

Legal Notice No. 12 of 1966.

**STATUTORY INSTRUMENTS: OVERSEAS TERRITORIES;
BRITISH NATIONALITY; CIVIL AVIATION**

The following instruments, that is to say —

S.I. 1965 No. 1203 Overseas Territories, The United Kingdom Forces (Jurisdiction of Colonial Courts) Order, 1965 ;

S.I. 1965 No. 1864 British Nationality, The British Protectorates, Protected States and Protected Persons Order, 1965 ;

S.I. 1965 No. 980 Civil Aviation, The Colonial Civil Aviation (Application of Act) (Amendment) Order, 1965 ;

are set out, for general information, in the Schedule.

F. WOOD,
for Attorney-General.

Attorney-General's Chambers,
GABERONES.
19th January, 1966.

SCHEDULE

STATUTORY INSTRUMENTS

1965 No. 1203

OVERSEAS TERRITORIES

**The United Kingdom Forces (Jurisdiction of
Colonial Courts) Order 1965**

Made 1st June 1965
Laid before Parliament 9th June 1965
Coming into Operation 10th June 1965

At the Court at Buckingham Palace, the 1st day of June 1965

Present

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers by section 112 of the Government of India Act 1833^(a), the British Settlements Acts 1887 and 1945^(b), the Foreign Jurisdiction Act 1890^(c) or otherwise in Her Majesty vested or reserved to Her in pursuance of the British Guiana Act 1928^(d) or the West Indies Act 1962^(e), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation and Commencement.

1. This Order may be cited as the United Kingdom Forces

(a) 3 & 4 Will. 4. c. 85.
(c) 53 & 54 Vict. c. 37

(b) 50 & 51 Vict. c. 54 and 9 & 10 Geo. 6.c. 7.
(d) 18 & 19 Geo. 5. c. 5.

(e) 10 & 11 Eliz. 2. c. 19.

(Jurisdiction of Colonial Courts) Order 1965 and shall come into operation on the 10th June 1965.

Application and Interpretation.

2. (1) This Order shall apply to each of the territories specified in the Schedule to this Order and in its application to any territory references in this Order to "the Territory" mean that territory.

(2) In this Order —

"coroner" means any person or authority having jurisdiction under the law of the Territory to hold inquests ;

"court of the Territory" means a court exercising jurisdiction in the Territory other than a service court ;

"dependant" in relation to any person means any of the following —

(a) the wife or husband of that person ; and

(b) any other person wholly or mainly maintained by him or in his custody, charge or care ;

"Governor" in relation to Basutoland means the British Government Representative and in relation to any other territory the officer for the time being administering the government of the territory ;

"Her Majesty's forces" means the naval, military or air forces of Her Majesty in right of Her Government in the United Kingdom but does not include a force raised under a law enacted by the legislature of the Territory ;

"law of the Territory" means law for the time being in force in the Territory or any part thereof ;

"service court" means an officer or court exercising jurisdiction under the Naval Discipline Act 1957^(a), the Army Act 1955^(b) or the Air Force Act 1955^(c) and includes a confirming officer or reviewing authority under any of those Acts.

(3) In this Order a reference to the holder of an office by the terms designating his office shall be construed as including, to the extent of his authority, a reference to any person for the time being authorised to exercise the functions of that office.

(4) The Interpretation Act 1889^(d) shall apply, with the necessary adaptations, for the purpose of interpreting this Order and otherwise in relation thereto as it applies for the purpose of interpreting or in relation to Acts of the Parliament of the United Kingdom.

(5) References in this Order to a member of a civilian component of any of Her Majesty's forces are references to persons (being persons subject to the jurisdiction of a service court) of any such description as may be prescribed by order made by the Governor of the Territory.

(a) 5 & 6 Eliz. 2, c. 53.
(c) 3 & 4, Eliz. 2, c. 19.

(b) 3 & 4 Eliz. 2, c. 18.
(d) 52 & 53 Vict. c. 63.

(6) References in this Order to a person's having at any time a relevant association with Her Majesty's forces are references to his being at that time a person of one or other of the following descriptions, that is to say —

- (a) a member of Her Majesty's forces or a member of a civilian component of any of those forces ;
- (b) a person who is a dependant of any such member.

(7) References in this Order to any law are references to that law as from time to time amended or extended by or under any other law.

(8) In the exercise of the powers conferred upon him by this Order the Governor shall not be obliged to obtain the advice of or otherwise to consult with any other person or authority in the Territory.

Restriction of Trial of Service Offenders by Courts of Territory.

