



# Ceylon Independence Act 1947

## 1947 CHAPTER 7

### **1 Provision for the fully responsible status of Ceylon.**

- (1) No Act of the Parliament of the United Kingdom passed on or after the appointed day shall extend, or be deemed to extend, to Ceylon as part of the law of Ceylon, unless it is expressly declared in that Act that Ceylon has requested, and consented to, the enactment thereof.
- (2) As from the appointed day His Majesty's Government in the United Kingdom shall have no responsibility for the government of Ceylon.
- (3) As from the appointed day the provisions of the First Schedule to this Act shall have effect with respect to the legislative powers of Ceylon.

### **2 Amendment of Army and Air Force Acts.**

As from the appointed day Ceylon shall be included in the definition of " Dominion " in paragraph (23) of section one hundred and ninety of the Army Act and of the Air Force Act (which section, in each Act, relates generally to the interpretation of the Act), and accordingly in the said paragraph (23), in each Act, for the words " and Newfoundland " there shall be substituted the words " Newfoundland and Ceylon ".

### **3 Divorce jurisdiction.**

- (1) No court in Ceylon shall, by virtue of the Indian and Colonial Divorce Jurisdiction Acts, 1926 and 1940, have jurisdiction in or in relation to any proceedings for a decree for the dissolution of a marriage, unless those proceedings were instituted before the appointed day, but, save as aforesaid and subject to any provision to the contrary which may hereafter be made by any Act of the Parliament of the United Kingdom or of Ceylon, all courts in Ceylon shall have the same jurisdiction under the said Acts as they would have had if this Act had not been passed.
- (2) Any rules made on or after the appointed day under subsection (4) of section one of the Indian and Colonial Divorce Jurisdiction Act, 1926, for a court in Ceylon shall, instead of being made by the Secretary of State with the concurrence of the Lord Chancellor, be made by such authority as may be determined by the law of Ceylon, and so much

of the said subsection and of any rules in force thereunder immediately before the appointed day as requires the approval of the Lord Chancellor to the nomination for any purpose of any judges of any such court shall cease to have effect.

- (3) The references in subsection (1) of this section to proceedings for a decree for the dissolution of a marriage include references to proceedings for such a decree of presumption of death and dissolution of a marriage as is authorised by section eight of the Matrimonial Causes Act, 1937.

#### **4 Consequential amendments not affecting the law of Ceylon.**

- (1) As from the appointed day, the Acts and Regulations referred to in the Second Schedule to this Act shall have effect subject to the amendments made by that Schedule, and His Majesty may by Order in Council make such further adaptations in any Act of the Parliament of the United Kingdom of an earlier session than this Act, or in any instrument having effect under any such Act, as appear to him necessary in consequence of section one of this Act :

Provided that this subsection shall not extend to Ceylon as part of the law thereof.

- (2) Notwithstanding anything in the Interpretation Act, 1889, the expression " colony " shall not include Ceylon in any Act of the Parliament of the United Kingdom passed on or after the appointed day or in any such Act passed before that day, but in the same session as this Act, to provide for the independence of Burma as a country not within His Majesty's dominions.
- (3) Any Order in Council made under this section may be varied or revoked by a subsequent Order in Council and, though made after the appointed day, may be made so as to have effect from that day.
- (4) Every Order in Council made under this section shall be laid before Parliament forthwith after it is made, and if either House of Parliament within the period of forty days beginning with the day on which any such Order is laid before it resolves that an Address be presented to His Majesty praying that the Order be annulled, no further proceedings shall be taken thereunder and His Majesty in Council may revoke the Order, so, however, that any such resolution or revocation shall be without prejudice to the validity of anything previously done under the Order or to the making of a new Order.

In reckoning any such period of forty days as aforesaid, no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which both Houses are adjourned for more than four days.

- (5) Notwithstanding anything in subsection (4) of section one of the Rules Publication Act, 1893, an Order in Council made under this section shall not be deemed to be or to contain a statutory rule to which that section applies.

#### **5 Short title and commencement.**

- (1) This Act may be cited as the Ceylon Independence Act, 1947.
- (2) In this Act the expression " the appointed day " means such day as His Majesty may by Order in Council appoint.