person, if granted citizenship, should be able to make a positive contribution to the economic well-being of the Republic.⁸⁶

It is as a result of this policy that a great deal of hardship has been caused to many persons who have applied for such a citizenship. How is one's contribution to the economy of Singapore to be assessed? What must be the nature of such a contribution? In recent Parliamentary sessions,⁸⁷ backbench Members of Parliament questioned the Minister for Labour and contended that this policy of the Government was working injustice to a great many loyal persons of Singapore.

The Member of Parliament for Tiong Baharu, Mr. Ch'ng Jit Khoon, pointed out that it was not fair to turn down application from persons who had decided to make Singapore their permanent home. He said:

“But because their incomes are not high, they are not considered to be making any contribution to the Republic's economy and their applications turned down.”⁸⁸

The Member of Parliament for Sembawang, Mr. Teong Eng Seong, told the House of a woman, “owner of a small shop, who had stayed in the Republic for twenty years, and had sons who were now graduates of Nanyang University. This woman applied for citizenship but was rejected. Mr. Teong said the Minister had made it clear that only those who had contributed to Singapore's economy would be considered.”⁸⁹

It is instances like these that one hears of almost everyday. Persons write pathetic letters to the press expressing disappointment and concern over the fact that their applications for citizenship have been rejected in spite of the fact that they have the necessary residential qualifications.

84. These are mainly policy guidelines made known by Speeches made by the Government.

85. Mr. Pang Tee Pow.

86. Straits Times, 21st August, 1968 — see also speech by Minister for Labour during Parliamentary Debates. May 21st, 1968.

87. Parliamentary Debates, 16th December, 1968 and 20th March, 1970.

88. Straits Times, December 17th, 1968; Parliamentary Debates, Official Report. Vol. 28, No. 5. Col. 334. 16th December, 1968.

89. *Ibid.*

A great number of people appeal to the Minister whilst Members of Parliament attempt to influence the Government to change its policy.⁹⁰

The Government, however, being firm, seeks to justify this strict application of the policy on the ground that it is in the interest of the majority. The Minister for Labour pointed out that granting a person Singapore citizenship meant an additional liability to the Republic. For then, the new citizen would be entitled to benefits like education, housing, welfare assistance, and the vote. He said:

“...I quite sympathise with many of the difficulties that some people are confronted with as a result of our strict enforcement of the citizenship law, but we do so in the interest of the majority.

Sometimes the choice is between two unpleasant things and I will, therefore, make the choice in favour of the less unpleasant course.”⁹¹

What the Minister is saying then is that he would rather impose stricter laws for the granting of citizenship and thus limit the number of citizens, than grant it to many who would then become an additional liability to the State.

The writer too is of the opinion that in view of the present circumstance prevailing in Singapore with the imminent danger of unemployment and overpopulation;⁹² this pragmatic approach of the Government is most suited in the interest of the Republic. Granting of citizenship being most vital to the well-being of any nation, they should not be granted freely on humanitarian grounds alone. Countries must have their own policies to govern their citizenship laws according to their own interest.⁹³ As circumstances change, these policies too must change. As the Government has pointed out:

“...if things improve...we will review this [the policy] year by year — and if we feel that we can give citizenship to those people from whom we now withhold citizenship, we will do so. But I think it would be disastrous if, purely on humanitarian grounds we open the doors.... The consequence of [doing so] may be such that [we] will find [our]selves confronted with other problems of mounting unemployment for citizens.”⁹⁴

In conclusion we shall have a quick look at the Singapore Citizenship Ordinance, 1957 to see whether there have been any other changes. It would appear that the principles underlying citizenship by registration under the 1957 Ordinance were similar to that under the present Singapore Constitution, with only slight differences.⁹⁵ The necessary qualifications under the 1957 Ordinance were less stringent — there was no need for knowledge of the national language and the residential qualification was also for a shorter period.⁹⁶ Thus, since the policy of awarding citizenship was not as stringent as it is today, it was therefore much easier to become a citizen of Singapore under the said Ordinance.

90. Parliamentary Debates, Official Report, Vol. 28, No. 5, Col. 333, 16th December, 1968, Vol. 29, No. 12, 20th March, 1970.

91. *Ibid.*

92. See III, *supra*.

93. *E.g. c.f.* Australia, Canada.

94. See footnote 90.

95. See section 8.

96. Generally eight out of twelve years.

B. *Registration of Women Married to Citizens*⁹⁷

Women who are married to Singapore citizens may also apply for Singapore citizenship by registration.⁹⁸ The restrictions, however, for such women are not the same as those applicable to others.⁹⁹ The Constitution provides that the married woman must have “resided continuously in Singapore for a period of not less than two years immediately preceding the date of the application.”¹⁰⁰ It would therefore appear that if a woman was able to show that she had stayed in Singapore for two years preceding an application and that she is now married to a Singapore citizen, she would then be able to satisfy this requirement. It must be noted that the Constitution does not provide that she must have resided in Singapore for two years *after* her marriage. The wording of the provision seems to cover a case where a woman has resided in Singapore for a certain period and subsequently she married a citizen. In such a case if the aggregate period of residence immediately before the application is two years, she would then appear to satisfy this requirement.¹ The writer, however, was informed by the Registrar of Citizenship that this is not the case since the practice of the Registry is to require the period of residence of the two years to be *after* the marriage. No account is taken of any period of residence before marriage.

Illustration:

W a citizen of Sweden arrived in Singapore on 1st January 1967. On 1st February W and H were engaged to be married. On 30th November 1967, they were married. W has been in Singapore since her arrival from Sweden.

On 1st January 1969, she made an application to be registered as a citizen under Article 57(2).

In such a case, the Registry of Citizenship would not consider her application since she has not resided for two years in Singapore after her marriage. She would then be advised to re-apply on 1st December 1969 after the two years of residence subsequent to her marriage.

The other requirement which such a woman has to satisfy is that she must be of ‘good character’ and she must show that she intends to reside permanently in Singapore.² She can satisfy the latter requirement by showing that the Immigration Department has issued her with entry permits.³ The writer has also been informed that many married women are not aware of this requirement as a result of which such applicants with a Visit Pass or any other pass for a temporary stay⁴ are turned down. However, they may re-apply after getting the necessary clearance from the Immigration Department.

97. See *Convention on the Nationality of Married Women*. Done at New York, on 20th February, 1957 (for text see (1958) 309 U.N. Treaty Series, P. 66). Singapore acceded to this treaty in 1966 — see U.N. Document E/CN. 4/907/Rev. 2, 3rd January, 1968, page 35.

98. Under Article 57(2).

99. See above.

100. Article 57(2) (a).

1. *Ibid.*

2. Article 57(2) (b) and (c).

3. Under the Immigration Ordinance.

4. *E.g.* those persons from Malaysia with a Restricted Passport with permission to stay in Singapore for two weeks only.

At this point, it must be pointed out that under the Singapore Constitution there are no special provisions with regard to alien husbands marrying girls who are Singapore citizens. When a Member of Parliament⁵ suggested that special consideration should be given to such husbands, the Parliamentary Secretary, Mr. Sia Kah Hui, replied that no special consideration should be given but such husbands should apply for citizenship only if they had the usual qualification applicable to any applicant over the age of twenty-one.⁶ The reason for not having such a provision was made clear by the Parliamentary Secretary during the course of an interview with the present writer. The Parliamentary Secretary pointed out that if such a provision was introduced, it would put the foreigner in a more advantageous position than a local person who intends to apply for citizenship. Besides, in view of the Government's policy not to grant citizenship to too many persons, such a provision is also undesirable.

C. *Registration of Minors*

Special provisions are made for registration of minors as citizens of Singapore under Article 58 of the Singapore Constitution. Clause (1) deals with registration of minors who are children of Singapore citizens. The father or guardian of such a child may make an application for a child who is residing in Singapore to be registered.

Clause (2), however, gives a wide discretion to the Government to register *any minor* in any 'special circumstances as it think fit'. Here again, what would constitute a special circumstance is not stated. Complete discretion is given to the Government.

A similar amendment to that of Article 55(2) was also added in relation to registration of minors.⁷ This amendment in 1966 made it obligatory for all minors who became citizens of Singapore by registration on attaining the age of twenty-one to take an oath of allegiance, renunciation and loyalty.⁸ This amendment together with Article 55(2) will be dealt with later.⁹

(iv) *Citizenship by Naturalisation*

This is the last of the four methods of acquiring Singapore citizenship. Unlike the earlier three methods, this type of citizenship is acquired under the Malaysian Constitution¹⁰ which is still applicable to Singapore.¹¹

5. Mr. Govindasamy.

6. Parliamentary Debates, Official Report. Vol. 28, No. 5. Col. 334.

7. Article 60(3).

8. Each year a number of such minor citizenship certificates have been withdrawn for failure to take such an oath. From the beginning of 1968 to the end of 1969, 291 minors were effected. However, the Minister of Labour, Mr. Rajaratnam has given an assurance in Parliament recently, that "sympathetic consideration to cases where there has been genuine error — they failed to take the oath of allegiance through ignorance and through bona fide mistakes," would be given. "We are prepared to consider such cases where there have been genuine mistakes." See Parliamentary Debates Singapore, Official Report Vol. 29, No. 12, Col. 820.

9. See V, *infra*.

10. Malaysian Constitution, Article 19, with the necessary modifications.

11. By virtue of Singapore Independence Act, 1965.

Citizenship by naturalisation is very similar to citizenship by registration. A person over the *age* of twenty-one may apply for a certificate of naturalisation. Such a person must be of good character, have an adequate knowledge of the national language and have resided in Singapore for an aggregate of ten years during the twelve years preceding the date of application. As in the case of citizenship by registration, the last year of the ten years residence must have been in Singapore.¹²

Though the Constitution of Singapore provides¹³ for persons to acquire citizenship by naturalisation, under the Malaysian Constitution, it is, however, the practice of the Registry of Citizenship not to grant such citizenship.¹⁴ In fact, the Minister has not prescribed any forms¹⁵ for the application of citizenship by naturalisation. Persons with the necessary qualifications are asked to apply for citizenship by registration under Article 57.

V. OATHS BY MINORS

One of the most controversial areas of Citizenship laws of Singapore currently is that which relates to the taking of an oath of allegiance, renunciation and loyalty¹⁶ by a minor citizen on attaining the age of twenty-one. It would be recollected that a minor could either become a citizen of Singapore by descent, or register himself as a citizen of Singapore, both under the Singapore Citizenship Ordinance, 1957,¹⁷ and the Singapore Constitution.¹⁸

Section 19(2) of the Singapore Citizenship Ordinance provided that:

“A person who being a minor becomes a citizen of Singapore by descent or registration shall cease to be a citizen of Singapore on attaining the age of twenty-two years unless within twelve months after he attains the age of twenty-one years he takes on oath of renunciation, allegiance and loyalty....”

This meant that any child who became a citizen of Singapore by descent under section 5 or had registered himself as a citizen under section 13 should have taken such an oath when he attained the age of twenty-one. Therefore, persons who attained the age of twenty-one during the period 1957-1963¹⁹ were covered by this section.

In 1963, the Singapore Citizenship Ordinance was repealed and the State Constitution of Singapore came into force. Though the Constitution made provision for minors to become citizens by descent²⁰ or by registra-

12. See footnote 9.

13. Article 53 (2) (d).

14. The writer was informed of this practice by an officer at the Registry of Citizenship.

15. As required by section 4 of the Third Schedule to the Singapore Constitution.

16. Henceforth referred to as the oath.

17. Section 5 (by descent) and section 8 (by registration).

18. Article 55(2) (by descent) and Article 58 (by registration).

19. *I.e.* the period when the Citizenship Ordinance was in force.

20. Article 55.

tion,²¹ there was no provision in the Constitution similar to section 19(2) requiring them to take an oath. The problem then arose as to whether minors who become Singapore citizens by descent or by registration under the Citizenship Ordinance had to take an oath after the repeal of the 1957 Ordinance. Clearly, since there was no provision existing under the Constitution, and since the 1957 Ordinance had been repealed, such persons could not have taken an oath. Therefore, the only logical conclusion was that they were not required to do so.

Difficulty arose however, in 1966, when Parliament amended certain of the provisions of the Singapore Constitution. Article 55 which deals with citizenship by descent was amended to include the following new clause:²²

“A person who being a minor becomes a citizen of Singapore by descent shall cease to be a citizen of Singapore on attaining the age of twenty-two years unless within twelve months after he attains the age of twenty-one years he takes an oath of renunciation, allegiance and loyalty....”

At the same time, Article 60 of the Constitution relating to registration of minors was also amended by adding a similar provision.²³ This provision read as follows:

“Any person *who becomes a citizen of Singapore by registration under Article 58 of this Constitution*²⁴ shall cease to be a citizen of Singapore on attaining the age of twenty-two unless within twelve months after he attains the age of twenty-one he takes an oath....”

The date of amendment of both these provisions was 9th December, 1966.²⁵ These provisions, however, were given retrospective effect as from 9th August, 1965.²⁶ The crucial question under these amendments is: who are the persons covered by these amendments?

It was clear from the wording of Article 60(3) that only persons who were registered under the Constitution need to take such an oath. Persons who were registered under the 1957 Ordinance did not have to take such an oath.²⁷ It was only in 1968, however, when Article 60(3) was again amended²⁸ that persons registered under the 1957 Ordinance had to take the oath. But this amendment should have only affected minors who attained the age of twenty-one after 1968.²⁹ Therefore, persons who were registered under the 1957 Ordinance and who attained the age of twenty-one during the period 1963-1968³⁰ were exempted from the oath.

21. Article 58.

22. Article 55(2), amended by Modification Orders s. 259 of 1966.

23. Article 60(3), amended by Modification Orders s. 259 of 1966.

24. Italics supplied.

25. See Modification Orders S. 259 of 1966.

26. *Ibid.*

27. Article 60(3) mentions only persons registered under Article 58 of the Constitution.

28. Act 21 of 1968. See Appendix for the present position.

29. That is after the passing of Act 21 of 1968 — 15th August, 1968.

30. That is before this recent amendment to Article 60.

The position under Article 55(2) is slightly different. Article 55(2) reads as follows:

“A person who being a minor becomes a citizen of Singapore by descent shall cease to be a citizen of Singapore on attaining the age of twenty-two years unless within twelve months after he attains the age of twenty-one years he takes the oath of renunciation, allegiance and loyalty in the form set out in the Second Schedule to this Constitution and where the Government so requires divests himself of any foreign citizenship or nationality.”

