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 STATUTORY INSTRUMENTS
 

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1978 No. 1030

## DOMINICA

## The Dominica Modification of Enactments Order 1978

*Made* - - - - - 25th July 1978  
*Laid before Parliament* 2nd August 1978  
*Coming into Operation* 3rd November 1978

At the Court at Buckingham Palace, the 25th day of July 1978

Present,

The Queen's Most Excellent Majesty in Council

Whereas the status of association of Dominica with the United Kingdom is terminated as from the date on which this Order comes into operation and it is necessary or expedient in consequence of that event to amend or modify certain enactments as hereinafter provided:

Now, therefore, Her Majesty, by virtue and in exercise of the powers vested in Her in that behalf by sections 13(2) and 14 of the West Indies Act 1967(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

*Citation and commencement*

1.—(1) This Order may be cited as the Dominica Modification of Enactments Order 1978.

(2) This Order shall come into operation on 3rd November 1978 (hereinafter called "the appointed day").

*British Nationality Acts*

2.—(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(b) (Commonwealth countries having separate citizenship) there were added at the end the words "and Dominica".

(2) Except as provided by article 3 of this Order, 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 Dominica.

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(a) 1967 c. 4.

(b) 1948 c. 56.

(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 paragraph (2) of this article, or who would have done so if living on the appointed day.

*Retention of citizenship of United Kingdom and Colonies*

3.—(1) A person shall not cease to be a citizen of the United Kingdom and Colonies under article 2(2) of this Order if he, his father or his father's father—

- (a) was born in the United Kingdom or a relevant territory; or
- (b) is or was a person naturalised in the United Kingdom and Colonies by virtue of a certificate of naturalisation granted in the United Kingdom or a relevant territory; or
- (c) was, in the United Kingdom or a relevant territory, registered as a citizen of the United Kingdom and Colonies, or was so registered by a High Commissioner exercising functions under section 8(2) or 12(7) of the 1948 Act; or
- (d) became a British subject by reason of the annexation of any territory included in a relevant territory.

or if his father or his father's father would, if living immediately before the commencement of the 1948 Act, have become a person naturalised in the United Kingdom and Colonies under section 32(6) of that Act (previous local naturalisation in a colony or protectorate) by virtue of having enjoyed the privileges of naturalisation in a relevant territory.

(2) In paragraph (i) of this article "relevant territory" means any territory which on the appointed day is a colony or an associated state, other than any territory which on that day is not a colony for the purposes of the 1948 Act as then in force (and accordingly does not include Dominica).

(3) Paragraph (i) of this article shall not apply to a woman by virtue of her registration as a citizen of the United Kingdom and Colonies if that registration was effected under section 6(2) of the 1948 Act (registration as citizens of the United Kingdom and Colonies of women who have been married to such citizens).

(4) A woman who is a citizen of the United Kingdom and Colonies, and is the wife of such a citizen, shall not herself cease to be such a citizen under paragraph (2) of this article unless her husband does so.

(5) Part III of the 1948 Act (supplementary provisions) as in force from time to time, except section 23 (legitimated children), shall have effect for the purposes of this article as if this article were included in that Act.

(6) A person born out of wedlock and legitimated (within the meaning of section 23(2) of the 1948 Act) by the subsequent marriage of his parents shall be treated for the purpose of determining whether he has by virtue of this Order ceased to be a citizen of the United Kingdom and Colonies, as if he had been born legitimate.

*Judicial Committee Acts*

4.—(1) The Judicial Committee of the Privy Council shall have and exercise the jurisdiction in respect of appeals from the Court of Appeal established by the Supreme Court Order that, in the law of Dominica, is conferred on the Committee by section 106 of the Constitution of Dominica(a).

(2) The provisions of the Judicial Committee Act 1833(b) and of any rules made thereunder from time to time shall, in so far as they relate to the powers of the Committee and the procedure to be adopted with respect to proceedings before it, apply in relation to proceedings before the Committee under section 106 of the Constitution of Dominica and for that purpose shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary by reason of the nature of those proceedings or otherwise to bring them into conformity with the provisions of the Constitution.

(3) In this article “the Supreme Court Order” means the West Indies Associated States Supreme Court Order 1967(c) in so far as it has effect as part of the law of Dominica and includes any law in force in Dominica amending that Order.

*Operation of existing law*

5.—(1) Subject to paragraph (3) of this article, all law to which this article applies, whether being a rule of law or a provision of an Act of Parliament or of any other enactment or instrument whatsoever, which is in force on the appointed day, or, having been passed or made before that day, comes or has come into force thereafter, shall, unless and until provision to the contrary is made by Parliament or some other authority having power in that behalf, have the same operation in relation to Dominica, and persons and things belonging to or connected with Dominica, as it would have had apart from this paragraph if there had been no change in the status of Dominica.

