

APPENDIX

UNITED KINGDOM LEGISLATION

Barbados Independence Act, 1966

Barbados Independence Order, 1966

**BARBADOS INDEPENDENCE ACT 1966**  
1966, c. 37

**ARRANGEMENT OF SECTIONS**

**SECTION**

1. Fully responsible status of Barbados.
2. Consequential modifications of British Nationality Acts.
3. Retention of citizenship of United Kingdom and Colonies by certain citizens of Barbados.
4. Consequential modification of other enactments.
5. Power to provide new constitution for Barbados.
6. Short title and interpretation.

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**SCHEDULES**

- Schedule 1. Legislative powers of Barbados.  
Schedule 2. Amendments not affecting the law of Barbados.



## ELIZABETH II

## 1966 CHAPTER 37

*An Act to make provision for, and in connection with, the attainment by Barbados of fully responsible status within the Commonwealth.*

[17th November, 1966]

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. (1) On and after 30th November, 1966 (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 Barbados. Fully responsible status of Barbados.

(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 Barbados as part of its law; and on and after that day the provisions of Schedule 1 to this Act shall have effect with respect to the legislative powers of Barbados.

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 (Commonwealth countries having separate citizenship) there were added at the end the words "and Barbados". Consequential modifications of British Nationality Acts.

(2) Except as provided by section 3 of 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 he becomes on that day a citizen of Barbados.

(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 1948 c. 56.<sup>1</sup>

<sup>1</sup> References throughout this Act are to United Kingdom legislation.

## THE LAWS OF BARBADOS

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 who would have done so if living on the appointed day.

Retention of citizenship of United Kingdom and Colonies by certain citizens of Barbados.

**3.** (1) Subject to subsection (5) of this section, 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 the said section 2(2) if either—

- (a) he was born in a protectorate or protected state; or
- (b) 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 the said section 2(2) unless her husband does so.

(4) Subject to subsection (5) of this section, the reference in subsection 1(b) of this section 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 (persons given local naturalisation in a colony or protectorate before the commencement of that Act).

(5) Any reference in this section to a colony, a protectorate or a protected state is a reference to a territory which is a colony, a protectorate or a protected state, as the case may be, within the meaning of the British Nationality Act 1948, on the appointed day, and accordingly does not include a reference

to Barbados; and subsection (1) of this section 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 such a colony, protectorate or protected state on the appointed day.

(6) Part III of the British Nationality Act 1948 (supplemental provisions) shall have effect for the purposes of this section as if this section were included in that Act.

4.<sup>1</sup> (1) Notwithstanding anything in the Interpretation Act 1889, the expression "colony" in any Act of the Parliament of the United Kingdom passed on or after the appointed day shall not include Barbados.

Conse-  
quential  
modification  
of other  
enactments.  
1889 c. 63.

(2) On and after the appointed day—

(a) the expression "colony" in the Army Act 1955, the Air Force Act 1955 and the Naval Discipline Act 1957 shall not include Barbados; and

1955 c. 18.  
1955 c. 19.  
1957 c. 53.

(b) in the definitions of "Commonwealth force" in section 225(1) and 223(1) respectively of the said Acts of 1955, and in the definition of "Commonwealth country" in section 135(1) of the said Act of 1957, at the end there shall be added the words "or Barbados".

(3) If any enactment contained in an Act of the present Session passed before the appointed day (whether before or after the passing of this Act) provides for the continuance in force of the said Acts of 1955 after the end of the year 1966, no Order in Council made under that enactment which continues either of those Acts in force for a further period shall extend to Barbados as part of its law.

(4) For the purposes of the making, on or after the appointed day, of Orders in Council under the West Indies Act 1962, and for the purposes of the making on or after that day of grants under section 8 of that Act, Barbados shall be treated as not being a colony within the meaning of that Act.

1962 c. 19.

<sup>1</sup>Subsections (5) and (6) which relate to Schedule 2 of this Act have been omitted: they expressed not to extend to Barbados as part of its law.

