

Aden, Perim and Kuria Muria Islands Act 1967

1967 CHAPTER 71

An Act to make provision for, and in connection with, the relinquishment of Her Majesty's sovereignty over Aden, Perim and the Kuria Muria Islands, and to amend the definition of " Governor " in section 32(1) of the British Nationality Act 1948.

[27th July 1967]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Relinquishment of sovereignty over Aden, Perim and Kuria Muria Islands.

1.—(1) On the day which, in relation to any territory to which this section applies, is the appointed day that territory shall cease to form part of Her Majesty's dominions; and on and after that day Her Majesty's Government in the United Kingdom shall have no responsibility for the government of that territory.

(2) This section applies to the following territories, that is to say, Aden, Perim and the Kuria Muria Islands, as each of those territories is constituted immediately before the appointed day.

(3) Subject to the next following subsection, in this Act " the appointed day ", in relation to all the territories specified in subsection (2) of this section, means such day as Her Majesty may by Order in Council appoint.

(4) Different days may be appointed by Order in Council under this section in relation to different territories specified in subsection (2) of this section; and, if different days are so appointed, any reference in this Act to the appointed day, in relation to any such territory, shall be construed as a reference to the day so appointed in relation to that territory.

Modifications of British Nationality Acts.

2.—(1) The provisions of the Schedule to this Act shall have effect.

1948 c. 56.

(2) In section 32(1) of the British Nationality Act 1948 (interpretation) the definition of " Governor " shall have effect, and shall be deemed to have had effect as from 17th January 1963, with the addition of the words " and includes the High Commissioner for Aden and the Protectorate of South Arabia ".

1967 c. 4.

(3) In accordance with section 3(3) of the West Indies Act 1967, it is hereby declared that this section and the Schedule to this Act extend to all associated states.

Consequential modification of other statutory provisions.

3.—(1) Her Majesty may make by Order in Council such amendments or modifications of any enactment of the Parliament of the United Kingdom for the time being in force, or of any instrument for the time being in force and having effect by virtue of such an enactment, as appear to Her Majesty to be necessary or expedient in consequence of the provisions of section 1 of this Act.

(2) Any provision which, in consequence of the operation of subsection (1) of section 1 of this Act in relation to a territory to which that section applies, is made by Order in Council under this section after the appointed day may be made with retrospective effect as from that day or any later date.

(3) Subject to the next following subsection, any provision made by an Order in Council under this section with respect to an enactment or instrument shall, except in so far as the Order otherwise provides, have effect as part of the law of every country or territory outside the United Kingdom to which the enactment or instrument in question extends, as well as having effect as part of the law of the United Kingdom.

(4) An Order in Council made under this section shall not have effect as part of the law of any associated state or of any country or territory for whose government, at the date on which the Order is made, Her Majesty's Government in the United Kingdom have no responsibility.

(5) For the purpose of making an Order in Council under this section, any reference in subsection (1) of this section to any enactment or instrument for the time being in force shall be construed as a reference to any enactment or instrument in force immediately before that Order is made, whether the enactment or instrument was passed or made before or after the passing of this Act.

Aden Widows' and Orphans' Pension Fund.

4.—(1) For the purpose of giving effect to any arrangements made with a view to, or in consequence of, the winding up of the Aden Widows' and Orphans' Pension Fund, the Minister of

Overseas Development may by regulations make provision for the payment of pensions of such amounts, and payable to or in respect of such persons, as may appear to him to be appropriate for that purpose.

(2) Any such regulations may include provision for the payment, by or in respect of persons to whom the regulations apply, of such contributions as may be prescribed by, or determined in accordance with, the regulations, and may contain such transitional or other incidental and supplementary provisions as may appear to the Minister of Overseas Development to be necessary or expedient.

(3) Any pension payable by virtue of regulations made under this section shall be payable out of moneys provided by Parliament; and any contributions paid in pursuance of the regulations as mentioned in the last preceding subsection shall be paid into the Exchequer.

