CHAPTER 6

An Act to make provision for, and in connection with, the attainment by the Gold Coast of fully responsible status within the British Commonwealth of Nations.

[7th February, 1957]

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:—

Provision for the fully responsible status of the Gold Coast under the name of Ghana.

1. The territories included immediately before the appointed day in the Gold Coast as defined in and for the purposes of the Gold Coast (Constitution) Order in Council, 1954, shall as from that day together form part of Her Majesty's dominions under the name of Ghana, and—

(*a*) no Act of the Parliament of the United Kingdom passed on or after the appointed day shall extend, or be deemed to extend, to Ghana as part of the law of Ghana, unless it is expressly declared in that Act that the Parliament of Ghana has requested, and consented to, the enactment thereof;

(*b*) as from the appointed day, Her Majesty's Government in the United Kingdom shall have no responsibility for the government of Ghana or any part thereof;

(*c*) as from the appointed day, the provisions of the First Schedule to this Act shall have effect with respect to the legislative powers of Ghana:

Provided that nothing in this section other than paragraphs (*a*) to (*c*) thereof shall affect the operation in any of the territories aforesaid of any enactment, or any other instrument having the effect of law, passed or made with respect thereto before the appointed day.

Consequential modification of British Nationality Act.

2. As from the appointed day, the British Nationality Act, 1948, shall have effect—

(*a*) with the substitution in subsection (3) of section one thereof (which provides for persons to be British subjects or Commonwealth citizens by virtue of citizenship of certain countries) for the words " and Ceylon " of the words " Ceylon and Ghana ";

(*b*) as if in the British Protectorates, Protected States and Protected Persons Order in Council, 1949, the words " Northern Territories of the Gold Coast " in the First Schedule thereto and the words " Togoland under United Kingdom Trusteeship " in the Third Schedule thereto were omitted:

Provided that a person who, immediately before the appointed day, was for the purposes of the said Act and Order in Council a British protected person by virtue of his connection with either of the territories mentioned in paragraph (*b*) of this section shall not cease to be such a British protected person for any of those purposes by reason of anything contained in the foregoing provisions of this Act, but shall so cease upon his becoming a citizen of Ghana under any law of the Parliament of Ghana making provision for such citizenship.

Consequential modifications with respect to development schemes, etc.

3.—(1) No scheme shall be made on or after the appointed day under the Colonial Development and Welfare Acts, 1940 to 1955, wholly or partly for the benefit of Ghana.

(2) Any scheme in force under the said Acts immediately before the appointed day which was made solely for the benefit of Ghana or any part thereof shall cease to have effect on that day without prejudice to the making of payments in pursuance of that scheme on or after that day in respect of any period falling before that day; and, so far as practicable, no part of any sums paid out of moneys provided by Parliament for the purposes of any other scheme made under those Acts before that day shall be employed in respect of any period falling on or after that day for the benefit of Ghana.

(3) Nothing in the two foregoing subsections shall restrict the making of, or the employment of sums paid out of moneys provided by Parliament for the purposes of, any scheme under the said Acts with respect to a body established for the joint benefit of Ghana and one or more of the following territories, that is to say, the Federation or any Region of Nigeria, Sierra Leone and the Gambia, in a case where Ghana has undertaken to bear a reasonable share of the cost of the scheme.

(4) Without prejudice to the continuance of any operations commenced by the Colonial Development Corporation in any part of Ghana before the appointed day, as from that day the expression " colonial territories " in the Overseas Resources Development Acts, 1948 to 1956, shall not include Ghana or any part thereof.

Consequential modification of other enactments.

4.—(1) Notwithstanding anything in the Interpretation Act, 1889, the expression " colony " in any Act of the Parliament of the United Kingdom passed on or after the appointed day shall not include Ghana or any part thereof.

(2) As from the appointed day, the expression " colony " in the Army Act, 1955, and the Air Force Act, 1955, shall not include Ghana or any part thereof, and in the definitions of " Commonwealth force " in subsection (1) of section two hundred and twenty-five and subsection (1) of section two hundred and twenty-three respectively of those Acts and in section eighty-six of the Naval Discipline Act as amended by the Revision of the Army and Air Force Acts (Transitional Provisions) Act, 1955, for the words " or Ceylon " there shall be substituted the words " Ceylon or Ghana ".

(3) Any Order in Council made on or after the appointed day under the Army Act, 1955, or the Air Force Act, 1955, providing for that Act to continue in force beyond the date on which it would otherwise expire shall not operate to continue that Act in force beyond that date as part of the law of Ghana.

(4) As from the appointed day, the provisions specified in the Second Schedule to this Act shall have effect subject to the amendments respectively specified in that Schedule, and Her Majesty may by Order in Council, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, make such further adaptations in any Act of the Parliament of the United Kingdom passed before this Act, or in any instrument having effect under any such Act, as appear to her necessary in consequence of section one of this Act; and any Order in Council made under this subsection may be varied or revoked by a subsequent Order in Council so made and, though made after the appointed day, may be made so as to have effect from that day:

Provided that this subsection shall not extend to Ghana as part of the law thereof.