**THE LAWS OF BARBADOS**

Power to  
provide new  
constitution  
for Barbados.

**5.** (1) Her Majesty may by Order in Council made before the appointed day provide a constitution for Barbados to come into effect on that day.

(2) An Order in Council under this section (in this section referred to as a "Constitution Order") may include provision as to the manner in which the legislature of Barbados may alter any provisions of that Order, or may alter any law which alters any of those provisions; and a constitution provided by a Constitution Order may include provision as to the manner in which the legislature of Barbados may alter that constitution or any provisions of that constitution, or may alter any law which alters that constitution or any provisions thereof.

(3) In this section references to altering a constitution or to altering any provision or law include references—

- (a) to revoking it, with or without re-enactment thereof or the making of different provision in lieu thereof;
- (b) to modifying it (whether by omitting, amending or overriding any of its provisions or inserting additional provisions in it or otherwise); and
- (c) to suspending its operation for any period or terminating any such suspension.

(4) A Constitution Order may contain such transitional or other incidental or supplementary provisions as appear to Her Majesty to be necessary or expedient.

Short title  
and inter-  
pretation.

(5) Any Constitution Order shall be laid before Parliament after being made.

**6.** (1) This Act may be cited as the Barbados Independence Act 1966.

(2) Except in so far as the context otherwise requires, references in this Act to any enactment are references to that enactment as amended or extended by or under any other enactment.

SCHEDULES<sup>1</sup>

## SCHEDULE 1

Section 1.

## LEGISLATIVE POWERS OF BARBADOS

1. The Colonial Laws Validity Act 1865 shall not apply to any law made on or after the appointed day by the legislature of Barbados. 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 accordingly 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 Barbados.

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

4. Without prejudice to the generality of the preceding provisions of this Schedule—

(a) sections 735 and 736 of the Merchant Shipping Act 1894 shall be construed as if references therein to the legislature of a British possession did not include references to the legislature of Barbados; and 1894 c. 60.

(b) section 4 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 7 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 Barbados. 1890 c. 27.

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<sup>1</sup> Schedule 2 of this Act which makes amendments to United Kingdom legislation has been omitted: it is expressed not to affect the law of Barbados.

## THE LAWS OF BARBADOS



1966 No. 1455

CARIBBEAN AND NORTH ATLANTIC  
TERRITORIES

**The Barbados Independence Order 1966**

<i>Made</i>	- - -	22nd November 1966
<i>Laid before Parliament</i>		22nd November 1966
<i>Coming into Operation</i>		30th November 1966

At the Court at Buckingham Palace, the 22nd day of November  
1966

Present:

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers vested in Her by section 5 of the Barbados Independence Act 1966<sup>1</sup> and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows—

1. (1) This Order may be cited as the Barbados Independence Order 1966.

Citation, commencement and construction.

(2) This Order shall come into operation on 30th November 1966 (in this Order referred to as "the appointed day"):

Provided that the Governor may at any time after 22nd November, 1966, exercise any of the powers conferred upon the Governor-General by sections 4(3) and 10(1) of this Order and sections 60(1), 89(2), 90(1) and 91(1) of the Constitution set out in the Schedule to this Order (in this Order referred to as "the Constitution"<sup>2</sup>) to such extent as may, in his opinion, be necessary or expedient to enable the Constitution to function as from the appointed day.

<sup>1</sup> 1966 c. 37.

<sup>2</sup> The Constitution is printed in these Laws as the Preface. The Schedule is therefore omitted from this Order.

[References throughout this Instrument are to United Kingdom legislation.]

**THE LAWS OF BARBADOS**

(3) For the purposes of the exercise by the Governor under the proviso to subsection (2) of the powers conferred by the said sections 89(2), 90(1) and 91(1), the references therein to the Prime Minister and the Leader of the Opposition shall be construed as if they were references respectively to the Premier and to the Leader of the Opposition as defined for the purposes of Schedule 2 to the Barbados (Letters Patent Consolidation) Order 1964<sup>1</sup>; and the other powers referred to in that proviso shall be exercised by the Governor acting in accordance with the advice of the Premier.