3. (1) Subject to the provisions of this section, a person charged with an offence against the law of the Territory shall not be liable to be tried for that offence by a court of the Territory if at the time that the offence is alleged to have been committed he was a member of Her Majesty's forces or a member of a civilian component of any of those forces and —

- (a) the alleged offence, if committed by him, arose out of and in the course of his duty as a member of Her Majesty's forces or a member of that civilian component, as the case may be ; or
- (b) the alleged offence is an offence against the person, and the person or, if more than one, each of the persons in relation to whom it is alleged to have been committed had at the time thereof a relevant association with Her Majesty's forces ; or
- (c) the alleged offence is an offence against property, and the whole of the property in relation to which it was alleged to have been committed (or, in cases where different parts of that property were differently owned, each part of the property) was at the time thereof the property either of a department of the Government of the United Kingdom or of some other authority of the United Kingdom or of Her Majesty's forces or of the Navy, Army and Air Force Institutes or of any other institution or organization operating for the benefit of Her Majesty's forces that is prescribed by order of the Governor of the Territory or the property of a person having such an association as aforesaid.

(2) Nothing in sub-section (1) of this section —

- (a) shall prevent a person from being tried by a court of the Territory in any case where a certificate is issued by or on behalf of the Governor, either before or in the course of the

trial, that the officer commanding Her Majesty's forces in the Territory has notified the Governor that it is not proposed that the case should be dealt with by a service court; or

- (b) shall affect anything done or omitted in the course of a trial unless in the course thereof objection has already been made that by reason of that sub-section the court is not competent to deal with the case; or
- (c) shall, after the conclusion of a trial, be treated as having affected the validity thereof if no such objection was made in the proceedings at any stage before the conclusion of the trial.

(3) In relation to cases where the charge (by whatever words expressed) is a charge of attempting or conspiring to commit an offence, or of aiding, abetting, procuring or being accessory to the commission of an offence, paragraphs (b) and (c) of sub-section (1) of this section shall have effect as if references in those paragraphs to the alleged offence were references to the offence which the person charged is alleged to have attempted or conspired to commit or, as the case may be, the offence as respects which it is alleged that he aided, abetted, procured or was accessory to the commission thereof; and references in those paragraphs to persons in relation to whom, or property in relation to which, the offence is alleged to have been committed shall be construed accordingly.

(4) Nothing in this section shall be construed as derogating from the provisions of any law of the Territory restricting the prosecution of any proceedings or requiring the consent of any authority to the prosecution thereof.

(5) The Governor of the Territory may by order prescribe the offences against the law of the Territory which shall respectively be offences against the person and offences against property for the purposes of this section.

(6) Nothing in this section shall be construed as precluding a court of the Territory from trying any person for an offence against the law of the Territory in respect of which he has, before the date on which this Order was made, been charged before a court of the Territory.

Courts of Territory not to Try Offences Tried by Service Courts.

4. Without prejudice to the provisions of section 3 of this Order, where a person has been tried by a service court he shall not be tried for the same crime by a court of the Territory.

Saving of Powers of Arrest, etc.

5. Nothing in section 3 or 4 of this Order shall affect —
- (a) any powers of arrest, search, entry, seizure or custody exercisable under the law of the Territory with respect to offences committed or believed to have been committed against that law; or

- (b) any obligation of any person in respect of a recognizance or bail bond entered into in consequence of his arrest, or the arrest of any other person, for such an offence ; or
- (c) any power of any court to remand (whether on bail or in custody) a person brought before the court in connection with such an offence.

Coroners' Inquests.

6. (1) If any coroner having jurisdiction to hold an inquest touching a death is satisfied that the deceased person at the time of his death had a relevant association with Her Majesty's forces, then, unless the Governor otherwise directs, the coroner shall not hold the inquest or, if the inquest has been begun but not completed, shall adjourn the inquest.

(2) Subject to the provisions of sub-section (1) of this section, if on an inquest touching a death the coroner is satisfied —

- (a) that a person who is subject to the jurisdiction of a service court has been charged before a service court with the homicide of the deceased person, whether or not that charge has been dealt with ; or
- (b) that such a person is being detained by an authority of the United Kingdom with a view to being so charged,

then, unless the Governor otherwise directs, the coroner shall adjourn the inquest.

(3) Where an inquest is adjourned under this section, the coroner shall not resume it except on the direction of the Governor.

(4) Where an inquest is adjourned under this section, the jury (if any) shall be discharged; and if the inquest is resumed the coroner shall proceed in all respects as if the inquest had not previously been begun except that any requirements to view the body shall not apply.

Evidence.

7. (1) For the purposes of this Order a certificate issued by or on behalf of the officer commanding Her Majesty's forces in the Territory, stating that at a time specified in the certificate a person so specified either was or was not a member of Her Majesty's forces shall in any proceedings in any court of the Territory be sufficient evidence of the fact so stated unless the contrary is proved.

(2) For the purposes of this Order a certificate issued by or on behalf of the officer commanding Her Majesty's forces in the Territory, stating as respects a person specified in the certificate —

- (a) that he has been charged before a service court with the homicide of a deceased person or is detained in custody by an authority of the United Kingdom with a view to being so charged ; or
- (b) that he has been tried, at a time and place specified in the certificate, by a service court for a crime so specified,

shall in any proceedings in any court of the Territory be conclusive evidence of the facts so stated.