Unlike Article 60(3), it does not provide that only persons who acquired citizenship under the Constitution need to take such an oath. It would therefore appear that Article 55(2) applies both to citizens by descent under the 1957 Ordinance as well as those under the Constitution.³¹ If this were not so, then no purpose is served by the provision having retrospective effect as from 9th August 1965, since no citizen by descent under Article 55(1) would attain the age of twenty-one earlier than 1984.³² Furthermore, since Article 60(3) after the recent amendment, now applies to persons registered both under the Citizenship Ordinance, 1957, and the Constitution, it would only be reasonable to infer that Article 55(2) applies to citizens by descent under both laws.

Effect of Retrospection of the Amendments

As pointed out above, these amendments were passed on 9th December 1966 with effect from 9th August 1965. This means that any person who attained the age of twenty-one after 9th August 1965 should take an oath before attaining the age of twenty-two. If he fails to do so, he would cease to be a citizen of Singapore.

The consequence of this provision is as follows: From the period 9th August 1965 to 9th December 1966, there was no provision requiring persons to take such an oath. Persons who attained the age of twenty-one during this period could not have taken an oath even if they wished to. Those who attempted to do so were informed by the Registrar of Citizenship that they need not take the oath.³³ As such, no one did take an oath.

The amendment now seeks to terminate the citizenship of those persons, especially those who attained the age of twenty-one during 9th August 1965 to 9th December 1966,³⁴ by providing that if they had not taken an oath, which all of them did not, then their citizenship would be terminated. As a result of this, these persons who did not take such an oath have now ceased to be citizens.

This, therefore, affected all those minors who were citizens of Singapore by descent, under section 5 of the Citizenship Ordinance, 1957 and also those minors who were registered as citizens of Singapore under

31. Otherwise why did not the Legislature expressly mention that it applied only to persons becoming citizens by descent under the Constitution, as it did with Article 60(3)?

32. Article 55(1) provides that persons can become citizens by descent under this Constitution, only if they were born after the coming into operation of the Constitution. *Cf.* Article 58.

33. See letter published in the Straits Times, 21st September, 1968.

34. Persons born during this period would have already reached the age of twenty-two on the date when the amendment was passed.

Article 58 of the Singapore Constitution³⁵ and who attained the age of twenty-one a few years later during the period 9th August 1965 and 9th December 1966.

The writer is of the opinion that this amendment has rather harsh consequences on these minors and the Legislature should amend these provisions so as to mitigate the harshness caused. If the amendments did not have any retrospective effect, no such injustice would be caused.

However, what is more startling is that the Registrar of Citizenship has also informed those citizens who were registered under section 13 of the Singapore Citizenship Ordinance, 1957, and who did not take such an oath during 9th August 1965 to 9th December 1966, that they too have ceased to be citizens for not taking an oath under Article 60(3).

The following case, which is now being dealt with by one of the law firms in Singapore is a typical example of such a problem.

V was born in Singapore on 27th July, 1945. She was subsequently registered as a minor citizen under section 13 of the Citizenship Ordinance, 1957. She attained the age of twenty-one on 27th July, 1966. She, however, did not take an oath since there was no provision requiring her to do so.

V is now being informed by the Registrar of Citizenship that she has ceased to be a citizen of Singapore for not having taken an oath.

The Registrar's contention is that Article 60(3) applies to all citizens who were registered as minors both under the 1957 Ordinance and the Constitution. Therefore, though on the date that she attained the age of twenty-one, there was no requirement for the oath to be taken, she still had about six months after the passing of Article 60(3) before attaining the age of twenty-two, within which period she should have taken an oath.

The writer is of the opinion that the view of the Registrar is not correct for reasons already stated above. Article 60(3) clearly does not apply to persons registered under the 1957 Ordinance and who attained the age of twenty-one during the period 1963-1968. It only applies to persons who were so registered and who attained the age of twenty-one after 1968. As such V has not ceased to be a citizen and a declaration should be sought from the court declaring her to be so.

VI. LOSS OF CITIZENSHIP

Introduction

One may lose his Singapore citizenship both under the Singapore³⁶ and Malaysian³⁷ Constitutions. These Constitutions lay out certain circumstances under which one may lose his Singapore citizenship and the methods for so doing. A certain amount of confusion is caused by the

36. Unlike Article 55(1), Article 58 allows persons born before the coming into operation of the Constitution to be registered under the Constitution. See footnote 32.

36. Articles 61-65.

37. The following provisions of the Malaysian Constitution continue to apply to Singapore by virtue of the Singapore Independence Act 1965:

Articles 19, 23, 24, 25, 26, 26A, 26B, 27 and 29.

fact that there are similar provisions under the Singapore and Malaysian Constitutions, both of which are applicable to Singapore at the same time.³⁸ Sometimes one is not clear why there should be two sets of similar provisions existing at the same time, both covering the same area. It is not clear whether one overrides the other or whether both co-exist. If they co-exist, then which of them is to apply in cases which could fall under either of these provisions? It would only appear reasonable that the Singapore Constitution being the Republic's own Constitution, should to a very large extent be made applicable whenever it is so possible.³⁹ Therefore, when there is already an equivalent provision existing under the Singapore Constitution, the similar provision under the Malaysian Constitution should cease to apply to Singapore. Only when there is no equivalent provision in the Singapore Constitution, should the Malaysian Constitution continue to apply to Singapore.

Though the above reconciliation would appear rather simple, the problem is not quite solved. As we shall see, difficulty arises when similar provisions of both the Constitutions have conflicting effects in their application. The question then arises as to which of them is to prevail. If it is the Singapore Constitution that is to prevail, then why at all have the Malaysian Constitution applicable here? These problems shall be dealt with in greater detail later on.

It is now proposed to deal with the different circumstances under which one may lose his Singapore citizenship. The provisions of the Singapore Constitution would be followed to a large extent. References would also be made to certain provisions of the Malaysian Constitution which are applicable to Singapore. Emphasis, however, will be on those areas where problems arise as a result of the application of these two Constitutions.

Loss of Singapore citizenship presently can be brought about by four methods:

- (i) by renunciation
- (ii) by cancellation
- (iii) by deprivation
- (iv) by termination.⁴⁰

(i) *Renunciation of Singapore Citizenship*

It is a general principle that any citizen of any country should be given the right to renounce his citizenship if he so wishes. Likewise Singapore citizens may also renounce their Singapore citizenship. The Constitution of Singapore itself does not provide for renunciation of

38. *E.g.* Article 63A of the Singapore Constitution and Article 24 of the Malaysian Constitution.

39. The writer has been informed by the Registrar of Citizenship that this too is the practice of the Registry of Citizenship.

40. This is the term also used by the Registry of Citizenship especially to draw a distinction with deprivation of citizenship. This dichotomy is also used under the Indian Citizenship Act, No. 57 of 1955, sections 9 and 10.

Singapore citizenship. It is only by virtue of the Malaysian Constitution⁴¹ that one is able to renounce his Singapore citizenship.

Any citizen of Singapore who is over twenty-one⁴² and of sound mind and who is or is about to become⁴³ a citizen of another country may renounce his citizenship and shall so cease to be a Singapore citizen.⁴⁴ To prevent persons from renouncing their Singapore citizenship so as not to be called for national service during any war, any renunciation during this period would not be effective unless the Singapore Government so approves such a renunciation.⁴⁵

The Singapore Government may subsequently deprive⁴⁶ the citizenship of any child of that person who so renounces his Singapore citizenship, if the child is under twenty-one years and was registered⁴⁷ as a minor citizen of Singapore. This provision is unlike the provision in India where such a child will automatically cease to be an Indian citizen on the renunciation of Indian citizenship by his father.⁴⁸

The writer is unable to get detailed statistics⁴⁹ to show the number of persons who have renounced their citizenship, but has however been informed that 'quite a number' have done so and we are still getting persons who wish to do so.⁵⁰

(ii) *Cancellation of Enrolment as Citizen*

Persons who had obtained Singapore citizenship by enrolment⁵¹ during the period when Singapore was part of Malaysia may have their citizenship cancelled if the Government is satisfied that the enrolment was obtained by means of fraud, false representation, or the concealment of any material fact, or if the enrolment was affected by mistake.⁵²

Before the certificate is cancelled, the said person is entitled to the deprivation procedure as provided under Article 63 of the Singapore Constitution.⁵³

41. Article 23 of Malaysian Constitution, applicable to Singapore by virtue of the Independence Act, 1965.
42. A married woman who is under the age of twenty-one is deemed to be above twenty-one for such a purpose.
43. Doctrine of *sujets mixtes* is therefore modified to this extent. *C.f.* India where one may renounce his citizenship only on acquiring the citizenship of another country. See Citizenship Act, 1955, section 8.
44. See footnote 41.
45. Article 24(2). This prohibition also ensures that local citizens who defect or work for the enemy do not place themselves under the Prisoners-of-War Convention or place themselves immune from punishment for treason.
46. Article 26A. The Government, however, cannot deprive such a child of his Singapore citizenship, if as a result of the deprivation he would not be a citizen of any country — see Article 26B(2).
47. Either under the Citizenship Ordinance, 1957, or the Constitution of Singapore.
48. Citizenship Act of India, 1955, section 8(2).
49. But see Table B for a general idea.
50. This information was given to the writer by an officer at the Registry of Citizenship.
51. Article 56 of the Singapore Constitution (now repealed).
52. Article 62, Singapore Constitution.
53. Article 63(1). For further discussion of the procedure, see VII, *infra*.

It is also provided under the Constitution that any child of such a person who has had his certificate of enrolment cancelled may also have his enrolment cancelled if he had been enrolled as a citizen as being the child of the person losing the citizenship.⁵⁴ In either case however, the usual limitation⁵⁵ which is imposed upon the Government before deprivation of any citizen or his child of his citizenship does not apply in these cases.⁵⁶ It would therefore follow that such a person who has been enrolled as a citizen or his child who has also been enrolled as a citizen may still have his citizenship cancelled even if the effect of such a cancellation would result in such a person or his child not being a citizen of any other country. In such cases these persons would be stateless. This provision does not seem to be in keeping with the general policy of not depriving any person of his citizenship if the effect would be to make him stateless.⁵⁷ It is submitted that the Government should consider making some alterations to this provision so as not to make such a person stateless.

(iii) *Deprivation of Citizenship*

The Constitution of Singapore draws a distinction between termination of citizenship and deprivation of citizenship.⁵⁸ The Constitution provides that under certain circumstances one can be deprived of his citizenship whilst in certain other circumstances, one's citizenship can be terminated. This distinction is not a mere use of different terminology. As we shall see, this distinction becomes important, as it would decide whether a citizen is entitled to any procedural requirement before he loses his citizenship, or whether his citizenship can be lost by a mere unilateral order of the Government, or by operation of the law alone.

Article 61 of the Singapore Constitution makes provision for the Government to deprive certain citizens of their citizenship under certain circumstances.⁵⁹ Deprivation under this Article applies only to persons who have become Singapore citizens by way of registration or naturalisation.

Any person may be deprived⁶⁰ of his citizenship if the Government is satisfied that the registration or certificate of naturalisation was obtained by means of fraud, false representation or concealment of any material fact, or if it was effected or granted by mistake.⁶¹ This provision

54. Article 65(1), Singapore Constitution.

55. The Government normally will not deprive anyone of his citizenship unless the Government is satisfied that it is not conducive to the public good that he should continue to be a citizen; and secondly if as a result of the deprivation, he would be stateless.

56. Article 65(2) only refers to deprivation and not to cancellation.

57. See Article 61(4) and 65(2), and pages 195 and 196, *infra*.

58. *C.f.* Article 61 and Article 63A of the Singapore Constitution.

59. Though Articles 25 and 26 of the Malaysian Constitution are also applicable to Singapore by virtue of the Independence Act, these provisions are not invoked in practice by the Registry of Citizenship, since Article 61 of the Singapore Constitution is to a large extent similar to these provisions.

60. Section 16 of Third Schedule, Constitution of Singapore, also provides that criminal proceedings may be instituted against such a person — see Malaysian case on this point: *P.P. v. Munusamy* [1967] M.L.J. 238.

61. Article 61(2).

has so far been mainly invoked by the Government in cases where 'citizens' when applying for citizenship have either stated the period of residence in Singapore inaccurately or have produced birth certificates which were not their own. The latter situation arises as a consequence of the practice of the Registry of Births in issuing birth certificates without the name of the child on it.⁶² As a result of this, certain applicants for citizenship produced such birth certificates and falsely declared them to be theirs. On the weight of such a declaration, citizenship was granted to these persons. Subsequently some other applicant would use the same certificate and would also declare it to be his. In such cases, when it comes to the notice of the Government that such a malpractice has been used in applying for citizenship, the Government may then under this provision deprive such persons of their citizenship. Besides, any citizen of Singapore by registration or naturalisation who has committed certain offences in any country within five years of obtaining such citizenship may also be deprived of his citizenship.⁶³

An amendment⁶⁴ added in 1966 to Article 61 has given very wide powers to the Government to deprive such citizens if the Government is satisfied that the person "has been engaged in any activities which are prejudicial to the security of Singapore, or the maintenance of public order therein, or the maintenance therein of essential services, or in any criminal activities which are prejudicial to the interests of public safety, peace or good order."⁶⁵ It should be noted that this provision is again worded in such subjective terms that the Government may invoke the section in almost every case it wishes to do so and yet the exercise of such a discretion would not be open to challenge. Terms like 'prejudicial to the security of Singapore', or 'prejudicial to the interests of public safety, peace or good order', are virtually incapable of an exhaustive definition. This gives the Government a very wide latitude to deprive persons of their citizenship. Presumably, the Prime Minister must have had this provision in mind when he threatened to deprive the citizenship of the Port of Singapore Authority workers who recently went on strike.⁶⁶

By virtue of clause (4) there seem to be two limitations imposed on the Government. The first of these is that no person shall be deprived of his citizenship unless the "Government is satisfied that it is not conducive to the public good that [such] a person should continue to be a citizen of Singapore."⁶⁷ What this means is not clear. Surely, the Government in every case would be able to contend that the deprivation order was made after such a consideration. In such a case then, there is nothing anyone could do to challenge such an action of the Government.⁶⁸ What purpose then does this limitation serve? It does not give any safeguard to any citizen at all. It is only the other limitation⁶⁹ that

62. Especially in cases where the birth was registered before the parents had named the child.

63. Article 61(3).

64. Modification Order No. S. 259 of 1966.

65. Article 61(3).

66. See report in Straits Times, Friday, January 31st, 1969.

67. Article 61(4).

68. Except maybe to challenge on grounds that the decision was made *mala fide*.

69. Article 61(4).

seems more meaningful. This provides that no citizen should be deprived of his citizenship even if the registration or naturalisation certificate was effected or granted by mistake, or even if the citizen has committed certain offences in another country, if as a consequence of such a deprivation he would not be a citizen of any other country. The rationale of this latter limitation would clearly be to prevent persons from being stateless.

