



Colonial Naval Defence Act 1949

1949 CHAPTER 18

An Act to make further provision for the naval defence of overseas territories. [9th March 1949]

BE IT ENACTED by the King'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 Amendment and extension of 21 & 22 Geo. 5. c. 9.

- (1) In this Act the expression "the principal Act" means the Colonial Naval Defence Act, 1931 (which makes provision in section one as to the maintenance and use of warships by a colony and in section two as to the discipline and liability to service of naval forces raised by a colony).
- (2) The legislature of a colony may provide for raising a force jointly with, other colonies for their naval defence within the territorial waters of all or any of them, and the principal Act as amended by the following subsections shall apply in relation to any force so raised as it applies in relation to a force raised by a colony for its naval defence within its own territorial waters.
- (3) The principal Act and this Act, as they apply in relation to a colony, shall apply also in relation—
 - (a) to any territory not forming part of His Majesty's dominions but being a territory in which His Majesty has jurisdiction, other than a territory for the time being administered by His Majesty's Government in a Dominion within the meaning of the Statute of Westminster, 1931; and
 - (b) to any group of territories to which the principal Act applies, where there is a common legislature for the group with power to legislate for their defence.
- (4) Any power conferred by subsection (1) of section two of the principal Act on a legislature to provide that any officers or men shall form part of the Royal Naval Reserve, or of the Royal Naval Volunteer Reserve, shall include power to provide for their forming part of any division of that Reserve (and in particular in the case

of the Royal Naval Reserve, for their forming part of the Royal Fleet Reserve), and references in subsection (2) of the said section two to either of the two first-mentioned Reserves shall be construed accordingly.

- (5) Subsection (1) of section two of the principal Act shall confer the like powers on a legislature where the legislature is making provision for raising a force as it does where the legislature has already made provision therefor.
- (6) Nothing in the principal Act shall be deemed to require the assent of His Majesty in Council before the legislature of a colony may make provisions in exercise of any power conferred by the principal Act or this Act, but no provision so made by a legislature shall have effect unless or until it is approved by His Majesty in Council.
- (7) Any reference in the principal Act or this Act to the territorial waters of any territory or group shall include any inland waters.

2 Short title and citation.

This Act may be cited as the Colonial Naval Defence Act, 1949, and this Act and the principal Act may be cited together as the Colonial Naval Defence Acts, 1931 and 1949.