



Solomon Islands Act 1978

1978 CHAPTER 15

An Act to make provision for, and in connection with, the attainment by Solomon Islands of independence within the Commonwealth. [25th May 1978]

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:—

The new state

1 Independence for Solomon Islands

- (1) On and after 7th July 1978 (" Independence Day ") the territories which immediately before that day are comprised in the Solomon Islands protectorate shall together form part of Her Majesty's dominions under the name of Solomon Islands; and on and after that day Her Majesty's Government in the United Kingdom shall have no responsibility for the government of those territories.
- (2) No Act of Parliament of the United Kingdom passed on or after Independence Day shall extend or be deemed to extend to Solomon Islands as part of its law.
- (3) Subsection (1) above shall not affect the operation in Solomon Islands of any enactment or any other instrument having the effect of law passed or made before Independence Day, or be taken to extend any such enactment or instrument to Solomon Islands as part of its law.

Nationality law

2 Effect of independence on British nationality

- (1) The British Nationality Acts 1948 to 1965 shall have effect, on and after Independence Day, as if in section 1(3) of the 1948 Act (Commonwealth countries having separate citizenship) there were added at the end " and Solomon Islands ".

- (2) A person who, immediately before Independence Day, is a citizen of the United Kingdom and Colonies and has (within section 3 below) a connection with the Solomon Islands protectorate shall cease to be such a citizen on becoming (on that day or later) a citizen of Solomon Islands,
- (3) A person born on or after Independence Day, but before 7th July 1980—
- (a) who is at birth a citizen of the United Kingdom and Colonies by descent only; and
 - (b) whose father was immediately before Independence Day a citizen of the United Kingdom and Colonies and then had (within section 3) a connection with the protectorate,
- shall cease to be such a citizen on becoming a citizen of Solomon Islands.
- (4) A person referred to in subsection (2) or (3) above, if before 7th July 1980 he has not become a citizen of Solomon Islands—
- (a) shall on that day cease to be a citizen of the United Kingdom and Colonies ; and
 - (b) unless he then has another nationality, shall on that day become a British protected person.

3 " Connection with Solomon Islands "

- (1) A person has a connection with the Solomon Islands protectorate if he or his father—
- (a) was born in Solomon Islands; or
 - (b) became a citizen of the United Kingdom and Colonies by virtue of a certificate of naturalisation granted, or registration effected, at a time when he was resident in Solomon Islands.
- (2) Apart from subsection (1), a woman has a connection with the protectorate if she acquired the status of citizen of the United Kingdom and Colonies (automatically or by registration) on the grounds of marriage to a man who has that connection by virtue of subsection (1), or would have done so had he lived.
- (3) But a person does not have a connection with the protectorate if he, his father or his father's father—
- (a) was born in the United Kingdom or in 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.
- (4) Nor does a person have that connection 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.

- (5) Subsection (3)(c) above does 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 United Kingdom and Colonies of women who have been married to such citizens).
- (6) In this section " relevant territory " means any territory which on Independence 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 Solomon Islands).

4 British protected persons

- (1) A person who immediately before Independence Day is a British protected person by virtue of his connection with the Solomon Islands protectorate—
 - (a) shall cease to be a British protected person on that day if he then becomes a citizen of Solomon Islands or is then a citizen of the United Kingdom and Colonies; but
 - (b) otherwise, shall continue on and after that day to be a British protected person, subject to subsection (3) below.
- (2) A person born on or after Independence Day and before 7th July 1980 shall become a British protected person if—
 - (a) he does not at birth acquire another nationality or become a citizen of the United Kingdom and Colonies ; and
 - (b) his father was born in Solomon Islands and is, at the date of the birth, a British protected person by virtue of subsection (1).
- (3) A person who continues to be a British protected person under subsection (1), or becomes one under subsection (2), shall cease to be a British protected person—
 - (a) on becoming at any time a citizen of Solomon Islands or of the United Kingdom and Colonies ;
 - (b) on 7th July 1980, if he then has another nationality; or
 - (c) after that day, on acquiring another nationality.
- (4) A person who becomes a British protected person on 7th July 1980 by virtue of section 2(4) of this Act shall cease to be a British protected person if, on or after that day, he becomes a citizen of Solomon Islands or of the United Kingdom and Colonies, or acquires another nationality.
- (5) In section 32(1) of the 1948 Act, at the end of the definition of " British protected person " there shall be added " or is a British protected person by virtue of the Solomon Islands Act 1978 ".

