

O

LAW S  
OF THE  
FALKLAND  
ISLANDS

VOL. I  
ORDINANCES

7





**THE LAWS OF THE  
FALKLAND ISLANDS**

\*DATES OF COMING INTO FORCE  
OF REVISED EDITION

	Proclamation	Effective Date	Gazette
COLONY Volume I ,, II			
DEPENDENCIES Volume I ,, II			

\* *Note.* Provision is made in section 10 (1) of the Revised Edition of the Laws Ordinance for bringing this Revised Edition into force in the Colony by proclamation, and this section also applies to the Dependencies. A note of the relevant proclamations may conveniently be inserted in this panel.



**THE LAWS  
OF THE COLONY OF  
THE FALKLAND ISLANDS  
AND ITS DEPENDENCIES**

CONTAINING  
**THE ORDINANCES AND SUBSIDIARY LEGISLATION**  
AND A SELECTION FROM THE  
**IMPERIAL LEGISLATION**

IN FORCE ON  
THE 31ST DAY OF DECEMBER 1950

REVISED EDITION

PREPARED UNDER THE AUTHORITY OF THE  
REVISED EDITION OF THE LAWS ORDINANCE

BY

**R. W. S. WINTER, ESQ.**

SOLICITOR OF THE SUPREME COURT  
*lately Legal Adviser Falkland Islands*

AND

**SIR HENRY WEBB, Kt., K.C.**

*lately Chief Justice of the Tanganyika Territory*

---

IN TWO VOLUMES  
**VOLUME I—ORDINANCES**

---

Price per set of two volumes : £8 8s. 0d.

To be purchased from the Crown Agents for the Colonies, 4 Millbank, London, S.W.1

PRINTED BY  
VACHER & SONS LIMITED, 10 GREAT SMITH STREET, LONDON, S.W.1  
1951

*[Appointed by the Governments of the Colony of the Falkland Islands and its Dependencies the Government Printers of this Edition within the meaning of the Evidence (Colonial Statutes) Act, 1907].*



## ADDENDA ET CORRIGENDA

### *Footnotes*

The following footnote should be inserted on pages 47, 96, 251 and 422, and should be substituted for the footnotes already appearing on pages 247, 388 and 444:

[*Note.* This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.)]

The words "Parts I, II, III and IV" should be substituted for the words "Parts II, III and IV" in the footnote on page 482.

### *Marginal References*

The reference to Ordinance 10 of 1950 on pages 387 and 565 should be deleted. A reference to Ordinance 3 of 1895 should be inserted on page 482 and a reference to Ordinance 6 of 1925 should be inserted on page 547.

On page 236 the word "of" should be deleted from the marginal title to section 24. On page 311 the reference to Ordinance 10 of 1951 should be replaced by a reference to Ordinance 10 of 1950 and on page 465 the word "dependents" should be substituted for the word "dependants" in the marginal title to section 7.

## PREFACE.

The present Revised Edition of the Laws of the Falkland Islands has been prepared under the authority of the Revised Edition of the Laws Ordinance, which appears at page xii, and is intended to replace the Revised Edition of Ordinance of the Colony that was published in 1915. It was begun by Mr. Winter, but owing to his transfer from the Falkland Islands, the task of completing it has devolved upon me.

Since 1st January, 1949, Ordinances enacted in the Falklands have, in accordance with clause 15 (3) of the Royal Instructions, 1948, formed two series, the Colony series and the Dependencies series.

No Dependencies Ordinances apply in the Colony, but many Colony Ordinances have been declared by Dependencies Ordinance to be in force in the Dependencies. Until 1st January, 1949, there was only a single series of Ordinances, which applied to the Colony, but did not apply to the Dependencies unless they contained a provision to that effect or had been declared to be in force there in a Notification by the Governor published under section 3 of the Dependencies Ordinance, 1908. The power of the Legislative Council of the Colony to make laws for the Dependencies ceased on 1st January, 1949, and section 3 was repealed with effect from the same date by the Dependencies (Amendment) Ordinance, 1950, without prejudice, however, to the continued application of Ordinances brought into force there already by notification; since then, the only method by which Colony Ordinances may be applied to the Dependencies is by Dependencies Ordinance (see sections 2 and 6 of the Application of Colony Laws Ordinance).

9 of 1908.

Chapter 1  
(D.S.).

In this Revised Edition Ordinances in the different series are set out in Volume I, and where Colony Ordinances have been applied to the Dependencies, this is stated in a footnote. All provisions in force on 31st December, 1950, governing the application of Colony laws to the Dependencies have been consolidated in the course of revision into a single Ordinance, the Application of Colony Laws Ordinance. A list of the Ordinances in force on 31st December, 1950, appears at



page li, and this shows whether they apply to the Colony and the Dependencies and their dates of commencement in each territory. Particulars of how the Colony Ordinances in force in the Dependencies were originally applied there can be found in the Chronological Table of Ordinances at page xix, and a list of the notifications made under section 3 of the Dependencies Ordinance, 1908, appears at page xlviii. Colony Ordinances were on a number of occasions applied to the Dependencies with retrospective effect, and in those instances their operation is qualified by section 5 of the Application of Colony Laws Ordinance.

For convenience of reference a selection of imperial legislation affecting the Falklands has been included in the Revised Edition, and this forms Part I of Volume II.

Part II of Volume II of the Revised Edition contains the subsidiary legislation in force in the Colony, that is to say, rules, regulations, orders, by-laws, etc., made pursuant to various Ordinances. For the application of this legislation to the Dependencies, see section 4 of the Application of Colony Laws Ordinance.

Chapter 33.

Provision for the interpretation of laws in force in the Falklands is made in the Interpretation and General Law Ordinance. For the interpretation of Colony Ordinances in their application to the Dependencies, see sections 3 and 6 (2) of the Application of Colony Laws Ordinance.

The Revised Edition contains the laws of the Colony of the Falkland Islands and of its Dependencies in force on 31st December, 1950, except those omitted under sections 4 and 5 of the Revised Edition of the Laws Ordinance, and takes into account all Ordinances enacted up to that date. In addition, account has been taken of the following Ordinances enacted in 1951, which have retrospective operation and affect the law in force on 31st December, 1950, namely:

- |                      |  |
|----------------------|--|
| 1 of 1951.           | The Interpretation and General Law (Amendment) Ordinance, 1951.      |
| 2 of 1951.           | The Revised Edition of the Laws (Amendment) Ordinance, 1951.         |
| 7 of 1951.           | The Revised Edition of the Laws (Amendment) (No. 2) Ordinance, 1951. |
| 8 of 1951.           | The Revised Edition of the Laws (Amendment) (No. 3) Ordinance, 1951. |
| 1 of 1951<br>(D.S.). | The Dependencies (Amendment) Ordinance, 1951.                        |

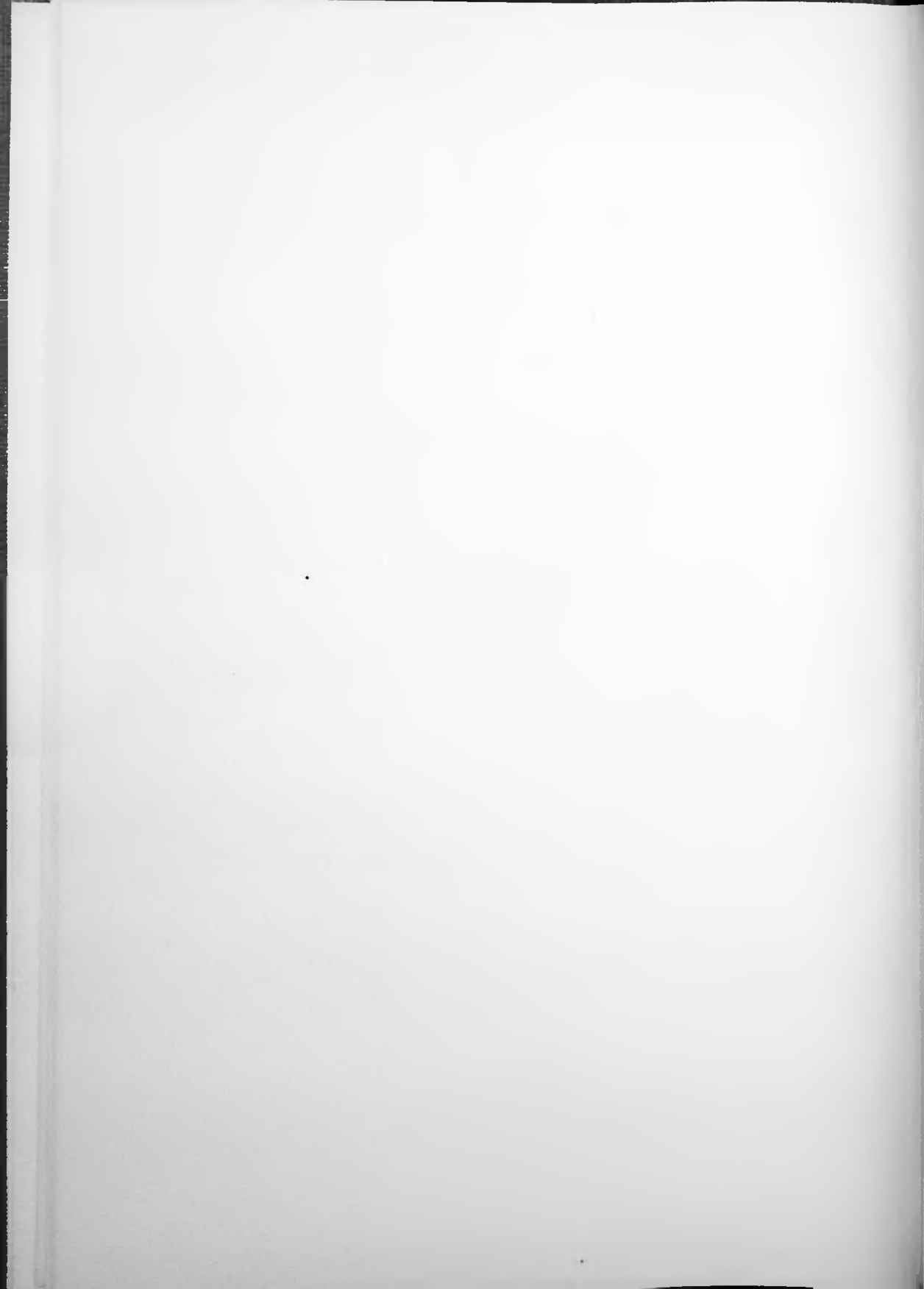
---

The Interpretation and General Law (Amendment) (Dependencies) Ordinance, 1951.	2 of 1951 (D.S.).
The Application of Ordinances of the Colony (Dependencies) Ordinance, 1951.	4 of 1951 (D.S.).
The Application of Colony Laws Ordinance, 1951.	6 of 1951 (D.S.).
The Dependencies (Amendment) (No. 2) Ordinance, 1951.	7 of 1951 (D.S.).
The Revised Edition of the Laws (Amendment) (Dependencies) Ordinance, 1951.	8 of 1951 (D.S.).

My thanks are due to Mr. A. R. Rushford, of the Colonial Office Legal Division, for his advice and assistance.

HENRY WEBB.





# CONTENTS.

## VOLUME I.

	Page.
THE REVISED EDITION OF THE LAWS ORDINANCE .. .. .	xii
CHRONOLOGICAL TABLE OF ORDINANCES .. .. .	xix
LIST OF NOTIFICATIONS UNDER SECTION 3 OF DEPENDENCIES ORDINANCE, 1908 .. .. .	xlvi
LIST OF ORDINANCES IN FORCE ON 31ST DECEMBER, 1950 ..	li

## ORDINANCES.

### COLONY SERIES

#### Chapter

*1. Administration of Estates .. .. .	1
*2. Administration of Estates by Consular Officers .. ..	6
*3. Administration of Justice .. .. .	8
*4. Aliens .. .. .	24
*5. Arbitration (Foreign Awards) .. .. .	31
*6. British Nationality .. .. .	39
*7. Carriage of Goods by Sea .. .. .	41
*8. Census .. .. .	47
9. Christ Church Trust .. .. .	49
10. Cinematograph .. .. .	50
*11. Civil Procedure (Execution) .. .. .	52
*12. Commissions of Inquiry .. .. .	59
*13. Companies and Private Partnership .. .. .	64
*14. Consular Conventions .. .. .	87
*15. Currency Notes .. .. .	90
*16. Customs .. .. .	96
17. Dairy Produce .. .. .	172
*18. Dangerous Drugs .. .. .	178
*19. Defence Force .. .. .	185
*20. Diplomatic Privileges (Extension) .. .. .	200
21. Dogs .. .. .	205
22. Education .. .. .	209

*Note.* Ordinances in the Colony Series that apply to the Dependencies are marked \* in this table.



Chapter	Page.
23. Electricity Supply .. .. .	212
*24. Employment of Children .. .. .	215
*25. Estate Duty .. .. .	216
*26. Firearms .. .. .	227
*27. Fisheries .. .. .	237
*28. Government Employees Provident Fund .. .. .	239
*29. Government Wharves .. .. .	247
*30. Harbour .. .. .	251
*31. Immigration .. .. .	257
*32. Income Tax .. .. .	261
*33. Interpretation and General Law .. .. .	310
*34. Labour (Advisory Board) .. .. .	318
*35. Labour (Minimum Wage) .. .. .	319
*36. Land .. .. .	322
37. Legislative Council Elections .. .. .	344
*38. Licensing .. .. .	364
*39. Lighting Control .. .. .	387
*40. Live Stock .. .. .	388
41. Lotteries .. .. .	401
*42. Maintenance Orders (Facilities for Enforcement) .. .. .	404
*43. Marriage .. .. .	410
*44. Matrimonial Causes .. .. .	422
*45. Medical Practitioners, Midwives and Dentists .. .. .	430
*46. Mental Treatment .. .. .	435
*47. Merchandise Marks .. .. .	444
*48. Mining .. .. .	453
*49. Pensions .. .. .	457
*50. Plant Disease Regulation .. .. .	469
*51. Police and Prison .. .. .	472
*52. Post Office .. .. .	476
*53. Publications (Import Prohibition) .. .. .	479
†54. Public Health .. .. .	482
*55. Radio-active Minerals .. .. .	510
*56. Reciprocal Enforcement of Judgments .. .. .	516
*57. Registration .. .. .	520
*58. Registration of United Kingdom Patents .. .. .	524
*59. Registration of United Kingdom Trade Marks .. .. .	527
60. Road Traffic .. .. .	531
61. Savings Bank .. .. .	541

† Note. Parts I, II, III and IV of the Ordinance apply also to the Dependencies.

Chapter	Page.
*62. Seal Fishery .. .. .	547
*63. Seditious Offences .. .. .	553
*64. Shipworkers' Protection .. .. .	556
65. Slaughtering and Inspection .. .. .	557
*66. Stamp Duty .. .. .	565
67. Stanley Rates .. .. .	567
68. Stanley Town Council .. .. .	578
69. Stanley Town Council (Powers) .. .. .	629
70. Stanley Waterworks .. .. .	640
*71. Telegraphy .. .. .	642
*72. Trade Disputes (Arbitration) .. .. .	643
*73. Trade Unions and Trade Disputes .. .. .	647
*74. Trespass .. .. .	656
*75. United Kingdom Designs .. .. .	659
*76. Whale Fishery .. .. .	660
*77. Wild Animals and Birds Protection .. .. .	670
*78. Wireless Telegraphy .. .. .	675
*79. Workmen's Compensation .. .. .	678

DEPENDENCIES SERIES

†1. (D.S.) Application of Colony Laws .. .. .	706
INDEX .. .. .	711

---

† Note. This Ordinance does not apply in the Colony.



## REVISED EDITION OF THE LAWS.

3 of 1943.  
10 of 1950.  
2 of 1951.  
7 of 1951.  
8 of 1951.

AN ORDINANCE TO MAKE PROVISION FOR THE PREPARATION  
AND PUBLICATION OF A REVISED EDITION OF THE LAWS  
OF THE COLONY.

[6th December, 1943.]

Short title.

1. This Ordinance may be cited as the Revised Edition of the Laws Ordinance.

Definition.

2. In this Ordinance—

“Laws” mean Ordinances and subsidiary legislation;

“Revised Edition” means the revised edition of the laws of the Colony and the Dependencies to be prepared under the authority of this Ordinance;

“Subsidiary legislation” means the proclamations, rules, regulations, orders, by-laws, notifications and other forms of subordinate legislation made or enacted under the authority of any Ordinance.

“Commissioner” means the person or persons appointed under section 3 of this Ordinance;

Appoint-  
ment of  
Commis-  
sioner.

3. (1) The Governor may appoint some fit and proper person to be Commissioner who shall prepare a revised edition of the laws of the Colony and the Dependencies in force on such date as the Governor may fix by notification in the *Gazette*.

(2) In case the Commissioner shall from any cause be unable fully to discharge his commission under this Ordinance, the Governor may appoint some other fit and

*Note.* This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Chapter 1 (D.S.). The present Revised Edition comprises the laws of the Colony and the Dependencies in force on 31st December, 1950, this date having been fixed by the Governor in pursuance of section 3 (1) of the Ordinance. (Notice No. 49 of 20th October, 1950, published in the Falkland Islands *Gazette*, Vol. LIX No. 11, of 1st November, 1950.)

proper person or persons to be Commissioner or Commissioners in his stead.

4. In the preparation of the Revised Edition the Commissioner shall have the following powers—

Powers of  
Commis-  
sioner.

- (a) To omit—
  - (i) all laws or parts of laws which have been expressly and specifically repealed or which have expired, or have become spent or have had their effect;
  - (ii) all repealing enactments contained in laws and also all tables and lists of repealed enactments, whether contained in Schedules or otherwise;
  - (iii) all preambles to laws where such omissions can in the opinion of the Commissioner conveniently be made;
  - (iv) all enactments prescribing the date when a law or part of a law is to come into operation, where such omission can in the opinion of the Commissioner conveniently be made;
  - (v) all amending laws or parts thereof where the amendments effected thereby have been embodied by the Commissioner in the law to which they relate;
  - (vi) all enacting clauses.
- (b) To consolidate into one Ordinance any two or more Ordinances *in pari materia*, making the alterations thereby rendered necessary and affixing such date thereto as may seem most convenient.
- (c) To alter the order of sections in any Ordinance and in all cases where it may be necessary to do so to renumber the sections.
- (d) To alter the form or arrangement of any section by transferring words, by combining it in whole or in part with another section or other sections or by dividing it into two or more subsections.
- (e) To transfer any enactment contained in an Ordinance from such Ordinance to any other Ordinance to which that enactment more properly belongs.
- (f) To divide Ordinances into parts or divisions.
- (g) To add a short title to any Ordinance which may require it or to alter the short title of any Ordinance.

- (h) To supply or alter marginal notes.
- (i) To correct grammatical, typographical, and similar errors in the existing copies of Ordinances, and for that purpose to make verbal additions, omissions, or alterations not affecting the meaning of any Ordinance.
- (j) To make such adaptations of or amendments in any laws as may appear to be necessary or proper as a consequence of the establishment of the Republic of Ireland or the Republic of India.
- (k) To make such formal alterations as to names, localities, offices and otherwise as may be necessary to bring any Ordinance into conformity with the circumstances of the Colony and the Dependencies.
- (l) To do all things relating to form and method which may be necessary for the perfecting of the Revised Edition.

Omission of  
certain  
laws  
from the  
Revised  
Edition.

5. (1) The Commissioner shall omit from the Revised Edition the Ordinances specified in the First Schedule to this Ordinance:

Provided always that, anything in this Ordinance to the contrary notwithstanding, the said Ordinances shall remain in force until the same shall have been expressly repealed or shall have expired or become spent or had their effect.

(2) The Commissioner shall omit from the Revised Edition all subsidiary legislation enacted under the Ordinances mentioned in the First Schedule to this Ordinance and the subsidiary legislation mentioned in the Second Schedule to this Ordinance:

Provided always that anything in this Ordinance to the contrary notwithstanding, the said subsidiary legislation shall remain in force until the same shall have been expressly cancelled or shall have expired or become spent or had their effect.

(3) Subject to the provisions of section 13, the Commissioner shall omit from the Revised Edition the laws in force in the Colony by virtue of subsection (1) of section 14 of the Interpretation and General Law Ordinance:

Provided that the operation of such laws in the Colony

shall not be affected by reason of their omission from the Revised Edition.

(4) At any time before the Revised Edition is brought into force in pursuance of section 10, the Governor may by proclamation make any addition to or variation in the First and Second Schedules.

6. The Ordinances specified in the first column of the Schedule hereto\* are hereby amended in the manner indicated in the second column thereof, or repealed as indicated therein, and the said amendments shall be incorporated by the Commissioner in the Revised Edition.

Amendment  
of  
Ordinances  
specified in  
Schedule.  
10 of 1950.

7. The said amendments affected hereby and mentioned in the Schedule shall be deemed to have come into force on the respective dates specified in the third column of the said Schedule, without prejudice nevertheless to any act legally done or right acquired since the said respective dates under or by virtue of the sections therein specified or any of them.

Commence-  
ment of  
amendments  
10 of 1950.

8. (1) The powers conferred upon the Commissioner by section 4 shall not be taken to imply any power in him to make any alteration or amendment in the matter or substance of any law.

Mode of  
dealing with  
alteration in  
substance.

(2) In every case where any such alterations or amendments are in the opinion of the Commissioner desirable he shall draft a bill setting forth such alterations or amendments, and such bill shall, subject to the sanction of the Governor in Council, be enacted in the ordinary way.

(3) In any case where an Ordinance, whether consolidated or not, requires such considerable alterations and amendments as to involve its entire recasting, the Commissioner shall draft a Bill accordingly, and any such Bill shall, subject to the sanction of the Governor in Council, be enacted in the ordinary way.

9. (1) Where in any Ordinance reference is made to any map, chart, or plan annexed to that Ordinance it shall be lawful for the Commissioner to omit from the Revised Edition that map, chart, or plan.

Maps, charts  
and plans to  
be omitted  
from the  
Revised  
Edition.

\* Note. The amendments effected by Ordinance 10 of 1950 having been embodied in the Ordinances to which they relate, this Schedule has been omitted in accordance with the provisions of Section 4 (a) (v).



(2) When the Revised Edition has been brought into force in pursuance of section 10, the Governor shall cause a duly authenticated copy of any map, chart, or plan omitted by the Commissioner in pursuance of this section to be deposited in the office of the Registrar-General and that deposited copy shall be open during the regular hours of opening of the said office to the inspection of any member of the public without fee, and any member of the public shall be entitled to receive an accurate copy of any such map, chart, or plan upon the payment of such sum not exceeding five shillings as may be prescribed by the Governor. Any map, chart, or plan so deposited shall have the force of law as if it were included in the Revised Edition.

Bringing of  
Revised  
Edition  
into force.  
10 of 1950.  
8 of 1951

10. (1) The Governor, being authorised thereto by a resolution of the Legislative Council,\* may, by proclamation, order that the Revised Edition or any part thereof shall come into force on such date as he may think fit.

(2) From the date named in the said proclamation the Revised Edition shall, subject to the provisions of section 5 of this Ordinance, be deemed to be and shall be without any question whatsoever in all Courts of Justice and for all purposes whatsoever the sole and only proper Statute Book of the Colony in respect of laws in force on 31st December, 1950.

Saving of  
existing  
subsidiary  
legislation.

11. All subsidiary legislation made under any law included in the Revised Edition, and in force at the date when the Revised Edition comes into force, shall continue in force until otherwise provided; and any reference in any such subsidiary legislation to the law under which it is made, or to any part thereof, or to any other enactment, shall, where necessary and practicable, be construed as a reference to the corresponding provision in the Revised Edition.

Laws in  
force in  
Depend-  
encies to be  
indicated.

12. The Revised Edition shall contain a clear indication whether each law included therein is in force in the Dependencies.

Comple-  
mentary  
matter in  
Revised  
Edition.

13. The Revised Edition may also contain a reprint of such Acts, Imperial Orders in Council, Letters Patent,

\* *Note.* In the application of this Ordinance to the Dependencies by the Application of Colony Laws Ordinance, Chapter 1 (D.S.), the words "being authorised thereto by a resolution of the Legislative Council" are deleted.

Royal Instructions, and other instruments, as the Commissioner may think desirable.

14. Wherever in any enactment or in any document of whatever kind, any reference is made to any enactment affected by or under the operation of this Ordinance, the reference shall, where necessary and practicable, be construed as a reference to the corresponding enactment in the Revised Edition.

Construction of references to repealed or amended enactments.

15. One copy of each volume of the Revised Edition shall be dated and signed by the Commissioner and by the Governor and shall be sealed with the public seal. Such copy shall be transmitted to the Judge who shall deposit it among the records of the Supreme Court.

Copies to be signed and deposited.

16. (1) Copies of the Revised Edition shall be distributed among such persons, officers, departments and institutions as the Governor may direct.

Distribution of copies of Revised Edition.

(2) There shall be offered to the public such number of copies at such price as the Governor may direct.

17. The Governor may, by warrant addressed to the Treasurer, direct the payment of all expenses of and incidental to the preparation and publication of the Revised Edition.

Expenses of preparation and publication.

18. The text of this Ordinance, as amended by any subsequent Ordinance, shall be printed at the commencement of the Revised Edition, with such alterations as the Commissioner shall deem fit to make in exercise of the powers conferred upon him by section 4 of this Ordinance.

Place of this Ordinance in the new edition.

## FIRST SCHEDULE.

Number and Year	Short Title of Ordinance
No. 7 of 1911.	The New Edition of the Ordinances Ordinance, 1911.
" 8 " 1927.	The Pensions Ordinance, 1927.
" 4 " 1928.	The Baseley Pension Addition Ordinance, 1928.
" 2 " 1929.	The Pensions (Amendment) Ordinance, 1929.
" 2 " 1931.	The Pensions (Amendment) Ordinance, 1931.
" 5 " 1937.	The Pensions Ordinance, 1937.
" 17 " 1939.	The Exports and Imports (Emergency Powers) Ordinance, 1939.
" 18 " 1939.	The Trading with the Enemy Ordinance, 1939.
" 11 " 1940.	The Trading with the Enemy (Amendment) Ordinance, 1940.
" 13 " 1940.	The Pensions (Amendment) Ordinance, 1940.
" 1 " 1941.	The Trading with the Enemy (Amendment) Ordinance, 1941.
" 4 " 1941.	The Pensions (Amendment) Ordinance, 1941.
" 5 " 1942.	The Compensation (Defence) Ordinance, 1942.
" 2 " 1946.	The Pensions (Amendment) Ordinance, 1946.
" 48 " 1949.	The Appropriation (1950) Ordinance, 1949.
" 7 " 1950.	The Appropriation (1951-52) Ordinance, 1950.
" 1 " 1950 (D.S.).	The Appropriation (Dependencies) 1950-51 Ordinance, 1950.

## SECOND SCHEDULE.

All subsidiary legislation enacted under the Ordinances mentioned in the First Schedule.

All Regulations made under the authority of the Emergency Powers (Defence) Act of the United Kingdom, 1939.

## CHRONOLOGICAL TABLE OF ORDINANCES

### EXPLANATORY NOTE

This Table comprises all Ordinances passed up to 31st December, 1950, and includes certain Ordinances passed with retrospective effect after that date that affect the law in force on that date.

Ordinances of the Colony that have been applied to the Dependencies are marked as follows:

\*Ordinances applied by their own terms.

†Ordinances applied by notification under section 3 of the Dependencies Ordinance, 1908.

‡Ordinances applied by Ordinance of the Dependencies.

A list of all Ordinances in force or affecting retrospectively the law in force on 31st December, 1950, showing their commencement dates in the Colony and the Dependencies, appears at page li. A list of the notifications made under section 3, showing the Colony Ordinances that were applied thereby to the Dependencies, appears at page xlviii. Of the Colony Ordinances that were applied by Ordinance of the Dependencies, all were applied by 2 of 1950 (D.S.), with the exception of 1 of 1951, which was applied by 2 of 1951 (D.S.), 2 of 1951, which was applied by 4 of 1951 (D.S.), and 7 of 1918, 5 of 1922, 6 of 1938, 2 of 1941, 9 of 1941, 6 of 1942, 7 of 1944, 13 of 1948, 30 of 1949, 31 of 1949, 35 of 1949, 39 of 1949, 40 of 1949, 7 of 1951, and 8 of 1951, which were applied by 6 of 1951 (D.S.).

A number of Ordinances that had been applied by notification were no longer in force on 31st December, 1950, and of these all came into operation in the Dependencies with effect from the publication of the notification that applied them, with the exception of those applied by Notifications No. 128, 129 and 130, which came into operation on 1st October, 1912, 5 of 1913, which came into operation on 1st October, 1913, 2 of 1903 and 7 of 1913, which came into operation on 26th May, 1924, and those applied by the Notification of 27th July, 1945, which were deemed to have applied from the dates of their commencement in the Colony. Ordinance 4 of 1893 ceased to apply to the Dependencies with effect from 1st January, 1949, under the provisions of 6 of 1951 (D.S.).

Year and Number.	Subject Matter.	How repealed or otherwise affected.
<b>COLONY SERIES.</b>		
<b>1853</b>		
No. 1.	Extending to Colony certain Acts of Parliament	Repealed by 1 of 1898.
No. 2.	Naturalisation	Repealed by 5 of 1900.
No. 3.	Land	Repealed by 6 of 1904.
No. 4.	Merchant Shipping	Repealed by 3 of 1857.
†No. 5.	Auctioneers	Repealed by 12 of 1949.

Year and Number.	Subject Matter.	How repealed or otherwise affected.
<b>1853</b>		
†No. 6.	Dog Licences	Repealed by 1 of 1944.
No. 7.	Aliens	Repealed by 2 of 1870.
No. 8.	Pilots	Repealed by 5 of 1871.
No. 9.	Licensing	Repealed by 11 of 1882.
No. 10.	Administration of Justice	Repealed by 2 of 1901.
No. 11.	Summary Jurisdiction	Repealed by 5 of 1902.
†No. 12.	Registration	Repealed by 9 of 1949.
<b>1856</b>		
No. 1.	Jurors	Expired.
<b>1857</b>		
No. 1.	Marriage	Repealed by 1 of 1858.
No. 2.	Summary Jurisdiction	Repealed by 5 of 1904.
No. 3.	Merchant Shipping	Repealed by 2 of 1901.
<b>1858</b>		
No. 1.	Marriage	Repealed by 8 of 1902.
†No. 2.	Auctioneers	Repealed by 12 of 1949.
<b>1859</b>		
No. 1.	Administration of Justice	Repealed by 1 of 1870.
<b>1862</b>		
No. 1.	Summary Jurisdiction	Repealed by 2 of 1901.
No. 2.	Summary Jurisdiction	Repealed by 2 of 1901.
No. 3.	Summary Jurisdiction	Repealed by 2 of 1901.
<b>1864</b>		
No. 1.	Clergymen	Repealed by 1 of 1865.
No. 2.	Penguins	Repealed by 1 of 1867.
No. 3.	Summary Jurisdiction	Repealed by 2 of 1865.
<b>1865</b>		
†No. 1.	Clergymen	Repealed by 26 of 1949.
No. 2.	Summary Jurisdiction	Repealed by 2 of 1869.
<b>1866</b>		
No. 1.	Penguins	Repealed by 1 of 1867.
No. 2.	Naturalisation	Repealed by 5 of 1900.



Year and Number.	Subject Matter.	How repealed or otherwise affected.
<b>1867</b>		
†No. 1.	Penguins	Repealed by 9 of 1914.
No. 2.	Naturalisation	Repealed by 5 of 1900.
No. 3.	Sheep	Repealed by 4 of 1895.
†No. 4.	Naval Stores and Victualling	Repealed by 26 of 1949.
No. 5.	Wild Cattle	Repealed by 2 of 1869.
No. 6.	Naturalisation	Repealed by 5 of 1900.
<b>1868</b>		
†No. 1.	Vaccination	Amended by 3 of 1895, 4 of 1935, and 21 of 1949. Incorporated in Chapter 54.
No. 2.	Licensing	Repealed by 11 of 1882.
†No. 3.	Dogs	Repealed by 1 of 1944.
<b>1869</b>		
No. 1.	Escheat	Repealed by 3 of 1900.
No. 2.	Wild Cattle	Repealed by 1 of 1903.
No. 3.	Licensing	Repealed by 11 of 1882.
<b>1870</b>		
No. 1.	Juries	Repealed by 6 of 1889.
No. 2.	Aliens	Repealed by 5 of 1900.
No. 3.	Spirit Duties	Repealed by 10 of 1882.
No. 4.	Animals	Repealed by 6 of 1901.
No. 5.	Naturalisation	Repealed by 5 of 1900.
No. 6.	Crown Lands	Disallowed.
No. 7.	Pilots	Disallowed.
<b>1871</b>		
No. 1.	Bankruptcy	Repealed by 2 of 1898.
†No. 2.	Escheat	Repealed by 26 of 1949.
No. 3.	Wrecks	Repealed by 3 of 1899.
No. 4.	Crown Lands	Repealed by 1 of 1903.
No. 5.	Pilots	Repealed by 6 of 1902.
<b>1872</b>		
No. 1.	Crown Lands	Repealed by 1 of 1903.
No. 2.	Savings Bank	Disallowed.
No. 3.	Naturalisation	Repealed by 5 of 1900.
No. 4.	Marriage	Repealed by 8 of 1902.

Year and Number.	Subject Matter.	How repealed or otherwise affected.
<b>1873</b>		
No. 1.	Registration	Repealed by 9 of 1949.
No. 2.	Extending to Colony certain Acts of Parliament.	Repealed by 1 of 1898.
No. 3.	Naturalisation	Repealed by 5 of 1900.
<b>1874</b>		
No. 1.	Land	Repealed by 1 of 1903.
No. 2.	Unseaworthy Vessels	Disallowed.
<b>1875</b>		
†No. 1.	Mortgages	Repealed by 26 of 1949.
†No. 2.	Unseaworthy Vessels	Repealed by 26 of 1949.
No. 3.	Quarantine	Repealed by 7 of 1908.
No. 4.	Licensing	Repealed by 11 of 1882.
<b>1876</b>		
No. 1.	Naturalisation	Repealed by 5 of 1900.
No. 2.	Administration of Justice	Repealed by 2 of 1901.
No. 3.	Verbal Amendments of Ordinances	Repealed by 2 of 1898.
No. 4.	Penal Servitude	Repealed by 2 of 1898.
No. 5.	Extending to Colony certain Acts of Parliament	Repealed by 1 of 1898.
†No. 6.	Mortgages	Repealed by 26 of 1949.
<b>1878</b>		
No. 1.	Stanley Harbour	Repealed by 6 of 1902.
No. 2.	Tobacco Duties	Repealed by 10 of 1882.
No. 3.	Spirit Duties	Repealed by 10 of 1882.
No. 4.	Customs	Repealed by 10 of 1882.
No. 5.	Tobacco Licences	Repealed by 10 of 1889.
<b>1879</b>		
No. 1.	Crown Lands	Repealed by 1 of 1903.
No. 2.	Naturalisation	Repealed by 5 of 1900.
No. 3.	Naturalisation	Repealed by 5 of 1900.
<b>1880</b>		
No. 1.	Postal Services	Repealed by 10 of 1898.
No. 2.	Pilots	Repealed by 2 of 1902.
No. 3.	Customs	Repealed by 10 of 1882.
No. 4.	Administration of Justice	Repealed by 2 of 1898.

