



Jamaica Independence Act 1962

1962 CHAPTER 40 10 and 11 Eliz 2

An Act to make provision for, and in connection with, the attainment by Jamaica of fully responsible status within the Commonwealth. [19th July 1962]

1 Provision for fully responsible status of Jamaica.

- (1) As from the sixth day of August, nineteen hundred and sixty-two (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 Jamaica.
- (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 Jamaica as part of the law thereof; and as from that day the provisions of the First Schedule to this Act shall have effect with respect to the legislative powers of Jamaica.

2 Consequential modifications of British Nationality Acts.

..... F1

Textual Amendments

F1 S. 2 repealed by [British Nationality Act 1981 \(c. 61, SIF 87\)](#), [Sch. 9](#)

3 Consequential modification of other enactments.

- (1) F2
- (2) As from 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 Jamaica, and
 - (b) in the definitions of “Commonwealth force” in subsection (1) of section two hundred and twenty-five and subsection (1) of section two hundred and twenty-three respectively of the said Acts of 1955, and in the definition of “Commonwealth country” in subsection (1) of section one hundred and thirty-

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five of the said Act of 1957, for the words “or Tanganyika” there shall be substituted the words “Tanganyika or Jamaica”;

and no Order in Council made on or after the appointed day under section one of the ^{M4}Army and Air Force Act 1961 shall operate to continue either of the said Acts of 1955 in force as part of the law of Jamaica.

- (3) For the purposes of the making, on or after the appointed day, of Orders in Council under the ^{M5}West Indies Act 1962 and for the purposes of the making on or after that day of grants under section eight of that Act, Jamaica shall be treated as not being a colony within the meaning of that Act.
- (4) Subsection (3) of section five of the ^{M6}West Indies Act 1962 (which enables provision made by Order in Council for the government of the Cayman Islands and the Turks and Caicos Islands to include provision for the performance of functions by the legislature or other authorities of Jamaica, or by any court of Jamaica) is hereby repealed as from the appointed day:
Provided that this subsection shall not affect—
- (a) the operation (whether as part of the law of Jamaica or as part of the law of the Cayman Islands or of the Turks and Caicos Islands) of any Order in Council made before the appointed day, or
 - (b) the exercise, on or after the appointed day, of any power to revoke or vary an Order in Council made before that day, in so far as any such Order forms part of the law of the Cayman Islands or of the Turks and Caicos Islands.
- (5) As from the appointed day, the provisions specified in the Second Schedule to this Act shall have effect subject to the amendments respectively specified in that Schedule, . . .
F3
- (6) The last preceding subsection shall not extend to Jamaica as part of the law thereof.

Textual Amendments

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

F3 Words repealed by [Statute Law \(Repeals\) Act 1969 \(c. 52\)](#), **Sch. Pt. VI**

Modifications etc. (not altering text)

C1 The text of S. 3(2)(b), Sch. 2 paras. 2 & 6(a) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M1 1955 c. 18.

M2 1955 c. 19.

M3 1957 c. 53.

M4 1961 c. 52.

M5 1962 c. 19.

M6 1962 c. 19.

4 Interpretation.

- (1) In this Act, and in any amendment made by this Act in any other enactment, “Jamaica” includes the islands known as the Morant Cays and the Pedro Cays and any other

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territories which at the passing of this Act are dependencies of the Colony of Jamaica, but does not include the Cayman Islands or the Turks and Caicos Islands; and in any Act of the Parliament of the United Kingdom passed after the passing of this Act, and in any instrument made after the passing of this Act by virtue of an Act of the Parliament of the United Kingdom (whenever passed), the expression “Jamaica” shall be taken to have the same meaning as in this Act unless a contrary intention is expressed in that Act or instrument, as the case may be.

- (2) References in this Act to any enactment are references to that enactment as amended or extended by or under any other enactment.

5 Short title.

This Act may be cited as the Jamaica Independence Act 1962.

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SCHEDULES

FIRST SCHEDULE

Section 1.

LEGISLATIVE POWERS OF JAMAICA

1 The ^{M7}Colonial Laws Validity Act 1865 shall not apply to any law made on or after the appointed day by the legislature of Jamaica.

Marginal Citations

M7 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, subject to paragraph 6 of this Schedule, 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 Jamaica.

3 The legislature of Jamaica shall have full power to make laws having extra-territorial operation.

F⁴4

Textual Amendments

F4 Sch. 1 para. 4 repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), Sch. 12 (with s. 312(1), Sch. 14 para. 1)

5 Without prejudice to the generality of the preceding provisions of this Schedule, section four of the ^{M8}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 seven 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 Jamaica.

Marginal Citations

M8 1890 c. 27.

6 (1) Nothing in this Act shall confer on the legislature of Jamaica any power to repeal, amend or modify the constitutional provisions otherwise than in such manner as may be provided for in those provisions.