Illustration:

(i) C was granted Singapore citizenship by registration in 1966. In 1968, it came to the notice of the Government that C had in his application for citizenship concealed the fact that he had been convicted several times previously.

In such a case the Singapore Government may deprive C of his citizenship under Article 61(2)(a)⁷⁰ of the Singapore Constitution, irrespective of the fact that he would be stateless as a result of such a deprivation.⁷¹

(ii) C applied for Singapore citizenship by registration in 1964. The Registry of Citizenship went through his application and was satisfied that all the necessary requirements were satisfied. C was accordingly granted Singapore citizenship.

In 1966, the Registry of Citizenship found out that while processing his application for citizenship in 1964, they had miscalculated the period of his residence in Singapore.

In such a case the Government may deprive C of his citizenship under Article 61(2)(b).⁷² But, however, if C can show that he would be stateless as a result of this deprivation, then the Government cannot deprive C of his citizenship.⁷³

The above are the different provisions of the Singapore Constitution, which the Singapore Government may invoke to deprive a Singapore citizen of his citizenship. As seen earlier,⁷⁴ there are several provisions of the Malaysian Constitution dealing with deprivation which are also applicable to Singapore. Some of these provisions are similar to those discussed above. However, there are several provisions in the Malaysian Constitution which are not present under the Singapore Constitution. One such provision which is most commonly used by the Singapore Government is Article 25(2) which relates to deprivation of Singapore citizenship on the ground of residence in a foreign country. Under this provision, any Singapore citizen by registration or naturalisation, who has been an ordinary resident in a foreign country for a period of five years, may be deprived of his citizenship, if, during the period, he has not been in the service of the Singapore Government or any international organisation of which the Singapore Government is a member, or if he had not registered himself annually at a Consulate of Singapore of his intention to retain his Singapore citizenship.

To date, there have been 'several cases'⁷⁵ of deprivation of Singapore citizenship under this provision.

70. The same consequence would follow if C's case falls within Article 61(3A).

71. C can also be charged for making a false declaration. See footnote 59.

72. Since the citizenship was granted by mistake.

73. Article 61(4).

74. See footnotes 37 and 59.

75. By an official at the Registry of Citizenship.

Before a person can be deprived of his citizenship either under the Singapore or the Malaysian Constitutions, the procedural requirement as laid down by Article 63 of the Singapore Constitution or Article 27 of the Malaysian Constitution has to be complied with. The procedural requirement, besides requiring the Government to give the person, against whom the order is proposed to be made, a notice in writing, also gives such a person a right to have his case referred to a committee of inquiry. This procedural requirement will be dealt with in greater detail subsequently.

Effects of Deprivation

One of the effects of deprivation of Singapore citizenship is that any child of such a deprivee under the age of twenty-one years, and who has been registered as a Singapore citizen either under the Singapore Citizenship Ordinance, 1957 or under the Singapore Constitution, may also be deprived of his citizenship.⁷⁶ However, if the effect of such a deprivation would be to leave the child stateless, then the Singapore Government cannot deprive him of his Singapore citizenship.⁷⁷

(iv) *Termination of Citizenship*

As pointed out earlier the Singapore Constitution draws a distinction between deprivation of citizenship and termination of citizenship. In contrast to deprivation, the Constitution of Singapore does not provide for any procedural requirements in cases where one's citizenship is terminated. In such cases, one loses his citizenship by operation of law. The following are the circumstances under the Singapore Constitution where one's citizenship can be terminated.

(a) *Under Article 64*

Before 1965, there was only one situation under which one's citizenship could be terminated. This only applied to persons who held "dual"⁷⁸ citizenship during the period when Singapore was part of Malaysia. During this period, all Singapore citizens became Malaysian citizens by operation of law,⁷⁹ and certain Malaysian citizens became Singapore citizens by enrolment.⁸⁰ Article 64, therefore, provided that where a citizen of Singapore had renounced his Malaysian citizenship or had been so deprived of it before the 9th day of August 1965,⁸¹ such a person shall be deemed to have renounced or been deprived of his citizenship of Singapore under this Constitution and such person shall cease to be a citizen of Singapore. This provision, it must be emphasised, only applied to persons who had renounced or been deprived of their Malaysian citizenship *before* the separation of Singapore from Malaysia.⁸² As worded, Article 64 covered

76. Article 65(1).

77. Article 65(2).

78. During Malaysia, all Singapore citizens were also Malaysian citizens.

79. Article 14(1)(c) of Malaysian Constitution.

80. Article 17A of Malaysian Constitution.

81. That is, before the separation of Singapore from Malaysia.

82. After separation, Singapore citizens ceased to be Malaysian citizens. See section 12 of Constitution and Malaysia (Singapore) Amendment Act, 1965.

both categories of citizens — Singapore citizens who became Malaysian citizens by operation of law, and also Malaysian citizens who became Singapore citizens by enrolment. Either of these two categories of citizens who renounced or who were deprived of their Malaysian citizenship also lost their Singapore citizenship. The justification for such a provision was presumably the fact that in one case⁸³ the person became a Singapore citizen by virtue of the fact that he was a Malaysian citizen, and in the other, since all Singapore citizens were Malaysian citizens it would have been an anomaly for such persons to have Singapore citizenship alone when they had either been deprived of their Malaysian citizenship, or when they had so renounced their Malaysian citizenship.

This provision is of course now a dead letter, since it is no longer applicable.⁸⁴ In contrast to deprivation under Article 61, there is no procedural requirement to be complied with before termination of citizenship under Article 64.

(b) *Under Article 63A*

In 1966, Article 63A was added to the Constitution.⁸⁵ This provision deals mainly with the termination of Singapore citizenship on the acquisition of another citizenship (other than by marriage) or on the exercise of certain exclusive rights in another country. This provision applies to all citizens of whatever category,⁸⁶ and the underlying reason for such a provision is clearly to prevent dual citizenship and divided loyalties. It should be noted that this is not really a new provision which is applicable to Singapore only now. Article 63A was incorporated *verbatim* from the now repealed Citizenship Ordinance of Singapore, 1957.⁸⁷ Besides, by virtue of section 6(3) of the Independence Act, Article 24 of the Malaysian Constitution which deals with the same matter as Article 63A of the Singapore Constitution has been applicable to Singapore since the repeal of the 1957 Ordinance.

It would now appear that, in spite of the addition of Article 63A to the Singapore Constitution. Article 24 of the Malaysian Constitution is still applicable to Singapore. First, the Independence Act has not been amended to delete the application of Article 24 to Singapore. And secondly, though section 13(6) of the Independence Act provides that the President can make declarations that certain laws of Malaysia which continued to apply to Singapore, even after the separation of Singapore from Malaysia, shall cease to apply to Singapore henceforth, no such declaration has been made to indicate that Article 24 of the Malaysian Constitution has so ceased to apply. The problem that arises is, whether there are two sets of co-existing laws applicable to Singapore dealing with the same subject matter, or whether only one of them is applicable. This raises the question, whether Article 63A can be said to have

83. That is, in the case of a Malaysian becoming a Singapore citizen.

84. Since Article 64 provides that such a person would so cease to be a Singapore citizen if the renunciation or deprivation of Malaysian citizenship was before 9th August, 1965.

85. By Modification Order S. 259 of 1966.

86. That is, citizens of Singapore by birth, descent, registration or naturalisation.

87. Section 21.

impliedly repealed Article 24 of the Malaysian Constitution. There seem to be a few reasons to indicate that this cannot be so.

Though to a large extent both Articles 63A and 24 of the Malaysian Constitution deal with the same matter, there are slight differences. On a closer reading of both these Articles, one would notice that Article 24 is wider than Article 63A. Article 63A is limited since it can only apply to Singapore citizens who have acquired the citizenship of another country, or who have had exercised certain rights in another country *after* the 6th day of April 1960.⁸⁸ This means that if any citizen had acquired the citizenship of another country before 6th April 1960, or exercised certain rights before that date, then such a person's citizenship cannot be terminated under Article 63A. This is not so under the Malaysian Constitution, which does not place any such limitation as to the period to which it can apply. The provision of the Malaysian Constitution may therefore be invoked against a citizen who has claimed a foreign citizenship, or exercised certain rights at any time.

Secondly, Article 24 covers certain areas which Article 63A does not purport to do so. Clause (1) of both Articles 24 and 63A deals with acquisition of a foreign citizenship by a local citizen. In such a case he can lose his Singapore citizenship. Clauses (2) and (3) of Article 24⁸⁹ and Article 63A⁹⁰ then deal with exercise of rights in another country. If such rights which were exercised were rights which were exclusively accorded to the citizens of that country alone, then such a person who exercises such rights may lose his Singapore citizenship. Both these clauses deal with exercise of such rights both in Commonwealth as well as in non-Commonwealth countries.

Under the Malaysian Constitution, however, there are two other clauses. One of them, Clause (3A), deems the exercise of certain enlisted rights⁹¹ to be rights within the scope of the preceding clauses. This is not so under the Singapore Constitution. The exercise of such rights are not so deemed to be within clauses (2) and (3) and therefore do not fall within the ambit of Article 63A.

Illustration:

C, a citizen of Singapore, went to the United Kingdom in 1961. He has been there since. In 1967 he voted in the United Kingdom political elections. Has C lost his citizenship?

This would depend on the Constitution that is being invoked to terminate his citizenship.

(i) Under Article 24 of Malaysian Constitution:

Though C's exercise of the vote would not fall within Article 24(3), since voting in the United Kingdom political elections is not a right which is not available to other Commonwealth citizens,⁹² C would still be within

88. This was the date when this provision was first added to the Singapore Citizenship Ordinance, 1957.

89. Malaysian Constitution.

90. Singapore Constitution.

91. *E.g.* voting in a political election or applying for a passport in a foreign country.

92. Voting in the United Kingdom is not confined to citizens alone.

the ambit of clause 3A which deems voting in any political elections as a voluntary claim and exercise of a right which is accorded exclusively to citizens of that country.

C's citizenship can therefore be terminated.

(ii) Under Article 63 of Singapore Constitution:

C's exercise of voting right in the United Kingdom would not fall within clause 3 since such a right is not one which is not available to other Commonwealth citizens.

Thus, C's citizenship cannot be terminated.⁹³

In these ways Article 63A is more restrictive than the Malaysian provision. Therefore, in view of the fact that Article 63A is not entirely similar to Article 24, can it still be argued that Article 24 is impliedly repealed by Article 63A?

If it is contended that Article 24 is not repealed but that both provisions of the Malaysian and Singapore Constitutions co-exist, then certain inconsistencies are brought about. If one loses his citizenship under Article 24 of the Malaysian Constitution, then there is a procedural requirement which must be complied with under Article 27 of the Malaysian Constitution. This then provides a certain amount of safeguard to the deprivée. However, Article 63A of the Singapore Constitution does not provide any procedural requirement. Article 63 of the Singapore Constitution only provides for such a procedural requirement when one is deprived of his citizenship either under Article 61 or 62. It does not provide for Article 63A. Does it therefore mean that there is no procedural requirement at all for termination under Article 63A?

It is submitted that this was the intention of the Legislature.⁹⁴ Though to a large extent, Article 63A of the Singapore Constitution and Article 24 of the Malaysian Constitution are similar in that they both deal with loss of citizenship on the ground of acquisition of a foreign citizenship, or the exercise of certain rights in another country, there are certain differences in them which indicate that no procedural requirement was envisaged for termination under Article 63A of the Singapore Constitution. As seen above, Article 24 provides that whenever a citizen acquires the citizenship of another country or exercises certain rights which are accorded exclusively to citizens of that country, then the Malaysian Government may by order deprive that person of his Malaysian citizenship. In so depriving, the procedure laid down in Article 27 should be complied with. The position under the Singapore Constitution is different. If a Singapore citizen exercises certain rights of a foreign country or acquires citizenship of that country, such person shall *cease* to be a citizen, or the Government *may declare such persons to have ceased* to be a citizen of Singapore accordingly. In either circumstance, such a citizen ceases to be a citizen automatically or so ceases when a declaration is made by the Government. It is submitted that in neither

93. The practice of the Registry of Citizenship is not to invoke Article 24 at all. As such, in a case of a similar fact situation, the Registry was advised by the Attorney-General's Chambers that such a person's citizenship cannot be terminated under the Singapore Constitution. It is submitted that this advice has overlooked the existence of Article 24(3A) of the Malaysian Constitution which is applicable to Singapore.

94. This is also the position in India and Ceylon where the cessation of citizenship

of these two situations is there any procedural requirement to be complied with before such a termination. Though clause (1) and clause (3) of Article 63A provide that the "Government *may declare*⁹⁵ such person to have ceased to be a citizen of Singapore", and clause (2) of the same Article provides that such a person "*shall cease*⁹⁶ to be a citizen of Singapore", there is no procedural requirement in either case despite the difference in wording. The difference only lies as to when such a person ceases to be a citizen. In the case of clause (2), a person ceases to be a citizen automatically on exercising certain rights of a foreign country, that is, he ceases to be a citizen as from the date when he exercises such rights. However, in a case falling under clause (1) or (3), a person continues to be a citizen until a declaration is made by the Government to the effect that such a person shall cease to be a citizen as from a certain date. In the latter case, since a person continues to be a citizen until so declared to the contrary, his rights and obligations as a Singapore citizen so continue, whilst this is not so in the former case since on the exercise of certain rights in a foreign country, such a citizen ceases to be a Singapore citizen forthright.

Besides, it cannot be argued that though Article 63A does not expressly provide for a procedural requirement, yet the procedure laid out in Article 27 of the Malaysian Constitution should still be complied with for a termination under Article 63A. The opening words of Article 27 reads *inter alia*, "Before making an order under Articles 24, 25 and 26, the Federal Government shall...." Therefore the condition for the machinery under Article 27 to be invoked is that the deprivation must have been under any of the mentioned Articles. If the termination was under Article 63A, then Article 27 would not be applicable.

Does it therefore follow from the above analysis that whether a person is entitled to a procedural requirement before he loses his citizenship under the above circumstance would depend on the provision under which he so loses his citizenship? If he is being deprived under Article 24 of the Malaysian Constitution then there is a procedure, whereas if his citizenship is being terminated under Article 63A of the Singapore Constitution, then he is not entitled to any procedural safeguards.

Surely such an anomalous position cannot exist. How then can it be reconciled?

