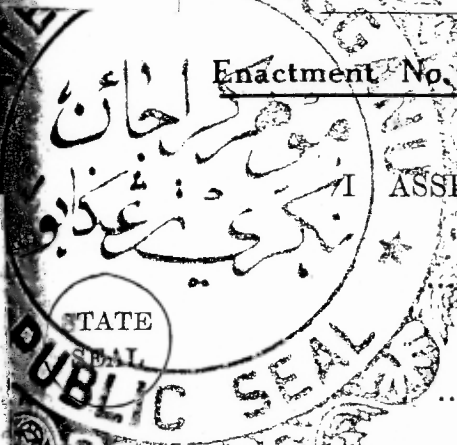


working draft Nationality
The Trengganu, Regulations
1952, (G.N. 919/1952)

State of Trengganu.

Enactment No. 3 of 1952.

- revision power.



ASSENT,

SULTAN OF TRENGGANU.

G.N. 761/52

1952.

came into force 15.9.52

Enactment to make provision for the status of a subject of His Highness the Ruler of the State of Trengganu for the acquisition and loss of such status and for purposes connected therewith.

IT IS HEREBY ENACTED by His Highness the Sultan with the advice and consent of the Council of State as follows:-

1. This Enactment may be cited as the Trengganu Nationality Enactment, 1952, and shall come into force on such date as His Highness the Ruler may, by notification in the Gazette, prescribe.

Short title and commencement.

2. (1) In this Enactment, unless the context otherwise requires—

Interpretation.

“child” includes any child whose adoption has been registered in accordance with any written law in force in the Federation of Malaya;

“citizen of the Federation of Malaya” means a citizen of the Federation of Malaya by virtue of the provisions of Part XII of the Federation of Malaya Agreement, 1948;

Federal Constitution

“citizen of the United Kingdom and Colonies” means a person who is a citizen of the United Kingdom and Colonies under the British Nationality Act, 1948;

“Federation of Malaya”, in respect of any period prior to the first day of February, 1948, means any of the territories now comprised in the Federation of Malaya;

“Malay” means a person who—

- (a) habitually speaks the Malay language; and
- (b) professes the Muslim religion; and
- (c) conforms to Malay custom;

“minor” means a person who has not attained the age of eighteen years reckoned according to the Gregorian calendar;

“the prescribed date” means the date prescribed by His Highness the Ruler under section I of this Enactment for the coming into force of this Enactment;

"the State" means the State of Trengganu.

(2) A person shall for the purposes of this Enactment be of full capacity if he has attained the age of eighteen years reckoned according to the Gregorian calendar and is of sound mind.

(3) For the purposes of this Enactment, any reference therein to a woman who is, or has been, married shall be deemed to refer only to a woman whose marriage has been registered in accordance with any written law in force in the Federation of Malaya.

(4) There shall be one or more Language Boards, each of which shall consist of three members, one of whom shall be Chairman, appointed by the Ruler in Council; one member shall be a Malay, one member shall, where possible, be of the same community as the applicant and the Chairman shall be of a community different from the other two members. Any such Board may act by a majority of the members thereof.

(5) For the purposes of this Enactment, a person shall be deemed to be able to speak the Malay or English language with reasonable proficiency if in the opinion of a Language Board he is able to say and understand what a person of his standing is likely to wish to say or understand in Malay or English in normal intercourse with a person of a different community.

(6) Any reference in this Enactment 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 father's death; and where that death occurred before, and the birth occurs after the prescribed date, the status or description which would have been applicable to the father had he died after the prescribed date shall be deemed to be the status or description applicable to him at the time of his death.

National
Status.

3. A subject of the Ruler of the State of Trengganu shall have the status of a national of the State of Trengganu.

Subjects of the
Ruler by
operation of
law.

