



Zambia Independence Act 1964

CHAPTER 65

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ELIZABETH II



1964 CHAPTER 65

An Act to make provision for, and in connection with, the establishment of Northern Rhodesia, under the name of Zambia, as an independent republic within the Commonwealth. [31st July 1964]

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. On 24th October 1964 (in this Act referred to as “the appointed day”) the territories which immediately before the appointed day are comprised in Northern Rhodesia shall cease to be a protectorate and shall together become an independent republic under the name of Zambia; and on and after that day Her Majesty shall have no jurisdiction over those territories. Establishment of Republic of Zambia.

2.—(1) Subject to the following provisions of this Act, on and after the appointed day all law which, whether being a rule of law or a provision of an Act of Parliament or of any other enactment or instrument whatsoever, is in force on that day or has been passed or made before that day and 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 Zambia, and persons and things belonging to or connected with Zambia, as it would have apart from this subsection if on the appointed day Northern Rhodesia had been renamed Zambia but there had been no change in its status. Operation of existing law.

(2) Part I of Schedule 1 to this Act (which relates to enactments applicable to Commonwealth countries having fully responsible status) and Part II of that Schedule (which relates to enactments excepted from the operation of the preceding subsection) shall have effect on and after the appointed day in relation to the enactments therein mentioned; but that Schedule shall not extend to Zambia as part of its law.

(3) Subsection (1) of this section applies to the law of, or of 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 Northern Rhodesia, to law of any other country or territory to which that enactment or Order extends.

Consequential
modifications
of British
Nationality
Acts.

3.—(1) Subject to subsections (2) and (5) of this section, the British Nationality Acts 1948 to 1964 shall have effect on and after the appointed day 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 Zambia”, and as if—

- (a) in Schedule 1 to the British Protectorates, Protected States and Protected Persons Order in Council 1949 the words “Northern Rhodesia” were omitted, and
- (b) the paragraph set out in Schedule 2 to this Act were substituted for paragraph (b) of section 74(1) of the Federation of Rhodesia and Nyasaland (Dissolution) Order in Council 1963.

(2) A person who, immediately before the appointed day, is for the purposes of those Acts and of the said Order in Council of 1949 a British protected person by virtue of his connection with Northern Rhodesia 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 Zambia.

(3) Except as provided by section 4 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 Zambia.

(4) 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 (3) of this section, or who would have done so if living on the appointed day.

(5) Nothing in subsection (1) of this section shall affect the meaning of "protectorate" in any law or instrument passed or made before the passing of this Act, not being a law or instrument contained in or made under any of the British Nationality Acts 1948 to 1964.

4.—(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 3(3) of this Act if he, his father or his father's father—

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

- (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.

(2) A person shall not cease to be a citizen of the United Kingdom and Colonies under the said section 3(3) 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 3(3) 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).

(5) Any reference in this section to a colony, a protectorate or a protected state is a reference to a territory which is a colony, a protectorate or a protected state, as the case may be, within the meaning of the British Nationality Act 1948, on the appointed day, and accordingly does not include a reference to Zambia ; 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 outside the United Kingdom which is not such a colony, protectorate or protected state on the appointed day.

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

Judicial
Committee of
Privy Council.

5.—(1) Her Majesty may by Order in Council confer on the Judicial Committee of the Privy Council such jurisdiction and powers in respect of appeals from any court having jurisdiction under the law of Zambia as may be specified in, or determined in accordance with any provisions contained in, the Order in Council.

(2) Any Order in Council under this section may contain such incidental and supplemental provisions as appear to Her Majesty to be expedient.

(3) 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 apply in relation to appeals and other proceedings in respect of which any jurisdiction is conferred under this section as it applies in relation to appeals to Her Majesty in Council.

(4) Provisions made in pursuance of this section may be included in any Order in Council revoking the Northern Rhodesia (Constitution) Order in Council 1963, as amended by any subsequent Order in Council.

(5) An Order in Council under this section may be made before, on or after the appointed day, and so much of any Order in Council as is made under this section may be varied or revoked by a further Order in Council, whether made before, on or after that day; but any Order in Council made under this section on or after the appointed day shall not extend to Zambia as part of its law.

Pending
appeals to Her
Majesty in
Council.

6.—(1) Without prejudice to any power conferred by or under section 5 of this Act, Her Majesty may by Order in Council confer on the Judicial Committee of the Privy Council such jurisdiction in respect of appeals to Her Majesty in Council from the Court of Appeal for Northern Rhodesia, being appeals which are pending immediately before the appointed day, and in which the records have been registered in the Office of the Privy Council before that day, as appears to Her to be appropriate for giving effect to any arrangements to which this subsection applies.

