



Tuvalu Act 1978

1978 CHAPTER 20

1 Independence for Tuvalu.

- (1) On and after 1st October 1978 (in this Act referred to as " Independence Day ") Her Majesty's Government in the United Kingdom shall have no responsibility for the government of Tuvalu.
- (2) No Act of the Parliament of the United Kingdom passed on or after Independence Day shall extend, or be deemed to extend, to Tuvalu 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 Tuvalu.

2 Consequential modifications of British Nationality Acts.

- (1) On and after Independence Day the British Nationality Acts 1948 to 1965 shall have effect as if in section 1(3) of the 1948 Act (Commonwealth countries having separate citizenship) there were added at the end the words " and Tuvalu ".
- (2) Except as provided by section 3 below, any person who immediately before Independence 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 Tuvalu.
- (3) Section 6(2) of the 1948 Act (registration as citizens of the United Kingdom and Colonies of women who have been married to such citizens) shall not apply to a woman by virtue of her marriage to a person who on Independence Day ceases to be such a citizen under subsection (2) above or who would have done so if living on that day.
- (4) In accordance with section 3(3) of the West Indies Act 1967, it is hereby declared that this and the following section extend to all associated states.

3 Retention of citizenship of the United Kingdom and Colonies by certain citizens of Tuvalu.

- (1) A person shall not cease to be a citizen of the United Kingdom and Colonies under section 2(2) above if he, his father or his father's father—

Status: This is the original version (as it was originally enacted).

- (a) was born in the United Kingdom or a relevant territory; or
- (b) is or was a person naturalised in the United Kingdom and Colonies by virtue of a certificate of naturalisation granted in the United Kingdom or a relevant territory ; or
- (c) was, in the United Kingdom or a relevant territory, registered as a citizen of the United Kingdom and Colonies, or was so registered by a High Commissioner exercising functions under section 8(2) or 12(7) of the 1948 Act; or
- (d) became a British subject by reason of the annexation of any territory included in a relevant territory,

or if his father or his father's father would, if living immediately before the commencement of the 1948 Act, have become a person naturalised in the United Kingdom and Colonies under section 32(6) of that Act (previous local naturalisation in a colony or protectorate) by virtue of having enjoyed the privileges of naturalisation in a relevant territory.

- (2) In the preceding subsection "relevant territory" means any territory which on Independence Day is a colony or an associated state, other than any territory which on that day is not a colony for the purposes of the 1948 Act as then in force (and accordingly does not include Tuvalu).
- (3) Subsection (1) above shall not apply to a woman by virtue of her registration as a citizen of the United Kingdom and Colonies if that registration was effected under section 6(2) of the 1948 Act (registration as citizens of the United Kingdom and Colonies of women who have been married to such citizens).
- (4) A woman who is a citizen of the United Kingdom and Colonies, and is the wife of such a citizen, shall not herself cease to be such a citizen under section 2(2) above unless her husband does so.
- (5) Part III of the 1948 Act (supplementary provisions) as in force from time to time, except section 23 (legitimated children), shall have effect for the purposes of this section as if this section were included in that Act.
- (6) A person born out of wedlock and legitimated (within the meaning of section 23(2) of the 1948 Act) by the subsequent marriage of his parents shall be treated, for the purpose of determining whether he has by virtue of this Act ceased to be a citizen of the United Kingdom and Colonies, as if he had been born legitimate.

4 Consequential modifications 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 Independence Day shall not include Tuvalu.
- (2) On and after Independence Day—
 - (a) the expression "colony" in the Army Act 1955, the Air Force Act 1955 and the Naval Discipline Act 1957 shall not include Tuvalu ; and
 - (b) in the definitions of " Commonwealth force " in section 225(1) and 223(1) respectively of those Acts of 1955, and in the definition of " Commonwealth country" in section 135(1) of that Act of 1957, at the end there shall be added the words " or Tuvalu ";

and no Order in Council made on or after Independence Day under section 1 of the Armed Forces Act 1976 which continues either of those Acts of 1955 or that Act of 1957 in force for a further period shall extend to Tuvalu as part of its law.

- (3) On and after Independence Day the enactments specified in Schedule 2 to this Act shall have effect subject to the amendments there specified.
- (4) Subsection (3) above and Schedule 2 to this Act shall not extend to Tuvalu as part of its law.

5 Interpretation.

- (1) In this Act, and in any amendment made by this Act in any other enactment, " Tuvalu " means the territories which immediately before Independence Day constitute the colony of Tuvalu.
- (2) In this Act " the 1948 Act " means the British Nationality Act 1948.
- (3) References in this Act to any enactment are references to that enactment as amended or extended by or under another enactment.

6 Short title.

This Act may be cited as the Tuvalu Act 1978.