(3) Where a person is charged with an offence against the law of the Territory and at the time when the offence is alleged to have been committed he was a member of Her Majesty's forces or a member of a civilian component of any of those forces, a certificate issued by or on behalf of the officer commanding Her Majesty's forces in the Territory, stating that the alleged offence, if committed by him, arose out of and in the course of his duty as a member of Her Majesty's forces or that component, as the case may be, shall in any such proceedings as aforesaid be sufficient evidence of that fact unless the contrary is proved.

Revocation.

8. Sub-sections (3) and (4) of section 2 of the British Guiana (United Kingdom Forces) Order 1964^(a) are revoked.

N. E. Leigh.

THE SCHEDULE

(section 2)

Aden
Basutoland
Bechuanaland Protectorate
British Antarctic Territory
British Guiana
British Solomon Islands Protectorate
Cayman Islands
Central and Southern Line Islands
Dominica
Falkland Islands (Colony and Dependencies)
Fiji
Gibraltar
Gilbert and Ellice Islands Colony
Grenada
Hong Kong
Kamaran
Kuria Muria Islands
Mauritius
Perim
Pitcairn, Henderson, Ducie and Oeno

(a) S.I. 1964/1193 (1964 II, p. 2771).

St. Helena
St. Lucia
St. Vincent
Seychelles
Swaziland
Turks and Caicos Islands.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order makes provision withdrawing the jurisdiction of the civil courts of certain colonial territories to try members of Her Majesty's forces, or of a civilian component of those forces, for offences against the law of the territory committed whilst on duty and for certain offences committed whilst off duty.

STATUTORY INSTRUMENTS

1965 No. 1864

BRITISH NATIONALITY

**The British Protectorates, Protected States and
Protected Persons Order 1965**

Made 29th October 1965

At the Court at Buckingham Palace, the 29th day of October 1965

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by sections 30 and 32(1) of the British Nationality Act 1948^(a), section 5 of the British Nationality (No. 2) Act 1964^(b) 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:—

Citation.

1. This Order may be cited as the British Protectorates, Protected States and Protected Persons Order 1965.

Revocation.

2. The Orders specified in Schedule 1 to this Order are revoked.

Interpretation.

3. (1) In this Order, unless the context otherwise requires —

“the Act” means the British Nationality Act 1948 as from time to time amended ;

“British protected person” means a British protected person by virtue of any provision of this Order or, in relation to any time before the commencement of this Order, by virtue of any provision of the British Protectorates, Protected States and Protected Persons Order in Council 1949^(c) as from time to time amended or of any enactment mentioned in the second column of Schedule 4 to this Order ;

“former protectorate” means a territory named in the first column of Part I of Schedule 4 to this Order ;

“former trust territory” means a territory named in the first column of Part II of Schedule 4 to this Order ;

(a) 11 & 12 Geo. 6. c. 56.
(c) S.I. 1949/140 (1949 I, p. 522).

(b) 1964 c. 54.

“protectorate” means a territory referred to in article 6(1) of this Order ;

“protected state” means a territory referred to in article 6(2) of this Order.

(2) A person shall, for the purposes of this Order, be of full age if he has attained the age of 21 years or if, being a woman under that age, she has been married, and shall be of full capacity if he or she is not of unsound mind.

(3) The Interpretation Act 1889^(a) shall apply, with the necessary adaptations, for the purpose of interpreting this Order and otherwise in relation thereto as it applies for the purpose of interpreting and otherwise in relation to Acts of Parliament of the United Kingdom.

Legitimated Children.

4. (1) A person born out of wedlock and legitimated by the subsequent marriage of his parents shall, as from the date of the marriage or 28th January 1949, whichever is later, be treated, for the purpose of determining whether he is a British protected person under article 10, 11, 12(2) or, where the relevant parent is the father, article 14(1) of this Order, as if he had been born legitimate.

(2) A person shall be deemed for the purposes of this article to have been legitimated by the subsequent marriage of his parents if by the law of the place in which his father was domiciled at the time of the marriage the marriage operated immediately or subsequently to legitimate him and not otherwise.

Posthumous Children.

5. Any reference in this Order to the status or description of the father of a person at the time of that person's birth shall, in relation to a person born after the death of his father, be construed as a reference to the status or description of the father at the time of the father's death; and if that death occurred before 28th January 1949 and the birth occurred on or after that date, the status or description which would have been applicable to the father had he died after 28th January 1949 shall be deemed to be the status or description applicable to him at the time of his death.

Protectorates and Protected States.

6. (1) The territories named in Schedule 2 to this Order, being territories under the protection of Her Majesty through Her Government in the United Kingdom, are protectorates for the purposes of the Act.

(2) The states or territories named in the first column of Schedule 3 to this Order, being states or territories under the protection of Her Majesty as aforesaid, are protected states for the purposes of the Act.

