



# Malta Independence Act 1964

## 1964 CHAPTER 86

An Act to make provision for, and in connection with, the attainment by Malta of fully responsible status within the Commonwealth [31st July 1964]

### 1 Fully responsible status of Malta.

- (1) On and after such day as Her Majesty may by Order in Council appoint (in this Act referred to as "the appointed day") Her Majesty's Government in the United Kingdom shall have no responsibility for the government of Malta.
- (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 Malta as part of its law; and on and after that day the provisions of Schedule 1 to this Act shall have effect with respect to the legislative powers of Malta.

#### Modifications etc. (not altering text)

C1 21.9.1964 appointed under s. 1(1) by [S.I. 1964/1398](#), [art. 2](#)

2, 3 .....<sup>F1</sup>

#### Textual Amendments

F1 [Ss. 2, 3](#) repealed by [British Nationality Act 1981](#) (c. 61, SIF 87), [Sch. 9](#)

### 4 Consequential modification and repeal of other enactments.

- (1) .....<sup>F2</sup>
- (2) On and after the appointed day—
  - (a) the expression "colony" in the Army<sup>M1</sup> Act 1955, the Air Force<sup>M2</sup> Act 1955 and the Naval Discipline<sup>M3</sup> Act 1957 shall not include Malta; and

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- (b) in the definitions of “Commonwealth force” in sections 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 Malta”.
- (3) No Order in Council made on or after the appointed day under section 1 of the Army and Air Force <sup>M4</sup> Act 1961 shall operate to continue either of the said Acts of 1955 in force as part of the law of Malta.
- (4) On and after the appointed day the provisions specified in Schedule 2 to this Act shall have effect subject to the amendments respectively specified in that Schedule, . . . <sup>F3</sup>
- (5) . . . . . <sup>F4</sup>
- (6) . . . . . <sup>F5</sup>
- (7) . . . . . <sup>F3</sup>, Schedule 2 to this Act and . . . . . <sup>F3</sup> subsection (4) of this section shall not extend to Malta as part of its law.

#### Textual Amendments

- F2** S. 4(1) repealed by [Interpretation Act 1978 \(c. 30, SIF 115:1\)](#), **Sch. 3**
- F3** Words repealed by [Statute Law \(Repeals\) Act 1969 \(c. 52\)](#), **Sch.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**
- F4** S. 4(5) repealed by [Statute Law \(Repeals\) Act 1969 \(c. 52\)](#), **Sch. Pt. VI**
- F5** S. 4(6), **Sch. 3** repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), **Sch. Pt. XI**

#### Modifications etc. (not altering text)

- C2** The text of s. 4(2)(b), Sch. 2 paras. 4, 6(a, 7, 8, 14 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\(7:1\)](#).
- M2** [1955 c. 19\(7:1\)](#).
- M3** [1957 c. 53\(7:1\)](#).
- M4** [1961 c. 52\(7:1\)](#).

## 5 Interpretation.

- (1) In this Act, and in any amendment made by this Act in any other enactment, “Malta” means the Island of Malta and all other territories which at the passing of this Act are comprised in the State of Malta, and “the existing Constitution Order” means the Malta (Constitution) Order in Council 1961 as amended by the Malta (Constitution) (Amendment) Order in Council 1962 and by the Malta (Constitution) (Modification) Order in Council 1963 and by any further Order in Council made before the appointed day.
- (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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**6 Short title.**

This Act may be cited as the Malta Independence Act 1964.

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## SCHEDULES

### SCHEDULE 1

Section 1.

#### LEGISLATIVE POWERS OF MALTA

- 1 The Colonial Laws Validity <sup>M5</sup>Act 1865 shall not apply to any law made on or after the appointed day by the legislature of Malta.

**Marginal Citations**

**M5** 1865 c. 53(26:1).

- 2 No law and no provision of any law made on or after the appointed day 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 Malta.
- 3 The legislature of Malta shall have full power to make laws having extra-territorial operation.
- 4 Without prejudice to the generality of the preceding provisions of this Schedule—
- (a) sections 735 and 736 of the Merchant Shipping <sup>M6</sup>Act 1894 shall be construed as if references therein to the legislature of a British possession did not include references to the legislature of Malta; and
  - (b) section 4 of the Colonial Courts of Admiralty <sup>M7</sup>Act 1890 (which requires certain laws to be reserved for the signification of Her Majesty's pleasure or to contain a suspending clause), and so much of section 7 of that Act as requires the approval of Her Majesty in Council to any rules of court for regulating the practice and procedure of a Colonial Court of Admiralty, shall cease to have effect in Malta.

