



Tuvalu Act 1978

1978 CHAPTER 20

An Act to make provision for, and in connection with, the attainment by Tuvalu of independence within the Commonwealth. [30th June 1978]

1 Independence for Tuvalu.

- (1) On and after 1st October 1978 (in this Act referred to as “Independence Day”) Her Majesty’s Government in the United Kingdom shall have no responsibility for the government of Tuvalu.
- (2) No Act of the Parliament of the United Kingdom passed on or after Independence Day shall extend, or be deemed to extend, to Tuvalu as part of its law; and on and after that day the provisions of Schedule 1 of this Act shall have effect with respect to the legislative powers of Tuvalu.

2, 3.^{F1}

Textual Amendments

F1 Ss. 2, 3 repealed by [British Nationality Act 1981 \(c. 61, SIF 87\)](#), [Sch. 9](#)

4 Consequential modifications of other enactments.

- (1)^{F2}
- (2) On and after Independence 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 Tuvalu; and
 - (b) in the definitions of “Commonwealth force” in section 225(1) and 223(1) respectively of those Acts of 1955, and in the definition of “Commonwealth country” in section 135(1) of that Act of 1957, at the end there shall be added the words “or Tuvalu”;

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and no Order in Council made on or after Independence Day under section 1 of the ^{M4}Armed Forces Act 1976 which continues either of those Acts of 1955 or that Act of 1957 in force for a further period shall extend to Tuvalu as part of its law.

- (3) On and after Independence Day the enactments specified in Schedule 2 to this Act shall have effect subject to the amendments there specified.
- (4) Subsection (3) above and Schedule 2 to this Act shall not extend to Tuvalu 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F2 S. 4(1) repealed by [Interpretation Act 1978 \(c. 30, SIF 115:1\)](#), **Sch. 3**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C1 The text of s. 4(2)(b) and Sch. 2 paras. 3(a), 4, 8 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.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

M1 1955 c. 18(7:1)
M2 1955 c. 19(7:1)
M3 1957 c. 53(7:1)
M4 1976 c. 52(7:1).

5 Interpretation.

- (1) In this Act, and in any amendment made by this Act in any other enactment, “Tuvalu” means the territories which immediately before Independence Day constitute the colony of Tuvalu.
- (2) ^{F3}
- (3) References in this Act to any enactment are references to that enactment as amended or extended by or under another enactment.

Textual Amendments

F3 S. 5(2) repealed by [British Nationality Act 1981 \(c. 61, SIF 87\)](#), **Sch. 9**

6 Short title.

This Act may be cited as the Tuvalu Act 1978.

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SCHEDULES

SCHEDULE 1

Section 1(2).

LEGISLATIVE POWERS OF TUVALU

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

Marginal Citations

M5 1865 c. 63(26:1).

- 2 No law and no provision of any law made on or after Independence 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 Tuvalu.
- 3 The legislature of Tuvalu shall have full power to make laws having extraterritorial 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 Tuvalu; 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 Tuvalu.

Marginal Citations

M6 1894 c. 60(111).

M7 1890 c. 27(26:1).

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SCHEDULE 2

Section 4(3).

AMENDMENTS NOT AFFECTING THE LAW OF TUVALU

1 F4

Textual Amendments

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

Visiting forces

- 2 In the ^{M8}Visiting Forces (British Commonwealth) Act 1933, section 4 (attachment and mutual powers of command) shall apply in relation to forces raised in Tuvalu as it applies to forces raised in Dominions within the meaning of the ^{M9}Statute of Westminster 1931.

Marginal Citations

M8 1933 c. 6(7:3).

M9 1931 c. 4(22 & 23 Geo. 5(26:1).

- 3 In the ^{M10}Visiting Forces Act 1952—
- (a) in section 1(1)(a) (countries to which the Act applies) at the end there shall be added the words “Tuvalu or”;
- (b) in section 10(1)(a), the expression “colony” shall not include Tuvalu;
- and, until express provision with respect to Tuvalu 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 Tuvalu.

Modifications etc. (not altering text)

C2 The text of s. 4(2)(b) and Sch. 2 paras. 3(a), 4, 8 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

M10 1952 c. 67(7:3).

Ships and aircraft

- 4 In section 427(2) of the ^{M11}Merchant Shipping Act 1894, as set out in section 2 of the ^{M12}Merchant Shipping (Safety Convention) Act 1949, before the words “or in any” there shall be inserted the words “or Tuvalu”.

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Marginal Citations

M11 1894 c. 60.

M12 1949 c. 43.

5 In the ^{M13}Whaling Industry (Regulation) Act 1934, the expression “British ship to which this Act applies” shall not include a British ship registered in Tuvalu.

Marginal Citations

M13 1934 c 49(52:3).

6 ^{F5}

Textual Amendments

F5 Sch. 2 para. 6 repealed by [Civil Aviation \(Amendment\) Act 1982 \(c. 1, SIF 9\)](#), **Sch. 2**

Colonial stock

7 Section 20 of the ^{M14}Colonial Stock Act 1877 (which relates to the jurisdiction of courts in the United Kingdom as to colonial stock) shall, in its application to stock of Tuvalu, have effect as if for the second paragraph there were substituted—

“(2) any person claiming to be interested in colonial stock to which this Act applies, or in any dividend thereon, may institute civil proceedings in the United Kingdom against the registrar in relation to that stock or dividend.

(3) Notwithstanding anything in the foregoing provisions of this section, the registrar shall not by virtue of an order made by any court in the United Kingdom in any such proceedings as are referred to in this section be liable to make any payment otherwise than out of moneys in his possession in the United Kingdom as registrar.”

Marginal Citations

M14 1887 c. 59(26:1).

Commonwealth Institute

8 In section 8(2) of the ^{M15}Imperial Institute Act 1925, as amended by the ^{M16}Commonwealth Institute Act 1958, (power to vary the provisions of the said Act of

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1925 if an agreement for the purpose is made with the governments of certain which for the time being are contributing towards the expenses of the Commonwealth Institute) at the end there shall be added the words “and Tuvalu”.

Modifications etc. (not altering text)

- C4** The text of s. 4(2)(b) and Sch. 2 paras. 3(a), 4, 8 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

- M15** 1925 ch. xvii.
M16 1958 c. 16.

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