

ELIZABETH II



1970 CHAPTER 22

An Act to make provision in connection with the attainment by Tonga of fully responsible status within the Commonwealth. [15th May 1970]

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) The following provisions of this section shall have effect on and after 4th June 1970 (the date on which Tonga ceases to be a protected state and becomes an independent State within the Commonwealth); and that day is in the following provisions of this Act referred to as the appointed day. Operation of existing law.

(2) Subject to the following provisions of this Act, all law which, whether being a rule of law or a provision of an Act of Parliament or of any other enactment or instrument whatsoever, is in force on the appointed day or has been passed or made before that day and comes 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 Tonga, and persons and things belonging to or connected with Tonga, as it would have apart from this subsection if there had been no change in the status of Tonga on the appointed day.

(3) Part I of the Schedule to this Act (which relates to enactments applicable to Commonwealth countries having fully responsible status) and Part II of that Schedule (which relates to enactments excepted from the operation of the preceding subsection) shall have effect in relation to the enactments therein mentioned; but that Schedule shall not extend to Tonga as part of its law.

(4) Subsection (2) of this section applies to law of, or of 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 Tonga, to the law of any other country or territory to which that enactment or Order extends.

Consequential
modifications
of British
Nationality
Acts.
1948 c. 56.

2.—(1) The British Nationality Acts 1948 to 1965 shall have effect on and after the appointed day as if—

(a) in section 1(3) of the British Nationality Act 1948 (Commonwealth countries having separate citizenship) there were added at the end the words “and Tonga”; and

(b) in Schedule 2 to the British Protectorates, Protected States and Protected Persons Order 1969 the entry relating to Tonga were omitted.

S.I. 1969
No. 1832.

(2) Nothing in subsection (1) of this section shall affect the meaning of “protected state” in any law or instrument passed or made before the passing of this Act, not being a law or instrument contained in or made under any of the British Nationality Acts 1948 to 1965.

1967 c. 4.

(3) In accordance with section 3(3) of the West Indies Act 1967, it is hereby declared that this section extends to all associated states.

Provisions as
to Orders in
Council
and other
instruments.

3. An Order in Council or other instrument made under any Act of Parliament passed before the appointed day which varies or revokes a previous Order in Council or instrument in consequence of the change, on the appointed day, in the status of Tonga may, if made after the appointed day, be so made as to take effect on the appointed day.

Short title and
interpretation.

4.—(1) This Act may be cited as the Tonga Act 1970.

(2) References in this Act to any enactment are references to that enactment as amended or extended by or under any other enactment.

SCHEDULE

Section 1.

AMENDMENTS NOT AFFECTING THE LAW OF TONGA

PART I

EXTENSION OF CERTAIN ENACTMENTS APPLICABLE TO COMMONWEALTH COUNTRIES HAVING FULLY RESPONSIBLE STATUS

Diplomatic immunities

1. 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 “Tonga”.

2. 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 “Tonga”.

Financial

3. In section 2(4) of the Import Duties Act 1958, before the words “together with” there shall be inserted the word “Tonga”.

Armed forces

4. In the definitions of “Commonwealth force” in section 225(1) of the Army Act 1955 and section 223(1) of the Air Force Act 1955, and in the definition of “Commonwealth country” in section 135(1) of the Naval Discipline Act 1957, at the end there shall be added the words “or Tonga”.

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 Tonga as it applies in relation to forces raised in Dominions within the meaning of the Statute of Westminster 1931.

6. In the Visiting Forces Act 1952, in section 1(1)(a) (countries to which that Act applies), at the end there shall be added the words “Tonga or”, and, until express provision with respect to Tonga is made by 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 Tonga.

7.—(1) In section 84(2) of the Offices, Shops and Railway Premises Act 1963 (exclusion of application to visiting forces) before the words “and any country” there shall be inserted the word “Tonga”.

(2) In section 78(2) of the Office and Shop Premises Act (Northern Ireland) 1966 (exclusion of application to visiting forces) before the words “and any country” there shall be inserted the word “Tonga”.

(3) For the purposes of section 6 of the Government of Ireland Act 1920 (conflict of laws) the last preceding sub-paragraph shall be deemed to be contained in an Act passed before the day appointed for the purposes of that section.

Commonwealth Institute

1925 c. cvii.
1958 c. 16.

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 Tonga ".

PART II

EXCEPTIONS FROM SECTION 1(2)

9. Section 1(2) of this Act shall not apply—

1955 c. 18.
1955 c. 19.
1957 c. 53.
1967 c. 68.

(a) to the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957, or

(b) to the Fugitive Offenders Act 1967.

1959 c. 71.

10. Notwithstanding anything in section 1(2) of this Act, the Colonial Development and Welfare Act 1959 shall not apply in relation to Tonga as if it were a colony within the meaning of that Act.

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