

(3) 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 eight of that Act, Trinidad and Tobago shall be treated as not being a colony within the meaning of that Act.

(4) As from the appointed day, the provisions specified in the Second Schedule to this Act shall have effect subject to the amendments respectively specified in that Schedule, and Her Majesty may by Order in Council, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, make such further adaptations in any Act of the Parliament of the United Kingdom passed before this Act, or in any instrument having effect under any such Act, as appear to Her necessary in consequence of section one of this Act; and any Order in Council made under this subsection may be varied or revoked by a subsequent Order in Council so made, and, though made after the appointed day, may be made so as to have effect from that day.

(5) Subsection (4) of this section shall not extend to Trinidad and Tobago as part of the law thereof.

INTERPRETATION

4. (1) In this Act, and in any amendment made by this Act in any other enactment, “Trinidad and Tobago” means the Island of Trinidad, the Island of Tobago and any territories which at the passing of this Act are dependencies of the Colony of Trinidad and Tobago.

(2) References in this Act to any enactment are references to that enactment as amended or extended by or under any other enactment.

SHORT TITLE

5. This Act may be cited as the Trinidad and Tobago Independence Act 1962.

FIRST SCHEDULE

LEGISLATIVE POWERS OF TRINIDAD AND TOBAGO

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

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 Trinidad and Tobago.

3. The legislature of Trinidad and Tobago 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 if references therein to the legislature of a British possession did not include references to the legislature of Trinidad and Tobago.

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 Trinidad and Tobago.

6. (1) Nothing in this Act shall confer on the legislature of Trinidad and Tobago 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 Trinidad and Tobago in pursuance of section five of the West Indies Act 1962;

- (c) any law, or instrument made under a law, of the legislature of Trinidad and Tobago 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

AMENDMENTS NOT AFFECTING THE LAW OF TRINIDAD AND TOBAGO

1—4. (*Para. 1 amends the Income Tax Act 1952, s. 461(2), (3), Vol. 33, title Taxation; paras. 2 and 3 amend the Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act 1952, s. 1(6) and the Diplomatic Immunities (Conferences with Commonwealth Countries and Republic of Ireland) Act 1961, s. 1(5), respectively, both Vol. 6, title Constitutional Law; para. 4 amends the Import Duties Act 1958, s. 2(4), Vol. 9, title Customs and Excise.*)

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 Trinidad and Tobago 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) (*amends the Visiting Forces Act 1952, s. 1 (1)(a). Vol. 29, title Royal Forces*);
- (b) in paragraph (a) of subsection (1) of section ten the expression “colony” shall not include Trinidad and Tobago,

and, until express provision with respect to Trinidad and Tobago 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 Trinidad and Tobago.

SHIPS AND AIRCRAFT

7—9. (*Paras. 7 and 8 amend the Merchant Shipping Act 1894, s. 427(2) (as substituted by the Merchant Shipping (Safety Convention) Act 1949, s. 2) and the Merchant Shipping Act 1948, s. 6(2), respectively, both Vol. 31, title Shipping and Navigation; para. 9 rep. by the Emergency Laws (Re-enactments and Repeals) Act 1964, s. 22(2) and Sch. 2.*)

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, Trinidad and Tobago; and the penal provisions of that Act shall not apply to persons in Trinidad and Tobago (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 Trinidad and Tobago.

12. In paragraph (b) of subsection (7) of section two of the Civil Aviation (Licensing) Act 1960, the expression “colony” shall not include Trinidad and Tobago.

COPYRIGHT

13. If the Copyright Act 1911, so far as in force in the law of Trinidad and Tobago 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 Trinidad and Tobago, the said sub-paragraph (2) shall thereupon cease to have effect in relation thereto.

14, 15. [*Para. 14 amends the Indian and Colonial Divorce Jurisdiction Act 1926, s. 2(2), Vol. 6, title Conflict of Laws; para. 15 amends the Imperial Institute Act 1925, s. 8(2) (not printed in this work).*]