Year and Number.	Subject Matter.	How repealed or otherwise affected.
<b>1881</b>		
No. 1.	Census	Lapsed.
No. 2.	Capital Punishment	Repealed by 6 of 1882.
No. 3.	Marriages	Repealed by 8 of 1902.
No. 4.	Seal Fishery	Repealed by 1 of 1889.
<b>1882</b>		
No. 1.	Colonial Prisoners Removal	Disallowed.
No. 2.	Postal Services	Repealed by 10 of 1898.
No. 3.	Merchant Shipping	Repealed by 1 of 1898.
No. 4.	Extending to Colony certain Act of Parliament	Repealed by 1 of 1898.
No. 5.	Extending to Colony certain Act of Parliament	Repealed by 1 of 1898.
No. 6.	Capital Punishment	Repealed by 5 of 1898.
No. 7.	Marriages	Repealed by 8 of 1902.
No. 8.	Naturalisation	Repealed by 5 of 1900.
No. 9.	Crown Lands	Repealed by 1 of 1903.
No. 10.	Customs	Repealed by 3 of 1897.
†No. 11.	Licensing	Repealed by 4 of 1944.
No. 12.	Naturalisation	Repealed by 5 of 1900.
No. 13.	Pilots	Repealed by 1 of 1898.
No. 14.	Revenue	Expired.
<b>1883</b>		
No. 1.	Customs	Repealed by 3 of 1897.
<b>1884</b>		
No. 1.	Provisions for service of year 1884	Expired.
No. 2.	Crown Lands	Repealed by 1 of 1903.
No. 3.	Land	Repealed by 4 of 1884.
No. 4.	Land	Repealed by 1 of 1903.
No. 5.	Naturalisation	Repealed by 5 of 1900.
No. 6.	Provision for service of year 1885	Expired.
<b>1885</b>		
No. 1.	Naturalisation	Repealed by 5 of 1900.
No. 2.	Provision for service of year 1886	Expired.
No. 3.	Customs	Repealed by 2 of 1889.
<b>1886</b>		
No. 1.	Public Health	Repealed by 5 of 1894.

Year and Number.	Subject Matter.	How repealed or otherwise affected.
<b>1886</b>		
No. 2.	Customs	Repealed by 3 of 1897.
No. 3.	Town Lands	Repealed by 1 of 1903.
No. 4.	Extending to Colony certain Act of Parliament	Repealed by 8 of 1886.
No. 5.	Naturalisation	Repealed by 5 of 1900.
No. 6.	Further provision for service of year 1886	Expired.
No. 7.	Supplying Liquor to H.M. Ships	Repealed by 2 of 1901.
No. 8.	Protection of Married Women	Repealed by 2 of 1901.
No. 9.	Provision for service of year 1887	Expired.
<b>1887</b>		
No. 1.	Aliens	Repealed by 5 of 1900.
No. 2.	Further provisions for service of years 1884, 1885 and 1886	Expired.
No. 3.	Provision for service of year 1888	Expired.
No. 4.	Further provision for service of year 1887	Expired.
<b>1888</b>		
†No. 1.	Savings Bank	Repealed by 7 of 1936.
No. 2.	Further provision for service of year 1887	Expired.
No. 3.	Counterfeit Stamps	Repealed by 10 of 1898.
No. 4.	Further provision for service of year 1888	Expired.
No. 5.	Provision for service of year 1889	Expired.
†No. 6.	Stanley Cemetery	Repealed by 4 of 1914.
No. 7.	Stanley Assembly Room Company	Repealed by 8 of 1898.
<b>1889</b>		
†No. 1.	Merchandise Marks	Amended by 14 of 1889 and 40 of 1949. Chapter 47.
No. 2.	Customs	Repealed by 5 of 1891.
†No. 3.	Criminal Law Amendment	Repealed by 26 of 1949.
†No. 4.	Married Women's Property	Repealed by 26 of 1949.
No. 5.	Education	Repealed by 6 of 1895.
No. 6.	Jurors	Repealed by 4 of 1898.
No. 7.	Exports	Repealed by 2 of 1904.
No. 9.	Postal Parcels	Repealed by 8 of 1890.
†No. 10.	Tobacco Licences	Repealed by 9 of 1944.

Year and Number.	Subject Matter.	How repealed or otherwise affected.
<b>1889</b>		
No. 11.	Further provision for service of year 1889.	Expired.
No. 12.	Provision for service of year 1890	Expired.
No. 13.	Quarantine	Repealed by 7 of 1908.
†No. 14.	Merchandise Marks	Incorporated in Chapter 47.
†No. 15.	Licensing	Repealed by 4 of 1944.
<b>1890</b>		
No. 1.	Perjury	Repealed by 2 of 1901.
No. 2.	Jurors	Repealed by 4 of 1898.
†No. 3.	Foreign Jurisdiction Acts	Repealed by 26 of 1949.
No. 4.	Customs	Repealed by 5 of 1891.
No. 5.	Provision for service of year 1891	Expired.
No. 6.	Further provision for service of year 1890	Expired.
No. 7.	Census	Expired.
No. 8.	Parcels Post Insurance	Repealed by 10 of 1898.
No. 9.	Crown Lands	Repealed by 1 of 1903.
<b>1891</b>		
No. 1.	Administration of Justice	Repealed by 2 of 1898.
No. 2.	Naturalisation	Repealed by 9 of 1891.
No. 3.	Public Health	Repealed by 5 of 1894.
No. 4.	Commissions of Inquiry	Repealed by 2 of 1892.
No. 5.	Customs	Repealed by 5 of 1896.
No. 6.	Validity of Ordinances	Expired.
No. 7.	Bills of Exchange	Repealed by 1 of 1898.
†No. 8.	Licensing	Repealed by 4 of 1944.
No. 9.	Naturalisation	Repealed by 5 of 1900.
No. 10.	Provision for service of year 1892	Expired.
<b>1892</b>		
No. 1.	Further provision for service of year 1890	Expired.
No. 2.	Commissions of Inquiry	Repealed by 3 of 1900.
†No. 3.	Licensing	Repealed by 4 of 1944.
No. 4.	Further provision for service of year 1891	Expired.
†No. 5.	Dogs	Repealed by 1 of 1944.
No. 6.	Administration of Justice	Repealed by 2 of 1898.



Year and Number.	Subject Matter.	How repealed or otherwise affected.
<b>1892</b>		
No. 7.	Local Taxation	Expired.
No. 8.	Provision for service of year 1893	Repealed by 2 of 1893.
†No. 9.	Stanley Cemetery	Repealed by 4 of 1914.
No. 10.	Customs	Repealed by 5 of 1896.
No. 11.	Visiting Justices	Repealed by 5 of 1898.
No. 12.	Postal Service	Repealed by 10 of 1898.
<b>1893</b>		
No. 1.	Local Taxation	Repealed by 5 of 1897.
No. 2.	Provision for service of year 1893	Expired.
No. 3.	Further provision for service of year 1892	Expired.
†No. 4.	Trustees of Christ Church	Chapter 9.
†No. 5.	Volunteer Force	Repealed by 7 of 1920.
No. 6.	Provision for service of year 1894.	Expired.
No. 7.	Animals	Repealed by 5 of 1904.
No. 8.	Town Lands	Repealed by 1 of 1903.
†No. 9.	Fees of Office	Repealed by 9 of 1949.
No. 10.	Vaccination	Repealed by 3 of 1895.
<b>1894</b>		
No. 1.	Customs	Repealed by 5 of 1896.
No. 2.	Crown Lands	Repealed by 1 of 1903.
No. 3.	Further provision for service of year 1893	Expired.
†No. 4.	Lunacy	Repealed by 20 of 1949.
†No. 5.	Public Health	Amended by 4 of 1897, 4 of 1935, 7 of 1937, 30 of 1949, and 10 of 1950. Chapter 54.
No. 6.	Wreck Inquiry	Repealed by 3 of 1899.
No. 7.	Provision for service of year 1895.	Expired.
No. 8.	Customs	Repealed by 5 of 1896.
No. 9.	Crown Lands	Repealed by 1 of 1903.
<b>1895</b>		
No. 1.	Post Office	Repealed by 10 of 1898.
†No. 2.	Lunacy	Repealed by 20 of 1949.
†No. 3.	Vaccination	Incorporated in Chapter 54.
No. 4.	Live Stock	Repealed by 6 of 1901.

Year and Number.	Subject Matter.	How repealed or otherwise affected.
<b>1895</b>		
No. 5.	Quarantine	Disallowed.
No. 6.	Education	Repealed by 8 of 1909.
†No. 7.	Uniforms	Repealed by 26 of 1949.
No. 8.	Probate	Repealed by 9 of 1901.
No. 9.	Further provision for service of year 1894	Expired.
No. 10.	Stipendiary Magistrate (West Falkland)	Repealed by 2 of 1901.
No. 11.	Provision for service of year 1896	Expired.
No. 12.	Live Stock	Repealed by 6 of 1901.
<b>1896</b>		
No. 1.	Customs	Repealed by 5 of 1896.
†No. 2.	Conspiracy	Repealed by 26 of 1949.
No. 3.	Unrepresented Estates	Repealed by 9 of 1901.
No. 4.	Further provision for service of year 1895	Expired.
No. 5.	Customs	Repealed by 3 of 1897.
No. 6.	Land	Repealed by 1 of 1903.
†No. 7.	Licensing	Repealed by 4 of 1944.
No. 8.	Customs	Repealed by 3 of 1897.
No. 9.	Provision for service of year 1897	Expired.
No. 10.	Live Stock	Repealed by 6 of 1901.
No. 11.	Unrepresented Estates	Repealed by 9 of 1901.
<b>1897</b>		
No. 1.	Live Stock	Repealed by 6 of 1901.
No. 2.	Further provision for service of year 1896	Expired.
No. 3.	Customs	Repealed by 6 of 1903.
†No. 4.	Public Health	Incorporated in Chapter 54.
No. 5.	Local Rates	Repealed by 4 of 1905.
No. 6.	Land	Repealed by 1 of 1903.
No. 7.	Fire Brigade	Disallowed.
No. 8.	Animals	Repealed by 5 of 1904.
No. 9.	Live Stock	Repealed by 6 of 1901.
No. 10.	Provision for service of year 1898	Expired.
<b>1898</b>		
No. 1.	Interpretation and General Law.	Repealed by 3 of 1900.
No. 2.	Administration of Justice	Repealed by 4 of 1901.

Year and Number.	Subject Matter.	How repealed or otherwise affected.
<b>1898</b>		
†No. 3.	Stanley Fire Brigade	Repealed by 18 of 1948.
No. 4.	Jurors	Repealed by 5 of 1901.
†No. 5.	Gaols	Repealed by 11 of 1949.
†No. 6.	Coroners	Repealed by 1 of 1949.
No. 7.	Further provision for service of year 1897	Expired.
†No. 8.	Companies	Repealed by 7 of 1922.
No. 9.	Harbours	Repealed by 2 of 1902.
†No. 10.	Post Office	Amended by 7 of 1930 and 24 of 1949. Chapter 52.
No. 11.	Provision for service of year 1899	Expired.
<b>1899</b>		
†No. 1.	Seal Fishery	Repealed by 8 of 1921.
No. 2.	Further provision for service of year 1898	Expired.
†No. 3.	Wrecks	Repealed by 26 of 1949.
No. 4.	Provision for service of year 1900	Expired.
<b>1900</b>		
†No. 1.	Customs	Repealed by 2 of 1943.
No. 2.	Further provision for service of year 1899	Expired.
†No. 3.	Interpretation and General Law	Repealed by 6 of 1949.
No. 4.	Provision for service of year 1901	Expired.
†No. 5.	Aliens	Repealed by 4 of 1929.
†No. 6.	Customs	Repealed by 2 of 1943.
<b>1901</b>		
†No. 1.	Census	Amended by 10 of 1950. Chapter 8.
No. 2.	Summary Jurisdiction	Repealed by 5 of 1902.
No. 3.	Further provision for service of year 1900	Expired.
<b>1901</b>		
†No. 4.	Administration of Justice	Repealed by 1 of 1949.
†No. 5.	Jurors	Repealed by 1 of 1949.
†No. 6.	Live Stock	Amended by 1 of 1907, 7 of 1918, 5 of 1922, 6 of 1942, 7 of 1944, and 31 of 1949. Chapter 40.

Year and Number.	Subject Matter.	How repealed or otherwise affected.
<b>1901</b>		
†No. 7.	Customs	Repealed by 2 of 1943.
†No. 8.	Licensing	Repealed by 4 of 1944.
†No. 9.	Probate	Repealed by 3 of 1949.
No. 10.	Provision for service of year 1902	Expired.
<b>1902</b>		
†No. 1.	Public Lands	Repealed by 28 of 1949.
†No. 2.	Harbours	Amended by 2 of 1927 and 39 of 1949. Chapter 30.
No. 3.	Further provision for service of year 1901	Expired.
†No. 4.	Savings Bank	Repealed by 7 of 1936.
†No. 5.	Summary Jurisdiction	Repealed by 1 of 1949.
†No. 6.	Pilots	Repealed by 26 of 1949.
No. 7.	Provision for service of year 1903	Expired.
†No. 8.	Marriage	Repealed by 16 of 1949.
<b>1903</b>		
No. 1.	Land	Repealed by 9 of 1903.
†No. 2.	Patents	Repealed by 2 of 1926.
No. 3.	Further provision for service of year 1902	Expired.
†No. 4.	Customs	Repealed by 2 of 1943.
†No. 5.	Jurors	Repealed by 1 of 1949.
†No. 6.	Customs	Repealed by 1 of 1943.
†No. 7.	Wireless Telegraphy	Repealed by 3 of 1912.
No. 8.	Provision for service of year 1904	Expired.
†No. 9.	Land	Repealed by 28 of 1949.
<b>1904</b>		
†No. 1.	Flogging	Repealed by 26 of 1949.
†No. 2.	Exportation of Arms	Repealed by 1 of 1943.
†No. 3.	Licensing	Repealed by 4 of 1944.
No. 4.	Further provision for service of year 1903	Expired.
†No. 5.	Trespass	Amended by 2 of 1941, 35 of 1949, and 10 of 1950. Chapter 74.
†No. 6.	Conveyancing	Repealed by 28 of 1949.
†No. 7.	Pilots	Repealed by 26 of 1949.

Year and Number.	Subject Matter.	How repealed or otherwise affected.
<b>1904</b>		
†No. 8.	Seal Fishery	Repealed by 8 of 1921.
No. 9.	Provision for service of year 1905	Expired.
No. 10.	Municipal Councils	Disallowed.
<b>1905</b>		
†No. 1.	Mortgages	Repealed by 26 of 1949.
No. 2.	Further provision for service of year 1904	Expired.
No. 3.	Live Stock	Expired.
†No. 4.	Rating of Stanley	Repealed by 7 of 1928.
No. 5.	Provision for service of year 1906	Expired.
<b>1906</b>		
No. 1.	Further provision for service of year 1905	Expired.
†No. 2.	Customs	Repealed by 5 of 1913.
No. 3.	Whale Fishery	Repealed by 5 of 1908.
No. 4.	Provision for service of year 1907	Expired.
†No. 5.	Pensions	Repealed by 8 of 1927.
†No. 6.	Interpretation and General Law	Repealed by 6 of 1949.
†No. 7.	Land	Repealed by 28 of 1949.
<b>1907</b>		
No. 1.	Live Stock	Incorporated in Chapter 40.
No. 2.	Further provision for service of year 1906	Expired.
†No. 3.	Pensions	Repealed by 8 of 1927.
†No. 4.	Stanley Cemetery	Repealed by 4 of 1914.
<b>1908</b>		
No. 1.	Provision for service of year 1908	Expired.
†No. 2.	Gun Licences	Repealed by 5 of 1930.
No. 3.	Further provision for service of year 1907	Expired.
No. 4.	Wild Birds Preservation	Repealed by 1 of 1913.
†No. 5.	Whale Fishery	Repealed by 9 of 1936.
†No. 6.	Interpretation and General Law	Repealed by 6 of 1949.
†No. 7.	Quarantine	Amended by 4 of 1935. 17 of 1949, and 10 of 1950. Incorporated in Chapter 54.
No. 8.	Provision for service of year 1909	Expired.



Year and Number.	Subject Matter.	How repealed or otherwise affected.
<b>1908</b>		
†*No. 9.	Application of Colony Laws to Dependencies	Amended by 3 of 1950 (D.S.), and 1 of 1951 (D.S.). Expired in Colony. Chapter 1 (D.S.).
<b>1909</b>		
No. 1.	Further provision for service of year 1908	Expired.
†No. 2.	Summary Jurisdiction	Repealed by 1 of 1949.
†No. 3.	Marriage with Deceased Wife's Sister	Repealed by 26 of 1949.
No. 4.	Children	Repealed by 10 of 1912.
†No. 5.	Appeals	Repealed by 1 of 1949.
†No. 6.	Seal Fishery in Dependencies	Repealed by 8 of 1921.
†No. 7.	Penguins Preservation	Repealed by 9 of 1914.
†No. 8.	Education	Repealed by 45 of 1949.
†No. 9.	Merchant Shipping	Repealed by 26 of 1949.
<b>1910</b>		
No. 1.	Provision for service of year 1910	Repealed by 2 of 1910.
No. 2.	Provision for service of year 1910	Expired.
No. 3.	Further provision for service of year 1909	Expired.
<b>1911</b>		
†No. 1.	Government Wharves	Chapter 29.
No. 2.	Provision for service of year 1911	Expired.
No. 3.	Further provision for service of year 1910	Expired.
†No. 4.	Council's Validity	Repealed by 26 of 1949.
†*No. 5.	Licensing (S. Georgia)	Repealed by 12 of 1949.
†No. 6.	Licensing	Repealed by 4 of 1944.
†No. 7.	New Edition of the Ordinances	Omitted.
<b>1912</b>		
†No. 1.	Customs	Repealed by 2 of 1943.
No. 2.	Further provision for service of year 1911	Expired.
†No. 3.	Wireless Telegraphy	Repealed by 7 of 1925.
†No. 4.	Cinematograph Exhibitions	Repealed by 8 of 1944.
†No. 5.	Whale Fishery	Repealed by 9 of 1936.
No. 6.	Provision for service of year 1912	Expired.

Year and Number.	Subject Matter.	How repealed or otherwise affected.
<b>1912</b>		
†No. 7.	Licensing	Repealed by 4 of 1944.
No. 8.	Wild Animals Preservation	Repealed by 1 of 1913.
†No. 9.	Registration	Repealed by 9 of 1949.
†No. 10.	Children	Repealed by 26 of 1949.
No. 11.	Provision for service of year 1913	Expired.
<b>1913</b>		
†*No. 1.	Wild Animals and Birds Preservation	Amended by 29 of 1949. Chapter 77.
No. 2.	Further provision for service of year 1912	Expired.
†No. 3.	Opium	Repealed by 8 of 1925.
No. 4.	Pensions Amendment	Repealed by 6 of 1913, and 8 of 1914.
†No. 5.	Tariff Amendment	Repealed by 2 of 1943.
†No. 6.	Pensions Amendment	Repealed by 8 of 1914.
†No. 7.	Patents Amendment	Repealed by 2 of 1926.
No. 8.	Appropriation (1914)	Expired.
<b>1914</b>		
No. 1.	Councils Validity	Repealed by 5 of 1914.
No. 2.	Supplementary Appropriation (1913)	Expired.
†No. 3.	Medical Practitioners, Midwives and Dentists	Amended by 4 of 1935, 2 of 1947, 43 of 1949, and 6 of 1950. Chapter 45.
No. 4.	Stanley Cemetery	Repealed by 18 of 1948.
No. 5.	Validity	Repealed by 26 of 1949.
No. 6.	Poisons	Repealed by 2 of 1949.
No. 7.	Stanley Cemetery Incorporation	Repealed by 18 of 1948.
No. 8.	Pensions Amendment	Repealed by 8 of 1927.
*No. 9.	Penguins Preservation	Amended by 27 of 1949. Incorporated in Chapter 77.
<b>1915</b>		
†No. 1.	Whale Oil (War)	Repealed by 10 of 1915.
No. 2.	Appropriation	Expired.
†No. 3.	Tariff (War) Amendment	Repealed by 7 of 1915.
No. 4.	Volunteer Active Service	Repealed by 7 of 1920.
*No. 5.	Whale Fishery Regulation	Repealed by 26 of 1949.

Year and Number.	Subject Matter	How repealed or otherwise affected.
<b>1915</b>		
No. 6.	Supplementary Appropriation (1914)	Expired.
No. 7.	Tariff (Export Duty) Amendment	Repealed by 6 of 1918.
No. 8.	Appropriation (1916)	Expired.
No. 9.	Whale Fishery Amendment	Repealed by 9 of 1936.
No. 10.	Whale Oil (Export Regulation)	Repealed by 3 of 1917.
No. 11.	Customs (Exportation Prohibition)	Expired.
<b>1916</b>		
No. 1.	Supplementary Appropriation (1915)	Expired.
No. 2.	King Edward Hospital	Amended by 4 of 1935 and 32 of 1949. Incorporated in Chapter 54.
No. 3.	Trading with the Enemy Prohibition	Expired.
No. 4.	Appropriation (1917)	Expired.
No. 5.	Admiralty Transport Discipline	Repealed by 4 of 1917.
<b>1917</b>		
No. 1.	War Expenses Contribution	Repealed by 3 of 1923.
No. 2.	Supplementary Appropriation (1916)	Expired.
*No. 3.	Whale and Seal, Oil Export and Sale	Expired.
No. 4.	Transport Discipline	Repealed by 26 of 1949.
No. 5.	Appropriation (1918)	Expired.
<b>1918</b>		
*No. 1.	Mining	Amended by 1 of 1919 and 6 of 1925. Chapter 48.
No. 2.	Supplementary Appropriation (1917)	Expired.
No. 3.	Copyright Act, 1911	Repealed by 1 of 1943.
No. 4.	Library and Museum	Repealed by 5 of 1944.
No. 5.	Land Tax	Repealed by 5 of 1923.
No. 6.	Tariff (Export Duty) Amendment	Repealed by 3 of 1919.
‡No. 7.	Live Stock Amendment	Incorporated in Chapter 40.
No. 8.	Appropriation (1919)	Expired.
*No. 9.	Sea Fisheries	Repealed by 4 of 1920.
<b>1919</b>		
‡No. 1.	Mining (1918) Amendment	Incorporated in Chapter 48.

Year and Number.	Subject Matter.	How repealed or otherwise affected.
<b>1919</b>		
No. 2.	Supplementary Appropriation (1918)	Expired.
No. 3.	Tariff (Export Duty) Amendment	Repealed by 5 of 1920.
*No. 4.	Appropriation (1920)	Expired.
*No. 5.	Former Enemy Aliens Landing	Expired.
*No. 6.	Peace Preservation South Georgia (Aliens)	Repealed by 22 of 1949.
<b>1920</b>		
No. 1.	Supplementary Appropriation (1919)	Expired.
No. 2.	Pensions Increase	Repealed by 8 of 1927.
No. 3.	War Expenses Contribution Amendment	Repealed by 3 of 1923.
*No. 4.	Sea Fisheries	Repealed by 2 of 1944.
No. 5.	Tariff (Export Duty) Amendment	Repealed by 5 of 1923.
*No. 6.	Appropriation (1921)	Expired.
†No. 7.	Defence Force	Amended by 6 of 1938, 3 of 1940, 9 of 1941, 19 of 1948, 38 of 1949, and 10 of 1950. Chapter 19.
<b>1921</b>		
†No. 1.	Maintenance Orders (Facilities for Enforcement)	Amended by 2 of 1922, 6 of 1925, and 9 of 1929. Chapter 42.
†No. 2.	British Nationality and Status of Aliens (Fees)	Repealed by 25 of 1949.
No. 3.	Supplementary Appropriation (1920)	Expired.
No. 4.	Tariff Amendment	Expired.
*No. 5.	Appropriation (1922)	Expired.
*No. 6.	Licensing (Amendment)	Repealed by 4 of 1944.
†No. 7.	Passports	Repealed by 22 of 1949.
*No. 8.	Seal Fishery (Consolidation)	Amended by 6 of 1925. Chapter 62.
<b>1922</b>		
*No. 1.	Supplementary Appropriation (1921)	Expired.
†No. 2.	Maintenance Orders (Facilities for Enforcement) (Amendment)	Incorporated in Chapter 42.
†No. 3.	Reciprocal Enforcement of Judgments	Chapter 56.
No. 4.	Tariff (Export Duty) (Amendment)	Expired.
†No. 5.	Live Stock (Amendment)	Incorporated in Chapter 40.
*No. 6.	Appropriation (1923)	Expired.

Year and Number.	Subject Matter.	How repealed or otherwise affected.
<b>1922</b>		
*No. 7.	Companies and Private Partnership	Amended by 41 of 1949. 4 of 1950, and 10 of 1950. Chapter 13.
<b>1923</b>		
*No. 1.	Supplementary Appropriation (1922)	Expired.
No. 2.	Tariff (Export Duty) (Amendment)	Expired.
No. 3.	War Contribution Liquidation Validity	Expired.
No. 4.	Whale Fishery (Amendment)	Repealed by 9 of 1936.
No. 5.	Tariff (Export Duties) Amendment	Repealed by 2 of 1943.
*No. 6.	Appropriation (1924)	Expired.
<b>1924</b>		
*No. 1.	Supplementary Appropriation (1923)	Expired.
No. 2.	Tariff (Refund of Export Duty on Oil)	Expired.
No. 3.	Criminal Law Amendment	Repealed by 26 of 1949.
No. 4.	No Ordinance bearing the No. 4 was enacted	
*No. 5.	Appropriation (1925)	Expired.
*No. 6.	Dependencies Research and Development Fund	Repealed by 6 of 1948.
No. 7.	Tariff (Export Duties) Amendment	Repealed by 5 of 1928.
<b>1925</b>		
*No. 1.	Supplementary Appropriation (1924)	Expired.
No. 2.	Passports (Amendment)	Amended by 9 of 1932.
*No. 3.	Aliens (Landholding Regulation)	Amended by 10 of 1950, incorporated in Chapter 4.
No. 4.	Criminal Law Amendment	Repealed by 26 of 1949.
*No. 5.	Appropriation (1926)	Expired.
*No. 6.	Administration of Justice (Amendment)	Repealed by 26 of 1949.
*No. 7.	Wireless Telegraphy	Chapter 78.
*No. 8.	Dangerous Drugs	Repealed by 2 of 1949.
<b>1926</b>		
*No. 1.	Supplementary Appropriation (1925)	Expired.
*No. 2.	Registration of United Kingdom Patents, Designs and Trade Marks	Repealed by 11 of 1928.
*No. 3.	Appropriation (1927)	Expired.

Year and Number.	Subject Matter.	How repealed or otherwise affected.
<b>1926</b>		
No. 4.	Dangerous Drugs (Amendment)	Repealed by 10 of 1934.
*No. 5.	Retiring Allowance to Nurses	Repealed by 26 of 1949.
<b>1927</b>		
*No. 1.	Supplementary Appropriation (1926)	Expired.
No. 2.	Customs Amendment (Coasting Trade)	Repealed by 1 of 1943.
No. 3.	Stanley Rating (Amendment)	Repealed by 7 of 1928.
No. 4.	Stanley Water Supply	Repealed by 19 of 1949.
No. 5.	Tariff (Import Duties) Amendment	Repealed by 8 of 1929.
No. 6.	Tariff (Export Duties) Amendment	Repealed by 5 of 1928.
*No. 7.	Carriage of Goods by Sea	Chapter 7.
*No. 8.	Pensions	Omitted.
<b>1928</b>		
*No. 1.	Appropriation (1928)	Expired.
No. 2.	Merchant Shipping (Amendment)	Repealed by 26 of 1949.
No. 3.	Stanley Fire Brigade (Amendment)	Repealed by 18 of 1948.
No. 4.	Baseley Pension Addition	Omitted.
No. 5.	Tariff (Export Duties) Amendment	Expired.
No. 6.	Alien (Amendment)	Repealed by 4 of 1929.
No. 7.	Stanley Rating	Repealed by 9 of 1948.
*No. 8.	Supplementary Appropriation (1927)	Expired.
No. 9.	Tariff (Export Duties) Amendment	Expired.
No. 10.	Customs (Amendment)	Repealed by 1 of 1943.
*No. 11.	United Kingdom Designs (Protection)	Amended by 7 of 1932. Chapter 75.
*No. 12.	Registration of United Kingdom Trade Marks	Repealed by 16 of 1928.
*No. 13.	Appropriation (1929)	Expired.
<b>1929</b>		
*No. 1.	Supplementary Appropriation (1928)	Expired.
‡No. 2.	Pensions (Amendment)	Omitted.
No. 3.	Licensing (Amendment)	Repealed by 4 of 1944.
*No. 4.	Local Naturalisation	Repealed by 26 of 1949.
†No. 5.	Alien	Repealed by 22 of 1949.
†No. 6.	Prevention of Cruelty to Animals	Repealed by 26 of 1949.
*No. 7.	Appropriation (1930)	Expired.
No. 8.	Tariff (Import Duties) Amendment	Repealed by 9 of 1940.

Year and Number.	Subject Matter.	How repealed or otherwise affected.
<b>1929</b>		
‡No. 9.	Maintenance Orders (Facilities for Enforcement) (Amendment)	Incorporated in Chapter 42.
No. 10.	Tariff (Export Duties) Amendment	Expired.
No. 11.	Prevention of Cruelty to Animals (Amendment)	Repealed by 26 of 1949.
<b>1930</b>		
No. 1.	Tariff (Export Duties) Amendment	Expired.
*No. 2.	Registration of United Kingdom Patents	Amended by 8 of 1932. Chapter 58.
No. 3.	Motor Car (Speed Limit)	Repealed by 2 of 1936.
*No. 4.	Supplementary Appropriation (1929)	Expired.
*No. 5.	Firearms	Repealed by 10 of 1948.
No. 6.	Dogs	Repealed by 1 of 1944.
No. 7.	Post Office (Amendment)	Incorporated in Chapter 52.
*No. 8.	Appropriation (1931)	Expired.
No. 9.	Tariff Amendment	Repealed by 2 of 1943.
No. 10.	Merchant Shipping (Amendment)	Repealed by 26 of 1949.
*No. 11.	Currency Notes	Amended by 8 of 1933 and 5 of 1935. Chapter 15.
<b>1931</b>		
No. 1.	Supplementary Appropriation (1930)	Expired.
‡No. 2.	Pensions (Amendment)	Omitted.
No. 3.	Tariff Amendment	Repealed by 2 of 1943.
No. 4.	Summary Jurisdiction (Amendment)	Repealed by 20 of 1948.
No. 5.	Dog Licences (Amendment)	Repealed by 1 of 1944.
No. 6.	Public Health (Amendment)	Repealed by 7 of 1937.
No. 7.	Tariff (Import Duties) Amendment	Repealed by 9 of 1940.
*No. 8.	Arbitration (Foreign Awards)	Chapter 5.
*No. 9.	Appropriation (1932)	Expired.
No. 10.	Tariff (Export Duties) Amendment	Expired.
†No. 11.	Prevention of Venereal Disease	Amended by 5 of 1934. Incorporated in Chapter 54.
<b>1932</b>		
*No. 1.	Supplementary Appropriation (1931)	Expired.
No. 2.	Summary Jurisdiction (Amendment)	Repealed by 1 of 1949.
No. 3.	Tariff (Export Duties) Amendment	Expired.
No. 4.	Tariff (Import Duties) Amendment	Repealed by 6 of 1933.



Year and Number.	Subject Matter	How repealed or otherwise affected.
<b>1932</b>		
*No. 5.	Appropriation (1933)	Expired.
No. 6.	Minimum Wage Fixing Machinery	Repealed by 2 of 1942.
†No. 7.	United Kingdom Designs (Protection) (Amendment)	Incorporated in Chapter 75.
†No. 8.	Registration of United Kingdom Patents (Amendment)	Incorporated in Chapter 58.
No. 9.	Dangerous Drugs (Amendment)	Repealed by 2 of 1949.
<b>1933</b>		
*No. 1.	Supplementary Appropriation (1932)	Expired.
No. 2.	Savings Bank (Amendment)	Repealed by 7 of 1936.
No. 3.	Whale Fishery (Amendment)	Repealed by 9 of 1936.
No. 4.	Customs (Amendment)	Repealed by 1 of 1943.
No. 5.	Auctioneers (Amendment)	Repealed by 12 of 1949.
No. 6.	Tariff (Import Duties) Amendment	Repealed by 2 of 1943.
*No. 7.	Appropriation (1934)	Expired.
No. 8.	Currency Notes (Amendment)	Incorporated in Chapter 15.
<b>1934</b>		
No. 1.	Whale Fishery (Amendment)	Repealed by 9 of 1936.
No. 2.	Supplementary Appropriation (1933)	Expired.
No. 3.	Land (Amendment)	Repealed by 28 of 1949.
No. 4.	Public Health (Amendment)	Repealed by 7 of 1937.
†No. 5.	Venereal Disease (Amendment)	Incorporated in Chapter 54.
*No. 6.	Appropriation (1935)	Expired.
No. 7.	Tariff (Export Duties) Amendment	Expired.
†No. 8.	Sentence of Death (Expectant Mothers)	Repealed by 26 of 1949.
No. 9.	Infanticide.	Repealed by 2 of 1939.
No. 10.	Dangerous Drugs (Amendment)	Repealed by 2 of 1949.
No. 11.	Importation of Textiles (Quotas)	Repealed by 1 of 1943.
<b>1935</b>		
No. 1.	Sentence of Death (Expectant Mothers) (Amendment)	Repealed by 26 of 1949.
No. 2.	Dangerous Drugs (Amendment)	Repealed by 2 of 1949.
No. 3.	Supplementary Appropriation (1934)	Expired.
†No. 4.	Senior Medical Officer (Designation)	Repealed by 26 of 1949.
No. 5.	Currency Notes (Amendment)	Incorporated in Chapter 15.
No. 6.	Administration of Justice (Amendment)	Repealed by 1 of 1949.

Year and Number.	Subject Matter.	How repealed or otherwise affected.
<b>1935</b>		
No. 7.	Immigration	Repealed by 3 of 1936.
*No. 8.	Appropriation (1936)	Expired.
No. 9.	Tariff (Export Duties) Amendment	Expired.
<b>1936</b>		
*No. 1.	Dependencies Research and Development Fund (Amendment)	Repealed by 6 of 1948.
No. 2.	Motor Car	Repealed by 20 of 1948.
†No. 3.	Immigration (Restriction)	Repealed by 34 of 1949.
No. 4.	Probate and Unrepresented Estates (Amendment)	Repealed by 3 of 1949.
No. 5.	Stanley Common Cattle Branding	Repealed by 26 of 1949.
†No. 6.	Administration of Intestate Estates	Repealed by 3 of 1949.
No. 7.	Savings Bank	Amended by 9 of 1939. Chapter 61.
‡No. 8.	Supplementary Appropriation (1935)	Expired.
*No. 9.	Whale Fishery (Consolidation)	Chapter 76.
*No. 10.	Counterfeit Currency (Convention)	Repealed by 26 of 1949.
No. 11.	Workmen's Compensation	Repealed by 4 of 1937.
*No. 12.	Appropriation (1937)	Expired.
No. 13.	Tariff (Export Duties) Amendment	Repealed by 2 of 1943.
No. 14.	Tariff (Import Duties) Amendment	Expired.
<b>1937</b>		
No. 1.	"Discovery"	Repealed by 26 of 1949.
*No. 2.	Supplementary Appropriation (1936)	Expired.
*No. 3.	Appropriation (1938)	Expired.
†No. 4.	Workmen's Compensation	Amended by 7 of 1939, 13 of 1948, and 23 of 1949. Chapter 79.
†No. 5.	Pensions	Omitted.
No. 6.	Government Employees Provident Fund	Repealed by 8 of 1938.
No. 7.	Public Health (Amendment)	Incorporated in Chapter 54.
*No. 8.	Tariff (Export Duties) Amendment	Expired.
*No. 9.	Forgery	Repealed by 26 of 1949.
†No. 10.	Shipworkers' Protection	Chapter 64.
<b>1938</b>		
No. 1.	Supplementary Appropriation (1937)	Expired.

Year and Number.	Subject Matter.	How repealed or otherwise affected.
<b>1938</b>		
No. 2.	Dairy Produce	Amended by 42 of 1949, and 10 of 1950. Chapter 17.
No. 3.	Tariff (Import Duties) Amendment	Repealed by 2 of 1943.
No. 4.	Civil Procedure	Chapter 11.
†No. 5.	Lighting Control	Chapter 39.
No. 6.	Defence Force (Amendment)	Incorporated in Chapter 19.
†No. 7.	Registration (Amendment)	Repealed by 9 of 1949.
†No. 8.	Government Employees Provident Fund	Chapter 28.
No. 9.	Medical Practitioners, Midwives, and Dentists (Amendment)	Repealed by 43 of 1949.
No. 10.	Petroleum—Spirit	Repealed by 18 of 1948.
†No. 11.	Publications (Importation Prohibition)	Amended by 33 of 1949. Chapter 53.
†No. 12.	Seditious Offences (Penalties)	Amended by 3 of 1939 and 14 of 1949. Chapter 63.
No. 13.	Tariff (Export Duties) Amendment	Expired.
*No. 14.	Appropriation (1939)	Expired.
No. 15.	Merchant Shipping (International Labour Convention)	Repealed by 14 of 1940.
*No. 16.	Registration of United Kingdom Trade Marks	Chapter 59.
No. 17.	Administration of Justice (Amendment)	Repealed by 1 of 1949.
No. 18.	Tariff (Import Duties) Amendment	Repealed by 6 of 1939.
<b>1939</b>		
†No. 1.	Emergency Powers	
†No. 2.	Infanticide	Repealed by 26 of 1949.
†No. 3.	Seditious Offences (Penalties) (Amendment)	Incorporated in Chapter 63.
†No. 4.	Employment of Children	Chapter 24.
No. 5.	Supplementary Appropriation (1938)	Expired.
No. 6.	Tariff (Import Duties)	Repealed by 9 of 1940.
†No. 7.	Workmen's Compensation (Amendment)	Incorporated in Chapter 79.
†No. 8.	Telegraphy	Chapter 71.
No. 9.	Savings Bank (Amendment)	Incorporated in Chapter 61.