4. On and after the prescribed date the following persons and no others, shall be subject of the Ruler of the State by operation of law:

- (a) any person who belongs to any of the aboriginal tribes of Malaya and who is in the State;
- (b) any Malay born before, on or after the prescribed date in the State;
- (c) any person born before, on or after the prescribed date in the State, one of whose parents was born in the Federation of Malaya;

- (d) any person not being a citizen of the United Kingdom and Colonies, who was born in the State and under the provisions of the Federation of Malaya Agreement, 1948, at any time in force, was immediately before the prescribed date a Federal citizen;
- (e) any person, not being a citizen of the United Kingdom and Colonies, who under the provisions of the Federation of Malaya Agreement, 1948, at any time in force, having become a Federal Citizen by application in the State, was immediately before the prescribed date of a Federal citizen;

Provided that this paragraph shall not apply to any person who on or before the coming into force of this Enactment acquires or has acquired under provisions corresponding to those contained in the preceding paragraph the nationality of another State in the Federation of Malaya;

- (f) any person, wherever born, whose father either—
- (i) was born in the State and, at the time of the birth of such person, was, under the provisions of this Enactment, or would have been, had the provisions of this Enactment been then in force, a subject of the Ruler; or
- (ii) was, at the time of the birth of such person, a subject of the Ruler by registration under section 5 or 6 or under sub-section (4) of section 9 of this Enactment or by naturalisation under section 8 of this Enactment.

5. (1) Subject as hereinafter provided a person, not being a minor, born in the State before, on or after the prescribed date, who is not a subject of the Ruler shall be entitled, on making application in the prescribed manner, to be registered as a subject of the Ruler. Subjects of the Ruler by Registration.

Provided that a person who has absented himself from the Federation of Malaya for a continuous period of five years within the ten years immediately preceding his application shall not be entitled to be registered under this section unless he is certified by the Ruler to have maintained substantial connection with the Federation of Malaya during that period.

(2) No person shall be entitled to be registered under the preceding sub-section unless he—

- (a) satisfies the Ruler that he is able to speak the Malay or English language with reasonable proficiency or if he is unable to do so that such inability is due to the physical impediment of deafness or dumbness; and
- (b) satisfies the Ruler that he is of good character; and
- (c) has taken the oath in the form set out in the Schedule to this Enactment:

Provided that for the purposes of this sub-section the Language Board shall for a period of five years from the prescribed date relax the standard of proficiency prescribed in sub-section (5) of section 2 of this Enactment in respect of any applicant who, in the opinion of the Board has not had a reasonable opportunity of learning Malay or English and is otherwise a suitable person for registration as subject of the Ruler.

(3) Subject as hereinafter provided a woman who—

- (a) is not a subject of the Ruler; and
- (b) has been married to a subject of the Ruler, shall on making application therefor to the Ruler in the prescribed manner, be entitled to be registered as subject of the Ruler, whether or not she is of full capacity.

Provided that no woman shall be entitled to be registered under this sub-section—

(A) unless she

- (i) satisfies the Ruler that she is of good character and
- (ii) has taken the oath in the form set out in the Schedule to this Enactment; or

(B) if at the time of her application she has ceased to be married to a subject of the Ruler and has married a man who is not a subject of the Ruler.

(4) A person who has renounced, or has been deprived of, the status of a subject of the Ruler conferred by or under this Enactment or of a subject of the Ruler of any other Malay State or of a citizen of the Federation of Malaya or of a citizen of the United Kingdom and Colonies, shall not be entitled to be registered as a subject of the Ruler under this section, but may be so registered with the approval of the Ruler.

6.
subject
Ruler
parent

(2) ' thinks
the R

(3)
to a c
adopt

7.
(4) of
Ruler

8.
him i
subje
such
the F

(2
in s
take

6. (1) The Ruler may cause the minor child of any subject of the Ruler to be registered as a subject of the Ruler upon application made in the prescribed manner by a parent or guardian of the child.

Registration
of minors.

(2) The Ruler may, in such special circumstances as he thinks fit, cause any minor to be registered as a subject of the Ruler.

(3) For the purposes of this section "parent" in relation to a child whose adoption has been registered means the adopter.

7. A person registered under section 5, 6 or sub-section (1) of section 9 of this Enactment shall be a subject of the Ruler as from the date on which he is registered.