(a) 52 & 53 Vict. c. 63.

New Hebrides and Canton Island.

7. The provisions of the Act and of section 1(5) of the British Nationality Act 1964^(a) shall apply to the New Hebrides and to Canton Island as if they were protected states.

Extension to Protected States of References in British Nationality Acts to Protectorates.

8. The references to protectorates contained in sub-paragraphs (b) and (e) of paragraph 1 of Schedule 2 to the Act and in paragraph 3(6) of the Schedule to the British Nationality (No. 2) Act 1964 shall be construed as including references to all the protected states set out in the first column of Schedule 3 to this Order, to the New Hebrides and to Canton Island; and references in the Act, in the British Nationality Act 1958^(b), in section 1(5) of the British Nationality Act 1964 and in this Order to the Governor shall be construed as including references in relation to the said protected states, to the authorities specified in the second column of Schedule 3 to this Order, and in relation to the New Hebrides and Canton Island to the High Commissioner for the Western Pacific, and to the persons for the time being exercising their functions.

Extension to Brunei, the New Hebrides and Canton Island of References to Protectorates in British Nationality Acts and in South Africa Act 1962.

9. (1) The references to protectorates contained in sections 8(1), 10(2), 22 and 29(3) and in the definition of "person naturalised in the United Kingdom and Colonies" in section 32 (1) of the Act, in paragraph 4 of Schedule 2 to the Act, in section 3 of the British Nationality Act 1958 and in paragraph 2 of Schedule 1 to the South Africa Act 1962^(c) shall be construed as including references to Brunei.

(2) The references to protectorates in section 10(2) and in the definition of "person naturalised in the United Kingdom and Colonies" in section 32(1) of the Act and in paragraph 4 of Schedule 2 to the Act shall be construed as including references to the New Hebrides and to Canton Island.

British Protected Persons by Virtue of Connection with a Protectorate.

10. Subject to the provisions of article 20 of this Order, a person shall be a British protected person by virtue of his connection with a protectorate —

- (a) if he was born (whether before or after the commencement of this Order) in that protectorate ; or
- (b) in the case of a person born elsewhere than in a protectorate before 28th January 1949, if his father was born in that protectorate ; or

(a) 1964 c. 22.

(b) 6 & 7 Eliz. 2. c. 10.

(c) 10 & 11 Eliz. 2. c. 23.

- (c) in the case of a person born elsewhere than in a protectorate on or after 28th January 1949, if his father was born in that protectorate and was a British protected person at the time of that person's birth.

British Protected Persons by Virtue of Connection with Canton Island.

11. Subject to the provisions of article 20 of this Order, a person shall be a British protected person by virtue of his connection with Canton Island —

- (a) if he was born there before 28th January 1949 and at the time of his birth the territory in which his father was born was a protectorate, protected state, trust territory or mandated territory ; or
- (b) if he was born there on or after 28th January 1949 and his father was a British subject or a British protected person at the time of that person's birth.

British Protected Persons by Virtue of Connection with a Former Protectorate or Trust Territory.

12. (1) A person shall be a British protected person by virtue of his connection with a former protectorate or trust territory if he was a British protected person immediately before the commencement of this Order by virtue of any enactment mentioned in the second column of Schedule 4 to this Order.

(2) Subject to the provisions of paragraph (3) of this article, a person shall be a British protected person by virtue of his connection with a former protectorate or trust territory if his father was born there and, at the time of that person's birth, was (or would but for his death have been) such a British protected person by virtue of the enactment relating to that former Protectorate or trust territory mentioned in the second column of Schedule 4 to this Order or of paragraph (1) of this article.

(3) A person shall not be a British protected person under paragraph (2) of this article by virtue of his connection with a former protectorate or trust territory if he is, or has at any time been, a citizen of a country mentioned in section 1(3) of the Act which is constituted by that former protectorate or trust territory or of which that former protectorate or trust territory forms part.

Additional Grounds for Status of British Protected Person by Birth.

13. (1) For the purposes of this Order, a person born aboard a ship or aircraft which is registered in a protectorate, or aboard an unregistered ship or aircraft of the government of a protectorate, shall be deemed to have been born in that protectorate.

(2) Where after the commencement of this Order a new-born infant is found abandoned in a protectorate or in Canton Island,

that infant shall, unless the contrary is shown, be deemed for the purposes of this Order to have been born in the territory where he was so found.

Registration of Stateless Persons as British Protected Persons by Virtue of Connection with a Protectorate or a Former Protectorate or Trust Territory.

14. (1) A person shall be entitled, on making application in the prescribed manner, to be registered as a British protected person if he satisfies the authority to whom application is made that he is and always has been stateless and that he has the following connection with a protectorate or a former protectorate or trust territory, that is to say —

- (a) if he was born before 28th January 1949, that his father or mother became (or would but for his or her death have become) a British protected person on 28th January 1949 by virtue of his or her connection with that protectorate or that former protectorate or trust territory ;
- (b) if he was born on or after 28th January 1949, that his father or mother was (or would but for his or her death have been) a British protected person at the time of his birth by virtue of his or her connection with that protectorate or that former protectorate or trust territory.

