



Seychelles Act 1976

1976 CHAPTER 19

An Act to make provision for, and in connection with, the attainment by Seychelles of fully responsible status as a Republic within the Commonwealth. [27th May 1976]

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:—

1 Fully responsible status of Seychelles

- (1) On and after 29th June 1976 (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 Seychelles.
- (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 Seychelles as part of its law.

2 Power to provide for constitution of Seychelles as Republic

Her Majesty may by Order in Council (to be laid before Parliament after being made) make provision for the constitution of Seychelles as a Republic on the appointed day.

3 Consequential modifications of British Nationality Acts

- (1) On and after the appointed day the British Nationality Acts 1948 to 1965 shall have effect as if in section 1(3) of the British Nationality Act 1948 (Commonwealth countries having separate citizenship) there were added at the end the words " and Seychelles " .
- (2) Except as provided by section 4 of this Act, 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 he becomes on that day a citizen of Seychelles.

- (3) 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 on the appointed day ceases to be such a citizen under subsection (2) of this section or who would have done so if living on the appointed day.
- (4) In accordance with section 3(3) of the West Indies Act 1967, it is hereby declared that this and the next following section extend to all associated states.

4 Retention of citizenship of the United Kingdom and Colonies by certain citizens of Seychelles

- (1) Subject to subsection (4) of this section, a person shall not cease to be a citizen of the United Kingdom and Colonies under section 3(2) of this Act 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
 - (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) The references to a colony in subsection (1) of this section shall be construed as not including any territory which, on the appointed day, is not a colony for the purposes of the British Nationality Act 1948 as that Act has effect on that day, and accordingly do not include Seychelles.
- (3) Subject to subsection (4) of this section, the reference in subsection (1)(b) 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 section 32(6) of that Act (persons given local naturalisation in a colony or protectorate before the commencement of that Act).
- (4) Subsection (1) of this section 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 subsection (2) of this section is excluded from the references to a colony in subsection (1) of this section or which on the appointed day is not a protectorate or protected state for the purposes of the British Nationality Act 1948 as that Act has effect on that appointed day.
- (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 section 3(2) of this Act unless her husband does so.
- (6) Part III of the British Nationality Act 1948 (supplemental provisions) as in force at the passing of this Act shall have effect for the purposes of this section as if this section were included in that Act.

5 Operation of existing law

- (1) Subject to subsection (3) of this section, all law to which this section applies, whether being a rule of law or a provision of an Act of Parliament or of any other enactment or instrument whatsoever, which is in force on the appointed day, or, having been passed or made before that day, comes or has come into force thereafter, shall, unless and

until provision to the contrary is made by Parliament or some other authority having power in that behalf, have the same operation in relation to Seychelles, and persons and things belonging to or connected with Seychelles, as it would have had apart from this subsection if there had been no change in the status of Seychelles.

- (2) This section applies to law of, or any part of, the United Kingdom, the Channel Islands and the Isle of Man and, in relation only to any enactment of the Parliament of the United Kingdom or any Order in Council made by virtue of any such enactment whereby any such enactment applies in relation to Seychelles, to law of any other country or territory to which that enactment or Order extends.
- (3) Notwithstanding anything in subsections (1) and (2) of this section, the provisions set out in Appendix C in Schedule 1 to the Immigration Act 1971 (whereby a person becoming a citizen of the United Kingdom and Colonies by registration is in certain circumstances required to take an oath of allegiance) shall have effect in relation to citizens of Seychelles as if subsection (1) of this section had not been enacted.

6 Pending appeals to Her Majesty in Council

- (1) This section applies to appeals to Her Majesty in Council from any court having jurisdiction for Seychelles in relation to which before the appointed day leave to appeal has been granted by that court or special leave to appeal has been granted by Her Majesty in Council.
- (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 (to be laid before Parliament after being made) confer on the Judicial Committee of the Privy Council such jurisdiction as appears to Her Majesty to be appropriate in the circumstances for the purposes 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.

7 Consequential modifications of other enactments

- (1) On and after the appointed day the provisions specified in the Schedule to this Act shall have effect subject to the amendments specified respectively in that Schedule.
- (2) Subsection (1) of this section, and the Schedule to this Act, shall not extend to Seychelles as part of its law.

8 Interpretation

- (1) In this Act, and in any amendment made by this Act in any other enactment, " Seychelles" means the territories which immediately before the appointed day constitute the Colony of Seychelles.
- (2) References in this Act to any enactment are references to that enactment as amended or extended by or under another enactment.

9 Short title

This Act may be cited as the Seychelles Act 1976.

SCHEDULE

Section 7.

AMENDMENTS NOT AFFECTING THE LAW OF SEYCHELLES

Diplomatic immunities

- 1 In section 1(5) of the Diplomatic Immunities (Conferences with Commonwealth Countries and Republic of Ireland) Act 1961, before the word " and" in the last place where it occurs there shall be inserted the word " Seychelles " .

The Services

- 2 In the definitions—
- (a) of " Commonwealth force " in section 225(1) of the Army Act 1955 and section 223(1) of the Air Force Act 1955, and
 - (b) of " Commonwealth country " in section 135(1) of the Naval Discipline Act 1957,
- at the end there shall be added the words " or Seychelles " .

Visiting forces

- 3 In the Visiting Forces (British Commonwealth) Act 1933, section 4 (attachment and mutual powers of command) shall apply in relation to forces raised in Seychelles as it applies to forces raised in Dominions within the meaning of the Statute of Westminster 1931.
- 4 In the Visiting Forces Act 1952, in section 1(1)(a) (countries to which the Act applies) at the end there shall be added the words " Seychelles or " .
- 5 Until express provision with respect to Seychelles is made by an Order in Council under section 8 of that Act (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 Seychelles.

Ships

- 6 In section 427(2) of the Merchant Shipping Act 1894, as set out in section 2 of the Merchant Shipping (Safety Convention) Act 1949, before the words " or in any " there shall be inserted the words " or Seychelles " .
- 7 In the Whaling Industry (Regulation) Act 1934, the expression " British ship to which this Act applies " shall not include a British ship registered in Seychelles.

Commonwealth Institute

- 8 In section 8(2) of the Imperial Institute Act 1925, as amended by the Commonwealth Institute Act 1958 (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) at the end there shall be added the words " and Seychelles " .