(2) This article applies to law of, or any part of, the United Kingdom, the Channel Islands and the Isle of Man and, in relation only to any enactment of the Parliament of the United Kingdom or any Order in Council made by virtue of any such enactment whereby any such enactment applies in relation to Dominica, to law of any other country or territory to which that enactment or Order extends.

(3) Notwithstanding anything in paragraphs (1) and (2) of this article, the provisions set out in Appendix C in Schedule I to the Immigration Act 1971(d) (whereby a person becoming a citizen of the United Kingdom and Colonies by registration is in certain circumstances required to take an oath of allegiance) shall have effect in relation to citizens of Dominica as if paragraph (1) of this article had not been enacted.

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(a) in Schedule 1 to S.I. 1978/ .  
(d) 1971 c. 77.

(b) 1833 c. 41.

(c) S.I. 1967/223.

*Consequential modifications of other enactments*

6.—(1) On and after the appointed day the provisions specified in the Schedule to this Order shall have effect subject to the amendments specified respectively in that Schedule.

(2) Paragraph (1) of this article and the Schedule to this Order shall not extend to Dominica as part of its law.

*Interpretation*

7. References in this Order to any enactment are references to that enactment as amended or extended by or under another enactment.

*N. E. Leigh,*  
Clerk of the Privy Council.

## SCHEDULE

## AMENDMENTS NOT AFFECTING THE LAW OF DOMINICA

*Diplomatic Immunities*

1. In section 1(5) of the Diplomatic Immunities (Conferences with Commonwealth Countries and Republic of Ireland) Act 1961 (a), before the word “and” in the last place where it occurs there shall be inserted the word “Dominica”.

*The Services*

2. In the definitions—

- (a) of “Commonwealth force” in section 225(1) of the Army Act 1955(b) and section 23(1) of the Air Force Act 1955(c), and  
 (b) of “Commonwealth country” in section 135(1) of the Naval Discipline Act 1957(d),

at the end there shall be added the words “or Dominica”.

*Visiting Forces*

3. In the Visiting Forces (British Commonwealth) Act 1933(e), section 4 (attachment and mutual powers of command) shall apply in relation to forces raised in Dominica as it applies to forces raised in Dominions within the meaning of the Statute of Westminster 1931(f).

4. In the Visiting Forces Act 1952(g), in section 1(1)(a) (countries to which the Act applies) at the end there shall be added the words “Dominica or”.

5. Until express provision with respect to Dominica 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 Dominica.

*Ships*

6. In section 427(2) of the Merchant Shipping Act 1894(h), as set out in section 2 of the Merchant Shipping (Safety Convention) Act 1949(i), before the words “or in any” there shall be inserted the words “or Dominica”.

7. In the Whaling Industry (Regulation) Act 1934(j), the expression “British ship to which this Act applies” shall not include a British ship registered in Dominica.

*Commonwealth Institute*

8. In section 8(2) of the Imperial Institute Act 1925(k), as amended by the Commonwealth Institute Act 1958(l) (power to vary the provisions of the said

(a) 1961 c. 11.	(b) 1955 c. 18.	(c) 1955 c. 19.	(d) 1957 c. 53.
(e) 1933 c. 6.	(f) 1931 c. 4.	(g) 1952 c. 67.	(h) 1894 c. 60.
(i) 1949 c. 43.	(j) 1934 c. 49.	(k) 1925 c. xvii.	(l) 1958 c. 16.

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 Dominica".

*Colonial Stock*

9. Section 20 of the Colonial Stock Act 1877(a) (which relates to the jurisdiction of courts in the United Kingdom as to colonial stock) shall, in its application to stock of Dominica, 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.”

*Appeals to Privy Council*

10. The West Indies Associated States (Appeals to Privy Council) Order 1967(b) shall, in its application to Dominica, have effect as if—

- (a) section 3 of the Order were deleted; and, subject as aforesaid, as if
- (b) references in the Order to Her Majesty in Council were references to the Judicial Committee of the Privy Council;
- (c) references in the Order to appeals were references to appeals from decisions of the Court of Appeal to the Judicial Committee under section 106 of the Constitution of Dominica; and
- (d) references in the Order to the Courts Order included references to any law in force in Dominica amending the Courts Order.

and the Order, as so amended, may be cited in relation to Dominica as the Dominica Appeals to Judicial Committee Order.

*Medical Profession*

11. The words “the Associated State of” in Article 2 of the Medical Practitioners (Dominica) Order 1969(c) shall be deleted.

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(a) 1877 c. 59.

(b) S.I. 1967/224.

(c) S.I. 1969/1075.

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**EXPLANATORY NOTE**

*(This Note is not part of the Order.)*

The status of association of Dominica with the United Kingdom terminates with effect from 3rd November 1978. This Order effects amendments and modifications to certain enactments that appear to Her Majesty to be necessary or expedient in consequence of that event.

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