

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.
- 4
 - (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

Status: This is the original version (as it was originally enacted).

- (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—

Status: This is the original version (as it was originally enacted).

- (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-

Status: This is the original version (as it was originally enacted).

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.

Status: This is the original version (as it was originally enacted).

- (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.