



# Bahamas Independence Act 1973

## 1973 CHAPTER 27

An Act to make provision for, and in connection with, the attainment by the Bahamas of fully responsible status within the Commonwealth. [14th June 1973]

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 Bahamas**

- (1) On and after 10th July 1973 (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 the Bahamas.
- (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 the Bahamas as part of their 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 the Bahamas.

### **2 Consequential modifications of British Nationality Acts**

- (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 (Commonwealth countries having separate citizenship) there were added at the end the words " and the Bahamas ".
- (2) Except as provided by section 3 of this Act, 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 the Bahamas.
- (3) Except as provided by section 3 of this Act, any person who immediately before the appointed day—

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- (a) is a citizen of the United Kingdom and Colonies by virtue of a certificate of naturalisation granted or registration effected by the Governor or Government of the Bahamas ; and
  - (b) is also a citizen or national of another country,
- shall on that day cease to be a citizen of the United Kingdom and Colonies whether or not he becomes on that day a citizen of the Bahamas.
- (4) Except as provided by section 3 of this Act and without prejudice to subsection (3) of this section, any person who—
- (a) immediately before the appointed day is a citizen of the United Kingdom and Colonies by virtue of any such certificate or registration as is mentioned in subsection (3)(a) of this section ; and
  - (b) after that day becomes a citizen of the Bahamas under any such provisions as are mentioned in subsection (5) of this section,
- shall cease to be a citizen of the United Kingdom and Colonies on the date on which he becomes a citizen of the Bahamas under those provisions.
- (5) The provisions mentioned in subsection (4)(b) of this section are any provisions of an Order in Council made after the passing of this Act under the Bahama Islands (Constitution) Act 1963 whereby a person becomes, or is entitled to become, a citizen of the Bahamas after the appointed day by reason of his being immediately before that day a citizen of the United Kingdom and Colonies by virtue of any such certificate or registration as is mentioned in subsection (3)(a) of this section or by reason of his possessing immediately before that day Bahamian status as defined in section 128 of the Constitution set out in the Schedule to the Bahama Islands (Constitution) Order 1969.
- (6) 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) a person who on the appointed day ceases to be such a citizen under subsection (2) or (3) of this section or who would have done so if living on the appointed day; or
  - (b) a person who after the appointed day ceases to be such a citizen under subsection (4) of this section.
- (7) The references in this section to a person who is a citizen of the United Kingdom and Colonies by virtue of any such certificate as is mentioned in subsection (3)(a) of this section shall include references to a person who has become a person naturalised in the United Kingdom and Colonies by virtue of section 32(6) of the British Nationality Act 1948 (persons given local naturalisation in a colony or protectorate before the commencement of that Act) in its application to the Bahamas.

### **3 Retention of citizenship of United Kingdom and Colonies by certain persons connected with the Bahamas**

- (1) Subject to subsection (5) of this section, a person shall not cease to be a citizen of the United Kingdom and Colonies under section 2 of this Act if he, his father or his father's father—
- (a) was born in the United Kingdom or in a colony or an associated state ; 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 section 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 immediately before the appointed day is the wife of a citizen of the United Kingdom and Colonies—
  - (a) shall not cease to be such a citizen under the said section 2 unless her husband either does so at the same time or has already done so; and
  - (b) if she would, apart from paragraph (a) of this subsection, have ceased to be such a citizen under that section at any time and her husband subsequently ceases to be such a citizen under that section, she shall cease to be such a citizen when her husband does so.
- (4) Subject to subsection (5) of this section, the reference in subsection (1)(b) of this section to a person naturalised in the United Kingdom and Colonies shall include a reference to 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.
- (5) In this section—
  - (a) references to a colony shall be construed as not including references to 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 references to the Bahamas, and
  - (b) references to a protectorate or protected state shall be construed as not including references to 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 subsection (1) of this section 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 subsection is excluded from references in this section to a colony, protectorate or protected state.

