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*Artikel 50.* — Die Untersuchungen und Prozesse ebenso wie alle Akten, die dazu gehören oder sich auf sie beziehen, einschließlich die der Verteidigung, bleiben frei von Stempelgebühr oder von der Bezahlung irgendwelcher Kosten oder Gebühren.

*Artikel 51.* — Die Straf- und Zivilgesetze sowie die Prozeßgesetze für den Bund und den Bundesbezirk gelten ergänzend, soweit sie nicht dieser Verordnung nach dem Ermessen des Gerichtshofs widersprechen.

*Artikel 52.* — Die Verordnung Nr. 19440 vom 28. November 1930 wird hiermit für ungültig erklärt.

*Artikel 53.* — Das gegenwärtige Gesetz tritt mit dem Tage seiner Veröffentlichung in Kraft.

Rio de Janeiro, den 20. Februar 1931,

110. Jahr der Unabhängigkeit und 43. Jahr der Republik.

(gez.) Getulio Vargas.

(gez.) Oswaldo Aranha.

## 2. Britisches Reich.

### 1) Der Bericht der Britischen Reichskonferenz von 1930<sup>1)</sup>.

(Cmd 3717 [Auszug].)<sup>2)</sup>

Summary of Proceedings.

(Appendices published separately in Cmd. 3718)<sup>3)</sup>

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<sup>1)</sup> Über den Bericht der Brit. Reichskonferenz von 1926 vgl. K. Heck, Der Aufbau des Britischen Reiches, 1927 (bei Walter de Gruyter & Co.).

<sup>2)</sup> Der zweite Teil des Berichtes (Economic Section), der über wirtschaftliche Fragen handelt, kommt — ebenso wie die dazu abgegebenen Erklärungen der Vertreter der Dominien und der indischen Delegation — nicht zum Abdruck.

<sup>3)</sup> Diese Anhänge, welche die Fortsetzung zu dem oben wiedergegebenen Bericht bilden und in einer besonderen Regierungsdruksache (eben Cmd. 3718) zusammengefaßt sind, enthalten Folgendes: I. die bei der Eröffnung der Konferenz gehaltenen Reden (S. 1—25); II. die von den Vertretern der Dominien abgegebenen Erklärungen zur

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### I.—Preliminary Note.

The Proceedings of the Conference opened in London on the 1st October, 1930, and were continued until the 14th November. Plenary meetings were normally attended by the following:—  
(folgt die Liste der Sitzungsteilnehmer).

### II.—Opening Statements.

(Konferenzräume, Vorsitz, Ausschüsse etc.)

### III.—Message to their Majesties the King and Queen.

### IV.—Loss of Airship R 101.

### V.—Publicity.

It was agreed that the procedure and arrangements for publicity should follow those adopted at previous Conferences<sup>4)</sup>.

The Right Hon. J. H. Thomas, M. P., Secretary of State for Dominion Affairs, was asked to undertake responsibility for the general supervision of the publicity arrangements. He was assisted in this work by Mr. Malcolm MacDonald, M.P., and by Mr. D. Caird, formerly Director of Information, Dominions Office, who had acted in a similar capacity at previous Conferences. In order to enable contact to be maintained with the current work of the various Committees and

Frage der wirtschaftlichen Beziehungen zwischen den Reichsteilen (26—84); eine Reihe von Berichten: nämlich III. des Ausschusses für Kriegergräber (85—88), IV. des Ausschusses für wirtschaftliche Zusammenarbeit (89—132), V. des Ausschusses für Verbindungen (Radio, Kabel) (133—159), VI. des Ausschusses für Verkehrsflugwesen (160—166), VII. des Ausschusses für überseeische Ansiedlungen (167—171), VIII. des Forst-ausschusses (172—185), IX. des Ausschusses für wirtschaftswissenschaftliche Forschungen (186—210), X. des allgemeinen Wirtschaftsausschusses (211—242); XI. die Schlußreden (243—254); Index (255 ff.).

<sup>4)</sup> Vide Section V of Cmd. 2768.

Sub-Committees of the Conference, further assistance was given by Mr. C. Beckett Platt, Publicity Officer, Dominions Office, Mr. G. F. Steward, News Department, Foreign Office, and Mr. A. Ryan, Publicity Officer, Empire Marketing Board.

