

## SCHEDULES

### FIRST SCHEDULE

Section 1.

#### LEGISLATIVE POWERS OF JAMAICA

- 1 The Colonial Laws Validity Act, 1865, shall not apply to any law made on or after the appointed day by the legislature of Jamaica.
- 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.
- 4 Without prejudice to the generality of the preceding provisions of this Schedule, sections seven hundred and thirty-five and seven hundred and thirty-six of the Merchant Shipping Act, 1894, shall be construed as though references therein to the legislature of a British possession did not include references to the legislature of Jamaica.
- 5 Without prejudice to the generality of the preceding provisions of this Schedule, section four of the 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.
- 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—
  - (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 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.

## SECOND SCHEDULE

Section 3.

### AMENDMENTS NOT AFFECTING THE LAW OF JAMAICA

#### *Diplomatic immunities*

- 1 In section four hundred and sixty-one of the Income Tax Act, 1952 (which relates to exemption from income tax in the case of certain Commonwealth representatives and their staffs), in subsection (2) and subsection (3), for the words " or Tanganyika " there shall be substituted the words " Tanganyika or Jamaica ".
- 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 ".
- 3 In subsection (5) of section one of the Diplomatic Immunities (Conferences with Commonwealth Countries and Republic of Ireland) Act, 1961, after the word "Tanganyika" there shall be inserted the word " Jamaica ".

#### *Financial*

- 4 In subsection (4) of section two of the Import Duties Act, 1958 after the word " India " there shall be inserted the word " Jamaica ".

#### *Visiting forces*

- 5 In the 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 Statute of Westminster, 1931.
- 6 In the 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.

#### *Ships and aircraft*

- 7 In subsection (2) of section four hundred and twenty-seven of the Merchant Shipping Act, 1894, as substituted by section two of the Merchant Shipping (Safety Convention) Act, 1949, for the words " or Tanganyika " there shall be substituted the words " Tanganyika or Jamaica ".
- 8 In the proviso to subsection (2) of section six of the Merchant Shipping Act, 1948, for the words " or Tanganyika " there shall be substituted the words " Tanganyika or Jamaica ".

*Status: This is the original version (as it was originally enacted).*

- 9 In the definition of " excepted ship or aircraft " in paragraph 3 of the Third Schedule to the Emergency Laws (Repeal) Act, 1959, for the words " or Tanganyika " there shall be substituted the words " Tanganyika or Jamaica ".
- 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, Jamaica; and the penal provisions of that Act shall not apply to persons in Jamaica (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 Jamaica.
- 12 In paragraph (b) of subsection (7) of section two of the Civil Aviation (Licensing) Act, 1960, the expression " colony " shall not include Jamaica.

#### *Copyright*

- 13 If the Copyright Act, 1911, so far as in force in the law of Jamaica is repealed or amended by that law at a time when sub-paragraph (2) of paragraph 39 of the Seventh Schedule to the Copyright Act, 1956 (which applies certain provisions of that Act in relation to countries to which the said Act of 1911 extended) is in force in relation to Jamaica, the said sub-paragraph (2) shall thereupon cease to have effect in relation thereto.

#### *Divorce jurisdiction*

- 14 In subsection (2) of section two of the Indian and Colonial Divorce Jurisdiction Act, 1926 (which enables section one of that Act to be extended to certain countries, but not to any of the countries named in the said subsection (2)) for the words " and Tanganyika " there shall be substituted the words " Tanganyika and Jamaica ".

#### *Commonwealth Institute*

- 15 In subsection (2) of section eight 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) for the words " and Tanganyika " there shall be substituted the words " Tanganyika and Jamaica ".

#### TABLE OF STATUTES REFERRED TO IN THIS ACT

| Short Title                            | Session and Chapter      |
|--|--------------------------|
| Colonial Laws Validity Act, 1865       | 28 & 29 Vict. c. 63.     |
| Interpretation Act, 1889               | 52 & 53 Vict. c. 63.     |
| Colonial Courts of Admiralty Act, 1890 | 53 & 54 Vict. c. 27.     |
| Merchant Shipping Act, 1894            | 57 & 58 Vict. c. 60.     |
| Copyright Act, 1911                    | 1 & 2 Geo. 5. c. 46.     |
| Imperial Institute Act, 1925           | 15 & 16 Geo. 5. c. xvii. |

*Status: This is the original version (as it was originally enacted).*

| Short Title   | Session and Chapter                  |
|---|--------------------------------------|
| Indian and Colonial Divorce Jurisdiction Act, 1926  | 16 & 17 Geo. 5. c. 40.               |
| 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 and 1 Eliz. 2. c. 67. |
| Army Act, 1955  | 3 & 4 Eliz. 2. c. 18.                |
| Air Force Act, 1955   | 3 & 4 Eliz. 2. c. 19.                |
| Copyright Act, 1956   | 4 & 5 Eliz. 2. c. 74.                |
| Naval Discipline Act, 1957  | 5 & 6 Eliz. 2. c. 53.                |
| Import Duties Act, 1958   | 6 & 7 Eliz. 2. c. 6.                 |
| British Nationality Act, 1958   | 6 & 7 Eliz. 2. c. 10.                |
| Commonwealth Institute Act, 1958  | 6 & 7 Eliz. 2. c. 16.                |
| Emergency Laws (Repeal) Act, 1959   | 7 & 8 Eliz. 2. c. 19.                |
| 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.               |
| Army and Air Force Act, 1961  | 9 & 10 Eliz. 2. c. 52.               |
| West Indies Act, 1962   | 10 & 11 Eliz. 2. c. 19.              |