Effect of
registration as
a subject of
the Ruler.

8. (1) the Ruler may, if application therefor is made to him in the prescribed manner by any person who is not a subject of the Ruler and who is of full capacity, grant to such person a certificate of naturalisation if he satisfies the Ruler that he:

Subjects of the
Ruler by
naturalisation.

- (a) has within the preceding twelve years resided in the Federation of Malaya for periods amounting in the aggregate to not less than ten years; and
- (b) has resided in the State throughout the two years immediately preceding the date of his application; and
- (c) is of good character; and
- (d) is not likely to become chargeable to the State or the Federation of Malaya; and
- (e) is able to speak the Malay or English language with reasonable proficiency or if he is unable to do so that such inability is due to the physical impediment of deafness or dumbness; and
- (f) has made a declaration that he intends, in the event of a certificate being granted to him, to settle permanently in the Federation of Malaya.

(2) In calculating the period of twelve years mentioned in sub-section (1) of this section no account shall be taken of—

- (a) periods of absence from the Federation of Malaya—
 - (i) for purposes of education of such kinds in such countries and during such periods, as may from time to time, be either generally or specially approved by the Ruler ~~after consultation with the High Commissioner~~ for the purposes of this section; or

(ii) while on duty in the service of the Government of the Federation of Malaya or of any State or Settlement or of any of the territories now comprised in the Federation of Malaya or ~~the Colony of Singapore~~ or while on duty in the service of the Crown where such periods are not consistent with essential continuity of residence and therefore not reckoned as periods of residence;

(5)
Rule

(b) periods of absence from the Federation of Malaya between 1st July, 1941, and the 31st December, 1946, in the case of a person who was resident in the Federation of Malaya for a period of five years immediately preceding such period of absence.

(3) The person to whom a certificate of naturalisation is granted under this section shall, on taking the oath in the form set out in the Schedule to this Enactment, be a subject of the Ruler by naturalisation as from the date on which that certificate is granted.

Loss of status
of subject of
the Ruler.

9. (1) Subject as hereinafter provided, where a person who is a subject of the Ruler has absented himself from the Federation of Malaya, for a continuous period of five years and is not certified by the Ruler to have maintained substantial connection with the Federation of Malaya during that period, such person shall cease to be a subject of the Ruler.

(2) A person who has absented himself from the Federation of Malaya for the aforesaid period of five years but who, before the expiration thereof, has made application in the prescribed manner to the Ruler for a certificate that such person is maintaining substantial connection with the Federation of Malaya shall not, because of his absence during that period, cease to be a subject of the Ruler unless and until he has been notified that such application has been refused. The grant of any such certificate shall be at the absolute discretion of the Ruler.

(3) A person shall not cease to be a subject of the Ruler under this section if, on such cesser, he would have retained his national status.

(4) If any person who has ceased to be a subject of the Ruler under this section, resumes residence within the Federation of Malaya, he may apply to the Ruler, in the prescribed manner and subject to any conditions that may be prescribed, for registration as a subject of the Ruler and the Ruler may, in his discretion, cause him to be registered as such.

(5) A person who has the status of a subject of the Ruler shall cease to have such status if—

- (a) he voluntarily acquires the nationality or citizenship of any State or country outside the Federation of Malaya ~~other than citizenship of the United Kingdom and Colonies;~~
- (b) he ceases to be a citizen of the Federation of Malaya; or
- (c) being a woman who has acquired such status by registration under sub-section (2) of section 5 of this Enactment, she acquires by reason of her marriage the nationality or citizenship of her husband being the nationality or citizenship of any State or country outside the Federation of Malaya ~~other than citizenship of the United Kingdom and Colonies.~~

10. If any person of full capacity who is a subject of the Ruler makes a declaration in the prescribed manner of renunciation of the status of a subject of the Ruler, the Ruler shall cause the declaration to be registered; and, upon the registration, that person shall cease to be a subject of the Ruler:

Renunciation of status of subject of the Ruler.