(4) The power to make regulations under this section shall be exercisable by statutory instrument; and any statutory instrument containing any such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) In this section " the Aden Widows' and Orphans' Pension Fund " means the fund established by that name under the law of Aden, and " pension " means any contributory or non-contributory pension, of any kind whatsoever, payable to or in respect of any person, or a lump sum or gratuity so payable, by way of compensation or otherwise, or a return of contributions, with or without interest thereon or any other addition thereto.

Pending appeals to Her Majesty in Council.

5.—(1) This section applies to appeals to Her Majesty in Council—

(*a*) from the Court of Appeal for Eastern Africa acting on appeal from any court having jurisdiction under the laws of a territory to which section 1 of this Act applies, or

(*b*) from any other court acting in the exercise of any jurisdiction exercisable by that court in relation to such a territory,

being appeals which are pending immediately before the appointed day and in which the records have been registered in the Office of the Privy Council before that day.

(2) In respect of appeals to which this section applies, or in respect of any class of such appeals, Her Majesty may by Order in Council confer on the Judicial Committee of the Privy Council such jurisdiction as appears to Her Majesty to be appropriate in the circumstances for the purpose of enabling them to be continued before and disposed of by that Committee.

(3) An Order in Council under this section may, if Her Majesty thinks fit, direct that any appeal continued before the Judicial Committee of the Privy Council in pursuance of the Order shall abate on a date specified in the Order unless it has been heard by the Committee before that date; and an Order containing such a direction may contain provisions to facilitate the hearing of any such appeal before that date, including provisions as to the sittings of the Committee and provisions for expediting the steps to be taken by the parties preliminary to the hearing of an appeal.

(4) An Order in Council under this section may determine the practice and procedure to be followed on any appeal continued before the said Committee in pursuance of the Order, and, in particular, may include provisions as to the form of any report or recommendation to be made by that Committee in the exercise of the jurisdiction conferred on that Committee by the Order, as to the authority to whom any such report or recommendation is to be transmitted and as to the manner in which it is to be transmitted to that authority.

(5) Except so far as otherwise provided by an Order in Council under this section, and subject to such modifications as may be so provided, the Judicial Committee Act 1833 shall apply in relation to appeals continued before the Judicial Committee of the Privy Council under this section as it applied in relation to those appeals before the appointed day.

1833 c. 41.

Supplementary provisions as to Orders in Council.

6.—(1) Any Order in Council under this Act may contain such transitional or other incidental and supplementary provisions as may appear to Her Majesty to be necessary or expedient.

(2) Any Order in Council made under section 3 of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) Any Order in Council made under section 5 of this Act shall be laid before Parliament after being made.

(4) Any power to make an Order in Council under section 3 or section 5 of this Act shall include power to revoke or vary the Order by a subsequent Order in Council made under the same section.

Interpretation.

7.—(1) In this Act any reference to a territory shall be construed as including a reference to its dependencies (if any).

(2) Except in so far as the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended or extended by or under any other enactment.

Provisions as to Northern Ireland.

8.—(1) In section 3 of this Act references to any enactment of the Parliament of the United Kingdom shall be construed as including references to any enactment of the Parliament of Northern Ireland.

(2) In relation to any Order in Council made under that section which amends or modifies an enactment of the Parliament of Northern Ireland or an enactment relating to any matter in respect of which that Parliament has power to make laws, section 6 of the Government of Ireland Act 1920 (conflict of laws) shall have effect as if the Order were a provision of an Act (other than that Act) passed by the Parliament of the United Kingdom before the date which is the appointed day for the purposes of the said section 6. 1920 c. 67.

Short title.

9. This Act may be cited as the Aden, Perim and Kuria Muria Islands Act 1967.

Section 2.

SCHEDULE

MODIFICATIONS OF BRITISH NATIONALITY ACTS

Change of citizenship

1.—(1) Except as provided by the following provisions of this Schedule, any person who, on such date as may be specified in an order made by the Secretary of State,—

(*a*) in consequence of his connection with a territory designated by the order, possesses any such nationality or citizenship as may be specified by the order, whether he acquired that nationality or citizenship before that date or acquires it on that date, and

(*b*) immediately before that date is a citizen of the United Kingdom and Colonies,

shall on that date cease to be a citizen of the United Kingdom and Colonies.

