



# West Indies Act 1967

## 1967 CHAPTER 4

An Act to confer on certain West Indian territories a new status of association with the United Kingdom, and to enable that status to be terminated at any time; to make provision for other matters in connection with, or consequential upon, the creation or termination of that status or other constitutional changes which may occur in relation to any of those territories; to make further provision as to grants under the Overseas Aid Act 1966; and for purposes connected with the matters aforesaid. [16th February 1967]

Whereas Constitutional Conferences relating to the colonies specified in section 1(2) of this Act were held in London and the Reports of those Conferences were presented to the Parliament of the United Kingdom in April and June 1966:

And whereas the legislature of each colony concerned has approved the proposals contained in those Reports in so far as they relate to that colony:

BE IT THEREFORE 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 Status of association with United Kingdom**

- (1) On the appointed day each of the territories to which this section applies shall assume, and (subject to the provisions of this Act) shall thereafter maintain, a status of association with the United Kingdom in accordance with the following provisions of this Act.
- (2) The territories to which this section applies are those which, immediately before the appointed day, constitute respectively the Colonies of—
  - (a) Antigua;
  - (b) Dominica;
  - (c) Grenada;

- (d) Saint Christopher, Nevis and Anguilla;
  - (e) Saint Lucia; and
  - (f) Saint Vincent.
- (3) A territory to which this section applies shall, on and after the appointed day and so long as its status of association with the United Kingdom has not been terminated, be known as an associated state.

## **2 Limitation of responsibility of Her Majesty's Government in the United Kingdom**

- (1) Subject to the next following subsection, on and after the appointed day Her Majesty's Government in the United Kingdom shall have no responsibility for the government of any associated state except in respect of—
- (a) any matter which in the opinion of Her Majesty's Government in the United Kingdom is a matter relating to defence (whether of an associated state or of the United Kingdom or of any other territory for whose government Her Majesty's Government in the United Kingdom are wholly or partly responsible) or to external affairs;
  - (b) any matter relating to nationality or citizenship; and
  - (c) any matter relating to the Succession to the Throne or the Royal Style and Titles.
- (2) The preceding subsection shall not affect any responsibility of Her Majesty's Government in the United Kingdom in relation to the exercise of—
- (a) any power conferred on Her Majesty by this Act, or
  - (b) any other power exercisable by Her Majesty under the law of any associated state.

## **3 Enactment of legislation by Parliament of United Kingdom**

- (1) Except as provided by subsections (2) to (4) of this section, no Act of the Parliament of the United Kingdom passed on or after the appointed day shall extend, or be deemed to extend, to an associated state as part of its law, unless it is expressly declared in that Act that that state has requested and consented to its being enacted.
- (2) Where any Act of the Parliament of the United Kingdom contains a provision expressly declaring—
- (a) that that Act, or an enactment contained in it which is specified in that provision, extends to all associated states, or to such one or more associated states as may be so specified, and
  - (b) that it is required so to extend in the interests of the responsibilities of Her Majesty's Government in the United Kingdom relating to defence and external affairs,
- that Act, or that enactment, as the case may be, shall extend in accordance with that provision notwithstanding anything in the preceding subsection.
- (3) Where any Act of the Parliament of the United Kingdom amends the law relating to nationality or citizenship, and contains a provision expressly declaring that the Act, or (where the Act relates also to other matters) an enactment contained in it which amends the law relating to nationality or citizenship and is specified in that provision, extends to all associated states, or to such one or more associated states as may be so

specified, the Act, or that enactment, as the case may be, shall extend in accordance with that provision notwithstanding anything in subsection (1) of this section.

- (4) Subsection (1) of this section shall not apply to any Act of the Parliament of the United Kingdom, or to any enactment contained in such an Act, in so far as it relates to the Succession to the Throne or the Royal Style and Titles.
- (5) 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 an associated state.

#### **4 Legislative and executive powers of associated states**

- (1) On and after the appointed day the provisions of Schedule 1 to this Act shall have effect with respect to the legislative powers of an associated state.
- (2) The executive authority of the Government of an associated state shall not include any power or duty which the legislature of that state could not lawfully confer or impose on that Government in accordance with Schedule 1 to this Act.