(2) An application for the registration under this article of a minor may be made by his parent or guardian or, if he has attained the age of sixteen years, by the minor himself or his parent or guardian.

(3) The provisions of paragraph (1) of this article shall apply, where the relevant parent is the mother, to persons born illegitimate as well as to person born legitimate.

Registration of Women Married to British Protected Persons.

15. (1) Subject to the provisions of paragraph (2) of this article, a woman may, on making application in the prescribed manner be registered as a British protected person if she satisfies the authority to whom the application is made that she has been married to a person who, at the time of the application, is, or but for his death would be, a British protected person by virtue of his connection with a protectorate or Canton Island or with a former protectorate or trust territory.

(2) A woman shall not be registered under this article where the connection is with a former protectorate or trust territory, if she is a citizen of a country mentioned in section 1(3) of the Act which is constituted by that former protectorate or trust territory or of which that former protectorate or trust territory forms part.

Effect of Registration as a British Protected Person.

16. A person registered under article 14 or 15 of this Order shall be a British protected person by registration as from the date on which he is registered.

Loss of Status of British Protected Person in Certain Cases.

17. A person who, by virtue of his connection with a former protectorate or trust territory, is a British protected person by or under any provision of article 12, 14 or 15 of this Order shall cease to be such if he becomes a citizen of a country mentioned in section 1(3) of the Act which is constituted by that former protectorate or trust territory or of which that former protectorate or trust territory forms part.

British Protected Persons by Virtue of Connection with a Protected State.

18. (1) A person who, under any law providing for citizenship or nationality in force in any protected state, is a citizen or national of that state shall be a British protected person by virtue of his connection with that state.

(2) If in any protected state no law providing for citizenship or nationality of that state is in force, the provisions of articles 10, 13, 14 and 15 of this Order shall have effect in relation to that state as if it were a protectorate.

(3) If any question arises whether any such law as is mentioned in paragraphs (1) and (2) of this article is in force, a certificate of the Secretary of State on the question shall be conclusive.

Renunciation of Status of British Protected Person.

19. (1) Notwithstanding any other provision of this Order, any person of full age and capacity who is a British protected person by or under any provision, other than article 18(1), of this Order and —

- (a) is also a citizen of any country mentioned in section 1(3) of the Act or of the Republic of Ireland or a national of a foreign country as defined in section 32 (1) of the Act ; or
- (b) satisfies the authority to whom the declaration of renunciation is submitted that after registration of the declaration he will become such a citizen or national ;

may by declaration renounce his status as a British protected person.

(2) The authority to whom the declaration is submitted shall cause it to be registered, and upon registration the declarant shall cease to be a British protected person; but if he is a person who made the declaration in pursuance of the provisions of paragraph (1) (b) of this article and he does not become such a citizen or national within six months from the date of registration he shall be, and be deemed to have remained, a British protected person notwithstanding the registration.

(3) The authority to whom a declaration of renunciation under this article is submitted may withhold registration thereof if it is made during any war in which Her Majesty may be engaged.

Enemy Aliens.

20. A person who was an enemy alien on 28th January 1949 shall not be a British protected person under article 10 or 11 of this

Order unless the authority specified in article 21 of this Order, on application made to him by that person, so orders.

Authority to Whom Applications or Declarations are to be made or Submitted.

21. An application for registration as a British protected person under article 14 or 15, a declaration of renunciation of the status of British protected person under article 19, and an application for an order under article 20 of this Order, shall be made or submitted,

- (a) where a connection is claimed with a protectorate or Canton Island, to the Governor thereof ;
- (b) where a connection is claimed with a former protectorate or trust territory which constitutes or is comprised in a country mentioned in section 1(3) of the Act, to the High Commissioner for Her Majesty's Government in the United Kingdom in that country ;
- (c) in any other case, to the Secretary of State ;

and the authority to whom the application is made or the declaration is submitted may prescribe the form thereof and the manner of making it.

Transitional.

22. Any application, declaration, order or registration made, given or effected before the commencement of this Order in accordance with any of the provisions of the British Protectorates, Protected States and Protected Persons Order in Council 1949 shall continue to have effect as if made, given or effected in accordance with the corresponding provision of this Order.