It is submitted that on the administrative level, the Registry of Citizenship should invoke its own local provision, that is, Article 63A of the Singapore Constitution as far as it is applicable. Article 24 of the Malaysian Constitution should only apply to cases which are not covered by Article 63A. Therefore if any Singapore citizen had exercised any right of another country before 6th April 1960, his Singapore citizenship may be terminated under Article 24. Again, if a Singapore citizen were to exercise voting rights in the United Kingdom, his citizenship too can be terminated under Article 24.⁹⁷

There is one other point under Article 63A which is worth noting. As we have seen earlier,⁹⁸ a citizen cannot renounce his citizenship during

95. Italics supplied.

96. Italics supplied.

97. As to the practice of the Registry of Citizenship, see footnote 93.

98. See page 192 *supra*.

any war in which Singapore is engaged unless the Singapore Government accepts his declaration. We also saw that this was to prevent persons from evading national service, especially during war. But it would appear that any citizen of Singapore who so wants his citizenship to be terminated can achieve the same end under Article 63A. Under Clause (2) of Article 63A, a citizen who exercises certain rights accorded exclusively to the citizens of that country shall cease to be a citizen of Singapore automatically. Therefore any person who wishes to lose his Singapore citizenship during any war may exercise such a right in a foreign country and in that way he would cease to be a Singapore citizen. In such a case he would not have to seek the approval of the Singapore Government.

It is submitted that this is a peculiar situation and the Legislature might consider amending this provision so as to exclude the application of clause (2) of Article 63A during any war.⁹⁹ In this way there would be consistency with the provision relating to renunciation.

(c) *Minors*

The other circumstances under which citizenship can be terminated relates to minors who had been registered as citizens. As we have seen earlier, minors who were registered as citizens either by descent or registration should take an oath of allegiance on attaining the age of twenty-one. The Constitution further provides that such minors if they had not taken their oath by the time they attained the age of twenty-two, shall cease to be a citizen.¹⁰⁰ Therefore all minors who had not taken their oath during the period of twenty-one and twenty-two years shall so cease to be citizens. It is because of this provision, it may be recollected, that many such minors would appear to have lost their citizenship for not having taken an oath during the period when there was no such legislation requiring them to do so.¹

VII. PROCEDURE FOR DEPRIVATION/CANCELLATION OF CITIZENSHIP

As mentioned in previous chapters, before a person can either be deprived of his citizenship under Article 61 of the Singapore Constitution or have his citizenship cancelled if he had been enrolled as a citizen,² certain procedural requirements as set out in Article 63 of the Constitution has to be complied with. It would also be recollected, that a person who has his citizenship terminated does not have this right to the procedural requirement.³

Clause (1) of Article 63 provides that the Government shall before making an order of deprivation under Article 61 or an order of cancellation under Article 62, give the person against whom the order is proposed

99. See the position in India, where it is provided that exercise of rights in foreign countries, during the period when India is engaged in war would not automatically result in the losing of one's citizenship, unless the Government so directs — Citizenship Act of India, 1955, section 9.

100. Articles 55(2) and 60(3).

1. See V, *supra*.

2. Under the then Article 66 of the Singapore Constitution.

3. See VI, *supra*.

to be made, notice in writing informing him of the ground on which the order is proposed to be made. Such person shall also be informed of his right to have the case referred to a committee of inquiry.⁴

If the said person applies to have his case referred to a committee of inquiry, the Government shall refer the case to such a committee. The Government, however, may refer the case to such a committee, even if the person does not choose to have his case referred to a committee of inquiry.⁵

The committee of inquiry after holding an inquiry, shall submit a report to the Government, and the Government shall have regard to such report before making the order of deprivation or cancellation.⁶

The pertinent question at this point then is, what exactly is the scope of this procedural safeguard? How much of safeguard does the person really have before an order of deprivation or cancellation is made by the Government? Though, Article 63 provides that before a person can be so deprived or cancelled of his citizenship, he shall be informed of "the ground on which the order is proposed to be made", the exact scope of this requirement is not stated. How much of information is the Government obliged to give before such an order is made? These are the typical questions that arise under this Article, and they can best be answered by making a study of any judicial interpretation of this provision.

To date there has not been any reported case in Singapore⁷ interpreting the scope of Article 63(1). It might therefore be necessary to consider how such a similar provision has been interpreted by the courts of other jurisdictions. The case which would be of high persuasive authority would be the Privy Council decision of the Malayan case of *Lim Lian Geok v. Minister of Interior, Federation of Malaya*.⁸

This case centred around the interpretation of Article 27 of the Malaysian Constitution, which is identical to Article 63 of the Singapore Constitution.

A notice issued by the Registrar-General of Citizens under Article 27(1) of the Constitution informed the appellant, a Chinese-born school teacher and a citizen of the Federation by registration of the then Federation of Malaya, that the Federal Government proposed to make an order under Article 25 of the Constitution depriving him of his citizenship on the ground, specified in Article 25(1)(a), that he had shown himself by act and speech to be disloyal and disaffected towards the Federation.

The notice proceeded to particularise the allegations against the appellant which included "deliberate misrepresentation and inversion of Government education policy" and "emotional appeals of an extreme com-

4. Article 63(1).

5. Article 63(2).

6. Article 63(3).

7. The case of *Chua Ho Aun* (1963) 29 M.L.J. 193 dealt mainly with the availability of prohibition against the Minister and the committee of inquiry. The case concerned deprivation under the Singapore Citizenship Ordinance, 1957.

8. [1964] 1 W.L.R. 554; (1964) 30 M.L.J. 158.

munal nature calculated to provide feelings of ill-will and hostility between different races in the Federation....”⁹

The appellant was given one month during which he could have his case referred to a committee of inquiry under Article 27(2). The appellant, however, did not do so, but applied to the High Court for an order *nisi* prohibiting the respondent,¹⁰ the Minister of Interior, from referring his case to a committee of inquiry. Among the several arguments put forward by the appellant, the one that is of interest to us is that which related to the form of the notice. He contended that the notice was defective as it was lacking in particulars:

“The main submissions which were presented to their Lordships related to the content and form of the notice. It was said that the notice was defective because it was lacking in particulars. It was said that before a person could or ought to be called upon to decide whether he would claim to have his case referred to a committee of inquiry he should be informed in the notice as to the details of what was alleged against him.”¹¹

The Privy Council, however, dismissed this argument by holding that,

“...the word ‘ground’ in Article 27 refers to that part (or those parts) of Article 24 or 25 or 26 which is (or are) being involved. In the present case the appellant was informed by the notice that...he had shown himself by act and speech to be disloyal and disaffected towards the Federation of Malaya. That was ‘the ground’. What followed, under the headings (a) and (b), consisted of particulars of the ‘ground’ which had been previously stated.”¹²

What then this amounts to is as follows: All that the Government has to do before depriving or cancelling anyone of his citizenship is merely to state the provision of the Constitution which is being invoked by the Government to deprive/cancel such person of his citizenship. There is no constitutional requirement to give particulars of the said ground.

If this is the only requirement, then one wonders what purpose is really being served by such a safeguard. If the reference to the committee of inquiry is to be meaningful, then the said person should be given certain information so that he would be able to prepare his case. If, only the “ground” is given, then it would not be of much help. The Privy Council appreciated this need and pointed out that during certain stages the giving of particulars might be necessary. When the notice is first being given to the person, of the proposed action, there is no need for particulars to be given. Their Lordships, however, did not wish in any way to discourage the giving of any particulars in a notice wherever it was thought to be desirable to be given then. In such an instance, there was no need for full and elaborate particulars to be furnished. Their Lordships did not elaborate when it was ‘desirable’ to give any particulars at this stage. Probably, an instance where it would be desirable to give particulars at this stage would be in a case where the Government feels that the order might come as a surprise to the person against

9. *Ibid.*

10. As to a discussion as to the propriety of the remedy sought — see S. Jayakumar, *Deprivation of Citizenship*, (1964) 6 Mal. L.R. 178.

11. [1964] 1 W.L.R. 554, 563.

12. *Ibid.* at page 565.

whom the order is proposed to be made, especially if the person has not been guilty of many acts which purported to constitute the 'ground' for such an order.

The Privy Council felt that once an inquiry is being held the person must be furnished with the particulars.

"If there is an inquiry...then the necessity of giving particulars might arise. Though there are no express provisions which require that any particulars that are reasonably desired should at that stage be given, their Lordships agreed...that it is implicit in the procedure that this should be so. This [*i.e.* the holding of the inquiry] involves that the citizen concerned is to have every reasonable and proper opportunity to deal with the 'ground' (or 'grounds') on which a deprivation order is proposed. This in turn involves that he must have such *reasonable* information as he may seek to have in regard to the case against him so as to enable him to deal with it or to answer it or to make such representations in regard to it as he wish. There would not be a proper inquiry if the citizen concerned was denied such particulars *as he might need to have or as he might reasonably request* in order to be able to protect his own interests."¹³

The end result of this procedural safeguard is that at the first stage of giving notice the Government is not under an obligation to give particulars. If, however, an inquiry is being held, then, sufficient particulars¹⁴ must be given to the person. Otherwise, the inquiry would not be of much use since the person cannot prepare his case fully. To this extent, Article 27 of the Malaysian Constitution and Article 63 of the Singapore Constitution do provide some meaningful safeguard to a citizen.

SINNADURAI VISUVANATHAN*

13. *Ibid.*

14. The Privy Council did not decide upon the issue whether a person can challenge the order on the ground that sufficient particulars were not furnished. It would seem that this would be a justiciable issue. See also Article mentioned in footnote 10.

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TABLE A*

	1964	1965	1966	1967	1968
Applications	19,165	16,669	32,012	32,337	21,886
Approved	2,494	31,356	24,160	10,854	3,478
Rejected	927	1,674	1,003	1,153	6,722
Under Consideration	2,519	3,189	8,418	21,439	

* Figures from Singapore Year Book

TABLE B*

	1964	1965	1966	1967
Deprivation	21	4	7	53
Renunciation	118	260	672	985

* Figures from Singapore Year Book

APPENDIX A

CONSTITUTION OF SINGAPORE

PART III

CITIZENSHIP

53. — (1) There shall be a status known as “citizen of Singapore.” Status of citizen of Singapore.

(2) The status of a citizen of Singapore may be acquired —

- (a) by birth;
- (b) by descent;
- (c) by registration or, before the 9th day of August, 1965, by enrolment; or
- (d) under the provisions of the Constitution of Malaysia, by naturalisation.

(3) [Deleted by G.N. No. S 50 of 1966¹].

54. — (1) Subject to the provisions of this Article, every person born in Singapore after the coming into operation² of this Constitution shall be a citizen of Singapore by birth. Citizenship by birth.

(2) A person shall not be a citizen of Singapore by virtue of clause (1) of this Article if at the time of his birth—

- (a) his father, not being a citizen of Singapore possessed such immunity from suit and legal process as is accorded to an envoy of a sovereign power accredited to the President; or

* Footnotes refer to parts of the Constitution which have been amended since the Reprint, *i.e.*, since 25th March, 1966. Amendments are up to 1st April, 1969.

1. Clause (3) of Article 51 read as follows before it was deleted:

“(3) In accordance with the position of the State within the Federation every person who is a citizen of Singapore enjoys by virtue of that citizenship and in accordance with the provisions of the Federal Constitution the status of a citizen of Malaysia.”

Deletion w.e.f. 9th August, 1965.

2. *I.e.* 16th day of September 1963 — see Article 94 of the Constitution of Singapore.

- (b) his father was an enemy alien and the birth occurred in a place then under the occupation of the enemy; or
- (c) *neither of his parents was a citizen of Singapore.*³

(3) Notwithstanding the provisions of paragraph (c) of clause (2) of this Article, the Government may, when it considers it just and fair and having regard to all the circumstances prevailing at the time of the application confer citizenship upon a person born in Singapore.⁴

55.— (1) A person born outside Singapore after the coming into operation of this Constitution shall be a citizen of Singapore by descent if at the time of the birth his father is a citizen of Singapore *by birth or by registration.*⁵

Citizenship
by descent.

(2) A person who being a minor becomes a citizen of Singapore by descent shall cease to be a citizen of Singapore on attaining the age of twenty-two years unless within twelve months after he attains the age of twenty-one years he takes the oath of renunciation, allegiance and loyalty in the form set out in the Second Schedule to this Constitution and where the Government so requires divests himself of any foreign citizenship or nationality.⁶

Provided that such person shall not be a citizen unless his birth is registered at a Consulate of Singapore or with the Government in the prescribed manner within one year of its occurrence or with the permission of the Government later.

And provided further that where such person is born of a father who is a citizen of Singapore by registration

3. Amended by S. 68/67, w.e.f. 17th March, 1967. Before the amendment paragraph (c) of clause 2 of this Article read as follows:

“(c) neither of his parents was a citizen of Singapore and neither of them was a permanent resident in Singapore.

Provided that paragraph (c) of this clause shall not apply to any person, if as a result of the application of that paragraph, he would not be a citizen of any country.”

4. Added by S. 58/67, w.e.f. 17th March, 1967.
5. Added by Act 21/68, w.e.f. 15th August, 1968.
6. Clause (2) of Article 55 was deleted by G.N. S 50 of 1966 and subsequently added by S. 259/66. S. 259/66 was published on 9th December, 1966. Before its deletion clause (2) read as follows:

“(2) A person born in the Federation outside the State on or after the date of the coming into operation of this Constitution shall be a citizen of Singapore by descent if one at least of his parents is at the time of his birth a citizen of Singapore and he is not born a citizen of Malaysia otherwise than by virtue of this clause.”

Deletion w.e.f. 9th August, 1965.

The present clause (2) was added by S. 259/66, w.e.f. 9th August, 1965 (retrospective).

at the time of the birth, he would not acquire the citizenship of that country in which he was born by reason of his birth in that country.⁷

56. [Repealed by G.N. No. S 50 of 1966⁸].

57.— (1) Subject to the provisions of this Constitution, any person of or over the age of twenty-one years who was a resident in Singapore on the coming into operation of this Constitution may, on application being made therefore in the prescribed form be registered as a citizen of Singapore if he satisfies the Government that he —

Citizenship by registration.