#### VI.—Inter-Imperial Relations.

It was found convenient, after preliminary discussion by the Heads of Delegations on the various points involved, to refer many of the questions on the Agenda affecting Inter-Imperial Relations to a Committee under the chairmanship of The Right Honourable Lord Sankey, G.B.E., Lord Chancellor. This Committee did most valuable work in exploring the various issues and the following section is based largely on its work. Lord Sankey's Committee was, in turn, aided by special Sub-Committees that were set up to deal with particular aspects of the questions involved and by a drafting Sub-Committee under the chairmanship of Sir Robert Garran, K.C.M.G., Solicitor-General, Commonwealth of Australia.

##### (a) Report of the Conference of 1929 on the Operation of Dominion Legislation.<sup>5)</sup>

The Imperial Conference examined the various questions arising with regard to the Report of the Conference on the Operation of Dominion Legislation and in particular took into consideration the difficulties which were explained by the Prime Minister of Canada regarding the representations which had been received by him from the Canadian Provinces in relation to that Report.

A special question arose in respect to the application to Canada of the sections of the Statute proposed to be passed by the Parliament at Westminster, (which it was thought might conveniently be called the Statute of Westminster), relating to the Colonial Laws Validity Act and other matters. On the one hand it appeared that approval had been given to the Report of the Conference on the Operation of Dominion Legislation by resolution of the House of Commons of Canada, and accordingly, that the Canadian representatives felt themselves bound not to take any action which might properly be construed as a departure from the spirit of that resolution. On the other hand, it appeared that representations had been received from certain of the Provinces of Canada subsequent to the passing of the resolution, protesting against action on the Report until an opportunity had been given to the Provinces to determine whether their rights would be adversely affected by such action.

Accordingly, it appeared necessary to provide for two things. In the first place it was necessary to provide an opportunity for His Majesty's Government in Canada to take such action as might be appropriate to enable the Provinces to present their views. In the

<sup>5)</sup> Vgl. unten S. 410.

second place it was necessary to provide for the extension of the sections of the proposed Statute to Canada or for the exclusion of Canada from their operation after the Provinces had been consulted. To this end it seemed desirable to place on record the view that the sections of the Statute relating to the Colonial Laws Validity Act should be so drafted as not to extend to Canada unless the Statute was enacted in response to such requests as are appropriate to an amendment of the British North America Act. It also seemed desirable to place on record the view that the sections should not subsequently be extended to Canada except by an Act of the Parliament of the United Kingdom enacted in response to such requests as are appropriate to an amendment of the British North America Act.

The Conference on the Operation of Dominion Legislation in 1929, recommended a draft clause for inclusion in the Statute proposed to be passed by the Parliament at Westminster to the following effect:—

“No Act of Parliament of the United Kingdom passed after the commencement of this Act shall extend, or be deemed to extend, to a Dominion unless it is expressly declared in that Act that that Dominion has requested, and consented to, the enactment thereof.”

At the present Conference the delegates of His Majesty's Government in the United Kingdom were apprehensive lest a clause in this form should have the effect of preventing an Act of the United Kingdom Parliament passed hereafter from having the operation which the legislation of one State normally has in relation to the territory of another. To obviate this, the following amendment was proposed:—

“No Act of Parliament of the United Kingdom passed after the commencement of this Act shall extend, or be deemed to extend, to a Dominion *as part of the law in force in that Dominion*, unless it is expressly declared in that Act that that Dominion has requested, and consented to, the enactment thereof.”

The Delegates from some of the Dominions were apprehensive lest the acceptance of the above amendment might imply the recognition of a right of the Parliament of the United Kingdom to legislate in relation to a Dominion (otherwise than at the request and with the consent of the Dominion) in a manner which, if the legislation had been enacted in relation to a foreign state, would be inconsistent with the principles of international comity. It was agreed that the clause as amended did not imply, and was not to be construed as implying, the recognition of any such right, and, on the proposal of the United Kingdom Delegates, that a statement to this effect should be placed on record.

The Conference passed the following Resolutions:—

(i) The Conference approves the Report of the Conference on the Operation of Dominion Legislation <sup>6)</sup> (which is to be regarded

<sup>6)</sup> Cmd. 3479. Vgl. unten S. 410.

as forming part of the Report of the present Conference), subject to the conclusions embodied in this Section.

(ii) The Conference recommends:—

(a) that the Statute proposed to be passed by the Parliament at Westminster should contain the provisions set out in the Schedule annexed.

(b) that the 1st December, 1931, should be the date as from which the proposed Statute should become operative.