W. G. Agnew.

SCHEDULE 1
ORDERS REVOKED

<i>Title</i>	<i>Number</i>
The British Protectorates, Protected States and Protected Persons Order in Council 1949.	S.I. 1949/140 (1949 I, p. 522).
The British Protectorates, Protected States and Protected Persons (Amendment) Order in Council 1952.	S.I. 1952/457 (1952 I, p. 437).
The British Protected States (Fujairah and Kalba) Order 1952.	S.I. 1952/1417 (1952 I, p. 436).
The British Protectorates, Protected States and Protected Persons (Amendment) Order in Council 1953.	S.I. 1953/1773 (1953 I, p. 188).
The British Protectorates, Protected States and Protected Persons (Amendment) Order in Council 1958.	S.I. 1958/259 (1958 I, p. 245).
The British Protectorates, Protected States and Protected Persons (Amendment No. 2) Order in Council 1958.	S.I. 1958/590 (1958 I, p. 246).
The British Protectorates, Protected States and Protected Persons (Amendment) Order in Council 1960.	S.I. 1960/1366 (1960 I, p. 429).
The British Protectorates, Protected States and Protected Persons (Amendment) Order in Council 1961.	S.I. 1961/2325 (1961 III, p. 4311)
The British Protectorates, Protected States and Protected Persons (Amendment) Order in Council 1962.	S.I. 1962/1333 (1962 II, p. 1435).

SCHEDULE 2

Article 6

Protectorates

Bechuanaland Protectorate.
British Solomon Islands Protectorate.
Kamaran.
The Protectorate of South Arabia.
Swaziland.

SCHEDULE 3

Article 6

<i>Protected States</i>	<i>Authority</i>
Brunei	The High Commissioner for Brunei.
Tonga	The British Commissioner and Consul in Tonga.
The Persian Gulf States, viz.: Bahrain. Qatar.	The Political Resident in the Persian Gulf.
The Trucial States viz.:	
Abu Dhabi.	
Ajman.	
Dubai	
Fujairah.	
Ras al Khaimah.	
Sharjah.	
Umm al Qaiwain.	

SCHEDULE 4

Article 3.

PART I

Former Protectorates

Gambia Protectorate	Gambia Independence Act 1964, section 2(2)	1964 c. 93.
Kenya Protectorate	Kenya Independence Act 1963, section 2(1)	1963 c. 54.
Nigeria Protectorate	Nigeria Independence Act 1960, section 2(1)	8 & 9 Eliz. 2. c. 55.
Northern Rhodesia	Zambia Independence Act 1964, section 3(2)	1964 c. 65
Northern Territories of the Gold Coast	Ghana Independence Act 1957, section 2	5 & 6 Eliz. 2. c. 6.

Nyasaland Protectorate	Malawi Independence Act 1964, section 2(2)	1964 c. 46.
Sierra Leone Protectorate	Sierra Leone Independence Act 1961, section 2(1)	9 & 10 Eliz. 2. c. 16.
Uganda Protectorate	Uganda Independence Act 1962, section 2(1)	10 & 11 Eliz. 2. c. 57.

PART II

Former Trust Territories

Tanganyika	Tanganyika Independence Act 1961, section 2(1)	10 & 11 Eliz. 2. c. 1.
Cameroons under United Kingdom Trusteeship	Nigeria Independence Act 1960, section 2(1)	8 & 9 Eliz. 2. c. 55.
Togoland under United Kingdom Trusteeship	Ghana Independence Act 1957, section 2	5 & 6 Eliz. 2. c. 6.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, made under the British Nationality Act 1948 and the British Nationality (No. 2) Act 1964, specifies the territories which are protectorates and protected states for the purposes of the British Nationality Acts 1948 to 1964, applies the provisions of the Acts to the New Hebrides and Canton Island as if they were protected states, provides for the application to protected states of certain references to protectorates contained in the Acts, and defines who are to be British protected persons for the purposes of the Acts by virtue of their connection with a protectorate, Canton Island or a protected state or with a former protectorate or trust territory.

In order to implement certain provisions of the United Nations Convention on the Reduction of Statelessness (Cmd. 1825), the Order also makes provision for the registration as British protected persons of certain categories of persons who are and have always been stateless and have a specified connection with a protectorate or a former protectorate or trust territory.

The Order supersedes the British Protectorates, Protected States and Protected Persons Order in Council 1949 to 1962.

STATUTORY INSTRUMENTS

1965 No. 980

CIVIL AVIATION

**The Colonial Civil Aviation (Application of Act)
(Amendment) Order 1965**

Made 14th April 1965

Laid before Parliament 23rd April 1965

Coming into Operation 1st May 1965

At the Court at Windsor Castle, the 14th day of April 1965

Present,

The Queen's Most Excellent Majesty in Council

Whereas it is expedient to amend the Colonial Civil Aviation (Application of Act) Order 1952^(a) in the manner following:—

Now, therefore, Her Majesty, in pursuance of the powers vested in Her by the Civil Aviation Act 1949^(b) 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—

Citation, Construction and Commencement.

1. (1) This Order may be cited as the Colonial Civil Aviation (Application of Act) (Amendment) Order 1965 and shall be construed as one with the Colonial Civil Aviation (Application of Act) Orders 1952 to 1961^(c).

(2) This Order and the Colonial Civil Aviation (Application of Act) Orders 1952 to 1961 may be cited together as the Colonial Civil Aviation (Application of Act) Orders 1952 to 1965.

