

CHAPTER 5

An Act to enable Her Majesty to place the Cocos or Keeling Islands under the authority of the Commonwealth of Australia, and for purposes connected therewith. [29th March, 1955]

WHEREAS the islands named the Cocos or Keeling Islands, comprising all the islands situated in the Indian Ocean in or about the 5th minute of the 12th degree of South Latitude and the 53rd minute of the 96th degree of East Longitude, and including the northern island otherwise known as North Keeling Island, are part of the Colony of Singapore as constituted by Order in Council under the Straits Settlements (Repeal) Act, 1946: 9 & 10 Geo. 6. c. 37.

And whereas the Parliament and Government of the Commonwealth of Australia have requested and consented to the enactment of this Act:

And whereas by section one hundred and twenty-two of the constitution of the Commonwealth of Australia it is provided that the Parliament of the said Commonwealth may make laws for the government of any territory placed by the Queen under the authority of and accepted by the Commonwealth:

Be it therefore 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:—

Transfer of the Islands to Australia.

1.—(1) Her Majesty may by Order in Council direct that the Cocos or Keeling Islands shall, on such date as may be specified in the Order, cease to form part of the Colony of Singapore and be placed under the authority of the Commonwealth of Australia.

(2) As from the date specified as aforesaid, the Straits Settlements (Repeal) Act, 1946, and any Order in Council in force in respect of the said Colony under that Act and the British Settlements Acts, 1887 and 1945, as applied by that Act, shall have effect as if references therein to the said Islands were omitted.

(3) Her Majesty may by Order in Council make provision—

(*a*) for the transfer or retention of property, rights, powers, obligations or liabilities held, enjoyed or incurred by or on behalf of Her Majesty in right of Her Government in the United Kingdom or of the Government of the Colony of Singapore in or in connection with the said Islands and subsisting on the date specified as aforesaid;

(*b*) for continuing in relation to proceedings pending on that date the jurisdiction in the said Islands of any court not situated therein;

(*c*) for such other purposes, if any, not being purposes of the government of the said Islands, as appear to Her Majesty to be expedient in consequence of their ceasing to form part of the said Colony and being placed under the authority of the said Commonwealth.

Short title.

2. This Act may be cited as the Cocos Islands Act, 1955.

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