



# Tanganyika Independence Act 1961

## 1961 CHAPTER 1

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

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 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 in Council, 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 Consequential modifications of British Nationality Acts**

- (1) As from the appointed day, the British Nationality Acts, 1948 and 1958, shall have effect as if—
  - (a) in subsection (3) of section one of the said Act of 1948 (which provides for persons to be British subjects or Commonwealth citizens by virtue of citizenship of certain countries) the word " and " in the last place where

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it occurs were omitted, and at the end there were added the words " and Tanganyika ";

- (b) in the British Protectorates, Protected States and Protected Persons Order in Council, 1949, the definition of " trust territory " in Article 2, the references to a trust territory in Articles 9 and 10, and the Third Schedule were omitted;

but a person who immediately before the appointed day is for the purposes of the said Acts and Order in Council a British protected person by virtue of his connection with Tanganyika shall not cease to be such a British protected person for any of those purposes by reason of anything contained in the foregoing provisions of this Act, but shall so cease upon his becoming a citizen of Tanganyika under the law thereof.

- (2) Subject to the following provisions of this section, any person who immediately before the appointed day is a citizen of the United Kingdom and Colonies shall on that day cease to be such a citizen if—
  - (a) under the law of Tanganyika he becomes on that day a citizen of Tanganyika; and
  - (b) he, his father or his father's father was born in Tanganyika.
- (3) Subject to subsection (8) of this section, a person shall not cease to be a citizen of the United Kingdom and Colonies under the last foregoing subsection if he, his father or his father's father—
  - (a) was born in the United Kingdom or in a colony; or
  - (b) is or was a person naturalised in the United Kingdom and Colonies; or
  - (c) was registered as a citizen of the United Kingdom and Colonies; or
  - (d) became a British subject by reason of the annexation of any territory included in a colony.
- (4) A person shall not cease to be a citizen of the United Kingdom and Colonies under subsection (2) of this section if he was born in a protectorate or protected state, or if his father or his father's father was so born and is or at any time was a British subject.
- (5) A woman who is the wife of a citizen of the United Kingdom and Colonies shall not cease to be such a citizen under subsection (2) of this section unless her husband does so.
- (6) Subsection (2) of section six of the British Nationality Act, 1948 (which provides for the registration as a citizen of the United Kingdom and Colonies of a woman who has been married to such a citizen) shall not apply to a woman by virtue of her marriage to a person who ceases to be such a citizen under subsection (2) of this section, or who would have done so if living on the appointed day.
- (7) Subject to the next following subsection, the reference in paragraph (b) of subsection (3) of this section to a person naturalised in the United Kingdom and Colonies shall include a person who would, if living immediately before the commencement of the British Nationality Act, 1948, have become a person naturalised in the United Kingdom and Colonies by virtue of subsection (6) of section thirty-two of that Act (which relates to persons given local naturalisation before that commencement in a colony or protectorate).
- (8) Any reference in subsection (3) or (4) of this section to a colony, protectorate or protected state shall, subject to the next following subsection, be construed as a reference to a territory which is a colony, protectorate or protected state on the appointed day; and the said subsection (3) shall not apply to a person by virtue of any certificate of naturalization granted or registration effected by the governor

or government of a territory outside the United Kingdom which is not a colony, protectorate or protected state on that day.

- (9) The protectorates of Northern Rhodesia and Nyasaland shall be excepted from the operation of any reference in subsection (4) or (8) of this section to a protectorate.
- (10) Part III of the British Nationality Act, 1948 (which contains supplemental provisions) shall have effect for the purposes of subsections (2) to (9) of this section as if those subsections were included in that Act.

### **3 Consequential modification 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 the appointed day shall not include Tanganyika.
- (2) As from the appointed day—
  - (a) the expression " colony " in the Army Act, 1955, the Air Force Act, 1955, and the Naval Discipline Act, 1957, shall not include Tanganyika; and
  - (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 Leone " 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, and Her Majesty may by Order in Council, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, make such further adaptations in any Act of the Parliament of the United Kingdom passed before this Act, or in any instrument having effect under any such Act, as appear to Her necessary in consequence of section one of this Act; and any Order in Council made under this subsection may be varied or revoked by a subsequent Order in Council so made and, though made after the appointed day, may be made so as to have effect from that day.

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

### **4 Property vested in, and grants to Tanganyika Agricultural Corporation, and loans under the Colonial Development and Welfare Act, 1959**

- (1) The Overseas Resources Development Act, 1954 (which, so far as still in force, provides for the reservation or disposal of property vested by that Act in the Tanganyika Agricultural Corporation and for the payment to the Secretary of State of the net proceeds of any such disposal) shall cease to have effect.
- (2) The Tanganyika Agricultural Corporation Act, 1957 (which authorises the Secretary of State to make grants to the Governor of Tanganyika for the carrying on by the Tanganyika Agricultural Corporation of the undertaking transferred to it by section

one of the said Act of 1954) shall have effect, as from the appointed day, as if for the references to the Governor there were substituted references to the government of Tanganyika.

- (3) If, under any agreement made on or after the appointed day between the governments of Tanganyika and one or more territories which are colonies within the meaning of the Colonial Development and Welfare Act, 1959, an organisation is established for the purpose of providing or administering services which are common to, or relate to matters of common interest to, Tanganyika and that territory or those territories, section two of that Act (which authorises the making of loans by the Secretary of State) shall apply in relation to that organisation and the (revenues and assets of Tanganyika as it applies in relation to the government of a colony and the revenues and assets of a colony.

## **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.

## SCHEDULES

### FIRST SCHEDULE

Section 1.

#### LEGISLATIVE POWERS OF TANGANYIKA

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

### SECOND SCHEDULE

Section 3.

