CHAPTER 40

Jamaica Independence Act, 1962

ARRANGEMENT OF SECTIONS

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An Act to make provision for, and in connection with, the attainment by Jamaica of fully responsible status within the Commonwealth. [19th July, 1962]

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 fully responsible status of Jamaica.

1.—(1) As from the sixth day of August, nineteen hundred and sixty-two (in this Act referred to as "the appointed day"), Her Majesty's Government in the United Kingdom shall have no responsibility for the government of Jamaica.

(2) No Act of the Parliament of the United Kingdom passed on or after the appointed day shall extend, or be deemed to extend, to Jamaica as part of the law thereof; and as from that day the provisions of the First Schedule to this Act shall have effect with respect to the legislative powers of Jamaica.

Consequential modifications of British Nationality Acts.

2.—(1) As from the appointed day, the British Nationality Acts, 1948 and 1958, shall have effect as if in subsection (3) of section one of the said Act of 1948 (which provides for persons to be British subjects or Commonwealth citizens by virtue of citizenship of certain countries) for the words "and Tanganyika" there were substituted the words "Tanganyika and Jamaica".

(2) Subject to the following provisions of this section, any person who immediately before the appointed day is a citizen of the United Kingdom and Colonies shall on that day cease to be such a citizen if—

(*a*) under the law of Jamaica he becomes on that day a citizen of Jamaica, and

(*b*) he, his father or his father's father was born in Jamaica.

(3) Subject to subsection (8) of this section, a person shall not cease to be a citizen of the United Kingdom and Colonies under the last preceding subsection if he, his father or his father's father—

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

(*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.

(4) A person shall not cease to be a citizen of the United Kingdom and Colonies under subsection (2) of this section if he was born in a protectorate or protected state, or if his father or his father's father was so born and is or at any time was a British subject.

(5) A woman who is the wife of a citizen of the United Kingdom and Colonies shall not cease to be such a citizen under subsection (2) of this section unless her husband does so.

(6) Subsection (2) of section six of the British Nationality Act, 1948 (which provides for the registration as a citizen of the United Kingdom and Colonies of a woman who has been married to such a citizen) shall not apply to a woman by virtue of her marriage to a person who ceases to be such a citizen under subsection (2) of this section, or who would have done so if living on the appointed day.

(7) Subject to the next following subsection, the reference in paragraph (*b*) of subsection (3) of this section 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 subsection (6) of section thirty-two of that Act (which relates to persons given local naturalisation before that commencement in a colony or protectorate).

(8) Any reference in subsection (3) or subsection (4) of this section to a colony, protectorate or protected state shall, subject to the next following subsection, be construed as a reference to a territory which is a colony, protectorate or protected state on the appointed day; and the said subsection (3) 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 outside the United Kingdom which is not a colony, protectorate or protected state on that day.

(9) The protectorates of Northern Rhodesia and Nyasaland shall be excepted from the operation of any reference in subsection (4) or subsection (8) of this section to a protectorate.

(10) Part III of the British Nationality Act, 1948 (which contains supplemental provisions) shall have effect for the purposes of subsections (2) to (9) of this section as if those subsections were included in that Act.

Consequential modification of other enactments.

3.—(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 Jamaica.

(2) As from the appointed day—

(*a*) the expression " colony " in the Army Act, 1955, the Air Force Act, 1955, and the Naval Discipline Act, 1957, shall not include Jamaica, and

(*b*) 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 the said Acts of 1955, and in the definition of " Commonwealth country " in subsection (1) of section one hundred and thirty-five of the said Act of 1957, for the words " or Tanganyika " there shall be substituted the words " Tanganyika or Jamaica ";

and no Order in Council made on or after the appointed day under section one of the Army and Air Force Act, 1961, shall operate to continue either of the said Acts of 1955 in force as part of the law of Jamaica.

(3) For the purposes of the making, on or after the appointed day, of Orders in Council under the West Indies Act, 1962, and for the purposes of the making on or after that day of grants under section eight of that Act, Jamaica shall be treated as not being a colony within the meaning of that Act.

(4) Subsection (3) of section five of the West Indies Act, 1962 (which enables provision made by Order in Council for the government of the Cayman Islands and the Turks and Caicos Islands to include provision for the performance of functions by the legislature or other authorities of Jamaica, or by any court of Jamaica) is hereby repealed as from the appointed day:

Provided that this subsection shall not affect—

(*a*) the operation (whether as part of the law of Jamaica or as part of the law of the Cayman Islands or of the Turks and Caicos Islands) of any Order in Council made before the appointed day, or

(*b*) the exercise, on or after the appointed day, of any power to revoke or vary an Order in Council made before that day, in so far as any such Order forms part of the law of the Cayman Islands or of the Turks and Caicos Islands.