#### **5 Provision of new constitutions for associated states**

- (1) In relation to any territory to which section 1 of this Act applies, Her Majesty may by Order in Council (in this Act referred to as a " Constitution Order ") made before the appointed day provide for it a new constitution which (subject to the following provisions of this section) is to come into effect on that day.
- (2) The constitution provided by a Constitution Order for a territory to which section 1 of this Act applies may include provision as to the extent to which, and the manner in which, the legislature of the territory may alter—
  - (a) that constitution, or any part of that constitution specified in that provision, or
  - (b) any other law of a description so specified, in so far as that law has effect as part of the law of that territory.
- (3) The constitution provided by a Constitution Order for any such territory may include provision for separate citizenship of that territory which is not to have effect until, on or after the termination of the status of association of that territory with the United Kingdom, it is brought into force in such manner as may be specified in the constitution.
- (4) Where the constitution of an associated state provided by a Constitution Order has come into effect, Her Majesty may at any time, by Order in Council made at the request and with the consent of that state, alter that constitution or any part of that constitution, or alter any law which alters that constitution or any part of it.
- (5) The last preceding subsection shall have effect without prejudice to any power exercisable by the legislature of an associated state as mentioned in subsection (2) of this section.
- (6) The powers conferred by this section shall, in relation to any associated state, have effect in substitution for any other power whereby apart from this section (whether by virtue of section 5 of the West Indies Act 1962 or otherwise) Her Majesty could provide a constitution for that state.

- (7) In this section references to altering a constitution or any part of a constitution or to altering any other 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 or amending 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.

## **6 Establishment of common courts for associated states**

- (1) Her Majesty may by Order in Council made before the appointed day provide for the establishment of one or more courts which, on and after that day or such later day as may be specified in, or determined in accordance with, the Order, shall be courts constituted in common for the territories to which section 1 of this Act applies, and may by that Order provide that any such court shall, in relation to any of those territories, have such jurisdiction and powers as may be so specified or determined.
- (2) An Order in Council under this section may include provision whereby, in relation to Montserrat or the Virgin Islands, any court established under the Order shall have such jurisdiction and powers, and there shall be imposed or conferred on judges and officers of any such court such duties and powers, as may be specified in, or determined in accordance with, the Order.
- (3) An Order in Council under this section may include provision—
- (a) for the establishment in common for the territories to which section 1 of this Act applies of a commission having such duties and powers in relation to any court established under the Order, and to judges and officers of any such court, and in relation to other persons and related matters, as may be specified in, or determined in accordance with, the Order;
  - (b) as to the remuneration, allowances and pension rights of members, officers and servants of the commission and of judges, officers and other persons in relation to whom the commission has any duties or powers; and
  - (c) as to the manner in which the expenses of the commission and of any such court (including the matters referred to in the last preceding paragraph) are to be defrayed.

## **7 Power of Her Majesty to make laws for associated states**

- (1) Without prejudice to the provisions of section 5(4) of this Act, Her Majesty may by Order in Council made at the request and with the consent of any associated state make, as part of the law of that state, any provision which appears to Her Majesty to be necessary or expedient for the peace, order or good government of that state.
- (2) Where it appears to Her Majesty that in the interests of the responsibilities of Her Majesty's Government in the United Kingdom relating to defence and external affairs a change should be made in the law of an associated state, Her Majesty may by Order in Council expressly stating that fact make, as part of the law of that state, such provision as appears to Her Majesty to be appropriate, including (if by reason of war or other emergency it appears to Her Majesty to be necessary and that fact is expressly stated in the Order) provision derogating from the provisions of the constitution of that state relating to fundamental rights and freedoms.