Year and Number.	Subject Matter.	How repealed or otherwise affected.
<b>1939</b>		
No. 10.	Tariff (Import Duties) Amendment	Repealed by 9 of 1940.
*No. 11.	Immigration (Restriction) Amendment	Repealed by 34 of 1949.
No. 12.	Licensing (Amendment)	Repealed by 4 of 1944.
No. 13.	Tariff (Export Duties) Amendment	Expired.
*No. 14.	Appropriation (1940)	Expired.
No. 15.	Electricity Supply.	Amended by 6 of 1941. Chapter 23.
No. 16.	Juvenile Smoking (Prohibition)	Repealed by 9 of 1944.
No. 17.	Exports and Imports (Emergency Powers)	Omitted.
No. 18.	Trading with the Enemy	Amended by 11 of 1940 and 1 of 1941. Omitted.
No. 19.	Slaughtering and Inspection	Amended by 36 of 1949. Chapter 65.
†No. 20.	Income Tax	Amended by 6 of 1940, 8 of 1940, 3 of 1941, 5 of 1948, 7 of 1948, 8 of 1949, 46 of 1949, and 9 of 1950. Chapter 32.
<b>1940</b>		
†No. 1.	Matrimonial Causes	Amended by 12 of 1940. Chapter 44.
†No. 2.	Children and Young Persons	Repealed by 26 of 1949.
‡No. 3.	Defence Force (Amendment)	Incorporated in Chapter 19.
No. 4.	Administration of Estates by Consular Officers	Chapter 2.
No. 5.	Public Officers (Change of Designation)	Repealed by 26 of 1949.
‡No. 6.	Income Tax (Amendment)	Repealed by 5 of 1948.
*No. 7.	Appropriation (1941)	Expired.
‡No. 8.	Income Tax (Amendment No. 2)	Incorporated in Chapter 32.
No. 9.	Tariff (Import Duties)	Repealed by 2 of 1943.
No. 10.	Supplementary Appropriation (1939)	Expired.
No. 11.	Trading with the Enemy (Amendment)	Omitted.
No. 12.	Matrimonial Causes (Amendment)	Incorporated in Chapter 44.
†No. 13.	Pensions (Amendment)	Omitted.
No. 14.	Merchant Shipping (International Labour Convention) (Repeal)	Expired.
No. 15.	Tariff (Export Duties) Amendment	Expired.

Year and Number.	Subject Matter.	How repealed or otherwise affected.
<b>1941</b>		
No. 1.	Trading with the Enemy (Amendment)	Omitted.
†No. 2.	Trespass (Amendment)	Incorporated in Chapter 74.
†No. 3.	Income Tax (Amendment)	Incorporated in Chapter 32.
†No. 4.	Pensions (Amendment)	Omitted.
No. 5.	Supplementary Appropriation (1940)	Expired.
No. 6.	Electricity Supply (Amendment)	Incorporated in Chapter 23.
No. 7.	Tariif (Export Duties) Amendment	Expired.
No. 8.	Appropriation (1942)	Expired.
No. 9.	Defence Force (Amendment)	Incorporated in Chapter 19.
<b>1942</b>		
†No. 1.	Labour (Advisory Board)	Chapter 34.
†No. 2.	Labour (Minimum Wage)	Chapter 35.
No. 3.	Commissions of Inquiry	Chapter 12.
†No. 4.	Trade Unions and Trade Disputes	Amended by 18 of 1949. Chapter 73.
No. 5.	Compensation (Defence)	Omitted.
†No. 6.	Live Stock (Amendment)	Incorporated in Chapter 40.
No. 7.	Supplementary Appropriation (1941)	Expired.
No. 8.	Licensing (Amendment)	Repealed by 4 of 1944.
No. 9.	Tariff (Export Duty) Amendment	Expired.
No. 10.	Conspiracy (Amendment)	Repealed by 26 of 1949.
*No. 11.	Appropriation (1943)	Expired.
<b>1943</b>		
†No. 1.	Customs Ordinance	Amended by 3 of 1946. Chapter 16.
†No. 2.	Tariff	Repealed by 2 of 1948.
†No. 3.	Revised Edition of the Laws	Amended by 10 of 1950, 2 of 1951, 7 of 1951, and 8 of 1951.
No. 4.	Supplementary Appropriation (1942)	Expired.
No. 5.	Tariff (Export Duties) Amendment.	Expired.
No. 6.	Appropriation (1944)	Expired.
<b>1944</b>		
No. 1.	Dogs	Amended by 37 of 1949. Chapter 21.

Year and Number.	Subject Matter.	How repealed or otherwise affected.
<b>1944</b>		
‡No. 2.	Fisheries	Chapter 27.
*No. 3.	Dangerous Drugs	Repealed by 2 of 1949.
†No. 4.	Licensing	Repealed by 12 of 1949.
No. 5.	Public Library and Museum	Repealed by 18 of 1948.
*No. 6.	Plant Disease Regulation	Chapter 50.
‡No. 7.	Live Stock (Amendment)	Incorporated in Chapter 40.
No. 8.	Cinematograph	Chapter 10.
†No. 9.	Tobacco	Repealed by 12 of 1949.
†No. 10.	Revised Edition of Laws (Statute Law Revision)	Expired.
No. 11.	Probate and Unrepresented Estates (Amendment)	Repealed by 3 of 1949.
No. 12.	Supplementary Appropriation (1943)	Expired.
†No. 13.	Appropriation (1945)	Expired.
<b>1945</b>		
No. 1.	Supplementary Appropriation (1944)	Expired.
*No. 2.	Appropriation (1946)	Expired.
<b>1946</b>		
No. 1.	Licensing (Amendment)	Repealed by 12 of 1949.
†No. 2.	Pensions (Amendment)	Omitted.
*No. 3.	Customs (Amendment)	Incorporated in Chapter 16.
No. 4.	Supplementary Appropriation (1945)	Expired.
No. 5.	Tariff (Amendment)	Repealed by 2 of 1948.
No. 6.	Appropriation (1947)	Expired.
<b>1947</b>		
No. 1.	Stanley Town Council	Amended by 17 of 1948, 1 of 1950 and 10 of 1950. Chapter 68.
‡No. 2.	Medical Registration (Amendment)	Incorporated in Chapter 45.
No. 3.	Oil, &c., Export Duties	Repealed by 2 of 1948.
No. 4.	Supplementary Appropriation (1946)	Expired.
*No. 5.	Appropriation (1948)	Expired.
<b>1948</b>		
‡No. 1.	Stamp Duty	Chapter 66.
No. 2.	Tariff (Repeal)	Expired.

Year and Number.	Subject Matter.	How repealed or otherwise affected.
<b>1948</b>		
No. 3.	Licensing (Amendment)	Repealed by 12 of 1949.
No. 4.	Tobacco (Amendment)	Repealed by 12 of 1949.
‡No. 5.	Income Tax (Amendment)	Incorporated in Chapter 32.
*No. 6.	Dependencies Research and Development Fund (Repeal)	Expired.
‡No. 7.	Income Tax (Amendment No. 2)	Incorporated in Chapter 32.
No. 8.	Lotteries	Chapter 41.
No. 9.	Stanley Rates	Amended by 3 of 1950. Chapter 67.
No. 10.	Firearms.	Chapter 26.
*No. 11.	Supplementary Appropriation	Expired.
*No. 12.	Appropriation (1949)	Expired.
‡No. 13.	Workmen's Compensation (Amendment)	Incorporated in Chapter 79.
*No. 14.	Radio-active Minerals	Chapter 55.
*No. 15.	United Nations Privileges	Repealed by 5 of 1949
No. 16.	Legislative Council (Elections)	Amended by 44 of 1949. Chapter 37.
No. 17.	Stanley Town Council (Amendment)	Incorporated in Chapter 68.
No. 18.	Stanley Town Council (Powers)	Amended by 10 of 1950. Chapter 69.
‡No. 19.	Defence Force (Amendment)	Incorporated in Chapter 19.
No. 20.	Road Traffic	Chapter 60.
<b>1949</b>		
‡No. 1.	Administration of Justice	Amended by 7 of 1949, and 10 of 1950. Chapter 3.
‡No. 2.	Dangerous Drugs	Amended by 10 of 1950. Chapter 18.
‡No. 3.	Administration of Estates	Amended by 10 of 1950. Chapter 1.
‡No. 4.	Estate Duty	Amended by 10 of 1950. Chapter 25.
‡No. 5.	Diplomatic Privileges (Extension)	Amended by 10 of 1950. Chapter 20.
‡No. 6.	Interpretation and General Law	Amended by 15 of 1949, 10 of 1950, and 1 of 1951. Chapter 33.

Year and Number.	Subject Matter.	How repealed or otherwise affected.
<b>1949</b>		
‡No. 7.	Administration of Justice (Amendment)	Incorporated in Chapter 3.
‡No. 8.	Income Tax (Amendment)	Incorporated in Chapter 32.
‡No. 9.	Registration	Amended by 10 of 1950. Chapter 57.
‡No. 10.	Trade Disputes (Arbitration)	Amended by 7 of 1950, and 10 of 1950. Chapter 72.
‡No. 11.	Police and Prison	Amended by 10 of 1950. Chapter 51.
‡No. 12.	Licensing	Amended by 10 of 1950. Chapter 38.
‡No. 13.	Pensions	Amended by 10 of 1950. Chapter 49.
‡No. 14.	Seditious Offences (Amendment)	Incorporated in Chapter 63.
‡No. 15.	Interpretation and General Law (Amendment)	Incorporated in Chapter 33.
‡No. 16.	Marriage	Amended by 10 of 1950. Chapter 43.
‡No. 17.	Quarantine (Amendment)	Incorporated in Chapter 54.
‡No. 18.	Trade Unions and Trade Disputes (Amendment)	Repealed by 9 of 1950.
No. 19.	Stanley Waterworks	Amended by 10 of 1950. Chapter 70.
‡No. 20.	Mental Treatment	Amended by 10 of 1950. Chapter 46.
‡No. 21.	Vaccination (Amendment)	Incorporated in Chapter 54.
‡No. 22.	Aliens	Amended by 10 of 1950. Chapter 4.
‡No. 23.	Workmen's Compensation (Amendment)	Incorporated in Chapter 79.
‡No. 24.	Post Office (Amendment)	Incorporated in Chapter 52.
‡No. 25.	British Nationality	Chapter 6.
‡No. 26.	Law Revision (Repeal)	Expired.
‡No. 27.	Penguin Preservation (Amendment)	Incorporated in Chapter 77.
‡No. 28.	Land	Amended by 10 of 1950. Chapter 36.



Year and Number	Subject Matter	How repealed or otherwise affected.
<b>1949</b>		
‡No. 29.	Wild Animals and Birds Protection (Amendment)	Incorporated in Chapter 77.
‡No. 30.	Public Health (Amendment)	Incorporated in Chapter 54.
‡No. 31.	Live Stock (Amendment)	Incorporated in Chapter 40.
No. 32.	King Edward VII Memorial Hospital (Amendment)	Incorporated in Chapter 54.
‡No. 33.	Publications (Import Prohibition) (Amendment)	Incorporated in Chapter 53.
‡No. 34.	Immigration	Amended by 10 of 1950. Chapter 31.
‡No. 35.	Trespass (Amendment)	Incorporated in Chapter 74.
No. 36.	Slaughtering and Inspection (Amendment)	Incorporated in Chapter 65.
No. 37.	Dogs (Amendment)	Incorporated in Chapter 21.
‡No. 38.	Defence Force (Amendment)	Incorporated in Chapter 19.
‡No. 39.	Harbour (Amendment)	Incorporated in Chapter 30.
‡No. 40.	Merchandise Marks (Amendment)	Incorporated in Chapter 47.
‡No. 41.	Companies and Private Partnership (Amendment)	Incorporated in Chapter 13.
No. 42.	Dairy Produce (Amendment)	Incorporated in Chapter 17.
‡No. 43.	Medical Practitioners, Midwives and Dentists (Amendment)	Incorporated in Chapter 45.
No. 44.	Legislative Council (Elections) (Amendment)	Incorporated in Chapter 37.
No. 45.	Education	Chapter 22.
‡No. 46.	Income Tax (Amendment No. 2)	Incorporated in Chapter 32.
No. 47.	Supplementary Appropriation (1948)	Expired.
No. 48.	Appropriation (1950)	Omitted.
<b>1950</b>		
No. 1.	Stanley Town Council (Amendment)	Incorporated in Chapter 68.
‡No. 2.	Consular Conventions	Chapter 14.
No. 3.	Stanley Rates (Amendment)	Incorporated in Chapter 67.

Year and Number.	Subject Matter.	How repealed or otherwise affected.
<b>1950</b>		
‡No. 4.	Companies and Private Partnership (Amendment)	Incorporated in Chapter 13.
No. 5.	Supplementary Appropriation (1949)	Expired.
‡No. 6.	Medical Practitioners, etc. (Amendment)	Incorporated in Chapter 45.
No. 7.	Appropriation	Omitted.
‡No. 8.	Trade Disputes (Arbitration) (Amendment)	Incorporated in Chapter 72.
‡No. 9.	Income Tax (Amendment)	Incorporated in Chapter 32.
‡No. 10.	Revised Edition of the Laws (Amendment)	Incorporated in Revised Edition of the Laws Ordinance.
<b>1951</b>		
‡No. 1.	Interpretation and General Law. (Amendment)	Incorporated in Chapter 33.
‡No. 2.	Revised Edition of the Laws (Amendment)	Incorporated in Revised Edition of the Laws Ordinance.
‡No. 7.	Revised Edition of the Laws (Amendment)	Incorporated in Revised Edition of the Laws Ordinance.
‡No. 8.	Revised Edition of the Laws (Amendment)	Incorporated in Revised Edition of the Laws Ordinance.

DEPENDENCIES SERIES

**1949**

No. 1.	Appropriation (First half of 1949)	Omitted.
--------	------------------------------------	----------

**1950**

No. 1.	Appropriation	Omitted.
No. 2.	Application of Colony Laws	Incorporated in Chapter 1 (D.S.).
No. 3.	Application of Colony Laws.	Incorporated in Chapter 1 (D.S.).

**1951**

No. 1.	Application of Colony Laws	Incorporated in Chapter 1 (D.S.).
No. 2.	Application of Colony Laws	Incorporated in Chapter 1 (D.S.).
No. 4.	Application of Colony Laws	Incorporated in Chapter 1 (D.S.).
No. 6.	Application of Colony Laws	Incorporated in Chapter 1 (D.S.).
No. 7.	Application of Colony Laws	Incorporated in Chapter 1 (D.S.).
No. 8.	Application of Colony Laws	Incorporated in Chapter 1 (D.S.).

## NOTIFICATIONS UNDER S.3 OF THE DEPENDENCIES ORDINANCE, 1908.

Number and Date		Gazette		Ordinance applied
No. 17	18th January, 1909	Vol. XIX	No. 2 of 1st February, 1909	No. 5 of 1908.
No. 138	23rd October, 1909	Vol. XIX	No. 11 of 1st November, 1909	Nos. 6 of 1909 and 7 of 1909.
No. 31	13th February, 1911	Vol. XXI	No. 3 of 1st March, 1911	Nos. 12 of 1853 (so far as it relates to Marriage), and 8 of 1902.
No. 47	13th March, 1911	Vol. XXI	No. 4 of 1st April, 1911	No. 5 of 1902.
No. 120	31st July, 1911	Vol. XXI	No. 8 of 1st August, 1911	No. 10 of 1898.
No. 184	11th November, 1911	Vol. XXI	No. 12 of 1st December, 1911	No. 7 of 1903.
No. 185	20th November, 1911	Vol. XXI	No. 12 of 1st December, 1911	No. 6 of 1898.
No. 104	1st June, 1911	Vol. XXII	No. 7 of 1st July, 1912	No. 6 of 1903.
No. 105	21st June, 1912	Vol. XXII	No. 7 of 1st July, 1912	Nos. 3 of 1899, 9 of 1909, and 5 of 1912.
No. 128	15th July, 1912	Vol. XXII	No. 8 of 1st August, 1912	Nos. 1 of 1900, 6 of 1900, 7 of 1901, 2 of 1906, and 1 of 1912.
No. 129	15th July, 1912	Vol. XXII	No. 8 of 1st August, 1912	No. 3 of 1912.
No. 130	22nd July, 1912	Vol. XXII	No. 8 of 1st August, 1912	No. 7 of 1908.
No. 3	24th December, 1912	Vol. XXII	No. 1 of 1st January, 1913	No. 9 of 1912.
No. 136	1st July, 1913	Vol. XXII	No. 8 of 1st August, 1913	No. 5 of 1913.
No. 118	29th June, 1914	Vol. XXIII	No. 7 of 1st July, 1914	No. 5 of 1898 (applied to S. Georgia only).
No. 62	22nd March, 1915	Vol. XXIV	No. 4 of 2nd April, 1915	No. 3 of 1915.
No. 63	22nd March, 1915	Vol. XXIV	No. 4 of 2nd April, 1915	No. 1 of 1915.
Unnumbered	3rd December, 1915	Vol. XXIV	No. 12 of 15th December, 1915	Those contained in the New Edition of the Ordinances, 1915.
Unnumbered	3rd December, 1915	Vol. XXIV	No. 12 of 15th December, 1915	Nos. 7 of 1915, 9 of 1915, 10 of 1915, and 11 of 1915.
No. 43	26th May, 1924	Vol. XXXIII	No. 8 of 2nd June, 1921	Nos. 2 of 1903, and 7 of 1913.

*Notifications under S.3 of the Dependencies Ordinance, 1908*    xlix

Number and Date	Gazette	Ordinance applied
Unnumbered 27th July, 1945	Vol. LIV No. 8 of 1st August, 1945	Nos. 3 of 1914, 7 of 1920, 1 of 1921, 2 of 1921, 7 of 1921, 3 of 1922, 5 of 1929, 6 of 1929, 11 of 1931, 8 of 1934, 4 of 1935, 3 of 1936, 6 of 1936, 4 of 1937, 10 of 1937, 5 of 1938, 7 of 1938, 8 of 1938, 11 of 1938, 12 of 1938, 1 of 1939, 2 of 1939, 4 of 1939, 8 of 1939, 20 of 1939, 2 of 1940, 1 of 1942, 2 of 1942, 4 of 1942, 1 of 1943, 2 of 1943, 3 of 1943, 4 of 1944, 9 of 1944, 10 of 1944, and 13 of 1944.
Unnumbered 28th June, 1947	Vol. LVI No. 7 of 1st July, 1947	Nos. 5 of 1937, 1 of 1940, 12 of 1940, 13 of 1940, 4 of 1941, and 2 of 1946.

Section 3 of the Dependencies Ordinance, 1908, read as <sup>9</sup> of 1908. follows:

“3. It shall be lawful for the Governor in Council from time to time to declare by notification in the *Gazette* any Ordinance or part of any Ordinance of the Colony, whether passed before or after the commencement of this Ordinance to be in force in the Dependencies, and thereupon such Ordinance or part as aforesaid, and any rules, regulations, or by-laws made thereunder, unless it is expressly declared that such rules, regulations, or by-laws shall not be in force in the Dependencies, shall be in force therein, and it shall be lawful for the Governor in Council by notification in the *Gazette* to revoke and declare to be no longer in force any such notification as aforesaid.”

It was repealed by section 2 of the Dependencies (Amendment) Ordinance, 1950, but subject to section 3 of the <sup>3 of 1950.  
(D.S.).  
6 of 1951  
(D.S.).</sup>

*Note.* The application of the Ordinances mentioned in the Notifications of 27th July, 1945, and 28th June, 1947, was confirmed by No. 2 of 1950 (D.S.).

Application of Colony Laws Ordinance, 1951, which read as follows:

“3. It is hereby declared for the avoidance of doubt that the operation in the Dependencies of Ordinances of the Colony that have from time to time been lawfully applied to the Dependencies under section 3 of the Dependencies Ordinance, 1908, shall not be affected solely by reason of the repeal of the section.”

## ORDINANCES IN FORCE ON 31st DECEMBER, 1950.

**Note.** Certain Ordinances enacted in 1951 with retrospective effect that affect the law in force on 31st December, 1950, have been included.

### COLONY SERIES

Year and Number.	Short Title	Chapter	Commencement date in Colony.	Commencement date in Dependencies.
<b>1868</b>				
No. 1.	Vaccination Ordinance, 1868	54	28th April, 1868.	15th December, 1915.
<b>1889</b>				
No. 1.	Merchandise Marks Ordinance, 1889	47	18th February, 1889.	15th December, 1915.
No. 14.	Merchandise Marks (Amendment) Ordinance, 1889.	47	27th December, 1889.	15th December, 1915.
<b>1893</b>				
No. 4.	Christ Church Ordinance, 1893.	9	27th April, 1893.	Not in force.
<b>1894</b>				
No. 5.	Public Health Ordinance, 1894.	54	11th August, 1894.	15th December, 1915.
<b>1895</b>				
No. 3.	Vaccination (Amendment) Ordinance, 1895.	54	4th July, 1895.	15th December, 1915.
<b>1897</b>				
No. 4.	Public Health (Amendment) Ordinance, 1897.	54	17th May, 1897.	15th December, 1915.
<b>1898</b>				
No. 10.	Post Office Ordinance, 1898	52	25th June, 1898.	1st August, 1911.
<b>1901</b>				
No. 1.	Census Ordinance, 1901.	8	1st January, 1901.	15th December, 1915.
No. 6.	Live Stock Ordinance, 1901.	40	15th October, 1901.	15th December, 1915.
<b>1902</b>				
No. 2.	Harbour Ordinance, 1902.	30	26th March, 1902.	15th December, 1915.
<b>1904</b>				
No. 5.	Trespass Ordinance, 1904.	74	6th June, 1904.	15th December, 1915.
<b>1907</b>				
No. 1.	Live Stock (Amendment) Ordinance, 1907.	40	10th January, 1907.	15th December, 1915.
<b>1908</b>				
No. 7.	Quarantine Ordinance, 1908.	54	3rd October, 1908.	1st October, 1912.
No. 9.	Dependencies Ordinance, 1908.	1 (D.S.)	Not in force.	24th December, 1908.
<b>1911</b>				
No. 1.	Wharfage Ordinance, 1911.	29	18th February, 1911.	15th December, 1915.
No. 7.	New Edition of the Ordinances Ordinance, 1911.	omitted	23rd December, 1911.	15th December, 1915.

Year and Number.	Short Title.	Chapter.	Commencement date in Colony.	Commencement date in Dependencies.
<b>1913</b>				
No. 1.	Wild Animals and Birds Protection (Amendment) Ordinance, 1913.	77	22nd March, 1913.	22nd March, 1913.
<b>1914</b>				
No. 3.	Medical Practitioners, Midwives and Dentists Ordinance, 1914.	45	27th June, 1914.	27th June, 1914.
No. 9.	Penguins Preservation Ordinance, 1914.	77	24th July, 1914.	24th July, 1914.
<b>1916</b>				
No. 2.	King Edward Hospital Ordinance, 1916.	54	30th May, 1916.	Not in force.
<b>1918</b>				
No. 1.	Mining Ordinance, 1918.	48	11th July, 1918.	11th July, 1918.
No. 7.	Live Stock Amendment Ordinance, 1918.	40	31st October, 1918.	31st October, 1918.
<b>1919</b>				
No. 1.	Mining Ordinance, 1918, Amendment Ordinance, 1919.	48	31st May, 1919.	31st May, 1919.
<b>1920</b>				
No. 7.	Defence Force Ordinance, 1920.	19	13th December, 1920.	13th December, 1920.
<b>1921</b>				
No. 1.	Maintenance Orders (Facilities for Enforcement) Ordinance, 1921.	42	27th September, 1921.	27th September, 1921.
No. 8.	Seal Fishery (Consolidation) Ordinance, 1921.	62	23rd December, 1921.	23rd December, 1921.
<b>1922</b>				
No. 2.	Maintenance Orders (Facilities for Enforcement) (Amendment) Ordinance, 1922.	42	25th August, 1922.	25th August, 1922.
No. 3.	Reciprocal Enforcement of Judgments Ordinance, 1922.	56	25th August, 1922.	25th August, 1922.
No. 5.	Live Stock (Amendment) Ordinance, 1922.	40	20th November, 1922.	20th November, 1922.
No. 7.	Companies and Private Partnership Ordinance, 1922.	13	1st June, 1923.	1st June, 1923.
<b>1925</b>				
No. 3.	Aliens (Landholding Regulation) Ordinance, 1925.	4	1st January, 1926.	1st January, 1926.
No. 7.	The Wireless Telegraphy Ordinance, 1925.	78	30th November, 1925.	30th November, 1925.
<b>1927</b>				
No. 7.	Carriage of Goods by Sea Ordinance, 1927.	7	21st November, 1927.	21st November, 1927.
No. 8.	Pensions Ordinance, 1927.	omitted	21st November, 1927.	21st November, 1927.
<b>1928</b>				
No. 4.	Baseley Pension Addition Ordinance, 1928.	omitted	26th May, 1928.	Not in force.
No. 11.	United Kingdom Designs (Protection) Ordinance, 1928.	75	1st July, 1929.	1st July, 1929.

# *Ordinances in Force*

liii

Year and Number.	Short Title.	Chapter.	Commencement date in Colony.	Commencement date in Dependencies.
<b>1929</b>				
No. 2.	Pensions (Amendment) Ordinance, 1929.	omitted	3rd May, 1929.	3rd May, 1929.
No. 9.	Maintenance Orders (Facilities for Enforcement) (Amendment) Ordinance, 1929.	42	14th October 1929.	14th October, 1929.
<b>1930</b>				
No. 2.	Registration of United Kingdom Patents Ordinance, 1930.	58	1st June, 1930.	1st June, 1930.
No. 7.	Post Office (Amendment) Ordinance, 1930.	52	2nd June, 1930.	2nd June, 1930.
No. 11.	Falkland Islands Currency Notes Ordinance, 1930.	15	19th May, 1931.	19th May, 1931.
<b>1931</b>				
No. 2.	Pensions (Amendment) Ordinance, 1931.	omitted	21st April, 1931.	21st April, 1931.
No. 8.	Arbitration (Foreign Awards) Ordinance, 1931.	5	26th October, 1931.	26th October, 1931.
No. 11.	Prevention of Venereal Disease Ordinance, 1931.	54	26th October, 1931.	26th October, 1931.
<b>1932</b>				
No. 7.	United Kingdom Designs (Protection) (Amendment) Ordinance, 1932.	75	31st October, 1932.	31st October, 1932.
No. 8.	Registration of United Kingdom Patents (Amendment) Ordinance, 1932.	58	31st October, 1932.	31st October, 1932.
<b>1933</b>				
No. 8.	Falkland Islands Currency Notes (Amendment) Ordinance, 1933.	15	4th November, 1933.	4th November, 1933.
<b>1934</b>				
No. 5.	Venereal Disease (Amendment) Ordinance, 1934.	54	16th May, 1934.	16th May, 1934.
<b>1935</b>				
No. 5.	Falkland Islands Currency Notes (Amendment) Ordinance, 1935.	15	18th July, 1935.	18th July, 1935.
<b>1936</b>				
No. 7.	Savings Bank Ordinance, 1936.	61	29th May, 1936.	Not in force.
No. 9.	Whale Fishery (Consolidation) Ordinance, 1936.	76	29th May, 1936.	29th May, 1936.
<b>1937</b>				
No. 4.	Workmen's Compensation Ordinance, 1937.	79	20th November, 1937.	20th November, 1937.
No. 5.	Pensions Ordinance, 1937.	omitted	20th November, 1937.	1st July, 1947.
No. 7.	Public Health (Amendment) Ordinance, 1937.	54	20th November, 1937.	20th November, 1937.
No. 10.	Shipworkers' Protection Ordinance, 1937.	64	20th November, 1937.	20th November, 1937.



Year and Number.	Short Title.	Chapter.	Commencement date in Colony.	Commencement date in Dependencies.
<b>1938</b>				
No. 2.	Dairy-Produce Ordinance, 1938.	17	4th June, 1938.	Not in force.
No. 4.	Civil Procedure Ordinance, 1938.	11	4th June, 1938.	1st January, 1950.
No. 5.	Lighting Control Ordinance, 1938.	39	4th June, 1938.	4th June, 1938.
No. 6.	Falkland Islands Defence Force (Amendment) Ordinance, 1938.	19	4th June, 1938.	4th June, 1938.
No. 8.	Government Employees Provident Fund Ordinance, 1938.	28	4th June, 1938.	4th June, 1938.
No. 11.	Publications (Importation Prohibition) Ordinance, 1938.	53	4th June, 1938.	4th June, 1938.
No. 12.	Seditious Offences (Penalties) Ordinance, 1938.	63	4th June, 1938.	4th June, 1938.
No. 16.	Registration of United Kingdom Trade Marks Ordinance, 1938.	59	18th August, 1949.	18th August, 1949.
<b>1939</b>				
No. 3.	Seditious Offences (Penalties) Amendment Ordinance, 1939.	63	13th March, 1939.	13th March, 1939.
No. 4.	Employment of Children Ordinance, 1939.	24	13th March, 1939.	13th March, 1939.
No. 7.	Workmen's Compensation (Amendment) Ordinance, 1939.	79	17th June, 1939.	17th June, 1939.
No. 8.	Telegraphy Ordinance, 1939.	71	17th June, 1939.	17th June, 1939.
No. 9.	Savings Bank (Amendment) Ordinance, 1939.	61	17th June, 1939.	Not in force.
No. 15.	Electricity Supply Ordinance, 1939.	23	9th December, 1939.	Not in force.
No. 17.	Exports and Imports (Emergency Powers) Ordinance, 1939.	omitted	9th December, 1939.	Not in force.
No. 18.	Trading with the Enemy Ordinance, 1939.	omitted	3rd September, 1939.	Not in force.
No. 19.	Falkland Islands Slaughtering and Inspection Ordinance, 1939.	65	9th December, 1939.	Not in force.
No. 20.	Income Tax Ordinance, 1939.	32	30th December, 1939.	30th December, 1939.
<b>1940</b>				
No. 1.	Matrimonial Causes Ordinance, 1940.	44	22nd May, 1940.	1st July, 1947.
No. 3.	Defence Force (Amendment) Ordinance, 1940.	19	22nd May, 1940.	22nd May, 1940.
No. 4.	Administration of Estates by Consular Officers Ordinance, 1940.	2	22nd May, 1940.	1st January, 1950.
No. 8.	Income Tax (Amendment), No. 2) Ordinance, 1940.	32	28th November, 1940.	28th November, 1940.
No. 11.	Trading with the Enemy (Amendment) Ordinance, 1940.	omitted	28th November, 1940.	Not in force.
No. 12.	Matrimonial Causes (Amendment) Ordinance, 1940.	44	28th November, 1940.	1st July, 1947.
No. 13.	Pensions (Amendment) Ordinance, 1940.	omitted	28th November, 1940.	1st July, 1947.
<b>1941</b>				
No. 1.	Trading with the Enemy (Amendment) Ordinance, 1941.	omitted	29th November, 1941.	Not in force.
No. 2.	Trespass (Amendment) Ordinance, 1941.	74	29th November, 1941.	29th November, 1941.

# Ordinances in Force

lv

Year and Number.	Short Title.	Chapter.	Commencement date in Colony.	Commencement date in Dependencies.
<b>1941</b>				
No. 3.	Income Tax (Amendment) Ordinance, 1941.	32	29th November, 1941.	29th November, 1941.
No. 4.	Pensions (Amendment) Ordinance, 1941.	omitted	29th November, 1941.	1st July, 1947.
No. 6.	Electricity Supply (Amendment) Ordinance, 1941.	23	29th November, 1941.	Not in force.
No. 9.	Defence Force (Amendment) Ordinance, 1941.	19	8th December, 1941.	8th December, 1941.
<b>1942</b>				
No. 1.	Labour (Advisory Board) Ordinance, 1942.	34	13th March, 1942.	13th March, 1942.
No. 2.	Labour (Minimum Wage) Ordinance, 1942.	35	13th March, 1942.	13th March, 1942.
No. 3.	Commissions of Inquiry Ordinance, 1942.	12	13th March, 1942.	13th March, 1942.
No. 4.	Trade Unions and Trade Disputes Ordinance, 1942.	73	13th March, 1942.	13th March, 1942.
No. 5.	Compensation (Defence) Ordinance, 1942.	omitted	26th August, 1939.	Not in force.
No. 6.	Live Stock (Amendment) Ordinance, 1942.	40	13th March, 1942.	13th March, 1942.
<b>1943</b>				
No. 1.	Customs Ordinance, 1943.	16	1st May, 1948.	1st May, 1948.
No. 3.	Revised Edition of the Laws Ordinance, 1943.	see p. xii	6th December, 1943.	6th December, 1943.
<b>1944</b>				
No. 1.	Dogs Ordinance, 1944.	21	23rd December, 1944.	Not in force.
No. 2.	Fisheries Ordinance, 1944.	27	23rd December, 1944.	23rd December, 1944.
No. 6.	Plant Disease Regulation Ordinance, 1944.	50	23rd December, 1944.	23rd December, 1944.
No. 7.	Live Stock (Amendment) Ordinance, 1944.	40	23rd December, 1944.	23rd December, 1944.
No. 8.	Cinematograph Ordinance, 1944.	10	23rd December, 1944.	Not in force.
<b>1946</b>				
No. 2.	Pensions (Amendment) Ordinance, 1946.	omitted	24th December, 1946.	1st July, 1947.
No. 3.	Customs (Amendment) Ordinance, 1946.	16	1st May, 1948.	1st May, 1948.
<b>1947</b>				
No. 1.	Stanley Town Council Ordinance, 1947.	68	29th November, 1947.	Not in force.
No. 2.	Medical Registration (Amendment) Ordinance, 1947.	45	29th November, 1947.	29th November, 1947.
<b>1948</b>				
No. 1.	Stamp Duty Ordinance, 1948.	66	14th May, 1948.	14th May, 1948.
No. 5.	Income Tax (Amendment) Ordinance, 1948.	32	1st January, 1949.	1st January, 1949.
No. 7.	Income Tax (Amendment No. 2) Ordinance, 1948.	32	1st November, 1948.	1st November, 1948.
No. 8.	Lotteries Ordinance, 1948.	41	21st October, 1948.	Not in force.

