

1978 No. 1899

SAINT LUCIA

The Saint Lucia Modification of Enactments Order 1978

Made - - - - - 20th December 1978
Laid before Parliament 3rd January 1979
Coming into Operation 22nd February 1979

At the Court at Buckingham Palace, the 20th day of December 1978

Present,

The Queen's Most Excellent Majesty in Council

Whereas the status of association of Saint Lucia with the United Kingdom is terminated as from the date on which this Order comes into operation and it is necessary or expedient in consequence of that event to amend or modify certain enactments as hereinafter provided:

Now, therefore, Her Majesty, by virtue and in exercise of the powers vested in Her in that behalf by sections 13(2) and (3) and 14 of the West Indies Act 1967(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Citation and commencement

1.—(1) This Order may be cited as the Saint Lucia Modification of Enactments Order 1978.

(2) This Order shall come into operation on 22nd February 1979 (hereinafter called "the appointed day").

British Nationality Acts

2.—(1) On and after the appointed day the British Nationality Acts 1948 to 1965 shall have effect as if in section 1(3) of the British Nationality Act 1948(b) (Commonwealth countries having separate citizenship) there were added at the end the words "and Saint Lucia".

(2) Except as provided by article 3 of this Order, 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 he becomes on that day a citizen of Saint Lucia.

(a) 1967 c. 4.

(b) 1948 c. 56.

(3) Section 6(2) of the British Nationality Act 1948 (registration as citizens of the United Kingdom and Colonies of women who have been married to such citizens) 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 paragraph (2) of this article, or who would have done so if living on the appointed day.

Retention of citizenship of United Kingdom and Colonies

3.—(1) A person shall not cease to be a citizen of the United Kingdom and Colonies under article 2(2) of this Order if he, his father or his father's father—

- (a) was born in the United Kingdom or 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;

or 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.

(2) In paragraph (1) of this article "relevant territory" means any territory which on the appointed 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 Saint Lucia).

(3) Paragraph (1) of this article shall 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 the United Kingdom and Colonies of women who have been married to such citizens).

(4) 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 article 2(2) of this Order unless her husband does so.

(5) 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 this article as if this article were included in that Act.

(6) 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 for the purpose of determining whether he has by virtue of this Order ceased to be a citizen of the United Kingdom and Colonies, as if he had been born legitimate.

Consequential modifications of other enactments

4.—(1) On and after the appointed day the provisions specified in the Schedule to this Order shall have effect subject to the amendments specified respectively in that Schedule.

(2) Paragraph (1) of this article and the Schedule to this Order shall not extend to Saint Lucia as part of its law.

Interpretation

5. References in this Order to any enactment are references to that enactment as amended or extended by or under another enactment.

N. E. Leigh,
Clerk of the Privy Council.

SCHEDULE

AMENDMENTS NOT AFFECTING THE LAW OF SAINT LUCIA

Diplomatic Immunities

1. In section 1(5) of the Diplomatic Immunities (Conferences with Commonwealth Countries and Republic of Ireland) Act 1961(a), before the word “and” in the last place where it occurs there shall be inserted the word “Saint Lucia”.

The Services

2. In the definitions—

- (a) of “Commonwealth force” in section 225(1) of the Army Act 1955(b) and section 223(1) of the Air Force Act 1955(c), and
 (b) of “Commonwealth country” in section 135(1) of the Naval Discipline Act 1957(d),

at the end there shall be added the words “or Saint Lucia”.

Visiting Forces

3. In the Visiting Forces (British Commonwealth) Act 1933(e), section 4 (attachment and mutual powers of command) shall apply in relation to forces raised in Saint Lucia as it applies to forces raised in Dominions within the meaning of the Statute of Westminster 1931(f).

4. In the Visiting Forces Act 1952(g), in section 1(1)(a) (countries to which the Act applies) at the end there shall be added the words “Saint Lucia or”.

5. Until express provision with respect to Saint Lucia 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 Saint Lucia.

Ships

6. In section 427(2) of the Merchant Shipping Act 1894(h), as set out in section 2 of the Merchant Shipping (Safety Convention) Act 1949(i), before the words “or in any” there shall be inserted the words “or Saint Lucia”.

7. In the Whaling Industry (Regulation) Act 1934(j), the expression “British ship to which this Act applies” shall not include a British ship registered in Saint Lucia.

Commonwealth Institute

8. In section 8(2) of the Imperial Institute Act 1925(k), as amended by the Commonwealth Institute Act 1958(l) (power to vary the provisions of the said

(a) 1961 c. 11.	(b) 1955 c. 18.	(c) 1955 c. 19.	(d) 1957 c. 53.
(e) 1933 c. 6.	(f) 1931 c. 4.	(g) 1952 c. 67.	(h) 1894 c. 60.
(i) 1949 c. 43.	(j) 1934 c. 49.	(k) 1925 c. xvii.	(l) 1958 c. 16.

Act of 1925 if an agreement for the purpose is made with the government 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 Saint Lucia".

Colonial Stock

9. Section 20 of the Colonial Stock Act 1877(a) (which relates to the jurisdiction of courts in the United Kingdom as to colonial stock) shall, in its application to stock of Saint Lucia, have effect as if for the second paragraph there were 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 to make any payment otherwise than out of moneys in his possession in the United Kingdom as registrar."

Appeals to Privy Council

10. The West Indies Associated States (Appeals to Privy Council) Order 1967(b) shall, in its application to Saint Lucia, have effect as if references in the Order to the Courts Order included references to any law in force in Saint Lucia amending the Courts Order; and the Order, as so amended may be cited in relation to Saint Lucia as the Saint Lucia Appeals to Privy Council Order.

Medical Profession

11. The words "the Associated State of" in Article 2 of the Medical Practitioners (Saint Lucia) Order 1969(c) shall be deleted.

(a) 1877 c. 59.

(b) S.I. 1967/224.

(c) S.I. 1969/1080.

EXPLANATORY NOTE

(This Note is not part of the Order.)

The status of association of Saint Lucia with the United Kingdom terminates with effect from 22nd February 1979. This Order effects amendments and modifications to certain enactments that appear to Her Majesty to be necessary or expedient in consequence of that event.

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