- (a) is of good character;
- (b) has resided in Singapore throughout the twelve months immediately preceding the date of his application;
- (c) has during the twelve years immediate preceding the date of his application resided in Singapore for periods amounting in the aggregate to not less than ten years;

Provided that the Government may exempt any applicant from compliance with the provisions of this paragraph —

- (a) where such applicant has during the six years immediately preceding the date of his application resided in Singapore for periods amounting in the aggregate to not less than five years; or

7. Added by Act 21/68, w.e.f. 15th August, 1968.

8. Article 56 read as follows before it was repealed:

56. (1) Subject to the provision of this Constitution, a person of or over the age of twenty-one years, not being a citizen of Singapore, who is a citizen of Malaysia may on making application therefore to the Government in the prescribed form be enrolled as a citizen of Singapore if he satisfies the Government that he —

- (a) is of good character;
- (b) has resided in the State throughout the twelve months immediately preceding the date of his application;
- (c) has during the twelve years immediately preceding the date of his application resided in the State for periods amounting in the aggregate to not less than ten years;
- (d) intends to reside permanently in the State; and
- (e) has an elementary knowledge of the national language:

Provided that the Government may exempt an applicant who has attained the age of forty-five years or who is deaf or dumb from compliance with the provisions of paragraph (e) of this clause.

(2) In relation to citizens of Malaysia who are not citizens of Singapore, clause (2) of Article 57 and Article 58 of this Constitution shall apply to allow them to be enrolled as citizens of Singapore in the same way as those provisions apply in relation to persons who are not citizens of Malaysia to allow them to be registered as citizens of Singapore.”

Repealed w.e.f. 9th August, 1965.

- (b) where in any special case the Government deems fit to confer citizenship upon such applicant.⁹
- (d) intends to reside permanently in Singapore; and
- (e) has an elementary knowledge of the national language:

Provided that the Government may exempt an applicant who has attained the age of forty-five years or who is deaf or dumb from the compliance with the provisions of paragraph (e) of this clause.

(2) Subject to the provisions of this Constitution any woman who is married to a citizen of Singapore may, on making application therefore in the prescribed manner, be registered as a citizen of Singapore if she satisfies the Government —

- (a) that she has resided continuously in Singapore for a period of not less than two years immediately preceding the date of the application;
- (b) that she intends to reside permanently in Singapore; and
- (c) that she is of good character.

58. — (1) The Government may, if satisfied that a child under the age of twenty-one years —

Registration of minors.

- (a) is the child of a citizen of Singapore; and
- (b) is residing in Singapore,

cause such child to be registered as a citizen of Singapore on application being made therefore in the prescribed manner by the parent or guardian of such child.

(2) The Government may, in such special circumstances as it thinks fit, cause any child under the age of twenty-one years to be registered as a citizen of Singapore.

59. Subject to the provisions of Article 60 of this Constitution a person registered as a citizen of Singapore

Effect of Registration.

9. Proviso to paragraph (c) was added by S. 88/67 w.e.f. 5th May, 1967 to read as follows:

“Provided that the Government may exempt any applicant from compliance with the provisions of this paragraph where such applicant has during the six years immediately preceding the date of his application resided in Singapore for periods amounting in the aggregate to not less than five years.”

This was then substituted by the present proviso by S. 214/68 w.e.f. 26th July, 1968.

under Article 57 or 58 of this Constitution shall be a citizen of Singapore from the date on which he is so registered.

60.— (1) No person shall be registered as a citizen of Singapore under Article 57 of this Constitution until he has taken the oath of renunciation, allegiance and loyalty in the form prescribed in the Second Schedule to this Constitution.

General provisions as to registration.

(2) Except with the approval of the Government, no person who has renounced or has been deprived of citizenship of Singapore under this Constitution or Singapore Citizenship Ordinance, 1957, of the Constitution of Malaysia, as the case may be, shall be registered as a citizen of Singapore under the provisions of this Constitution.

(3) Any person who becomes a citizen of Singapore by registration under *section 13 of the Singapore Citizenship Ordinance, 1957*,¹⁰ or Article 58 of this Constitution shall cease to be a citizen of Singapore on attaining the age of twenty-two years unless within twelve months after he attains the age of twenty-one years he takes the oath of *renunciation*,¹¹ allegiance and loyalty in the form prescribed in the Second Schedule to this Constitution.¹²

61.— (1) A citizen of Singapore who is a citizen by registration or by naturalisation shall cease to be such a citizen if he is deprived of his citizenship by an order of the Government made in accordance with the provisions of this Article.

Deprivation of citizenship.

(2) The Government may, by order, deprive any such citizen of his citizenship if the Government is satisfied that the registration or certificate of naturalisation —

- (a) was obtained by means of fraud, false representation or the concealment of any material fact; or
- (b) was effected or granted by mistake.

(3) The Government may, by order, deprive any such citizen of his citizenship if the Government is satisfied that that citizen has, within the period of five years after registration or naturalisation, been sentenced in any country to imprisonment for a term of not less than twelve months or to a fine of not less than five thousand dollars or the equivalent in the currency of that country and has not received a free pardon in respect of the offence for which he was so sentenced.

10. Added by Act 21/68, w.e.f. 15th August, 1968.

11. Added by S. 88/67, w.e.f. 5th May, 1967.

12. Clause (3) of Article 60 was added by S. 259/66 w.e.f. 9th August, 1965.

(3A) The Government may, by order, deprive any such citizen of his citizenship if the Government is satisfied that that citizen has at any time after registration or naturalisation been engaged in any activities which are prejudicial to the security of Singapore, or the maintenance of public order therein, or the maintenance therein of essential services, or in any criminal activities which are prejudicial to the interests of public safety, peace or good order.¹³

(4) No person shall be deprived of citizenship under this Article unless the Government is satisfied that it is not conducive to the public good that that person should continue to be a citizen of Singapore; and no person shall be deprived of citizenship under paragraph (b) of clause (2) or under clause (3) of this Article if the Government is satisfied that as a result of the deprivation he would not be a citizen of any country.

(5) [Deleted by G.N. No. S 50 of 1966¹⁴].

62.—(1) Where a person has been enrolled as a citizen of Singapore before the 9th day of August, 1965, and the Government is satisfied that the enrolment —

Cancellation
of enrolment
as citizen.

- (a) was obtained by means of fraud, false representation or the concealment of any material fact; or
- (b) was effected by mistake,

the Government may by order cancel the enrolment.

(2) Where under this Article a person's enrolment as a citizen of Singapore is cancelled that shall not discharge him from liability in respect of anything done or omitted before the cancellation.

63.—(1) Before making an order under Article 61 or 62 of this Constitution, the Government shall give the person against whom the order is proposed to be made notice in writing informing him of the ground on which the order is proposed to be made and of his right to have the case referred to a committee of inquiry under this Article.

Procedure for
deprivation.

(2) If any person to whom such notice is given applies within such time as may be prescribed to have the case referred to a committee of inquiry, the Government shall, and in any other case may, refer the case to a

13. Clause (3A) was added by S. 259/66 w.e.f. 9th August, 1965 (retrospective).

14. Clause (5) before its deletion read as follows:

“(5) This Article shall not apply to any person who has been naturalised as a citizen of Singapore under the provisions of the Federal Constitution.”

Deletion w.e.f. 9th August, 1965.

committee of inquiry consisting of a Chairman, who shall be a person qualified to be appointed as a Judge of the High Court, and two other members *chosen from a panel to be*¹⁵ appointed by the Government in that behalf.

(3) The committee of inquiry shall, on such reference, hold an inquiry in such manner as may be prescribed and submit a report to the Government and the Government shall have regard to such report in making the order.

63A. — (1) If the Government is satisfied that any citizen of Singapore by birth, descent, registration or naturalisation has at any time after 6th day of April, 1960 acquired by registration, naturalisation or other voluntary and formal act (other than marriage) the citizenship of any country outside Singapore, the Government may declare such person to have ceased to be a citizen of Singapore.¹⁶

Termination
by acquisition
of another
citizenship.

(2) Any citizen specified in clause (1) of this Article who has at any time after the 6th day of April, 1960, voluntarily claimed and exercised any rights available to him under the law of any foreign country, being rights accorded exclusively to the citizens or nationals of the foreign country, shall cease to be a citizen of Singapore. If any question arises as to whether any such person has ceased to be a citizen of Singapore under this clause the same shall be determined by the Government whose declaration thereon shall be final and shall not be called in question in any court.¹⁷

(3) If the Government is satisfied that any citizen specified in clause (1) 18 of this Article has at any time after the 6th day of April, 1960, voluntarily claimed and exercised any rights available to him under the law of the United Kingdom or of the Republic of Ireland or of any other country, other than Singapore, for the time being included in subsection (3) of section 1 of the British Nationality Act, 1948, being rights not available to other Commonwealth citizens, the Government may declare such person to have ceased to be a citizen of Singapore.¹⁹

64. Where a person who is a citizen of Singapore has renounced his citizenship of Malaysia or been deprived of his citizenship of Malaysia by the Government of Malaysia before the 9th day of August, 1965, such person shall be deemed to have renounced or been deprived of his citizen-

Termination
of citizenship
of Malaysia.

15. Added by Act 21/68, w.e.f. 15th August, 1968.

16. Clause (1) of Article 63A was added by S. 259/66, w.e.f. 9th August, 1965 (retrospective).

17. Clause (2) of Article 63A was added by S. 259/66, w.e.f. 9th August, 1965 (retrospective).

18. Amended by S. 88/67, w.e.f. 5th May, 1967.

19. Clause (3) of Article 63A was added by S. 259/66, w.e.f. 9th August, 1965 (retrospective).

ship of Singapore under this Constitution and such person shall cease to be a citizen of Singapore.

65.— (1) Where a person has been deprived of his citizenship or his enrolment as a citizen has been cancelled under the provisions of this Part of this Constitution, the Government may by order deprive of his citizenship or, as the case may be, cancel the enrolment of any child of that person under the age of twenty-one years who has been registered or enrolled as a citizen under the provisions of this Constitution or the Singapore Citizenship Ordinance, 1957, and was so registered or enrolled as being the child of that person or of that person's wife or husband.

Deprivation of citizenship or cancellation of enrolment of child of person losing citizenship.

(2) No person shall be deprived of his citizenship under clause (1) of this Article unless the Government is satisfied that it is not conducive to the public good that he should continue to be a citizen; and no person shall be deprived of his citizenship under clause (1) of this Article if the Government is satisfied that as a result of such deprivation he would not be a citizen of any country.

66. Upon application made in that behalf in the prescribed manner the Government may grant in the form prescribed a certificate of citizenship to a person with respect to whose citizenship a doubt exists, whether of fact or of law.

Grant of certificate of citizenship in cases of doubt.

Provided that where the Government is satisfied that such a certificate was obtained in circumstances set out in paragraph (a) or (b) of clause (1) of Article 62 of this Constitution, the Government may by order cancel such certificate.²⁰

67. [Repealed by G.N. No. S 50 of 1966²¹].

68. Until the Legislature otherwise provides by law, the supplementary provisions contained in the Third Schedule to this Constitution shall have effect for the purposes of this Part of this Constitution.

Application of Third Schedule.

69.— (1) The Singapore Citizenship Ordinance, 1957, is hereby repealed.

Repeal.

(2) Any person who immediately before the coming into operation of this Constitution, was by virtue of the Singapore Citizenship Ordinance, 1957, a citizen of Singa-

20. Proviso to Article 66 added by Act 21/68, w.e.f. 15th August, 1968.

21. Article 67 read as follows before its repeal:

“67. Where under this Constitution a person becomes a citizen of Singapore by registration or is enrolled as a citizen of Singapore or is deprived of his citizenship or a certificate of citizenship is granted to any person under Article 66 of this Constitution the Government shall notify the Government of the Federation of that fact.”

Repealed w.e.f. 9th August, 1965.

pore by birth, descent, registration or naturalisation, shall as from the coming into operation of this Constitution continue, subject to the provisions of this Constitution, to possess that status.

(3) Where a person would have been a citizen of Singapore by descent immediately before the coming into operation of this Constitution if his birth had been registered under the provisions of the Singapore Citizenship Ordinance, 1957, he shall become a citizen of Singapore by descent if his birth is registered at a consulate of Singapore or with the Government in the prescribed manner within one year of its occurrence or with the permission of the Government later.

(4) Notwithstanding the repeal of the Singapore Citizenship Ordinance, 1957, where a person who has become a citizen of Singapore was liable in respect of things done before the coming into operation of this Constitution to be deprived of that status under the Ordinance, then the Government may by order deprive him of his citizenship, if proceedings for that purpose are begun during the period of two years after the commencement of this Constitution.

(5) Where a person is liable to be deprived of citizenship under clause (4) of this Article and proceedings had before the coming into operation of this Constitution been begun to deprive him of citizenship of Singapore under the provisions of the Singapore Citizenship Ordinance, 1957, those proceedings shall be treated as proceedings to deprive him of citizenship under that clause and shall be continued as such in accordance with the provisions of the Singapore Citizenship Ordinance, 1957, in force immediately before the coming into operation of this Constitution.

APPENDIX B

CONSTITUTION OF MALAYSIA*

PART III

CITIZENSHIP

19. (1) Subject to Clauses (7) and (9), the Federal Government may, upon application made by any person of or over the age of twenty-one years who is not a citizen, grant a certificate of naturalisation to that person if satisfied—

Citizenship by naturalisation.

(a) that—

- (i) he has resided in the Federation outside Singapore for the required periods and intends, if the certificate is granted, to do so permanently; or
- (ii) he has resided in Singapore for the required periods and intends, if the certificate is granted, to do so permanently;

(b) that he is of good character; and

(c) that he has an adequate knowledge of the Malay language.

(2) Subject to Clause (9), the Federal Government may, in such special circumstances as it thinks fit, upon application made by any person of or over the age of twenty-one years who is not a citizen, grant a certificate of naturalisation to that person if satisfied—

(a) that he has resided in the Federation for the required periods and intends, if the certificate is granted, to do so permanently;

(b) that he is of good character; and

(c) that he has an adequate knowledge of the Malay language.

(3) The periods of residence in the Federation or the relevant part of it which are required for the grant of a certificate of naturalisation are periods which amount in the aggregate to not less than ten years in the twelve years

* The following are the citizenship provisions of the Constitution of Malaysia which have effect in Singapore by virtue of Section 6(3) of the Republic of Singapore Independence Act 1965.

immediately preceding the date of the application for the certificate, and which include the twelve months immediately preceding that date.

(4) For the purposes of Clauses (1) and (2) residence before Malaysia Day in the territories comprised in the Borneo States shall be treated as residence in the Federation outside Singapore; and for purposes of Clause (2) residence before Malaysia Day in Singapore shall be treated as residence in the Federation.

(5) A person to whom a certificate of naturalisation is granted shall be a citizen by naturalisation from the date on which the certificate is granted.

(6) A person to whom a certificate of naturalisation is granted shall be a Singapore citizen if but only if the certificate is granted by virtue of paragraph (a) (ii) of Clause (1).

