



# Jamaica Independence Act 1962

## 1962 CHAPTER 40

### **1 Provision for fully responsible status of Jamaica**

- (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.

### **2 Consequential modifications of British Nationality Acts**

- (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.

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*Status: This is the original version (as it was originally enacted).*

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- (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.

### **3 Consequential modification of other enactments**

- (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.

#### **4 Interpretation**

- (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.

#### **5 Short title**

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