Year and Number.	Short Title.	Chapter.	Commencement date in Colony.	Commencement date in Dependencies.
<b>1948</b>				
No. 9.	Stanley Rates Ordinance, 1948.	67	21st October, 1948.	Not in force.
No. 10.	Firearms Ordinance, 1948.	26	1st November, 1948.	1st November, 1948.
No. 13.	Workmen's Compensation (Amendment) Ordinance, 1948.	79	1st November, 1948.	1st November, 1948.
No. 14.	Radio-active Minerals Ordinance, 1948.	55	21st October, 1948.	21st October, 1948.
No. 16.	Legislative Council (Elections) Ordinance, 1948.	37	31st December, 1948.	Not in force.
No. 17.	Stanley Town Council (Amendment) Ordinance, 1948.	68	31st December, 1948.	Not in force.
No. 18.	Stanley Town Council (Powers) Ordinance, 1948.	69	31st December, 1948.	Not in force.
No. 19.	Defence Force (Amendment) Ordinance, 1948.	19	31st December, 1948.	31st December, 1948.
No. 20.	Road Traffic Ordinance, 1948.	60	31st December, 1948.	Not in force.
<b>1949</b>				
No. 1.	Administration of Justice Ordinance, 1949.	3	1st July, 1949.	1st July, 1949.
No. 2.	Dangerous Drugs Ordinance, 1949.	18	1st June, 1949.	1st June, 1949.
No. 3.	Administration of Estates Ordinance, 1949.	1	1st June, 1949.	1st June, 1949.
No. 4.	Estate Duty Ordinance, 1949.	25	1st June, 1949.	1st June, 1949.
No. 5.	Diplomatic Privileges (Extension) Ordinance, 1949.	20	1st June, 1949.	1st June, 1949.
No. 6.	Interpretation and General Law Ordinance, 1949.	33	1st January, 1949.	1st January, 1949.
No. 7.	Administration of Justice (Amendment) Ordinance, 1949.	3	1st July, 1949.	1st July, 1949.
No. 8.	Income Tax (Amendment) Ordinance, 1949.	32	1st January, 1949.	1st January, 1949.
No. 9.	Registration (Amendment) Ordinance, 1949.	57	1st June, 1949.	1st June, 1949.
No. 10.	Trade Disputes (Arbitration) Ordinance, 1949.	72	1st June, 1949.	1st June, 1949.
No. 11.	Police and Prison Ordinance, 1949.	51	1st June, 1949.	1st June, 1949.
No. 12.	Licensing Ordinance, 1949.	38	31st December, 1949.	31st December, 1949.
No. 13.	Pensions Ordinance, 1949.	49	31st December, 1949.	31st December, 1949.
No. 14.	Seditious Offences (Amendment) Ordinance, 1949.	63	31st December, 1949.	31st December, 1949.
No. 15.	Interpretation and General Law (Amendment) Ordinance, 1949.	33	31st December, 1949.	31st December, 1949.
No. 16.	Marriage Ordinance, 1949.	43	31st December, 1949.	31st December, 1949.
No. 17.	Quarantine (Amendment) Ordinance, 1949.	54	31st December, 1949.	31st December, 1949.
No. 19.	Stanley Waterworks Ordinance, 1949.	70	31st December, 1949.	Not in force.
No. 20.	Mental Treatment Ordinance, 1949.	46	31st December, 1949.	31st December, 1949.
No. 21.	Vaccination (Amendment) Ordinance, 1949.	54	31st December, 1949.	31st December, 1949.
No. 22.	Aliens Ordinance, 1949.	4	31st December, 1949.	31st December, 1949.
No. 23.	Workmen's Compensation (Amendment) Ordinance, 1949.	79	31st December, 1949.	31st December, 1949.

Year and Number.	Short Title	Chapter.	Commencement date in Colony.	Commencement date in Dependencies.
<b>1949</b>				
No. 24.	Post office (Amendment) Ordinance, 1949.	52	31st December, 1949.	31st December, 1949.
No. 25.	British Nationality Ordinance, 1949.	6	31st December, 1949.	31st December, 1949.
No. 27.	Penguin Preservation (Amendment) Ordinance, 1949.	77	31st December, 1949.	31st December, 1949.
No. 28.	Land Ordinance, 1949.	36	31st December, 1949.	31st December, 1949.
No. 29.	Wild Animals and Birds Protection (Amendment) Ordinance, 1949.	77	31st December, 1949.	31st December, 1949.
No. 30.	Public Health (Amendment) Ordinance, 1949.	54	31st December, 1949.	31st December, 1949.
No. 31.	Live Stock (Amendment) Ordinance, 1949.	40	31st December, 1949.	31st December, 1949.
No. 32.	King Edward VII Memorial Hospital (Amendment) Ordinance, 1949.	54	31st December, 1949.	31st December, 1949.
No. 33.	Publications (Import Prohibition) Amendment Ordinance, 1949.	53	31st December, 1949.	31st December, 1949.
No. 34.	Immigration Ordinance, 1949.	31	31st December, 1949.	31st December, 1949.
No. 35.	Trespass (Amendment) Ordinance, 1949.	74	31st December, 1949.	31st December, 1949.
No. 36.	Slaughtering and Inspection (Amendment) Ordinance, 1949.	65	31st December, 1949.	Not in force.
No. 37.	Dogs (Amendment) Ordinance, 1949.	21	31st December, 1949.	Not in force.
No. 38.	Defence Force (Amendment) Ordinance, 1949.	19	31st December, 1949.	31st December, 1949.
No. 39.	Harbours (Amendment) Ordinance, 1949.	30	31st December, 1949.	31st December, 1949.
No. 40.	Merchandise Marks (Amendment) Ordinance, 1949.	47	31st December, 1949.	31st December, 1949.
No. 41.	Companies and Private Partnership (Amendment) Ordinance, 1949.	13	31st December, 1949.	31st December, 1949.
No. 42.	Dairy Produce (Amendment) Ordinance, 1949.	17	31st December, 1949.	Not in force.
No. 43.	Medical Practitioners, Midwives and Dentists (Amendment) Ordinance, 1949.	45	31st December, 1949.	31st December, 1949.
No. 44.	Legislative Council (Elections) (Amendment) Ordinance, 1949.	37	31st December, 1949.	Not in force.
No. 45.	Education Ordinance, 1949.	22	31st December, 1949.	Not in force.
No. 46.	Income Tax (Amendment No. 2) Ordinance, 1949.	32	31st December, 1949.	31st December, 1949.
No. 48.	Appropriation (1950) Ordinance, omitted 1949.		31st December, 1949.	Not in force.
<b>1950</b>				
No. 1.	Stanley Town Council (Amendment) Ordinance, 1950.	68	1st September, 1950.	Not in force.
No. 2.	Consular Conventions Ordinance, 1950.	14	1st September, 1950.	1st September, 1950.
No. 3.	Stanley Rates (Amendment) Ordinance, 1950.	67	1st September, 1950.	Not in force.

Year and Number.	Short Title.	Chapter.	Commencement date in Colony.	Commencement date in Dependencies.
<b>1950</b>				
No. 4.	Companies and Private Partnership (Amendment) Ordinance, 1950.	13	1st September, 1950.	1st September, 1950.
No. 6.	Medical Practitioners, Midwives and Dentists (Amendment) Ordinance, 1950.	45	1st September, 1950.	1st September, 1950.
No. 7.	Appropriation (1951-52) Ordinance, 1950.	omitted	1st November, 1950.	Not in force.
No. 8.	Trade Disputes (Arbitration) (Amendment) Ordinance, 1950.	72	1st November, 1950.	1st November, 1950.
No. 9.	Income Tax (Amendment) Ordinance, 1950.	32	30th December, 1950.	1st November, 1950.
No. 10.	Revised Edition of the Laws (Amendment) Ordinance, 1950.	see p. xii	30th December, 1950.	30th December, 1950.
<b>1951</b>				
No. 1.	Interpretation and General Law (Amendment) Ordinance, 1951.	33	1st January, 1949.	1st January, 1949.
No. 2.	Revised Edition of the Laws (Amendment) Ordinance, 1951.	see p. xii	1st January, 1950.	1st January, 1950.
No. 7.	Revised Edition of the Laws (Amendment) (No. 2) Ordinance, 1951.	see p. xii	30th December, 1950.	30th December, 1950.
No. 8.	Revised Edition of the Laws (Amendment) (No. 3) Ordinance, 1951.	see p. xii	1st January, 1950.	1st January, 1950.

**DEPENDENCIES SERIES.**

Year and Number.	Short Title.	Chapter.	Commencement date in Colony.	Commencement date in Dependencies.
<b>1949</b>				
No. 1.	Appropriation (Dependencies) (First half of 1949) Ordinance, 1949.	omitted	Not in force.	30th December, 1950.
<b>1950</b>				
No. 1.	Appropriation Ordinance, 1950.	omitted	Not in force.	1st September, 1950.
No. 2.	Revised Edition of the Laws (Amendment) (Dependencies) Ordinance, 1950.	1 (D.S.)	Not in force.	30th December, 1950.
No. 3.	Dependencies (Amendment) Ordinance, 1950.	1 (D.S.)	Not in force.	1st January, 1949.
<b>1951</b>				
No. 1.	Dependencies (Amendment) Ordinance, 1951.	1 (D.S.)	Not in force.	1st January, 1949.
No. 2.	Interpretation and General Law (Amendment) (Dependencies) Ordinance, 1951.	1 (D.S.)	Not in force.	1st January, 1949.
No. 4.	Application of Ordinances of the Colony (Dependencies) Ordinance, 1951.	1 (D.S.)	Not in force.	1st January, 1950.
No. 6.	Application of Colony Laws Ordinance, 1951.	1 (D.S.)	Not in force.	1st December, 1951.
No. 7.	Dependencies (Amendment) (No. 2) Ordinance, 1951.	1 (D.S.)	Not in force.	1st January, 1949.
No. 8.	Revised Edition of the Laws (Amendment) (Dependencies) Ordinance, 1951.	1 (D.S.)	Not in force.	30th December, 1950.

COLONY SERIES.



## CHAPTER 1.

## ADMINISTRATION OF ESTATES.

AN ORDINANCE TO PROVIDE FOR THE GRANT OF PROBATE AND THE ADMINISTRATION OF ESTATES. 3 of 1949.  
10 of 1950.

[1st June, 1949.]

1. This Ordinance may be cited as the Administration of Estates Ordinance. Short title.

2. In this Ordinance unless the context otherwise requires: Definitions.

“Court” means the Supreme Court in the Colony.

“Unrepresented estate” means the estate of a deceased person in respect of which there is no executor or administrator able or willing to act as such.

3. Applications for Probate and Letters of Administration shall be made by petition on oath to the Judge and shall state: Applications  
for Probate  
and Letters  
of Adminis-  
tration.

(1) in the case of an application for Probate or Letters of Administration with the will annexed, the date of death of the testator, that the document produced is to the best of the petitioner's knowledge and belief the last will and testament of the testator, and that (in the case of an application for Probate) the petitioner is the person named as executor, or (in the case of an application for Letters of Administration with the will annexed) that either no executors are appointed or that they are dead or have renounced their right to probate, and the capacity in which the petitioner is entitled;

(2) in the case of an application for Letters of Administration the date of death of the deceased, that to the best of the petitioner's knowledge and belief he died intestate and the grounds on which the petitioner applies for letters of administration.

[Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]



Advertisement.

4. (1) Notice of application for Letters of Administration shall be published once in the *Gazette* and once in any newspaper in the Colony.

(2) Letters of Administration shall not be granted until the expiration of three weeks after the publication of the notice in the *Gazette* except in cases where the Judge is satisfied, by affidavit or otherwise, that the grant should be made before the expiration of such three weeks and that notice of application has been given to all persons residing in the Colony who may have prior claim to such grant, when the Judge may grant to such applicant Letters of Administration, limited or otherwise as the circumstances may require, before the expiration of such three weeks.

Bonds.

5. (1) Probate or Letters of Administration shall not be granted until the applicant has entered into a bond approved by the Judge, with or without sureties, not exceeding two, as the Judge may decide. The penalty of the bond shall be double the amount or value of the estate.

(2) The Court may, on application or petition in chambers, and on being satisfied that the conditions of any bond have been broken, order the assignment of the bond to the person named in the order, and such person his executors and administrators shall thereupon be entitled as trustees for all persons interested to sue and recover the full amount due in respect of such breach of the bond as if the same had been entered into with him or them.

Caveats.

6. (1) Where a caveat has been entered before a grant of Probate or Letters of Administration shall have been made all parties interested therein shall be summoned before the Judge to show cause why a grant should not issue and after hearing the said parties and such evidence as the Judge may think necessary the Judge shall make such order as he may deem just.

(2) When any party fails to appear the Court may after proof of service, proceed as if the proceedings were *ex parte* or adjourn on such terms as it may direct.

Proof of will in solemn form.

7. Any person interested in a will, including any executor, may file in Court a petition verified by affidavit praying that such will be proved in solemn form and such petition shall be dealt with as other petitions to the Court.

8. (1) Any person interested in the estate of a deceased person may file in Court a petition verified by affidavit on the ground that the interests of parties concerned in the estate have suffered, or will suffer, by reason that the executor or administrator has been, or will be, absent from the Colony for the period of one year, and the Court may appoint an administrator with the will annexed or an administrator *de bonis non* to act during the absence of such executor or administrator.

Substitution  
of adminis-  
trator for  
absentee  
personal  
represent-  
ative.

(2) In case of dispute the Court may proceed as provided in section 6 (1).

(3) An administrator appointed under this section shall enter into a bond with or without sureties and be subject to the liabilities provided for in section 5.

9. All contentious proceedings shall be heard in open Court: non-contentious proceedings shall be heard in chambers unless the Court otherwise directs.

Proceedings.

10. Citations, writs, summons and orders shall be served personally on the person to whom they are addressed unless the Court for sufficient cause shall otherwise direct.

Service of  
citations,  
etc.

11. The Registrar shall record all grants of probate and letters of administration and maintain proper files of all papers relating thereto.

Records.

12. (1) The Court may require the attendance of any person whom it may think fit to examine, and may order any person to be examined on interrogatories on oath, and may order any person to produce such deed, document paper or writing as it may require.

Witnesses.

(2) Any person refusing or neglecting to comply with any writ, summons or order of the Court shall be guilty of contempt of Court and shall be liable to a penalty not exceeding £50.

13. An Official Administrator appointed by the Governor shall exercise the rights, powers and duties and be subject to the liabilities of the Public Trustee established under the Public Trustee Act, 1906, in respect of the administration of estates where he is appointed an executor of the will of a deceased person, or in the case of an intestacy where there is no person able or willing to administer the estate of the deceased.

Official  
Administra-  
tor.

When  
Official Ad-  
ministrators  
may act.

14. The Official Administrator shall on becoming aware of an unrepresented estate:

(1) if he thinks fit so to do immediately enter upon the estate for the purpose of sealing up or making such other dispositions for the security of such estate as he may deem necessary;

(2) as soon as possible present a petition to the Court stating the particulars of such estate and praying that he be appointed administrator of the said estate, and the Court shall upon being satisfied that such estate is unrepresented grant such order.

Notice of  
Order.

15. The Official Administrator shall forthwith on an Order being made under section 14 cause a notice thereof to be published in the *Gazette* and in any paper published in the Colony, and a copy thereof to be affixed to the public notice board in Stanley.

Order may  
be revoked.

16. Any person legally entitled to the administration of an estate in respect of which an order under section 14 has been made may petition the Court that he be appointed administrator of the said estate, and the Court shall, upon being satisfied thereon, revoke the said order and appoint the petitioner to be administrator of the said estate, provided that all matters and things *bona fide* done or performed prior to the revocation of such order shall be valid and effectual.

Moneys to be  
paid into  
Savings  
Bank.

17. All moneys received by the Official Administrator shall forthwith be paid into the Government Savings Bank to the account of the Official Administrator, and he shall make a return monthly to the Judge showing the amounts standing to the credit of each estate being administered by him.

Distribution  
of estate.

18. The Official Administrator shall at the expiration of one year, or such other period as the Court may direct, from the date of the Order made under section 14 dispose of the moneys arising from such estate as follows:

(1) reimburse himself of all costs and charges incurred in administering the estate as authorised by the Court;

(2) pay into the Treasury  $7\frac{1}{2}$  per centum of the gross amount of the estate to defray the cost of administering the estate;

(3) pay the creditors of the estate in the order prescribed by law;

(4) pay the balance into the Treasury upon trust for the person legally entitled thereto.

19. The Official Administrator shall in every case in which the kindred of an intestate are unknown cause an advertisement to be inserted in the *London Gazette* and the *London Times* newspaper once a quarter for a period of one year, unless the Court shall otherwise direct, giving particulars of the name, nationality and date of death of the deceased and the value of the estate.

Kindred to be advertised for.

20. Any person, other than a creditor, claiming to be legally entitled to the balance of an unrepresented estate as mentioned in section 18 (4) may petition the Court that such balance be delivered to him, and the Court upon being satisfied as to the validity of such claim shall make such order as may be just. Where there are two or more such claimants the Court shall determine their claims and make such order as to costs or otherwise as it may deem fit.

Claims for balances of unrepresented estates.

21. (1) When a Court of Probate in any part of the Commonwealth has granted probate or letters of administration in respect of the estate of a deceased person the probate or letters, on being produced to and a copy thereof deposited with the Court, may be sealed with the seal of the Court, and shall therefrom be of like force and effect as if they had been granted by the Court.

Re-sealing probates, etc., granted outside the Colony.

(2) The Court shall before re-sealing a probate or letters of administration be satisfied that estate duty has been paid or that sufficient security has been given in respect of the estate in the Colony.

(3) The Court may before re-sealing on the application of any creditor require that adequate security be given for the payment of any debts due to creditors residing in the Colony.

(4) A duplicate of any probate or letters of administration sealed with the Seal of the Court granting the same, or a copy thereof certified by or under the authority of the Court granting the same, shall have the same effect as the original.

22. The Governor in Council may make rules of Court regulating the practice and procedure, including fees and costs, under this Ordinance.

Rules of Court.

## CHAPTER 2.

ADMINISTRATION OF ESTATES BY  
CONSULAR OFFICERS.

4 of 1940. AN ORDINANCE TO GIVE EFFECT TO THE PROVISIONS OF  
CERTAIN TREATIES OF COMMERCE AND NAVIGATION.

[22nd May, 1940.]

Short title.

1. This ordinance may be cited as the Administration of  
Estates by Consular Officers Ordinance.

Administra-  
tion of  
Estates by  
Consular  
Officers.

2. Whenever any subject or citizen of any State mentioned  
in the first column of the Schedule hereto—

(a) dies within the Colony, or

(b) dies outside the Colony leaving property within  
the Colony,

and no person is present in the Colony at the time of his death  
who is rightfully entitled to administer the estate of such  
deceased person, the Consul, Vice-Consul, or Consular Agent  
of such State within the Colony may take possession and have  
the custody of the property of such deceased person, and may  
apply the same in payment of his debts and funeral expenses,  
and may retain the surplus for the benefit of the persons  
entitled thereto; but such Consul, Vice-Consul, or Consular  
Agent shall immediately apply for, and shall be entitled to  
obtain from the Court, Letters of Administration of the  
property of such deceased person, limited in such manner  
and for such time as to the Court shall seem fit.

Variation of  
Schedule.

3. It shall be lawful for the Governor by order published  
in the *Gazette* to vary the Schedule—

(a) by deleting therefrom any State when the provision  
of the Treaty with that State mentioned in the  
Schedule shall have ceased to have effect;

---

[Note. This Ordinance is declared to be in force in the Dependencies by the  
Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

- (b) by adding thereto any State with whom His Majesty shall make a Treaty of Commerce and Navigation containing provisions similar to any of the provisions mentioned in the Schedule.

**SCHEDULE.**

Name of State.	Title of Treaty.	Date of Treaty.	Provision.
Finland	Treaty of Commerce and Navigation between the United Kingdom and Finland.	14th December, 1923.	Article 19. (third paragraph).
Greece	Treaty of Commerce and Navigation between the United Kingdom and Greece.	16th July, 1926.	Article 23.
Hungary	Treaty of Commerce and Navigation between the United Kingdom and Hungary.	23rd July, 1936.	Article 14.
Thailand	Treaty of Commerce and Navigation between the United Kingdom and Siam (Thailand).	23rd November, 1937.	Article 19.
Turkey	Treaty of Commerce and Navigation between the United Kingdom and Turkey.	1st March, 1930.	Article 28.
Yugoslavia	Treaty of Commerce and Navigation between the United Kingdom and the Kingdom of the Serbs, Croats and Slovenes.	12th May, 1927.	Article 24.

## CHAPTER 3.

## ADMINISTRATION OF JUSTICE.

1 of 1949. AN ORDINANCE TO AMEND AND CONSOLIDATE THE LAW  
 7 of 1949. RELATING TO THE ADMINISTRATION OF JUSTICE.  
 10 of 1950.

[1st April, 1949.]

## Part I.

## PRELIMINARY.

Short title. 1. This Ordinance may be cited as the Administration of Justice Ordinance.

Definitions. 2. In this Ordinance unless the context otherwise requires:  
 "Civil case" means process for the recovery of individual right or redress of individual wrong and includes an action by the Government for the recovery of fines or penalties.

"Complaint" includes an information.

"Court" means a magistrate sitting either alone or with other justices or one or more justices sitting to hear any cause which they may be empowered to hear.

"Criminal case" means a case which might result in the infliction of a fine or imprisonment or one in which money claimed to be due is recoverable on information as well as on complaint.

"Judge" means the person nominated or acting as Judge under section 8 hereof.

"Judgment" includes a decree, order, rule or sentence.

"Record" means all pleadings, proceedings, notes of evidence and judgments relating to an appeal to be laid before His Majesty in Council on the hearing of an appeal.

"Supreme Court" means the Judge sitting either alone or with jury or assessors or in Chambers.

---

[Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

## Part II.

## COURT OF SUMMARY JURISDICTION.

3. (1) The Governor may appoint such magistrates and justices as he may deem necessary, and every such magistrate or justice shall have jurisdiction in civil and criminal cases as hereinafter provided within the district specified in his warrant of appointment, and if no district be so specified he shall have jurisdiction throughout the Colony.

Appointment and powers, etc., of magistrates and justices.

(2) A justice shall have all the powers and perform all the duties of a justice of the peace in the United Kingdom subject to any limitation thereof contained in this or any other Ordinance.

4. A magistrate shall unless the contrary be expressed in this or any other Ordinance, have power

Powers of Magistrate.

(1) to hear, try, determine and adjudge criminal cases which may be summarily dealt with: but he shall not have power to impose a term of imprisonment greater than one year;

(2) to inquire into all charges of indictable offences and make such order in respect thereof as the evidence shall justify;

(3) to hear and determine civil cases where the amount claimed does not exceed £100, or in the case of a claim for the recovery of possession of land the annual rent or value thereof does not exceed £100.

5. The jurisdiction of the Court when no magistrate is present shall be

Jurisdiction of Court when Magistrate not present.

(1) when one justice is sitting alone, to hear and determine any information relating to an offence against any law not containing any provision to the contrary, but he may not impose a fine greater than £5 or imprisonment exceeding one month;

10 of 1950.

(2) when two or more justices (who must be present during the whole hearing and determination) are sitting to hear and determine any information relating to

(a) any offence against any law not containing any provision to the contrary;

(b) any offence for which the offender is liable under any law, not containing any provision to the contrary,



upon summary conviction to be imprisoned or fined or otherwise punished:

Provided they shall not have power to impose any term of imprisonment greater than one year.

Assessors to  
Magistrate.

6. A magistrate may summon two or more justices to sit with him as assessors at any trial.

Assessors.

7. (1) Any assessor who shall, without reasonable cause fail to attend Court or refuse to act as an assessor shall be liable to a fine not exceeding £10 which the magistrate may impose summarily.

(2) An assessor shall have no voice in the decision of any case but should he dissent from the judgment of the Court, his name together with a note of the grounds of such dissent shall be recorded on the proceedings and signed by him.

### Part III.

#### SUPREME COURT.

Appoint-  
ment of  
Judge.  
10 of 1950.

8. The Judge of the Supreme Court

(a) shall be appointed by Letters Patent under the Public Seal issued by the Governor in pursuance of a warrant under His Majesty's Signet and Sign Manual, or of instructions received through the Secretary of State, and shall hold office during His Majesty's pleasure, and shall not be removed from office except in accordance with His Majesty's pleasure signified under His Sign Manual:

Provided that the Governor may, with the advice of the Council, for good cause suspend the judge from executing his office until His Majesty's pleasure is known;

(b) shall be a member of the Bar of England, Ireland or Scotland, or of some other Commonwealth country, of at least five years' standing:

Provided that, whenever the office of judge is vacant, or the holder thereof is suspended, or is incapable of performing his duties by reason of illness, absence from the Colony or otherwise, the Governor may act as judge, or may appoint a fit person to act as judge until His Majesty's pleasure be known, or until the judge becomes capable of resuming his duties.

9. The Supreme Court shall have within the Colony: Jurisdiction.

(1) all the power, jurisdiction and authority expressly or impliedly vested in it by any law;

(2) all the power, jurisdiction and authority vested in the High Court of Justice, the Courts of Oyer and Terminer, General Gaol Delivery and Quarter Sessions in the United Kingdom.

10. The Judge may cause any member of Council or justice to be summoned to sit with him as an assessor at any trial and any assessor so summoned shall be subject to the liability and condition contained in section 7 of this Ordinance. Assessors.

11. The Judge may cause jurors to be summoned to attend at any sitting of the Supreme Court and may give such directions as to time and place to which they shall be summoned and as to the numbers to be summoned as he may deem fit. Juries.

12. (1) The Supreme Court shall sit in Stanley as and when the Governor shall so order. Sittings.

(2) The Governor may direct the Supreme Court to sit at any time and place for trial of any civil or criminal case.

## Part IV.

### JURIES.

13. Every person except as hereinafter mentioned, between the ages of 21 and 60 years being the owner or occupier of real estate of the value of not less than £10 per annum shall be qualified and liable to serve on juries in all civil and criminal proceedings: Qualifications for Jury.

Provided that no person whose normal place of residence is beyond a radius of six miles from Stanley shall without the order of the Judge be summoned to serve on a Jury other than a coroner's jury or at a sitting of the Supreme Court ordered under section 12 (2).

Persons  
disqualified.

**14.** The following are disqualified from serving on juries:

- (1) aliens,
- (2) persons who have been convicted of treason, felony or perjury or of an infamous crime unless they have received a free pardon.

Exemptions.

**15.** The following persons are exempt from serving on juries: Members of and Clerks to the Legislative and Executive Councils, members of H.M. Armed Forces, Officers of the Supreme Court, Barristers, Solicitors and Attorneys, Ministers of Religion, Justices, Registered Medical Practitioners, Police Officers, and licensed pilots and Customs Officers when not on actual duty.

Jurors' book.  
Chapter 37

**16.** (1) It shall be the duty of the registration officer under the Legislative Council (Elections) Ordinance in preparing the register of electors for any year to mark in the prescribed manner the names of such persons included in the lists as are qualified and liable to serve as jurors.

(2) Any person who is marked as a juror in the register of electors who claims that by reason of some disqualification or exemption he should not be so marked may within seven days of the publication of the electors' list apply to the registration officer to have the mark placed against his name removed and the registration officer shall within seven days of the receipt of the application notify the applicant of his decision thereon.

(3) If the registration officer refuses to comply with the application made under the last preceding subsection, or fails to notify the applicant of his decision thereon as prescribed, the applicant may within seven days of the notification of refusal to comply, or on the expiration of the prescribed time, apply to a Court for a declaration that he ought not to be marked as a juror.

(4) The registration officer shall within fourteen days of the completion of compilation of the electors list or as soon as all claims under subsection (2) of this section have been disposed of forward a list marked in the prescribed manner to the Registrar who shall therefrom compile a Jurors' Book.

(5) If a registration officer refuses neglects or fails without reasonable cause to perform any of his duties under this section, or wilfully marks as a juror any person who ought

not to be so marked, or fails to mark as a juror any person who ought to be so marked, he shall be liable on summary conviction to a fine not exceeding £100.

17. Every person whose name is included in the Jurors' Book shall be liable to serve as a juror, notwithstanding that he may have been entitled to claim that he ought not to be marked in the electors' list as a juror: Persons in Jurors' Book.

Provided that any such person shall be excused from attendance on a jury on production of a certificate signed by a registered medical practitioner stating that he is unfit to attend. 7 of 1950.

Provided also that nothing in this section shall affect the power of the Judge to excuse any person from attending on a jury.

18. (1) Every case in which the prisoner is arraigned on a capital charge shall be tried by a jury of twelve persons and unless otherwise ordered by the Judge twenty-four persons shall be summoned. Number.

(2) Every other criminal case, and every civil case if tried by a jury, shall be tried by a jury of seven persons and unless otherwise ordered by the Judge fourteen persons shall be summoned.

(3) The Judge, on the application of the parties, or either of them, in a civil case, or of the prosecution or accused in a criminal case or in his discretion, may order that the jury shall be composed of men only or of women only.

19. A summons to serve on a jury shall be sent by post or served personally upon the juror or upon some responsible person at the normal place of abode of the juror at least three days before the day appointed for the sitting of the Court. Summons.

20. If any person duly summoned shall fail to attend as a juror or after appearance shall withdraw himself without the permission of the Judge the Judge may summarily impose a fine not exceeding £10. Failure to attend.

21. The persons whose names are first drawn from a box in open court shall, subject to the provisions of section 22 of this Ordinance, be sworn and form the jury: Ballot.

Provided that in case the number of the jurors summoned shall be exhausted by reason of challenges or otherwise the Supreme Court may complete the number from among the bystanders and any bystander refusing to act may be summarily fined a sum not exceeding £10.

**Challenges.**

**22.** The prosecution, and the accused, and the parties to a civil action shall have the right to challenge members of the jury before they are sworn as follows:

10 of 1950

(1) An accused charged with treason or felony shall be entitled to challenge six jurors peremptorily.

(2) The prosecution and the accused, and a party to a civil action may challenge for cause without limitation.

(3) Each challenge for cause shall be tried forthwith by the Judge or Court by whom the case is to be tried.

**Absence of Juror.**

**23.** If during the trial a juror dies or becomes incapable of acting or is absent the jury shall subject to consent being given in writing by or on behalf of the prosecutor and the accused, or by or on behalf of both parties in a civil case, be deemed properly constituted:

Provided that should the prosecutor or accused not assent or the jury be reduced below ten on a trial for a capital offence or six on a trial for any other offence a fresh jury shall be sworn:

Provided also that should both parties in a civil case not assent or the jury be reduced below five a fresh jury shall be sworn.

**Viewing.**

**24.** The Judge may, when he shall deem it expedient, make an order for the jury, together with two persons named by him, one being appointed by each party, to view the place in which any transaction material to the trial is alleged to have occurred.

**Separation.**

**25.** The Judge may permit jurors to separate after being sworn except upon trials for murder, treason, and treason felony.

**Verdict.**

**26.** (1) The verdict of the jury shall be unanimous except that in civil cases the verdict of the majority may be taken by consent of both parties.

(2) The verdict shall be given in Court, and, in a criminal case, in the presence of the accused.

27. (1) A party in a civil case, who has applied for and been granted a jury, shall pay to the Registrar not less than three days before the date of hearing the sum of three shillings for each juror summoned and a further sum of five shillings for each juror sworn to serve and the Registrar shall pay such sum or sums to each juror accordingly. Civil cases:  
fee.

(2) In the event of the trial not being concluded in one day such party shall pay daily in advance to the Registrar a further sum of five shillings for each juror so serving.

(3) Where both parties have applied for a jury the above fees shall be payable by them in equal shares. 10 of 1950.

28. Any person who —

(a) attempts to corrupt or influence a juror by any means other than evidence and argument in open court at the trial; or

(b) gives money to a juror in consideration of his giving, or having given, a verdict favourable to one of the parties; or

(c) by improper means procures himself or others to be sworn upon a jury for the purpose of giving a verdict favourable to one of the parties; or

(d) induces a juror not to appear; and

(e) any juror who consents to or assists in the commission of any of the acts mentioned in paragraphs (a), (b), (c) or (d) hereof 10 of 1950.

shall be guilty of a misdemeanour and shall be liable on conviction on indictment to a fine not exceeding £100 or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

## Part V.

### CORONERS.

29. Every magistrate shall be the coroner within the district specified in his warrant of appointment and shall have and exercise all the powers and shall subject to the provisions hereof perform the duties of a coroner according to English law and practice. Magistrate  
to be  
Coroner.

30. Any person who shall know that a person has died from other than natural causes shall forthwith inform the Information  
of death.  
10 of 1950.

coroner, or the nearest justice or police officer thereof; and any such person who, not having reasonable grounds for believing that information has already been given, wilfully fails to give such information shall be liable on summary conviction to a fine not exceeding £10.

Inquest by  
Justice of the  
Peace.

**31.** Whenever a justice shall receive such information he shall, if he cannot inform the coroner in time, or if in his opinion the coroner would be unable to act by reason of his being at too great a distance from where the body is lying, or if the coroner shall so request, hold such inquest and shall exercise all the powers and perform all the duties of a coroner in respect thereof.

Inquest by  
Coroner.

**32.** Whenever a coroner shall receive such information he shall, if the circumstances so require, proceed to the spot where the body may be lying and there hold an inquest.

Procedure.

**33.** The coroner shall take all evidence in the form of depositions which shall be signed by the witnesses, and shall where a verdict of murder, manslaughter or infanticide is given forthwith transmit such depositions with the verdict of the jury to the Registrar.

Jury: when  
required.

**34.** If it appears to the coroner either before he proceeds to hold an inquest or in the course of an inquest begun without a jury that there is reason to suspect

- (a) that the deceased came to his death by murder, manslaughter, or infanticide;
- (b) that the death occurred in prison;
- (c) that the death was caused by an accident arising out of the use of a vehicle in a street or public highway;
- (d) that the death occurred in circumstances the continuance or possible recurrence of which is prejudicial to the health or safety of the public or any section of the public

he shall proceed to summon a jury in the manner required under this Ordinance, and in any other case, if it appears to him, either before he proceeds to hold an inquest or in the course of an inquest begun without a jury, that there is any reason for summoning a jury he may proceed to summon a jury in the manner aforesaid.

35. The coroner shall summon not less than seven nor more than eleven jurors and such summons shall be served in the manner provided for in section 18 except that the summons may be made returnable immediately or at such time and place as the coroner may order. Summons to Jury.

36. If any person duly summoned shall fail to attend as a juror or after appearance shall withdraw himself without the permission of the coroner the coroner may summarily impose a fine not exceeding £5. Failure to attend.

37. The jury shall be composed of the seven jurors whose names are first drawn from a box in open court, who shall be sworn to serve. Number on Jury.

38. The coroner, if the jury fails to agree on a verdict, may accept the verdict of the majority provided the minority consists of not more than two, or he may cause another jury to be summoned. Verdict.

39. Any person who buries or otherwise disposes of or assists in the burial or disposition of the body of a person who has apparently not died a natural death, without an order from the coroner or justice performing the duties of a coroner under section 31, shall be liable on summary conviction to a fine not exceeding £100. No burial without order.

40. The Governor may by order under his hand and the Public Seal authorise the disinterment of any body. Exhumation.

41. When any qualified medical practitioner not holding any appointment under the Government gives evidence at any inquest by direction of a coroner he shall receive a fee of one pound, and when he holds a post-mortem examination by direction of a coroner he shall receive a fee of two pounds. Medical fees.

## Part VI.

### OFFICERS OF THE SUPREME COURT.

42. The Judge shall, with the approval of the Governor, appoint a Registrar and such other officers as shall from time to time be necessary for the administration of justice whose duties shall correspond to those officers appointed to similar posts by the High Court of Justice in England. Appointment of Registrar, etc.



Notary  
Public.

43. The Governor may from time to time appoint any person to be a notary public who shall have all the powers and authorities of a notary public appointed under the law in England and shall use a seal inscribed "Supreme Court of the Falkland Islands, Notarial Seal".

## Part VII.

### PROCEDURE.

English pro-  
cedure to be  
followed.

44. Unless otherwise provided by this or any other Ordinance the practice and procedure in the High Court of Justice in England shall as far as possible be adopted in the Supreme Court, the practice and procedure in a Court of summary jurisdiction in England shall as far as possible be adopted in a Court sitting to hear and determine a criminal case, and the practice and procedure in a County Court in England shall as far as possible be adopted in a Court sitting to hear and determine civil cases.

Errors in  
proceedings.

45. (1) Textual or technical errors in any process or proceeding shall not invalidate such process or proceeding provided that no party is deceived, misled or prejudiced thereby.

(2) The Court trying the case shall decide whether any such textual or technical error is calculated to deceive, mislead or prejudice a party, and shall amend such errors or make such order in respect thereof as it may deem fit.

Want of  
form not to  
invalidate.

46. The conviction of an offender shall not be quashed or set aside on the ground of want of form in the order, judgment, warrant or other proceeding made in connection therewith.

Complaints.

47. All complaints in respect of any offence punishable summarily, shall unless any limitation of time is especially provided for, be laid within six calendar months after the offence is alleged to have been committed.

Summons in  
civil cases.

48. (1) When a civil claim within the limits prescribed by section 4 (3) is laid before a magistrate he shall issue a summons under his hand and seal.

(2) When a party in such civil action desires a person to be summoned as a witness to give oral evidence in Court or produce at the hearing in Court a document in the control or possession of such person a magistrate shall issue a summons under his hand and seal accordingly.

