

1973 No. 2156

GRENADA

The Grenada Modification of Enactments Order 1973

Made - - - - 19th December 1973
Laid before Parliament 4th January 1974
Coming into Operation 7th February 1974

At the Court at Buckingham Palace, the 19th day of December 1973

Present,

The Queen's Most Excellent Majesty in Council

Whereas the status of association of Grenada with the United Kingdom is terminated as from the date on which this Order comes into operation and it is necessary or expedient in consequence of that event to amend or modify certain enactments as hereinafter provided:

Now, therefore, Her Majesty, by virtue and in exercise of the powers vested in Her in that behalf by section 13(2) of the West Indies Act 1967(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Citation and commencement

1.—(1) This Order may be cited as the Grenada Modification of Enactments Order 1973.

(2) This Order shall come into operation on 7th February 1974 (hereinafter called "the appointed day").

Consequential modifications of British Nationality Acts

2.—(1) On and after the appointed day the British Nationality Acts 1948 to 1965 shall have effect as if in section 1(3) of the British Nationality Act 1948(b) (Commonwealth countries having separate citizenship) there were added at the end the words "and Grenada".

(2) Except as provided by article 3 of this Order, 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 he becomes on that day a citizen of Grenada.

(3) Section 6(2) of the British Nationality Act 1948 (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 the appointed day ceases to be such a citizen under paragraph (2) of this article, or who would have done so if living on the appointed day.

Retention of citizenship of United Kingdom and Colonies by certain citizens of Grenada

3.—(1) Subject to paragraph (5) of this article, a person shall not cease to be a citizen of the United Kingdom and Colonies under article 2(2) of this Order 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.

(2) A person shall not cease to be a citizen of the United Kingdom and Colonies under the said article 2(2) if either—

- (a) he was born in a protectorate or protected state, or
- (b) his father or his father's father was so born and is or at any time was a British subject.

(3) A woman who is the wife of a citizen of the United Kingdom and Colonies shall not cease to be such a citizen under the said article 2(2) unless her husband does so.

(4) Subject to paragraph (5) of this article, the reference in paragraph (1)(b) of this article 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 section 32(6) of that Act (persons given local naturalisation in a colony or protectorate before the commencement of that Act).

(5) In this article—

- (a) references to a colony shall be construed as not including any territory which, on the appointed day, is not a colony for the purposes of the British Nationality Act 1948 as that Act has effect on that day, and accordingly do not include Grenada, and
- (b) references to a protectorate or protected state shall be construed as not including any territory which, on the appointed day, is not a protectorate or a protected state (as the case may be) for the purposes of that Act as it has effect on that day ;

and paragraph (1) of this article shall not apply to a person by virtue of any certificate of naturalisation granted or registration effected by the Governor or Government of a territory which by virtue of this paragraph is excluded from references in this article to a colony, protectorate or protected state.

(6) Part III of the British Nationality Act 1948 (supplemental provisions) as in force at the date of this Order shall have effect for the purposes of this article as if this article were included in that Act.

(7) It is hereby declared, for the avoidance of doubts, that references in this article to a colony include references to each of the associated states except Grenada.

Consequential modification of other enactments

4.—(1) On and after the appointed day—

- (a) the expression "colony" in the Army Act 1955(a), the Air Force Act 1955(b) and the Naval Discipline Act 1957(c) shall not include Grenada, and

(a) 1955 c. 18.

(b) 1955 c. 19.

(c) 1957 c. 53.

(b) in the definitions of "Commonwealth force" in section 225(1) and 223(1) respectively of the said Acts of 1955, and in the definition of "Commonwealth country" in section 135(1) of the said Act of 1957, at the end there shall be added the words "or Grenada";

and no Order in Council made on or after the appointed day under section 1 of the Armed Forces Act 1966(a) which continues either of the said Acts of 1955 in force for a further period shall extend to Grenada as part of its law.