(c) that with a view to the realisation of this arrangement, Resolutions passed by both Houses of the Dominion Parliaments should be forwarded to the United Kingdom, if possible by 1st July, 1931, and, in any case, not later than the 1st August, 1931, with a view to the enactment by the Parliament of the United Kingdom of legislation on the lines set out in the schedule annexed.

(d) that the Statute should contain such further provisions as to its application to any particular Dominion as are requested by that Dominion.

## SCHEDULE.

### Clauses in Proposed Legislation.

1. In accordance with the recommendation in paragraph 43 of the Report of the Conference on the Operation of Dominion Legislation, a clause as follows:—

*It is hereby declared and enacted that the Parliament of a Dominion has full power to make laws having extraterritorial operation.*

2. In accordance with the recommendation in paragraph 53 a clause as follows:—

(1) *The Colonial Laws Validity Act, 1865, shall not apply to any law made after the commencement of this Act by the Parliament of a Dominion.*

(2) *No law and no provision of any law made after the commencement of this Act by the Parliament of a Dominion shall be void or inoperative on the ground that it is repugnant to the law of England, or to the provisions of any existing or future Act of Parliament of the United Kingdom, or to any order, rule or regulation made under any such Act, and the powers of the Parliament of a Dominion shall include the power to repeal or amend any such Act, order, rule or regulation, in so far as the same is part of the law of the Dominion.*

3. In accordance with the recommendation in paragraph 55 a clause as follows:—

*No Act of Parliament of the United Kingdom passed after the commencement of this Act shall extend or be deemed to extend to a Dominion as part of the law in force in that Dominion unless it is expressly declared in that Act that that Dominion has requested, and consented to, the enactment thereof.*

4. In accordance with the recommendations in paragraph 66 clauses as follows:—

*Nothing in this Act shall be deemed to confer any power to repeal or alter the Constitution or the Constitution Act of the Commonwealth of Australia or the Constitution Act of the Dominion of New Zealand otherwise than in accordance with the law existing before the commencement of this Act.*

*Nothing in this Act shall be deemed to authorise the Parliament of the Commonwealth of Australia to make laws on any matter within the authority of the States of Australia, not being a matter within the authority of the Parliament or Government of the Commonwealth of Australia.*

*Note.*—In view of the doubts that have arisen concerning the interpretation of the draft section in paragraph 66 in its application to the Canadian Constitution the words "Dominion of Canada" and "Provinces" have been deleted. It is intended that a section dealing exclusively with the Canadian position will be inserted after the representations of the Provinces have received consideration.

5. In accordance with the recommendation in paragraph 81 a clause as follows:—

*Notwithstanding anything in the Interpretation Act, 1889, the expression "Colony" shall not, in any Act of the Parliament of the United Kingdom passed after the commencement of this Act, include a Dominion or any Province or State forming part of a Dominion.*

6. In accordance with the recommendations in paragraph 123 clauses as follows:—

*Without prejudice to the generality of the foregoing provisions of this Act sections seven hundred and thirty-five and seven hundred and thirty-six of the Merchant Shipping Act, 1894, shall be construed as though reference therein to the Legislature of a British possession did not include reference to the Parliament of a Dominion.*

*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 Parlia-*

*ment 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 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 recognised 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<sup>7)</sup> signed the Nationality Convention<sup>8)</sup> there concluded, and will, it is assumed, introduce such legislation as may be necessary to give effect to Articles 8—10 of that Convention<sup>9)</sup>. 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.

## (d) Commonwealth Tribunal.

The Report of the Conference on the Operation of Dominion Legislation contains the following paragraph (paragraph 125):—

“We felt that our work would not be complete unless we gave some consideration to the question of the establishment of a tribunal as a means of determining differences and disputes between members of the British Commonwealth. We were impressed with the advantages which might accrue from the establishment of such a tribunal. It was clearly impossible in the time at our disposal to do more than collate various suggestions with regard first to the constitution of such a tribunal, and secondly, to the jurisdiction which it might exercise. With regard to the former, the prevailing view was that any such tribunal should take the form of an *ad hoc* body selected from standing panels nominated by the several members of the British Commonwealth. With regard to the latter, there was general agreement that the jurisdiction should be limited to justiciable issues arising between governments. We recommend that the whole subject should be further examined by all the governments.”

This matter was examined by the Conference and they found themselves able to make certain definite recommendations with regard to it.

7) Gemeint ist die Conference for the Codification of International Law.

8) Convention on Certain Questions Relating to the Conflict of Nationality Laws, vgl. Völkerbundsdrucksache C. 224. M. III. 1930. V. [Conf. C. D. I. 22].

9) 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.*