(3) This Order shall come into operation on 1st May, 1965.

Amendment of Colonial Civil Aviation (Application of Act) Order 1952.

2. In Article 2(1) of the Colonial Civil Aviation (Application of Act) Order 1952, as amended, (hereinafter called "the principal Order") for the definition of "Governor" there is substituted the following definition—

" "Governor" means the officer for the time being administering the Government of the Colony and in relation to the Protectorate of South Arabia means the person for the time being

(a) S.I. 1952/868 (1952 I, p. 565).

(b) 12, 13 & 14 Geo. 6, c. 67.

(c) S.I. 1952/868, 1953/591, 1953/1669, 1954/830, 1955/709, 1958/1514, 1959/2052, 1961/2317 (1952 I, p. 565; 1953 I, pp. 275, 277; 1954 I, p. 463; 1955 I, p. 458; 1958 I, p. 303; 1959 I, p. 684; 1961 III, p. 4271).

performing the functions of High Commissioner for Aden and the Protectorate of South Arabia ;”.

Replacement of Schedule II to Colonial Civil Aviation (Application of Act) Order 1952.

3. (1) Schedule II to the principal Order is replaced by the following new Schedule —

“SCHEDULE II

Territories to which this Order applies

Aden and the Protectorate of South Arabia.
Antigua.
Bahamas.
Barbados.
Basutoland.
Bechuanaland Protectorate.
Bermuda.
British Antarctic Territory.
British Guiana.
British Honduras.
British Solomon Islands Protectorate.
British Virgin Islands.
Cayman Islands.
Central and Southern Line Islands.
Cyprus: Sovereign Base Areas of Akrotiri and Dhekelia.
Dominica.
Falkland Islands and Dependencies.
Fiji.
Gibraltar.
Gilbert and Ellice Islands Colony.
Grenada.
Hong Kong.
Kamaran.
Kuria Muria Islands.
Mauritius.
Montserrat.
Perim.
Seychelles.
Swaziland.
St. Christopher, Nevis and Anguilla.
St. Helena and Ascension Island.
St. Lucia.
St Vincent.
Turks and Caicos Islands.”.

(2) The provisions of paragraph (1) of this Article shall

<i>Provision</i>	<i>Modification</i>
Section 13	<p>“(5) For the purposes of this section a design shall be taken as being applied industrially if it is applied in the circumstances for the time being prescribed by rules made by the Board of Trade under this section and section 36 of the Registered Designs Act 1949 as extended by this section in the law of the United Kingdom.”.</p> <p>For subsection (3) there shall be substituted the following:—</p> <p>“(3) Copyright subsisting in a cinematograph film by virtue of this section shall continue to subsist until the film is published and thereafter until the end of the period of fifty years from the end of the calendar year which includes the date of its first publication and shall then expire, or, if copyright subsists in the film by virtue only of the last preceding subsection, it shall continue to subsist as from the date of first publication until the end of the period of fifty years from the end of the calendar year which includes that date and shall then expire.” ;</p> <p>in subsection (8), for “any such film as is mentioned in paragraph (a) of subsection (1) of section 38 of the Films Act 1960 (which relates to newsreels)” there shall be substituted “any film consisting wholly or mainly of photographs which, at the time they were taken, were means of communicating news” ;</p> <p>subsection (11) shall be omitted.</p>
Section 17	<p>There shall be inserted, after subsection (4), the following subsection:—</p> <p>“(4A) No action in respect of an infringement of copyright shall be commenced after the expiration of a period of six years from the date at which the right of action accrued.” ;</p> <p>subsection (6) shall be omitted.</p>
Section 18	<p>In subsection (1), for the proviso there shall be substituted the following:—</p> <p>“Provided that where a cause of action in respect of the conversion or detention by any person of any such copy or plate has accrued under this subsection to the owner of the copyright, and notwithstanding that before he recovers possession of such copy or plate, a further conversion or detention takes place, the owner of the copyright shall not be entitled to any rights or remedies under this subsection</p>