49. (1) Where the plaintiff in any action shall prove to the satisfaction of the Judge that the plaintiff has good cause of action against the defendant and that there is probable cause for believing that the defendant is about to leave the Colony, and that the absence of the defendant will materially prejudice the plaintiff in the prosecution of his action, the Judge may order such defendant to be arrested and imprisoned for a period not exceeding six months, unless and until he give security, not exceeding the amount claimed in the action, that he will not leave the Colony without the permission of the Court:

Absconding  
defendants.  
10 of 1950.

Provided that where the action is for a penalty or sum in the nature of a penalty in respect of a contract it shall not be necessary to prove that the absence from the Colony will materially prejudice the plaintiff in the prosecution of his action.

(2) The expenses incurred for the subsistence in prison of any person arrested under this section shall be paid by the plaintiff at the rate of five shillings a day or such other sum as the Court may from time to time direct and shall be paid monthly in advance and the costs thereof shall be recoverable as costs in the action unless the Court shall otherwise order. The Court may, on failure of the plaintiff to pay the subsistence, order that the defendant be released.

50. A justice, magistrate, or Judge sitting without a jury in any civil or criminal case shall record his judgment in writing and every such judgment shall contain the point or points for determination, the decision thereon and the reason therefor and shall be dated by the justice, magistrate or Judge at the time of pronouncement.

Reasons for  
Judgment to  
be given.

51. (1) Any person sentenced to penal servitude shall be deemed to have been sentenced to imprisonment with hard labour.

Sentences.

(2) The Governor may by Order commute the sentence of any prisoner to a lesser sentence and such Order shall have the force and effect of a warrant of commitment.

Re-hearing.  
7 of 1949.

**52.** (1) The Judge shall in every case heard in the Supreme Court have the power to order a new trial to be had upon such terms as he thinks reasonable and in the meantime to stay the proceedings.

(2) A new trial may be ordered on any question without interfering with the finding or decision on any other question.

Appeals to  
the Supreme  
Court.  
10 of 1950.

**53.** An appeal to the Supreme Court shall lie—

(a) in civil cases from every decision of a Court;

(b) in criminal cases from every decision of a Court by which an accused person has been convicted and sentenced to imprisonment for a term exceeding one month or to a fine exceeding £2:

Provided that where the accused shall have pleaded guilty an appeal shall not lie save as to the amount or legality of the sentence.

## Part VIII.

### APPEALS TO PRIVY COUNCIL.

When an  
appeal lies.

**54.** Subject to the provisions of this Ordinance an appeal to His Majesty in Council shall lie

(a) as of right, from any final judgment of the Supreme Court, where the matter in dispute on the appeal amounts to or is of the value of five hundred pounds sterling or upwards, or where the appeal involves, directly or indirectly, some claim or question to or respecting property or some civil right amounting to or of the value of five hundred pounds sterling or upwards; and

(b) at the discretion of the Supreme Court, from any other judgment of the Supreme Court, whether final or interlocutory, if, in the opinion of the Supreme Court, the question involved in the appeal is one which, by reason of its great general or public importance or otherwise, ought to be submitted to His Majesty in Council for decision.

Procedure on  
application  
for leave to  
appeal.

**55.** An application for leave to appeal shall be made by motion or petition to the Supreme Court within twenty-one days from the date of the judgment to be appealed from. The

applicant shall forthwith give notice of his application to all other parties in the action.

56. Leave to appeal shall be granted in the first instance:

Conditional  
leave to  
appeal.

(1) upon condition of the appellant, within a period to be fixed by the Supreme Court, but not exceeding three months from the date of the hearing of the application for leave to appeal, entering into good and sufficient security, to the satisfaction of the Supreme Court, in a sum not exceeding five hundred pounds, for the due prosecution of the appeal, and the payment of all such costs as may become payable to the respondent in the event of the appellant not obtaining an order granting him final leave to appeal, or of the appeal being dismissed for non-prosecution, or of His Majesty in Council ordering the appellant to pay the respondent's costs of the appeal (as the case may be);

(2) upon such conditions (if any) as to the time or times within which the appellant shall prepare and despatch the record to the Registrar of the Privy Council as the Supreme Court may deem fit; and

(3) upon such conditions as to payment of the sum awarded under the judgment of the Supreme Court, and costs, or the giving of security in respect thereof, or as to compliance with an order of the Supreme Court as that Court may deem fit.

57. An appellant who has obtained an order granting him conditional leave to appeal may, at any time prior to the making of an order granting him final leave to appeal, withdraw his appeal on such terms as to costs and otherwise as the Supreme Court may direct.

Withdrawal  
of appeal  
prior to order  
for final leave  
to appeal.

58. When an appellant, having complied with the conditions imposed on him by an order granting him conditional leave to appeal, fails to apply with due diligence to the Supreme Court for an order granting him final leave to appeal the Supreme Court may, on the application of a respondent, rescind the order granting conditional leave to appeal and may give such directions as to the costs of the appeal and the security entered into by the appellant or make such further or other order as it may deem fit.

When order  
for con-  
ditional  
leave may be  
rescinded.

When order  
for final  
leave may be  
deferred.

59. On an application for final leave to appeal the Supreme Court may defer the granting thereof until it is satisfied that sufficient notice has been given to all respondents or may give such other directions as it may deem fit.

Withdrawal  
of appeal  
before  
despatch of  
record to  
England.

60. When an appellant, prior to the despatch of the record to the Registrar of the Privy Council, applies to withdraw his appeal the Supreme Court may grant him a certificate to the effect that the appeal has been withdrawn and thereupon the appeal shall be deemed dismissed, without express order from His Majesty in Council, and the Supreme Court may make such order as to costs of the appeal and the security entered into by the appellant as it may deem fit.

Prosecution  
of appeal.

61. An appellant who has obtained final leave to appeal shall prosecute his appeal in accordance with the rules for the time being regulating the practice and procedure in appeals to His Majesty in Council.

When an  
appeal shall  
be dismissed  
for non-  
prosecution.

62. When an appellant fails to show due diligence in procuring the despatch of the record to the Registrar of the Privy Council any respondent may, after giving the appellant due notice, apply to the Supreme Court for a certificate that the appeal has not been effectively prosecuted and if the Supreme Court shall grant such certificate, the appeal shall be deemed dismissed without express order from His Majesty in Council and the Supreme Court may make such order as to costs of the appeal and the security entered into by the appellant as it may deem fit.

Consolida-  
tion of  
appeals.

63. Where there are two or more applications for leave to appeal arising out of the same cause of action the Supreme Court may direct that the appeals be consolidated and grant leave to appeal by a single order.

Substitution,  
etc., of  
parties.

64. When the record becomes defective by reason of the death or change of status of a party to the appeal:

(1) before the despatch of the record to the Registrar of the Privy Council, the Supreme Court shall on an application made by any person interested grant a certificate showing the proper person to be substituted or entered on the record in the place of or in addition to the party who has died or suffered a change of status and the name of such

person shall be deemed to be substituted or entered on the record without express order of His Majesty in Council;

(2) after the despatch of the record as aforesaid, the Supreme Court shall on an application made by any person interested cause a certificate to be transmitted to the Registrar of the Privy Council showing the proper person to be substituted or entered on the record in the place of, or in addition to the party who has died or suffered a change of status.

65. The preparation of the record shall be in accordance with rules made under this Ordinance and shall be subject to the supervision of the Supreme Court. The Supreme Court shall give such directions on any disputed question arising in connection therewith as it may deem fit.

Preparation  
of the record.

66. The Supreme Court shall conform with and execute any order which His Majesty in Council may make on an appeal in like manner as any original judgment of the Supreme Court should be executed.

Execution of  
order of His  
Majesty in  
Council.

67. Where His Majesty in Council directs a party to bear the costs of an appeal such costs shall be taxed by an officer appointed by the Supreme Court so to do. Such officer shall inquire into any unnecessary prolixity in a case and shall disallow the costs occasioned thereby.

Taxation of  
Costs.

68. Nothing in this Ordinance contained shall be deemed to interfere with the right of His Majesty upon the humble petition of any person aggrieved by any judgment of the Supreme Court to admit his appeal therefrom upon such conditions as His Majesty in Council shall think fit to impose.

Right of His  
Majesty in  
Council to  
admit appeal  
from any  
judgment.

## Part IX.

### GENERAL.

69. The Governor in Council may make rules for regulating the practice and procedure, the pleadings, fees and costs, and the conduct of all civil and criminal matters in the Supreme Court and Courts of Summary Jurisdiction, the duties and powers of officers of the Supreme Court and the preparation of the record in appeals to His Majesty in Council.

Rules.

## CHAPTER 4.

## ALIENS.

3 of 1925.  
22 of 1949.  
10 of 1950.

AN ORDINANCE TO DECLARE THE LAW AS TO ALIENS.

Short title.

1. This Ordinance may be cited as the Aliens Ordinance.

## Part I.

[31st December, 1949.]

Definitions.  
10 of 1950.

2. In this Part of this Ordinance, unless the context otherwise requires—

“Alien” means a person who is neither a British subject, a British protected person, a citizen of India, nor a citizen of the Republic of Ireland.

“Deportation order” means an order made pursuant to section 3 of this Ordinance.

Deportation  
Orders.

3. (1) The Governor in Council may make a deportation order subject to such conditions as he may think fit in respect of any alien

(a) if it is certified by the Judge or a magistrate that he has been convicted of an offence punishable by imprisonment without the option of a fine and it was recommended that a deportation order should be made either in addition to or in lieu of the sentence; or

Chapter 31.

(b) if he is a prohibited immigrant as defined by the Immigration Ordinance, or is convicted of an offence under that Ordinance or any regulation made thereunder; or

(c) if it is deemed to be conducive to the public good to do so.

[*Note.* This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

(2) The Governor in Council may at any time revoke any deportation order.

4. (1) An alien in respect of whom a deportation order is in force, or in respect of whom the Judge or a magistrate has certified that it is recommended that a deportation order should be made, may be detained in such manner as may be directed by the Governor and may be placed on a ship about to leave the Colony, and, while so detained and until the ship finally leaves the Colony, shall be deemed to be in legal custody.

Detention  
pending  
deportation.  
10 of 1950.

(2) No person shall be detained under subsection (1) of this section for a period exceeding sixty days and, if at the expiration of such period he has not been deported as aforesaid, the deportation order shall cease to have effect.

5. The master of any ship calling at any port outside the Colony who, upon being required by the Governor or Chief Constable to give a passage to that port and accommodation and maintenance during the passage to an alien against whom a deportation order has been made and his dependents, fails without reasonable excuse, to give such passage as aforesaid shall commit an offence.

Master of  
ship.

6. The Governor may apply any money or property of an alien against whom a deportation order has been made in payment of the cost of deportation and the maintenance until departure of such alien and his dependents.

Expenses of  
deportation.

7. Any person who commits an offence under this part of this Ordinance shall be liable on summary conviction to a fine not exceeding £100 or to imprisonment for a term not exceeding six months and on a second or subsequent conviction to imprisonment for a term not exceeding twelve months.

Offences.

8. (1) The Governor in Council may make regulations for carrying out the provisions of this part of this Ordinance.

Power to  
make  
regulations.  
10 of 1950.

(2) Any such regulation may provide that the contravention thereof shall be an offence punishable on conviction with such fine, not exceeding £100, or with such imprisonment not exceeding six months, as may be prescribed in such regulation.



## Part II.

[1st August, 1925.]

## LANDHOLDING.

Definitions.  
10 of 1950.

9. In this part of this Ordinance the word "alien", unless the context otherwise requires, means a person who is neither a British subject, a British protected person, a citizen of India nor a citizen of the Republic of Ireland, and includes a company registered in the Colony or in any other part of His Majesty's dominions, if it is under alien control, and also every corporation incorporated in a foreign country, but shall not include any of the subjects or citizens of a foreign State upon whom there has been conferred by treaty the right to hold land in the Colony;

the word "land" includes tenements and hereditaments, both corporeal and incorporeal, and every interest therein, but does not include money charged on land;

the word "company" includes partnership, or any association of persons joined together for the purposes of trade or mutual profit;

the word "mortgage" includes every instrument creating a mortgage or charge on land;

the words "unlicensed alien" mean an alien who does not hold a licence granted under this part of this Ordinance.

Forfeiture of  
land and  
mortgages  
held by un-  
licensed  
aliens.

10. (1) Subject to the provisions of this part of this Ordinance neither land in the Colony nor a mortgage on land in the Colony shall be held by an unlicensed alien, and any land or mortgage so held shall be forfeited to the Crown.

(2) Provided that—

3 of 1925.  
Sec. 3.

- (a) Land may be acquired and held by an unlicensed alien on an annual tenancy or for any less interest, for the purposes of his residence, trade or business, but an unlicensed alien shall not hold more than five acres of land in all.
- (b) Land acquired by an unlicensed alien under a will or on an intestacy shall not be forfeited if, within one

year from the death of the testator or intestate, or within such extended time (if any) as the Governor may decide to be reasonable, the land is sold or the alien obtains a licence to hold the land.

- (c) A mortgage acquired by an unlicensed alien under a will or on an intestacy shall not be forfeited; but the alien shall not, unless he obtains a licence to hold the mortgage, be entitled to foreclose or enter into possession of the mortgaged land.
- (d) Nothing in this part of this Ordinance shall affect the interest of a judgment creditor in the land of his judgment debtor, but the debtor's land shall not be acquired by an unlicensed alien.
- (e) Nothing in this part of this Ordinance shall affect the estate or interest of an alien in any land or mortgage held by him on the first day of August, 1925.

11. (1) The Governor may, if he thinks fit, from time to time, grant to any alien a licence to hold land as owner or tenant or mortgagee for any estate or interest either subject to any conditions or not:

Licenses for  
aliens to hold  
land or  
mortgages.

Provided that a licence shall be operative only as to the land described and as to the estate or interest specified therein, and shall be of no force or effect until registered in the office of the Registrar-General.

3 of 1925.  
Sec. 4.

(2) On breach of any condition in a licence to hold land as owner or tenant or mortgagee, the estate and interest of the alien in the land or mortgage held under the authority thereof and also the estate and interest of the said alien in any other land in the Colony or mortgage thereon shall be forfeited to the Crown.

12. (1) Land or a mortgage, forfeited under this part of this Ordinance, shall not vest in the Crown unless and until a judgment is obtained declaring the forfeiture; but on such judgment being obtained the title of the Crown shall relate back to and commence at the time when the forfeiture took place.

Effect of  
forfeiture.

3 of 1925.  
Sec. 5.

(2) A judgment declaring a forfeiture of land shall operate to vest in the Crown all the estate and interest of the alien in the forfeited land.

(3) A judgment declaring a forfeiture of a mortgage shall operate to vest in the Crown all the estate and interest of the alien in the mortgaged land, subject to any right of redemption subsisting therein, and also to vest in the Crown the right to recover and receive and to enforce all securities for the mortgage money.

Proof of  
alien control.

**13.** For the purposes of this part of this Ordinance a company shall be deemed to be under alien control if shown to be under alien control to the satisfaction of the Governor and so declared by order:

3 of 1925.  
Sec. 7.

Provided that no such order shall be issued unless due notice has been given to such company of the intention of taking its status into consideration for the purpose of this part of this Ordinance, and it shall be competent for the said company to make representations to the Governor in Council in person or by attorney as may be allowed by the Governor.

Restrictions  
on trusts in  
favour of an  
alien.

**14. (1)** This section applies to the following property only, namely, land situate in the Colony or any interest, title or estate in such land.

3 of 1925.  
Sec. 8.

(2) With a view to preventing evasion of the foregoing provisions of this part of this Ordinance, no person, partnership or company shall, without the licence of the Governor, hold any property to which this section applies in trust for an alien, and any such property so held shall be forfeited to the Crown.

(3) In this section the expression "trust" includes any arrangement whether written or oral, express or implied, and whether legally enforceable or not, whereby any property or any interest therein or any rights attached thereto is or are held for the benefit of or to the order at the disposal of an alien; but does not include:

- (a) The duties incident to a mortgage;
- (b) The duties of a satisfied mortgagee to the mortgager, if within three months after satisfaction of the mortgage the mortgaged property is revested in the mortgager or his interest therein is extinguished;
- (c) The duties of a vendor to the purchaser pending payment of the purchase money, or after payment

of the purchase money, if within three months after such payment the property sold is vested in the purchaser or his interest therein is extinguished;

- (d) The duties of a trustee in bankruptcy to the bankrupt or his creditors; or
- (e) The duties of a trustee for the purposes of any composition or scheme of arrangement for the payment of debts to the debtor or his creditors.

(4) Nothing in this section shall apply to a trust subsisting on the 1st day of August, 1925.

15. (1) The Colonial Secretary shall send a copy of every licence, issued to an alien, to such alien and to the Registrar-General.

Transmission  
of licence.  
3 of 1925.  
Sec. 9.

(2) Subject to the provisions of this part of this Ordinance, the Registrar-General shall record on the deeds registered or submitted for registration, in respect of land or any interest in land held by an alien, the licence by virtue of which such alien holds, under the provisions of this part of this Ordinance, his interest in the said land.

Licenses to  
be recorded  
on deeds.

16. For the purpose of establishing a forfeiture under this part of this Ordinance, the Colonial Secretary may apply to the Supreme Court for a declaration that any right, title or interest sought to be effected is forfeited to the Crown.

Procedure.  
3 of 1925.  
Sec. 10.

17. (1) Without prejudice to any other right to discovery, the Colonial Secretary may, in proceedings for establishing a forfeiture under this part of this Ordinance, administer interrogatories to and obtain discovery of documents from a defendant as to any matter or document tending to prove his alienage or the alienage of any other person, or to discover any land, mortgage, share or debentures held by him or in trust for him or as to any relevant matter or document.

Discovery.  
3 of 1925.  
Sec. 11.

(2) It shall not be a valid ground for refusing to answer any such interrogatory, or to disclose or produce any document that the answer or document might or would expose the defendant or any other person to the risk of a prosecution under this Ordinance:

Provided that in the prosecution of a defendant under this Ordinance the fact that he has disclosed any matter in answer to an interrogatory administered under this

section and disclosed or produced any document in compliance with an order for discovery obtained under this section, shall not be admissible in evidence.

Fee.

3 of 1925.  
Sec. 12.

18. The fee of 10/- shall be payable by any licensed alien for the registration of his licence.

Regulations.

19. The Governor in Council may make regulations for carrying out the provisions of this part of this Ordinance.

## CHAPTER 5.

### ARBITRATION (FOREIGN AWARDS).

AN ORDINANCE TO GIVE EFFECT TO A CERTAIN CONVENTION 8 of 1931.  
ON THE EXECUTION OF ARBITRAL AWARDS AND TO A  
CERTAIN PROTOCOL ON ARBITRATION CLAUSES.

[26th October, 1931.]

1. This Ordinance may be cited as the Arbitration Short title.  
(Foreign Awards) Ordinance.

2. The provisions of this Ordinance apply to any award made:

- (a) In pursuance of an agreement for arbitration to which the protocol set out in the Second Schedule to this Ordinance applies; and
- (b) between persons of whom one is subject to the jurisdiction of some one of such powers as His Majesty, being satisfied that reciprocal provisions have been made, may by Order in Council declare to be parties to the Convention set out in the First Schedule to this Ordinance and of whom the other is subject to the jurisdiction of some other of the Powers aforesaid; and
- (c) in one of such territories as His Majesty, being satisfied that reciprocal provisions have been made, may by Order in Council declare to be territories to which the said Convention applies,

and an award to which the provisions of this Ordinance apply is in this Ordinance referred to as a "foreign award".

3. (1) A foreign award shall, subject to the provisions of this Ordinance, be enforceable either by action or under the provisions of this Ordinance. Effect of foreign award.

(2) Any foreign award which would be enforceable under this Ordinance shall be treated as binding for all purposes on the persons between whom it was made, and

[*Note.* This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

may accordingly be relied on by any of those persons by way of defence, set off or otherwise in any legal proceedings, and any references in this Ordinance to enforcing a foreign award shall be construed as including references to relying on an award.

Conditions  
for enforce-  
ment of  
foreign  
awards.

4. (1) In order that a foreign award may be enforceable under this Ordinance, it must have—

- (a) been made in pursuance of an agreement for arbitration which was valid under the law by which it was governed;
- (b) been made by the tribunal provided for in the agreement or constituted in manner agreed upon by the parties;
- (c) been made in conformity with the law governing the arbitration procedure;
- (d) become final in the country in which it was made;
- (e) been in respect of a matter which may lawfully be referred to arbitration under the law of the Colony.

and the enforcement thereof must not be contrary to the public policy or the law of the Colony.

(2) Subject to the provisions of this subsection, a foreign award shall not be enforceable under this Ordinance if the Supreme Court is satisfied that—

- (a) the award has been annulled in the country in which it was made; or
- (b) the party against whom it is sought to enforce the award was not given notice of the arbitration proceedings in sufficient time to enable him to present his case, or was under some legal incapacity and was not properly represented; or
- (c) the award does not deal with all the questions referred or contains decisions on matters beyond the scope of the agreement for arbitration:

Provided that, if the award does not deal with all the questions referred, the court may if it thinks fit, postpone the enforcement of the award or order its enforcement subject to the giving of such security by the person seeking to enforce it as the Court may think fit.

(3) If a party seeking to resist the enforcement of a foreign award proves that there is any ground other than the

non-existence of the conditions specified in paragraphs (a), (b) and (c) of subsection (1) of this section, or the existence of the conditions specified in paragraphs (b) and (c) of subsection (2) of this section, entitling him to contest the validity of the award the court may, if it thinks fit, either refuse to enforce the award or adjourn the hearing until after the expiration of such period as appears to the court to be reasonably sufficient to enable that party to take the necessary steps to have the award annulled by the competent tribunal.

5. (1) The party seeking to enforce a foreign award must produce— Evidence.

- (a) the original award or a copy thereof duly authenticated in manner required by the law of the country in which it was made; and
- (b) evidence proving that the award has become final; and
- (c) such evidence as may be necessary to prove that the award is a foreign award, and that the conditions mentioned in paragraphs (a), (b) and (c) of subsection (1) of the last foregoing section are satisfied.

(2) In any case where any document required to be produced under subsection (1) of this section is in a foreign language, it shall be the duty of the party seeking to enforce the award to produce a translation certified as correct by a diplomatic or consular agent of the country to which that party belongs, or certified as correct in such other manner as may be sufficient according to the law of the Colony.

(3) Subject to the provisions of this section, rules of court may be made under the Administration of Justice Ordinance, with respect to the evidence which must be furnished by a party seeking to enforce an award under this Ordinance. Chapter 3.

6. For the purposes of this Ordinance, an award shall not be deemed final if any proceedings for the purpose of contesting the validity of the award are pending in the country in which it was made. Meaning of "final award".



Saving.

7. Nothing in this Ordinance shall—

- (a) prejudice any rights which any person would have had of enforcing in the Colony any award, or of availing himself in the Colony of any award if this Ordinance had not been enacted; or
- (b) apply to any award made on an arbitration agreement governed by the law of the Colony.

Staying of  
Court Pro-  
ceedings in  
respect of  
matters to be  
referred to  
arbitration.

8. If any party to a submission made in pursuance of an agreement to which the Protocol set out in the Second Schedule to this Ordinance applies, or any person claiming through or under him, commences any legal proceedings in any court against any other party to the submission, or any person claiming through or under him, in respect of any matter agreed to be referred, any party to such legal proceedings may at any time after appearance, and before delivering any pleadings or taking other steps in the proceedings, apply to that court to stay the proceedings, and that court or a judge thereof, unless satisfied that the agreement or arbitration has become inoperative or cannot proceed or that there is not in fact any dispute between the parties with regard to the matter agreed to be referred, shall make an order staying the proceedings.

#### FIRST SCHEDULE.

##### Convention on the Execution of Foreign Arbitral Awards.

###### ARTICLE 1.

In the territories of any High Contracting Party to which the present Convention applies, an arbitral award made in pursuance of an agreement, whether relating to existing or future differences (hereinafter called "a submission to arbitration") covered by the Protocol on Arbitration Clauses, opened at Geneva on September 24th, 1923, shall be recognised as binding and shall be enforced in accordance with the rules of the procedure of the territory where the award is relied upon, provided that the said award has been made in a territory of one of the High Contracting Parties to which the present Convention applies and between persons who are subject to the jurisdiction of one of the High Contracting Parties.

To obtain such recognition or enforcement, it shall, further, be necessary:—

- (a) That the award has been made in pursuance of a submission to arbitration which is valid under the law applicable thereto;
- (b) That the subject-matter of the award is capable of settlement by arbitration under the law of the country in which the award is sought to be relied upon;

- (c) That the award has been made by the Arbitral Tribunal provided for in the submission to arbitration or constituted in the manner agreed upon by the parties and in conformity with the law governing the arbitration procedure;
- (d) That the award has become final in the country in which it has been made, in the sense that it will not be considered as such if it is open to *opposition*, *appel* or *pourvoi en cassation* (in the countries where such forms of procedure exist) or if it is proved that any proceedings for the purpose of contesting the validity of the award are pending;
- (e) That the recognition or enforcement of the award is not contrary to the public policy or to the principles of the law of the country in which it is sought to be relied upon.

#### ARTICLE 2.

Even if the conditions laid down in Article 1 hereof are fulfilled, recognition and enforcement of the award shall be refused if the Court is satisfied:—

- (a) That the award has been annulled in the country in which it was made;
- (b) That the party against whom it is sought to use the award was not given notice of the arbitration proceedings in sufficient time to enable him to present his case; or that, being under a legal incapacity, he was not properly represented;
- (c) That the award does not deal with the differences contemplated by or falling within the terms of the submission to arbitration or that it contains decisions on matters beyond the scope of the submission to arbitration.

If the award has not covered all the questions submitted to the arbitral tribunal, the competent authority of the country where recognition or enforcement of the award is sought can, if it think fit, postpone such recognition or enforcement or grant it subject to such guarantee as that authority may decide.

#### ARTICLE 3.

If the party against whom the award has been made proves that, under the law governing the arbitration procedure, there is a ground, other than the grounds referred to in Article 1 (a) and (c), and Article 2 (b) and (c), entitling him to contest the validity of the award in a Court of Law, the Court may, if it thinks fit, either refuse recognition or enforcement of the award or adjourn the consideration thereof, giving such party a reasonable time within which to have the award annulled by the competent tribunal.

#### ARTICLE 4.

The party relying upon an award or claiming its enforcement must supply in particular:—

- (1) The original award or a copy thereof duly authenticated, according to the requirements of the law of the country in which it was made;
- (2) Documentary or other evidence to prove that the award has become final in the sense defined in Article 1 (d), in the country in which it was made;
- (3) When necessary, documentary or other evidence to prove that the conditions laid down in Article 1, paragraph 1, and paragraph 2 (a) and (c), have been fulfilled.

A translation of the award and of the other documents mentioned in this Article into the official language of the country where the award is sought to be relied upon may be demanded. Such translation must be certified correct by a

diplomatic or consular agent of the country to which the party who seeks to rely upon the award belongs or by a sworn translator of the country where the award is sought to be relied upon.

ARTICLE 5.

The provisions of the above Articles shall not deprive any interested party of the right of availing himself of an arbitral award in the manner and to the extent allowed by the law or the treaties of the country where such award is sought to be relied upon.

ARTICLE 6.

The present Convention applies only to arbitral awards made after the coming into force of the Protocol on Arbitration Clauses, opened at Geneva on September 24th, 1923.

ARTICLE 7.

The present Convention, which will remain open to the signature of all the signatories of the Protocol of 1923 on Arbitration Clauses, shall be ratified.

It may be ratified only on behalf of those Members of the League of Nations and non-Member States on whose behalf the Protocol of 1923 shall have been ratified.

Ratifications shall be deposited as soon as possible with the Secretary-General of the League of Nations, who will notify such deposit to all the signatories.

ARTICLE 8.

The present Convention shall come into force three months after it shall have been ratified on behalf of two High Contracting Parties. Thereafter, it shall take effect, in the case of each High Contracting Party, three months after the deposit of the ratification on its behalf with the Secretary-General of the League of Nations.

ARTICLE 9.

The present Convention may be denounced on behalf of any Member of the League or non-Member State. Denunciation shall be notified in writing to the Secretary-General of the League of Nations, who will immediately send a copy thereof, certified to be in conformity with the notification, to all the other Contracting Parties, at the same time informing them of the date on which he received it.

The denunciation shall come into force only in respect of the High Contracting Party which shall have notified it and one year after such notification shall have reached the Secretary-General of the League of Nations.

The denunciation of the Protocol on Arbitration Clauses shall entail, *ipso facto*, the denunciation of the present Convention.

ARTICLE 10.

The present Convention does not apply to the Colonies, Protectorates or territories under suzerainty or mandate of any High Contracting Party unless they are specially mentioned.

The application of this Convention to one or more of such Colonies, Protectorates or territories to which the Protocol on Arbitration Clauses, opened at Geneva on September 24th, 1923, applies, can be effected at any time by means of a declaration addressed to the Secretary-General of the League of Nations by one of the High Contracting Parties.

Such declaration shall take effect three months after the deposit thereof.

The High Contracting Parties can at any time denounce the Convention for all or any of the Colonies, Protectorates or territories referred to above. Article 9 hercof applies to such denunciation.

#### ARTICLE 11.

A certified copy of the present Convention shall be transmitted by the Secretary-General of the League of Nations to every Member of the League of Nations and to every non-Member State which signs the same.

---

### SECOND SCHEDULE.

#### Protocol on Arbitration Clauses.

The undersigned, being duly authorised, declare that they accept, on behalf of the countries which they represent, the following provisions:—

1. Each of the Contracting States recognises the validity of an agreement, whether relating to existing or future differences between parties subject respectively to the jurisdiction of different Contracting States, by which the parties to a contract agree to submit to arbitration all or any differences that may arise in connection with such contract relating to commercial matters or to any other matter capable of settlement by arbitration, whether or not the arbitration is to take place in a country to whose jurisdiction none of the parties is subject.

Each Contracting State reserves the right to limit the obligation mentioned above to contracts which are considered as commercial under its national law. Any Contracting State which avails itself of this right will notify the Secretary-General of the League of Nations, in order that the other Contracting States may be so informed.

2. The arbitral procedure, including the constitution of the arbitral tribunal, shall be governed by the will of the parties and by the law of the country in whose territory the arbitration takes place.

The Contracting States agree to facilitate all steps in the procedure which require to be taken in their own territories, in accordance with the provisions of their law governing arbitral procedure applicable to existing differences.

3. Each Contracting State undertakes to ensure the execution by its authorities and in accordance with the provisions of its national laws of arbitral awards made in its own territory under the preceding articles.

4. The tribunals of the Contracting Parties, on being seized of a dispute regarding a contract made between persons to whom Article 1 applies and including an arbitration agreement whether referring to present or future differences which is valid in virtue of the said article and capable of being carried into effect, shall refer the parties on the application of either of them to the decision of the arbitrators.

Such reference shall not prejudice the competence of the judicial tribunals in case the agreement or the arbitration cannot proceed or becomes inoperative.

5. The present Protocol, which shall remain open for signature by all States, shall be ratified. The ratifications shall be deposited as soon as possible with the Secretary-General of the League of Nations, who shall notify such deposit to all the signatory States.

6. The present Protocol shall come into force as soon as two ratifications have been deposited. Thereafter it will take effect, in the case of each Contracting State, one month after the notification by the Secretary-General of the deposit of its ratification.

7. The present Protocol may be denounced by any Contracting State on giving one year's notice. Denunciation shall be effected by a notification addressed to the Secretary-General of the League, who will immediately transmit copies of such notification to all the other signatory States and inform them of the date on which it was received. The denunciation shall take effect one year after the date on which it was notified to the Secretary-General, and shall operate only in respect of the notifying State.

8. The Contracting States may declare that their acceptance of the present Protocol does not include any or all of the undermentioned territories: that is to say, their colonies, overseas possessions or territories, protectorates or the territories over which they exercise a mandate.

The said States may subsequently adhere separately on behalf of any territory thus excluded. The Secretary-General of the League of Nations shall be informed as soon as possible of such adhesions. He shall notify such adhesions to all signatory States. They will take effect one month after the notification by the Secretary-General to all signatory States.

The Contracting States may also denounce the Protocol separately on behalf of any of the territories referred to above. Article 7 applies to such denunciation.

## CHAPTER 6.

## BRITISH NATIONALITY.

AN ORDINANCE TO PROVIDE FOR THE IMPOSITION OF PEN- 25 of 1949.  
ALTIES AND FEES IN CONNECTION WITH THE GRANT  
OF CERTIFICATES AND OTHER MATTERS UNDER THE  
BRITISH NATIONALITY ACT, 1948.

[31st December, 1949.]

1. This Ordinance may be cited as the British Nationality Short title.  
Ordinance.

2. (1) Any person who for the purpose of procuring any- Penalties.  
thing to be done or not to be done under the British  
Nationality Act, 1948, makes any statement which he knows  
to be false in a material particular or recklessly makes any  
statement which is false in a material particular shall be  
liable on summary conviction to a term of imprisonment  
not exceeding three months.

(2) Any person who fails to comply with any require-  
ment imposed on him by regulations made under the British  
Nationality Act, 1948, with respect to the delivering up of  
certificates of naturalisation shall be liable on summary  
conviction to a fine not exceeding £100.

3. (1) Subject to subsection (2) hereof the fees specified Fees.  
in the Schedule hereto shall be paid to the Colonial Treasury.

(2) Of the fee payable in respect of the grant of a  
certificate of naturalisation, one pound shall be payable on  
the submission of the application for a certificate and shall  
in no circumstances be returned, and the balance shall be  
payable on the receipt of the decision to grant a certificate:

Provided that where a husband and wife apply at the same  
time for certificates and are residing together at the time of  
the applications and the balance is paid in respect of the  
grant of a certificate to one of them, no balance shall be  
payable in respect of the grant of a certificate to the other.

[Note. This Ordinance is declared to be in force in the Dependencies by the  
Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

## SCHEDULE.

## Table of Fees.

Matter in which fee may be taken.	Amount of fee.		
	£	s	d
Registration as a citizen under section 6 of the British Nationality Act, 1948 .. .. .	10	0	0
Registration of a minor as a citizen under section 7 of the British Nationality Act, 1948:			
If the minor is a British subject or citizen of the Republic of Ireland or if application for his registration was made at the same time as an application by one of his parents for a certificate of naturalisation; or			
If the minor is the child of a British born woman who has been married to an alien or British protected person and who has custody of the child. .. .. .	10	0	0
In other cases—			
If the minor is a British protected person .. .. .	5	0	0
If the minor is an alien .. .. .	10	0	0
Grant of a certificate of naturalisation—			
To a British protected person .. .. .	5	0	0
To an alien .. .. .	10	0	0
Witnessing the signing of an application or declaration mentioned in regulation 17 of the British Nationality Regulations, 1948	2	6	
Administering the oath of allegiance .. .. .	2	6	
Supplying a certified true copy of any notice, certificate, order, declaration or entry given, granted or made by or under the British Nationality Act, 1948 .. .. .	10	0	0

## CHAPTER 7.

## CARRIAGE OF GOODS BY SEA.

7 of 1927.

AN ORDINANCE RELATING TO THE CARRIAGE OF GOODS BY SEA. Title.

[21st November, 1927.]

1. This Ordinance may be cited as the Carriage of Goods by Sea Ordinance. Short title.

2. Subject to the provisions of this Ordinance, the rules contained in the Schedule to this Ordinance (hereinafter referred to as "the Rules"), shall have effect in relation to and in connection with the carriage of goods by sea in ships carrying goods from any port in the Colony to any other port whether in or outside the Colony. Application of Rules in Schedule.

3. There shall not be implied in any contract for the carriage of goods by sea to which the rules apply any absolute undertaking by the carrier of the goods to provide a seaworthy ship. Absolute warranty of seaworthiness not to be implied in contracts to which Rules apply.

4. Every bill of lading or similar document of title, issued in the Colony which contains or is evidence of any contract to which the rules apply, shall contain an express statement that it is to have effect subject to the provisions of the said rules as applied by this Ordinance. Statement as to application of Rules to be included in bills of lading.

5. Article VI of the rules shall, in relation to the carriage of goods by sea in ships carrying goods from any port in the Colony to any other port in the Colony, have effect as though the said Article referred to goods of any class instead of to particular goods and as though the proviso to the second paragraph of the said Article were omitted. Modification of Article VI of Rules in relation to coasting trade.

