



Malta Independence Act 1964

1964 CHAPTER 86

1 Fully responsible status of Malta

- (1) On and after such day as Her Majesty may by Order in Council appoint (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 Malta.
- (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 Malta 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 Malta.

2 Consequential modifications of British Nationality Acts

- (1) On and after the appointed day the British Nationality Acts 1948 to 1964 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 Malta ".
- (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 Malta.
- (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.

3 Retention of citizenship of United Kingdom and Colonies by certain citizens of Malta

- (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

Status: This is the original version (as it was originally enacted).

- (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).
- (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 Malta; 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.

4 Consequential modification and repeal 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 Malta.
- (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 Malta; and
 - (b) in the definitions of " Commonwealth force " in sections 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 Malta ".
- (3) No Order in Council made on or after the appointed day under section 1 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 Malta.
- (4) On and after the appointed day the provisions specified in Schedule 2 to this Act shall have effect subject to the amendments respectively specified in that Schedule, and Her Majesty may by Order in Council 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 Majesty to be necessary in consequence of section 1 of this Act.

- (5) Any Order in Council under the last preceding subsection may be varied or revoked by a subsequent Order in Council under that subsection, and may, if made after the appointed day, be made so as to take effect on that day; and any statutory instrument made under that subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) As from the appointed day the enactments specified in Schedule 3 to this Act are hereby repealed to the extent specified in relation thereto in the third column of that Schedule.
- (7) Subsections (4) and (5) of this section, Schedule 2 to this Act and any Order in Council made under subsection (4) of this section shall not extend to Malta as part of its law.

5 Interpretation

- (1) In this Act, and in any amendment made by this Act in any other enactment, " Malta " means the Island of Malta and all other territories which at the passing of this Act are comprised in the State of Malta, and " the existing Constitution Order " means the Malta (Constitution) Order in Council 1961 as amended by the Malta (Constitution) (Amendment) Order in Council 1962 and by the Malta (Constitution) (Modification) Order in Council 1963 and by any further Order in Council made before the appointed day.
- (2) References in this Act to any enactment are references to that enactment as amended or extended by or under any other enactment.

6 Short title

This Act may be cited as the Malta Independence Act 1964.