

“ Without prejudice to the generality of the foregoing provisions of this Act, section four of the Colonial Courts of Admiralty Act, 1890 (which requires certain laws to be reserved for the signification of His Majesty’s pleasure or to contain a suspending clause), and so much of section seven of that Act as requires the approval of His 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 any Dominion as from the commencement of this Act.”

7. A clause to deal with the position of New Zealand, as follows :—

“ No provision of this Act shall extend to the Dominion of New Zealand as part of the law thereof unless that provision is adopted by the Parliament of that Dominion, and any Act of the said Parliament adopting any provision of this Act may provide that the adoption shall have effect either as from the commencement of this Act or as from such later date as may be specified by the adopting Act.”

CERTAIN RECITALS IN PROPOSED LEGISLATION.

1. In accordance with the recommendation of paragraph 54, a recital as follows :—

“ And whereas it is in accord with the established constitutional position that no law hereafter made by the Parliament of the United Kingdom shall extend to any of the Dominions as part of the law in force in that Dominion otherwise than at the request and with the consent of that Dominion.”

2. In accordance with the recommendation in paragraph 60, a recital as follows :—

“ And whereas it is meet and proper to set out by way of preamble to this Act, that inasmuch as the Crown is the symbol of the free association of the members of the British Commonwealth of Nations, and as they are united by a common allegiance to the Crown, it would be in accord with the established constitutional position of all the members of the Commonwealth in relation to one another that any alteration in the law touching the succession to the Throne or the Royal Style and Titles shall hereafter require the assent as well of the Parliaments of all the Dominions as of the Parliament of the United Kingdom.”

(b) NATIONALITY.

The conclusions of the Conference were as follows :—

(1) That the Conference affirms paragraphs 73 to 78, inclusive, of the Report of the Conference on the Operation of Dominion Legislation.

(2) That, if any changes are desired in the existing requirements for the common status, provision should be made for the maintenance of the common status, and the changes should only be introduced (in accordance with present practice) after consultation and agreement among the several members of the Commonwealth.

(3) That it is for each member of the Commonwealth to define for itself its own nationals, but that, so far as possible, those nationals should be persons possessing the common status, though it is recognized that local conditions or other special circumstances may from time to time necessitate divergences from this general principle.

(4) That the possession of the common status in virtue of the law for the time being in force in any part of the Commonwealth should carry with it the recognition of that status by the law of every other part of the Commonwealth.

(c) NATIONALITY OF MARRIED WOMEN.

Careful consideration was given to the subject of the nationality of married women. All the members of the Commonwealth represented at the Hague Conference of 1930 signed the Nationality Convention there concluded, and will, it is assumed, introduce such legislation as may be necessary to give effect to Articles 8–10 of that convention.* The Conference was satisfied, however, that any proposals for the further modification of the principle of the existing law would fail to secure unanimous agreement. It followed that the Conference was unable to make any recommendation for the substantive amendment of the law on this subject except to the extent stated above.

* The text of these Articles is as follows :—

Article 8.—If the national law of the wife causes her to lose her nationality on marriage with a foreigner, this consequence shall be conditional on her acquiring the nationality of the husband.

Article 9.—If the national law of the wife causes her to lose her nationality upon a change in the nationality of her husband occurring during marriage, this consequence shall be conditional on her acquiring her husband’s new nationality.

Article 10.—Naturalization of the husband during marriage shall not involve a change in the nationality of the wife except with her consent.