(2) Subject to the next following sub-paragraph, the territory designated by an order under this paragraph shall be a territory to which section 1 of this Act applies, and the date specified in the order shall not be earlier than the appointed day.

(3) The territory designated by an order under this paragraph may be so designated as being a territory in which a territory to which section 1 of this Act applies which is specified in the order (in this sub-paragraph referred to as " the specified component territory ") is comprised on or immediately after the day which, in relation to the specified component territory, is the appointed day; and in that case the date specified in the order shall not be earlier than that day.

(4) An order may be made under this paragraph specifying a nationality or citizenship and a date, as mentioned in the preceding provisions of this paragraph, notwithstanding that one or more orders, specifying the same nationality or citizenship but an earlier date or earlier dates, have previously been made thereunder.

1948 c. 56.

2. Section 6(2) of the British Nationality Act 1948 (registration as citizens of the United Kingdom and Colonies of women who have been married to such citizens) shall not apply to a woman by virtue of her marriage to a person who ceases to be a citizen of the United Kingdom and Colonies under paragraph 1 of this Schedule, or who, in consequence of his connection with a territory designated by an order under that paragraph, would have ceased to be such a citizen under that paragraph if he had been living on the date specified in the order.

Retention of citizenship of the United Kingdom and Colonies in certain cases

3.—(1) Subject to sub-paragraph (6) of this paragraph, a person shall not cease to be a citizen of the United Kingdom and Colonies under paragraph 1 of this Schedule if he, his father or his father's father—

(*a*) was born in the United Kingdom or in a colony or an associated state; or

SCH.

(*b*) is or was a person naturalised in the United Kingdom and Colonies; or

(*c*) was registered as a citizen of the United Kingdom and Colonies; or

(*d*) became a British subject by reason of the annexation of any territory included in a colony.

(2) A person shall not cease to be a citizen of the United Kingdom and Colonies under paragraph 1 of this Schedule if either—

(*a*) he was born in a protectorate or protected state, or

(*b*) his father or his father's father was so born and is or at any time was a British subject.

(3) A person shall not cease to be a citizen of the United Kingdom and Colonies under paragraph 1 of this Schedule in consequence of his connection with a territory designated by an order under that paragraph if on the date specified in the order he is ordinarily resident in the United Kingdom or in a colony or an associated state.

(4) A woman who is the wife of a citizen of the United Kingdom and Colonies shall not cease to be such a citizen under paragraph 1 of this Schedule unless her husband does so.

(5) Subject to sub-paragraph (6) of this paragraph, the reference in sub-paragraph (1)(*b*) of this paragraph to a person naturalised in the United Kingdom and Colonies shall include a person who would, if living immediately before the commencement of the British Nationality Act 1948, have become a person naturalised in the United Kingdom and Colonies by virtue of section 32(6) of that Act (persons given local naturalisation before the commencement of that Act). 1948 c. 56.

(6) For the purposes of the operation of this paragraph, as read with paragraph 1 of this Schedule, in relation to a territory designated by an order under paragraph 1 of this Schedule—

(*a*) any reference in this paragraph to a colony shall be construed as not including any territory to which section 1 of this Act applies or any territory (not being one to which that section applies) which has ceased to be a colony before the date specified in the order, and

(*b*) any reference in this paragraph to a protectorate or protected state shall be construed as not including any territory for the time being comprised in the Protectorate of South Arabia or Kamaran, and as not including any territory not so comprised which has ceased to be a protectorate or protected state before the date specified in the order;

and sub-paragraph (1) of this paragraph shall not apply to a person by virtue of any certificate of naturalisation granted or registration effected by the governor or government of a territory which by virtue of this sub-paragraph is excluded from references in this paragraph to a colony, protectorate or protected state.

(7) Part III of the British Nationality Act 1948 (supplementary provisions) shall have effect for the purposes of this paragraph as if this paragraph were included in that Act.

SCH.

Provisions as to orders

4.—(1) Any power to make an order under paragraph 1 of this Schedule shall include power to revoke or vary the order by a subsequent order under that paragraph.

(2) Any power to make an order under that paragraph shall be exercisable by statutory instrument.