(2) On and after the appointed day the provisions specified in the Schedule to this Order shall have effect subject to the amendments specified respectively in that Schedule.

(3) Paragraph (2) of this article, and the Schedule to this Order, shall not extend to Grenada as part of its law.

W. G. Agnew.

Article 4

SCHEDULE

AMENDMENTS NOT AFFECTING THE LAW OF GRENADA

Diplomatic immunities

1. In section 1(6) of the Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act 1952(a), before the word "and" in the last place where it occurs there shall be inserted the word "Grenada".

2. In section 1(5) of the Diplomatic Immunities (Conferences with Commonwealth Countries and Republic of Ireland) Act 1961(b), before the word "and" in the last place where it occurs there shall be inserted the word "Grenada".

Financial

3. In section 2(4) of the Import Duties Act 1958(c), before the words "together with" there shall be inserted the word "Grenada".

Visiting forces

4. In the Visiting Forces (British Commonwealth) Act 1933(d), section 4 (attachment and mutual powers of command) shall apply in relation to forces raised in Grenada as it applies to forces raised in Dominions within the meaning of the Statute of Westminster 1931(e).

5. In the Visiting Forces Act 1952(f)—

(a) in paragraph (a) of section 1(1) (countries to which that Act applies) at the end there shall be added the words "Grenada or";

(b) in section 10(1)(a), the expression "colony" shall not include Grenada; and, until express provision with respect to Grenada is made by an Order in Council under section 8 of that Act (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 Grenada.

Ships and aircraft

6. In section 427(2) of the Merchant Shipping Act 1894(g), as set out in section 2 of the Merchant Shipping (Safety Convention) Act 1949(h), before the words "or in any" there shall be inserted the words "or Grenada".

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

8. In the Whaling Industry (Regulation) Act 1934(j), the expression "British ship to which this Act applies" shall not include a British ship registered in Grenada.

9. In section 2 (7)(b) of the Civil Aviation (Licensing) Act 1960(k), the expression "colony" shall not include Grenada.

Colonial Stock

10. Section 20 of the Colonial Stock Act 1877(l) (which relates to the jurisdiction of courts in the United Kingdom as to colonial stock) shall, in its application to stock of Grenada, have effect as if for the second paragraph there were substituted—

"(2) Any person claiming to be interested in colonial stock to which this Act applies, or in any dividend thereon, may institute civil proceedings in the United Kingdom against the registrar in relation to that stock or dividend.

(a) 1952 c. 18.	(b) 1961 c. 11.	(c) 1958 c. 6.	(d) 1933 c. 6.
(e) 1931 c. 4. (22 & 23 Geo. 5)	(f) 1952 c. 67.	(g) 1894 c. 60.	
(h) 1949 c. 43.	(i) 1939 c. 70.	(j) 1934 c. 49.	(k) 1960 c. 38.
(l) 1877 c. 59.			

(3) Notwithstanding anything in the foregoing provisions of this section, the registrar shall not by virtue of an order made by any court in the United Kingdom in any such proceedings as are referred to in this section be liable to make any payment otherwise than out of moneys in his possession in the United Kingdom as registrar."

Commonwealth Institute

11. In section 8(2) of the Imperial Institute Act 1925(a), as amended by the Commonwealth Institute Act 1958(b), (power to vary 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) at the end there shall be added the words "and Grenada".

Medical Profession

12. The words "the Associated State of" in Article 2 of the Medical Practitioners (Grenada) Order 1969(c) shall be deleted.

EXPLANATORY NOTE

(This Note is not part of the Order.)

The status of association of Grenada with the United Kingdom terminates with effect from 7th February 1974. This Order effects amendments and modifications to certain enactments that appear to Her Majesty to be necessary or expedient in consequence of that event.

(a) 1925 c. xviii. (b) 1958 c. 16. (c) S.I. 1969/1076 (1969 II, p. 3147).

SI 1973/2156
ISBN 0-11-032156-1