#### AMENDMENTS NOT AFFECTING THE LAW OF TANGANYIKA

##### *Diplomatic immunities*

- 1 In section four hundred and sixty-one of the Income Tax Act, 1952 (which relates to exemption from income tax in the case of certain Commonwealth representatives and their staffs), in subsection (2) and subsection (3), the word " or " preceding the

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words " Sierra Leone " shall be omitted and after those words there shall be inserted the words " or Tanganyika ".

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

3 In subsection (5) of section one of the Diplomatic Immunities (Conferences with Commonwealth Countries and Republic of Ireland) Act, 1961, after the words " Sierra Leone " there shall be inserted the word " Tanganyika ".

#### *Financial*

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

#### *Visiting forces*

5 In the Visiting 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 Statute of Westminster, 1931.

6 In the Visiting Forces Act, 1952—  
 (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.

#### *Ships and aircraft*

7 In subsection (2) of section four hundred and twenty-seven of the Merchant Shipping Act, 1894, as substituted by section two of the 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 ".

8 In the proviso to subsection (2) of section six of the 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 ".

9 In the definition of " excepted ship or aircraft" in paragraph 3 of the Third Schedule to the Emergency Laws (Repeal) Act, 1959, the word " or " preceding the words " Sierra Leone " shall be omitted and after those words there shall be inserted the words " or Tanganyika ".

10 The Ships and Aircraft (Transfer Restriction) Act, 1939, shall not apply to any ship by reason only of its being registered in, or licensed under the law of, Tanganyika; and the penal provisions of that Act shall not apply to persons in Tanganyika (but

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without prejudice to the operation with respect to any ship to which that Act does apply of the provisions thereof relating to the forfeiture of ships).

- 11 In the Whaling Industry (Regulation) Act, 1934, the expression " British ship to which this Act applies " shall not include a British ship registered in Tanganyika.
- 12 In paragraph (b) of subsection (7) of section two of the Civil Aviation (Licensing) Act, 1960, the expression " colony" shall not include Tanganyika.

#### *Copyright*

- 13 The references in section thirty-one of the Copyright Act, 1956, to a colony shall not include Tanganyika.
- 14 If the Copyright Act, 1911, so far as in force in the law of Tanganyika is repealed or amended by that law at a time when sub-paragraph (2) of paragraph 39 of the Seventh Schedule to the Copyright Act, 1956 (which applies certain provisions of that Act in relation to countries to which the said Act of 1911 extended) is in force in relation to Tanganyika, the said sub-paragraph (2) shall thereupon cease to have effect in relation thereto.

#### *Divorce jurisdiction*

- 15 In subsection (2) of section two of the Indian and Colonial Divorce Jurisdiction Act, 1926 (which enables section one of that Act to be extended to certain countries, but not to any of the countries named in the said subsection (2)) the word " and" shall be omitted in the last place where it occurs and at the end there shall be added the words " and Tanganyika ".

#### *Commonwealth Institute*

- 16 In subsection (2) of section eight of the Imperial Institute Act, 1925, as amended by the 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 toe added the words " and Tanganyika ".

#### TABLE OF STATUTES REFERRED TO IN THIS ACT

<i>Short Title</i>	<i>Session and Chapter</i>
Colonial Laws Validity Act, 1865	28 & 29 Vict. c. 63.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Merchant Shipping Act, 1894	57 & 58 Vict. c. 60.
Copyright Act, 1911	1 & 2 Geo. 5. c. 46.
Imperial Institute Act, 1925	15 & 16 Geo. 5. c. xvii.
Indian and Colonial Divorce Jurisdiction Act, 1926	16 & 17 Geo. 5. c. 40.
Statute of Westminster, 1931	22 & 23 Geo. 5. c. 4.

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<i>Short Title</i>	<i>Session and Chapter</i>
Visiting Forces (British Commonwealth) Act, 1933	23 & 24 Geo. 5. c. 6.
Whaling Industry (Regulation) Act, 1934	24 & 25 Geo. 5. c. 49.
Ships and Aircraft (Transfer Restriction) Act, 1939	2 & 3 Geo. 6. c. 70.
Merchant Shipping Act, 1948	11 & 12 Geo. 6. c. 44.
British Nationality Act, 1948	11 & 12 Geo. 6. c. 56.
Merchant Shipping (Safety Convention) Act, 1949	12, 13 & 14 Geo. 6. c. 43.
Income Tax Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 10.
Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 18.
Visiting Forces Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 67.
Overseas Resources Development Act, 1954	2 & 3 Eliz. 2. c. 71.
Army Act, 1955	3 & 4 Eliz. 2. c. 18.
Air Force Act, 1955	3 & 4 Eliz. 2. c. 19.
Copyright Act, 1956	4 & 5 Eliz. 2. c. 74.
Naval Discipline Act, 1957	5 & 6 Eliz. 2. c. 53.
Tanganyika Agricultural Corporation Act, 1957	5 & 6 Eliz. 2. c. 54.
Import Duties Act, 1958	6 & 7 Eliz. 2. c. 6.
Commonwealth Institute Act, 1958	6 & 7 Eliz. 2. c. 16.
Emergency Laws (Repeal) Act, 1959	7 & 8 Eliz. 2. c. 19.
Colonial Development and Welfare Act, 1959	7 & 8 Eliz. 2. c. 71.
Civil Aviation (Licensing) Act, 1960	8 & 9 Eliz. 2. c. 38.
Diplomatic Immunities (Conferences with Commonwealth Countries and Republic of Ireland) Act, 1961	9 & 10 Eliz. 2. c. 11.
Army and Air Force Act, 1961	9 & 10 Eliz. 2. c. 52.