(2) The preceding subsection applies to any arrangements—

- (a) made before the appointed day between Her Majesty's Government in the United Kingdom and the Government of Northern Rhodesia, or
- (b) made on or after the appointed day between Her Majesty's Government in the United Kingdom and the Government of Zambia,

for any such appeals to be continued before and disposed of by the said Committee.

(3) An Order in Council under this section may, if the arrangements so require, direct that any appeal continued before the Judicial Committee of the Privy Council under this section shall abate on a date specified in the Order unless it has been heard by the Committee before that date; and an Order containing such a direction may contain provisions to facilitate the hearing of any such appeal before that date, including provisions as to the sittings of the said Committee and provisions for expediting the steps to be taken by the parties preliminary to the hearing of an appeal.

(4) An Order in Council under this section may determine the practice and procedure to be followed on any appeal continued before the said Committee under this section, and in particular may provide for the form of any report or recommendation to be made by the Judicial Committee of the Privy Council in the exercise of the jurisdiction conferred on that Committee under this section, and for its transmission to such authority in Zambia as may be specified in the Order.

(5) Except so far as otherwise provided by an Order in Council under this section, and subject to such modifications as may be so provided, the Judicial Committee Act 1833 shall apply in relation to appeals continued before the Judicial Committee of the Privy Council under this section as it applied in relation to those appeals before the appointed day.

7.—(1) On and after the appointed day no court having Divorce jurisdiction under the law of Zambia shall, by virtue of the jurisdiction. Colonial and Other Territories (Divorce Jurisdiction) Acts 1926 to 1950, have jurisdiction to make a decree for the dissolution of a marriage, or as incidental thereto to make an order as to any matter, unless proceedings for the decree were instituted before the appointed day.

(2) Except as provided by subsection (1) of this section, and subject to any provision to the contrary which may be made on or after the appointed day by or under any law made by any legislature established for Zambia, all courts having jurisdiction

under the law of Zambia shall on and after that day have the same jurisdiction under the said Acts as they would have had if this Act had not been passed.

(3) Any rules made on or after the appointed day under section 1(4) of the Indian and Colonial Divorce Jurisdiction Act 1926 for a court having jurisdiction under the law of Zambia shall, instead of being made by the Secretary of State with the concurrence of the Lord Chancellor, be made by such authority as may be determined by the law of Zambia; and so much of the said section 1(4) and of any rules in force thereunder as requires the approval of the Lord Chancellor to the nomination for any purpose of any judges of any such court shall cease to have effect.

(4) The references in subsection (1) of this section to proceedings for the dissolution of a marriage include references to proceedings for such a decree of presumption of death and dissolution of marriage as is authorised by section 16 of the Matrimonial Causes Act 1950.

Agreements
relating to
Barotseland.

8.—(1) Subject to the next following subsection, all agreements which immediately before the appointed day have effect as agreements between Her Majesty, or the Government of Northern Rhodesia, and the Litunga of Barotseland shall on that day cease to have effect in so far as immediately before that day they confer any rights, or impose any obligations, on Her Majesty or the Government of Northern Rhodesia.

(2) The preceding subsection shall not apply to the Barotse-land Agreement 1964 (that is to say, the agreement, dated 18th May 1964, between the Government of Northern Rhodesia and the Litunga of Barotseland which provides that it may be cited by that title) or to any agreement, whether made before or after the passing of this Act, whereby that agreement has been varied or superseded.

(3) In this section “agreement” includes any concession, undertaking or understanding, whether given or made orally or in writing; and for the purposes of subsection (1) of this section it is immaterial, in relation to any agreement, whether Her Majesty or the Government of Northern Rhodesia or the Litunga of Barotseland was an original party to the agreement or not or whether there are any parties to the agreement other than Her Majesty and the said Government and Litunga.

Power to make
consequential
provisions.

9. Her Majesty may by Order in Council make such adaptations in any Act of Parliament passed before this Act, or in any instrument made or having effect under any such Act, as appear to Her necessary or expedient in consequence of the change in the status of Northern Rhodesia taking effect on the appointed day.

10.—(1) An Order in Council or other instrument made under any Act of Parliament passed before the appointed day, other than this Act, which varies or revokes a previous Order in Council or instrument in consequence of the change in the status of Northern Rhodesia taking effect on the appointed day, and any Order in Council under section 6 or section 9 of this Act, may, if made after the appointed day, be made so as to take effect on the appointed day.

Provisions as to Orders in Council and other instruments.

(2) An Order in Council under section 6 or section 9 of this Act—

- (a) may contain such transitional or other incidental or supplemental provisions as appear to Her Majesty to be necessary or expedient;
- (b) may be varied or revoked by a subsequent Order in Council; and
- (c) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

11.—(1) This Act may be cited as the Zambia Independence Act 1964.