(7) A certificate of naturalisation as a Singapore citizen shall not be granted without the concurrence of the government of Singapore.

(8) Any application for naturalisation as a citizen of Singapore which has been made but not disposed of before Malaysia Day shall as from that day be treated as if it had been an application duly made for naturalisation under this Article, and as if anything done in connection therewith before that day under or for the purposes of the law of Singapore had been duly done under or for the purposes of this Article.

(9) No certificate of naturalisation shall be granted to any person until he has taken the oath set out in the First Schedule.

*20. (1) Subject to Article 21, the Federal Government shall, upon application made by any person in accordance with Clause (2), grant a certificate of naturalisation to that person if satisfied —

Naturalisation
of members
of Federation
forces.

- (a) that he has served satisfactorily for a period of not less than three years in full-time service, or for a period of not less than four years in part-time service, in such of the armed forces of the Federation as may be prescribed by the Federal Government for the purposes of this Article; and
- (b) that he intends, if the certificate is granted to reside permanently in the States of Malaya.

* To be repealed on 1st February, 1964.

(2) An application under this Article may be made either while the applicant is serving in such service as aforesaid or within the period of five years, or such longer period as the Federal Government may in any particular case allow, after his discharge.

(3) References in this Article to service in the armed forces of the Federation include references to service before Merdeka Day; and in calculating for the purposes of this Article the period of full-time service in such forces of a person who has served both in full-time and in part-time service therein, any two months of part-time service shall be treated as one month of full-time service.

*21. (1) A certificate of naturalisation shall not be granted to any person under Article 19 or 20 until he has taken the oath set out in the First Schedule.

General Provisions as to naturalisation.

(2) A person to whom a certificate of naturalisation is granted under either of the said Articles shall be a citizen by naturalisation from the date on which the certificate is so granted.

Chapter 2 — Termination of Citizenship

23. (1) Any citizen of or over the age of twenty-one years and of sound mind who is also or it about to become a citizen of another country may renounce his citizenship of the Federation by declaration registered by the Federal Government and shall thereupon cease to be a citizen.

Renunciation of citizenship.

(2) A declaration made under this Article during any war in which the Federation is engaged shall not be registered except with the approval of the Federal Government.

(3) This Article applies to a woman under the age of twenty-one years who has been married as it applies to a person of or over that age.

24. (1) If the Federal Government is satisfied that any citizen has acquired by registration, naturalisation or other voluntary and formal act (other than marriage) the citizenship of any country outside the Federation, the Federal Government may by order deprive that person of his citizenship.

Deprivation of citizenship on acquisition or exercise of foreign citizenship, etc.

(2) If the Federal Government is satisfied that any citizen has voluntarily claimed and exercised in a foreign country any rights available to him under the law of that country, being rights accorded exclusively to its citizens, the Federal Government may by order deprive that person of his citizenship.

* The Article shall be omitted except that it shall continue to have effect for the purposes of the Article 20 repealed by the Constitution (Amendment) Act, 1962.

(3) Where provision is in force under the law of any part of the Commonwealth for conferring on citizens of that part of the Commonwealth rights not available to other Commonwealth citizens, Clause (2) shall apply, in relation to those rights, as if that part of the Commonwealth were a foreign country.

(3A) Without prejudice to the generality of Clause (2), and that Clause as applied by Clause (3), the exercise of a vote in any political election in a place outside the Federation shall be deemed to be the voluntary claim and exercise of a right available under the law of that place; and for the purposes of Clause (2), and that Clause as applied as aforesaid, a person who, after such date as the Yang di Pertuan Agong may by order appoint for the purposes of this Clause —

- (a) applies to the authorities of a place outside the Federation for the issue or renewal of a passport; or
- (b) uses a passport issued by such authorities as a travel document,

shall be deemed voluntarily to claim and exercise a right available under the law of that place, being a right accorded exclusively to the citizens of that place.

(4) If the Federal Government is satisfied that any woman who is a citizen by registration under Clause (1) of Article 15 has acquired the citizenship of any country outside the Federation by virtue of her marriage to a person who is not a citizen, the Federal Government may by order deprive her of her citizenship.

25. (1) The Federal Government may by order deprive of his citizenship any person who is a citizen by registration under Article 16A or 17 or a citizen by naturalisation if satisfied —

- (a) that he has shown himself by act or speech to be disloyal or disaffected towards the Federation.
- (b) that he has, during any war in which the Federation is or was engaged, unlawfully traded or communicated with an enemy or been engaged in or associated with any business which to his knowledge was carried on in such manner as to assist an enemy in that war; or
- (c) that he has, within the period of five years beginning with the date of the registration or the grant of the certificate, been sentenced in any country to imprisonment for a term of not less than twelve months or to a fine

Deprivation of citizenship by registration under Article 16A or 17 or by naturalisation.

of not less than five thousand dollars or the equivalent in the currency of that country, and has not received a free pardon in respect of the offence for which he was so sentenced.

(1A) The Federal Government may by order deprive of his citizenship any person who is a citizen by registration under Article 16A or 17 or a citizen by naturalisation if satisfied that without the Federal Government's approval, he has accepted, served in, or performed the duties of, any office, post or employment under the Government of any foreign country or any political sub-division thereof, or under any agency of such a Government, in any case where an oath, affirmation or declaration of allegiance is required in respect of the office, post or employment. Provided that a person shall not be deprived of citizenship under this Clause by reason of anything done before the beginning of October, 1962, notwithstanding that he was at the time a citizen.

(2) The Federal Government may by order deprive of his citizenship any person who is a citizen by registration under Article 16A or 17 or a citizen by naturalisation if satisfied that he has been ordinarily resident in foreign countries for a continuous period of five years and during that period has neither —

- (a) been at any time in the service of the Federation or of an international organisation of which the Federal Government was a member; nor
- (b) registered annually at a consulate of the Federation his intention to retain his citizenship.

26. (1) The Federal Government may by order deprive of his citizenship any citizen by registration or by naturalisation if satisfied that the registration or certificate of naturalisation —

- (a) was obtained by means of fraud, false representation or the concealment of any material fact; or
- (b) was affected or granted by mistake.

(2) The Federal Government may by order deprive of her citizenship any woman who is a citizen by registration under Clause (1) of Article 15 if satisfied that the marriage by virtue of which she was registered has been dissolved, otherwise than by death, within the period of two years beginning with the date of the marriage.

(3) Except as provided by this Article, the registration of a person as a citizen or the grant of a certificate

Other provisions for deprivation of citizenship by registration or naturalisation.

of naturalisation to any person shall not be called in question on the ground of mistake.

26A. Where a person has renounced his citizenship or been deprived thereof under Clause (1) of Article 24 or paragraph (a) of Clause (1) of Article 26, the Federal Government may by order deprive of his citizenship any child of that person under the age of twenty-one who has been registered as a citizen pursuant to this Constitution or the Constitution of the State of Singapore, and was so registered as being the child of that person or of that person's wife or husband.

Deprivation of citizenship of child of person losing citizenship.

26B. (1) Renunciation or deprivation of citizenship shall not discharge a person from liability in respect of anything done or omitted before he ceased to be a citizen.

General provisions as to loss of citizenship.

(2) No person shall be deprived of citizenship under Article 25, 26 or 26A unless the Federal Government is satisfied that it is not conducive to the public good that he should continue to be a citizen; and no person shall be deprived of citizenship under Article 25, paragraph (b) of Clause (1) of Article 26, or Article 26A if the Federal Government is satisfied that as a result of the deprivation he would not be a citizen of any country.

27. (1) Before making an order under Article 24, 25 or 26, the Federal Government shall give to the person against whom the order is proposed to be made notice in writing informing him of the ground on which the order is proposed to be made and of his right to have the case referred to a committee of inquiry under this Article.

Procedure for deprivation.

(2) If any person to whom such notice is given applies to have the case referred as aforesaid the Federal Government shall, and in any other case the Federal Government may, refer the case to the committee of inquiry consisting of a chairman (being a person possessing judicial experience) and two other members appointed by that Government for the purpose.

(3) In the case of any such reference, the committee shall hold an inquiry in such manner as the Federal Government may direct, and submit its report to that Government; and the Federal Government shall have regard to the report in determining whether to make the order.

Chapter 3 — Supplemental

29. (1) In accordance with the position of the Federation within the Commonwealth, every person who is a citizen of the Federation enjoys by virtue of that citizenship the status of a Commonwealth citizen in common with the citizens of other Commonwealth countries.

Commonwealth citizenship.

(2) Any existing law shall, except so far as Parliament otherwise provides, apply in relation to a citizen of the Republic of Ireland who is not also a Commonwealth citizen as it applies in relation to a Commonwealth citizen.

30B. (1) Where under this Constitution a person becomes a Singapore citizen by naturalisation, or is enrolled as a citizen who is not a Singapore citizen, or being a Singapore citizen renounces or is deprived of his citizenship, or where a certificate of citizenship or other certificate is issued under Article 30 in relation to citizenship of Singapore, the Federal Government shall notify the Government of Singapore of that fact.

Liaison as to citizenship between governments of Federation and of Singapore.

(2) Where under the Constitution of the State of Singapore a person becomes a Singapore citizen by registration, or is enrolled as a Singapore citizen, or is deprived of his citizenship, or where a certificate of citizenship is issued under that Constitution, the government of Singapore shall notify the Federal Government of that fact.

31. Until Parliament otherwise provides, the supplementary provisions contained in Part III of the Second Schedule shall have effect for the purposes of this Part.

Application of Schedule 2.

APPENDIX C

SINGAPORE CITIZENSHIP ORDINANCE, 1957 *

No. 35 of 1957

*An Ordinance to make provision for citizenship of Singapore
and for matters connected therewith.*

Date of coming into operation: [Sections 1 to 13(1), 14, 16 to 22,
24 to 26, and the Schedule — 1st
November, 1957.

Section 13(2) — 1st March, 1958.

Section 13(2) — 1st March, 1958.

Sections 15 and 23 —.]

Part I

PRELIMINARY

1. This Ordinance may be cited as the Singapore Short title.
Citizenship Ordinance, 1957.

2. — (1) In this Ordinance unless there is something Interpretation.
repugnant in the context —

“foreign country” means any territory other than
a territory within the British Commonwealth but
does not include the Republic of Ireland.

(2) In calculating for the purposes of this Ordinance
any period of residence in the Colony no account shall be
taken —

- (a) of any period during which a person was not
lawfully resident in the Colony; or
- (b) of any period spent as an inmate of any prison
or as a person detained in lawful custody in
any other place other than a mental hospital
under the provisions of any written law of
the Colony; or
- (c) save with the consent of the Minister, of any
period during which a person is allowed to
remain temporarily in the Colony under the
authority of any Pass issued under the pro-
visions of any written law of the Colony or
the Federation of Malaya relating to im-
migration.”.

* As amended at the time of repeal.

Part II

CITIZENSHIP OF SINGAPORE

3. — (1) There shall be a status known as “the status Status. of a citizen of Singapore”.

(2) The status of a citizen of Singapore may be acquired by —

- (a) birth;
- (b) descent;
- (c) registration; or
- (d) naturalization.

3A. — (1) Every person who —

- (a) under this Ordinance is a citizen of Singapore; or
- (b) under the British Nationality Act, 1948, as from time to time amended, is a citizen of the United Kingdom and Colonies; or
- (c) is a citizen of any country, other than the State of Singapore, for the time being included in subsection (3) of section 1 of the British Nationality Act, 1948,

British
nationality
by virtue of
citizenship.

shall by virtue of that citizenship have the status of a British subject.

(2) Any person having the status aforesaid may be known either as a British subject or as a Commonwealth citizen; and accordingly in this Ordinance and in any other enactment or instrument whatever whether passed before or after the commencement of this Ordinance the expression “British subject” and the expression “Commonwealth citizen” shall have the same meaning.”.

Part III

ACQUISITION OF CITIZENSHIP

4. Every person born in the Colony before, on or after the date of the coming into operation of this Part of this Ordinance shall be a citizen of Singapore by birth:

Citizenship
by birth.

Provided that a person shall not be such a citizen if at the time of his birth —

- (a) his father, not being a citizen of Singapore, possessed such immunity from suit and legal process as is accorded to an envoy of a foreign sovereign power accredited to Her Majesty; or

- (b) his father was an enemy alien and the birth occurred in a place then under occupation by the enemy.

Citizenship
by descent.

5. A person born outside the Colony before, on or after the date of the coming into operation of this Part of this Ordinance shall, subject to the provisions of section 19 of this Ordinance, be a citizen of Singapore by descent if at the time of the birth his father is, or would, if alive on the date of the coming into operation of this Part of this Ordinance be entitled to the status of a citizen of Singapore by birth:

Provided that where such person is born on or after the date of the coming into operation of this Part of this Ordinance he shall not be such a citizen unless his birth is registered in the prescribed manner within one year of its occurrence or with the permission of the Minister later.

Persons born
on ships or
aircraft.

6. For the purposes of this Ordinance, a person born aboard a registered ship or aircraft, or aboard an unregistered ship or aircraft of the Government of any country, shall be deemed to have been born in the place in which the ship or aircraft was registered or, as the case may be, in that country.

Posthumous
persons.

7. Any reference in this Part of this Ordinance to the status or description 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 status or description of the father at the time of the death of the father; and where that death occurred before and the birth occurs on or after the date of the coming into operation of this Part of this Ordinance the status or description which would have been applicable to the father had he died after the date of such coming into operation shall be deemed to be the status or description applicable to him at the time of his death.

Citizenship by
registration.

8. — (1) A person who is born in the Federation of Malaya shall be entitled on making application therefor to the Minister in the prescribed form to be registered as a citizen of Singapore if he satisfies the Minister that he —

- (a) is of full age and capacity;
- (b) is of good character;
- (c) has resided in Singapore throughout the twelve months immediately preceding the date of his application; and
- (d) has during the twelve years immediately preceding the date of his application resided in Singapore for periods amounting in the aggregate to not less than eight years.

(2) A person who is a citizen of the United Kingdom and Colonies or of the Republic of Ireland or of a country, other than the State of Singapore, for the time being included in subsection (3) of section 1 of the British Nationality Act, 1948, may, on making application therefor in the prescribed manner, be registered as a citizen of Singapore if he satisfies the Minister that he —

- (a) is of full age and capacity;
- (b) is of good character;
- (c) has resided in Singapore throughout the twelve months immediately preceding the date of his application;
- (d) has during the twelve years immediately preceding the date of his application resided in Singapore for periods amounting in the aggregate to not less than eight years; and
- (e) intends to reside permanently in Singapore.