Provided that the Ruler may withhold registration of any such declaration if it is made during a period of emergency declared as such, at or after its commencement, by the High Commissioner in Council for the purposes of this section.

in which there exists a state of emergency proclaimed under the provisions of the Emergency Regulations Ordinance 1948, or in which a proclamation of Emergency issued under Article 150 of the Federal Constitution is in force.

11. (1) A subject of the Ruler shall cease to have such status if he is deprived of that status by an order of the Ruler in Council made under this section.

Deprivation of status of subject of the Ruler.

(2) Subject to the provisions of this section, the Ruler in Council may by order deprive any person who is a subject of the Ruler—

- (a) by registration; or
- (b) by naturalisation,

if that status if he is satisfied that the registration of such person or the certificate of naturalisation granted to him under this Enactment was obtained by means of fraud, false representation or the concealment of any material fact or, made or granted by mistake:

Provided that no person shall be deprived, under the provision of this section, of the status of subject of the Ruler on the grounds of mistake unless notice of the intention so to do has been served on him or published in the Gazette within twelve months of the prescribed date or the date of registration or the grant of the certificate, whichever

is the later, and where no notice has been served or published as hereinbefore provided before the expiration of the said period, no registration or certificate of naturalisation or conferment of the status of subject of the Ruler shall be deemed to be invalid on the grounds of mistake and such registration or certificate or conferment shall be deemed to be as valid as it would have been had such mistake not been made.

(3) Subject to the provisions of this section, the Ruler or Council may by order deprive any person who is a subject of the Ruler—

- (a) by registration; or
- (b) naturalisation,

of that status if he is satisfied that, subsequent to registration or subsequent to the grant of a certificate of naturalisation under this Enactment that person—

- (a) has shown himself by act or speech to be disloyal or disaffected towards the Ruler or the Federation of Malaya or has exercised any right, power or privilege to which he may be entitled by reason of any nationality or citizenship, other than the rights, powers or privileges of—
 - (i) a subject of the Ruler of any Malay State;
 - (ii) a Federal citizen or a citizen of the Federation of Malaya; or
 - (iii) a citizen of the United Kingdom and Colonies; or
- (b) has, during any war in which Her Majesty is engaged, unlawfully traded or communicated 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 becoming naturalised, been sentenced in any part of Her Majesty's dominions or in any territory under Her Majesty's protection to death or to imprisonment by whatever name called, for a term exceeding twelve months and has not received a free pardon or
- (d) has done any voluntary act which is incompatible with his loyalty to the Ruler or to the Federation of Malaya:

Provided that no order shall be made on any of the grounds specified in this sub-section in the case of a subject of the Ruler who would, on being deprived of such status, have no national status.

(4) Where any person on acquiring the status of the national of the State of Trengganu has renounced any other nationality, he shall, for the purpose of the proviso to the last preceding sub-section be deemed not to have retained the nationality of another State unless the Ruler in Council, in the exercise of his discretion, satisfied that such person is in a position effectively to enjoy the protection of such other State and to proceed thereto if he so wishes without thereby endangering his personal safety.

(5) Before making an order under this section the Ruler in Council shall cause to be given to the person against whom the order is proposed to be made notice in writing informing him of the ground on which it is proposed to be made and of his right to an inquiry under this section.

(6) If the person against whom the order is proposed to be made applies in the prescribed manner for an inquiry, the Ruler in Council shall refer the case to a committee of inquiry consisting of a Chairman, being a person possessing judicial experience, appointed by the Ruler, and of such other members appointed by the Ruler as he thinks proper.

(7) The Ruler in Council shall not make an order under this section unless he is satisfied that it is not conducive to the public good that the person against whom the order is proposed to be made should continue to be a subject of the Ruler.

12. Where a subject of the Ruler ceases to be a subject of the Ruler, he shall not thereby be discharged from any obligations, duty or liability in respect of any act done before he ceased to be a subject of the Ruler.

Saving of obligations incurred before loss of national Status.

13. The Ruler shall not be required to assign any reason for the grant or refusal of any application under this Enactment, the decision on which is at his discretion; and the decision of the Ruler on any such application shall not be subject to appeal to or review in any court.

