



Fiji Independence Act 1970

CHAPTER 50

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ELIZABETH II



1970 CHAPTER 50

An Act to make provision for, and in connection with, the attainment by Fiji of fully responsible status within the Commonwealth. [23rd July 1970]

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.—(1) On and after 10th October 1970 (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 Fiji. Fully responsible status of Fiji.

(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 Fiji as part of its 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 Fiji.

2.—(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 Fiji". Consequential modifications of British Nationality Acts.

1948 c. 56.

(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 Fiji.

(3) 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 person who on the appointed

day ceases to be such a citizen under subsection (2) of this section, or who would have done so if living on the appointed day.

1967 c. 4.

(4) In accordance with section 3(3) of the West Indies Act 1967, it is hereby declared that this and the next following section extend to all associated states.

Retention of citizenship of United Kingdom and Colonies by certain citizens of Fiji.

3.—(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(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(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 is the wife of a citizen of the United Kingdom and Colonies shall not cease to be such a citizen under the said section 2(2) unless 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 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 (persons given local naturalisation in a colony or protectorate before the commencement of that Act).

1948 c. 56.

(5) In this section—

- (a) references to a colony shall be construed as not including 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 Fiji, and
- (b) references to a protectorate or protected state shall be construed as not including 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.

(6) Part III of the British Nationality Act 1948 (supplemental provisions) as in force at the passing of this Act shall have effect for the purposes of this section as if this section were included in that Act. 1948 c. 56.

4.—(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 Fiji. Consequential modification of other enactments. 1889 c. 63.

(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 Fiji, and 1955 c. 18.
1955 c. 19.
1957 c. 53.

(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 Fiji”;

and no Order in Council made on or after the appointed day under section 1 of the Armed Forces Act 1966 which continues either of the said Acts of 1955 in force for a further period shall extend to Fiji as part of its law. 1966 c. 45.

(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 Fiji as part of its law.

5.—(1) In this Act, and in any amendment made by this Act in any other enactment, “Fiji” means the territories which immediately before the appointed day constitute the Colony of Fiji. Interpretation.

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

6. This Act may be cited as the Fiji Independence Act 1970. Short title.

SCHEDULES

Section 1.

SCHEDULE 1

LEGISLATIVE POWERS OF FIJI

- 1865 c. 63. 1. The Colonial Laws Validity Act 1865 shall not apply to any law made on or after the appointed day by the legislature of Fiji.
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 Fiji.
3. The legislature of Fiji shall have full power to make laws having extra-territorial operation.
4. Without prejudice to the generality of the preceding provisions of this Schedule—
- 1894 c. 60. (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 Fiji; and
- 1890 c. 27. (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 Fiji.

Section 4.

SCHEDULE 2

AMENDMENTS NOT AFFECTING THE LAW OF FIJI

Diplomatic immunities

- 1952 c. 18. 1. In section 1(6) of the Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act 1952, before the word " and " in the last place where it occurs there shall be inserted the word " Fiji ".
- 1961 c. 11. 2. 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 " Fiji ".

Financial

- 1958 c. 6. 3. In section 2(4) of the Import Duties Act 1958, before the words " together with " there shall be inserted the word " Fiji ".

Visiting forces

SCH. 2

4. In the Visiting Forces (British Commonwealth) Act 1933, section 4 1933 c. 6. (attachment and mutual powers of command) shall apply in relation to forces raised in Fiji as it applies to forces raised in Dominions within the meaning of the Statute of Westminster 1931. 1931 c. 4 (22 & 23 Geo. 5).

5. In the Visiting Forces Act 1952— 1952 c. 67.

(a) in paragraph (a) of section 1(1) (countries to which that Act applies) at the end there shall be added the words “ Fiji or ”;

(b) in section 10(1)(a), the expression “ colony ” shall not include Fiji;

and, until express provision with respect to Fiji 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 Fiji.

Ships and aircraft

6. In section 427(2) of the Merchant Shipping Act 1894, as set 1894 c. 60. out in section 2 of the Merchant Shipping (Safety Convention) Act 1949 c. 43. 1949, before the words “ or in any ” there shall be inserted the words “ or Fiji ”.

7. The Ships and Aircraft (Transfer Restriction) Act 1939 shall 1939 c. 70. not apply to any ship by reason only of its being registered in, or licensed under the law of, Fiji; and the penal provisions of that Act shall not apply to persons in Fiji (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).

8. In the Whaling Industry (Regulation) Act 1934, the expression 1934 c. 49. “ British ship to which this Act applies ” shall not include a British ship registered in Fiji.

9. In section 2(7)(b) of the Civil Aviation (Licensing) Act 1960, 1960 c. 38. the expression “ colony ” shall not include Fiji.

Commonwealth Institute

10. In section 8(2) of the Imperial Institute Act 1925, as amended 1925 ch. xvii. by the Commonwealth Institute Act 1958 (power to vary the provisions 1958 c. 16. 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 Fiji ”.

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