



Zanzibar Act 1963

1963 CHAPTER 55

An Act to make provision in connection with Zanzibar becoming an independent State within the Commonwealth. [3rd December 1963]

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:—

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.

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SCHEDULES

SCHEDULE 1

Section 1(2).

PART I

EXTENSION OF CERTAIN ENACTMENTS APPLICABLE TO COMMONWEALTH COUNTRIES HAVING FULLY RESPONSIBLE STATUS

Diplomatic immunities

- 1 In section 461 of the Income Tax Act 1952 (which relates to exemption from income tax in the case of certain Commonwealth representatives and their staffs)—
- (a) in subsection (2), before the words " for any state " there shall be inserted the words " or Zanzibar ";
 - (b) in subsection (3), before the words " and ' Agent-General' " there shall be inserted the words " or Zanzibar ".
- 2 In section 1(6) of the Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act 1952, before the words " and the Republic of Ireland " there shall be inserted the word " Zanzibar ".
- 3 In section 1(5) of the Diplomatic Immunities (Conferences with Commonwealth Countries and Republic of Ireland) Act 1961, before the words " and the Republic of Ireland " there shall be inserted the word " Zanzibar ".

Financial

- 4 In section 2(4) of the Import Duties Act 1958, before the words " together with" there shall be inserted the word " Zanzibar ".

Armed Forces

- 5 In the definitions of " Commonwealth force " in section 225(1) and section 223(1) respectively of the Army Act 1955 and the Air Force Act 1955, and in the definition of " Commonwealth country" in section 135(1) of the Naval Discipline Act 1957, at the end there shall be added the words " or Zanzibar " , and section 1(1) of this Act shall not apply to either of the said Acts of 1955 or to the said Act of 1957.
- 6 In the Visiting Forces (British Commonwealth) Act 1933, section 4 (which deals with attachment and mutual powers of command) shall apply in relation to forces raised in Zanzibar as it applies in relation to forces raised in Dominions within the meaning of the Statute of Westminster 1931.
- 7 In the Visiting Forces Act 1952, in section 1(1)(a) (which specifies the countries to which that Act applies) at the end there shall be added the words " Zanzibar, or " and, until express provision with respect to Zanzibar is made by Order in Council under section 8 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 Zanzibar.

Ships and Aircraft

- 8 (1) The Merchant Shipping Acts 1894 to 1960 shall apply in relation to Zanzibar as they apply in relation to the Commonwealth countries mentioned in section 1(3) of the British Nationality Act 1948.
- (2) Without prejudice to the generality of the foregoing sub-paragraph—
- (a) in section 427(2) of the Merchant Shipping Act 1894, as substituted by section 2 of the Merchant Shipping (Safety Convention) Act 1949, before the words " or in any " there shall be inserted the words " or Zanzibar " , and
 - (b) in the proviso to section 6(2) of the Merchant Shipping Act 1948, at the end there shall be added the words " or Zanzibar ".
- 9 In the definition of " excepted ship or aircraft" in paragraph 3 of Schedule 3 to the Emergency Laws (Repeal) Act 1959 before the words "or in any" there shall be inserted the words " or Zanzibar ".
- 10 The Ships and Aircraft (Transfer Restriction) Act 1939 shall not apply to any ship by reason only of its being registered in, or licensed under the law of, Zanzibar or any part thereof; and the penal provisions of that Act shall not apply to persons in Zanzibar (but without prejudice to the operation with respect to any ship to which that Act does apply of the provisions thereof relating to the forfeiture of ships).
- 11 In the Whaling Industry (Regulation) Act 1934, the expression " British ship to which this Act applies " shall not include a British ship registered in Zanzibar.
- 12 In section 2(7)(b) of the Civil Aviation (Licensing) Act 1960 the expression " protectorate " shall not include Zanzibar.

Commonwealth Institute

- 13 In section 8(2) of the Imperial Institute Act 1925, as amended by the Commonwealth Institute Act 1958 (which relates to the power to vary the provisions of the said 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 Zanzibar ".

PART II

EXCEPTIONS FROM S. 1(1) OF ACT

Colonial development and welfare

- 14 Section 1(1) of this Act shall not apply to the definition of " colony" in section 9 of the Colonial Development and Welfare Act 1959.

Foreign Jurisdiction Act 1890 and Orders in Council thereunder

- 15 (1) Section 1(1) of this Act shall not apply to the Foreign Jurisdiction Act 1890 or any Order in Council made under that Act, but the provisions of the Orders in Council

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made under the said Act which are set out below (and which apply in relation to Zanzibar the Colonial Probates Act 1892 and the enactments listed in Schedule 1 to the Foreign Jurisdiction Act 1890 as originally enacted) shall, subject to the provisions of this paragraph, continue in force on and after the appointed day.

- (2) The provisions of this paragraph shall have effect subject to any Order in Council made under section 4 of this Act.

ORDERS IN COUNCIL UNDER FOREIGN JURISDICTION ACT 1890

<i>Description of Order</i>	<i>Provisions continued in force</i>
Order in Council dated 30th March 1916 and applying the Colonial Probates Act 1892 to Zanzibar. (S.R. & O. 1916 No. 275.)	The whole Order.
The Zanzibar Order in Council 1924. (S.R. & O. 1924 No. 1401.)	Section 25 except so far as it applies the Admiralty Offences (Colonial) Act 1849, the Admiralty Offences (Colonial) Act 1860 or any provisions of the Merchant Shipping Act 1894. Section 27.