(4) Save where the context otherwise requires, expressions used in sections 1 to 12 of this Order have the same meaning as in the Constitution and the provisions of section 117 of the Constitution shall apply for the purposes of interpreting those sections as they apply for the purposes of interpreting the Constitution.

Revocations  
and amend-  
ments.

2. (1) The Barbados (Letters Patent Consolidation) Order 1964 (in this Order referred to as "the existing Order") is revoked; but the revocation of the existing Order shall not affect the operation on and after the appointed day of any law made or having effect as if made in pursuance of the existing Order and having effect as part of the law of Barbados immediately before the appointed day (including any law made before the appointed day and coming into operation on or after that day).

(2) The British Caribbean Court of Appeal Order in Council 1962<sup>2</sup> (as amended by the British Caribbean Court of Appeal (Amendment) (No. 2) Order in Council 1962<sup>3</sup>) is amended by the deletion of sub-paragraph (b) (which specifies Barbados) of the definition of "the Territories" in article 2(1); and the last mentioned Order is amended by the deletion of the words "and the Chief Judge and other judges of the Island of Barbados" in paragraph (b) of article 3(1) (which specifies the judges of which the Court consists):

Provided that, if provision is made by an order under paragraph (b) of section 10(1) or by any other law for the

<sup>1</sup> S.I. 1964/491 (1964 I, p. 804).

<sup>2</sup> S.I. 1962/1086 (1962 II, p. 1247).

<sup>3</sup> S.I. 1962/1870 (1962 II, p. 2186).

continuance on or after the appointed day before the British Caribbean Court of Appeal of any such pending appeals as are mentioned in that paragraph, then, for the purposes of such appeals, Barbados shall continue to be a Territory for the purposes of the first mentioned Order and the Chief Justice and other Judges of the Supreme Court of Barbados shall be of the members Court *ex officio*.

(3) The West Indies (Dissolution and Interim Commissioner) Order in Council 1962<sup>1</sup> is amended by the deletion of subparagraph (b) (which specifies Barbados) of the definition of "the Territories" in article 2(1); but nothing in this subsection shall affect the operation on and after the appointed day of any law having effect as part of the law of Barbados immediately before that day by virtue of the provisions of article 15 or 16 of that Order.

**3.** Subject to the provisions of this Order, the Constitution shall come into effect on the appointed day.<sup>2</sup> Establishment of Constitution.

**4.** (1) Subject to the provisions of this section, the existing laws shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with the Barbados Independence Act 1966 and this Order. Existing laws.

(2) Where any matter that falls to be prescribed or otherwise provided for under the Constitution by Parliament or by any other authority or person is prescribed or provided for by or under an existing law (including any amendment to any such law made under this section) or is otherwise prescribed or provided for immediately before the appointed day by or under the existing Order, that prescription or provision shall, as from that day, have effect (with such modifications, adaptations, qualifications and exceptions as may be necessary to bring it into conformity with the Barbados Independence Act 1966 and this Order) as if it had been made under the Constitution by Parliament or, as the case may require, by the other authority or person.

<sup>1</sup> S.I. 1962/1084 (1962 II, p. 1220).

<sup>2</sup> 30th November, 1966.

**THE LAWS OF BARBADOS**

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by authority of the Government of Barbados

(3) The Governor-General may by order made at any time before 30th November, 1967, make such amendments to any existing law as may appear to him to be necessary or expedient for bringing that law into conformity with the provisions of the Barbados Independence Act 1966 and this Order or otherwise for giving effect to or enabling effect to be given to those provisions.

(4) An order made by the Governor-General under subsection (3) shall have effect from such day, not earlier than the appointed day, as may be specified therein.

(5) The provisions of this section shall be without prejudice to any powers conferred by this Order or by any other law upon any person or authority to make provision for any matter, including the amendment or repeal of any existing law.

