

TRINIDAD AND TOBAGO INDEPENDENCE ACT 1962

(10 & 11 Eliz. 2 c. 54)

ARRANGEMENT OF SECTIONS

SECTION

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SCHEDULES:

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An Act to make provision for, and in connection with, the attainment by Trinidad and Tobago of fully responsible status within the Commonwealth.

[1ST AUGUST 1962]

PROVISION FOR FULLY RESPONSIBLE STATUS OF
TRINIDAD AND TOBAGO

1. (1) As from the thirty-first day of August, nineteen hundred and sixty-two (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 Trinidad and Tobago.

(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 Trinidad and Tobago as part of the law thereof; and as from that day the provisions of the First Schedule to this Act shall have effect with respect to the legislative powers of Trinidad and Tobago.

CONSEQUENTIAL MODIFICATIONS OF BRITISH NATIONALITY
ACTS

2. (1) (*Amends the British Nationality Act 1948, s. 1(3), Vol. 1, p. 863.*)

(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 Trinidad and Tobago he becomes on that day a citizen of Trinidad and Tobago; and
- (b) he, his father or his father's father was born in Trinidad and Tobago.

(3) Subject to subsection (8) of this section, a person shall not cease to be a citizen of the United Kingdom and Colonies under subsection (2) of this section 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 subsection (8) of this section, 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 subsection (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 naturalisation 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 subsection (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.

CONSEQUENTIAL MODIFICATION OF OTHER ENACTMENTS

3. (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 Trinidad and Tobago.

(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 Trinidad and Tobago; and

(b) (*amends the Army Act 1955, s. 225(1), the Air Force Act 1955, s. 223(1), and the Naval Discipline Act 1957, s. 135(1), all Vol. 29, title Royal Forces*);

and no Order in Council made on or after the appointed day under section one of the Army and Air Force Act 1961, shall operate to continue either of the said Acts of 1955 in force as part of the law of Trinidad and Tobago.

(3) For the purposes of the making, on or after the appointed day, of Orders in Council under the West Indies Act 1962, and for the purposes of the making on or after that day of grants under section eight of that Act, Trinidad and Tobago shall be treated as not being a colony within the meaning of that Act.

(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.

(5) Subsection (4) of this section shall not extend to Trinidad and Tobago as part of the law thereof.

INTERPRETATION

4. (1) In this Act, and in any amendment made by this Act in any other enactment, "Trinidad and Tobago" means the Island of Trinidad, the Island of Tobago and any territories which at the passing of this Act are dependencies of the Colony of Trinidad and Tobago.

(2) References in this Act to any enactment are references to that enactment as amended or extended by or under any other enactment.

SHORT TITLE

5. This Act may be cited as the Trinidad and Tobago Independence Act 1962.

FIRST SCHEDULE

LEGISLATIVE POWERS OF TRINIDAD AND TOBAGO

1. The Colonial Laws Validity Act 1865, shall not apply to any law made on or after the appointed day by the legislature of Trinidad and Tobago.

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 6 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 Trinidad and Tobago.

3. The legislature of Trinidad and Tobago shall have full power to make laws having extra-territorial operation.

4. Without prejudice to the generality of the preceding provisions of this Schedule, sections seven hundred and thirty-five and seven hundred and thirty-six 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 Trinidad and Tobago.

5. Without prejudice to the generality of the preceding provisions of this Schedule, section four 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 seven 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 Trinidad and Tobago.

6. (1) Nothing in this Act shall confer on the legislature of Trinidad and Tobago any power to repeal, amend or modify the constitutional provisions otherwise than in such manner as may be provided for in those provisions.

(2) In this paragraph "the constitutional provisions" means the following, that is to say:

- (a) this Act;
- (b) any Order in Council made before the appointed day (whether before or after the passing of this Act) which made or makes provision in respect of Trinidad and Tobago in pursuance of section five of the West Indies Act 1962;
- (c) any law, or instrument made under a law, of the legislature of Trinidad and Tobago made on or after the appointed day which amends, modifies, re-enacts with or without amendment or modification, or makes different provision in lieu of, any provisions

of this Act, of any such Order in Council, or of any such law or instrument previously made.

SECOND SCHEDULE

AMENDMENTS NOT AFFECTING THE LAW OF TRINIDAD AND TOBAGO

1—4. (*Para. 1 amends the Income Tax Act 1952, s. 461(2), (3), Vol. 33, title Taxation; paras. 2 and 3 amend the Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act 1952, s. 1(6) and the Diplomatic Immunities (Conferences with Commonwealth Countries and Republic of Ireland) Act 1961, s. 1(5), respectively, both Vol. 6, title Constitutional Law; para. 4 amends the Import Duties Act 1958, s. 2(4), Vol. 9, title Customs and Excise.*)

Visiting forces

5. In the Visiting Forces (British Commonwealth) Act 1933, section four (which deals with attachment and mutual powers of command) shall apply in relation to forces raised in Trinidad and Tobago as it applies in relation to forces raised in Dominions within the meaning of the Statute of Westminster 1931.

6. In the Visiting Forces Act 1952—

- (a) (*amends the Visiting Forces Act 1952, s. 1(1)(a). Vol. 29, title Royal Forces*);
- (b) in paragraph (a) of subsection (1) of section ten the expression "colony" shall not include Trinidad and Tobago,

and, until express provision with respect to Trinidad and Tobago is made by an Order in Council under section eight of that Act (which relates to the 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 Trinidad and Tobago.

Ships and aircraft

7—9. (*Paras. 7 and 8 amend the Merchant Shipping Act 1894, s. 427(2) (as substituted by the Merchant Shipping (Safety Convention) Act 1949, s. 2) and the Merchant Shipping Act 1948, s. 6(2), respectively, both Vol. 31, title Shipping and Navigation;*