



# Kiribati Act 1979

## 1979 CHAPTER 27

An Act to make provision for and in connection with the attainment by the Gilbert Islands of fully responsible status as a Republic within the Commonwealth under the name of Kiribati. [19th June 1979]

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 Independence for Kiribati.**

- (1) On and after 12th July 1979 (in this Act referred to as " Independence Day ") Her Majesty's Government in the United Kingdom shall have no responsibility for the government of Kiribati.
- (2) No Act of the Parliament of the United Kingdom passed on or after Independence Day shall extend, or be deemed to extend, to Kiribati as part of its law.

### **2 Power to provide for constitution of Kiribati as Republic.**

Her Majesty may by Order in Council (which shall be laid before Parliament after being made) make provision for the constitution of Kiribati as a Republic on Independence Day.

### **3 Operation of existing law.**

- (1) Subject to the following provisions of this Act, all law to which this section applies, whether being a rule of law or a provision of an Act of Parliament or of any other enactment or instrument whatsoever, which is in force on Independence Day, or, having been passed or made before that day, comes into force thereafter, shall, unless and until provision to the contrary is made by Parliament or some other authority having power in that behalf, have the same operation in relation to Kiribati and persons

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and things belonging to or connected with Kiribati, as it would have had apart from this subsection if there had been no change in the status of Kiribati.

- (2) This section applies to law of, or any part of, the United Kingdom, the Channel Islands and the Isle of Man and, in relation only to any enactment of the Parliament of the United Kingdom or any Order in Council made by virtue of any such enactment whereby any such enactment applies in relation to Kiribati, to law of any other country or territory to which that enactment or Order extends.
- (3) Subsection (1) above shall not apply in relation to section 9 of the British Nationality Act 1948 as set out in Appendix C to Schedule 1 to the Immigration Act 1971.
- (4) On and after Independence Day the provisions specified in the Schedule to this Act shall have effect subject to the amendments there specified.
- (5) Subsection (4) above, and the Schedule to this Act, shall not extend to Kiribati as part of its law.

#### **4 Consequential modifications of British Nationality Acts.**

- (1) On and after Independence Day the British Nationality Acts 1948 to 1965 shall have effect as if in section 1(3) of the 1948 Act (Commonwealth countries having separate citizenship) there were added at the end the words " and Kiribati " .
- (2) Except as provided by section 5 below, any person who immediately before Independence 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 Kiribati.
- (3) Except as provided by section 5 below, a person who immediately before Independence Day is a citizen of the United Kingdom and Colonies and—
  - (a) who was born, or whose father was born, in Kiribati, or, in the case of a woman, who became a citizen of the United Kingdom and Colonies by reason of her marriage to a man who was born, or whose father was born, in Kiribati ; and
  - (b) who on Independence Day does not become a citizen of Kiribati;
 shall on Independence Day cease to be a citizen of the United Kingdom and Colonies if he is then a citizen of some other country.
- (4) Section 6(2) of the 1948 Act (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 Independence Day ceases to be such a citizen under subsection (2) or (3) above or who would have done so if living on that day.
- (5) In accordance with section 3(3) of the West Indies Act 1967, it is hereby declared that this and the following section extend to all associated states.

#### **5 Retention of citizenship of the United Kingdom and Colonies in certain cases.**

- (1) A person shall not cease to be a citizen of the United Kingdom and Colonies under section 4(2) or (3) above if he, his' father or his father's father—
  - (a) was born in the United Kingdom or a relevant territory ; or

- (b) is or was a person naturalised in the United Kingdom and Colonies by virtue of a certificate of naturalisation granted in the United Kingdom or a relevant territory; or
- (c) was, in the United Kingdom or a relevant territory, registered as a citizen of the United Kingdom and Colonies, or was so registered by a High Commissioner exercising functions under section 8(2) or 12(7) of the 1948 Act; or
- (d) became a British subject by reason of the annexation of any territory included in a relevant territory;

or if his father or his father's father would, if living immediately before the commencement of the 1948 Act, have become a person naturalised in the United Kingdom and Colonies under section 32(6) of that Act (previous local naturalisation in a colony or protectorate) by virtue of having enjoyed the privileges of naturalisation in a relevant territory.

- (2) In subsection (1) above "relevant territory" means any territory which on Independence Day is a colony or an associated state, other than any territory which on that day is not a colony for the purposes of the 1948 Act as then in force (and accordingly does not include Kiribati).
- (3) Subsection (1)(c) above shall not apply to a woman by virtue of her registration as a citizen of the United Kingdom and Colonies if that registration was effected under section 6(2) of the 1948 Act (registration as citizens of the United Kingdom and Colonies of women who have been married to such citizens).
- (4) A woman who is a citizen of the United Kingdom and Colonies, and is the wife of such a citizen, shall not herself cease to be such a citizen under section 4(2) or (3) above unless her husband does so.
- (5) Part III of the 1948 Act (supplementary provisions) as in force from time to time, except section 23 (legitimated children), shall have effect for the purposes of this section as if this section were included in that Act.
- (6) A person born out of wedlock and legitimated (within the meaning of section 23(2) of the 1948 Act) by the subsequent marriage of his parents shall be treated, for the purpose of determining whether he has by virtue of this Act ceased to be a citizen of the United Kingdom and Colonies, as if he had been born legitimate.

## **6 Appeals to the Privy Council.**

- (1) Her Majesty may by Order in Council confer on the Judicial Committee of the Privy Council such jurisdiction and powers as may be appropriate in cases in which provision is made by the law of Kiribati for appeals to the Committee from courts of Kiribati.
- (2) An Order in Council under this section may contain such incidental and supplemental provisions as appear to Her Majesty to be expedient.
- (3) Any such Order in Council may contain such transitional provisions as appear to Her Majesty to be expedient—
  - (a) in relation to appeals in which the records have been registered in the Office of the Judicial Committee on or before Independence Day ; and
  - (b) in relation to petitions for leave to appeal filed in that Office on or before that date.

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- (4) Except so far as otherwise provided by or in accordance with an Order in Council under this section, and subject to such modifications as may be so provided, the Judicial Committee Act 1833 shall have effect in relation to appeals in respect of which jurisdiction is conferred under this section as it has effect in relation to appeals to Her Majesty in Council.
- (5) An Order in Council under this section shall be laid before Parliament after being made.

## **7 Interpretation.**

- (1) In this Act, and in any amendment made by this Act in any other enactment, " Kiribati " means the territories which immediately before Independence Day constitute the colony of the Gilbert Islands.
- (2) In this Act, " the 1948 Act" means the British Nationality Act 1948.

## **8 Short title.**

This Act may be cited as the Kiribati Act 1979.

## SCHEDULE

Section 3.

### CONSEQUENTIAL AMENDMENTS

#### *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 word " Kiribati " .

#### *The Services*

- 2 The expression " colony " in the Army Act 1955, the Air Force Act 1955 and the Naval Discipline Act 1957 shall not include Kiribati; and in the definitions of " Commonwealth force " in section 225(1) and 223(1) respectively of those Acts of 1955, and in the definition of "Commonwealth country" in section 135(1) of that Act of 1957, at the end there shall be added the words " or Kiribati " .

#### *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 Kiribati 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 " Kiribati or " ;
  - (b) in section 10(1)(a), the expression "colony" shall not include Kiribati;
- and, until express provision with respect to Kiribati 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 Kiribati.

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

- 8 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 Kiribati, have effect as if for the second paragraph there were substituted—

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- “(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*

- 9 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 Kiribati " .