Short title and appointed day.

5.—(1) This Act may be cited as the Ghana Independence Act, 1957.

(2) In this Act, the expression " the appointed day " means the sixth day of March, nineteen hundred and fifty-seven, unless before that date Her Majesty has by Order in Council appointed some other day to be the appointed day for the purposes of this Act.

SCHEDULES

Section 1.

FIRST SCHEDULE

LEGISLATIVE POWERS OF GHANA

1. The Colonial Laws Validity Act, 1865, shall not apply to any law made on or after the appointed day by the Parliament of Ghana.

2. No law and no provision of any law made on or after the appointed day by the Parliament of Ghana shall be void or inoperative on the ground that it is repugnant to the law of England, or to the provisions of any existing or future Act of the Parliament of the United Kingdom, or to any order, rule or regulation made under any such Act, and the powers of the Parliament of Ghana shall include the power to repeal or amend any such Act, order, rule or regulation in so far as it is part of the law of Ghana.

3. The Parliament of Ghana shall have full power to make laws having extra-territorial operation.

4. Without prejudice to the generality of the foregoing provisions of this Schedule, sections seven hundred and thirty-five and seven hundred and thirty-six of the Merchant Shipping Act, 1894, shall be construed as though reference therein to the legislature of a British possession did not include reference to the Parliament of Ghana.

5. Without prejudice to the generality of the foregoing provisions of this Schedule, section four of the Colonial Courts of Admiralty Act, 1890 (which requires certain laws to be reserved for the signification of Her Majesty's pleasure or to contain a suspending clause) and so much of section seven of that Act as requires the approval of Her Majesty in Council to any rules of court for regulating the practice and procedure of a Colonial Court of Admiralty shall cease to have effect in Ghana.

6. Notwithstanding anything in the foregoing provisions of this Schedule, the constitutional provisions shall not be repealed, amended or modified otherwise than in such manner as may be specified in those provisions.

In this paragraph, the expression " the constitutional provisions " means the provisions for the time being in force on or at any time after the appointed day of the Gold Coast (Constitution) Orders in Council, 1954 to 1956, and of any other Order in Council made before that day, or any law, or instrument made under a law, of the Parliament of Ghana made on or after that day, which amends, modifies, re-enacts with or without amendment or modification, or makes different provision in lieu of, any of the provisions of any such Order in Council or of any such law or instrument previously made.

SECOND SCHEDULE

Section 4.

AMENDMENTS NOT AFFECTING LAW OF GHANA

Diplomatic immunities

1. In section four hundred and sixty-one of the Income Tax Act, 1952 (which relates to exemption from income tax in the case of certain Commonwealth representatives and their staffs) for the words " or Ceylon " in both places where they occur there shall be substituted the words " Ceylon or Ghana ".

2. In subsection (6) of section one of the Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act, 1952, after the word " Ceylon " there shall be inserted the word " Ghana "; and the proviso to subsection (1) of that section shall not apply in relation to Ghana until a law of the Parliament of Ghana making provision for citizenship of Ghana has come into force.

Financial

3. As respects goods imported after such date as Her Majesty may by Order in Council appoint, section four of the Import Duties Act, 1932, and section two of the Isle of Man (Customs) Act, 1932 (which relate to imperial preference other than colonial preference) shall apply to Ghana.

4. In the Colonial Stock Act, 1934 (which extends the stocks which may be treated as trustee securities), the expression " Dominion " shall include Ghana; and, during any period falling on or after the appointed day during which there is in force as part of the law of Ghana any instrument passed or made before that day which makes provision corresponding to the undertaking required to be given by the Government of a Dominion under paragraph (*a*) of subsection (1) of section one of that Act, paragraphs (*a*) and (*b*) of the said subsection (1) shall be deemed to have been complied with in the case of Ghana.

Visiting forces

5. In the Visiting Forces (British Commonwealth) Act, 1933, section four (which deals with attachment and mutual powers of command) and the definition of " visiting force " for the purposes of that Act which is contained in section eight thereof shall apply in relation to forces raised in Ghana as they apply in relation to forces raised in Dominions within the meaning of the Statute of Westminster, 1931.

6. In the Visiting Forces Act, 1952—

(*a*) in subsection (1) of section one (which specifies the countries to which that Act applies) for the words " or Ceylon " there shall be substituted the words " Ceylon or Ghana ";

(*b*) in paragraph (*a*) of subsection (1) of section ten the expression " colony " shall not include Ghana or any part thereof;

and, until express provision with respect to Ghana is made by an Order in Council under section eight of that Act (which relates to the application to visiting forces of law relating to home forces), any such Order for the time being in force shall be deemed to apply to visiting forces of Ghana.