## **8 Retirement benefits and compensation for persons in public service**

- (1) In respect of any territory to which section 1 of this Act applies, Her Majesty may by Order in Council made before the appointed day make provision for securing to or in respect of persons who—
- (a) hold or have held office or employment in the public service of that territory, and
  - (b) are participants in any pension provision applicable to that office or employment,
- such benefits by way of modification of or addition to that pension provision, or otherwise by way of compensation out of the public funds of that territory, as appear to Her Majesty to be appropriate having regard to any arrangements made in that behalf between Her Majesty's Government in the United Kingdom and the Government of that territory.
- (2) For the purposes of this section a person who is or has been a judge of the Supreme Court of the Windward Islands and Leeward Islands shall, in his capacity as such a judge, be taken to hold or have held office in the public service of a territory if, for the purposes of any pension provision having effect in that territory, he is in that capacity taken to be or have been in the service of that territory.
- (3) There shall be paid out of moneys provided by Parliament any increase attributable to this section in the sums payable out of moneys so provided under the Overseas Development and Service Act 1965.
- (4) In this section "pension provision" means any law, scheme or instrument whereby provision is made for the payment of pensions, and "participant", in relation to a pension provision, means a person to whom, or in respect of whom, a pension may become payable thereunder.

## **9 Power to unite, divide or alter territories of associated states**

- (1) Subject to the provisions of this section, Her Majesty may by Order in Council—
- (a) federate or otherwise unite two or more associated states with each other, or federate or otherwise unite one or more associated states with one or more other territories which are not associated states;
  - (b) divide an associated state into two or more separate territories;
  - (c) transfer part of the territory of an associated state to another territory (whether an associated state or not) or incorporate part of another territory (whether an associated state or not) in an associated state.
- (2) No Order in Council shall be made under this section—
- (a) so as to affect an associated state unless it is made at the request and with the consent of that state, or
  - (b) so as to affect any territory other than an associated state unless it is a territory in relation to which the Order, in so far as it affects that territory, could be made apart from this Act.
- (3) An Order in Council under this section may provide a constitution for any territory resulting (whether by way of federation, union, division or otherwise) from the Order; and the provisions of section 5 of this Act shall have effect, subject to any necessary modifications, in relation to a constitution provided under this section as they have effect in relation to a constitution provided under that section.

- (4) In respect of any territory resulting from an Order in Council under this section, the Order may provide that, subject to any transitional provisions contained in the Order, that territory shall be deemed to be included among the territories to which section 1 of this Act applies, and the provisions of this Act shall have effect accordingly.

## **10 Provisions for terminating status of association**

- (1) The legislature of any associated state may at any time, by a law made in accordance with the provisions of Schedule 2 to this Act, terminate the status of association of that state with the United Kingdom as from such date as may be specified in that law.
- (2) Her Majesty may at any time, by Order in Council made in respect of any associated state, terminate the status of association of that state with the United Kingdom as from such date as may be specified in the Order.
- (3) Any law made by virtue of subsection (1) of this section, and any Order in Council made under the last preceding subsection, may provide that, on the date specified in that law or that Order, the associated state in question shall cease to form part of Her Majesty's dominions.

## **11 Effect of termination**

- (1) Where the legislature of an associated state makes a law terminating the status of association of that state with the United Kingdom by virtue of subsection (1) of section 10 of this Act, or Her Majesty makes an Order in Council in respect of an associated state under subsection (2) of that section, the following provisions of this section shall have effect with respect to that state (in this section referred to as "the former associated state").
- (2) On and after the date specified in that law or that Order (in this section referred to as "the specified date") Her Majesty's Government in the United Kingdom shall have no responsibility for the government of the former associated state.
- (3) No Act of the Parliament of the United Kingdom passed before the specified date shall be deemed to extend to the former associated state as part of its law except in so far as, immediately before that date, it extended to the associated state as part of its law; and no Act of the Parliament of the United Kingdom passed on or after the specified date shall extend, or be deemed to extend, to the former associated state as part of its law.
- (4) Section 3(5) of this Act shall continue to have effect in relation to the former associated state as if it had not ceased to be an associated state.
- (5) On and after the specified date the provisions of Schedule 1 to this Act shall have effect in relation to the former associated state as if—
- (a) any reference in that Schedule to an associated state were a reference to the former associated state;
  - (b) in paragraph 1 of that Schedule the words "Subject to the following provisions of this Schedule" were omitted, and in sub-paragraph (b) of that paragraph, after the words "United Kingdom", there were inserted the words "including this Act"; and
  - (c) paragraph 4 of that Schedule were omitted.