(2) In this paragraph “the constitutional provisions” means the following, that is to say—

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- (a) this Act;
- (b) any Order in Council made before the appointed day (whether before or after the passing of this Act) which made or makes provision in respect of Jamaica in pursuance of section five of the ^{M9}West Indies Act 1962;
- (c) any law, or instrument made under a law, of the legislature of Jamaica made on or after the appointed day which amends, modifies, re-enacts with or without amendment or modification, or makes different provision in lieu of, any provisions of this Act, of any such Order in Council, or of any such law or instrument previously made.

Marginal Citations

M9 1962 c. 19.

SECOND SCHEDULE

Section 3.

AMENDMENTS NOT AFFECTING THE LAW OF JAMAICA

Diplomatic immunities

1 F5

Textual Amendments

F5 Sch. 2 para. 1 repealed by Finance Act 1969 (c. 32), Sch. 21 Pt. IX

- 2 In subsection (6) of section one of the Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act, 1952, after the word “Tanganyika” there shall be inserted the word “Jamaica”

Modifications etc. (not altering text)

C2 The text of S. 3(2)(b), Sch. 2 paras. 2 & 6(a) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

3 F6

Textual Amendments

F6 Sch. 2 para. 3 repealed by International Organisations Act 1981 (c.9, SIF 68:1), Sch.

Financial

- 4 In subsection (4) of section two of the ^{M10}Import Duties Act, 1958, after the word “India” there shall be inserted the word “Jamaica”.

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Modifications etc. (not altering text)

- C3** The text of Sch. 2 paras. 4, 7, 8, 15 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

- M10** 1958 c. 6

Visiting forces

- 5 In the ^{M11}Visiting Forces (British Commonwealth) Act 1933 section four (which deals with attachment and mutual powers of command) shall apply in relation to forces raised in Jamaica as it applies in relation to forces raised in Dominions within the meaning of the ^{M12}Statute of Westminster 1931.

Marginal Citations

- M11** 1933 c. 6.
M12 1931 (22 & 23 Geo. 5 c. 4).

- 6 In the ^{M13}Visiting Forces Act 1952—
- (a) in paragraph (a) of subsection (1) of section one (which specifies the countries to which that Act applies) for the words “or Tanganyika” there shall be substituted the words “Tanganyika or Jamaica”;
 - (b) in paragraph (a) of subsection (1) of section ten the expression “colony” shall not include Jamaica;
- and, until express provision with respect to Jamaica is made by an Order in Council under section eight of that Act (which relates to the 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 Jamaica.

Modifications etc. (not altering text)

- C4** The text of S. 3(2)(b), Sch. 2 paras. 2 & 6(a) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M13** 1952 c. 67.

Ships and aircraft

F77

Textual Amendments

- F7** Sch. 2 para. 7 repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch. 12** (with s. 312(1), Sch. 14 para. 1)

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F8 8

Textual Amendments

F8 Sch. 2 para. 8 repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), Sch. 12 (with s. 312(1), Sch. 14 para. 1)

9 F9

Textual Amendments

F9 Sch. 2 para. 9 repealed by Emergency Laws (Re-enactments and Repeals) Act 1964 (c. 60), Sch. 2

10 F10

Textual Amendments

F10 Sch. 2 para. 10 repealed by Statute Law (Repeals) Act 1977 (c. 18), Sch. 1 Pt. XV

11 In the ^{M14}Whaling Industry (Regulation) Act 1934 the expression “British ship to which this Act applies” shall not include a British ship registered in Jamaica.

Marginal Citations

M14 1934 c. 49.

12 F11

Textual Amendments

F11 Sch. 2 para. 12 repealed by Civil Aviation Act 1971 (c. 75), Sch. 11

Copyright

13 F12

Textual Amendments

F12 Sch. 2 para. 13 repealed by Copyright, Designs and Patents Act 1988 (c.48, SIF 67A), s. 303(2), Sch. 8

14 F13

Textual Amendments

F13 Sch. 2 para. 14 repealed by Family Law Act 1986 (c. 55, SIF 49:3), s. 68(2), Sch. 2

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Commonwealth Institute

- 15 In subsection (2) of section eight of the ^{M15}Imperial Institute Act, 1925, as amended by the ^{M16}Commonwealth Institute Act, 1958 (which relates to the power to vary the provisions of the said Act of 1925 if an agreement for that purpose is made with the governments of certain territories which for the time being are contributing towards the expenses of the Commonwealth Institute) for the words “and Tanganyika” there shall be substituted the words “Tanganyika and Jamaica”.

Modifications etc. (not altering text)

- C5** The text of Sch. 2 paras. 4, 7, 8, 15 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.
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Marginal Citations

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

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