



Guyana Independence Act 1966

1966 CHAPTER 14

An Act to provide for the attainment by British Guiana of fully responsible status within the Commonwealth; to make provision as to the effect of certain certificates of naturalisation; and for purposes connected with the matters aforesaid. [12th May 1966]

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 Fully responsible status of Guyana

- (1) On and after 26th May 1966 (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 the territory which immediately before that day constitutes the Colony of British Guiana and which on and after that day is to be called Guyana.
- (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 Guyana 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 Guyana.

2 Consequential modifications of" British Nationality Acts

- (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 Guyana ".
- (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 Guyana.

- (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 Guyana

- (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
 - (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 Guyana; 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 Effect of certain certificates of naturalisation

- (1) Any document which on or after 1st January 1949 and before the passing of this Act was issued to a person by the Governor of British Guiana with the approval of the Secretary of State and which—
- (a) purported to be a certificate of naturalisation, but

- (b) did not contain a declaration that, upon taking the oath of allegiance within the time and in the manner required by the regulations made in that behalf, that person was to be a citizen of the United Kingdom and Colonies as from the date of the certificate,

shall have effect, and shall be deemed always to have had effect, as if (instead of any other declaration contained in the document) it had contained such a declaration as is specified in paragraph (b) of this subsection.

- (2) Any document to which the preceding subsection applies shall have effect, and shall be deemed always to have had effect, as a certificate of naturalisation granted under section 10 of the British Nationality Act 1948, whether it purported to be granted under that Act or not.

5 Consequential modification 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 Guyana.
- (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 Guyana, 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 Guyana ";but section 129 and sections 186 to 190 of each of the said Acts of 1955, and section 105 and sections 107 to 110 of the said Act of 1957, as read with section 126 of that Act, shall have effect on and after the appointed day in relation to Guyana as if it were a colony within the meaning of those Acts.
- (3) For the purposes of the making, on or after the appointed day, of Orders in Council under section 4 of the West Indies Act 1962, Guyana shall be treated as not being a colony within the meaning of that Act.
- (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.
- (5) Subsection (4) of this section, and Schedule 2 to this Act, shall not extend to Guyana as part of its law.

6 Power to provide constitution for Guyana

- (1) Her Majesty may by Order in Council made before the appointed day provide a constitution for Guyana to come into effect on that day.
- (2) An Order in Council under this section (in this Act referred to as a " Constitution Order ") may include provision as to the manner in which the legislature of Guyana may alter any provisions of that Order, or may alter any law which alters any of those provisions; and a constitution provided by a Constitution Order may include provision as to the manner in which the legislature of Guyana may alter that constitution or any provisions of that constitution, or may alter any law which alters that constitution or any provisions thereof.

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

- (3) Any such constitution may include provision whereby, in such circumstances and at such time as may be determined in accordance with the constitution, Guyana will cease to form part of Her Majesty's dominions; and a constitution including such provision may specify amendments of the constitution which are to have effect in that event.
- (4) In this section references to altering a constitution or to altering any provision or law include references—
 - (a) to revoking it, with or without re-enactment thereof or the making of different provision in lieu thereof;
 - (b) to modifying it; and
 - (c) to suspending its operation for any period.
- (5) A Constitution Order may contain such transitional or other incidental or supplementary provisions as appear to Her Majesty to be necessary or expedient.
- (6) Any Constitution Order shall be laid before Parliament after being made.

7 Judicial Committee of Privy Council

- (1) A Constitution Order may provide that, in such circumstances and at such time as may be determined in accordance with the Order, the following provisions shall have effect, that is to say—
 - (a) appeals shall cease to lie to Her Majesty in Council from any court having jurisdiction under the law of Guyana, but
 - (b) the Judicial Committee of the Privy Council shall have such jurisdiction and powers in respect of appeals from any such court, and in respect of any proceedings concerning judges of any such court, as may be determined in accordance with the Order.
- (2) Except so far as otherwise provided by a Constitution Order, 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 on the said Committee in accordance with paragraph (b) of the preceding subsection as it applies in relation to appeals to Her Majesty in Council.
- (3) The power conferred by subsection (5) of the last preceding section shall be exercisable in relation to the matters specified in the preceding provisions of this section ; and nothing in this section shall be construed as derogating from the generality of that subsection.
- (4) So much of a Constitution Order as relates to the matters specified in subsections (1) and (2) of this section (including any transitional or other incidental or supplementary provisions relating to any such matters) may be varied or revoked by a further Order in Council; but any such further Order in Council made on or after the appointed day shall not extend to Guyana as part of its law.

8 Interpretation and repeal

- (1) In this Act "Constitution Order" has the meaning assigned to it by section 6(2) of this Act.
- (2) References in this Act to any enactment are references to that enactment as amended or extended by or under any other enactment.

(3) As from the appointed day the British Guiana Act 1928 is hereby repealed:

Provided that (without prejudice to the inclusion in a Constitution Order of provision revoking, as from the appointed day or any later date, any previous Order in Council which immediately before the appointed day has effect as part of the law of British Guiana) the repeal of that Act shall not affect the operation on or after the appointed day of any Order in Council made, law enacted or other thing done by virtue of that Act before that day, whether before or after the passing of this Act.

9 Short title

This Act may be cited as the Guyana Independence Act 1966.

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

SCHEDULES

SCHEDULE 1

Section 1.

LEGISLATIVE POWERS OF GUYANA

- 1 The Colonial Laws Validity Act 1865 shall not apply to any law made on or after the appointed day by the legislature of Guyana.
- 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 Guyana.
- 3 The legislature of Guyana 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 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 Guyana ; and
 - (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 Guyana.

SCHEDULE 2

Section 5.

AMENDMENTS NOT AFFECTING THE LAW OF GUYANA

Diplomatic immunities

- 1 In section 461 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 Guyana ";
 - (b) in subsection (3), before the words " and ' Agent-General' " there shall be inserted the words " or Guyana ".
- 2 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 " Guyana ".

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- 3 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 " Guyana ".

Financial

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

Visiting forces

- 5 In the Visiting Forces (British Commonwealth) Act 1933, section 4 (attachment and mutual powers of command) shall apply in relation to forces raised in Guyana 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 section 1(1) (countries to which that Act applies) at the end there shall be added the words " Guyana or ";
 - (b) in section 10(1)(a), the expression " colony " shall not include Guyana;
- and, until express provision with respect to Guyana 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 Guyana.

Ships and aircraft

- 7 In section 427(2) of the Merchant Shipping Act 1894, as set out in section 2 of the Merchant Shipping (Safety Convention) Act 1949, before the words " or in any " there shall be inserted the words " or Guyana ".
- 8 In section 6(2) of the Merchant Shipping Act 1948, at the end of the proviso there shall be added the words " or Guyana ".
- 9 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, Guyana; and the penal provisions of that Act shall not apply to persons in Guyana (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).
- 10 In the Whaling Industry (Regulation) Act 1934, the expression " British ship to which this Act applies " shall not include a British ship registered in Guyana.
- 11 In section 2(7)(b) of the Civil Aviation (Licensing) Act 1960, the expression " colony " shall not include Guyana.

Commonwealth Institute

- 12 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 Guyana ".