(5) 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.

(6) The last preceding subsection shall not extend to Jamaica as part of the law thereof.

Interpretation.

4.—(1) In this Act, and in any amendment made by this Act in any other enactment, " Jamaica " includes the islands known as the Morant Cays and the Pedro Cays and any other territories which at the passing of this Act are dependencies of the Colony of Jamaica, but does not include the Cayman Islands or the Turks and Caicos Islands; and in any Act of the Parliament of the United Kingdom passed after the passing of this Act, and in any instrument made after the passing of this Act by virtue of an Act of the Parliament of the United Kingdom (whenever passed), the expression " Jamaica " shall be taken to have the same meaning as in this Act unless a contrary intention is expressed in that Act or instrument, as the case may be.

(2) References in this Act to any enactment are references to that enactment as amended or extended by or under any other enactment.

Short title.

5. This Act may be cited as the Jamaica Independence Act, 1962.

SCHEDULES

Section 1.

FIRST SCHEDULE

LEGISLATIVE POWERS OF JAMAICA

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

2. No law and no provision of any law made on or after the appointed day by that legislature shall be void or inoperative on the ground that it is repugnant to the law of England, or to the provisions of any Act of the Parliament of the United Kingdom, including this Act, or to any order, rule or regulation made under any such Act, and, subject to paragraph 6 of this Schedule, the powers of that legislature 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 Jamaica.

3. The legislature of Jamaica shall have full power to make laws having extra-territorial operation. 1ST SCH.

4. Without prejudice to the generality of the preceding 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 references therein to the legislature of a British possession did not include references to the legislature of Jamaica.

5. Without prejudice to the generality of the preceding 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 Jamaica.

6.—(1) Nothing in this Act shall confer on the legislature of Jamaica any power to repeal, amend or modify the constitutional provisions otherwise than in such manner as may be provided for in those provisions.

(2) In this paragraph "the constitutional provisions" means the following, that is to say—

(*a*) this Act;

(*b*) any Order in Council made before the appointed day (whether before or after the passing of this Act) which made or makes provision in respect of Jamaica in pursuance of section five of the West Indies Act, 1962;

(*c*) any law, or instrument made under a law, of the legislature of Jamaica made on or after the appointed day which amends, modifies, re-enacts with or without amendment or modification, or makes different provision in lieu of, any provisions of this Act, of any such Order in Council, or of any such law or instrument previously made.

SECOND SCHEDULE

Section 3.

AMENDMENTS NOT AFFECTING THE LAW OF JAMAICA

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), in subsection (2) and subsection (3), for the words "or Tanganyika" there shall be substituted the words "Tanganyika or Jamaica".

2. In subsection (6) of section one of the Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act, 1952, after the word "Tanganyika" there shall be inserted the word "Jamaica".

3. In subsection (5) of section one of the Diplomatic Immunities (Conferences with Commonwealth Countries and Republic of Ireland) Act, 1961, after the word "Tanganyika" there shall be inserted the word "Jamaica".

2ND SCH.

Financial

4. In subsection (4) of section two of the Import Duties Act, 1958, after the word " India " there shall be inserted the word " Jamaica ".

Visiting forces

5. In the Visiting Forces (British Commonwealth) Act, 1933, section four (which deals with attachment and mutual powers of command) shall apply in relation to forces raised in Jamaica as it applies 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 paragraph (*a*) of subsection (1) of section one (which specifies the countries to which that Act applies) for the words " or Tanganyika " there shall be substituted the words " Tanganyika or Jamaica ";

(*b*) in paragraph (*a*) of subsection (1) of section ten the expression " colony " shall not include Jamaica;

and, until express provision with respect to Jamaica 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 Jamaica.

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 Tanganyika " there shall be substituted the words " Tanganyika or Jamaica ".

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

9. In the definition of " excepted ship or aircraft " in paragraph 3 of the Third Schedule to the Emergency Laws (Repeal) Act, 1959, for the words " or Tanganyika " there shall be substituted the words " Tanganyika or Jamaica ".