5 Married women

- (1) 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 section 2 unless her husband does so.
- (2) A woman who is a British protected person, and is the wife of such a person, shall not herself cease to be a British protected person under section 4 unless her husband does so.

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- (3) As from Independence Day, section 6(2) of the 1948 Act shall not apply to a woman by virtue of her marriage (whether before or after that day) to a person who immediately before that day had, within section 3 of this Act, a connection with the Solomon Islands protectorate, or would have done so had he lived.

6 Construction of nationality provisions

- (1) References in this Act to a person having or acquiring another nationality are to his being or (as the case may be) becoming a citizen of any country specified in section 1(3) of the 1948 Act (except Solomon Islands), or of a foreign country or of the Republic of Ireland.
- (2) 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 sections 2 to 6 of this Act as if those sections were included in that Act.
- (3) 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 as if he had been born legitimate for any purpose of determining his status, or any change in his status, under this Act.
- (4) In accordance with section 3(3) of the West Indies Act 1967, it is hereby declared that sections 2 to 6 of this Act extend to all associated states.

Other matters

7 Consequential amendment of law

- (1) The expression "colony" in any Act of the Parliament of the United Kingdom passed on or after Independence Day does not include Solomon Islands.
- (2) On and after Independence Day—
- (a) the expression "colony" in the Army Act 1955, the Air Force Act 1955 and the Naval Discipline Act 1957 does not include Solomon Islands; 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 Solomon Islands ".
- (3) An Order in Council made on or after Independence Day under section 1 of the Armed Forces Act 1976 which continues either of those Acts of 1955 or that Act of 1957 in force for a further period does not extend to Solomon Islands as part of its law.
- (4) On and after Independence Day the enactments specified in the Schedule to this Act have effect subject to the amendments there specified.

This subsection and the Schedule do not extend to Solomon Islands as part of its law.

8 Pending appeals to Privy Council

Her Majesty may by Order in Council make such provision as She thinks fit for and in connection with the disposal after Independence Day of any appeal to Herself in

Council from a court having jurisdiction for the Solomon Islands protectorate, where leave to appeal has been granted before that day.

9 Interpretation

- (1) In this Act, and in any amendments made by this Act in any other enactment, "Solomon Islands" means the territories which immediately before Independence Day constitute the Solomon Islands protectorate; and " the 1948 Act" means the British Nationality Act 1948.
- (2) References in this Act to any enactment are references to that enactment as amended or extended by or under another enactment.

General

10 Citation

This Act may be cited as the Solomon Islands Act 1978.

SCHEDULE

Section 7(4).

AMENDMENTS NOT AFFECTING THE LAW OF SOLOMON ISLANDS

Diplomatic immunities

- 1 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 words " Solomon Islands ".

Visiting forces

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

- 3 In the 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 " Solomon Islands or ";
- (b) in section 10(1)(a), the expression " colony " shall not include Solomon Islands ;

and, until express provision with respect to Solomon Islands 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 Solomon Islands.

Ships and aircraft

- 4 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 Solomon Islands ".
- 5 In the Whaling Industry (Regulation) Act 1934, the expression " British Ship to which this Act applies " shall not include a British ship registered in Solomon Islands.
- 6 Solomon Islands shall not be a relevant overseas territory for the purposes of sections 21(2) and 22(3) of the Civil Aviation Act 1971.

Colonial stock

- 7 Section 20 of the Colonial Stock Act 1877 (jurisdiction of courts in the United Kingdom as to colonial stock) shall, in its application to stock of Solomon Islands, have effect as if for the second paragraph there was 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

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to make any payment otherwise than out of money in his possession in the United Kingdom as registrar”.

Commonwealth Institute

- 8 In section 8(2) of the Imperial Institute Act 1925, as amended by the Commonwealth Institute Act 1958 (power to vary provisions of the Act of 1925 if an agreement for the purpose is made with the governments of certain territories which for the time being contribute towards the expenses of the Commonwealth Institute) at the end there shall be added the words " and Solomon Islands ".