



Gambia Independence Act 1964

1964 CHAPTER 93

An Act to make provision for, and in connection with, the attainment by The Gambia of fully responsible status within the Commonwealth. [17th December 1964]

1 Fully responsible status of The Gambia.

- (1) On and after 18th February, 1965 (in this Act referred to as “the appointed day”) all those territories which immediately before the appointed day are comprised either in the Colony of the Gambia or in the Protectorate of the Gambia shall together form part of Her Majesty’s dominions under the name of The Gambia; and on and after that day Her Majesty’s Government in the United Kingdom shall have no responsibility for the government of those territories.
- (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 The Gambia 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 The Gambia.
- (3) Subsection (1) of this section shall not affect the operation in The Gambia or any part thereof of any enactment, or any other instrument having the effect of law, passed or made before the appointed day.

2, 3 F1

Textual Amendments

F1 Ss. 2, 3 repealed by [British Nationality Act 1981 \(c. 61, SIF 87\)](#), s. 52(8), [Sch. 9](#)

4 Consequential modification of other enactments.

- (1) F2
- (2) On and after the appointed day—

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Gambia Independence Act 1964. (See end of Document for details)

- (a) the expression “colony” in the ^{M1}Army Act 1955, the ^{M2}Air Force Act 1955 and the ^{M3}Naval Discipline Act 1957 shall not include The Gambia or any part thereof; and
- (b) ^{F3}
- (3) No Order in Council made on or after the appointed day under section 1 of the ^{M4}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 The Gambia.
- (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, . . . ^{F4}
- (5) ^{F5}
- (6) . . . ^{F4}, Schedule 2 to this Act and . . . ^{F4} subsection (4) of this section shall not extend to The Gambia as part of its law.

Textual Amendments

F2 S. 4(1) repealed by Interpretation Act 1978 (c. 30, SIF 115:1), **Sch. 3**

F3 S. 4(2)(b) amends Army Act 1955 (c. 18, SIF 7:1), **s. 225(1)**, Air Force Act 1955 (c. 19, SIF 7:1), **s. 223(1)** and Naval Discipline Act 1957 (c. 53, SIF 7:1), **s. 135(1)**

F4 Words repealed by Statute Law (Repeals) Act 1969 (c. 52), **Sch. Pt. VI**

F5 S. 4(5) repealed by Statute Law (Repeals) Act 1969 (c. 52), **Sch. Pt. VI**

Marginal Citations

M1 1955 c. 18(7:1).

M2 1955 c. 19(7:1).

M3 1957 c. 53(7:1).

M4 1961 c. 52(7:1).

5 ^{F6}

Textual Amendments

F6 S. 5 repealed by Republic of the Gambia Act 1970 (c. 37, SIF 26:14), **s. 2(1)**

6 Interpretation.

- (1) In this Act “the existing Constitution Order” means the ^{M5}Gambia (Constitution) Order in Council 1962 as amended by the ^{M6}Gambia (Constitution) (Amendment) Order in Council 1963 and by the ^{M7}Gambia (Constitution) (Amendment) Order 1964 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.

Marginal Citations

M5 S.I. 1962/826;

M6 1963/1629,

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M7 1964/1190.

7 Short title.

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

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SCHEDULES

SCHEDULE 1

LEGISLATIVE POWERS OF THE GAMBIA

- 1 The ^{M8}Colonial Laws Validity Act 1865 shall not apply to any law made on or after the appointed day by the legislature of The Gambia.

Marginal Citations

M8 1865 c. 63(26:1).

- 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 5 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 The Gambia.
- 3 The legislature of The Gambia shall have full power to make laws having extra-territorial operation.
- 4 Without prejudice to the generality of the preceding provisions of this Schedule—
- (a) sections 735 and 736 of the ^{M9}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 The Gambia; and
 - (b) section 4 of the ^{M10}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 The Gambia.

Marginal Citations

M9 1894 c. 60(111).

M10 1890 c. 27(26:1).