## **12 Modifications of British Nationality Acts**

- (1) In relation to an associated state the British Nationality Acts 1948 to 1965 shall have effect subject to the provisions of Schedule 3 to this Act.
- (2) A citizen of the United Kingdom and Colonies may, if on the grounds of his connection with an associated state he so desires, be known as a citizen of the United Kingdom, Associated States and Colonies.

## **13 Power to make changes in law in certain events**

- (1) The provisions of this section shall have effect where any of the following events occurs, that is to say—
  - (a) the constitution of an associated state is altered after the appointed day;
  - (b) an Order in Council under section 9 of this Act comes into operation;
  - (c) the status of association of an associated state with the United Kingdom is terminated;
  - (d) any provision as to separate citizenship contained in the constitution of a territory in accordance with the provisions of section 5(3) of this Act (or in accordance with those provisions as applied by section 9 of this Act) is brought into force ;
  - (e) after the status of association with the United Kingdom of a territory to which section 1 of this Act applies has been terminated, that territory ceases to form part of Her Majesty's dominions.
- (2) Where any of those events occurs, Her Majesty may make by Order in Council such amendments or modifications of any enactment of the Parliament of the United Kingdom for the time being in force, or of any instrument for the time being in force and having effect by virtue of such an enactment, as appear to Her Majesty to be necessary or expedient in consequence of that event.
- (3) Without prejudice to the generality of the last preceding subsection, any modification of any enactment relating to nationality or citizenship which is made by an Order in Council under this section may consist of or include provision whereby, in such circumstances as may be specified in that Order, citizens of the United Kingdom and Colonies will cease to be such citizens, or if (by virtue of section 15(2) of this Act) the provision is retrospective, shall be deemed to have ceased to be such citizens.
- (4) Any reference in this section to the alteration of a constitution shall be construed in accordance with section 5(7) of this Act.
- (5) For the purpose of making an Order in Council under this section, any reference in subsection (2) of this section to any enactment or instrument for the time being in force shall be construed as a reference to any enactment or instrument in force immediately before that Order is made, whether the enactment or instrument was passed or made before or after the passing of this Act.

## **14 Power to preserve existing law**

Where any such event as is specified in section 13(1) of this Act occurs in relation to a territory, Her Majesty may make by Order in Council such provision as Her Majesty considers appropriate for securing that all such law (whether being a rule of law or a provision of an Act of Parliament or of any other enactment or instrument whatsoever) as is described in the Order shall, subject to such exceptions, limitations or conditions

(if any) as may be specified in the Order, have the same operation in relation to that territory, and persons and things belonging to or connected with that territory, as it would have apart from the Order if the event in question had not occurred.

## **15 Supplementary provisions as to powers under ss. 13 and 14**

- (1) An Order in Council under section 13 or section 14 of this Act may be made before, and in anticipation of, the event to which it relates, but shall not be so made as to come into operation before the date of that event.
- (2) Where an Order in Council under either of those sections is made after the date of the event to which it relates, the Order may be made with retrospective effect as from that date or any later date.
- (3) Subject to the next following subsection, any provision made by an Order in Council under section 13 of this Act with respect to an enactment of the Parliament of the United Kingdom, or with respect to an instrument having effect by virtue of such an enactment, and any provision made by an Order in Council under section 14 of this Act with respect to any law described in the Order, shall, except in so far as the Order otherwise provides, have effect as part of the law of every territory outside the United Kingdom to which the enactment or instrument in question extends, or, as the case may be, of every territory outside the United Kingdom whose law includes that law, as well as having effect as part of the law of the United Kingdom.
- (4) Any provision made by an Order in Council as mentioned in the last preceding subsection—
  - (a) shall not have effect as part of the law of any associated state unless either the Order in Council is made at the request and with the consent of that state or the provision so made is one which (in accordance with Schedule 1 to this Act) the legislature of that state has no power to make at the date on which the Order is made, and
  - (b) shall not have effect as part of the law of any territory if it is a territory for whose government Her Majesty's Government in the United Kingdom have no responsibility at that date.

