

BRITISH CARIBBEAN FEDERATION ACT, 1956^(a)

ARRANGEMENT OF SECTIONS

Section

1. Power by Order in Council to establish federation, &c.
2. Power to confer on Federal Supreme Court jurisdiction to hear and determine appeals from courts of colonies outside federation and to dissolve West Indian Court of Appeal.
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5. Repeal of 44 & 45 Vict. c. 36.
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SCHEDULE—Colonies included in the federation.

An Act to provide for the federation of certain West Indian colonies and for the transfer, to a court established for the purposes of the federation, of the jurisdiction of the Court of Appeal established by the West Indian Court of Appeal Act, 1919, and the dissolution of that Court; to provide for conferring on the first-mentioned court jurisdiction to hear and determine appeals from the courts of colonies which are not for the time being included in the federation and to repeal the British Honduras (Court of Appeal) Act, 1881; and for purposes connected with the matters aforesaid.

[2nd August, 1956]

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) Her Majesty may, by an Order in Council,—

- (a) provide for the federation of the colonies specified in the Schedule to this Act (with their respective dependencies, if any) and, in that connection,—

Power by Order in Council to establish federation, &c.

(a) 4 & 5 Eliz. 2 c. 63

- (i) provide for the establishment of a Federal Government, a Federal Legislature, a Federal Supreme Court and such other Federal authorities as may appear to Her Majesty to be necessary or expedient;
 - (ii) confer, or provide for conferring, on the said Government, Legislature, Court and authorities, and on any other Governments, Legislatures, Courts and authorities (whether within those colonies or elsewhere) such powers and duties as may be specified by or under the Order, including (in the case of any Legislature) power to make laws having extra-territorial operation;
- (b) amend, in such manner as may appear to Her Majesty to be necessary or expedient, having regard to the federation, the enactments, Letters Patent, Orders in Council, or other instruments relating to the government of those colonies respectively and their dependencies;
- (c) make, or provide for the making of, such incidental, consequential and transitional provisions as may appear to Her Majesty to be necessary or expedient as aforesaid, including, in particular, adaptations and modifications of any enactments, Orders in Council, orders, regulations or other instruments relating or referring to any of those colonies or their dependencies.
- (2) An Order in Council under the foregoing subsection may—
- (a) include provision for the accession to the federation established by the Order of other colonies (with their dependencies, if any) and with respect to the manner in which dependencies of colonies for the time being included in the said federation are to be treated for the purposes thereof;
 - (b) authorise Her Majesty in Council by Order to make, in connection with the accession of a colony to the said federation, provision (whether or not involving amendment or revocation of any provisions of the first-mentioned Order) for anything for which, by virtue of the foregoing subsection, She might make provision if the occasion of the accession were that of the establishment of the federation and the acceding colony were included amongst the colonies specified in the Schedule to this Act;

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- (c) authorise Her Majesty in Council by Order to make, for such purposes, as may be specified in the first-mentioned Order, laws for the federation thereby established (including laws having extra-territorial operation);
- (d) provide that jurisdiction conferred thereby or thereunder on the Federal Supreme Court to hear and determine appeals from the courts of such of the colonies specified in the Schedule to this Act as are colonies to which the West Indian Court of Appeal Act, 1919 (as amended by subsequent enactments) applies shall be in substitution for jurisdiction conferred by that Act on the Court of Appeal established thereby to hear and determine appeals from the courts of those colonies;
- (e) authorise Her Majesty in Council by Order to amend or revoke any of its provisions or any provisions of an Order in Council made in exercise of a power conferred by virtue of this subsection;
- (f) apply any of the provisions of the Statutory Instruments Act, 1946, to an Order in Council made as aforesaid.

9 & 10 Geo.
5. c. 36.

9 & 10
Geo. 6.
c. 36.

(3) Save in so far as the amendment or revocation thereof may be authorised by virtue of the last foregoing subsection, an Order in Council under subsection (1) of this section shall not be capable of being amended or revoked except by Act of Parliament.

(4) No recommendation shall be made to Her Majesty in Council to make an Order under subsection (1) of this section unless a draft of the Order has been laid before Parliament and approved by resolution of each House of Parliament.

2. (1) Her Majesty may by Order in Council—

- (a) confer, or provide for conferring, on the Federal Supreme Court established by Order in Council under the foregoing section jurisdiction to hear and determine appeals from the courts of British Guiana and the Virgin Islands, provide that any such jurisdiction shall be in substitution for jurisdiction conferred by the West Indian Court of Appeal Act, 1919 (as amended by subsequent enactments) on the Court of Appeal established thereby to hear and determine appeals from the courts of those colonies and dissolve the said Court of Appeal;

Power to confer on Federal Supreme Court jurisdiction to hear and determine appeals from courts of colonies outside federation and to dissolve West Indian Court of Appeal.

- (b) confer, or provide for conferring, on the Federal Supreme Court so established jurisdiction to hear and determine appeals from the courts of other colonies which are not for the time being included in the federation so established.

(2) An Order in Council under this section may make provision for any incidental, consequential or transitional matters for which it appears to Her Majesty in Council necessary or expedient to make provision for the purposes of the Order, including provision for conferring upon the legislature of a colony from whose courts criminal appeals lie to the said Federal Supreme Court by virtue of this section power to make, with extra-territorial operation, laws providing for the conveyance of prisoners to and from the place where that Court is sitting.

(3) An Order in Council under this section may be varied or revoked by a subsequent Order of Her Majesty in Council.

Grants to
the Federal
Govern-
ment.

3. The Secretary of State may make to the Government of the federation established by Order in Council under section one of this Act (in this section referred to as "the Federal Government")—

- (a) grants, of amounts not exceeding in the aggregate one million pounds, towards defraying the cost of establishing the seat of the Federal Government;
- (b) in respect of the period of twelve months beginning with the first day of January next after the establishment of the said federation and of each of the nine next succeeding periods of twelve months beginning with the anniversary of that day, a grant of such amount as he may, with the approval of the Treasury, determine, for the purpose of enabling the Federal Government to make grants to the governments of colonies for the time being included in the said federation whose resources are, in the opinion of the Federal Government, insufficient to enable them to defray their administrative expenses.

Expenses.

4. The expenses incurred by the Secretary of State under the last foregoing section shall be defrayed out of moneys provided by Parliament, and any increase attributable to an Order in Council made under or by virtue of section one of this Act in sums payable under any other enactment out of moneys so provided or out of the Consolidated Fund of the United Kingdom, shall be paid out of moneys so provided or out of that Fund, as the case may be.

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5. The British Honduras (Court of Appeal) Act, 1881, is hereby repealed. Repeal of
44&45 Vict.
c. 36.
6. This Act may be cited as the British Caribbean Federation Act, 1956. Short title.

SCHEDULE

Section 1.

Colonies included in the Federation

Barbados.

Jamaica.

Antigua.

Montserrat.

Saint Christopher, Nevis and Anguilla.

Trinidad and Tobago.

Dominica.

Grenada.

Saint Lucia.

Saint Vincent.

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