(6) In this section "existing law" means any law having effect as part of the law of Barbados immediately before the appointed day (including any law made before the appointed day and coming into operation on or after that day).

**Parliament.**

5. (1) The persons who immediately before the appointed day are members of the Senate established by the existing Order (in this section referred to as "the existing Senate"), having been appointed as such under sub-paragraphs (a), (b) and (c) respectively of paragraph 10(2) of Schedule 2 to that Order, shall as from the appointed day be members of the Senate established by the Constitution as if they had been appointed as such under subsections (2), (3) and (4) respectively of section 36 of the Constitution and shall hold their seats as Senators in accordance with the provisions of the Constitution.

(2) The persons who immediately before the appointed day are President and Deputy President of the existing Senate shall as from the appointed day be President and Deputy President respectively of the Senate established by the Constitution as if they had been elected as such under section 40 of the Constitution and shall hold office in accordance with the provisions of that section.

(3) The persons who immediately before the appointed day are members of the House of Assembly then established for Barbados (in this section referred to as "the existing Assembly") shall as from the appointed day be members of

the House of Assembly established by the Constitution as if elected as such in pursuance of section 41(2) of the Constitution and shall hold their seats in that House in accordance with the provisions of the Constitution.

(4) The persons who immediately before the appointed day are Speaker and Deputy Speaker of the existing Assembly shall as from the appointed day be Speaker and Deputy Speaker respectively of the House of Assembly established by the Constitution as if elected as such by that House in pursuance of any provisions in that behalf.

(5) Any person who is a member of the Senate or the House of Assembly established by the Constitution by virtue of the preceding provisions of this section and who, since he was last appointed or elected as a member of the existing Senate or the existing Assembly before the appointed day, has taken the oath of allegiance in pursuance of paragraph 21 of Schedule 2 to the existing Order shall be deemed to have complied with the requirements of section 59 of the Constitution relating to the taking of the oath of allegiance.

(6) The Standing Orders of the existing Senate and the existing Assembly as in force immediately before the appointed day shall, except as may be otherwise provided in pursuance of section 50(1) of the Constitution, be the Standing Orders respectively of the Senate and the House of Assembly established by the Constitution, but they shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with the Constitution.

(7) Notwithstanding anything contained in section 61(3) of the Constitution (but subject to the provisions of subsections (4) and (5) of that section) Parliament shall, unless sooner dissolved, stand dissolved on the expiration of five years from the first sitting of the existing Assembly after the general election of members of the Assembly last preceding the appointed day.

6. (1) The person who immediately before the appointed day holds the office of Premier under the existing Order shall, as from the appointed day, hold office as Prime Minister as if he had been appointed thereto under section 65(1) of the Constitution.

Ministers  
and Parlia-  
mentary  
Secretaries.

**THE LAWS OF BARBADOS**

(2) The persons (other than the Premier) who immediately before the appointed day hold office as Ministers under the existing Order shall, as from the appointed day, hold the like offices as if they had been appointed thereto under section 65(2) of the Constitution.

(3) Any person holding the office of Prime Minister or other Minister by virtue of subsection (1) or (2) who immediately before the appointed day was charged with responsibility for any subject or department of government shall, as from the appointed day, be deemed to have been assigned responsibility for the corresponding business or department of the Government under section 72 of the Constitution.

(4) The persons who immediately before the appointed day hold office as Parliamentary Secretaries under the existing Order shall, as from the appointed day, hold the like offices as if they had been appointed thereto under section 73(1) of the Constitution.

(5) Any person who holds office as Prime Minister or other Minister or Parliamentary Secretary as from the appointed day by virtue of the provisions of this section shall be deemed to have complied with the requirements of section 69 or section 73(2), as the case may be, of the Constitution relating to the taking of oaths.

Leader  
of the  
Opposition.

7. The person who immediately before the appointed day is the Leader of the Opposition (as defined for the purposes of Schedule 2 to the existing Order) shall, as from the appointed day, hold office as Leader of the Opposition as if he had been appointed thereto under section 74 of the Constitution.