## **16 Grants for benefit of associated states**

- (1) Subsection (4) of section 1 of the Overseas Aid Act 1966 (which relates to grants under that Act to certain Governments) shall have effect as if the Governments specified in that subsection included the Governments of associated states.
- (2) There shall be paid out of moneys provided by Parliament any increase attributable to this section in the sums payable out of moneys so provided under that Act.
- (3) For the purposes of the making of grants under section 8 of the West Indies Act 1962, a territory to which section 1 of this Act applies shall, on and after the appointed day, be treated as not being a colony within the meaning of that Act.

## **17 Supplementary provisions as to Orders in Council**

- (1) Any Order in Council under this Act may contain such transitional or other incidental and supplementary provisions as may appear to Her Majesty to be necessary or expedient.



- (2) No recommendation shall be made to Her Majesty to make an Order in Council under section 10(2) of this Act unless a draft of the Order has been laid before Parliament and approved by a resolution of each House of Parliament.
- (3) Any Order in Council made under section 13 or section 14 of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Any power to make an Order in Council under section 6 or section 8 of this Act shall include power to revoke or vary the Order by a subsequent Order in Council, whether made before, on or after the appointed day:  
  
Provided that on and after the appointed day the power to revoke or vary—
  - (a) an Order in Council under section 6 of this Act in so far as it has effect as part of the law of an associated state, or
  - (b) an Order in Council under section 8 of this Act which for the time being has effect as part of the law of an associated state,shall not be exercisable except at the request and with the consent of that state.
- (5) Any power to make an Order in Council under subsection (1) or subsection (2) of section 7 of this Act shall include power to revoke or vary the Order by a subsequent Order in Council made under the same subsection.
- (6) Any power to make an Order in Council conferred by section 13 or section 14 of this Act shall include power to revoke or vary any such Order by a subsequent Order in Council.

## **18 Provisions as to evidence**

- (1) For the purposes of this Act a certificate issued by or on behalf of the Secretary of State, certifying that a matter specified in the certificate is one which in the opinion of Her Majesty's Government in the United Kingdom is a matter relating to defence (whether of an associated state or of the United Kingdom or of any other territory for whose government Her Majesty's Government in the United Kingdom are wholly or partly responsible) or to external affairs, shall in any proceedings be conclusive evidence of the fact so certified.
- (2) Any document purporting to be such a certificate, and to be issued for the purposes of this Act, shall in any proceedings be received in evidence and, unless the contrary is proved, be deemed to be such a certificate so issued.
- (3) For the purposes of subsection (2) of section 7 of this Act a fact expressly stated in an Order in Council as mentioned in that subsection shall in any proceedings be conclusive evidence of the fact so stated.
- (4) For the purposes of this Act a provision contained in an Order in Council whereby it is expressly declared that the Order is made at the request and with the consent of one or more associated states specified in the Order shall in any proceedings be conclusive evidence of the fact so declared.

## **19 Interpretation**

- (1) In this Act, except in section 6, " the appointed day ", in relation to any territory to which section 1 of this Act applies, means such day as Her Majesty may by Order

in Council appoint; and different days may be so appointed in relation to different territories.

- (2) In section 6 of this Act "the appointed day" means the day appointed under the preceding subsection, or, if different days are so appointed in relation to different territories, means the earliest of those days.
- (3) In this Act "territory" includes any country; any reference to a territory shall be construed as including a reference to its dependencies (if any); and any reference to a Government shall be construed as including a reference to any department or agency of that Government.
- (4) In this Act "pension", in relation to a person, means any contributory or non-contributory pension, of any kind whatsoever, payable to or in respect of him, or a lump sum or gratuity so payable, whether by way of compensation or otherwise, or a return of, contributions, with or without interest thereon or any other addition thereto, and any reference to pension rights shall be construed accordingly.
- (5) Any reference in this Act to the request and consent, of an associated state is a reference to request and consent signified by a resolution of the legislature of that state, or, if that legislature has two Houses (by whatever name called), by a resolution of each House of that legislature.
- (6) Except in so far as the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended or extended by or under any other enactment.

