



Mauritius Independence Act 1968

1968 CHAPTER 8

An Act to make provision for, and in connection with, the attainment by Mauritius of fully responsible status within the Commonwealth. [29th February 1968]

1 Fully responsible status of Mauritius.

- (1) On and after 12th March 1968 (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 Mauritius.
- (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 Mauritius 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 Mauritius.

2, 3. F1

Textual Amendments

F1 Ss. 2, 3 repealed by [British Nationality Act 1981 \(c. 61, SIF 87\)](#), [Sch. 9](#)

4 Consequential modification of other enactments.

- (1) F2
- (2) On and after the appointed day—
 - (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 Mauritius, and
 - (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 Mauritius”;

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and no Order in Council made on or after the appointed day under section 1 of the ^{M4}Armed Forces Act 1966 which continues either of the said Acts of 1955 in force for a further period shall extend to Mauritius as part of its law.

- (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 Mauritius as part of its law.

Textual Amendments

F2 S. 4(1) repealed by [Interpretation Act 1978 \(c. 30, SIF 115:1\)](#), [Sch. 3](#)

Modifications etc. (not altering text)

C1 The text of S. 4(2)(b) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which have been made prior to 1.2.1991

Marginal Citations

M1 1955 c. 18.
M2 1955 c. 19.
M3 1957 c. 53.
M4 1966 c. 45.

5 Interpretation.

- (1) In this Act, and in any amendment made by this Act in any other enactment, “Mauritius” means the territories which immediately before the appointed day constitute the Colony of Mauritius.
- (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 Mauritius Independence Act 1968.

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SCHEDULES

SCHEDULE 1

Section 1.

LEGISLATIVE POWERS OF MAURITIUS

- 1 The ^{M5}Colonial Laws Validity Act 1865 shall not apply to any law made on or after the appointed day by the legislature of Mauritius.

Marginal Citations

M5 1865 c. 63.

- 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 Mauritius.
- 3 The legislature of Mauritius 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 ^{M6}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 Mauritius; and
 - (b) section 4 of the ^{M7}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 Mauritius.

Marginal Citations

M6 1894 c. 60.

M7 1890 c. 27.

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SCHEDULE 2

Section 4.

AMENDMENTS NOT AFFECTING THE LAW OF MAURITIUS

Diplomatic immunities

1 F3

Textual Amendments

F3 Sch. 2 para. 1 repealed by Finance Act 1969 (c. 32), **Sch. 21 Pt. IX**

2 In section 1(6) of the ^{M8}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 “Mauritius”.

Modifications etc. (not altering text)

C2 The text of Sch. 2 paras. 2, 4, 7, 8, 12, is in the form in which was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which have been made prior to 1.2.1991.

Marginal Citations

M8 1952 c. 18

3 F4

Textual Amendments

F4 Sch. 2 para. 3 repealed by International Organisations Act 1981 (c. 9, SIF 68:1), **Sch.**

Financial

4 In section 2(4) of the ^{M9}Import Duties Act 1958, before the words “together with” there shall be inserted the word “Mauritius”.

Modifications etc. (not altering text)

C3 The text of Sch. 2 paras. 2, 4, 7, 8, 12, is in the form in which was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which have been made prior to 1.2.1991.

Marginal Citations

M9 1958 c. 6

Visiting forces

5 In the ^{M10}Visiting Forces (British Commonwealth) Act 1933, section 4 (attachment and mutual powers of command) shall apply in relation to forces raised in Mauritius

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as it applies to forces raised in Dominions within the meaning of the ^{M11}Statute of Westminster 1931.

Marginal Citations

M10 1933 c. 6.

M11 1931 c. 4 (22 & 23 Geo. 5).

- 6 In the ^{M12}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 “Mauritius or”;
 - (b) in section 10(1)(a), the expression “colony” shall not include Mauritius;
- and, until express provision with respect to Mauritius 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 Mauritius.

Modifications etc. (not altering text)

C4 The text of Para. 6(a) 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 have been made prior to 1.2.1991

Marginal Citations

M12 1952 c. 67.

Ships and aircraft

- 7 In section 427(2) of the ^{M13}Merchant Shipping Act 1894, as set out in section 2 of the ^{M14}Merchant Shipping (Safety Convention) Act 1949, before the words “or in any” there shall be inserted the words “or Mauritius”.

Modifications etc. (not altering text)

C5 The text of Sch. 2 paras. 2, 4, 7, 8, 12, is in the form in which was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which have been made prior to 1.2.1991.

Marginal Citations

M13 1894 c. 60

M14 1949 c. 43

- 8 In section 6(2) of the ^{M15}Merchant Shipping Act 1948, at the end of the proviso there shall be added the words “or Mauritius”.

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Modifications etc. (not altering text)

C6 The text of Sch. 2 paras. 2, 4, 7, 8, 12, is in the form in which was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which have been made prior to 1.2.1991.

Marginal Citations

M15 1948 c. 44

9

F5

Textual Amendments

F5 Sch. 2 para. 9 repealed by Statute Law (Repeals) Act 1977 (c. 18), Sch. 1 Pt. XV

10

In the ^{M16}Whaling Industry (Regulation) Act 1934, the expression “British ship to which this Act applies” shall not include a British ship registered in Mauritius.

Marginal Citations

M16 1934 c. 49.

11

F6

Textual Amendments

F6 Sch. 2 para. 11 repealed by Civil Aviation Act 1971 (c. 75), Sch. 11

Commonwealth Institute

12

In section 8(2) of the ^{M17}Imperial Institute Act 1925, as amended by the ^{M18}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 Mauritius”.

Modifications etc. (not altering text)

C7 The text of Sch. 2 paras. 2, 4, 7, 8, 12, is in the form in which was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which have been made prior to 1.2.1991.

Marginal Citations

M17 1925 c. xvii

M18 1958 c. 16

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