Privy  
Council.

8. The persons who immediately before the appointed day are members of the Privy Council established by the existing Order, having been appointed as such under clause 3 of the Barbados Royal Instructions 1964<sup>1</sup>, shall, as from the appointed day, hold office as members of the Privy Council established by the Constitution as if they had been appointed thereto under section 76(1) of the Constitution:

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<sup>1</sup> S.I. 1964 I, p. 1211.

Provided that for the purposes of subsection (3) of that section the date of appointment of any such person shall be the date on which the period of his last appointment under the said clause 3 commenced or was deemed to have commenced for the purposes of that clause.

**9.** (1) Every person who immediately before the appointed day holds or is acting in a public office shall, as from the appointed day, hold or act in that office or the corresponding office established by the Constitution as if he had been appointed to do so in accordance with the provisions of the Constitution:

Existing judges and public officers.

Provided that any person who under any existing law would have been required to vacate his office on the attainment of any age or on the expiration of any period shall vacate his office on the attainment of that age or at the expiration of that period.

(2) The provisions of subsection (1) shall apply in relation to the office of a Judge as if that office were a public office.

(3) Any person who, by virtue of the provisions of this section, holds or is acting in the office of the Director of Public Prosecutions or a Judge as from the appointed day shall be deemed to have complied with the requirements of section 79(7) or, as the case may be, section 83 of the Constitution relating to the taking and subscribing of oaths.

(4) In this section "existing law" has the same meaning as in section 4.

**10.** (1) The Governor-General may by order make such provision as may appear to him to be necessary or expedient for—

Pending legal proceedings.

- (a) the continuance on or after the appointed day before the High Court or the Court of Appeal established by the Constitution of any proceedings pending immediately before that day before the Supreme Court of Barbados;
- (b) the continuance on or after the appointed day before the said Court of Appeal or the British Caribbean Court of Appeal or the abatement of any appeal pending immediately before that day before the British Caribbean

**THE LAWS OF BARBADOS**

Court of Appeal from the Supreme Court of Barbados;

- (c) the enforcement of any judgment of the Supreme Court of Barbados or the British Caribbean Court of Appeal given but not satisfied before the appointed day; and
- (d) the enforcement of any judgment of the British Caribbean Court of Appeal given on or after that day by virtue of provision made in pursuance of paragraph (b).

(2) In subsection (1)—

“ appeal ” includes a case stated or question of law reserved;

“ judgment ” includes a decree, order, ruling, sentence or decision;

“ the Supreme Court of Barbados ” includes the Full Court of that Court.

(3) The provisions of this section shall be without prejudice to the provisions of section 4 and to any powers conferred by this Order or by any other law upon any person or authority to make provision for any of the matters referred to in subsection (1).

Appeals to  
Her Majesty  
in Council.

**11.** Until Parliament otherwise provides, an appeal shall lie under section 88(1) of the Constitution from decisions of the Court of Appeal established by the Constitution to Her Majesty in Council in the cases mentioned in paragraphs (a) and (b) of section 3 of the British Caribbean (Appeal to Privy Council) Order in Council 1962<sup>1</sup> as if references therein to the British Caribbean Court of Appeal were references to the Court of Appeal established by the Constitution.

Alteration of  
this Order.

**12.** (1) Parliament may alter any of the provisions of this Order in the same manner as it may alter any of the provisions of the Constitution:

Provided that section 3, section 5(1) and (7), section 9 and this section may be altered by Parliament only in the same manner as the provisions specified in section 49(2) of the Constitution.

<sup>1</sup> S.I. 1962/1087 (1962 II, p. 1255).



(2) Section 49(5) of the Constitution shall apply for the purpose of construing references in this section to any provision of this Order and to the alteration of any such provision as it applies for the purpose of construing references in the said section 49 to any provision of the Constitution and to the alteration of any such provision.

*W. G. Agnew.*

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