## **20 Provisions as to Northern Ireland**

- (1) In section 13(2) of this Act the reference to any enactment of the Parliament of the United Kingdom shall be construed as including a reference to any enactment of the Parliament of Northern Ireland.
- (2) In relation to any Order in Council made under section 13 or section 14 of this Act which amends or modifies an enactment of the Parliament of Northern Ireland or an enactment relating to any matter in respect of which that Parliament has power to make laws, section 6 of the Government of Ireland Act 1920 (conflict of laws) shall have effect as if the Order were a provision of an Act (other than that Act) passed by the Parliament of the United Kingdom before the date which is the appointed day for the purposes of that section.

## **21 Short title**

This Act may be cited as the West Indies Act 1967.

## SCHEDULES

### SCHEDULE 1

Section 4.

#### LEGISLATIVE POWERS OF ASSOCIATED STATES

- 1 Subject to the following provisions of this Schedule—
  - (a) the Colonial Laws Validity Act 1865 shall not apply to any law made on or after the appointed day by the legislature of an associated state, and
  - (b) no law and no provision of any law made on or after the appointed day by any such 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, or to any order, rule or regulation made under any such Act,and accordingly the powers of the legislature of an associated state shall include the power to repeal or amend any such Act, order, rule or regulation in so far as it has effect as part of the law of that state.
- 2 The legislature of an associated state shall have full power to make laws having extra-territorial operation.
- 3 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 any associated state ; and
  - (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 each of the associated states.
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  - (1) The following provisions of this paragraph shall have effect notwithstanding anything in the preceding provisions of this Schedule, but without prejudice to the exercise of any power conferred by section 10 of this Act.
  - (2) The legislature of an associated state shall not have power (whether in pursuance of any provision contained in a Constitution Order in accordance with section 5(2) of this Act or otherwise) to repeal or amend, or make any law repugnant to.—
    - (a) this Act;
    - (b) any Act, or enactment contained in an Act, of the Parliament of the United Kingdom in so far as it relates to nationality or citizenship ;
    - (c) any Act, or enactment contained in an Act, of the Parliament of the United Kingdom in so far as it relates to the Succession to the Throne or the Royal Style and Titles ;
    - (d) any Act, or enactment contained in an Act, of the Parliament of the United Kingdom which extends to that state in accordance with section 3(2) of this Act; or

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

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- (e) any Order in Council made by virtue of section 7(2) of this Act in so far as it has effect as part of the law of that state.
- (3) Without prejudice to the last preceding sub-paragraph, the legislature of an associated state shall not have power (whether in pursuance of any provision contained in a Constitution Order in accordance with section 5(2) of this Act or otherwise) to make any law whereby—
  - (a) the Government of that state would be authorised or required to conduct any external affairs, except in so far as, by arrangements made in accordance with the next following sub-paragraph, that Government may be authorised to conduct any external affairs on behalf of Her Majesty's Government in the United Kingdom, or
  - (b) the Government of that state would be authorised or required to restrict or otherwise interfere with the conduct by Her Majesty's Government in the United Kingdom of defence or of external affairs.
- (4) The arrangements referred to in sub-paragraph (3)(a) of this paragraph are any arrangements which may be made between Her Majesty's Government in the United Kingdom and the Government of an associated state authorising the latter Government on behalf of the former Government to conduct external affairs in respect of such matters or classes of matters, and subject to any such exceptions, limitations and conditions, as may be specified in the arrangements.
- (5) Sub-paragraphs (a) and (b) of paragraph 1 of this Schedule shall not have effect in relation to any law which, in accordance with the preceding provisions of this paragraph, the legislature of an associated state has no power to make.

## SCHEDULE 2

Section 10.