SCHEDULE 2

Section 2.

EXEMPTIONS FROM OPERATION OF S.2(2) OF ACT

- 1 Subject to paragraph 5 of this Schedule, a person shall not cease to be a citizen of the United Kingdom and Colonies under section 2(2) of this Act if he, his father or his father's father—
- (a) was born in the United Kingdom or in a colony; or
 - (b) is or was a person naturalised in the United Kingdom and Colonies ; or
 - (c) was registered as a citizen of the United Kingdom and Colonies ; or
 - (d) became a British subject by reason of the annexation of any territory included in a colony.
- 2 A person shall not cease to be a citizen of the United Kingdom and Colonies under section 2(2) of this Act if he was born in a protectorate or protected state, or if his father or his father's father was so born and is or at any time was a British subject.
- 3 A woman who is the wife of a citizen of the United Kingdom and Colonies shall not cease to be such a citizen under section 2(2) of this Act unless her husband does so.
- 4 Subject to paragraph 5 of this Schedule, the reference in paragraph 1(b) of this Schedule to a person naturalised in the United Kingdom and Colonies shall include a person who would, if living immediately before the commencement of the British Nationality Act 1948, have become a person naturalised in the United Kingdom and Colonies by virtue of section 32(6) of that Act (which relates to persons given local naturalisation in a colony or protectorate before the commencement of that Act).
- 5 Any reference in paragraph 1 or 2 of this Schedule to a colony, protectorate or protected state shall, subject to the following paragraph, be construed as a reference

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to a territory which is a colony, protectorate or protected state on the appointed day; and paragraph 1 of this Schedule shall not apply to a person by virtue of any certificate of naturalisation granted or registration effected by the governor or government of a territory outside the United Kingdom which is not a colony, protectorate or protected state on the appointed day.

- 6 The protectorates of Northern Rhodesia and Nyasaland shall be excepted from the operation of any reference in paragraph 2 or paragraph 5 of this Schedule to a protectorate.

SCHEDULE 3

Section 6.

REPEALS

Session and Chapter	Short Title	Extent of Repeal
11 & 12 Geo. 6. c. 56	The British Nationality Act 1948.	In section 32(1) in the definition of " Governor " the words from " and includes" to " Zanzibar ".
3 & 4 Eliz. 2. c. 18.	The Army Act 1955.	In section 225(1) in the definition of " Governor" the words " and includes the British Resident, Zanzibar ".
3 & 4 Eliz. 2. c. 19.	The Air Force Act 1955.	In section 223(1) in the definition of " Governor" the words " and includes the British Resident, Zanzibar ".
5 & 6 Eliz. 2. c. 53.	The Naval Discipline Act 1957.	In section 135(1) in the definition of " Governor" the words " and includes the British Resident, Zanzibar ".

ORDER IN COUNCIL

Year and number	Title	Extent of Repeal
1949 No. 140.	The British Protectorates, Protected States and Protected Persons Order in Council 1949.	Section 9(2) and section 12(4). In Schedule 1 the words " Zanzibar Protectorate ", but not so as to affect the meaning of " 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.

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TABLE OF STATUTES REFERRED TO IN THIS ACT

Short Title	Session and Chapter
Judicial Committee Act 1833	3 & 4 Will. 4. c. 41.
Admiralty Offences (Colonial) Act 1849	12 & 13 Vict. c. 96.
Admiralty Offences (Colonial) Act 1860	23 & 24 Vict. c. 122.
Foreign Jurisdiction Act 1890	53 & 54 Vict. c. 37.
Colonial Probates Act 1892	55 & 56 Vict. c. 6.
Merchant Shipping Act 1894	57 & 58 Vict. c. 60.
Imperial Institute Act 1925	15 & 16 Geo. 5. c. xvii.
Statute of Westminster 1931	22 & 23 Geo. 5. c. 4.
Visiting Forces (British Commonwealth) Act 1933	23 & 24 Geo. 5. c. 6.
Whaling Industry (Regulation) Act 1934	24 & 25 Geo. 5. c. 49.
Ships and Aircraft (Transfer Restriction) Act 1939	2 & 3 Geo. 6. c. 70.
Merchant Shipping Act 1948	11 & 12 Geo. 6. c. 44.
British Nationality Act 1948	11 & 12 Geo. 6. c. 56.
Merchant Shipping (Safety Convention) Act 1949	12, 13 & 14 Geo. 6. c. 43.
Income Tax Act 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 10.
Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 18.
Visiting Forces Act 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 67.
Army Act 1955	3 & 4 Eliz. 2. c. 18.
Air Force Act 1955	3 & 4 Eliz. 2. c. 19.
Naval Discipline Act 1957	5 & 6 Eliz. 2. c. 53.
Import Duties Act 1958	6 & 7 Eliz. 2. c. 6.
Commonwealth Institute Act 1958	6 & 7 Eliz. 2. c. 16.
Emergency Laws (Repeal) Act 1959	7 & 8 Eliz. 2. c. 19.
Colonial Development and Welfare Act 1959	7 & 8 Eliz. 2. c. 71.
Civil Aviation (Licensing) Act 1960	8 & 9 Eliz. 2. c. 38.
Diplomatic Immunities (Conferences with Commonwealth Countries and Republic of Ireland) Act 1961	9 & 10 Eliz. 2. c. 11.