

# Independence Act, 1962

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## ARRANGEMENT OF SECTIONS

### Section

1. Provision for fully responsible status of Uganda.
2. Consequential modifications of British Nationality Acts.
3. Consequential modification of other enactments.
4. East African Common Services Organisation.
5. Interpretation.
6. Short title.

### SCHEDULES:

First Schedule—Legislative Powers in Uganda.

Second Schedule—Agreements referred to in section 1 (3).

Third Schedule—Amendments not affecting the Law of Uganda.



## CHAPTER 57

An Act to make provision for, and in connection with, the attainment by Uganda of fully responsible status within the Commonwealth. [1st August, 1962]

**B**E 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.—(1) On the ninth day of October, nineteen hundred and sixty-two (in this Act referred to as “the appointed day”), the territories which at the passing of this Act are comprised in the Uganda Protectorate (that is to say, all those territories which, whether designated as kingdoms, districts or otherwise, are specified in section one of the Constitution set out in the Second Schedule to the existing Constitution Order, and whose boundaries are as mentioned in section two of that Constitution) shall together form part of Her Majesty's dominions under the name of Uganda; and as from the appointed day Her Majesty's Government in the United Kingdom shall have no responsibility for the government of Uganda or any part thereof.

Provision for fully responsible status of Uganda.

(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 Uganda, or any part of Uganda, 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 legislative powers in Uganda.

(3) The agreements which, in the Second Schedule to this Act, are specified by their titles as mentioned in that Schedule, and any agreement (whether made before or after the passing of this Act) whereby any of those agreements is varied or superseded, shall cease to have effect as from the appointed day.

(4) Subsection (1) of this section shall not affect the operation in Uganda or any part thereof of any enactment, or any other instrument having the effect of law, passed or made before the appointed day.

Consequential  
modifications  
of British  
Nationality  
Acts.

2.—(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) there were added at the end the words “ and Uganda ”;
- (b) in the First Schedule to the British Protectorates, Protected States and Protected Persons Order in Council, 1949, the words “ Uganda Protectorate ” were omitted:

Provided that 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 the Uganda Protectorate shall not cease to be such a British protected person for any of those purposes by reason of anything contained in the preceding provisions of this Act, but shall so cease upon his becoming a citizen of Uganda 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 Uganda he becomes on that day a citizen of Uganda ; and
- (b) he, his father or his father’s father was born in Uganda.

(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 preceding 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 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.

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 Uganda or any part thereof. Consequential  
modification  
of other  
enactments.

(2) The expression "colony" in the Army Act, 1955, the Air Force Act, 1955, and the Naval Discipline Act, 1957, shall not include Uganda or any part thereof; and, as from the

appointed day, 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, at the end there shall be added the words "or Uganda."

(3) 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 Uganda or any part thereof.

(4) As from the appointed day, the provisions specified in the Third 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) The last preceding subsection shall not extend to Uganda, or any part of Uganda, as part of the law thereof.

East African  
Common  
Services  
Organisation.

4.—(1) For the purposes of the making of loans to the East African Common Services Organisation, and in relation to loans made at any time to that organisation, section two of the Colonial Development and Welfare Act, 1959 (which authorises the making of loans by the Secretary of State) shall have effect on and after the appointed day as if Uganda had not ceased to be a colony within the meaning of that Act.

(2) In this section "the East African Common Services Organisation" means the organisation established under that name by an agreement made on the ninth day of December, nineteen hundred and sixty-one, between the Governments of Tanganyika, Kenya and Uganda.

Interpretation.

5.—(1) In this Act "the existing Constitution Order" means the Uganda (Constitution) Order in Council, 1962, made on the twenty-sixth day of February, nineteen hundred and sixty-two.

(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.

6. This Act may be cited as the Uganda Independence Act, 1962.

## SCHEDULES

## FIRST SCHEDULE

Section 1.

## LEGISLATIVE POWERS IN UGANDA

1. The Colonial Laws Validity Act, 1865, shall not apply to any law made by any legislature established for Uganda or any part thereof.

2. No law and no provision of any law made on or after the appointed day by any such 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 any such 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 Uganda or any part thereof and in so far as it relates to matters within the legislative powers of that legislature.

3. Any legislature established for Uganda or any part thereof shall have full power to make laws having extra-territorial operation, so far as those laws relate to matters within the legislative powers of that legislature.

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 any legislature established for Uganda or any part thereof.

5.—(1) Nothing in this Act shall confer on any legislature established for Uganda or any part thereof 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 revoking the existing Constitution Order and establishing a new constitution for Uganda as from the appointed day ;

(c) any law, or instrument made under a law, of any legislature established for Uganda or any part thereof 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 sub-paragraph, or of any such law or instrument previously made.

## Section 1.

## SECOND SCHEDULE

## AGREEMENTS REFERRED TO IN SECTION 1 (3)

1. The Uganda Agreement (Clan Cases), 1924.
2. The Bunyoro Agreement, 1955.
3. The Buganda Agreement, 1961.
4. The Toro Agreements, 1900 to 1961 (that is to say, the agreements which in accordance with the Toro (Provisional) Agreement, 1961, may be cited together by that title).
5. The Ankole Agreement, 1901; the Ankole Agreement (Boundaries) 1914; the Ankole Agreement (Boundaries) 1923; and the Ankole Agreement, 1941.