### PROCEDURE FOR TERMINATING STATUS OF ASSOCIATION

- 1 (1) The provisions of this Schedule shall have effect in relation to any associated state (in this Schedule referred to as "the state") with respect to the making by the legislature of the state (in this Schedule referred to as "the legislature") of any such law as is mentioned in section 10(1) of this Act.
- (2) In this Schedule "the Bill" means the Bill introduced in the legislature for the making of that law; any reference to the second reading of the Bill in the legislature, or in a House of the legislature, is a reference to the stage of the Bill in the legislature, or in that House, as the case may be, which, whether called second reading or by any other name, is (disregarding any minor differences) analogous to the second reading of a Bill in the House of Commons of the Parliament of the United Kingdom; and any reference to the third reading of the Bill shall be construed in a corresponding way.
- (3) In this Schedule "referendum" means a referendum on which all persons who, at the time when the referendum is held, would be entitled to vote at an election of members of the legislature (or, if the legislature consists of two Houses, would be entitled to vote at an election of members of the lower House), but no other persons, will be entitled to vote.
- 2 Subject to the following provisions of this Schedule—

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- (a) there must be an interval of not less than ninety days between the introduction of the Bill and the beginning of the proceedings in the legislature on second reading of the Bill;
  - (b) on the third reading of the Bill in the legislature, the Bill must be supported by the votes of not less than two-thirds of all the elected members of the legislature ;
  - (c) if approved on third reading in the legislature, the Bill must be submitted to a referendum and must not be submitted to the Governor of the state for his assent unless not less than two-thirds of the votes validly cast on that referendum are cast in support of the Bill.
- 3 (1) If the legislature consists of two Houses (by whatever name called) the following provisions of this paragraph shall have effect instead of the provisions of paragraph 2 of this Schedule.
  - (2) There must be an interval of not less than ninety days between the introduction of the Bill in the lower House and the beginning of the proceedings on second reading of the Bill in that House.
  - (3) On the third reading of the Bill in that House, the Bill must be supported by the votes of not less than two-thirds of all the elected members of that House.
  - (4) If the Bill is passed by the upper House with amendments, any agreement of the lower House to those amendments must be supported by the votes of not less than two-thirds of all the elected members of the lower House.
  - (5) If the Bill, having been passed by the lower House, is passed by the upper House in the same Session either without amendment or with amendments which are agreed to by the lower House in accordance with the last preceding sub-paragraph, the Bill must be submitted to a referendum, and must not be submitted to the Governor of the state for his assent unless not less than two-thirds of the votes validly cast on that referendum are cast in support of the Bill.
  - (6) If in one Session the Bill is passed by the lower House in accordance with sub-paragraphs (2) and (3) of this paragraph, and either it is not passed by the upper House or it is passed by the upper House with amendments which are not agreed to by the lower House in accordance with sub-paragraph (4) of this paragraph, and in the next Session the Bill is again passed by the lower House in accordance with sub-paragraphs (2) and (3) of this paragraph, there must be an interval of not less than six months between the passage of the Bill by the lower House in the first of those Sessions and its passage by the lower House in the second of them.
  - (7) If, in the circumstances specified in the last preceding sub-paragraph, the Bill in the second of the two Sessions is sent to the upper House without amendment, but with suggestions for amending it, those suggested amendments must be supported by the votes of not less than two-thirds of all the elected members of the lower House.
  - (8) Sub-paragraph (5) of this paragraph shall have effect in relation to the passage of the Bill in the second of those Sessions as it has effect in relation to the passage of the Bill in the Session in which it is first introduced.
  - (9) If in the second of those Sessions the Bill either is not passed by the upper House, or is passed by the upper House with amendments which are neither amendments suggested by the lower House in accordance with sub-paragraph (7) of this paragraph nor amendments which are agreed to by the lower House in accordance with sub-

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

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paragraph (4) of this paragraph, the Bill must be submitted to a referendum, and must not be submitted to the Governor of the state for his assent unless not less than two-thirds of the votes validly cast on that referendum are cast in support of the Bill.