2ND SCH. —*cont.*

Ships and aircraft

7. In subsection (2) of section four hundred and twenty-seven of the Merchant Shipping Act, 1894, as substituted by section two of the Merchant Shipping (Safety Convention) Act, 1949, for the words " or Ceylon " there shall be substituted the words " Ceylon or Ghana ".

8. In the proviso to subsection (2) of section six of the Merchant Shipping Act, 1948, for the words " or Ceylon " there shall be substituted the words " Ceylon or Ghana ".

9. In the definitions of " Dominion ship or aircraft " contained in subsection (2) of section three of the Emergency Powers (Defence) Act, 1939, and in Regulation one hundred of the Defence (General) Regulations, 1939, the expression " a Dominion " shall include Ghana.

10. The Ships and Aircraft (Transfer Restriction) Act, 1939, shall not apply to any ship by reason only of its being registered in, or licensed under the law of, Ghana; and the penal provisions of that Act shall not apply to persons in Ghana (but without prejudice to the operation with respect to any ship to which that Act does apply of the provisions thereof relating to the forfeiture of ships).

11. In the Whaling Industry (Regulation) Act, 1934, the expression " British ship to which this Act applies " shall not include a British ship registered in Ghana.

Copyright

12.—(1) If on or after the appointed day the Parliament of Ghana repeals or amends the Copyright Act, 1911, in so far as it forms part of the law of Ghana or of any part of Ghana, the following provisions of this paragraph shall have effect.

(2) Any provision of the said Act in force at the date of the repeal or amendment as part of the law of the United Kingdom shall no longer apply in relation to, or to any part of, Ghana, whether as part of Her Majesty's dominions to which that Act extends or by virtue of section twenty-eight of that Act:

Provided that—

(*a*) this sub-paragraph shall not prejudicially affect any legal rights existing at the time of the repeal or amendment;

(*b*) Ghana shall be included in the expression " self-governing dominion " for the purposes of subsection (2) of section twenty-five and subsection (3) of section twenty-six of that Act (which relate to reciprocity with self-governing dominions having their own copyright law), and the said subsection (2) shall have effect in relation to Ghana as if that Act, so far as it remains part of the law of Ghana or of any part of Ghana, had been passed by the Parliament of Ghana;

(*c*) this sub-paragraph shall not apply to any provision of that Act which continues to have effect as part of the law of the United Kingdom by virtue only of paragraph 40 of the Seventh Schedule to the Copyright Act, 1956.

2ND SCH. —*cont.*

(3) If at the date of the repeal or amendment any provision of the Copyright Act, 1956, has come into operation but does not extend to all parts of Ghana by virtue of an Order in Council made before the appointed day under section thirty-one of that Act and has not been applied in the case of Ghana by an Order in Council made on or after that day under section thirty-two of that Act, any reference in that provision to countries to which that provision extends shall, notwithstanding anything in sub-paragraph (2) of paragraph 39 of the Seventh Schedule to that Act, not be construed as if that provision extended to Ghana or any part thereof.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Colonial Laws Validity Act, 1865	28 & 29 Vict. c. 63.
Naval Discipline Act, 1866	29 & 30 Vict. c. 109.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Colonial Courts of Admiralty Act, 1890... ...	53 & 54 Vict. c. 27.
Merchant Shipping Act, 1894	57 & 58 Vict. c. 60.
Copyright Act, 1911	1 & 2 Geo. 5. c. 46.
Import Duties Act, 1932	22 & 23 Geo. 5. c. 8.
Isle of Man (Customs) Act, 1932...	22 & 23 Geo. 5. c. 16.
Visiting Forces (British Commonwealth) Act, 1933	23 & 24 Geo. 5. c. 6.
Colonial Stock Act, 1934	24 & 25 Geo. 5. c. 47.
Whaling Industry (Regulation) Act, 1934 ...	24 & 25 Geo. 5. c. 49.
Emergency Powers (Defence) Act, 1939	2 & 3 Geo. 6. c. 62.
Ships and Aircraft (Transfer Restriction) Act, 1939	2 & 3 Geo. 6. c. 70.
Merchant Shipping Act, 1948	11 & 12 Geo. 6. c. 44.
British Nationality Act, 1948	11 & 12 Geo. 6. c. 56.
Merchant Shipping (Safety Convention) Act, 1949	12, 13 & 14 Geo. 6. c. 43.
Income Tax Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 10.
Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act, 1952.	15 & 16 Geo. 6. & 1 Eliz. 2. c. 18.
Visiting Forces Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 67.
Army Act, 1955	3 & 4 Eliz. 2. c. 18.
Air Force Act, 1955	3 & 4 Eliz. 2. c. 19.
Revision of the Army and Air Force Acts (Transitional Provisions) Act, 1955	3 & 4 Eliz. 2. c. 20.
Copyright Act, 1956	4 & 5 Eliz. 2. c. 74.

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