**Marginal Citations**

**M6** 1894 c. 60 (111).

**M7** 1890 c. 27(26:1).

- 5 Nothing in this Act shall confer on the legislature of Malta any power to repeal, amend or modify the constitutional provisions otherwise than in such manner as may be provided for in those provisions; and for the purposes of this paragraph "the constitutional provisions" means the following, that is to say—
- (a) this Act;

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- (b) any Order in Council revoking the existing Constitution Order and providing for a new constitution for Malta to come into effect on the appointed day;
- (c) any law, or instrument made under a law, of the legislature of Malta which, being a law or instrument made on or after the appointed day, amends, modifies, re-enacts with or without amendment or modification, or makes different provision in lieu of, any provisions of this Act, of the Order in Council first mentioned in this paragraph, or of any such law or instrument previously made.

## SCHEDULE 2

Section 4.

### AMENDMENTS NOT AFFECTING THE LAW OF MALTA

#### *Diplomatic immunities*

1 ..... F6

#### **Textual Amendments**

F6 Sch. 2 para. 1 repealed by Finance Act 1969 (c. 32, SIF 63:1, 2), Sch. 21 Pt.IX

2 In section 1(6) of the Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act 1952, before the words “and Republic of Ireland” there shall be inserted the word “Malta”.

#### **Modifications etc. (not altering text)**

C3 The text of Sch. 2 para. 2, which is spent, 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.

3 ..... F7

#### **Textual Amendments**

F7 Sch. 2 para. 3 repealed by International Organisations Act 1981 (c. 9, SIF 68:1), Sch.

#### *Financial*

4 In section 2(4) of the Import Duties Act 1958, before the words “together with” there shall be inserted the word “Malta”.

#### **Modifications etc. (not altering text)**

C4 The text of s. 4(2)(b), Sch. 2 paras. 4, 6(a, 7, 8, 14 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.

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### *Visiting forces*

- 5 In the Visiting Forces (British Commonwealth) <sup>M8</sup>Act 1933, section 4 (attachment and mutual powers of command) shall apply in relation to forces raised in Malta as it applies in relation to forces raised in Dominions within the meaning of the Statute of <sup>M9</sup>Westminster 1931.

#### **Marginal Citations**

**M8** 1933 c.6(7:3).

**M9** 1931 c.4 (22 & 23 Geo. 5)(26:1).

- 6 In the Visiting Forces Act <sup>M10</sup>1952—
- (a) in section 1(1)(a) (countries to which that Act applies) at the end there shall be added the words “Malta or”;
- (b) in section 10(1)(a) the expression “colony” shall not include Malta;
- and, until express provision with respect to Malta is made by 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 Malta.

#### **Modifications etc. (not altering text)**

**C5** The text of s. 4(2)(b), Sch. 2 paras. 4, 6(a, 7, 8, 14 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 (7:3)

### *Ships and aircraft*

- 7 In section 427(2) of the Merchant Shipping Act 1894, as substituted by section 2 of the Merchant Shipping (Safety Convention) Act 1949, before the words “or in any” there shall be inserted the words “or Malta”.

#### **Modifications etc. (not altering text)**

**C6** The text of s. 4(2)(b), Sch. 2 paras. 4, 6(a, 7, 8, 14 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.

- 8 In the proviso to section 6(2) of the Merchant Shipping Act 1948, at the end there shall be added the words “or Malta”.

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**Modifications etc. (not altering text)**

**C7** The text of s. 4(2)(b), Sch. 2 paras. 4, 6(a, 7, 8, 14 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.

9, 10 ..... **F8**

**Textual Amendments**

**F8** Sch. 2 paras. 9, 10 repealed by Statute Law (Repeals) Act 1977 (c. 18), **Sch. 1 Pt. XV**

11 In the Whaling Industry (Regulation) <sup>M11</sup>Act 1934, the expression “British ship to which this Act applies” shall not include a British ship registered in Malta.

**Marginal Citations**

**M11** 1934 c.49(52:3).

12 ..... **F9**

**Textual Amendments**

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

<sup>F10</sup>13 .....

**Textual Amendments**

**F10** Sch. 1 para. 11 expressed to be repealed by Copyright, Designs and Patents Act 1988 (c. 48, SIF 67A), s. 303(2), **Sch. 8**: [Editor's note]- Sch. 1 para. 11 does not exist; therefore the said 1988 Act is read as repealing Sch. 2 para. 13 (the provision in the 1964 Act which relates to matters of Copyright). Sch. 2 para. 13 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XVI**.

*Commonwealth Institute*

14 In section 8(2) of the Imperial Institute Act 1925, as amended by the Commonwealth Institute Act 1958 (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) at the end there shall be added the words “and Malta”.

**Modifications etc. (not altering text)**

**C8** The text of s. 4(2)(b), Sch. 2 paras. 4, 6(a, 7, 8, 14 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.

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**F11F11** SCHEDULE 3

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**Textual Amendments**

**F11** S. 4(6), Sch. 3 repealed by Statute Law (Repeals) Act 1974 (c. 22), Sch. Pt. XI

.....  
**F11**



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