



# Tanganyika Independence Act 1961

## 1961 CHAPTER 1

### **1 Fully responsible status of Tanganyika**

- (1) On the ninth day of December, nineteen hundred and sixty-one (in this Act referred to as the appointed day) Tanganyika (the limits of which are defined in Article 1 of the Tanganyika Order in Council, 1920) shall become part of Her Majesty's dominions under the name of Tanganyika and as from that day Her Majesty's Government in the United Kingdom shall have no responsibility for the government of Tanganyika.
- (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 Tanganyika as part of the law thereof, and the provisions of the First Schedule to this Act shall have effect as from that day with respect to the legislative powers of Tanganyika.
- (3) Subsection (1) of this section shall not affect the operation in Tanganyika of any enactment, or any other instrument having the effect of law, passed or made before the appointed day, or be taken to extend any such enactment or instrument to Tanganyika as part of the law thereof.

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

- (1) As from the appointed day, the British Nationality Acts, 1948 and 1958, shall have effect as if—
  - (a) in subsection (3) of section one of the said Act of 1948 (which provides for persons to be British subjects or Commonwealth citizens by virtue of citizenship of certain countries) the word " and " in the last place where it occurs were omitted, and at the end there were added the words " and Tanganyika ";
  - (b) in the British Protectorates, Protected States and Protected Persons Order in Council, 1949, the definition of " trust territory " in Article 2, the references to a trust territory in Articles 9 and 10, and the Third Schedule were omitted;but a person who immediately before the appointed day is for the purposes of the said Acts and Order in Council a British protected person by virtue of his connection with Tanganyika shall not cease to be such a British protected person for any of those

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- purposes by reason of anything contained in the foregoing provisions of this Act, but shall so cease upon his becoming a citizen of Tanganyika under the law thereof.
- (2) Subject to the following provisions of this section, 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—
- (a) under the law of Tanganyika he becomes on that day a citizen of Tanganyika; and
  - (b) he, his father or his father's father was born in Tanganyika.
- (3) Subject to subsection (8) of this section, a person shall not cease to be a citizen of the United Kingdom and Colonies under the last foregoing subsection 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.
- (4) A person shall not cease to be a citizen of the United Kingdom and Colonies under subsection (2) of this section if he was born in a protectorate or protected state, or if his father or his father's father was so born and is or at any time was a British subject.
- (5) A woman who is the wife of a citizen of the United Kingdom and Colonies shall not cease to be such a citizen under subsection (2) of this section unless her husband does so.
- (6) Subsection (2) of section six of the British Nationality Act, 1948 (which provides for the registration as a citizen of the United Kingdom and Colonies of a woman who has been married to such a citizen) shall not apply to a woman by virtue of her marriage to a person who ceases to be such a citizen under subsection (2) of this section, or who would have done so if living on the appointed day.
- (7) Subject to the next following subsection, the reference in paragraph (b) of subsection (3) of this section 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 subsection (6) of section thirty-two of that Act (which relates to persons given local naturalisation before that commencement in a colony or protectorate).
- (8) Any reference in subsection (3) or (4) of this section to a colony, protectorate or protected state shall, subject to the next following subsection, be construed as a reference to a territory which is a colony, protectorate or protected state on the appointed day; and the said subsection (3) shall not apply to a person by virtue of any certificate of naturalization granted or registration effected by the governor or government of a territory outside the United Kingdom which is not a colony, protectorate or protected state on that day.
- (9) The protectorates of Northern Rhodesia and Nyasaland shall be excepted from the operation of any reference in subsection (4) or (8) of this section to a protectorate.
- (10) Part III of the British Nationality Act, 1948 (which contains supplemental provisions) shall have effect for the purposes of subsections (2) to (9) of this section as if those subsections were included in that Act.

### **3 Consequential modification 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 Tanganyika.
- (2) As from 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 Tanganyika; and
  - (b) in the definitions of " Commonwealth force " in subsection (1) of section two hundred and twenty-five and subsection (1) of section two hundred and twenty-three respectively of the said Acts of 1955, and in the definition of " Commonwealth country" in subsection (1) of section one hundred and thirty-five of the said Act of 1957 the word " or " preceding the words " Sierra Leone " shall be omitted and at the end there shall be added the words " or Tanganyika " .
- (3) No Order in Council made under section one of the Army and Air Force Act, 1961, shall operate to continue the Army Act, 1955, or the Air Force Act, 1955, in force as part of the law of Tanganyika.
- (4) As from the appointed day, the provisions specified in the Second Schedule to this Act shall have effect subject to the amendments respectively specified in that Schedule, and Her Majesty may by Order in Council, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, make such further adaptations in any Act of the Parliament of the United Kingdom passed before this Act, or in any instrument having effect under any such Act, as appear to Her necessary in consequence of section one of this Act; and any Order in Council made under this subsection may be varied or revoked by a subsequent Order in Council so made and, though made after the appointed day, may be made so as to have effect from that day.

This subsection shall not extend to Tanganyika as part of the law thereof.

### **4 Property vested in, and grants to Tanganyika Agricultural Corporation, and loans under the Colonial Development and Welfare Act, 1959**

- (1) The Overseas Resources Development Act, 1954 (which, so far as still in force, provides for the reservation or disposal of property vested by that Act in the Tanganyika Agricultural Corporation and for the payment to the Secretary of State of the net proceeds of any such disposal) shall cease to have effect.
- (2) The Tanganyika Agricultural Corporation Act, 1957 (which authorises the Secretary of State to make grants to the Governor of Tanganyika for the carrying on by the Tanganyika Agricultural Corporation of the undertaking transferred to it by section one of the said Act of 1954) shall have effect, as from the appointed day, as if for the references to the Governor there were substituted references to the government of Tanganyika.
- (3) If, under any agreement made on or after the appointed day between the governments of Tanganyika and one or more territories which are colonies within the meaning of the Colonial Development and Welfare Act, 1959, an organisation is established for the purpose of providing or administering services which are common to, or relate to matters of common interest to, Tanganyika and that territory or those territories, section two of that Act (which authorises the making of loans by the Secretary of State) shall apply in relation to that organisation and the (revenues and assets of Tanganyika

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as it applies in relation to the government of a colony and the revenues and assets of a colony.

## **5 Short title and interpretation**

- (1) This Act may be cited as the Tanganyika Independence Act, 1961.
- (2) References in this Act to any enactment are references to that enactment as amended or extended by or under any other enactment.