Tanganyika Independence Act 1961

1961 CHAPTER 1 10 and 11 Eliz 2

An Act to make provision for, and in connection with, the attainment by Tanganyika of fully responsible status within the Commonwealth. [22nd November 1961]

Modifications etc. (not altering text)

C1 Power to repeal Act (except s. 1) given by Tanzania Act 1969 (c. 29), **s. 5**

1 Fully responsible status of Tanganyika.

(1) On the ninth day of December, nineteen hundred and sixty-one (in this Act referred to as the appointed day) Tanganyika (the limits of which are defined in Article 1 of the Tanganyika Order inCouncil, 1920) shall become part of Her Majesty's dominions under the name of Tanganyika and as from that day Her Majesty's Government in the United Kingdom shall have no responsibility for the government of Tanganyika.

(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 Tanganyika as part of the law thereof, and the provisions of the First Schedule to this Act shall have effect as from that day with respect to the legislative powers of Tanganyika.

(3) Subsection (1) of this section shall not affect the operation in Tanganyika of any enactment, or any other instrument having the effect of law, passed or made before the appointed day, or be taken to extend any such enactment or instrument to Tanganyika as part of the law thereof.

2 . . . . . [F1]

Textual Amendments

F1 S. 2 repealed by British Nationality Act 1981 (c. 61, SIF 87), **Sch. 9**

Status: *Point in time view as at 01/02/1991.*
Changes to legislation: *There are currently no known outstanding effects for the Tanganyika Independence Act 1961. (See end of Document for details)*

3 Consequential modification of other enactments.

(1) . . . . . [F2]

(2) As from the appointed day—

(a) the expression "colony" in the [M1]Army Act 1955, the [M2]Air Force Act 1955, and the [M3]Naval Discipline Act 1957, shall not include Tanganyika; and

(b) (b) in the definitions of "Commonwealth force" in subsection (1) of section two hundred and twenty-five and subsection (1) of section two hundred and twenty-three respectively of the said Acts of 1955, and in the definition of "Commonwealth country" in subsection (1) of section one hundred and thirty five of the said Act of 1957 the word "or" preceding the words "Sierra Leon" shall be omitted and at the end there shall be added the words "or Tanganyika" .

(3) No Order in Council made under section one of the Army and Air Force Act 1961, shall operate to continue the Army Act 1955, or the Air Force Act 1955, in force as part of the law of Tanganyika.

(4) As from the appointed day, the provisions specified in the Second Schedule to this Act shall have effect subject to the amendments respectively specified in that Schedule, . . . [F3]

This subsection shall not extend to Tanganyika as part of the law thereof.

Textual Amendments

F2 S. 3 (1) repealed by Interpretation Act 1978 (c. 30, SIF 115: 1), **Sch. 3**

F3 Words repealed by Statute Law (Repeals) Act 1969 (c. 52), **Sch. Pt. VI**

Modifications etc. (not altering text)

C2 The text of S. 3(2) (b) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1. 2. 1991.

Marginal Citations

M1 1955 c. 18.

M2 1955 c. 19.

M3 1957 c. 53.

4 . . . . . [F4]

Textual Amendments

F4 S. 4 repealed by Statute Law (Repeals) Act 1976 (c. 16), **Sch. 1 Pt. XIII**

5 Short title and interpretation.

(1) This Act may be cited as the Tanganyika Independence Act, 1961.

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

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SCHEDULES

FIRST SCHEDULE

Section 1.

LEGISLATIVE POWERS OF TANGANYIKA

1 The [M4]Colonial Laws Validity Act 1865, shall not apply to any law made by the legislature of Tanganyika.

Marginal Citations
M4 1865 c. 63.

2 No law and no provision of any law made 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, subject to paragraph 5 of this Schedule, 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 Tanganyika.

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

4 Without prejudice to the generality of the foregoing provisions of this Schedule, sections seven hundred and thirty-five and seven hundred and thirty-six of the [M5]Merchant Shipping Act 1894, shall be construed as though references therein to the legislature of a British possession did not include references to the legislature of Tanganyika.

Marginal Citations
M5 1894 c. 60.

5 Nothing in this Act shall confer on the legislature of Tanganyika any power to repeal, amend or modify the constitutional provisions otherwise than in such manner as may be provided for in those provisions.

In this paragraph "the constitutional provisions" means this Act, any Order in Council made before the ed day which revokes the Tanganyika Orders in Council, 1920 to 1961 and the Tanganyika (National Assembly) Orders in Council, 1926 to 1961, and any law, or instrument made under a law, of the legislature of Tanganyika made on or after appointed day which amends, modifies, re-enacts with or without amendment or modification, or makes different provision in lieu of, any provisions of this Act, that Order in Council or any such law or instrument previously made.

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SECOND SCHEDULE

Section 3.