Short title, interpretation and repeal.

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

(3) The Act mentioned in Schedule 3 to this Act shall on the appointed day be repealed to the extent specified in the third column of that Schedule.

SCHEDULES

SCHEDULE 1

AMENDMENTS NOT AFFECTING THE LAW OF ZAMBIA

PART I

EXTENSION OF CERTAIN ENACTMENTS APPLICABLE TO
COMMONWEALTH COUNTRIES HAVING FULLY RESPONSIBLE STATUS*Diplomatic immunities*

1. In section 461 of the Income Tax Act 1952 (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 Zambia”;

(b) in subsection (3), before the words “and ‘Agent-General’” there shall be inserted the words “or Zambia”;

2. In section 1(6) 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 “Zambia”.

3. In section 1(5) 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 “Zambia”.

Financial

4. In section 2 of the Import Duties Act 1958—

(a) in subsection (4), before the words “together with” there shall be inserted the word “Zambia”; and

(b) in subsection (9), for the words “Northern Rhodesia”, in each place where they occur, there shall be inserted the word “Zambia”;

and in sub-paragraph (a) of paragraph 7 of Schedule III to the Federation of Rhodesia and Nyasaland (Dissolution) Order in Council 1963 the words from “and Northern Rhodesia” to the end of the sub-paragraph shall be omitted.

Armed forces

5. In the definitions of “Commonwealth force” in section 225(1) of the Army Act 1955 and section 223(1) of the Air Force Act 1955, and in the definition of “Commonwealth country” in section 135(1) of the Naval Discipline Act 1957, at the end there shall be added the words “or Zambia”.

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

7. In the Visiting Forces Act 1952, in section 1(1)(a) (countries to which that Act applies) at the end there shall be added the words "Zambia or", and, until express provision with respect to Zambia is made by 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 Zambia.

SCH. 1

8. In section 84(2) of the Offices, Shops and Railway Premises Act 1963 (exclusion of application to visiting forces) before the words "and any country" there shall be inserted the word "Zambia".

Copyright

9. If the Copyright Act 1911, so far as in force in the law of Zambia, is repealed or amended by that law at a time when sub-paragraph (2) of paragraph 39 of the Seventh Schedule to the Copyright Act 1956 (which applies certain provisions of that Act in relation to countries to which the said Act of 1911 extended) is in force in relation to Zambia, the said sub-paragraph (2) shall thereupon cease to have effect in relation thereto.

Commonwealth Institute

10. 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 Zambia".

PART II

EXCEPTIONS FROM S.2(1) OF ACT

11. Section 2(1) of this Act shall not apply to the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957.

12. Notwithstanding anything in section 2(1) or section 3(5) of this Act,—

- (a) the Colonial Development and Welfare Act 1959 shall not apply in relation to Zambia as if it were a colony within the meaning of that Act, and
- (b) section 2(7)(b) of the Civil Aviation (Licensing) Act 1960 shall not apply in relation to Zambia as if it were a protectorate within the meaning of that Act.

SCHEDULE 2

FEDERATION OF RHODESIA AND NYASALAND (DISSOLUTION) ORDER IN COUNCIL 1963

Paragraph substituted for section 74(1)(b)

- "(b) any reference in those Acts to a period of residence in a protectorate included any period of residence in Northern Rhodesia or Nyasaland before the dissolution of the Federation, any period of residence in Northern Rhodesia after the dissolution of the Federation but before 24th October 1964 and any period of residence in Nyasaland after the dissolution of the Federation but before 6th July 1964."

SCHEDULE 3

REPEAL

Chapter	Short Title	Extent of Repeal
6 & 7 Eliz. 2. c. 10.	The British Nationality Act 1958.	In section 1, subsections (1)(b) and (3). In section 3(1)(c) the words “(except Northern Rhodesia or Nyasaland)”.

*Table of Statutes referred to in this Act*

Short Title	Session and Chapter
Judicial Committee Act 1833	3 & 4 Will. 4. c. 41.
Copyright Act 1911	1 & 2 Geo. 5. c. 46.
Imperial Institute Act 1925	15 & 16 Geo. 5. c. cvii.
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	23 & 24 Geo. 5. c. 6.
British Nationality Act 1948	6 & 7 Eliz. 2. c. 10.
Matrimonial Causes Act 1950	14 Geo. 6. c. 25.
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.
Copyright Act 1956	4 & 5 Eliz. 2. c. 74.
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.
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.
Offices, Shops and Railway Premises Act 1963 ...	1963 c. 41.

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