NOTE.—The titles specified in paragraphs 1 to 3 of this Schedule, and the title “The Toro (Provisional) Agreement, 1961”, are those by which the agreements in question provide that they may be cited; and the titles specified in paragraph 5 of this Schedule are those by which the agreements in question provide that they may be cited or by which they are commonly known.

## Section 3.

## THIRD SCHEDULE

## AMENDMENTS NOT AFFECTING THE LAW OF UGANDA

*Diplomatic immunities*

1. In section four hundred and sixty-one of the Income Tax Act, 1952 (which relates to exemption from income tax in the case of certain Commonwealth representatives and their staffs)—
  - (a) in subsection (2), before the words “for any state” there shall be inserted the words “or Uganda”;
  - (b) in subsection (3), before the words “and ‘Agent-General’” there shall be inserted the words “or Uganda”.
2. In subsection (6) of section one of the Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act, 1952, before the words “and the Republic of Ireland” there shall be inserted the word “Uganda”.
3. In subsection (5) of section one of the Diplomatic Immunities (Conferences with Commonwealth Countries and Republic of Ireland) Act, 1961, before the words “and the Republic of Ireland” there shall be inserted the word “Uganda”.

*Financial*

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

*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 Uganda 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) in paragraph (a) of subsection (1) of section one (which specifies the countries to which that Act applies) at the end there shall be added the words "Uganda, or";

(b) in paragraph (a) of subsection (1) of section ten the expression "colony" shall not include Uganda or any part thereof;

and, until express provision with respect to Uganda is made by 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 Uganda.

*Ships and aircraft*

7. In subsection (2) of section four hundred and twenty-seven of the Merchant Shipping Act, 1894, as substituted by section two of the Merchant Shipping (Safety Convention) Act, 1949, before the words "or in any" there shall be inserted the words "or Uganda".

8. In the proviso to subsection (2) of section six of the Merchant Shipping Act, 1948, at the end there shall be added the words "or Uganda".

9. In the definition of "excepted ship or aircraft" in paragraph 3 of the Third Schedule to the Emergency Laws (Repeal) Act, 1959, before the words "or in any" there shall be inserted the words "or Uganda".

10. 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, Uganda or any part thereof; and the penal provisions of that Act shall not apply to persons in Uganda (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).

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

12. In paragraph (b) of subsection (7) of section two of the Civil Aviation (Licensing) Act, 1960, the expression "colony" shall not include Uganda or any part thereof.

*Divorce jurisdiction*

13. In subsection (2) of section two of the Indian and Colonial Divorce Jurisdiction Act, 1926 (which enables section one of that Act to be extended to certain countries, but not to any of the countries named in the said subsection (2)) at the end there shall be added the words "and Uganda".

## 3RD SCH.

*Commonwealth Institute*

14. In subsection (2) of section eight of the Imperial Institute Act, 1925, as amended by the Commonwealth Institute Act, 1958 (which relates to the 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 Uganda".

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*Table of Statutes referred to in this Act*

Short Title	Session and Chapter
Colonial Laws Validity Act, 1865 ... ..	28 & 29 Vict. c. 63
Interpretation Act, 1889 ... ..	52 & 53 Vict. c. 63
Merchant Shipping Act, 1894 ... ..	57 & 58 Vict. c. 60
Imperial Institute Act, 1925 ... ..	15 & 16 Geo. 5. c. xvii
Indian and Colonial Divorce Jurisdiction Act, 1926	16 & 17 Geo. 5. c. 40
Statute of Westminster, 1931 ... ..	22 & 23 Geo. 5. c. 4
Visiting Forces (British Commonwealth) Act, 1933	22 & 24 Geo. 5. c. 6
Whaling Industry (Regulation) Act, 1934 ...	24 & 25 Geo. 5. c. 49
Ships and Aircraft (Transfer Restriction) Act, 1939	2 & 3 Geo. 6. c. 70
Merchant Shipping Act, 1948 ... ..	11 & 12 Geo. 6. c. 44
British Nationality Act, 1948 ... ..	11 & 12 Geo. 6. c. 56
Merchant Shipping (Safety Convention) Act, 1949	12, 13 & 14 Geo. 6. c. 43
Income Tax Act, 1952 ... ..	15 & 16 Geo. 6. & 1 Eliz. 2. c. 10
Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 18
Visiting Forces Act, 1952 ... ..	15 & 16 Geo. 6. & 1 Eliz. 2. c. 67
Army Act, 1955 ... ..	3 & 4 Eliz. 2. c. 18
Air Force Act, 1955 ... ..	3 & 4 Eliz. 2. c. 19
Naval Discipline Act, 1957 ... ..	5 & 6 Eliz. 2. c. 53
Import Duties Act, 1958 ... ..	6 & 7 Eliz. 2. c. 6
Commonwealth Institute Act, 1958 ... ..	6 & 7 Eliz. 2. c. 16
British Nationality Act, 1958 ... ..	6 & 7 Eliz. 2. c. 45
Emergency Laws (Repeal) Act, 1959 ... ..	7 & 8 Eliz. 2. c. 19
Colonial Development and Welfare Act, 1959...	7 & 8 Eliz. 2. c. 71
Civil Aviation (Licensing) Act, 1960 ...	8 & 9 Eliz. 2. c. 38
Diplomatic Immunities (Conferences with Commonwealth Countries and Republic of Ireland) Act, 1961	9 & 10 Eliz. 2. c. 11
Army and Air Force Act, 1961 ... ..	9 & 10 Eliz. 2. c. 52

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