



Zanzibar Act 1963

1963 CHAPTER 55

1 Operation of existing law

- (1) Subject to this Act, on and after 10th December 1963 (the date on which Zanzibar ceases to be a protectorate and becomes an independent State within the Commonwealth and which is referred to in this Act as " the appointed day ") all law which, whether being a rule of law or a provision of an Act of Parliament or of any other enactment or instrument whatsoever, is in force on that day or has been passed or made before that day and 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 Zanzibar, and persons and things belonging to or connected with Zanzibar, as it would have apart from this subsection if there had been no change in the status of Zanzibar on the appointed day.
- (2) Schedule 1 to this Act shall apply to the enactments there mentioned (of which those in Part I are enactments applicable to Commonwealth countries having fully responsible status, and those in Part II are thereby excepted from the operation of section 1(1) of this Act), but that Schedule shall not extend to Zanzibar as part of the law of Zanzibar.
- (3) Subsection (1) of this section applies to law of or of 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 Zanzibar, to law of any other country or territory to which that enactment or Order extends.

2 Modifications of British Nationality Acts

- (1) On and after the appointed day the British Nationality Acts 1948 and 1958 shall have effect as if—
 - (a) in section 1(3) of the said Act of 1948 (which provides for persons to be British subjects or Commonwealth citizens by virtue of citizenship of certain countries) there were added at the end the words " and Zanzibar " , and
 - (b) in Schedule 1 to the British Protectorates, Protected States and Protected Persons Order in Council 1949 the words " Zanzibar Protectorate " were omitted.

- (2) Save as provided by Schedule 2 to this Act, 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 on that day he is a citizen or national of Zanzibar under the law thereof.
- (3) On and after the appointed day, section 6(2) of the British Nationality Act 1948 (which provides for the registration as a citizen of the United Kingdom and Colonies of a woman who has been married to such a citizen) 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 subsection (2) of this section, or would have done so if living on the appointed day.
- (4) Part III of the British Nationality Act 1948 (which contains supplemental provisions) shall have effect for the purposes of the last foregoing subsection and Schedule 2 to this Act as if those provisions were included in that Act.
- (5) The amendment of the Order in Council of 1949 made by subsection (1)(b) of this section shall not affect the meaning of the expression " protectorate " in any law or instrument passed or made before the passing of this Act, other than the British Nationality Acts 1948 and 1958 or any instrument made under those Acts.

3 Pending appeals to Her Majesty in Council

- (1) Her Majesty may by Order in Council confer on the Judicial Committee of the Privy Council such jurisdiction in respect of appeals to Her Majesty in Council—
 - (a) from a Court or Judge in Zanzibar; or
 - (b) from the Court of Appeal for Eastern Africa on appeal from such a Court or Judge,

being appeals which are pending immediately before the appointed day, and in which the records have been registered in the Office of the Privy Council before that day, as appears to Her to be appropriate for giving effect to any arrangements between Her Majesty's Government in the United Kingdom and the Government of Zanzibar for any such appeals to be continued before and disposed of by that Committee.
- (2) An Order in Council under this section may, if the arrangements so require, direct that any appeal continued before the Judicial Committee of the Privy Council under this section shall abate on a date specified in the Order unless it has been heard by the Committee before that date ; and an Order containing such a direction may contain provisions to facilitate the hearing of any such appeal before that date, including provisions as to the sittings of (the said Committee and provisions for expediting the steps to be taken by the parties preliminary to the hearing of an appeal.
- (3) An Order in Council under this section may determine the practice and procedure to be followed on any appeal continued before the said Committee under this section, and in particular may provide for the form of any report or recommendation to be made by the Judicial Committee of the Privy Council in the exercise of the jurisdiction conferred on that Committee under this section, and for its transmission to such authority in Zanzibar as may be specified in the order.
- (4) Except so far as otherwise provided by an Order in Council under this section, and subject to such modifications as may be so provided, the Judicial Committee Act 1833 shall apply in relation to appeals continued before the Judicial Committee of the Privy Council under this section as it applied in relation to those appeals before the appointed day.

- (5) Subject to the provisions of any Order in Council under this section, nothing in this Act shall be construed as continuing in force any right of appeal to Her Majesty in Council from Zanzibar.

4 Power to make consequential provisions

Her Majesty may by Order in Council make such adaptations in any Act of Parliament passed before this Act, or in any instrument made or having effect under any such Act, as appear to Her necessary or expedient in consequence of the change in the status of Zanzibar taking effect on the appointed day.

5 Provisions as to Orders in Council and other instruments

- (1) An Order in Council or other instrument made under any Act of Parliament passed before the appointed day, other than this Act, which varies or revokes a previous Order in Council or instrument in consequence of the changes in the status of Zanzibar taking effect on the appointed day, and any Order in Council under section 3 or section 4 of this Act, may, if made after the appointed day, be made so as to take effect on the appointed day.
- (2) An Order in Council under section 3 or section 4 of this Act—
- (a) may contain such transitional or other incidental or supplemental provisions as appear to Her Majesty to be necessary or expedient,
 - (b) may be varied or revoked by a subsequent Order in Council, and
 - (c) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

6 Short title, interpretation and repeals

- (1) This Act may be cited as the Zanzibar Act 1963.
- (2) References in this Act to any enactment are references to that enactment as amended or extended by or under any other enactment, including this Act.
- (3) The Acts and Order in Council mentioned in Schedule 3 to this Act shall on the appointed day be repealed to the extent specified in the third column of that Schedule.