6. Where under the custom of any trade the weight of any bulk cargo inserted in the bill of lading is a weight ascertained or accepted by a third party other than the carrier or the shipper and the fact that the weight is so ascertained or Modification of Rules 4 and 5 of Article III in relation to bulk cargoes.

[Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]



accepted is stated in the bill of lading, then, notwithstanding anything in the rules, the bill of lading shall not be deemed to be *prima facie* evidence against the carrier of the receipt of goods of the weight so inserted in the bill of lading, and the accuracy thereof at the time of shipment shall not be deemed to have been guaranteed by the shipper.

Saving  
clause.

7. Nothing in this Ordinance shall affect the liability of the owners of seagoing vessels as limited under the provisions of sections four hundred and forty-six to four hundred and fifty, both inclusive, five hundred and two, and five hundred and three of the Merchant Shipping Act, 1894, as amended by any subsequent enactment, or the liability of the owners of seagoing vessels as limited by any other Imperial enactment in force for the time being.

#### SCHEDULE.

##### Rules relating to Bills of Lading.

#### ARTICLE I.

##### DEFINITIONS.

In these Rules the following expressions have the meanings hereby assigned to them respectively, that is to say—

- (a) "Carrier" includes the owner or the charterer who enters into a contract of carriage with a shipper;
- (b) "Contract of carriage" applies only to contracts of carriage covered by a bill of lading or any similar document of title, in so far as such document relates to the carriage of goods by sea, including any bill of lading or any similar document as aforesaid issued under or pursuant to a charter-party, from the moment at which such bill of lading or similar document of title regulates the relations between a carrier and a holder of the same;
- (c) "Goods" includes goods, wares, merchandises, and articles of every kind whatsoever, except live animals and cargo which by the contract of carriage is stated as being carried on deck and is so carried;
- (d) "Ship" means any vessel used for the carriage of goods by sea;
- (e) "Carriage of goods" covers the period from the time when the goods are loaded on to the time when they are discharged from the ship.

#### ARTICLE II.

##### RISKS.

Subject to the provisions of Article VI, under every contract of carriage of goods by sea the carrier, in relation to the loading, handling, stowage, carriage, custody, care, and discharge of such goods, shall be subject to the responsibilities and liabilities, and entitled to the rights and immunities hereinafter set forth.

## ARTICLE III.

## RESPONSIBILITIES AND LIABILITIES.

1. The carrier shall be bound, before and at the beginning of the voyage, to exercise due diligence to—

- (a) make the ship seaworthy;
- (b) properly man, equip, and supply the ship;
- (c) make the holds, refrigerating and cool chambers, and all other parts of the ship in which goods are carried, fit and safe for their reception, carriage and preservation.

2. Subject to the provisions of Article IV, the carrier shall properly and carefully load, handle, stow, carry, keep, care for and discharge the goods carried.

3. After receiving the goods into his charge, the carrier, or the master or agent of the carrier, shall, on demand of the shipper, issue to the shipper a bill of lading showing among other things—

- (a) the loading marks necessary for identification of the goods as the same are furnished in writing by the shipper before the loading of such goods starts, provided such marks are stamped or otherwise shown clearly upon the goods if uncovered, or on the cases or coverings in which such goods are contained, in such a manner as should ordinarily remain legible until the end of the voyage;
- (b) either the number of packages or pieces, or the quantity, or weight, as the case may be, as furnished in writing by the shipper;
- (c) the apparent order and condition of the goods:

Provided that no carrier, master or agent of the carrier, shall be bound to state or show in the bill of lading any marks, number, quantity, or weight which he has reasonable ground for suspecting not accurately to represent the goods actually received, or which he has had no reasonable means of checking.

4. Such a bill of lading shall be *prima facie* evidence of the receipt by the carrier of the goods as therein described in accordance with paragraph 3 (a), (b) and (c).

5. The shipper shall be deemed to have guaranteed to the carrier the accuracy at the time of shipment of the marks, number, quantity, and weight, as furnished by him, and the shipper shall indemnify the carrier against all loss, damages, and expenses arising or resulting from inaccuracies in such particulars. The right of the carrier to such indemnity shall in no way limit his responsibility and liability under the contract of carriage to any person other than the shipper.

6. Unless notice of loss or damage and the general nature of such loss or damage be given in writing to the carrier or his agent at the port of discharge before or at the time of the removal of the goods into the custody of the person entitled to delivery thereof under the contract of carriage, or, if the loss or damage be not apparent, within three days, such removal shall be *prima facie* evidence of the delivery by the carrier of the goods as described in the bill of lading.

The notice in writing need not be given if the state of the goods has at the time of their receipt been the subject of joint survey or inspection.

In any event the carrier and the ship shall be discharged from all liability in respect of loss or damage unless suit is brought within one year after delivery of the goods or the date when the goods should have been delivered.

In the case of any actual or apprehended loss or damage the carrier and the receiver shall give all reasonable facilities to each other for inspecting and tallying the goods.

7. After the goods are loaded the bill of lading to be issued by the carrier, master or agent of the carrier to the shipper shall, if the shipper so demands, be a "shipped" bill of lading, provided that if the shipper shall have previously taken up any document of title to such goods, he shall surrender the same as against the issue of the "shipped" bill of lading, but at the option of the carrier such document of title may be noted at the port of shipment by the carrier, master, or agent with the name or names of the ship or ships upon which the goods have been shipped and the date or dates of shipment, and when so noted the same shall for the purpose of this Article be deemed to constitute a "shipped" bill of lading.

8. Any clause, covenant or agreement in a contract of carriage relieving the carrier or the ship from liability for loss or damage to or in connection with goods arising from negligence, fault or failure in the duties and obligations provided in this Article, or lessening such liability otherwise than as provided in these Rules, shall be null and void and of no effect.

A benefit of insurance or similar clause shall be deemed to be a clause relieving the carrier from liability.

#### ARTICLE IV.

##### RIGHTS AND IMMUNITIES.

1. Neither the carrier nor the ship shall be liable for loss or damage arising or resulting from unseaworthiness unless caused by want of due diligence on the part of the carrier to make the ship seaworthy, and to secure that the ship is properly manned, equipped and supplied, and to make the holds, refrigerating and cool chambers and all other parts of the ship in which goods are carried fit and safe for their reception, carriage and preservation in accordance with the provisions of paragraph 1 of Article III.

Whenever loss or damage has resulted from unseaworthiness, the burden of proving the exercise of due diligence shall be on the carrier or other person claiming exemption under this section.

2. Neither the carrier nor the ship shall be responsible for loss or damage arising or resulting from—

- (a) act, neglect, or default of the master, mariner, pilot, or the servants of the carrier in the navigation or in the management of the ship;
- (b) fire, unless caused by the actual fault or privity of the carrier;
- (c) perils, dangers and accidents of the sea or other navigable waters;
- (d) act of God;
- (e) act of war;
- (f) act of public enemies;
- (g) arrest or restraint of princes, rulers or people, or seizure under legal process;
- (h) quarantine restrictions;
- (i) act or omission of the shipper or owner of the goods, his agent or representative;
- (j) strikes or lock-outs or stoppage or restraint of labour from whatever cause, whether partial or general;
- (k) riots and civil commotions;

- (l) saving or attempting to save life or property at sea;
- (m) wastage in bulk or weight or any other loss or damage arising from inherent defect, quality or vice of the goods;
- (n) insufficiency of packing;
- (o) insufficiency or inadequacy of marks;
- (p) latent defects not discoverable by due diligence;
- (q) any other cause arising without the actual fault or privity of the carrier, or without the fault or neglect of the agents or servants of the carrier, but the burden of proof shall be on the person claiming the benefit of this exception to show that neither the actual fault or privity of the carrier nor the fault or neglect of the agents or servants of the carrier contributed to the loss or damage.

3. The shipper shall not be responsible for loss or damage sustained by the carrier or the ship arising or resulting from any cause without the act, fault or neglect of the shipper, his agents or his servants.

4. Any deviation in saving or attempting to save life or property at sea, or any reasonable deviation shall not be deemed to be an infringement or breach of these Rules or of the contract of carriage, and the carrier shall not be liable for any loss or damage resulting therefrom.

5. Neither the carrier nor the ship shall in any event be or become liable for any loss or damage to or in connection with goods in an amount exceeding £100 per package or unit, or the equivalent of that sum in other currency, unless the nature and value of such goods have been declared by the shipper before shipment and inserted in the bill of lading.

This declaration if embodied in the bill of lading shall be *prima facie* evidence, but shall not be binding or conclusive on the carrier.

By agreement between the carrier, master or agent of the carrier and the shipper another maximum amount than that mentioned in this paragraph may be fixed, provided that such maximum shall not be less than the figure above named.

Neither the carrier nor the ship shall be responsible in any event for loss or damage to or in connection with goods if the nature or value thereof has been knowingly mis-stated by the shipper in the bill of lading.

6. Goods of an inflammable, explosive or dangerous nature, to the shipment whereof the carrier, master or agent of the carrier, has not consented with knowledge of their nature and character, may at any time before discharge be landed at any place or destroyed or rendered innocuous by the carrier without compensation, and the shipper of such goods shall be liable for all damages and expenses directly or indirectly arising out of or resulting from such shipment.

If any such goods shipped with such knowledge and consent shall become a danger to the ship or cargo, they may in like manner be landed at any place or destroyed or rendered innocuous by the carrier without liability on the part of the carrier except to general average, if any.

## ARTICLE V.

### SURRENDER OF RIGHTS AND IMMUNITIES, AND INCREASE OF RESPONSIBILITIES AND LIABILITIES.

A carrier shall be at liberty to surrender in whole or in part all or any of his rights and immunities or to increase any of his responsibilities and liabilities under the Rules contained in any of these Articles, provided such surrender or increase shall be embodied in the bill of lading issued to the shipper.

The provisions of these Rules shall not be applicable to charter-parties, but if the bills of lading are issued in the case of a ship under a charter-party they shall comply with the terms of these Rules. Nothing in these Rules shall be held to prevent the insertion in a bill of lading of any lawful provision regarding general average.

#### ARTICLE VI.

##### SPECIAL CONDITIONS.

Notwithstanding the provisions of the preceding Articles, a carrier, master or agent of the carrier, and a shipper shall in regard to any particular goods be at liberty to enter into any agreement in any terms as to the responsibility and liability of the carrier for such goods, and as to the rights and immunities of the carrier in respect of such goods, or his obligation as to seaworthiness, so far as this stipulation is not contrary to public policy, or the care or diligence of his servants or agents in regard to the loading, handling, stowage, carriage, custody, care, and discharge of the goods carried by sea, provided that in this case no bill of lading has been or shall be issued and that the terms agreed shall be embodied in a receipt which shall be a non-negotiable document and shall be marked as such.

Any agreement so entered into shall have full legal effect:

Provided that this Article shall not apply to ordinary commercial shipments made in the ordinary course of trade, but only to other shipments where the character or condition of the property to be carried or the circumstances, terms and conditions under which the carriage is to be performed, are such as reasonably to justify a special agreement.

#### ARTICLE VII.

##### LIMITATIONS ON THE APPLICATION OF THE RULES.

Nothing herein contained shall prevent a carrier or a shipper from entering into any agreement, stipulation, condition, reservation or exemption as to the responsibility and liability of the carrier or the ship for the loss or damage to or in connection with the custody and care and handling of goods prior to the loading on and subsequent to the discharge from the ship on which the goods are carried by sea.

#### ARTICLE VIII.

##### LIMITATION OF LIABILITY.

The provisions of these Rules shall not affect the rights and obligations of the carrier under any statute for the time being in force relating to the limitation of the liability of owners of sea-going vessels.

#### ARTICLE IX.

The monetary units mentioned in these Rules are to be taken to be gold value.

## CHAPTER 8.

## CENSUS.

AN ORDINANCE RELATING TO THE TAKING OF A CENSUS OF THE INHABITANTS OF THE COLONY.

1 of 1901.  
10 of 1950.

[1st January, 1901.]

1. This Ordinance may be cited as the Census Ordinance. Short title.
2. The Governor may appoint a night (hereinafter referred to as "the census night") for the taking of a census of the inhabitants of the Colony, and not less than thirty days' notice shall be given in the *Gazette* of the census night. Date of taking census.
3. The Governor may appoint any person to supervise the taking of a census and any enumerator to assist such supervisor, provided that every manager of a station shall perform all the duties of an enumerator within the limits of every station controlled by him. Governor to appoint supervisor.
4. The Governor in Council may from time to time determine, vary or alter the form of schedule to be used in the taking of such census. Schedule.
5. Not less than twelve hours before the census night the supervisor shall cause to be supplied to every occupier of a house or tenement in Stanley and its vicinity, and any town, and to any master of any ship then in Stanley Harbour, and to the manager of every station one or more of such schedules, and the manager of every station shall cause to be supplied to every occupier of a house or tenement on such station and to the master of any ship then lying off any part of the coast of such station one or more of such schedules. Schedules to be supplied to house-holders, etc.
6. The occupier of every house or tenement and the master of any ship within the limits of the Colony shall fill up (or cause to be filled up) and sign a return in terms of Occupiers to fill up Schedules.

[Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.), and is deemed to have applied to the Dependencies since 1st January, 1950.]

the schedule, giving the full particulars as therein required to the best of his knowledge and belief.

Enumerators  
to collect  
and correct  
Schedules.

7. An enumerator shall visit, on the day following the census night, every house or tenement in a town, and shall collect all schedules left to be filled up, and shall complete or cause to be completed all schedules which appear to be defective, and correct all schedules which appear to be erroneous.

Managers of  
stations to  
collect and  
correct  
Schedules.  
9 of 1950.

8. A manager shall visit on any day not more than fifteen days after the census night every house or tenement on his station and every vessel lying off his station and shall collect all schedules left to be filled up, and shall complete or cause to be completed all schedules which appear to be defective.

Declaration  
by  
enumerators

9. Every enumerator shall make a solemn declaration that to the best of his knowledge and belief the schedules sent in by him represent every occupier of a house or tenement within his district or station, as the case may be, and that he does not know of any person within his district or station whose name is not entered in one of the schedules sent in by him.

Return of  
houses  
uninhabited,  
etc.

10. Every enumerator shall declare to and send in a return showing every house then building and uninhabited, and also every uninhabited house within his district.

Penalties.

11. Any occupier of a house or master of a ship who shall wilfully refuse or without lawful excuse neglect to fill up the schedule to the best of his knowledge and belief, or to sign and deliver the same when required, or who shall wilfully make any false return of any matter specified in the schedule, or who shall refuse to give any information in reference thereto asked by the supervisor or an enumerator, shall be liable on conviction to a fine not exceeding ten pounds.

Returns of  
persons  
houseless,  
etc.

12. The supervisor shall obtain, by such means as shall appear best adapted for the purpose, returns of all houseless persons and of all persons who during the census night were travelling or on the sea, or who for any other cause were not abiding in any house on the census night.

## CHAPTER 9.

## CHRIST CHURCH TRUST.

AN ORDINANCE FOR INCORPORATING THE TRUSTEES OF <sup>4 of 1893.</sup>  
CHRIST CHURCH, STANLEY, AS A BODY CORPORATE.

[27th April, 1893.]

Whereas certain persons have by voluntary subscription Preamble.  
built within the town of Stanley, for the public worship of  
Almighty God, in harmony with the doctrine and discipline,  
the rites and ceremonies of the Church of England, a church  
known as "Christ Church", and whereas it is expedient for  
the proper management of the property and concerns of the  
said Church that certain persons nominated under a Deed  
of Constitution and Consecration, dated the 21st day of  
February, and recorded the 28th day of April, 1892, as  
Trustees for the holding and management of the property  
of the said Church should be incorporated as a body corporate.

It is hereby enacted as follows:

1. This Ordinance may be cited as the Christ Church Short title.  
Trust Ordinance.

2. The several persons nominated under clause 18, or Trustees of  
Christ  
Church  
incor-  
porated.  
hereafter to be assumed under clause 19, of the said Deed of  
Constitution and Consecration shall be, and are hereby  
declared and adjudged to be, one body politic and corporate  
by the name of "the Trustees of Christ Church, Stanley",  
and by that name shall and may have perpetual succession,  
and shall and may sue and be sued in all Courts and before  
all magistrates, justices and others in all manner of actions,  
suits, complaints, matters and causes whatsoever, and shall  
and may have a common seal, and the same may vary and  
alter at their pleasure, and by the name aforesaid shall be  
in law capable of holding all such estate real or personal as  
have already been acquired by them, or of taking and holding  
for ever hereafter other estate real and personal either by  
purchase, gift, devise or legacy for the use of the said Church.



## CHAPTER 10.

## CINEMATOGRAPH.

8 of 1944. AN ORDINANCE TO MAKE BETTER PROVISION FOR CINEMATOGRAPH EXHIBITIONS.

[23rd December, 1944.]

Short title.

1. This Ordinance may be cited as the Cinematograph Ordinance.

Provision  
against cine-  
matograph  
exhibition  
except in  
licensed  
premises.

2. An exhibition of pictures or other optical effects by means of a cinematograph, or other similar apparatus, for the purposes of which inflammable films are used, shall not be given unless the regulations made by the Governor in Council for securing safety are complied with, or, save as otherwise expressly provided by this Ordinance, elsewhere than in premises licensed for the purpose in accordance with the provisions of this Ordinance.

Provisions as  
to licences.

3. (1) The Governor may grant licences to such persons as he thinks fit to use the premises specified in the licence for the purpose aforesaid on such terms and conditions and under such restrictions as, subject to regulations of the Governor in Council, the Governor may by the respective licences determine.

(2) A licence shall be in force for one year or for such shorter period as the Governor on the grant of the licence may determine, unless the licence has been previously revoked as hereinafter provided.

(3) The Governor may transfer any licence granted by him to such other person as he thinks fit.

(4) An applicant for a licence or transfer of a licence shall give not less than seven days' notice in writing to the Governor and to the Chief Constable of his intention to apply for a licence or transfer:

Provided that it shall not be necessary to give any notice where the application is for the renewal of an existing licence held by the applicant for the same premises.

(5) There shall be paid in respect of the grant, renewal, or transfer of a licence such fees as the Governor may fix, not exceeding in the case of a grant or renewal for one year one pound, or in the case of a grant or renewal for any less period five shillings for every month for which it is granted or renewed, so however that the aggregate of the fees payable in any year shall not exceed one pound, or, in the case of transfer, five shillings.

4. If the owner of a cinematograph or other apparatus uses the apparatus, or allows it to be used, or if the occupier of any premises allows those premises to be used, in contravention of the provisions of this Ordinance or the regulations made thereunder, or of the conditions or restrictions upon or subject to which any licence relating to the premises has been granted under this Ordinance, he shall be liable on summary conviction, to a fine not exceeding twenty pounds, and in the case of a continuing offence to a further penalty of five pounds for each day during which the offence continues, and the licence (if any) shall be liable to be revoked by the Governor. Penalties.

5. A constable or any officer appointed for the purpose by the Governor may at all reasonable times enter any premises, whether licensed or not, in which he has reason to believe that such an exhibition as aforesaid is being or is about to be given, with a view to seeing whether the provisions of this Ordinance, or any regulations made thereunder, and the conditions of any licence granted under this Ordinance, have been complied with, and, if any person prevents or obstructs the entry of a constable or any officer appointed as aforesaid, he shall be liable, on summary conviction, to a penalty not exceeding twenty pounds. Power of entry.

6. This Ordinance shall not apply to an exhibition given in a private dwelling-house or premises to which the public are not admitted, whether on payment or otherwise.

7. (1) The Governor in Council shall make regulations for securing safety at any exhibition of pictures or other optical effects by means of a cinematograph, or other similar apparatus, for which inflammable films are used. Regulations.

(2) The Governor in Council may, from time to time, make regulations, including regulations as to costs and fees, for carrying this Ordinance into effect.

## CHAPTER 11.

## CIVIL PROCEDURE (EXECUTION).

4 of 1938. AN ORDINANCE TO MAKE PROVISION FOR THE EXECUTION OF JUDGMENTS OF CIVIL COURTS.

[4th June, 1938.]

Short title  
and  
extent.

1. (1) This Ordinance may be cited as the Civil Procedure (Execution) Ordinance.

(2) It shall extend to proceedings in the Supreme Court and to proceedings in all Subordinate Courts in the Colony.

Interpreta-  
tion.

2. In this Ordinance unless there is anything repugnant in the subject or context:

“Degree” means the formal expression of an adjudication which, so far as regards the Court expressing it, conclusively determines the rights of the parties with regard to all or any of the matters in controversy in the suit, and may be either preliminary or final. It shall be deemed to include the rejection of a plaint or writ and the determination of any question within section 6, but shall not include—

(a) an adjudication from which any appeal lies as an appeal from an order; or

(b) any order of dismissal for default;

“Decree holder” means any person in whose favour a decree has been passed or an order capable of execution has been made, and includes the assignee of such decree or order;

“Judgment” means the statement given by the Court of the grounds of a decree or order;

“Judgment debtor” means any person against whom a decree has been passed or an order capable of execution has been made.

---

[Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

"Mesne profits" of property means those profits which the person in wrongful possession of such property actually received or might with ordinary diligence have received therefrom, together with interest on such profits, but shall not include profits due to improvements made by the person in wrongful possession;

"Movable property" includes growing crops.

3. In the absence of any specific provision to the contrary nothing in this Ordinance shall be deemed to limit or otherwise affect any special jurisdiction or power conferred, or any special form of procedure prescribed by or under any other law for the time being in force. Savings.

4. Save in so far as is otherwise expressly provided, nothing herein contained shall operate to give any Court jurisdiction over suits the amount or value of the subject matter of which exceeds the pecuniary limits if any of its ordinary jurisdiction. Pecuniary jurisdiction.

5. The provisions of this Ordinance relating to the execution of decrees shall, so far as they are applicable, be deemed to apply to the execution of orders. Application to orders.

6. (1) All questions arising between the parties to the suit in which the decree was passed, or their representatives, and relating to the execution, discharge, or satisfaction of the decree, shall be determined by the Court executing the decree and not by a separate suit. Questions to be determined by the Court executing decree.

(2) The Court may, subject to any objection as to limitation or jurisdiction, treat a proceeding under this section as a suit, or a suit as a proceeding, and may, if necessary, order payment of any additional Court fees.

(3) Where a question arises as to whether any person is or is not the representative of a party, such question shall, for the purposes of this section, be determined by the Court.

(*Explanation.*—For the purposes of this section, a plaintiff whose suit has been dismissed, and a defendant against whom a suit has been dismissed, are parties to the suit.)

7. (1) Where an application to execute a decree, not being a decree granting an injunction, has been made, no order for the execution of the same decree shall be made upon any Execution barred in certain cases.

fresh application presented after the expiration of twelve years from—

- (a) the date of the decree sought to be executed; or
  - (b) where the decree or any subsequent order directs any payment of money or the delivery of any property to be made at a certain date or at recurring periods, the date of the default in making the payment or delivery in respect of which the applicant seeks to execute the decree.
- (2) Nothing in this section shall be deemed—
- (a) to preclude the Court from ordering the execution of a decree upon an application presented after the expiration of the said term of twelve years where the judgment-debtor has, by fraud or force, prevented the execution of the decree at some time within twelve years immediately before the date of the application; or
  - (b) to limit or otherwise affect the operation of any law of limitation for the time being in force in the Colony.

Legal  
representa-  
tive.

8. (1) Where a judgment-debtor dies before the decree has been fully satisfied, the decree-holder may apply to the Court which passed it to execute the same against the legal representative of such deceased, or against any person who has intermeddled with the estate of such deceased.

(2) Where the decree is executed against such legal representative, or against any person as aforesaid, he shall be liable only to the extent of the property of the deceased which has come to his hands and has not been duly disposed of; and, for the purpose of ascertaining such liability, the Court executing the decree may, of its own motion or on the application of the decree-holder, compel such legal representative to produce such accounts as it thinks fit.

Powers of  
Court to  
enforce  
execution.

9. Subject to such conditions and limitations as may be prescribed, the Court may, on application of the decree-holder, order execution of the decree—

- (a) by delivery of any property specifically decreed;
- (b) by attachment and sale, or by sale without attachment, of any property;

- (c) by attachment of debts; or
- (d) in such other manner as the nature of the relief granted may require.

10. (1) Where a decree is passed against a party as the legal representative of a deceased person, and the decree is for the payment of money out of the property of the deceased, it may be executed by the attachment and sale of any such property.

Enforcement of decree against legal representative.

(2) Where no such property remains in the possession of the judgment-debtor, and he fails to satisfy the Court that he has duly applied such property of the deceased as is proved to have come into his possession, the decree may be executed against the judgment-debtor to the extent of the property in respect of which he has failed so to satisfy the Court in the same manner as if the decree had been against him personally.

11. (1) The following property is liable to attachment and sale in execution of a decree, namely, lands, houses or other buildings, goods, money, bank notes, cheques, bills of exchange, promissory notes, Government securities, bonds or other securities for money, debts, shares in a corporation, and, save as hereinafter mentioned, all other saleable property, movable or immovable, belonging to the judgment-debtor, or over which, or the profits of which, he has a disposing power which he may exercise for his own benefit, whether the same be held in the name of the judgment-debtor or by another person in trust for him or on his behalf:

Property liable to attachment and sale in execution of decree.

Provided that the following particulars shall not be liable to such attachment or sale, viz.—

- (a) the necessary wearing apparel, cooking vessels, beds and bedding of the judgment-debtor, and of his wife and children;
- (b) tools of artizans; and where the judgment-debtor is an agriculturalist, such implements of husbandry and such livestock and agricultural produce not exceeding in value £50 as may, in the opinion of the Court, be necessary to enable him to earn his livelihood;
- (c) books of accounts;
- (d) a mere right to sue for damages;

- (e) any right of personal service;
- (f) stipends and gratuities allowed to pensioners of the Government, or payable out of any service family pension fund notified in the *Gazette* by the Governor in Council in this behalf;
- (g) the salary of any public officer, servant of a company or local authority, or any person privately employed to the extent of—
  - (i) the whole of the salary, where the salary does not exceed £1 10s. 0d. weekly;
  - (ii) £1 10s. 0d. weekly, where the salary exceeds £1 10s. 0d. and does not exceed £3 weekly; and
  - (iii) one moiety of the salary in any other case;
- (h) an expectancy of succession by survivorship or other merely contingent or possible right or interest;
- (i) a right of future maintenance;
- (j) any fund or allowance declared by the law to be exempt from attachment or sale in execution of a decree.

Seizure of  
property in  
dwelling-  
house.

12. (1) No person in executing any process under this Ordinance directing or authorising seizure of movable property shall enter any dwelling-house after sunset and before sunrise.

(2) No outer door of a dwelling-house shall be broken open unless such dwelling-house is in the occupancy of the judgment-debtor and he refuses or in any way prevents access thereto; but when the person executing any such process has duly gained access to any dwelling-house he may break open the door of any room in which he has reason to believe any such property to be.

(3) Where a room in a dwelling-house is in the actual occupancy of a woman the person executing the process shall give notice to such woman that she is at liberty to withdraw; and after allowing reasonable time for her to withdraw and giving her reasonable facility for withdrawing he may enter such room for the purpose of seizing the property, using at the same time every precaution, consistent with these provisions, to prevent its clandestine removal.

13. (1) Where assets are held by the Court and more persons than one have, before the receipt of such assets, made application to the Court for the execution of decrees for the payment of money passed against the same judgment-debtor and have not obtained satisfaction thereof, the assets, after deducting the costs of realisation, shall be rateably distributed among all such persons:

Proceeds of execution to be rateably distributed among decree-holders.

Provided as follows—

- (a) where any property is sold subject to a mortgage or charge, the mortgagee or incumbrancer shall not be entitled to share in any surplus arising from such sale;
- (b) where any property liable to be sold in execution of a decree is subject to a mortgage or charge, the Court may, with the consent of the mortgagee or incumbrancer, order that the property be sold free from the mortgage or charge, giving to the mortgagee or incumbrancer the same interest in the proceeds of the sale as he had in the property sold;
- (c) where any immovable property is sold in execution of a decree ordering its sale for the discharge of an incumbrance thereon, the proceeds of the sale shall be applied—

*first*, in defraying the expenses of the sale;

*secondly*, in discharging the amount due under the decree;

*thirdly*, in discharging the interest and principal moneys due on subsequent incumbrances if any; and

*fourthly*, rateably among the holders of decrees for the payment of money against the judgment-debtor who have, prior to the sale of the property, applied to the Court which passed the decree ordering such sale for the execution of such decrees, and have not obtained satisfaction thereof.

(2) Where all or any of the assets liable to be rateably distributed under this section are paid to a person not entitled to receive the same, any person so entitled may sue such person to compel him to refund the assets.

(3) Nothing in the section affects any right of the Government.



Resistance  
to execution.

14. Where the Court is satisfied that the holder of a decree for the possession of immovable property, or that the purchaser of immovable property sold in execution of a decree has been resisted or obstructed in obtaining possession of the property by the judgment-debtor or some person on his behalf, and that such resistance or obstruction was without any just cause, the Court may, at the instance of the decree-holder or purchaser, order the judgment-debtor or such other person to be detained in prison for a period which may extend to thirty days and may further direct that the decree-holder or purchaser be put in possession of the property.

## CHAPTER 12.

### COMMISSIONS OF INQUIRY.

AN ORDINANCE TO ENABLE THE GOVERNOR TO ISSUE COM- 3 of 1942.  
MISSIONS OF INQUIRY WITH SPECIAL POWERS.

[13th March, 1942.]

1. This Ordinance may be cited as the Commissions of Short title.  
Inquiry Ordinance.

2. It shall be lawful for the Governor, whenever he shall deem it advisable, to issue a Commission appointing one or more Commissioners, and authorising such Commissioners, or any quorum of them therein mentioned, to inquire into the conduct of any officer in the public service in the Colony of the Falkland Islands and its Dependencies, the conduct or management of any department of the public service or of any public or local institution, or into any matter in which any inquiry would, in the opinion of the Governor, be for the public welfare. Each such Commission shall specify the subject of inquiry, and may, in the discretion of the Governor, if there is more than one Commissioner, direct which Commissioner shall be chairman, and direct where and when such inquiry shall be made, and the report thereof rendered, and prescribe how such Commission shall be executed, and may direct whether the inquiry shall or shall not be held in public. In the absence of a direction to the contrary, the inquiry shall be held in public, but the Commissioners shall nevertheless be entitled to exclude any particular person or persons for the preservation of order, for the due conduct of the inquiry, or for any other reason.

Power to issue commissions of inquiry into matters of a public nature, etc.

Particulars of commissions.

Mode of holding inquiry and as to preservation of order.

3. In case any Commissioner shall be or become unable or unwilling to act, or shall die, the Governor may appoint another Commissioner in his place; and any Commission issued under this Ordinance may be altered as the Governor

Power to appoint fresh Commissioners and to alter and revoke commissions.

[Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

may deem fit by any subsequent Commission issued by the Governor, or may be revoked altogether by a notification to that effect published in the *Gazette*.

Commissions not affected by change of Governor.

4. No Commission issued under this Ordinance shall lapse by reason of, or be otherwise affected by, the death, absence, or removal of the Governor issuing the same.

As to oath of office by Commissioners.

5. It shall be the duty of each Commissioner appointed under this Ordinance to make and subscribe an oath that he will faithfully, fully, impartially and to the best of his ability discharge the trust, and perform the duties devolving upon him by virtue of such Commission, which oath may be taken before the Governor, or before such person as the Governor may appoint, and shall be deposited by the Commissioner with the Colonial Secretary.

Power to appoint secretary: his duties.

6. The Governor may appoint a secretary to attend the sittings of the Commission to record their proceedings, to keep their papers, summon, and minute the testimony of witnesses, and generally to perform such duties connected with such inquiry as the Commissioners shall prescribe.

Duties of Commissioners defined.

7. It shall be the duty of the Commissioners, after taking such oath, to make a full, faithful and impartial inquiry into the matter specified in such Commission, and to conduct such inquiry in accordance with the directions (if any) in the Commission; and, in due course, to report to the Governor, in writing, the result of such inquiry; and also when required, to furnish to the Governor a full statement of the proceedings of such Commission, and of the reasons leading to the conclusions arrived at or reported.

Division of opinion of Commissioners.

8. If the Commissioners shall in any case be equally divided on any question that arises during the proceedings of the Commission, the chairman of the Commission shall have a second or casting vote.

Commissioners' powers for regulating proceedings.

9. The Commissioners acting under this Ordinance may make such rules for their own guidance, and the conduct and management of proceedings before them, and the hours and times and places for their sittings, not inconsistent with their Commission, as they may from time to time think fit, and

may from time to time adjourn for such time and to such place as they may think fit, subject only to the terms of their Commission.

10. Commissioners acting under this Ordinance shall have the powers of the Supreme Court to summon witnesses and to call for the production of books, plans and documents, and to examine witnesses and parties concerned on oath, and no Commissioner shall be liable to any action or suit for any matter or thing done by him as Commissioner. All summonses for the attendance of witnesses, or other persons, or the production of documents, may be in the form given in the Schedule to this Ordinance, or any form to the like effect, and shall be signed by one of the Commissioners, and oaths may be administered by one of the Commissioners or by their secretary.

Power to summon and examine witnesses, and protection of Commissioner from suit.

Schedule.

11. Any witness who shall wilfully give false evidence in any such inquiry concerning the subject matter of such inquiry shall be guilty of perjury, and be liable to be prosecuted and punished accordingly.

False evidence.

12. All persons summoned to attend and give evidence, or to produce books, plans, or documents at any sitting of any such Commission, shall be bound to obey the summons served upon them as fully in all respects as witnesses are bound to obey subpoenas issued from the Supreme Court, and shall be entitled to like expenses as if they had been summoned to attend at such Court on a criminal trial, if the same shall be allowed by the Commissioners, but the Commissioners may disallow the whole or any part of such expenses in any case if they think fit. Orders for the payment of such witnesses shall be made as nearly as may be as orders are made for the payment of witnesses in the Supreme Court, and shall be paid in such manner as the Governor may direct. Every person refusing or omitting without sufficient cause to attend at the time and place mentioned in the summons served on him, and every person attending, but leaving the Commission without the permission of the Commissioners, or refusing without sufficient cause to answer, or to answer fully and satisfactorily to the best of his knowledge and belief, all questions put to him by or with the concurrence of the Commissioners, or refusing or omitting without sufficient cause to produce any books, plans, or documents in his

Duty of witnesses summoned.

Expenses of witnesses.

Penalty for contumacy, insult, or interruption of proceedings.

Indemnity  
to witnesses.

possession or under his control, and mentioned or referred to in the summons served on him, and every person who shall at any sitting of the Commission wilfully insult any Commissioner, or the secretary, or wilfully interrupt the proceedings of the Commission, shall be liable to a penalty not exceeding fifty pounds, to be recovered in a summary manner before a Magistrate: Provided always that no person giving evidence before the Commission shall be compellable to criminate himself, and every such person shall, in respect of any evidence given by him before the Commission, be entitled to all the privileges to which a witness giving evidence before the Supreme Court is entitled in respect of evidence given by him before such Court.

Appearance  
of counsel.

**13.** Any person whose conduct is the subject of inquiry under this Ordinance, or who is in any way implicated or concerned in the matter under inquiry, shall be entitled to be represented by counsel at the whole of the inquiry, and any other person who may consider it desirable that he should be so represented may, by leave of the Commission, be represented in manner aforesaid.

Constables  
detailed to  
attend Com-  
missioners:  
their duties.

**14.** The Chief Constable shall detail constables to attend upon any such Commissioners, to preserve order during the proceedings of the Commission, to serve summonses on witnesses, and to perform such ministerial duties as such Commissioners shall direct.

Remunera-  
tion to Com-  
missioners,  
etc.

**15.** Commissioners appointed under this Ordinance shall not be entitled to any remuneration beyond the actual expenses incurred in holding the inquiry, unless such remuneration shall be specially voted by the Legislative Council\*, but the Governor may direct what remuneration, if any, shall be paid to the secretary, and to any other persons employed in or about any such Commission, and may direct payment of any other expenses attendant upon the carrying out of any such Commission, or upon any proceedings for any penalty under this Ordinance. Such sums, so directed to be paid, shall be defrayed out of the public revenue of the Colony upon the warrant of the Governor.

\* [Note. In the application of this Ordinance to the Dependencies by the Application of Colony Laws Ordinance, Cap. I (D.S.), the words "specially voted by the Legislative Council" are replaced by the words "specially directed by the Governor to be paid".]