<i>Provision</i>	<i>Modification</i>
	<p>in respect of anything done in relation to that copy or plate after the expiration of six years from the accrual of the cause of action in respect of the original conversion or detention.”;</p> <p>subsection (4) shall be omitted.</p>
Section 21	<p>In subsections (7) and (8), the word “summary” shall be omitted and for the words “forty shillings” and “fifty pounds” there shall be substituted respectively “four rand” and “one hundred rand”;</p> <p>for subsection (10) there shall be substituted the following:—</p> <p style="padding-left: 40px;">“(10) An appeal shall lie to the High Court from any order made under the last preceding subsection by a subordinate court.”.</p>
Section 22	<p>In subsection (1), for “the Commissioners of Customs and Excise (in this section referred to as “the Commissioners”)” there shall be substituted “the Commissioner of Revenue” and, subject to the modification to subsection (4) hereinafter mentioned, for subsequent references to the said Commissioners there shall be substituted references to the said Commissioner;</p> <p>in subsection (4), for “the Commissioners” where those words first occur there shall be substituted “Her Majesty’s Commissioner” and for “the Commissioners consider” there shall be substituted “Her Majesty’s Commissioner considers”;</p> <p>for subsection (6) there shall be substituted the following:—</p> <p style="padding-left: 40px;">“(6) Any fees paid in pursuance of regulations made under this section shall be treated as monies collected on account of the Consolidated Fund.”;</p> <p>in subsection (7), for the references to the Customs and Excise Act 1952 there shall be substituted references to the Bechuanaland Protectorate Customs Proclamation 1956 (No. 68 of 1956).</p>
Section 31	<p>Subsections (1) and (2) shall be omitted;</p> <p>in subsection (4), for “the United Kingdom” there shall be substituted “Bechuanaland” and for “in a country” there shall be substituted “in the United Kingdom or in any country other than Bechuanaland”.</p>
Section 33	<p>For subsection (1) there shall be substituted the following:—</p>

<i>Provision</i>	<i>Modification</i>
	“(1) An organisation to which this section applies is one declared to be such by an Order in Council made under this section as part of the law of the United Kingdom which has been extended, in relation to that organisation, to Bechuanaland.”.
Section 37	Subsection (4) shall be omitted.
Section 39	Subsection (8) shall be omitted.
Section 40	Subsection (3) shall be omitted; in subsection (4), for “either of the two last preceding subsections” there shall be substituted “the last preceding subsection” and “or the programme to be transmitted as the case may be” shall be omitted; in subsection (5), the reference to a work shall be omitted.
Section 41	In subsection (7), the definition of “school” shall be omitted.
Section 46	Subsection (1) shall be omitted; in subsection (2), “(including any enactment of the Parliament of Northern Ireland)” shall be omitted.
Section 47	The whole section except subsection (4) shall be omitted; in subsection (4), “or rules” shall be omitted.
Section 50	For subsection (2) there shall be substituted the following:— “(2) The Order in Council made under section 28 of the Copyright Act 1911, and dated 24th June, 1912, shall cease to have effect in the case of Bechuanaland and, accordingly, the Copyright Act 1911 and the Copyright Order Confirmation (Mechanical Instruments; Royalties Act 1928 shall be deemed to be repealed in the law of Bechuanaland.”.
Section 51	For subsection (2) there shall be substituted the following:— “(2)—(a) Any provision of this Act empowering Her Majesty’s Commissioner to make regulations shall come into operation on the commencement of the Order in Council extending that provision to Bechuanaland. (b) All the other provisions of this Act shall come into operation on 4th April 1966.”; subsection (3) shall be omitted.

<i>Provision</i>	<i>Modification</i>
Schedule 1	In paragraph 2, for "section 7 of the Act of 1949" there shall be substituted "section 5 of the Registration of United Kingdom Trade Marks Proclamation (Cap. 154)".
Schedule 7	Paragraphs 25, 26, 40 and 41 shall be omitted.

SCHEDULE 2

Modifications to the Copyright (International Conventions)
Order 1964: —

- (i) Articles 2(1) and 7 to 11 together with Schedules 2 and 4 to 7 shall be omitted.
- (ii) In Article 1, for "any part of the United Kingdom" there shall be substituted "Bechuanaland".
- (iii) In Article 2(2), "before 27th September 1957" shall be omitted and there shall be added at the end "if (a) the country is one in the case of which this Order applies immediately after the commencement of the Act in Bechuanaland and the publication took place before such commencement; or (b) the country is one in the case of which this Order applies by reason of the subsequent extension of an amending Order and the publication took place before the date mentioned in relation to that country in Schedule 2 to this Order in its operation in the law of the United Kingdom."
- (iv) There shall be substituted for Article 2(3) the following:—

“(3) In the case of any such country as mentioned in paragraph 2(b) of this Article any relevant provisions of Schedule 7 to the Act shall have effect as if there were substituted for references to the commencement of the Act references to the date so mentioned”.
- (v) In Article 2(4)(a), there shall be added references to Malawi and Zambia.
- (vi) In Schedule 1, there shall be added in Part 1 a reference to Cameroon, and in Part 2 references to Guatemala, Malawi, New Zealand and Zambia.
- (vii) In Schedule 3, there shall be added references to Brazil and Czechoslovakia and the reference to Congo (Brazzaville) shall be omitted.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order extends the provisions of the Copyright Act 1956 with certain exceptions and modifications to form part of the law of Bechuanaland.

The Order also extends three Orders in Council made under Part V of the Act. The extension of these Orders will afford protection in Bechuanaland to works originating in countries party to International Copyright Conventions, to works produced by certain international organisations and to lawfully authorised broadcasts originating in other Commonwealth countries to which the 1956 Act has already been extended.

The copyright protection afforded in the law of Bechuanaland will be similar to that afforded in the law of the United Kingdom.