AMENDMENTS NOT AFFECTING THE LAW OF TANGANYIKA

Diplomatic immunities

1 . . . . . F5

Textual Amendments

F5 Sch. 2 para. 1 repealed by Finance Act 1969 (c. 32, SIF63: 1), **Sch. 21 Pt. IX**

2 In subsection (6) of section one of the M6Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act, 1952, after the words "Sierra Leone" there shall be inserted the word "Tanganyika".

Modifications etc. (not altering text)

C3 The text of Sch. 2 para. 2 is in the form in which it was originally enacted : it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1. 2. 1991.

Marginal Citations

M6 1952 c. 18

3 . . . . . F6

Textual Amendments

F6 Sch. 2 para. 3 repealed by International Organisations Act 1981 (c. 9, SIF 68: 1), **Sch.**

Financial

4 In subsection (4) of the M7Import Duties Act, 1958, after the words "Sierra Leone" there shall be inserted the word "Tanganyika".

Modifications etc. (not altering text)

C4 The text of Sch. 2 para. 4 is in the form in which it was originally enacted : it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1. 2. 1991.

Marginal Citations

M7 1958 c. 6

Visiting forces

5 In the M8Visiting Forces (British Commonwealth) Act 1933, section four (which deals with attachment and mutual powers of command) and the definition of "visiting force" for the purposes of that Act which is contained in section eight

thereof shall apply in relation to forces raised in Tanganyika as they apply in relation to forces raised in Dominions within the meaning of the [M9]Statute of Westminster 1931.

Marginal Citations

M8 1933 c. 6.

M9 1931 c. 4 (22 & 23 Geo. 5).

6 In the [M10]Visiting Forces Act 1952—

(a) (a) in paragraph (a) of subsection (1) of section one (which specifies the countries to which that Act applies) the word "or" in the first place where it occurs shall be omitted, and at the end there shall be added the words "Tanganyika or";

(b) in paragraph (*a*) of subsection (1) of section ten the expression "colony" shall not include Tanganyika;

and, until express provision with respect to Tanganyika is made by an Order in Council under section eight of that Act (which relates to the 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 Tanganyika.

Modifications etc. (not altering text)

C5 The text of Sch. 2 para. 6(a) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M10 1952 c. 67.

Ships and aircraft

7 In subsection (2) of section four hundred and twenty-seven of the [M11]Merchant Shipping Act, 1894, as substituted by section two of the [M12]Merchant Shipping (Safety Convention) Act, 1949, the word "or" preceding the words "Sierra Leone" shall be omitted and after those words there shall be inserted the words "or Tanganyika".

Modifications etc. (not altering text)

C6 The text of Sch. 2 para. 7 is in the form in which it was originally enacted : it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1. 2. 1991.

Marginal Citations

M11 1894 c. 60

M12 1949 c. 43

8 In the proviso to subsection (2) of section six of the [M13]Merchant Shipping Act, 1948, the word "or" in the last place where it occurs shall be omitted and at the end there shall be added the words "or Tanganyika".

Modifications etc. (not altering text)

C7 The text of Sch. 2 para. 8 is in the form in which it was originally enacted : it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1. 2. 1991.

Marginal Citations

M13 1948 c. 44

9 . . . . . [F7]

Textual Amendments

F7 Sch. 2 para. 9 repealed by Emergency Laws (Re-enactments and Repeals) 1964 (c. 60, SIF 99: 6), **Sch. 2**

10 . . . . . [F8]

Textual Amendments

F8 Sch. 2 para. 10 repealed by Statute Law (Repeals) Act 1977 (c. 18), **Sch. 1 Pt. XV**

11 In the [M14]Whaling Industry (Regulation) Act 1934, the expression "British ship to which this Act applies" shall not include a British ship registered in Tanganyika.

Marginal Citations

M14 1934 c. 49.

12 . . . . . [F9]

Textual Amendments

F9 Sch. 2 para. 12 repealed by Civil Aviation Act 1971 (c.75), **Sch. 11**

Copyright

13 . . . . . [F10]

Textual Amendments

F10 Sch. 2 paras. 13, 14repealed by Copyright, Designs and Patents Act 1988 (c. 48, SIF 67A), s. 303(2), **Sch. 8**

14 . . . . . [F11]

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Textual Amendments

F11 Sch. 2 paras. 13, 14repealed by Copyright, Designs and Patents Act 1988 (c. 48, SIF 67A), s. 303(2), **Sch. 8**

15 . . . . . [F12]

Textual Amendments

F12 Sch. 2 para. 15 repealed by Family Law Act 1986 (c. 55, SIF 49:3), s. 68(2), **Sch. 2**

Commonwealth Institute

16 In subsection (2) of section eight of the [M15]Imperial Institute Act, 1925, as amended by the [M16]Commonwealth Institute Act, 1958 (which relates to the 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) the word "and" shall be omitted and at the end there shall be added the words "and Tanganyika".

Modifications etc. (not altering text)

C8 The text of Sch. 2 para. 16 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1. 2. 1991.

Marginal Citations

M15 1925 c. xvii

M16 1958 c. 16

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