16. All Commissions under this Ordinance, and all revocations of any such Commission, shall be published in the *Gazette*, and shall take effect from the date of such publication.

Commis-  
sions, etc., to  
be published  
in *Gazette*.

17. No proceedings shall be commenced for any penalty under this Ordinance except by the direction of the Commissioners. The Commissioners may direct their secretary, or such other person as they may think fit, to commence and prosecute the proceedings for such penalty.

As to pro-  
ceedings for  
penalties.

**SCHEDULE.** (*Section 10*).

**Summons to Witness.**

Summons to  
witness.

To A. B. (*name of person summoned, and his calling and residence, if known*).

You are hereby summoned to appear before (*here name the Commissioners*), appointed by the Governor to inquire (*state briefly the subject of inquiry*), at (*place*), upon the                      day of                      , 19                      , at                      o'clock, and to give evidence respecting such inquiry. (*If the person summoned is to produce any documents add*) and you are required to bring with you (*specify the books, plans, and documents required*). Therefore, fail not at your peril.

Given under the hand of  
day of                      , 19                     

Commissioner, this

## CHAPTER 13.

## COMPANIES AND PRIVATE PARTNERSHIP.

## AN ORDINANCE TO PROVIDE FOR TRADING COMPANIES AND OTHER ASSOCIATIONS.

[20th November, 1922.]

Short title  
and  
application.

1. This Ordinance may be cited as the Companies and Private Partnership Ordinance.

## I. COMPANIES.

Companies  
Acts exten-  
ded to the  
Colony.  
4 of 1950.

2. Subject to the provisions of this Ordinance the following Act of the Imperial Parliament is declared to be in force in the Colony in so far as it is applicable: the Companies Act, 1948 (11 & 12 Geo. VI, c. 38).

Registration.  
41 of 1949.

3. A company formed in the Colony shall cause a copy of its memorandum and articles of association signed by the directors and its secretary to be filed with the Registrar-General who shall be the Registrar of Companies.

Rules and  
fees.

4. (1) The Governor in Council may make rules for the more effectual working of the said Act in the Colony.

(2) There shall be paid to the Registrar in respect of the several matters mentioned in Schedule A to this Ordinance the several fees therein specified or such smaller fees as the Governor may from time to time direct.

(3) All fees paid to the Registrar in pursuance of this Ordinance shall be paid into the Treasury.

Require-  
ments as to  
Companies  
established  
outside the  
Colony.

5. (1) A company incorporated outside the Colony may carry on business in the Colony by filing with the Registrar-General:

(a) a certified copy of the charter, statutes, or memorandum and articles of the company, or other instrument constituting or defining the constitution of the company and, if the instrument is not written in the English language a certified translation in the English language thereof;

[*Note.* This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

- (b) a list of the directors of the company;
- (c) the name of some one or more persons resident or stationed for the time being in the Colony authorised to accept on behalf of the company service of process and any notices required to be served on the company;

and in the event of any alteration being made in any such instrument, or in the directors, or in the names of any such person as aforesaid, the company shall file with the Registrar-General within six months a notice of the alteration.

(2) Any process or notice required to be served on the company shall be sufficiently served if addressed to any person whose name has been so filed as aforesaid and left at or sent to the address which has been so filed.

(3) If any company to which this section applies fails to comply with any of the requirements of this section the company, and every officer or agent of the company, shall be liable to a fine not exceeding fifty pounds, or in the case of a continuing offence five pounds for every day during which the failure continues.

(4) There shall be paid to the Registrar for registering any document required by this section to be filed with him a fee of five shillings or such smaller fee as may be prescribed by the Governor:

Provided always that paragraphs (a) and (b) of subsection (1) of this section shall not apply to any company incorporated outside the Colony which shall carry on business within the Colony solely through the medium of a *bona-fide* agent.

6. A company incorporated outside the Colony and duly registered in accordance with the provisions of the last foregoing section may sue and be sued in its incorporated name and enjoy all the privileges of a company projected formed and incorporated in the Colony.

Power of  
Companies  
incorporated  
outside the  
Colony.

## II. GENERAL PRINCIPLES OF PARTNERSHIP.

7. Partnership is the relation which subsists between persons carrying on a business in common with a view of profit:

Nature of  
partnership.



Provided that any company or association which is:

- (a) Registered as a Company under this Ordinance or any other Ordinance for the time being in force relating to the registration of joint stock companies; or
- (b) Formed or incorporated by or in pursuance of any other Ordinance of the Colony or letters patent, or Royal Charter;

is not a partnership within the meaning of this Ordinance.

New  
partners.

8. A new partner cannot be introduced to the partnership without the consent of all the partners. The consent of the majority will not suffice.

Sub-  
partners.

9. One partner may take a sub-partner to participate in his share of the partnership but such sub-partner is not a partner in the partnership.

Fraud.

10. The contract is one of good faith among the partners and it can be set aside at any time on fraud being established.

Maximum  
number of  
partners.

11. The number of partners in a private partnership shall not exceed twenty.

Infant may  
become  
partner.

12. An infant may be a partner but he is not responsible for the debts of the partnership if he repudiates his liability on coming of age.

In case of  
lunacy.

13. (1) If a partner was a lunatic at the time of entering into the contract and the fact was concealed from any of the partners the fraud will be a sufficient ground for setting aside the contract.

(2) If the lunacy was known to the other partners they cannot afterwards set aside the contract on that ground but it may at any time be set aside by those acting for the lunatic.

(3) If the contract has been entered into by the lunatic in a lucid moment and is a transaction in good faith as regards the other partners any supervening lunacy will not invalidate the right of the lunatic to his share of the profits and his property will be subject to the debts of the partnership.

(4) If a partner sane at the time of entering into the contract shall become insane during the partnership it shall

be at the option of the remaining partners to continue the partnership according to the terms of the contract or to dissolve the partnership.

14. A married woman may enter into a contract of partnership and shall be entitled to act as a *feme sole* with regard to the partnership.

Married woman may become partner.  
7 of 1950.

15. The undertaking must be a lawful one and may be constituted for purposes of a general nature to speculate in any way which may appear to offer profit.

Undertaking must be lawful but may be of a general nature.

16. The partnership must be for the purpose of making profit in which each of the partners shall have a share.

Partner to share in profits.

17. Each partner shall have a fair chance of making profit but need not actually participate in the profits because a partner may validly stipulate on account of the greater share of the fund which he advances that one or more of the partners shall not receive anything unless a certain amount of profit has been made.

Participation in profits.

18. Partners shall bear any loss mutually: but a partner may stipulate as between himself and the other partners that he shall not be liable to contribute to the loss.

Losses.  
7 of 1950.

19. The shares in the profit and the proportion of responsibility for loss may be equal or unequal according to the agreement of the partners or *pro rata* according to the amount each has contributed to the common fund, but where no stipulation has been made and there is no guide to the intention of parties the shares in the profit and loss shall be taken to be equal.

Shares in profit and loss.

20. A mere participation in profits does not necessarily make the participator a partner. A manager or servant of a partnership may have a share in the profits as his wages and not be a partner.

Share in profits without being a partner.

21. The mere fact that a participator in the profits is the manager or servant of the partnership does not necessarily exclude him from being a partner. Whether he is a partner or not depends upon the intention of parties when he was admitted to share profits and depends upon the facts and circumstances of each case.

Proof of partnership.

Persons may participate in profits without being liable as partners.

**22.** The advance of money by way of loan upon a contract in writing to receive a rate of interest varying with the profits, or even a share of the profits, will not of itself make the lender a partner. A widow or child of a partner may receive a portion of profits by way of annuity without incurring liability for the debts of the partnership. The vendor of the goodwill of a business may receive a portion of the profits in consideration of the sale without being subject to the liabilities of a partner.

What may constitute capital.

**23.** The share which the partners contribute to the capital of the partnership need not necessarily consist of money. One may contribute his skill or his labour or goods or real estate or the goodwill of a business, and generally anything which the partners themselves consider to have value may be contributed to the common fund.

Where labour or skill is contributed.

**24.** Where the contribution of a partner is labour or skill, or something which bears no rateable proportion to the money supplied by others, it is necessary that the share of the profits to which each partner is entitled should be fixed at the time of making the contract. If no proportion is fixed the contributor of the skill or labour shall be entitled to receive profits in proportion to the smallest sum of money advanced by the other partners.

When articles of partnership necessary.

**25.** No partnership in which the capital exceeds the value of one hundred pounds sterling and the duration of the contract exceeds, or by the nature of the engagement must exceed, twelve months can be pleaded or proved in actions between the partners themselves unless the contract has been embodied in articles of partnership. If a partner has been admitted subsequent to the articles his admission may be proved by letters, writings or facts and circumstances.

As to existing partnerships.

**26.** Existing partnerships shall be subject to the rules of the law anterior to this Ordinance as regards the necessity of articles, but all future contracts of partnership shall with the exception aforesaid be embodied in articles of partnership.

Limited partners may be responsible as ordinary partners in certain cases.

**27.** If those who are not partners, or who may be limited partners only, hold themselves out to others as ordinary partners and in this manner cause them to enter into contracts, or make advances, or sell goods on credit, or in any other way to become creditors, the individuals who so represent themselves shall be held bound by their representations.

28. A person who enters into a partnership without notification and continues in it for the purpose of sharing in the profit as a dormant partner shall be liable to creditors during the time he remains a partner in the same manner as an ordinary partner.

Liability of dormant partners.

### III. PRIVATE PARTNERSHIP WHERE THE LIABILITY OF THE MEMBERS IS UNLIMITED.

29. The whole property real and personal original and acquired of the partners as a whole in connection with the partnership shall be held as belonging to the partnership under the firm name style title or designation, and the partnership to that effect shall be regarded as a juridical person and it shall be capable of suing and being sued as such, and each partner shall have a contingent right to his share of the property when the debts shall be paid and the property divided, but no right while the partnership lasts to dispose of the property except for partnership purposes, and each partner shall remain liable for the debts of the partnership.

Partnership property.

30. The partnership may be sued by entering as the name of the defendant the firm name style title or designation under which the partnership conducts its ordinary business, and a writ left at the ordinary place of business of such partnership or with a manager, clerk, shopman, operative or servant therein, or delivered personally to any one partner shall be a sufficient service upon the said partnership and upon the individual partners thereof, and judgment may be given thereon which shall be valid against the partnership as in the case of any ordinary defendant to an action.

Partnership may be sued in name of firm.

31. The partnership may sue under the firm name style title or designation by which it conducts its ordinary business without requiring to insert as a plaintiff the name of any individual partner, and a judgment obtained in any action in which the writ shall be so sued out shall be valid and may be enforced by all the remedies competent to an ordinary plaintiff.

Partnership may sue in name of firm.

32. Real estate may form part of the capital of a partnership although the title may be in name of one or more of the partners and be liable for the debts of the partnership or be treated as personalty on the death of a partner.

Real estate may form capital.

Real estate not necessarily partnership property.

**33.** Real estate may be contributed to the partnership fund not as a portion of the capital but simply for the purpose of cultivation or pasturage the property remaining in the individual partner and the use solely belonging to the partnership.

Titles to land may be taken and transferred in name of partnership.

**34.** Titles to land may be taken in the name of the partnership under its ordinary name style title or designation and a transfer of the same may be validly made under the firm name style title or designation when subscribed to the transfer by one of the partners. Mortgages and encumbrances may be granted and created in the same manner and the transfers mortgages or encumbrances shall when so subscribed be held to have been made with consent of all the partners.

Property to be applied to the payment of debts.

**35.** The partnership property must first be applied to the payment of partnership debts and each partner has a right to have the same so applied before any individual partner or his creditors or representatives can claim any right therein.

Where partners may claim individually, etc.

**36.** Each partner has a claim on the partnership property for all funds advanced by him and the partnership has also a claim for the repayment to the partnership of whatever has been taken by one partner beyond his share.

Claims against individual partners.

**37.** No creditor of an individual partner can acquire any right title or interest in the partnership property, even as the consequence of a judgment, except for so much as belongs to the partner after all claims on the partnership as a whole are deducted and satisfied, and the mode of putting any such judgment in force shall be by attachment of the partner's share of profit and property and not by seizure and sale.

Partner may bind partnership in relation to its ordinary business.

**38.** Each partner, while the stipulations in the articles of partnership bind the partners *inter se* in regard to the extent of their powers, as regards the public can bind the partnership by his acts in relation to the partnership business, subject to the limitation that they must be in relation to the partnership business as ordinarily conducted. No partner can bind his co-partners to obligations which both he and the persons with whom he deals must have known to be beyond the ordinary scope of the business and of the powers ordinarily exercised by partners.

39. In ordinary trading partnerships the buying and selling of goods, the drawing accepting and indorsing of bills, the granting of cheques upon the partnership bank account, the borrowing of money within ordinary limits for trade purposes, the granting of receipts, the ordering of insurances, the payment of debts, the granting of Custom House bonds, and the pledging of partnership property for partnership purposes are all within the scope of the agency entrusted to each partner.

Ordinary trading transactions may be entered into by any partner.

40. In partnerships where it is part of the ordinary business to grant warranties or guarantees the guarantee of one partner shall bind the whole, but where that is not the ordinary course of the business of the partnership the holder of the guarantee will require to prove that it was done with the consent of the firm.

With regard to the granting of warranties, etc.

41. One partner has no authority to refer a matter in dispute to arbitration in name of the partnership without the consent of the other partners.

Reference of dispute.

42. Contracts will not bind the partnership which have been made by one partner with a party who has knowledge or notice that the partner is acting beyond his powers or in fraud of the firm.

Contracts not binding in certain cases.

43. Where a partner gives a bill or acceptance or indorsement of the firm in payment of his private debt the firm will not be bound to the person accepting such a payment unless he can prove that the partner was authorised, or otherwise establishes the *bona fides* of the transaction. If the bill is in the hands of third holders the partnership shall be liable unless the circumstances show that the holder was aware of the nature of the transaction.

Acceptance of the firm given for a private debt.

44. Where money has been raised by one partner upon the faith of the partnership signature and such partner applies the money to his own private debt the firm will be bound when the party advancing the money had no knowledge of the object to which it was to be applied.

Application of partnership money to private use.

45. The same rules will apply to the application of the securities or property real or personal of the firm in payment of the private debt of a partner.

Application of partnership securities.

Where money has been advanced to individual partner.

46. Where money has been advanced to a partner upon his individual credit and responsibility, although the money be paid into the firm account and employed for partnership purposes, the person making the advance must go against the individual partner who obtained it upon his own credit.

Where a partner is accepted as debtor in place of firm.

47. Where a partnership has been originally liable for a debt and the creditor by arrangement accepts one of the partners as his debtor in place of the partnership such acceptance will extinguish the debt against the firm.

Liabilities of retiring and new partners respectively.  
41 of 1949.  
10 of 1950.

48. (1) Notice of the retirement of a partner shall be given publicly in the manner specified in section 102 hereof and privately to all creditors of the partnership.

(2) A person who is admitted as a partner into an existing partnership does not thereby become liable to the creditors of the partnership for debts or obligations incurred before he became a partner.

10 of 1950

(3) A partner who retires from a partnership does not thereby cease to be liable for partnership debts or obligations incurred before his retirement.

10 of 1950

(4) A retiring partner may be discharged from any debts or obligations of the partnership, existing at the time of his retirement, by an agreement to that effect between himself and the members of the partnership as newly constituted and the creditors, and such agreement may be either express or implied as a fact from the course of dealing between the creditors and the partnership as newly constituted.

Liability for torts.

10 of 1950.

49. (1) The partnership is liable for torts committed by the partners or the servants of the partnership within the scope of and in the course of carrying on partnership business, or if the act has been endorsed and accepted by the firm.

For frauds.

(2) The partnership is liable if one of the partners fraudulently disposes of property consigned to the custody and care of the partnership.

For injuries to persons or goods.

(3) The partnership is liable for injuries to persons or goods caused by the want of care or want of skill of the partners or servants of the firm in the carrying on of the ordinary business of the firm.

(4) A partnership of publishers shall be liable for the printing and publishing of a slander by the firm on the authority of one of the partners in the course of the business of the firm. For slander.

(5) The partnership will be liable for frauds committed on the revenue by one of the partners in conducting the business of the firm. For frauds on the revenue.

50. A partner is responsible to the partnership for any loss sustained by the partnership from his gross negligence, unskilfulness, fraud or misconduct. Responsibility for loss.

51. A partner is responsible to the partnership for intentional breaches of the articles of partnership. For breach of articles.

52. A partner who makes any false representations to his partners or conceals from them facts in connection with the business and thereby makes profit to himself must make good to the partnership the profit so obtained. For false representations.

53. A partner who makes any private stipulations with third persons for bonuses or premiums for himself in connection with the business of the partnership must account therefor to the partnership. Private bonuses, etc.

54. A partner cannot enter into any other business or engagement which will interfere with the proper performance of his partnership duties, nor make purchases or sales on his private account which would interfere with the bargains of the firm or lessen their profit, nor enter upon any other undertaking which would give him a direct interest contrary to that of the partnership, but the position must be one not merely of temptation to act in such a manner but an obvious antagonistic interest. Partner not to compete with the partnership.

55. The partners shall account faithfully to the partnership for all transactions and keep business books in which everything done by each shall appear and be accounted for. Books must be kept.

56. The withholding of accounts by one partner from the firm shall be of itself a presumption that fraud has been perpetrated or was intended. Withholding accounts a presumption of fraud.



Access to  
books.

**57.** All the partners are entitled to know the full extent of the partnership affairs and to have free access to the books on all occasions unless they have intentionally limited their powers by the articles.

Salaries and  
private ex-  
penditure of  
partners.

**58.** The articles shall state what sum each partner will be entitled to draw for his private expenditure and may stipulate that one or more shall receive a sum by way of salary before profits are estimated, but unless this stipulation be set forth the presumption will be against any salary being payable.

Stipulations  
to be inser-  
ted in  
articles.

**59.** Only such stipulations as would not be implied by law need be inserted in articles of partnership.

Agreements  
to form part  
of partnership.

**60.** Agreements to form a partnership may be entered into, which are not the partnership articles, and such preliminary agreements cannot be enforced so as to compel persons who are unwilling to enter into partnership, but an action will lie for damages for breach of the agreement whenever any of the parties has proceeded in fulfilment of it to contract engagements, to realise funds, or do any other act which has involved pecuniary obligations or loss in virtue of the agreement.

Construction  
of articles.

**61.** Articles of partnership are construed like other contracts according to the intention of the parties and so as to defeat fraud and the taking by any partner of an unfair advantage over his co-partners.

Variation of  
articles.

**62.** When partners do not exactly observe the articles of partnership but permit a practice at variance with the articles, a partner cannot thereafter attempt to enforce the articles but the practice will be taken as a virtual alteration or repeal of the articles by consent of all. The articles may be varied during the partnership with consent of all the partners.

Where a  
specific busi-  
ness is  
carried on.

**63.** When the partnership is entered into for the carrying on of a specific business the Supreme Court in the event of dispute shall construe strictly the description of the business set forth in the articles so that the partnership be not turned from its legitimate ends.

64. If no date is specified for the commencement of the partnership it will be held to commence from the date of the articles. Date of commencement.
65. The name or style by which the firm is to be known shall be defined by the articles and need not include that of any of the existing partners. Name of firm to be defined.
66. The articles shall set forth the duration of the partnership but whatever time be stated the death of a partner brings the partnership to an end unless there are stipulations to the contrary. Duration of partnership.
67. The articles may empower the representative of a deceased partner to carry on the business with the survivors for the benefit of the widow and children of the deceased partner and for the admission of one or more of the children as partners on their arrival at majority. Death of partner need not terminate partnership.
68. If the interest in the partnership be given to the widow during her life and to the children after her death it is only the children who survive the mother who are entitled to a share. Where interest is given to the widow.
69. The articles may empower any partner to provide by will or otherwise for the disposal of his share in the event of death. If the will leaves the executors the freedom of declining to continue the partnership, and they so decline, the death of the party puts an end to the partnership. Disposition of share by will or otherwise.
70. The articles shall contain provisions for the manner in which the share of a deceased partner shall be valued and paid should the representatives not be admitted into business. Share of deceased partner.
71. It may be stipulated that one or more of the partners shall have the direction of the business of the partnership and these provisions will be enforced by a competent Court. One or more partners may conduct business.
72. Where a partnership is formed for working some manufacture which is a secret it will be competent for the partner who is in possession of the secret to make such stipulations as shall protect him in the working thereof. As to secret manufactures.

Computation  
of capital.

**73.** The clauses in connection with the contribution of the capital shall bring to a money valuation such items as lands, buildings, book debts and other property which may be contributed in order that the capital account may be clearly set forth.

Profits.

**74.** Provision shall be made for balances and division of profits.

Accounts  
when agreed  
to be con-  
clusive.

**75.** It may be provided to prevent future disputes that the accounts as agreed to at any particular time shall be conclusive but no such provision will bar an inquiry into fraud.

Employees.

**76.** The mode of hiring and dismissing employees of the firm shall be provided for.

Retirement  
of partner.

**77.** The mode of permitting a partner to retire from the firm either with or without liberty to carry on the same trade and the purchase of his share by the firm or otherwise may be stipulated.

Dissolution  
and winding  
up.

**78.** The steps necessary to be taken upon dissolution, the mode of winding-up and the settlement of controversies shall be provided for, and the partners may provide that any of their number may be expelled from the partnership should his conduct or pecuniary entanglements be such as to compromise the credit of the firm.

Firms may  
sue and be  
sued.

**79.** (1) A partner may sue the partnership under the firm style name title or designation and the partnership may in like manner sue a partner for any matter or thing in relation to which a cause of action has arisen. Two firms may sue each other although some of the partners may be partners in both, or any member of either firm may sue either or both.

(2) Third parties may sue the partnership and the partnership may sue third parties in the same way as ordinary plaintiffs may sue, but when judgment has been given against the partnership the execution will not lie against the separate partners unless the firm has no effects. Where the judgment has to be enforced by imprisonment it will be competent to proceed against one or other of the partners at the choice of the judgment creditor.

80. Where judgment has been given against a partner for a private debt the share of profit and share of partnership property belonging to such partner in the hands of the firm may be attached, but it shall not be competent to proceed to seizure and sale of the property of the firm for the separate debt of a partner.

Private debts of partner.

81. The firm will be deemed to be in existence after the active operations of the partnership have ceased, or after the partners have entered into a new contract, for all purposes connected with the receiving and paying the debts of the firm and generally for the purpose of winding-up only.

Existence of firm.

82. One partner may sue another for all matters or things unconnected with the partnership and even for matters arising out of the partnership if the interests of the firm are not necessarily involved.

One partner may sue another.

83. Any partner who has been denied access to the books or papers of the firm, or who has reason to believe that one or more of the partners have made profit from the partnership without disclosing it, may sue the firm for an account and this right extends to the executors administrators or representatives of a deceased partner. Such action may be taken without asking for a dissolution of the partnership, but the Supreme Court may decree the dissolution should circumstances emerge during the inquiry which induce the belief that mutual concert and agreement between the parties is thenceforth impossible.

Partner may sue for account.

84. A partnership may be dissolved by the act or consent of the partners or of some of them, or by the judgment of a competent court, or by the mere operation of law, or by the extinction or completion of the thing in regard to which the partnership was formed, or by the lapse of time for which it was originally contracted, or by the death or bankruptcy of a partner.

Partnership may be dissolved.

85. All partnerships, whether a period has been fixed for the termination of the contract or the duration is merely dependent on the will of the partners, can be brought to an end by mutual consent, the whole existence of the contract depending upon the consent of the parties who made it. A partnership which has no fixed term may be dissolved at

Dissolution by consent.

the desire of the partners or by acts which are inconsistent with the continuance of the partnership.

Resolution  
to dissolve.

86. Where the original contract has been made by deed under seal a resolution to dissolve, publicly announced as afterwards provided for, will be sufficient to effect dissolution.

Dissolution  
by the Court.

87. A partnership for a stated period cannot be brought to an end by the mere will of one of the partners but any partner may apply to the Supreme Court for a dissolution on sufficient cause shown.

Partnerships  
at will.

88. When the term for which the partnership was originally formed has elapsed and no notice of dissolution has been given and no new articles of partnership entered into, but the partners have continued the business without any change, the association between them will be treated as a partnership at will on the same terms and conditions, so far as applicable, which are set forth in the original articles.

Court may  
end partner-  
ship on cause  
being shown.

89. (1) A partnership may be dissolved by the Court on the application of a partner, although the fixed term has not elapsed, for such misconduct fraud or violation of duty on the part of one or more of the partners as is calculated to injure the credit or interfere with the business of the partnership.

(2) Application may be made to the Supreme Court for a dissolution on the ground of the impracticability of carrying out the partnership owing to change of circumstances or failure of expectations.

Insanity a  
cause.

90. Insanity, to be a ground for dissolution of partnership, must be likely to be permanent and not a merely temporary malady.

Absence  
of partner.

91. The prolonged absence of a partner, his residence out of the Colony, his change of domicile or engaging in pursuits incompatible with his duty to the partnership may all be good grounds for the dissolution of the partnership by the Court where the term has not expired.

Question of  
dissolution  
may be  
referred.

92. The partners may refer to arbitration the question of dissolution before the agreed on term and an award decreeing dissolution shall be a competent award, and even where the

question of dissolution has not been expressly referred if the differences between the partners have been referred and the arbitrators have awarded a dissolution that shall be a competent award.

93. The conviction of a partner for treason or felony operates as a dissolution of the partnership. Effect of conviction.  
10 of 1950.

94. A female partner marrying may continue as a partner and her husband shall have no right to interfere in the affairs of the firm but she shall act therein as a *feme sole*; nevertheless the marriage of a female partner during the term of the partnership may be a good ground for applying to the Supreme Court to decree a dissolution under the particular circumstances of the case. Effect of female partner marrying.

95. The voluntary assignment by one or more of the partners of all their right title and interest in the partnership property dissolves the partnership. Voluntary assignment.

96. The attachment of the profit and share of the property in the firm of one partner by a creditor may be a ground for applying to the Supreme Court for a dissolution of the partnership. Attachment of profit and share of partner by creditor.

97. The bankruptcy of one of the partners shall dissolve the partnership. Bankruptcy of partner.

98. The death of a partner dissolves the partnership between the survivors as from the date of the death unless the contrary has been provided in the articles of partnership. Death of partner.

99. In all cases of dissolution the affairs of the firm must be wound up, and the debts may be collected and paid in the name of the firm by all or some or one of the partners nominated for that purpose, and the accounts adjusted. Winding-up.

100. The dissolution of the partnership does not change the rights of third parties in regard to liabilities due by the firm and they are entitled to be paid out of the partnership assets and, where these are insufficient, by the partners or the estate of a deceased partner. Where the partnership assets are insufficient the action will continue to lie against the Rights of third parties in regard to liabilities.

firm under its ordinary name style title or designation until the winding-up is finished and the judgment may be put in force against the individual partners.

Partnership  
in liquida-  
tion.

**101.** Where a partnership is subsisting solely for the purpose of winding-up the words "in liquidation" shall be added to the name of the firm in course of winding-up on its ordinary place of business and on the heading of all bills and demands made upon debtors and in all documents relating to the winding-up and in any legal proceedings instituted by or against the firm.

Notice in  
cases of  
dissolution.

**102.** On the dissolution of a partnership, in order to prevent partners being held liable as such for the acts of their co-partners after dissolution, a notice of the dissolution published in the *Gazette* and newspapers of the Colony shall be sufficient public notice within the Colony, but creditors of the partnership are entitled to separate private notice by writing.

Bankruptcy.

**103.** A trading partnership may apply to be adjudicated bankrupt on the same grounds as a sole trader or the partnership may be made bankrupt compulsorily by creditors in the same manner as a sole trader.

Firm adjudicated bankrupt.

**104.** A firm may apply to be adjudicated bankrupt without an adjudication being asked for against the individual partners and the creditors may apply for adjudication against a firm alone without seeking an adjudication against the individual partners.

Effect as  
against  
individual  
partners.

**105.** Where a firm applies to be adjudicated bankrupt without an adjudication against the individual partners any creditors of the requisite amount may apply for adjudication against the individual partners.

Partners  
may apply  
for adjudica-  
tion.

**106.** Where creditors have applied for adjudication of bankruptcy against a firm and not against the individual partners the partners may make an application to have themselves adjudicated bankrupt.

Special  
adjudication  
against  
partners.

**107.** Creditors applying for adjudication of bankruptcy against a firm may apply for adjudication against one or more of the individual partners without applying for adjudication against all, and one or more of the partners

may apply for adjudication against themselves when that is competent without all having so applied.

108. When adjudication of bankruptcy has been granted against a firm only, either on the voluntary application of the firm or compulsorily at the instance of creditors, without the individual partners being adjudged bankrupt, and the trustee shall find either in the course of his investigations or at the conclusion thereof that the contributions required from any of the individual partners to pay the debts of the firm are greater than they can pay or provide for, or if he has reason to believe that any individual partner is disposing of his separate property without awaiting the result of the investigation, or is preparing to leave the Colony, or in any way acting so as to prejudice the right of the creditors under the bankruptcy, the trustee may apply for an adjudication of bankruptcy against such partner or partners.

Power of trustee in certain cases.

109. Creditors cannot apply for an adjudication of bankruptcy against a firm for debts due by an individual partner, but they may apply for the bankruptcy of the separate partner, and if granted his bankruptcy operates as a dissolution of the partnership, which may then be wound up either by the firm in liquidation or by an adjudication of bankruptcy against the firm should that be applied for in a competent manner.

Bankruptcy of partner—effect of.

110. Where adjudication of bankruptcy against a firm is accompanied or followed by adjudication against the individual partners the Court may appoint the same trustee to wind up the different estates where such a course shall appear best for all concerned.

Court may appoint same trustee.

111. Where there is a concurrent winding-up of the estate of the partnership and the separate estates of the partners, it is not necessary for the trustee to await the completion of the winding-up of the partnership estate before he declares any dividend on the estates of the individual partners or vice versa, provided that he is satisfied that there are sufficient funds in either estate to pay the deficiency on the other, or that he makes sufficient allowance for the probable claims against either before declaring a dividend. The share of the surplus of the individual partner from the partnership estate will become an asset of his individual

Concurrent winding-up: duty of trustee.



estate, and where there is no surplus but a deficiency the deficiency in whole or in part according to the solvency of the other partners will rank as a debt upon the separate estate.

Partners  
may prove  
against  
partnership.

**112.** Partners, subject to their liability for any deficiency in the partnership assets, may prove against the partnership estate for any debts due to themselves personally and especially where the claim of the partner proving is founded upon a fraudulent appropriation of his separate property to the purposes of the partnership.

Where part-  
ners are  
members of  
another firm.

**113.** If one or more of the partners should be members of another partnership or carrying on another trade, such partnership or partner as trader may prove for such partnership or trade debts in the same manner as ordinary creditors against the partnership or the estates of individual partners.

Partnership  
may prove  
against  
bankrupt  
partner.

**114.** The partnership may prove as a creditor against the estate of a bankrupt partner for any sums owing by him and for sums fraudulently converted by him to his own estate.

#### IV. PARTNERSHIP WITH LIMITED LIABILITY OF CERTAIN PARTNERS.

Form of  
partnership  
with limited  
liability of  
certain  
partners.

**115.** A partnership may consist of two classes of partners, one class consisting of one or more partners being responsible for the debts of the partnership as ordinary partners, and another class which may also consist of one or more partners who are contributors to the capital solely and not active members of the partnership and whose liability for the debts of the concern shall be limited to the amount of capital contributed by them.

Designation.

**116.** The name of the partnership shall include one or more of the partners whose liability is unlimited together with the addition "and company" to cover the partners not named, and it shall not be necessary to add anything to such a designation to show that any of the partners are mere contributors to the capital and not active members of the partnership, but the insertion of the name of any contributory in the name style title or designation of the firm shall of itself make him an ordinary partner.

Terms and  
conditions to  
be stated in  
articles.

**117.** The terms and conditions of such partnerships must be set forth in the articles of partnership whatever the amount

of the capital or period of duration of the partnership, and these articles must disclose the partners whose liability is unlimited, and the names and the amount of contribution to the capital of those partners who are not to interfere in the active management of the partnership and not to be responsible beyond the amount contributed and their respective rights and interests in the partnership.

**118.** An abstract of the articles of such partnership prepared by the parties thereto and certified as correct by one of the partners whose liability is unlimited or by an attorney of the Supreme Court shall be filed in the office of the Registrar-General. Abstract of articles.

**119.** Such abstract shall set forth as nearly as may be in the form contained in Schedule B hereto annexed the date when the articles of partnership were entered into, the name of the company, the nature of the business, the date of the commencement of the partnership and its duration, the names of the partners whose liability is unlimited, the amount of capital of the company and the sums contributed by partners whose liability is limited. It shall not be necessary to disclose in such abstract the names of the partners who merely contribute to the capital. Abstract of articles must be registered.

**120.** There shall be charged for the registration of such abstract and the inspection thereof or for a certified copy of the same the sums set forth in Schedule C hereto annexed. Fees.

**121.** The exhibition of the articles of partnership and the disclosure of the names of the partners whose liability is unlimited can at any time be ordered by the Supreme Court in the course of proceedings against the partnership. Court may order exhibition of articles, etc.

**122.** Any partner or attorney who certifies to the correctness of an abstract which shall not truly disclose the facts required to be disclosed as the same are contained in such articles of partnership, or which shall falsely set forth any of such facts, shall commit an offence which shall be punishable on conviction by imprisonment for a term not exceeding two years. Certificate to false abstract: penalty.

**123.** If the partners who are set forth in the articles as contributing to the capital and not to be liable beyond the Liability of dormant partner.

amounts of their contribution afterwards take an active part in the administration of the partnership they shall be liable as ordinary partners.

Proof of active partnership defined.

**124.** Visiting occasionally the place of business for the purpose of inspecting the books and advising with the other partners upon business matters shall not be regarded as taking part in the administration in the sense of the preceding section, but any buying and selling or dealing with the cash, or presence in the place of business during business hours, or actively engaging in the business which would lead the public to believe that the partner so acting was an active partner in the concern shall make him subject to the liabilities of the firm as an ordinary partner.

Proof of true position of partner.

**125.** In the event of any question arising as to the true position of a partner the burden of proof will lie upon the partner who claims to be relieved from the ordinary obligations to show that he was only a contributor to the capital and not an ordinary partner.

Where partner shall be deemed an ordinary partner.

**126.** If any partner shall receive a portion of the profit of a partnership and is unable to prove that he has paid the sum stipulated in the articles of partnership to be payable by him as a partner contributing to the capital he will be taken to be an ordinary partner and liable for the debts of the partnership as such.

Restriction as to capital.

**127.** It shall not be lawful to divide or constitute the capital of a partnership of this description by shares.

All partners may inspect accounts.

**128.** Partners who do not take part in the administration of the business may at any time demand an inspection of the accounts of the partnership, and it shall be the duty of the partners who administer to keep the books of the partnership correctly and up to date.

Effect of refusal.

**129.** If accounts shall not be delivered or shown on demand the partner may apply to the Court for an account with or without praying for a dissolution of the partnership, and on such application the Court may not only order an account but may decree a dissolution.

**130.** If the partners who administer the affairs of the partnership or any of them knowingly give or exhibit to the partner or partners whose liability is limited a false account, they shall be deemed to have committed a fraud upon such partners, and shall be guilty of an offence punishable on conviction with imprisonment for a term not exceeding two years.

Penalty for exhibiting false accounts.

**131.** Any partner whose liability is limited who shall knowingly accept any sum purporting to be a dividend upon the amount of capital contributed by him, or in the name of profit made by the partnership when no such profit was made, shall be held liable for the debts of the partnership as an ordinary partner.

Liability of partner accepting dividend when no profit was made.

**132.** Any business which may be conducted under an ordinary partnership may be conducted under a partnership having partners whose liability is limited as hereinbefore defined including the holding of real property and the working of farms.

What business may be conducted in partnership.

**133.** The partner contributing to the capital solely shall not rank as a creditor in the bankruptcy of the partnership until all other creditors are satisfied and paid.

Where partner contributing capital is a creditor.

#### MISCELLANEOUS.

**134.** Benefit industrial and provident societies shall not come within the operation of this Ordinance.

Benefit and Provident Societies.