- (10) Except in the circumstances specified in the last preceding sub-paragraph, the Bill must not be submitted to a referendum or submitted to the Governor of the state for his assent unless it has been passed by both Houses of the legislature in accordance with the preceding provisions of this paragraph.
- 4 (1) The provisions of this paragraph shall have effect where, before the introduction of the Bill, arrangements have been made between the Government of the state and the Government of a territory to which this paragraph applies whereby, immediately after the termination of the status of association of the state with the United Kingdom.—
- (a) the state will enter into a federation or union or some other form of association with that territory (with or without other territories), and
  - (b) the Government resulting from that federation, union or other form of association, or the Government of that territory, will be responsible for the defence and external affairs of the state,
- and the Bill refers to those arrangements and makes provision for giving effect to them on the part of the state.
- (2) This paragraph applies to any territory which—
- (a) lies between the equator and the 20th parallel of north latitude and between longitude 50 degrees west and longitude 90 degrees west, and
  - (b) at the time when the arrangements in question are made is a territory within the Commonwealth for whose government Her Majesty's Government in the United Kingdom have no responsibility.
- (3) In the circumstances specified in sub-paragraph (1) of this paragraph, the Bill may be submitted to the Governor for his assent without a referendum and accordingly paragraph 2(c) or (as the case may be) sub-paragraphs (5) and (9) of paragraph 3 of this Schedule shall not apply.

## SCHEDULE 3

Section 12.

### MODIFICATIONS OF BRITISH NATIONALITY ACTS

- 1 In the following provisions of the British Nationality Acts 1948 to 1965, that is to say—
- (a) sections 10(2), 22 and 29(3) of the British Nationality Act 1948 (including sections 22 and 29(3) of that Act as applied respectively by sections 3(3) and 5(2) of the British Nationality Act 1965) and paragraph 4(a) of Schedule 2 to the said Act of 1948, and
  - (b) section 3(1)(c) of the British Nationality Act 1958,
- the references to a colony shall not include any associated state.
- 2 (1) So much of section 8(1) of the British Nationality Act 1948 as provides for any functions of the Secretary of State to be exercised by the Governor of a colony or substitutes references to the Governor for references to the Secretary of State shall not have effect in relation to any associated state.

- (2) In the preceding sub-paragraph the reference to section 8(1) of the British Nationality Act 1948 includes a reference to the said section 8(1) as applied by any of the following provisions, that is to say, section 1(6) of the British Nationality Act 1964, section 1(4) of the British Nationality (No. 2) Act 1964 and section 1(5) of the British Nationality Act 1965.
- 3        So much of section 3(2) of the British Nationality Act 1958 as substitutes a reference to the Governor for references to the Secretary of State shall not have effect in relation to any associated state.
- 4        (1) In relation to any associated state the Secretary of State may direct that (subject to paragraph 5 of this Schedule) such functions to which this paragraph applies as are specified in the direction, instead of being exercisable by him, shall be exercisable by a person specified in the direction or by the person for the time being holding an office so specified.
- (2) A direction under this paragraph may be given either so as to have effect generally in relation to the exercise of the functions specified in it or so as to have effect only in relation to the exercise of those functions in respect of one or more matters or classes of matters so specified.
- (3) This paragraph applies to the functions of the Secretary of State under the following provisions of the British Nationality Acts 1948 to 1965 as modified by paragraphs 1 to 3 of this Schedule, that is to say—
- (a) sections 6, 7, 10(1), 20 and 29(3) of the British Nationality Act 1948 (including section 29(3) of that Act as applied by section 5(2) of the British Nationality Act 1965);
  - (b) paragraphs 2 and 3 of Schedule 2 to the British Nationality Act 1948 ;
  - (c) section 3 of the British Nationality Act 1958 ;
  - (d) section 1 of the British Nationality Act 1964 ;
  - (e) section 1 of the British Nationality (No. 2) Act 1964; and
  - (f) sections 1 and 3 of the British Nationality Act 1965
- 5        A person by whom any functions are exercisable by virtue of a direction under the last preceding paragraph shall not have power, except with the approval of the Secretary of State, to grant a certificate of naturalisation or to make an order depriving any person of citizenship or of the status of British subject.
- 6        Section 26 of the British Nationality Act 1948 (including that section as applied by section 5(2) of the British Nationality Act 1965) shall have effect in relation to the exercise by any person of any functions by virtue of a direction under paragraph 4 of this Schedule.
- 7        Section 29(4) of the British Nationality Act 1948 (including the said section 29(4) as applied by section 5(2) of the British Nationality Act 1965) shall not apply to any rules made in the exercise of a power conferred on any person by virtue of such a direction.