#### **4 Consequential modifications 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 the Bahamas.
- (2) On and after 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 the Bahamas, and
  - (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 the Bahamas ";

and no Order in Council made on or after the appointed day under section 1 of the Armed Forces Act 1971 which continues either of the said Acts of 1955 or the said Act of 1957 in force for a further period shall extend to the Bahamas as part of their law.

- (3) On and after the appointed day the provisions specified in Schedule 2 to this Act shall have effect subject to the amendments specified respectively in that Schedule.
- (4) Subsection (3) of this section, and Schedule 2 to this Act, shall not extend to the Bahamas as part of their law.

## **5 Transfer of colonial lighthouses**

- (1) The Board of Trade may on the appointed day transfer to the Government of the Bahamas all the interest of the Board in, and in the appurtenances to, the lighthouses in the Bahamas which immediately before that day are colonial lights within the meaning of the Merchant Shipping (Mercantile Marine Fund) Act 1898.
- (2) On the appointed day those lighthouses shall cease to be colonial lights within the meaning of the said Act of 1898, and accordingly on that day—
  - (a) the entry relating to the Bahamas in Schedule 3 to that Act shall be repealed ;  
and
  - (b) section 670 of the Merchant Shipping Act 1894 (power to fix colonial light dues) shall cease to have effect in relation to those lighthouses.
- (3) Notwithstanding subsection (2) of this section there shall be paid out of the General Lighthouse Fund any expenses incurred by the Secretary of State in respect of those lighthouses after the appointed day under any agreement made before that day between him and the Government of the Bahamas.

## **6 Interpretation**

- (1) In this Act, and in any amendment made by this Act in any other enactment, " the Bahamas " means the territories which immediately before the appointed day constitute the Colony of the Commonwealth of the Bahama Islands and which on and after that day are to be called the Commonwealth of the Bahamas.
- (2) Part III of the British Nationality Act 1948 (interpretation etc.) as in force at the passing of this Act shall have effect for the purposes of sections 2 and 3 of this Act as if they were included in that Act.
- (3) References in this Act to any enactment are references to that enactment as amended or extended by or under another enactment.

## **7 Short title, repeal and extent**

- (1) This Act may be cited as the Bahamas Independence Act 1973.
- (2) The Bahama Islands (Constitution) Act 1963 is hereby repealed as from the appointed day but not so as to affect the operation as part of the law of the Bahamas of any Order in Council made by virtue of that Act before that day.
- (3) In accordance with section 3(3) of the West Indies Act 1967, it is hereby declared that sections 2, 3 and 6(2) of this Act extend to all associated states.

## SCHEDULES

### SCHEDULE 1

Section 1.

#### LEGISLATIVE POWERS OF BAHAMAS

- 1 The Colonial Laws Validity Act 1865 shall not apply to any law made on or after the appointed day by the legislature of the Bahamas.
- 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 accordingly 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 the Bahamas.
- 3 The legislature of the Bahamas 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 Act 1894 shall be construed as if references therein to the legislature of a British possession did not include references to the legislature of the Bahamas ; and
  - (b) section 4 of the Colonial Courts of Admiralty 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 the Bahamas.

### SCHEDULE 2

Section 4.

#### AMENDMENTS NOT AFFECTING THE LAW OF THE BAHAMAS

##### *Diplomatic immunities*

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

##### *Financial*

- 2 In section 2(4) of the Import Duties Act 1958, before the Words " together with " there shall be inserted the words " the Bahamas ".

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*Visiting forces*

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

4 In the Visiting Forces Act 1952—

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

(b) in section 10(1)(a), the expression " colony " shall not include the Bahamas ;

and, until express provision with respect to the Bahamas 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 the Bahamas.

*Ships and aircraft*

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

6 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, the Bahamas ; and the penal provisions of that Act shall not apply to persons in the Bahamas (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).

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

8 The Bahamas shall not be a relevant overseas territory for the purposes of sections 21(2) and 22(3) of the Civil Aviation Act 1971.

*Colonial stock*

9 Section 20 of the Colonial Stock Act 1877 (which relates to the jurisdiction of courts in the United Kingdom as to colonial stock) shall, in its application to stock of the Bahamas, 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.

(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*

10 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 the Bahamas ".