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, Jamaica; and the penal provisions of that Act shall not apply to persons in Jamaica (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 Jamaica.

12. In paragraph (*b*) of subsection (7) of section two of the Civil Aviation (Licensing) Act, 1960, the expression " colony " shall not include Jamaica.

Copyright

13. If the Copyright Act, 1911, so far as in force in the law of Jamaica is repealed or amended by that law at a time when sub-paragraph (2) of paragraph 39 of the Seventh Schedule to the Copyright Act, 1956 (which applies certain provisions of that Act in relation to countries to which the said Act of 1911 extended) is in force in relation to Jamaica, the said sub-paragraph (2) shall thereupon cease to have effect in relation thereto.

Divorce jurisdiction

14. In subsection (2) of section two of the Indian and Colonial Divorce Jurisdiction Act, 1926 (which enables section one of that Act to be extended to certain countries, but not to any of the countries named in the said subsection (2)) for the words " and Tanganyika " there shall be substituted the words " Tanganyika and Jamaica ".

Commonwealth Institute

15. In subsection (2) of section eight of the Imperial Institute Act, 1925, as amended by the Commonwealth Institute Act, 1958 (which relates to the power to vary the provisions of the said Act of 1925 if an agreement for the purpose is made with the governments of certain territories which for the time being are contributing towards the expenses of the Commonwealth Institute) for the words " and Tanganyika " there shall be substituted the words " Tanganyika and Jamaica ".

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Colonial Laws Validity Act, 1865	28 & 29 Vict. c. 63.
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.
Imperial Institute Act, 1925	15 & 16 Geo. 5. c. xvii.
Indian and Colonial Divorce Jurisdiction Act, 1926	16 & 17 Geo. 5. c. 40.
Statute of Westminster, 1931	22 & 23 Geo. 5. c. 4.
Visiting Forces (British Commonwealth) Act, 1933	23 & 24 Geo. 5. c. 6.
Whaling Industry (Regulation) Act, 1934 ...	24 & 25 Geo. 5. c. 49.
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 and 1 Eliz. 2. c. 67.

Table of Statutes referred to in this Act—cont.

Short Title	Session and Chapter
Army Act, 1955	3 & 4 Eliz. 2. c. 18.
Air Force Act, 1955	3 & 4 Eliz. 2. c. 19.
Copyright Act, 1956	4 & 5 Eliz. 2. c. 74.
Naval Discipline Act, 1957	5 & 6 Eliz. 2. c. 53.
Import Duties Act, 1958	6 & 7 Eliz. 2. c. 6.
British Nationality Act, 1958	6 & 7 Eliz. 2. c. 10.
Commonwealth Institute Act, 1958	6 & 7 Eliz. 2. c. 16.
Emergency Laws (Repeal) Act, 1959	7 & 8 Eliz. 2. c. 19.
Civil Aviation (Licensing) Act, 1960	8 & 9 Eliz. 2. c. 38.
Diplomatic Immunities (Conferences with Commonwealth Countries and Republic of Ireland) Act, 1961	9 & 10 Eliz. 2. c. 11.
Army and Air Force Act, 1961	9 & 10 Eliz. 2. c. 52.
West Indies Act, 1962	10 & 11 Eliz. 2. c. 19.

CHAPTER 41

An Act to amend the Colonial Loans Acts, 1949 and 1952.

[19th July, 1962]

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:—

Amendments to Colonial Loans Acts, 1949 and 1952.

12, 13 & 14 Geo. 6. c. 50. 1 & 2 Eliz. 2. c. 1.

1.—(1) In the proviso to subsection (1) of section one of the Colonial Loans Act, 1949 (which, as amended by subsection (2) of section one of the Colonial Loans Act, 1952, limits to the equivalent of one hundred million pounds the aggregate amount of the loans by the International Bank for Reconstruction and Development to Governments of, or authorities providing or administering services for, colonial territories which may be guaranteed by the Treasury under that Act) for the words " one hundred million pounds " there shall be substituted the words " one hundred and fifty million pounds ".

(2) In subsection (1) of section one of the said Act of 1952 (which provides that in subsection (1) of section one of the said Act of 1949 the reference to the Government of a colonial territory shall be construed as including a reference to any Government constituted for two or more colonial territories and to any authority established for the purpose of providing or administering services which are common to, or relate to matters of common interest to, two or more such territories)—

(*a*) for the words " two or more such territories " there shall be substituted the words " two or more territories of which at least one is a colonial territory ";