[No. 41 of 1960.]

(2A) (a) A person who was born in the Federation of Malaya or who is a citizen of the United Kingdom and Colonies or of the Republic of Ireland or of a country, other than the State of Singapore, for the time being included in subsection (3) of section 1 of the British Nationality Act, 1948, may on making application therefor in the prescribed form be registered as a citizen of Singapore if he satisfies the Minister that he —

- (i) has served satisfactorily for a period of not less than three years in full-time service or for a period of not less than five years part-time service in such of the armed forces of Singapore as the Minister may prescribe by notification in the *Gazette*;
- (ii) intends to reside permanently in Singapore.

(b) An application under this subsection may be made either while the applicant is serving in such service as aforesaid or within the period of five years, or such longer period as the Minister may in any particular case allow, after his discharge.

(c) In calculating for the purposes of this section the period of full-time service in such forces of a person who has served both in full-time and in part-time service, any two months of part-time service shall be treated as one month of full-time service.”

(3) A woman may, in making application therefor in the prescribed manner, be registered as a citizen of Singapore if she satisfies the Minister that she is or has been married to a citizen of Singapore or to a person who

if alive on the date of the coming into operation of this Part of this Ordinance would under this section of this Ordinance be entitled to the status of a citizen of Singapore.

(4) If an applicant for registration under this section is a citizen of a foreign country the provisions of section 19 of this Ordinance shall be applicable to him.

Registration as citizens of persons to whom section 8 does not apply.

9. A person to whom section 8 of this Ordinance does not apply who satisfies the Minister that he is of full age and capacity and of good character and that he has resided in the Colony throughout the eight years immediately preceding the date of the coming into operation of this Part of this Ordinance may, on making application therefor to the Minister in the prescribed manner within two years of the date of the coming into operation of this Part of this Ordinance, be registered as a citizen of Singapore.

Oath of allegiance and loyalty. Schedule.

10. No person shall be registered as a citizen of Singapore under section 8 or 9 of this Ordinance until he has taken the oath of allegiance and loyalty in the form prescribed in the Schedule to this Ordinance.

Certain periods of residence not to be taken into account.

11. For the purposes of sections 8, 9, and 15 of this Ordinance there shall not be taken into account any period of residence in the Colony whilst the applicant was or was the member of the family of—

- (a) a person recruited outside Malaya serving on full pay in any naval, military or air force not maintained out of moneys provided by the Legislative Assembly;
- (b) a person recruited outside Malaya serving in a civil capacity in any department of any Government operating in the Colony other than a department of the Government of the Colony.

Discretion of Minister.

12. The Minister shall not be required to assign any reason for the grant or refusal of any application under this Ordinance the decision on which is at his discretion and the decision of the Minister on any such application shall be final and shall not be subject to appeal to or review in any court:

Provided that before refusing such an application the Minister shall refer the case to an advisory committee consisting of three persons appointed for the purpose, either generally or specially, by the Yang di-Pertuan Negara and in making his decision shall have regard to any report made to him by the advisory committee.

Registration of minors.

13. — (1) The Minister may, if satisfied that a minor child of any citizen of Singapore is residing in the Colony, cause such child to be registered as a citizen of Singapore on application being made therefor in the prescribed manner by the parent or guardian of such child.

(2) The Minister may, in such special circumstances as he thinks fit, cause any minor to be registered as a citizen of Singapore.

14. The Minister shall grant a certificate of registration in the form prescribed to every person registered under section 8 or 9 and to the parent or guardian, as the case may be, of every child registered under section 13 of this Ordinance.

Certificate of registration.

15. — (1) The Minister may, on application being made therefor in the prescribed manner, grant a certificate of naturalization to any person who satisfies the Minister that he—

Citizenship by naturalization.

- (a) is of full age and capacity;
- (b) is of good character;
- (c) has resided in the Colony throughout the twelve months immediately preceding the date of his application;
- (d) has during the twelve years immediately preceding the date of his application resided in the Colony for periods amounting in the aggregate to not less than ten years; and
- (e) intends to reside permanently in the Colony.

(2) (a) The Minister may on application being made therefor in the prescribed manner grant a certificate of naturalization to any person who satisfies the Minister that he—

- (i) has served satisfactorily for a period of not less than four years in full-time service or for a period of not less than six years in part-time service, in such of the armed forces of the Colony as the Minister may prescribe by notification in the *Gazette*; and
- (ii) intends to reside permanently in the Colony.

(b) An application under this subsection may be made either while the applicant is serving in such service as aforesaid or within the period of five years, or such longer period as the Minister may in any particular case allow, after his discharge.

(c) In calculating for the purposes of this subsection the period of full-time service in such forces of a person who has served both in full-time and in part-time service therein, any two months of part-time service shall be treated as one month of full-time service.

(3) No person shall be granted a certificate of naturalization until he has taken the oath of allegiance and loyalty in the form prescribed in the Schedule to this Ordinance.

Schedule.

(4) Where an application is made under this section on or after the 1st day of January, 1961, such application shall not be granted unless the applicant satisfies the Minister that he has an elementary knowledge of the national language:

Provided that the Minister may exempt an applicant who has attained the age of forty-five years from compliance with the provisions of this subsection.”.

[No. 41 of 1960]

Effect of
Registration
or naturaliza-
tion as a
citizen.

16. Subject to the provisions of section 19 of this Ordinance a person registered as a citizen of Singapore under section 8, 9, or 13 of this Ordinance or who has been granted a certificate of naturalization under section 15 of this Ordinance shall be a citizen of Singapore from the date on which he is so registered or is granted a certificate of naturalization, as the case may be.

Keeping of
registers.

17. There shall be kept and maintained in the forms prescribed —

- (a) a register of persons granted citizenship by registration; and
- (b) a register of persons granted certificates of naturalization.

Periods of
absence to be
treated as
periods of
residence.

18. In calculating for the purposes of this Ordinance a period of residence in the Colony —

- (a) a period of absence from the Colony of less than six months in the aggregate; and
- (b) a period of absence from the Colony exceeding six months in the aggregate for any cause generally or specially approved by the Minister,

shall be treated as residence in the Colony; and a person shall be deemed to be resident in the Colony on a particular day if he had been resident in the Colony before that day and that day is included in any such period of absence as aforesaid.”.

Provision
against dual
citizenship.

19. — (1) No person of full age who is a citizen or subject of any foreign country under any law in force in that foreign country shall become a citizen of Singapore by registration or naturalization unless he has taken an oath of renunciation, allegiance and loyalty in the form prescribed in the Schedule to this Ordinance:

Schedule.

And where by the law of that foreign country a person —

- (a) can either before or at the time of taking the oath of renunciation, allegiance and loyalty divest himself of the citizenship or nationality

of that foreign country by making a declaration of alienage or otherwise such person shall not be a citizen of Singapore until he so divests himself of such citizenship or nationality of that foreign country, unless in any particular case the Minister in his discretion otherwise directs; or

- (b) may only divest himself of the citizenship or nationality of the foreign country after acquiring another citizenship such person shall, unless in any particular case the Minister in his discretion otherwise directs, cease to be a citizen of Singapore on the expiration of twelve months from the date of his becoming a citizen of Singapore unless within that period he divests himself of such foreign citizenship or nationality.

(2) A person who being a minor becomes a citizen of Singapore by descent or registration shall cease to be a citizen of Singapore on attaining the age of twenty-two years unless within twelve months after he attains the age of twenty-one years he takes an oath of renunciation, allegiance and loyalty in the form prescribed in the Schedule to this Ordinance and where the Minister so requires divests himself of any foreign citizenship or nationality in the manner set out in the first proviso to subsection (1) of this section.

Schedule.

Part IV

LOSS OF CITIZENSHIP

20.— (1) If any citizen of Singapore of full age and capacity who is also a citizen of another country makes a declaration in the prescribed manner renouncing his citizenship of Singapore, the Minister shall cause such declaration to be registered, and upon such registration, that person shall cease to be a citizen of Singapore:

Renunciation
of citizenship.

Provided that the Minister may withhold registration of any such declaration if it is made during any war in which Her Majesty may be engaged.

(2) For the purposes of this section, a woman who has been married shall be deemed to be of full age.

21. — (1) If the Minister is satisfied that any citizen of Singapore by birth, descent, registration or naturalization has at any time after the 6th day of April, 1960, acquired by registration, naturalization or other voluntary and formal act (other than marriage) the citizenship of any country outside Malaya, the Minister may declare such person to have ceased to be a citizen of Singapore.

Termination
by acquisition
of another
citizenship.

(2) Any citizen specified in subsection (1) of this section who has at any time after the 6th day of April, 1960, voluntarily claimed and exercised any rights available to him under the law of any foreign country, being rights accorded exclusively to the citizens of nationals of that foreign country, shall cease to be a citizen of Singapore. If any question arises as to whether any such person has ceased to be a citizen of Singapore under this subsection the same shall be determined by the Minister whose declaration thereon shall be final and shall not be called in question in any court.

(3) If the Minister is satisfied that any citizen specified in subsection (1) of this section has at any time after the 6th day of April, 1960, voluntarily claimed and exercised any rights available to him under the law of the United Kingdom or of the Republic of Ireland or of any other country, other than the State of Singapore or the Federation of Malaya, for the time being included in subsection (3) of section 1 of the British Nationality Act, 1948, being rights not available to other Commonwealth citizens, the Minister may declare such person to have ceased to be a citizen of Singapore.

(4) If the Minister is satisfied that a woman who is a citizen of Singapore by registration under subsection (3) of section 8 of this Ordinance, has, after the date of the coming into operation of this Part of this Ordinance married a person who is not a citizen of Singapore and has thereupon acquired the citizenship of any foreign country he may declare that such woman has ceased to be a citizen of Singapore.

Deprivation
of citizenship.

22. — (1) A citizen of Singapore who is a citizen by registration or by naturalization shall cease to be such a citizen if he is deprived of his citizenship by an order of the Minister made in accordance with the provisions of this section.

(2) The Minister may, by order, deprive any such citizen of his citizenship if he is satisfied that the registration or certificate of naturalization —

- (a) was obtained by means of fraud, false representation or the concealment of any material fact; or
- (b) was effected or granted by mistake.

(3) The Minister may, by order, deprive any such citizen of his citizenship if he is satisfied that that citizen —

- (a) has shown himself by act or speech to be disloyal or disaffected towards Her Majesty or to Singapore; or
- (b) has, during any war in which Her Majesty may be engaged, unlawfully traded or com-

municated with an 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; or

- (c) has within five years after registration or naturalization been sentenced in any country to imprisonment for a term of not less than two years; or
- (d) has at any time after registration or naturalization been engaged in any activities which are prejudicial to the security of Malaya, or the maintenance of public order therein, or the maintenance therein of essential services, or in any criminal activities which are prejudicial to the interests of public safety, peace or good order.

(4) The Minister may, by order, deprive a person who is any such citizen of his citizenship if he is satisfied that that person has been ordinarily resident in foreign countries for a continuous period of seven years and during that period has neither —

- (a) been at any time in the service of the Government of the Colony or of an international organisation of which the Colony was a member; nor
- (b) registered annually in the prescribed manner his intention to retain his citizenship.

(5) 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 of Singapore.

(6) 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 the order is proposed to be made and of his right to have the case referred to a committee of inquiry under this section.

(7) If any person to whom such notice is given applies within such time as may be prescribed to have the case referred to a committee of inquiry, the Minister shall, and in any other case may, refer the case to a committee of inquiry consisting of a Chairman, who shall be a person qualified to be appointed a judge, and two other members appointed by the Minister in that behalf.

(8) The committee of inquiry shall, on such reference, hold an inquiry in such manner as may be prescribed and submit a report to the Minister and the Minister shall have regard to such report in making an order under this section.

Part V
GENERAL

Certificate of citizenship.

23. Upon application made in that behalf in the prescribed manner the Minister may grant in the form prescribed a certificate of citizenship to a person with respect to whose citizenship a doubt exists, whether of fact or of law, and a certificate issued under this section 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 that person was such a citizen on the date thereof but without prejudice to any evidence that he was such a citizen at an earlier date.

Penalties.

24. — (1) Any person who for the purpose of procuring anything to be done or not to be done under this Ordinance makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, shall be liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding one thousand dollars or to both such imprisonment and fine.

(2) Any person who fails to comply with any requirement imposed on him by rules made under this Ordinance with respect to the delivering up of certificates of registration or naturalisation shall be liable on conviction to a fine not exceeding one thousand dollars.

Rules.

25. — (1) The Minister may make rules to provide generally for carrying into effect the purposes of this Ordinance and in particular —

- (a) for prescribing the procedure for applications for citizenship and the manner in which they shall be dealt with;
- (b) for prescribing all matters which are required to be prescribed under this Ordinance;
- (c) for regulating the procedure of advisory committees and committees of inquiry referred to in sections 12 and 22 of this Ordinance;
- (d) for the appointment of such registrars and other officers as may be required; and
- (e) prescribing that any act or omission in contravention of the provisions of any rule made under this Ordinance shall be an offence and imposing penalties for such offences which penalties shall not exceed imprisonment for a period of six months or a fine of one thousand dollars or both such imprisonment and fine.

(2) All rules made under this Ordinance shall be presented to the Legislative Assembly as soon as may be

after they are made and if a resolution is passed pursuant to a motion, notice whereof has been given for a sitting day not later than the first available sitting day of the Assembly next after the expiry of three months from the date when such rules are so presented annulling the rules, or any part thereof, from a specified date, such rules, or such part thereof as the case may be, shall thereupon be void as from such date but without prejudice to the validity of anything previously done thereunder or to the making of new rules.

Part VI

INITIAL REGISTRATION OF CITIZENS

26. — (1) Notwithstanding any provision of Parts III, IV or V of this Ordinance any person registered as a citizen of Singapore within three months of the date of the coming into operation of any Part or provision of this Ordinance may, within twelve months of the date of such registration, at the discretion of the Minister, be deprived of such citizenship and that person's name shall thereupon be removed from the register of persons granted citizenship by registration. Initial registration.

(2) Such deprivation shall be without prejudice to the making by such person of a further application for registration, or of an application for naturalization, as a citizen of Singapore.

(3) In addition to the matters referred to in subsection (1) of section 25 of this Ordinance the Minister may make Rules providing for the exchange of certificates of registration granted within three months of the date of the coming into operation of any Part or provision of this Ordinance for fresh certificates of registration as citizens of Singapore.

