



Barbados Independence Act 1966

CHAPTER 37

ARRANGEMENT OF SECTIONS

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ELIZABETH II



1966 CHAPTER 37

An Act to make provision for, and in connection with, the attainment by Barbados of fully responsible status within the Commonwealth. [17th November 1966]

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.—(1) On and after 30th November 1966 (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 Barbados. Fully responsible status of Barbados.

(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 Barbados as part of its law; and on and after that day the provisions of Schedule 1 to this Act shall have effect with respect to the legislative powers of Barbados.

2.—(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 Barbados”. Consequential modifications of British Nationality Acts.

(2) Except as provided by section 3 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 Barbados.

(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 1948 c. 56.

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.

Retention of citizenship of United Kingdom and Colonies by certain citizens of Barbados.

3.—(1) Subject to subsection (5) of this section, a person shall not cease to be a citizen of the United Kingdom and Colonies under section 2(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
- (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) A person shall not cease to be a citizen of the United Kingdom and Colonies under the said section 2(2) if either—

- (a) he was born in a protectorate or protected state, or
- (b) his father or his father's father was so born and is or at any time was a British subject.

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

(4) Subject to subsection (5) 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).

(5) Any reference in this section to a colony, a protectorate or a protected state is a reference to a territory which is a colony, a protectorate or a protected state, as the case may be, within the meaning of the British Nationality Act 1948, on the appointed day, and accordingly does not include a reference to Barbados; and 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 outside the United Kingdom which is not such a colony, protectorate or protected state on the appointed day.

(6) Part III of the British Nationality Act 1948 (supplemental provisions) shall have effect for the purposes of this section as if this section were included in that Act.

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 Barbados.

Consequential
modification
of other
enactments.
1889 c. 63.

(2) On and after 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 Barbados, and

1955 c. 18.
1955 c. 19.
1957 c. 53.

(b) in the definitions of “Commonwealth force” in section 225(1) and 223(1) respectively of the said Acts of 1955, and in the definition of “Commonwealth country” in section 135(1) of the said Act of 1957, at the end there shall be added the words “or Barbados”.

(3) If any enactment contained in an Act of the present Session passed before the appointed day (whether before or after the passing of this Act) provides for the continuance in force of the said Acts of 1955 after the end of the year 1966, no Order in Council made under that enactment which continues either of those Acts in force for a further period shall extend to Barbados as part of its law.

(4) 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 8 of that Act, Barbados shall be treated as not being a colony within the meaning of that Act.

(5) On and after the appointed day the provisions specified in Schedule 2 to this Act shall have effect subject to the amendments specified respectively in that Schedule.

(6) Subsection (5) of this section, and Schedule 2 to this Act, shall not extend to Barbados as part of its law.

5.—(1) Her Majesty may by Order in Council made before the appointed day provide a constitution for Barbados to come into effect on that day.

Power to
provide new
constitution
for Barbados.

(2) An Order in Council under this section (in this section referred to as a “Constitution Order”) may include provision as to the manner in which the legislature of Barbados may alter any provisions of that Order, or may alter any law which alters any of those provisions; and a constitution provided by a Constitution Order may include provision as to the manner in which the legislature of Barbados may alter that constitution or any provisions of that constitution, or may alter any law which alters that constitution or any provisions thereof.

(3) In this section references to altering a constitution or to altering any provision or law include references—

- (a) to revoking it, with or without re-enactment thereof or the making of different provision in lieu thereof;
- (b) to modifying it (whether by omitting, amending or overriding any of its provisions or inserting additional provisions in it or otherwise); and
- (c) to suspending its operation for any period or terminating any such suspension.

(4) A Constitution Order may contain such transitional or other incidental or supplementary provisions as appear to Her Majesty to be necessary or expedient.

(5) Any Constitution Order shall be laid before Parliament after being made.

Short title and interpretation.

6.—(1) This Act may be cited as the Barbados Independence Act 1966.

(2) Except in so far as the context otherwise requires, references in this Act to any enactment are references to that enactment as amended or extended by or under any other enactment.

SCHEDULES

SCHEDULE 1

Section 1.

LEGISLATIVE POWERS OF BARBADOS

1. The Colonial Laws Validity Act 1865 shall not apply to any law made on or after the appointed day by the legislature of Barbados. 1865 c. 63.

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 accordingly 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 Barbados.

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

4. Without prejudice to the generality of the preceding provisions of this Schedule—

(a) sections 735 and 736 of the Merchant Shipping Act 1894 shall be construed as if references therein to the legislature of a British possession did not include references to the legislature of Barbados; and 1894 c. 60.

(b) section 4 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 7 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 Barbados. 1890 c. 27.

SCHEDULE 2

Section 4.

AMENDMENTS NOT AFFECTING THE LAW OF BARBADOS

Diplomatic immunities

1. In section 461 of the Income Tax Act 1952 (which relates to exemption from income tax in the case of certain Commonwealth representatives and their staffs)— 1952 c. 10.

(a) in subsection (2), before the words "for any state" there shall be inserted the words "or Barbados";

(b) in subsection (3), before the words "and 'Agent-General'" there shall be inserted the words "or Barbados".

2. In section 1(6) of the Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act 1952, before the word "and" in the last place where it occurs there shall be inserted the word "Barbados". 1952 c. 18.

3. 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 "Barbados". 1961 c. 11.

Financial

- 1958 c. 6. 4. In section 2(4) of the Import Duties Act 1958, before the words "together with" there shall be inserted the word "Barbados".

Visiting forces

- 1933 c. 6. 5. In the Visiting Forces (British Commonwealth) Act 1933, section 4 (attachment and mutual powers of command) shall apply in relation to forces raised in Barbados as it applies in relation to forces raised in Dominions within the meaning of the Statute of Westminster 1931.

1931 c. 4
(22 & 23
Geo. 5.).

1952 c. 67.

6. In the Visiting Forces Act 1952—

(a) in paragraph (a) of section 1(1) (countries to which that Act applies) at the end there shall be added the words "Barbados or";

(b) in section 10(1)(a), the expression "colony" shall not include Barbados;

and, until express provision with respect to Barbados 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 Barbados.

Ships and aircraft

- 1894 c. 60.
1949 c. 43. 7. 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 Barbados".

- 1948 c. 44. 8. In section 6(2) of the Merchant Shipping Act 1948, at the end of the proviso there shall be added the words "or Barbados".

- 1939 c. 70. 9. 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, Barbados; and the penal provisions of that Act shall not apply to persons in Barbados (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).

- 1934 c. 49. 10. In the Whaling Industry (Regulation) Act 1934, the expression "British ship to which this Act applies" shall not include a British ship registered in Barbados.

- 1960 c. 38. 11. In section 2(7)(b) of the Civil Aviation (Licensing) Act 1960, the expression "colony" shall not include Barbados.

Copyright

- 1911 c. 46.
1956 c. 74. 12. If the Copyright Act 1911, so far as in force in the law of Barbados, is repealed or amended by that law at a time when sub-paragraph (2) of paragraph 39 of Schedule 7 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 Barbados, the said sub-paragraph (2) shall thereupon cease to have effect in relation thereto.

Commonwealth Institute

SCH. 2

13. In section 8(2) of the Imperial Institute Act 1925, as amended 1925 ch. xvii. by the Commonwealth Institute Act 1958 (power to vary the pro- 1958 c. 16. visions 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 Barbados ”.

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