- 5 Nothing in this Act shall confer on the legislature of The Gambia any power to repeal, amend or modify the constitutional provisions otherwise than in such manner as may be provided for in those provisions; and for the purposes of this paragraph “the constitutional provisions” means the following, that is to say—
- (a) this Act;

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- (b) any Order in Council revoking the existing Constitution Order and providing for a new constitution for The Gambia to come into effect on the appointed day;
- (c) any law, or instrument made under a law, of the legislature of The Gambia 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 paragraph, or of any such law or instrument previously made.

SCHEDULE 2

AMENDMENTS NOT AFFECTING THE LAW OF THE GAMBIA

1 F7

Textual Amendments

F7 Sch. 2 para. 1 repealed by Finance Act 1969 (c. 32, SIF 63:1, 2), Sch. 21 Pt. IX

2 In section 1(6) of the ^{M11} Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act 1952, before the words “and the Republic of Ireland” there shall be inserted the words “The Gambia”.

Modifications etc. (not altering text)

C1 The text of Sch. 2 para. 2, which is spent, is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M11 1952 c.18.

3 F8

Textual Amendments

F8 Sch. 2 para. 3 repealed by International Organisations Act 1981 (c. 9, SIF 68:1), Sch.

Financial

4 In section 2(4) of the ^{M12} Import duties Act 1958, before the words “together with” there shall be inserted the words “The Gambia”.

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Modifications etc. (not altering text)

- C2** The text of Sch. 2 paras. 4, 7, 8, 13 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M12** 1958 c.6.

Visiting forces

- 5 In the ^{M13}Visiting Forces (British Commonwealth) Act 1933, section 4 (attachment and mutual powers of command) shall apply in relation to forces raised in The Gambia as it applies in relation to forces raised in Dominions within the meaning of the ^{M14}Statute of Westminster 1931.

Marginal Citations

- M13** 1933 c.6.
M14 1931 c.4 (22 & 23 Geo. 5) (26:1).

- 6 In the ^{M15}Visiting Forces Act 1952—
- (a) ^{F9}
- (b) in section 10(1)(a) the expression “colony” shall not include The Gambia or any part thereof;
- and, until express provision with respect to The Gambia 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 The Gambia.

Textual Amendments

- F9** Para 6(a) amends *Visiting Forces Act 1952 (c. 67, SIF 7:3)*, s. **1(1)(a)**

Marginal Citations

- M15** 1952 c.67(7:3).

Ships and aircraft

- 7 In section 427(2) of the ^{M16}Merchant Shipping Act 1894, as set out in section 2(1) of the ^{M17}Merchant Shipping (Safety Convention) Act 1949, before the words “or in any” there shall be inserted the words “or The Gambia”.

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Modifications etc. (not altering text)

C3 The text of Sch. 2 paras. 4, 7, 8, 13 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M16 1894 c. 60.

M17 1949 c. 43.

8 In the proviso to section 6(2) of the ^{M18} Merchant Shipping Act 1948, at the end there shall be added the words “or The Gambia”.

Modifications etc. (not altering text)

C4 The text of Sch. 2 paras. 4, 7, 8, 13 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M18 1948 c.44.

9 **F10**

Textual Amendments

F10 Sch. 2 para. 9 repealed by Statute Law (Repeals) Act 1977 (c. 18), Sch. 1 Pt. XV

10 In the ^{M19} Whaling Industry (Regulation) Act 1934, the expression “British ship to which this Act applies” shall not include a British ship registered in The Gambia.

Marginal Citations

M19 1934 c.49(52:3).

11 **F11**

Textual Amendments

F11 Sch. 2 para. 11 repealed by Civil Aviation Act 1971 (c. 75), Sch. 11

12 **F12**

Textual Amendments

F12 Sch. 2 para. 12 repealed by Copyright, Designs and Patents Act 1988 (c. 48, SIF 67A), s. 303(2), Sch. 8

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Commonwealth Institute

- 13 In section 8(2) of the ^{M20} Imperial Institute Act 1925, as amended by the ^{M21} 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 The Gambia”.

Modifications etc. (not altering text)

- C5** The text of Sch. 2 paras. 4, 7, 8, 13 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.
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Marginal Citations

M20 1925 ch. xvii.

M21 1958 c.16.

Status:

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Changes to legislation:

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