

Kiribati

KIRIBATI ACT 1979

(1979 c 27)

An Act to make provision for and in connection with the attainment by the Gilbert Islands of fully responsible status as a Republic within the Commonwealth under the name of Kiribati
[19 June 1979]

1 Independence for Kiribati

(1) On and after 12th July 1979 (in this Act referred to as "Independence Day") Her Majesty's Government in the United Kingdom shall have no responsibility for the government of Kiribati.

(2) No Act of the Parliament of the United Kingdom passed on or after Independence Day shall extend, or be deemed to extend, to Kiribati as part of its law.

NOTES

United Kingdom. I.e. Great Britain and Northern Ireland; see the Interpretation Act 1978, s 5, Sch 1, Vol 41, title Statutes.

Kiribati. For definition, see s 7(1) post.

No Act of Parliament . . . shall extend, etc. Cf the Statute of Westminster 1931, s 4 ante.

Passed. An Act is passed when it receives the Royal Assent.

Fugitive offenders. A person found in the United Kingdom who is accused of a relevant offence committed in Kiribati, or who is alleged to be unlawfully at large after conviction of such an offence, may be arrested and returned to that country; see the Fugitive Offenders Act 1967, ss 1, 2, Vol 17, title Extradition and Fugitive Offenders, and the Fugitive Offenders (Designated Commonwealth Countries) (No 2) Order 1979, SI 1979/1712 (made under s 2 of the 1967 Act). For the meaning of "relevant offence", see s 3 of that Act.

2 Power to provide for constitution of Kiribati as Republic

Her Majesty may by Order in Council (which shall be laid before Parliament after being made) make provision for the constitution of Kiribati as a Republic on Independence Day.

NOTES

Laid before Parliament after being made. As to statutory instruments which are required to be laid before Parliament after being made, see the Statutory Instruments Act 1946, s 4(1), (2), and see also the Laying of Documents before Parliament (Interpretation) Act 1948, both Vol 41, title Statutes.

Definitions. For "Independence Day", see s 1(1) ante; for "Kiribati", see s 7(1) post.

Order in Council under this section. The Kiribati Independence Order 1979, SI 1979/719.

The power to make Orders in Council is exercisable by statutory instrument; see the Statutory Instruments Act 1946, s 1(1), Vol 41, title Statutes.

3 Operation of existing law

(1) Subject to the following provisions of this Act, all law to which this section 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 Independence Day, or, having been passed or made before that day, comes 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 Kiribati and persons and things belonging to or connected with Kiribati, as it would have had apart from this subsection if there had been no change in the status of Kiribati.

(2) This section 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 Kiribati, to law of any other country or territory to which that enactment or Order extends.

(3) . . .

(4) On and after Independence Day the provisions specified in the Schedule to this Act shall have effect subject to the amendments there specified.

(5) Subsection (4) above, and the Schedule to this Act, shall not extend to Kiribati as part of its law.

NOTES

Sub-s (3) was repealed by the British Nationality Act 1981, s 52(8), Sch 9.

United Kingdom. I.e Great Britain and Northern Ireland; see the Interpretation Act 1978, s 5, Sch 1, Vol 41, title Statutes.

Definitions. For "Independence Day", see s 1(1) ante, and for "Kiribati", see s 7(1) post.

4, 5 (*Repealed by the British Nationality Act 1981, s 52(8), Sch 9.*)

6 Appeals to the Privy Council

(1) Her Majesty may by Order in Council confer on the Judicial Committee of the Privy Council such jurisdiction and powers as may be appropriate in cases in which provision is made by the law of Kiribati for appeals to the Committee from courts of Kiribati.

(2) An Order in Council under this section may contain such incidental and supplemental provisions as appear to Her Majesty to be expedient.

(3) Any such Order in Council may contain such transitional provisions as appear to Her Majesty to be expedient—

- (a) in relation to appeals in which the records have been registered in the Office of the Judicial Committee on or before Independence Day; and
- (b) in relation to petitions for leave to appeal filed in that Office on or before that date.

(4) Except so far as otherwise provided by or in accordance with an Order in Council

under this section, and subject to such modifications as may be so provided, the Judicial Committee Act 1833 shall have effect in relation to appeals in respect of which jurisdiction is conferred under this section as it has effect in relation to appeals to Her Majesty in Council.

(5) An Order in Council under this section shall be laid before Parliament after being made.

NOTES

Judicial Committee of the Privy Council. For the constitution of the Judicial Committee, see the Judicial Committee Act 1833, s 1, and the other enactments noted thereto, Vol 11, title Courts.

Laid before Parliament after being made. See the note to s 2 ante.