(4) Notwithstanding any provision of Parts III, IV or V of this Ordinance any person whose application to be registered as a citizen of Singapore is received within three months of the date of the coming into operation of any Part or provision of this Ordinance may, within two months after the expiry of such period of three months, at the discretion of the Minister, be registered as a citizen and such registration shall be deemed to be a registration within three months of the date of coming into operation of any Part or provision of this Ordinance and the person so registered shall be deemed to be a citizen of Singapore on the 1st day of February 1958 for the purposes of the Singapore Legislative Assembly Elections Ordinance.

THE SCHEDULE

(Sections 10, 15 and 19)

1. *Oath of Allegiance and Loyalty*

I
do swear (or affirm) that I will not exercise the rights, powers, and privileges to which I may be entitled by reason of the nationality or citizenship of any State or country outside Malaya and I
do swear (or affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second Her Heirs and Successors according to law and to His Excellency the Yang di-Pertuan Negara and that I will observe the laws of, and be a true, loyal and faithful citizen of Singapore.

2. *Oath of Renunciation, Allegiance and Loyalty*

I
do swear (or affirm) that I will not exercise the rights, powers and privileges to which I may be entitled by reason of any foreign nationality or citizenship, and that I absolutely and entirely renounce all loyalty to any foreign Sovereign or State or Country and I
do further swear (or affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors according to law and to 'His Excellency the Yang di-Pertuan Negara' and that I will observe the laws of, and be a true, loyal and faithful citizen of Singapore.

APPENDIX D

THE SINGAPORE CITIZENSHIP RULES, 1965

In exercise of the powers conferred by section 4 of the Third Schedule to the Constitution of the State of Singapore, the Deputy Prime Minister hereby makes the following Rules:—

1. These Rules may be cited as the Singapore Citizenship Rules, 1965, and shall be deemed to have come into operation on the 16th day of September, 1963.

2. In these Rules, unless the context otherwise requires “Registrar” means the Registrar of Citizens appointed under rule 3 of these Rules and includes an Assistant Registrar.

3. The Minister may appoint a Registrar of Citizens and such number of Assistant Registrars as he considers necessary for carrying out the purposes of Part III of, and the Third Schedule to, the Constitution.

3A.(1) An application made under the provisions of clause (3) of Article 54 of the Constitution for conferment of citizenship shall be in such form as the Minister may require.²

(2) A certificate of citizenship shall be granted to a person whose application has been approved and shall be in such form as the Minister may require.

4.(1) An application made under the provision of clause (1) of Article 55 of the Constitution for registration, at a Consulate of the Federation or with the Government, of the birth of a person born outside the Federation after the date of the coming into operation of the Constitution, whose father is a citizen of Singapore at the time of the birth shall be in such form as the Minister may require.

(2) The Certificate of Registration of the birth of a person granted to the parent or guardian of the person whose birth is registered under the provisions of clause (1) of Article 55 of the Constitution shall be in such form as the Minister may require.

5.(1) An application made under the provisions of clause (1) of Article 56 of the Constitution for enrolment as a citizen of Singapore by a person who is a citizen of Malaysia shall be in such form as the Minister may require.

(2) The Certificate of Enrolment granted to a person enrolled under the provisions of clause (1) of Article 56 of the Constitution shall be in such form as the Minister may require.

1. G.N. Sp. No. S 1/63.

2. G.N. No. S 92/67.

6.(1) An application made under the provisions of clause (2) of Article 56 and clause (2) of Article 57 of the Constitution for enrolment as a citizen of Singapore by a woman who is a citizen of Malaysia not being a citizen of Singapore and who is eligible for enrolment only by virtue of marriage to a citizen of Singapore shall be in such form as the Minister may require.

(2) The Certificate of Enrolment granted to a married woman enrolled under the provisions of clause (2) of Article 56 and clause (2) of Article 57 of the Constitution shall be in such form as the Minister may require.

7.(1) The application made under the provisions of clause (2) of Article 56 and clause (1) of Article 58 of the Constitution for enrolment as a citizen of Singapore of a child under the age of twenty-one years, who —

- (a) is a citizen of Malaysia and the child of a citizen of Singapore; and
- (b) residing in the State, shall be in such form as the Minister may require.

(2) The Certificate of Enrolment granted to a child under the age of twenty-one years enrolled under the provisions of clause (2) of Article 56 and clause (1) of Article 58 shall be in such form as the Minister may require.

8.(1) The application made under special circumstances under the provisions of clause (2) of Article 56 and clause (2) of Article 58 of the Constitution for enrolment as a citizen of Singapore of a child under the age of twenty-one years, who is a citizen of Malaysia shall be in such form as the Minister may require.

(2) The Certificate of Enrolment granted to a child under the age of twenty-one years enrolled under the provisions of clause (2) of Article 56 and clause (2) of Article 58 of the Constitution shall be in such form as the Minister may require.

10.(1) An application made under the provisions of clause (2) of Article 57 of the Constitution for registration as a citizen of Singapore by a woman who, not being a citizen of Malaysia, is married to a citizen of Singapore shall be in such form as the Minister may require.

(2) The Certificate of Registration granted to a married woman registered under the provisions of clause (2) of Article 57 of the Constitution shall be in such form as the Minister may require.

11.(1) An application made under the provisions of clause (1) of Article 58 of the Constitution for registration as a citizen of Singapore for a child under the age of twenty-one years, who —

- (a) is not a citizen of Malaysia; and
- (b) is the child of a citizen of Singapore and is residing in the State,

shall be in such form as the Minister may require.

(2) The Certificate of Registration granted to a child under the age of twenty-one years, registered under the provisions of clause (1) of Article 58 of the Constitution shall be in such form as the Minister may require.

12. (1) An application made under special circumstances and under the provisions of clause (2) of Article 58 of the Constitution for registration as a citizen of Singapore of a child under the age of twenty-one years, who is not a citizen of Malaysia shall be in such form as the Minister may require.

(2) The Certificate of Registration granted to a child under the age of twenty-one years, registered under the provisions of clause (2) of Article 58 of the Constitution shall be in such form as the Minister may require.

13. (1) An application for a certificate under the provisions of Article 66 of the Constitution by a person with respect to whose citizenship a doubt exists, whether of fact or of law, shall be made in such form as the Minister may require.

(2) The Certificate granted to a person under the provisions of Article 66 shall be in such form as the Minister may require.

14. (1) An application made, under the provisions of clause (3) of Article 69 of the Constitution, to register with the permission of the Government at the Consulate of the Federation or with the Government the birth of a child born outside the State of Singapore shall be in such form as the Minister may require.

(2) The Certificate of Registration of the birth of a child, registered under the provisions of clause (3) of Article 69 of the Constitution, shall be in such form as the Minister may require.

15. The Advisory Committee, appointed under the provisions of subsection (2) of section 19 of the Third Schedule to the Constitution (hereinafter in these Rules referred to as the "Advisory Committee"), shall consider such application for registration or enrolment as a citizen of Singapore as the Minister may refer to it and shall report to the Minister on such application.

16. (1) For the purpose of considering applications for registration or enrolment as a citizen of Singapore, the Advisory Committee shall meet as often as it considers necessary and in such places as the Minister may direct.

(2) The Advisory Committee shall hold its sittings in private.

17. (1) When considering an application for registration or enrolment as a citizen of Singapore, the Advisory Committee shall have regard to any written or other report, information or evidence which may by the direction of the Minister be placed before the Advisory Committee.

(2) Any such written or other report, information or evidence shall be kept secret and shall not be disclosed to any unauthorised person.

18. The report of the Advisory Committee to the Minister shall be secret and shall not be disclosed to any unauthorised person.

19. (1) A Committee of Inquiry (hereinafter in these Rules referred to as "the Committee") to which a case is referred to under the provisions of Article 63 of the Constitution shall, before it holds its inquiry, cause to be given to the person against whom the order is proposed to be made, a notice which shall —

- (a) state the time and place at which the inquiry is to be held; and,
- (b) inform the person in question of the nature of the inquiry and of that person's right to be present at the inquiry and to be represented by an Advocate and Solicitor.

(2) Any such notice to be given by the Committee to any person under this rule may —

- (a) be sent to that person at his last known address;
- (b) in the case of a person under the age of twenty-one years (not being a married woman), be sent to his parent or guardian at the last known address of his parent or guardian; or,
- (c) if an address at which notice may be sent is not known and cannot after reasonable inquiry be ascertained, be given by the Chairman of the Committee by publication in the *Gazette*.

(3) The Committee may, in any case where the notice has been sent or given in accordance with any one of the methods set out in paragraph (2) of this rule, proceed to hold that inquiry in the absence of the person to whom the notice has been sent or given.

(4) Such notice shall be served or given not less than fourteen days before the holding of the inquiry.

(5) Such notice may require the person or his parent or guardian, as the case may be, to answer it in writing to the Committee and to furnish in writing to the Committee any information, verified in such manner as may be directed, which the Committee considers material to the inquiry.

20. (1) The Committee shall inquire into the grounds upon which the Minister proposes to make an order and the reasons, if any, advanced by the person against whom the order is proposed to be made as to why the said order of deprivation should not be made against him, and the Committee shall, after such inquiry, submit to the Minister its report.

(2) The Chairman of the Committee shall, if so required by the Minister, also furnish in writing his opinion on any question of law which may be relevant to the facts of the case, or on such specific questions of law relating to the case as the Minister may require.

21. (1) The Committee shall, when carrying out functions under these Rules, have all such powers, rights and privileges as are vested in the High Court or any Judge thereof in respect of the following matters:—

- (a) the attendance of witnesses and examining them upon oath, affirmation or otherwise and the issue of a commission or a request to examine witnesses abroad; and
- (b) the production of documents.

(2) A summons signed by the Chairman of the Committee shall be deemed to be a summons issued by a public servant legally competent to issue such summons.

(3) The Committee may act upon any information which is made available to it, whether or not such information is given on oath or would be admissible as evidence if given in court.

(4) The Committee may postpone or adjourn the inquiry from time to time.

(5) The Committee may allow or refuse to allow the public or any member thereof to be present during the whole or any part of the inquiry.

(6) The Committee shall, subject to these Rules, determine its own procedure.

22.(1) A person against whom an order of deprivation is proposed to be made shall, at the inquiry, be entitled to —

- (a) be represented by an Advocate and Solicitor; or
- (b) appear in person or, where a person is under the age of twenty-one years, to be represented by his parent or guardian.

(2) A representative of the Minister shall be entitled to be present at the inquiry and the Minister may for that purpose appoint any person he deems fit.

23. No person who has made an application for registration as a citizen of Singapore under the provisions of subsection (1), (2) or (3) of section 8 of the Singapore Citizenship Ordinance, 1957, which has not been disposed of before the 16th day of September, 1963, shall be granted a certificate of registration unless he has taken the Oath of Allegiance and Loyalty in the form set out in the Second Schedule to the Constitution.³

24. Where a declaration of renunciation of citizenship by a person who is a citizen of Singapore by registration, enrolment or naturalization has been registered under Article 23 of the Constitution of Malaysia or where an order has been made under Article 61 or 62 of the Constitution or under Article 24, 25, or 26A of the Constitution of Malaysia depriving a person who is a citizen of Singapore by registration, enrolment or naturalization of that citizenship, the Registrar shall strike off the name of such person from the register of citizens of Singapore in which it was entered.

3. Ord. 35 of 1957.

25. Where a declaration of renunciation of citizenship by a person who is a citizen of Singapore by registration, enrolment or naturalization has been registered under Article 23 of the Constitution of Malaysia or where an order has been made under Article 61 or 62 of the Constitution or under Article 24, 25, 26 or 26A of the Constitution of Malaysia depriving a person who is a citizen of Singapore by registration, enrolment or naturalization of that citizenship, such person or any other person in possession of the relevant certificate of registration, enrolment or naturalization shall, if required by notice in writing given by the Registrar, deliver up the said certificate to him within such time as may be specified in the notice and the said certificate shall upon such delivery be cancelled or amended.

26. Where a person wishes to make an application or declaration under any of these Rules and the form as required by the Minister referred to in the rule is, in the opinion of the Registrar, unsuitable to the pertinent case, the Registrar may authorize the application or declaration to be made in some other form.

27. (1) Where a certificate of registration or a certificate of enrolment or a certificate of naturalization issued under the provisions of the Singapore Citizenship Ordinance, 1957, or under the provisions of the Constitution is lost, destroyed or defaced, the person to whom the certificate relates shall forthwith notify the Registrar. A duplicate certificate may be issued in place of one lost, destroyed or defaced on such condition or conditions as may be imposed by the Registrar.

(2) Any person who finds any certificate issued under the provisions of the Singapore Citizenship Ordinance or under the provisions of the Constitution shall forthwith deliver it to the Registrar or to any police station.

28. (1) Any person who has in his possession a certificate of registration or a certificate of enrolment or a certificate of naturalization containing particulars which are or which have become to his knowledge incorrect shall forthwith report the fact to the Registrar.

(2) The Registrar may, if satisfied that any particulars on the certificate of registration or certificate of enrolment or certificate of naturalization are incorrect, alter or amend the certificate accordingly.

29. An application or declaration made in accordance with rule, 5, 6, 7, 8, 9, 10, 11, 12 or 13 of these Rules and the oath of allegiance and loyalty required by clause (1) of Article 60 of the Constitution shall be of no effect unless it is made and signed in the presence of or administered by one of the following persons:—

(a) in Singapore —

any Justice of the Peace or any Commissioner authorized to administer oaths;

(b) in the States of Malaya and the Borneo States —

any person for the time being authorized by law, in the place where the applicant, declarant or deponent is, to administer an oath for any judicial or other legal process;

(c) elsewhere —

any consular officer of the Government of the Federation.

30.(1) A person shall not, except in accordance with these Rules or any other written law —

(a) part with the possession of a certificate of registration of a certificate of enrolment or a certificate of naturalization granted to him; or

(b) receive or have in his possession a certificate of registration or a certificate of enrolment or a certificate of naturalization not granted to him.

(2) No person shall —

(a) obtain or have possession of more than one certificate of registration, or certificate of enrolment or certificate of naturalization, unless he can show that he obtained or had possession of such certificate innocently; or

(b) except by lawful authority, make any mark or entry upon, or erase, cancel or alter any mark or entry contained in, or otherwise deface or destroy any certificate issued under the provisions of the Singapore Citizenship Ordinance, 1957, or the Constitution.

31. The Singapore Citizenship Rules, 1958, and the Singapore Constitution (Citizenship) Rules 1963, are hereby revoked.⁴

4. G.N. Nos. S 46/58
S 167/58
S (N.S.) 214/59
S 162/60
S 216/60
S 157/61

G.N. No. Sp. No. S 3/63.