Discretion of the Ruler.

14. (1) Birth on board a ship registered in the State shall be deemed to be birth in the State.

Birth on ship.

(2) A person born on a foreign ship shall not be deemed to have been born in the State by reason only of the fact that the ship was in the territorial waters of the State at the time of his birth.

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

Evidence.

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

Offences.

16. Any person who, for the purpose of procuring anything to be done or not to be done under this Enactment makes any statement which he knows to be false in any material particular, or recklessly makes any statement which is false in any material particular, shall be liable on conviction, to imprisonment for a term not exceeding twelve months or to a fine not exceeding two thousand dollars or to both such imprisonment and fine.

Power of Ruler in Council to make regulations.

17. The Ruler in Council may by regulations make provision generally for carrying into effect the purposes of this Enactment, and in particular—

- (a) for prescribing anything which under this Enactment may be prescribed;
- (b) for the registration of anything required or authorised under this Enactment to be registered;
- (c) for prescribing forms of declaration, for the administration and taking of oaths, for the time within which such oaths shall be taken and for the registration of such oaths;
- (d) for the giving of any notice required or authorised to be given to any person under this Enactment;
- (e) for the procedure to be followed by persons applying for registration or for certificates of naturalisation under this Enactment, the evidence to be required from such persons as to their qualifications for the status of a subject of the Ruler, including evidence of ability to speak the Malay or English language with reasonable proficiency and for imposing penalties for requiring any consideration for supplying any reference that may be required by any prescribed form;
- (f) for the issue of certified copies of documents made and extracts from registers kept, under this Enactment, for the cancellation and amendment of entries in a register and of certificates and of certified copies of entries in a register and of certificates prepared under this Enactment relating to persons who lose the status of a subject of the Ruler under this Enactment, and for requiring such documents to be delivered up for those purposes;
- (g) for the imposition and recovery of fees in respect of any application made under this Enactment in respect of any registration, or the making

a
o
g
e

(h)

(i)

(j)

(k)

I
hereb
powe
of a
powe
Mala
Cizi
also
to a
the
or I
that
High
acc
Co
M

- any declaration, or the grant of any certificates, or the taking of any oath, authorised to be made, granted or taken by or under this Enactment, and in respect of supplying a certified or other copy of any notice, certificate, order, declaration or entry given, granted or made as aforesaid; and for the application of any such fees;
- (h) for the issue of certificates that a person has produced prima facie proof that he is a subject of the Ruler by operation of law;
- (i) for the delegation of any of the powers conferred by this Enactment;
- (j) for the practice and procedure to be followed in connection with references under this Enactment to a committee of inquiry; and, in particular for conferring on any such committee any powers, rights or privileges of a court, and for enabling any powers so conferred to be exercised by one or more members of the committee; and
- (k) for prescribing penalties, not exceeding two thousand dollars, for the breach of any of the provisions of such regulations.

SCHEDULE.

[Sections 5 (2), 5 (3) and 8.]

I of
 hereby declare on oath that I will not exercise the rights, powers and privileges to which I may be entitled by reason of any nationality or citizenship, other than the rights, powers and privileges of a subject of the Ruler of any Malay State or a citizen of the Federation of Malaya or a subject of the United Kingdom and Colonies, and that I absolutely and entirely renounce and abjure all loyalty to any country, state or sovereign other than loyalty to the Ruler of any Malay State, the Federation of Malaya, Her Majesty, and I do swear that I will be faithful and bear true allegiance to His Majesty the Sultan of Trengganu and His Successors, according to law and that I will be true, loyal and faithful to the Federation of Malaya and will give due obedience to all lawful Authorities constituted in the Federation of Malaya.*

To such oath shall be added such words as will, according to religious beliefs, bind the conscience of the person taking the oath.
 Passed by the Council of State on this 12th day of July, 1952,

IBRAHIM MOHAMED SALLEH
 Clerk of Councils, Trengganu.

B. Tr. Conf. 54/50

1952.

KUALA TRENGGANU:

PRINTED AT THE TRENGGANU GOVERNMENT PRESS.