

SECRET

189

THIS DOCUMENT IS THE PROPERTY OF HER BRITANNIC MAJESTY'S GOVERNMENT

Printed for the Cabinet. March 1961

C. (61) 39
17th March, 1961

Copy No. 32

CABINET

SOUTH AFRICA—CONSEQUENCES OF WITHDRAWAL FROM THE COMMONWEALTH

MEMORANDUM BY THE SECRETARY OF STATE FOR COMMONWEALTH RELATIONS

We shall clearly now have to negotiate with the South African Government across the board to preserve bilateral interests. Dr. Verwoerd for his part has already expressed a desire to maintain good relations and to co-operate with us as in the past.

2. Officials have completed a detailed study of the effects on British interests of South Africa's withdrawal from the Commonwealth and on varying ways in which we might treat her as a foreign country. I hope shortly to circulate a fuller memorandum on this.

3. Meanwhile it is clear that the range of interests on both sides is so wide that it would be impossible for us to arrive at a permanent settlement with the Union Government before the Republic is declared and South Africa formally ceases to be a Commonwealth member on 31st May. Our negotiations will have to cover, among other matters, such major questions as citizenship, preferences, defence and the future of the High Commission Territories.

4. Whatever settlement we reach and whatever the treatment we then decide to afford South Africa, further legislation will certainly be required. This in turn will need careful preparation.

5. Meanwhile in order to hold the position and to allay doubts and speculation, not least as regards citizenship, I recommend that we should introduce, with a view to its enactment prior to 31st May, a short standstill Bill. I annex a draft. The purpose of this Bill would be to preserve the existing position for a period of say 10 months from 31st May. During that time, which would give us elbow room for negotiation, South Africa would continue to be treated under United Kingdom law as though she were still a Commonwealth country. I think that this would be perfectly acceptable to our Commonwealth partners. It is certainly the most practical way of ensuring that we arrive at a full and sensible bilateral understanding with South Africa.

D. S.

Commonwealth Relations Office, S.W. 1,
17th March, 1961.

SECRET

CONFIDENTIAL

9 ELIZ. 2

*Republic of South Africa
(Consequential Provision)*

1

DRAFT
OF A
B I L L
TO

Make temporary provision as to the operation of the law upon the Union of South Africa becoming a Republic outside the Commonwealth. A.D. 1961

WHEREAS, on the thirty-first day of May, nineteen hundred and sixty-one, the Union of South Africa will become a Republic under the name of the Republic of South Africa, and cease to be a member of the Commonwealth:

Be it therefore 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) During the period beginning with the thirty-first day of May, nineteen hundred and sixty-one, and ending with the thirty-first day of March, nineteen hundred and sixty-two, any existing law which operates as law of, or of any part of, the United Kingdom shall, unless provision to the contrary is made by an authority having power to alter that law, have the same operation in relation to the Republic of South Africa, and to persons and things in any way belonging thereto or connected therewith, as it would have had in relation to the Union of South Africa and persons and things belonging thereto and connected therewith if the Union had not become a Republic and had continued to be a member of the Commonwealth.

Operation of
existing law
in relation to
South Africa.

(2) In this section "existing law" means any Act of Parliament or other enactment or instrument whatsoever, and any rule of law, which is in force on the said thirty-first day of May, or, having been passed or made before that date, comes into force after that date.

(3) Subsection (1) of this section shall apply in relation to any existing law which operates as law of, or of any part of, Southern Rhodesia or any colony, protectorate or United Kingdom trust territory as it applies in relation to existing law which operates as law of the United Kingdom, and references in this subsection to a colony, a protectorate and a United Kingdom trust territory shall be construed as if they were references contained in the British Nationality Act, 1948:

Provided that the said subsection (1)—

- (a) shall not apply in relation to any law passed by the Federal Legislature of Rhodesia and Nyasaland;
- (b) shall apply in relation to other law of, or of any part of, Southern Rhodesia so far only as concerns law which can be amended neither by a law passed by the Legislature thereof, nor by a law passed by the said Federal Legislature; and
- (c) shall apply in relation to other law of, or of any part of, Northern Rhodesia or Nyasaland so far only as concerns law which cannot be amended by a law passed by the said Federal Legislature.

Short title.

2. This Act may be cited as the Republic of South Africa (Consequential Provision) Act, 1961.

76—3

CONFIDENTIAL

Republic of South Africa
(Consequential Provision)

DRAFT
OF A
B I L L

To make temporary provision as to the operation of the law upon the Union of South Africa becoming a Republic outside the Commonwealth.

LIV—C (3)

17th March, 1961

(38964)