Definitions. For "Independence Day", see s 1(1) ante, and for "Kiribati", see s 7(1) post.

Judicial Committee Act 1833. See Vol 11, title Courts.

Orders in Council under this section. The Kiribati Independence Order 1979, SI 1979/719, Schedule, s 123; see also the Kiribati Appeals to Judicial Committee Order 1979, SI 1979/720, made under the Judicial Committee Act 1833, s 24, Vol 11, title Courts, as applied by this section.

The power to make Orders in Council is exercisable by statutory instrument; see the Statutory Instruments Act 1946, s 1(1), Vol 41, title Statutes. Note also sub-s (5) above.

7 Interpretation

(1) In this Act, and in any amendment made by this Act in any other enactment, "Kiribati" means the territories which immediately before Independence Day constitute the colony of the Gilbert Islands.

(2) . . .

NOTES

Sub-s (2) was repealed by the British Nationality Act 1981, s 52(8), Sch 9.

Independence Day. ie 12 July 1979; see s 1(1) ante.

Colony of the Gilbert Islands. The Gilbert and Ellice Islands Colony became known as the Gilbert Islands when the boundaries of that colony were altered so as to exclude the Ellice Islands by the Gilbert Islands Order 1975, dated 17 September 1975 (not in the SI series; but see SI 1975, p 8487). That order is revoked by the Kiribati Independence Order 1979, SI 1979/719 (made under s 2 ante), and the territories which immediately before Independence Day constituted the colony of the Gilbert Islands are listed in Sch 2 to the Constitution set out in the Schedule to the 1979 Order. The Ellice Islands were established as a separate colony under the name of Tuvalu by the Tuvalu Order 1975, dated 17 September 1975 (SI 1975, p 8537) and Tuvalu became an independent country within the Commonwealth under the Tuvalu Act 1978 post.

8 Short title

This Act may be cited as the Kiribati Act 1979.

SCHEDULE

Section 3

CONSEQUENTIAL AMENDMENTS

1. . . .

The Services

2. The expression "colony" in the Army Act 1955, the Air Force Act 1955 and the Naval Discipline Act 1957 shall not include Kiribati; . . .

Visiting forces

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

4. In the Visiting Forces Act 1952—

(a) . . .

(b) in section 10(1)(a), the expression "colony" shall not include Kiribati;

and, until express provision with respect to Kiribati 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 Kiribati.

Ships and aircraft

5. . . .

6. In the Whaling Industry (Regulation) Act 1934, the expression "British ship to which this Act applies" shall not include a British ship registered in Kiribati.

7. . . .

Colonial stock

8. Section 20 of the 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 Kiribati, 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."

9. . . .

NOTES

Para 1 was repealed by the International Organisations Act 1981, s 6(4), Schedule; the words omitted from para 2 amend the Army Act 1955, s 225(1), the Air Force Act 1955, s 223(1), and the Naval Discipline Act 1957, s 135(1), Vol 3, title Armed Forces (Pt 1); para 4(a) amends the Visiting Forces Act 1952, s 1(1)(a), Vol 3, title Armed Forces (Pt 4); para 5 amends the Merchant Shipping Act 1894, s 427(2), Vol 39, title Shipping and Navigation; para 7 was repealed by the Civil Aviation (Amendment) Act 1982, s 4(3), Sch 2; para 9 amends the Imperial Institute Act 1925, s 8(2), Vol 24, title Libraries and Other Cultural and Scientific Institutions.

Kiribati. For meaning, see s 7(1) ante.

Person; colonial stock. For the meanings of these expressions in para 8 above, see the Colonial Stock Act 1877, s 26, Pt 2(b)(ii) of this title post.

Army Act 1955; Air Force Act 1955; Naval Discipline Act 1957. See Vol 3, title Armed Forces (Pt 1).

Visiting Forces (British Commonwealth) Act 1933, s 4. See Vol 3, title Armed Forces (Pt 4).

Statute of Westminster 1931. "Dominion" is defined in s 1 of that Act ante.

Visiting Forces Act 1952, ss 8, 10(1)(a). See Vol 3, title Armed Forces (Pt 4). No Order in Council under s 8 of that Act had been made with respect to Kiribati up to 1 January 1985; see however, by virtue of para 4 above, the Visiting Forces and International Headquarters (Application of Law) Order 1965, SI 1965/1536.

Whaling Industry (Regulation) Act 1934. See Vol 18, title Fisheries. The expression "British ship to which this Act applies" is defined by s 17(1) of that Act.

Colonial Stock Act 1877, s 20. See Pt 2(b)(ii) of this title post.