#### SCHEDULE A.

##### Table of Fees.

For the registration of a company whose nominal share capital does not exceed £5,000—£5, and 5s. for every £1,000 or part thereof of the nominal share capital after the first £5,000. 41 of 1949.

For registration of any increase of share capital after the first registration the same fees as would have been payable if the increased capital had formed part of the original share capital.

Provided that no company shall be liable to pay a greater amount of fees than £30.

	£	s	d
For registering any document required or authorised to be registered by the first part of this Ordinance dealing with Companies or under the provisions of the Imperial Acts mentioned in the first part of this Ordinance .. ..	0	5	0
For certified copies of any documents where, by this Ordinance, no specific fee is provided, per folio .. .. .	0	1	0
For certificate of registration of a company .. .. .	1	0	0

### SCHEDULE B.

#### Form of Abstract of Articles of Partnership to be Registered.

(Sections 25 and 119.)

TAKE notice that certain articles of partnership were entered into on the day of

That the name under which the partnership will carry on business is John Smith & Co. (*or as the case may be*).

That the business to be carried on is that of

That the partnership commenced [*or commences*] on the day of and that its duration is for years.

That the following partners will administer the business of the partnership and be responsible as ordinary partners for the debts of the concern, viz.: (*here insert names*).

That the amount of the capital of the partnership is £

That the following sums have been [*or are to be*] contributed by partners whose liability is limited to the amount of their contribution, viz.: £2,000, £500 and £500 [*or whatever the sums may be*].

All which I the undersigned partner [*or attorney as the case may be*] solemnly declare to be a correct representation of the facts above set forth as the same are contained in the articles of partnership.

In witness whereof I have hereunto set my hand this day of

(*Signature*).

### SCHEDULE C.

#### Fees to be Charged under Section 120.

	£	s	d
Recording abstract of partnership .. .. .	5	0	0
Inspection of register .. .. .	1	0	0
Certified copy of an abstract .. .. .	2	10	0

## CHAPTER 14.

## CONSULAR CONVENTIONS.

AN ORDINANCE TO CONFER UPON THE CONSULAR OFFICERS OF FOREIGN STATES WITH WHICH CONSULAR CONVENTIONS ARE CONCLUDED BY HIS MAJESTY CERTAIN POWERS RELATING TO THE ADMINISTRATION OF ESTATES AND PROPERTY OF DECEASED PERSONS AND TO RESTRICT THE POWERS OF CONSTABLES AND OTHER PERSONS TO ENTER THE CONSULAR OFFICES OF SUCH STATES. 2 of 1950.

[1st September, 1950.]

1. This Ordinance may be cited as the Consular Conventions Ordinance. Short title.

2. A state to which this section applies—

(1) May acquire land, buildings, parts of buildings and their appurtenances either freehold or leasehold, for the purpose of a consular office or for a residence for a consular officer or employee or for any purpose approved by the Governor in Council. Ownership of land.

(2) May erect buildings and appurtenances on such land for any of the purposes specified in subsection (1) hereof subject to any regulations as to building or otherwise then in force.

3. (1) Subject as hereafter provided a consular office of a State to which this section applies shall not be entered by a constable or other person acting in the execution of any warrant or other legal process or in exercise of powers conferred by or under any law (whether passed before or after the commencement of this Ordinance) or otherwise, except with the consent of the consular officer in charge of that office or, if that consent is withheld or cannot be obtained, with the consent of a Secretary of State: Restriction of powers of entry in relation to consular offices.

---

[Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

Provided that the foregoing provisions of this subsection shall not apply in relation to any entry effected

- (a) for the purpose of extinguishing a fire;
- (b) by a constable having reasonable cause to believe that a crime involving violence has been or is being or is about to be committed in the consular office;
- (c) by any person entitled to enter by virtue of any easement, contract or other private right.

(2) This section shall not apply to any consular office which for the time being is in charge of a consular officer who is a citizen of the United Kingdom and Colonies or is not a national of the State by which that office is maintained.

(3) For the purposes of this section the expression "consular office" means any building or part of a building which is exclusively occupied for the purposes of the official business of a consular officer.

Compensation for property expropriated or seized for national defence or for a public purpose.

4. Compensation for any land, building or parts of buildings and appurtenances expropriated or seized for purposes of national defence or for a public purpose payable to a state to which this section applies shall be paid at the official selling rate of exchange most favourable to the State at the time when the property was expropriated or seized in a form readily convertible into the currency of and transferable to the State not later than three months from the date on which the consulate or consular officer or employee is deprived of possession.

Powers of consular officers in relation to property of deceased person in the Colony.

5. (1) Where any person who is a national of the State to which this section applies is named as executor in the will of a deceased person disposing of property in the Colony, or is otherwise a person to whom a grant of representation to the estate in the Colony of a deceased person may be made, then if the Court is satisfied, on the application of a consular officer of the State, that the said national is not resident in the Colony, and if no application for a grant of such representation is made by a person duly authorised by power of attorney to act for him in that behalf, the court shall make to that officer any such grant of representation to the estate of the deceased as would be made to him if he were so authorised as aforesaid.

(2) Where any person who is a national of a State to which this section applies:

- (a) is entitled to any money or other property in the Colony forming part of the estate of a deceased person, or to receive payment in the Colony of any money becoming due on the death of a deceased person; or
- (b) is among the persons to whom any money or other property of a deceased person may under any law whether passed before or after the commencement of this Ordinance be paid or delivered without grant of probate or other proof of title

then if the said national is not a resident in the Colony, a consular officer of that State shall have the like right and power to receive and give a valid discharge for any such money and property as if he were duly authorised by power of attorney to act for him in that behalf.

Provided that no person shall be authorised or required by this subsection to pay or deliver any money or property to a consular officer if it is within his knowledge that any other person in the Colony has been expressly authorised to receive that money or property on behalf of the said national.

(3) Notwithstanding the provisions of subsection (1) of section 5 of the Administration of Estates Ordinance sureties shall not be required to an administration bond given by a consular officer upon the grant of administration by virtue of this section.

(4) Notwithstanding any rule of law conferring immunity or privilege in respect of the official acts and documents of consular officers, a consular officer shall not be entitled to any immunity or privilege in respect of any act done by virtue of powers conferred on him by or under this section, or in respect of any document for the time being in his possession relating thereto.

6. (1) The Governor may by Order in Council direct that all or any of the sections of this Ordinance shall apply to any foreign state specified in the Order, being a state with which a consular convention providing for matters for which provision is made by any of those sections has been concluded by His Majesty.

Application  
to foreign  
States.

(2) Any Order in Council made under this section may be revoked by a subsequent Order.

(3) Any Order made under this section shall be laid before the Legislative Council after being made.



## CHAPTER 15.

## CURRENCY NOTES.

11 of 1930. AN ORDINANCE TO MAKE PROVISION WITH RESPECT TO  
8 of 1933. THE CURRENCY NOTES AND TO PLACE THE ISSUE OF  
5 of 1935. SUCH CURRENCY NOTES UPON A PERMANENT BASIS.

[10th October, 1930.]

Short title. 1. This Ordinance may be cited as the Currency Notes Ordinance.

Definitions. 2. In this Ordinance:  
"Crown Agents" means the person or persons for the time being acting as Crown Agents for the Colonies in England.

Commissioner of currency. 3. The person for the time being lawfully discharging the duties of Treasurer to the Government of the Colony shall for the purposes of this Ordinance be the Commissioner of Currency, hereinafter referred to as "the Commissioner."

Issue and form of currency notes. 4. (1) It shall be lawful for the Commissioner, subject to the provisions of this Ordinance, to provide and issue and re-issue currency notes of the Government of the Colony (hereinafter referred to as "Currency Notes").

(2) Currency Notes issued under this Ordinance shall be of such denominations and of such form and design and printed from such plates and on such paper and be authenticated in such manner as may from time to time be approved by the Secretary of State.

(3) The plates shall be prepared and kept and the notes printed, issued and cancelled under such regulations as the Secretary of State may approve for the purpose of preventing fraud and improper use.

5. Currency Notes issued under this Ordinance shall be legal tender in the Colony for the payment of any amount:

Legal tender.

[Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

Provided always that Currency Notes of the "C" series bearing dates the 1st of February, 1921, and the 10th of January, 1927, issued under the Falkland Islands Currency Note Order, 1899, shall be deemed for the purposes of this Ordinance to have been issued under this Ordinance.

6. The Commissioner shall issue on demand to any person desiring to receive currency notes in the Colony, currency notes to the equivalent value (at the rate of one pound for one pound sterling) of sums in sterling lodged with the Crown Agents in London by the said person, and shall pay on demand through the Crown Agents to any person desiring to receive sterling in London the equivalent value calculated as aforesaid of currency notes lodged with him in the Colony by the said person:

Conversion  
of currency  
notes into  
sterling and  
vice versa.

Provided that:

(1) No person shall be entitled to lodge with the Crown Agents or Commissioner as the case may be less than such minimum sum as may be fixed from time to time by the Secretary of State for the purpose of obtaining currency notes or sterling as the case may be, and

(2) the Commissioner shall be entitled to charge and levy from any person obtaining currency notes or sterling a commission at such rate or rates not exceeding 1 per cent. as may from time to time be fixed by the Governor of the Colony with the approval of the Secretary of State, and in addition the cost of any telegram sent by the Commissioner or by the Crown Agents in connection with any transfer as above described.

7. (1) There shall be established a fund to be called "The Note Security Fund" and there shall be paid into the said fund:

Note  
security  
fund.

- (a) all moneys and investments standing to the credit of the Note Guarantee Fund now in existence,
- (b) the equivalent value in sterling of all currency notes issued otherwise than in exchange for currency notes already issued, and
- (c) the commissions paid to the Commissioner as provided in section 6 of this Ordinance.

(2) There shall be charged upon the said Fund:

- (a) all the expenses incurred by the Commissioner and the Crown Agents in the preparation, transport and issue of the currency notes and the transaction of business relating thereto, and
- (b) the sterling payments made by the Commissioner in respect of notes lodged with him under the provisions of section 6 of this Ordinance.

(3) The Note Security Fund shall be held by the Crown Agents and may be invested in securities of, or guaranteed by, any Government of the British Empire (except the Government of the Colony) or such other securities as the said Crown Agents, subject to the approval of the Secretary of State, may in their discretion select:

Provided that the Governor of the Colony may issue directions to the Crown Agents as to the amount of the Fund to be held in liquid forms.

(4) All dividends, interest or other revenue derived from such investments or from the employment in any other manner of the moneys of the said Fund shall be paid to the said Crown Agents, and the said dividends, interest or revenue shall form part of the ordinary revenues of the Colony:

Provided that if on the last day in any year the liquid moneys of the Fund together with the estimated market value of the investments in the Fund is less than 110 per centum of the face value of the currency notes in circulation there shall be paid into the Fund the whole or such less part of the said dividends, interest and revenue as shall make up the total moneys of the Fund as aforesaid to an amount equal to 110 per centum of the face value of currency notes in circulation; and

Provided always that if on the last day in any year the liquid moneys of the Fund together with the estimated market value of the investments in the Fund exceeds 110 per centum of the face value of the currency notes in circulation the Governor of the Colony may, with the sanction of the Secretary of State, direct that the surplus shall be transferred from the Fund to the ordinary revenues of the Colony.

(5) The liquid portion of the Fund may be held in cash or on deposit at the Bank of England or in Treasury Bills or may be lent out at call, or for short terms in such ways or invested in such readily realisable securities as may be approved by the Secretary of State.

8. Whosoever shall forge or counterfeit or alter any currency note or any word, figure, mark, sign, signature or facsimile upon or attached to any such note, or shall offer, utter, dispose of, or put off any currency note, knowing the same to be forged or counterfeited or altered, shall be guilty of an offence and shall on conviction be liable to imprisonment with or without hard labour for any period not exceeding fifteen years.

Forgery.

9. (1) If any person makes or causes to be made or uses for any purpose whatsoever, or utters any document purporting to be or in any way resembling or so nearly resembling as to be calculated to deceive, any currency note or any part thereof, he shall be liable on conviction to a fine not exceeding five pounds in respect of each such document, and it shall be lawful for the Court to order the document in respect of which the offence was committed and any copies of that document and any plates, blocks, dies, or other instruments used for or capable of being used for printing or reproducing any such document, which are in the possession of such offender, to be destroyed.

Imitation of  
currency  
notes.

(2) If any person whose name appears on any document, the making of which is an offence under this section refuses to disclose to a police officer the name and address of the person by whom it was printed or made, he shall be liable on conviction to a fine not exceeding ten pounds.

(3) Where the name of any person appears on any document in respect of which any person is charged with an offence under this section, or on any other document used or distributed in connection with that document, it shall be *prima facie* evidence that that person caused the document to be made.

(4) The expression "Currency note" in this section means a note issued under this Ordinance and includes also any note of a similar character by whatever name called, issued by, and on behalf of any Government of the British Empire (except the Government of the Colony), or the Government of any foreign state.

10. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the person accused), shall have in his possession, knowing the same to be forged, counterfeited or altered, any forged, counterfeited or altered note or any

Possession of  
counterfeit  
or incom-  
plete notes.

unfinished or incomplete note purporting to be issued by the Commissioner, shall be guilty of an offence, and shall on conviction be liable to imprisonment with or without hard labour for any period not exceeding five years.

Possession of  
paper for  
notes.

11. (1) Whosoever, without lawful authority or excuse, (the proof whereof shall lie on the person accused) shall make use of or knowingly have in his possession any paper with any word, figure, device or distinction peculiar to and appearing in the substance of the paper used for currency notes or any material upon which the whole or any part of any note purporting to resemble a currency note shall have been engraved or made or any facsimile of the signature of the Commissioner, shall be guilty of an offence, and shall on conviction be liable to imprisonment with or without hard labour for any period not exceeding five years.

Penalty for  
mutilating or  
defacing  
currency  
notes.

(2) Whosoever, without lawful authority or excuse (the proof whereof shall lie on the person accused), mutilates or in any way defaces a currency note whether by writing, printing, drawing or stamping thereon or by attaching or affixing thereto anything in the nature or form of an advertisement, shall on conviction be liable to a fine not exceeding £20.

Publication  
of state-  
ments.

12. (1) The Commissioner shall cause to be published half-yearly in the *Gazette* an abstract showing (a) the whole amount of currency notes in circulation on the last day of the half-year, (b) the total amount of the Note Security Fund on the said day, the value of the invested portion of the Fund being calculated on the latest known market price of the Securities held by the Fund, and (c) a list of the Securities held by the Fund showing in each case the nominal value and the latest known market price; and shall submit annually to the Governor of the Colony and the Secretary of State a statement of his transactions during the preceding year.

Audit.

(2) The accounts of all transactions of the Commissioner shall be audited by the Colonial Audit Department.

Rules.

13. (1) The Governor of the Colony may, subject to the approval of the Secretary of State, make rules

(a) for fixing the rates of commission to be charged under section 6 of this Ordinance,

- (b) for the calling in and demonetisation of notes issued under the Falkland Islands Currency Notes Order, 1899, and
- (c) generally for the better carrying into effect the provisions of this Ordinance.

(2) The power to make rules shall be deemed to include the power to vary or revoke any rules so made and published.

## CHAPTER 16.

## CUSTOMS.

1 of 1943.  
3 of 1946.

AN ORDINANCE TO CONSOLIDATE AND EXTEND THE LAW  
RELATING TO CUSTOMS.

[6th December, 1943.]

Short title

1. This Ordinance may be cited as the Customs Ordinance.

Definitions.

2. In this Ordinance and in any other Ordinance relating to the Customs, unless the context otherwise requires—

“Agent”, in relation to the master or owner of an aircraft or ship, includes any person who notifies the Collector in writing that he intends to act as the agent, and who or on whose behalf any person authorised by him signs any document required or permitted by the customs laws to be signed by an agent; provided that the owner of any aircraft or ship, if resident or represented in the Colony, shall be deemed to be the agent of the master for all the purposes of the customs laws, if no such agent be appointed;

“Aircraft” includes balloons, kites, gliders, airships, and flying machines;

“Approved place of unloading” and “approved place of loading” mean respectively any quay, jetty, wharf or other place, including any part of an aerodrome, appointed by the Governor by notice in the *Gazette* to be a place where coastwise or imported goods or goods about to be carried coastwise or exported may be unloaded or loaded;

“Boarding station” means any station or place appointed by the Governor by notice in the *Gazette* to be a station or place for aircraft or ships arriving at or departing from any port or place to bring to for the boarding or setting down of Officers;

“Burden” means net registered tonnage, or tonnage

[*Note.* This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.), and has applied to the Dependencies since 1st May, 1948.]

calculated in the manner prescribed by law for ascertaining net registered tonnage;

"Cargo" means any goods imported other than ships' stores and the *bona-fide* luggage of passengers.

"Carriage" includes every description of conveyance for the transport by land of human beings or property;

"Collector" means the Collector of Customs and includes any Deputy Collector;

"Customs Area" means any place appointed to be a customs area by the Collector by notice in writing under his hand;

"Customs laws" includes this Ordinance and any legislative enactment relating to the customs, and any proclamation, rule, regulation, resolution or Order in Council made under the authority of any law relating to the customs;

"Drawback" means a refund of all or part of any duty of customs authorised by law in respect of goods exported or used in any particular manner;

"Duty" includes any tax or sur-tax imposed by the customs laws;

"Entered" in relation to goods imported, warehoused, put on board an aircraft or ship as stores or exported means the acceptance and signature by the proper Officer of an entry, specification, or shipping bill and declaration signed by the importer or exporter on the prescribed form in the prescribed manner, together with the payment to the proper Officer by the importer or exporter of all rents and charges due to the Government in respect of the goods, and in the case of dutiable goods (except on the entry for warehousing of imported goods), the payment by the importer or exporter to the proper Officer of the full duties due thereon, or else, where permitted, the deposit of a sum of money or giving of security for the duties, as provided by law, or, in the case of goods for which security by bond is required on the exportation, putting on board an aircraft or ship as stores or removal of such goods, the giving of such security;

"Export" with its grammatical variations and cognate expressions, means to take or cause to be taken out of the Colony or the waters thereof;



"Exporter" includes any person by whom any goods (including goods transferred from an importing aircraft or ship) are exported from the Colony or supplied for use as aircraft's or ship's stores in accordance with section 134, and also the owner, or any person acting on his behalf, and any person who for customs purposes signs any document relating to goods exported or intended for exportation or supplied or intended for supply as aircraft's or ship's stores as aforesaid;

"Goods" includes all kinds of goods, wares, merchandise and livestock;

"Hulk" shall mean any vessel which has been condemned or dismantled;

"Import" with its grammatical variations and cognate expressions, means to bring or cause to be brought within the Colony or the waters thereof;

"Importer" includes the owner or any other person for the time being possessed of or beneficially interested in any goods at and from the time of the importation thereof until the same are duly delivered out of the charge of the Officers, and also any person who signs any document relating to any imported goods required by the customs laws to be signed by an importer;

"King's warehouse" means any warehouse or hulk or place whatsoever for the time being occupied or used by the Collector for the deposit of goods for security thereof or of the duty thereon;

"Master" includes the person having or taking the charge or command of any aircraft or ship;

"Name" includes the registration mark of an aircraft;

"Obscuration" means the difference, caused by matter in solution, between the actual strength of spirits and the apparent strength as indicated by the hydrometer;

"Occupier" includes any person who signs as principal any bond in respect of any building or place used for the deposit of goods for the security thereof or of the duties thereon under the customs laws;

"Offence against the customs laws" includes any act of any person contrary to the customs laws or any failure of any person to perform an act required by the customs laws to be performed by him;

"Officer" shall mean any person, temporarily or otherwise an officer of customs, duly appointed in writing by the Governor or Collector, and shall include all police constables;

"Owner of goods" includes any person who is for the time being entitled, either as owner or agent for the owner, to the possession of any goods;

"Over the Colony" means above the area contained within the imaginary lines bounding the Colony and the waters thereof; and if any person, goods or thing shall descend or fall or be dropped or thrown from any aircraft within such area, such person, goods or thing shall be deemed to have descended or fallen, or to have been dropped or thrown from an aircraft over the Colony;

"Place" shall (unless such meaning shall be repugnant to the context) mean any Bay or other part of the Colony which shall not be a "Port of Entry" as defined below;

"Port" and "Port of Entry" shall mean the port of Stanley or Fox Bay, and include any place where a collector shall be stationed, and any place hereafter declared a port by the Governor in Council by notice published in the *Gazette*; and any customs aerodrome, whether within a port or not, shall be deemed to be a port for aircraft;

"Private warehouse" means any building or place or hulk appointed by the Governor by notice in the *Gazette* to be a private warehouse;

"Prohibited goods" and "Restricted goods" mean respectively any goods the importation or exportation of which is prohibited or restricted by law;

"Proof spirit" means such spirit as, at the temperature of 51 degrees Fahrenheit, shall weigh 12/13ths of the weight of an equal measure of distilled water; <sup>3 of 1946.</sup>

"Proper Officer" means any officer whose right or duty it may be to exact the performance of, or to perform, the act referred to;

"Ship" includes any ship, boat, lighter, or other floating craft of any description other than a hulk as herein defined but does not include aircraft;

"Ship's stores" means any goods required for consumption or use by or for an aircraft or ship, its officers, crew and passengers;

"Sufferance wharf" means any place, other than an approved place of loading or unloading, at which the Collector may, in his discretion and under such conditions and in such manner as he may direct, either generally, or in any particular case, allow any goods to be loaded or unloaded;

"Transit shed" means any building in a customs area appointed to be a transit shed by the Collector by notice in writing under his hand;

"Uncustomed goods" includes goods liable to duty on which the full duties due have not been paid, and any goods, whether liable to duty or not, which are imported or exported or in any way dealt with contrary to the customs laws;

"Warehoused" means deposited in a King's or private warehouse;

"Warehouse-keeper" means the owner or occupier of a private warehouse;

"Waters of the Colony" means any waters within a space contained within an imaginary line drawn parallel to the shores or outer reefs of the Colony which appear above the surface at low water mark at ordinary spring tides and distant three miles therefrom.

Officers to have powers of members of the Police Force.

3. For the purpose of carrying out the provisions of the customs laws all officers shall have the same powers, authorities and privileges as are given by law to members of the Police Force.

Their acts to be deemed acts of collector, etc.

4. Every act, matter or thing required by the customs laws to be done or performed by, with, to or before the Collector, if done or performed by, with, to or before any officer appointed by the Collector for such purpose, shall be deemed to be done or performed by, with, to or before the Collector; and every person employed on any duty or service relating to the customs by the orders or with the concurrence of the Collector (whether previously or subsequently expressed) shall be deemed to be the officer for that duty or service; and every act required by law at any time to be done by, with, to or before any particular officer nominated for

such purpose, if done by, with, to or before any person appointed by the Collector to act for such particular officer, shall be deemed to be done by, with, to or before such particular officer; and every act required by law to be done at any particular place within any port, if done at any place within such port appointed by the Collector for such purpose, shall be deemed to be done at the particular place so required by law.

#### DUTIES, PROHIBITIONS, DRAWBACKS AND REFUNDS OF DUTY.

5. It shall be lawful for the Legislative Council from time to time by resolution to impose import or export duties of customs upon any goods whatsoever which may be imported into or exported from the Colony, and to revoke, reduce, increase or alter any such duties, and to provide for the importation or exportation of any goods without payment of customs duty thereon: Provided that all duties of customs and all exemptions from duties of customs which are by law in force at the commencement of this Ordinance shall continue in force until revoked, reduced, increased or altered in the manner provided in this Ordinance.

Customs  
duties.

3 of 1946.

6. (1) Notwithstanding anything contained in the preceding section, the Governor in Council may by order (a) increase or reduce any import or export duty of customs, or (b) impose new import or export duties of customs, and from the date of publication of such order in the *Gazette* and until the expiry of such order, the duties specified in such order shall be payable in lieu of any duties payable prior thereto: Provided that where any duty is reduced by any such order the person by whom any goods liable to the reduced duty are entered shall pay the reduced duty and in addition shall deposit with the proper officer the difference between the duty payable prior to the date of the order and the duty payable under the order until the order expires as hereinafter provided.

Governor in  
Council may  
make interim  
order.

3 of 1946.

(2) Every order issued by the Governor in Council under this section shall after four days and within twenty-one days from the date of its first publication be submitted to the Legislative Council and the Legislative Council may by resolution confirm, amend or revoke such order, and upon publication of the resolution of the Legislative Council in the

Interim  
order to be  
confirmed,  
amended or  
revoked by  
Legislative  
Council.

*Gazette* the resolution shall have effect and the order shall then expire. If the order be not submitted within the said period of twenty-one days to the Legislative Council for confirmation it shall *ipso facto* expire.

Excess duty  
to be  
refunded  
when order  
expires.

7. (1) So much of the duties as shall have been paid under the order of the Governor in Council as may be in excess of the duties payable immediately after the expiry of such order shall be repaid to the persons who paid the same.

Refund of  
deposit.

(2) So much of any sums which have been deposited in accordance with the proviso to section 6 (1) as, together with the duty paid, shall be equal to the duties payable after the expiry of the order, shall be brought to account by the Collector as duties of customs, and the balance, if any, shall be refunded to the depositor.

Governor in  
Council may  
remit duties.

8. It shall be competent for the Governor in Council, upon application by the importer or exporter, to remit or refund in whole or in part any customs duty whenever he shall deem it expedient so to do.

British  
preferential  
and general  
tariffs.

9. (1) Any order or resolution made or passed in accordance with section 5, may impose different rates of import duty upon goods which are shown to the satisfaction of the Collector to have been (1) consigned from a part of the British Empire and (2) either (a) to be the produce of the British Empire, or (b) to have been manufactured in the British Empire (such duties to be distinguished in the order or resolution as duties imposed under the British Preferential Tariff), and upon goods not shown to the satisfaction of the Collector to have been so consigned and produced or manufactured (such duties to be distinguished as duties imposed under the General Tariff).

Regulations.

(2) Notwithstanding the provisions of the preceding subsection, no goods shall be admitted under the British Preferential Tariff unless the importer shall comply with regulations which the Governor in Council is hereby authorised to make in relation thereto.

Time of  
entry to  
govern duty  
payable.

10. All goods deposited in any warehouse without payment of duty on the first importation thereof, or which may be imported or exported, and shall not have been entered for use within the Colony, or for exportation, as the case may be,

shall, upon being entered for use within the Colony, or for exportation, as the case may be, be subject to such duties as may be due and payable on the like sort of goods under the customs laws in force at the time when the same are entered, save in cases where special provision shall be made to the contrary.

11. (1) Where by entry, bond, removal of goods, or otherwise, any obligation has been incurred for the payment of duties of customs, such obligation shall be deemed to be an obligation to pay all duties of customs which may become legally payable, or which are made payable or recoverable under the customs laws, and to pay the same as the same become payable.

Effect of obligation to pay duties.

(2) When any duty has been short levied or erroneously refunded, the person who should have paid the amount short levied, or to whom the refund has erroneously been made, shall pay the amount short levied, or repay the amount erroneously refunded, on demand being made by the Collector.

12. Where any goods, being of a class or description liable to any import duty of customs, are re-imported into and entered for use within the Colony after exportation therefrom, and it is shown to the satisfaction of the Collector that any duty of customs chargeable in respect of the goods prior to their exportation was duly paid, either prior to exportation or at any subsequent time, and either that no drawback of any such duty was allowed on exportation, or that any drawback so allowed has been repaid to the Collector, then—

Duty on goods re-imported.

- (a) if it is further shown as aforesaid that the goods have not been subjected to any process abroad, or having been so subjected (and without change of their form or character) are goods not liable at the time of their re-importation to duty *ad valorem*, the goods shall be exempt from any such duty when the same are entered for use within the Colony after re-importation, unless the rate of duty of customs chargeable on goods of the same class or description at the time when the same are entered for use within the Colony after re-importation shall exceed the rate paid on the said goods on first importation and entry, in which case such goods shall be chargeable

with duty at a rate equal to the difference between the rate at which the duty previously paid was calculated and the rate in force at the date when such goods are entered for use within the Colony after re-importation;

- (b) if the goods at the time when the same are entered for use within the Colony after re-importation are of a class or description liable to an import duty *ad valorem*, and it is further shown as aforesaid that the goods have been subjected to a process of repair, renovation or improvement abroad, but that their form and character has not been changed, such goods shall be chargeable with duty as if the amount of the increase in the value of the goods attributable to the process were the whole value thereof, and, where any sum has been contracted to be paid for the execution of the process, the sum shall be *prima facie* evidence of that amount, but without prejudice to the powers of the Collector under the customs laws as to the ascertainment of the value of the goods for the purpose of assessing duty thereon *ad valorem*.

Provided that if the rate of duty of customs chargeable on goods of the same class or description at the time when the same are entered for use within the Colony after re-importation shall exceed the rate paid on the said goods on first importation and entry, then in such case, in addition to the *ad valorem* duty chargeable hereunder according to the amount of the increase in the value of the goods attributable to the process, such goods shall be chargeable with additional customs duty calculated in the manner set out in paragraph (a) of this section, as if such goods had not been subjected to any process of repair, renovation or improvement abroad.

In case of  
dispute, im-  
porter to  
deposit the  
duty  
demanded.

13. (1) If any dispute shall arise as to the proper rate or amount of duty payable on any goods imported into or exported from the Colony, the importer, consignee, or exporter, or his agent, shall deposit in the hands of the Collector the duty demanded by him, which shall be deemed and taken to be the proper duty payable, unless proceedings shall be commenced by the importer or exporter of such goods, within three months after such deposit, against the Collector, to ascertain whether any and what duty is payable

on such goods; and on payment of such deposit, and on the passing of a proper entry or shipping bill for such goods by the importer, exporter, consignee, or agent, the Collector shall cause delivery or permit shipment thereof, as the case may be.

(2) All such deposits shall be paid by the Collector to the Treasurer, and, in case no such proceedings shall be brought within the time limited for that purpose, such deposit shall be retained and applied to the use of the Colony in the same manner as if it had been originally paid and received as the duty due on such goods; and in case of such proceedings, if it shall be determined that the duty so deposited was not the proper duty, but that a less duty was payable, the difference between the deposit and the duty found to be due, or the whole deposit, as the case may require, shall be returned to such importer or exporter.

(3) Notwithstanding anything hereinbefore contained in this section, it shall be lawful for the importer, after having made the deposit as aforesaid, to request the Governor in Council to decide the dispute on such terms and conditions as the Governor in Council shall deem equitable, in which event the decision of the Governor in Council shall have effect and be final.

14. (1) For the purpose of any enactment for the time being in force whereunder a duty of customs is chargeable on goods by reference to their value, the value of any imported goods shall be taken to be the price which they would fetch on a sale in the open market in the Colony at the time of importation. Value.

(2) For the purpose of computing the price aforesaid it shall be assumed—

- (a) that the goods to be valued are to be delivered to the buyer at the port or place of importation, freight, insurance, commission and all other costs, charges and expenses incidental to the making of the contract of sale and the delivery of the goods at that port or place (except any duties of customs payable in the Colony and buying commission not exceeding five per centum of the total value which is shown to the satisfaction of the Collector to have been paid to an agent) having been paid by the seller; and
- (b) that in converting the selling price of the said goods



from foreign currency to sterling, the rate of exchange is the selling rate for sight drafts at the principal port of the Colony first quoted on or after the date of importation; and

- (c) that any portion of any charge for primage which is refundable on the performance by the buyer of any specified conditions is not paid by the buyer, whether the buyer intends to fulfil such conditions or not; and
- (d) that the price is the sole consideration for the sale of the said goods; and
- (e) that neither the seller nor any person associated in business with him has any interest, direct or indirect, in the subsequent re-sale or disposal of the said goods; and
- (f) that there has not been and will not be any commercial relationship between the seller and the buyer, whether created by contract or otherwise, other than that created by the sale of the said goods.

(3) For the purposes of this section two persons shall be deemed to be associated in business with one another if, whether directly or indirectly, either of them has any interest in the business or property of the other, or both have a common interest in any business or property, or some third person has any interest in the business or property of both of them.

(4) The value of any exported goods for the purpose of assessing duty *ad valorem* shall be determined in accordance with regulations which the Governor in Council is hereby authorised to make in relation thereto.

Duty payable on classification at highest rate.

**15.** If any article is enumerated in the tariff or can reasonably be classified under two or more names, headings or descriptions, and there is a difference of duty, the highest duty provided shall be charged and collected thereon.

Duty on composite goods.

**16.** Goods containing any article liable to duty as a part or ingredient thereof shall be liable to duty at the rate payable on such part or ingredient, and any goods composed of more than one article liable to duty shall be liable to duty at the rate payable on the article charged with the highest rate of duty: Provided that the highest rate shall not be exacted

in cases where the Collector in his discretion decides that the goods contain only a negligible proportion of the article liable to the highest rate: Provided also that in no case shall any less duty be charged on any such goods than the duty due thereon when considered as a whole without regard to their contents.

17. If any article subject to the payment of specific duty is imported in any package intended for sale, or of a kind usually sold with the goods when the same are sold retail, and marked or labelled, or commonly sold, as containing, or commonly reputed to contain, a specific quantity of such article, then such package shall be deemed to contain not less than such specific quantity.

Duty chargeable on reputed quantity.

18. If any article subject to the payment of duty according to the weight thereof is imported in any package intended for sale, or of a kind usually sold with the goods when the same are sold retail, and such package is not marked or labelled, or is not in the opinion of the Collector commonly sold as containing, or commonly reputed to contain, a specific quantity of such article, and the importer is not able to satisfy the Collector as to the correct net weight, the duty thereon shall be calculated according to the gross weight of such package and its contents.

On gross weight in certain cases.

19. It shall be lawful for the Governor by notice in the *Gazette* to specify, in gallons and fractions of a gallon, standard capacities for packages containing goods liable to duties according to the liquid measurement thereof, in all cases where, in his absolute discretion, he shall consider that such packages, being of sizes within limits to be specified in the notice, are reputed to be, or are sold as packages of standard sizes, whether or not any statement of the actual contents is contained on any label or other attachment to or part of such package, and thereupon all packages having capacities within the limits specified in any notice shall be deemed to contain the standard capacity in the notice in each case.

Governor may fix standard contents for packages containing liquids.

20. All duties, rates, charges and drawbacks imposed and allowed according to any specified quantity, or any specified value, or any particular description of package, shall be deemed to apply in the same proportion to any greater or less quantity or value or any other description of package,

Duties, etc., to be proportionate to quantity or value.

and shall be paid and received in any currency being legal tender in the Colony, and according to the weights and measures established by the laws of the Colony.

Abatement  
of duty.

**21** No claim for any abatement of duty in respect of any goods imported into the Colony shall be allowed on account of damage, unless such claim shall be made on the first examination thereof, nor unless it shall be proved to the satisfaction of the Collector that such damage was sustained before the delivery thereof out of the care of the Collector.

Derelect, etc.,  
goods liable  
to full duty  
unless  
damaged.

**22.** All goods derelict, jetsam, flotsam and wreck brought or coming into the Colony, and all droits of Admiralty sold in the Colony, shall at all times be subject to the same duty as goods of the like kind on importation into the Colony are subject, unless it shall be shown to the satisfaction of the Collector that such goods are damaged.

Damage to  
be assessed  
by Collector.

**23.** Subject to the provisions of sections 21, 24 and 25, the damage sustained by any goods shall be assessed by the Collector, who shall allow abatement of the duty in proportion to such damage.

No abate-  
ment on  
certain  
goods.

**24.** No claim for abatement of duty on account of damage shall be allowed in respect of tobacco, cigars, cigarillos, cigarettes, wine and spirits.

Qualification  
as to  
abatement.

**25.** No claim for abatement of duty on account of damage shall be allowed in respect of imported goods (not being goods derelict, jetsam, flotsam, or wreck brought or coming into the Colony, or droits of Admiralty sold in the Colony) except on proof to the satisfaction of the Collector that the carrier or insurer of the goods has made an allowance to the importer in respect of the damage. In any such case the abatement shall not exceed such proportion of the duty as the amount of the allowance made bears to the value of the goods undamaged, calculated in accordance with section 14.

Limitations  
as to wine  
and beer.

**26.** No liquor containing more than forty-two per centum of proof spirit shall be deemed wine; and no liquor containing more than twenty per centum of proof spirit shall be deemed beer, ale, stout or porter. All liquor containing more than forty-two per centum of proof spirit, and all liquor, other

than wine, containing more than twenty per centum of proof spirit, shall be deemed spirits.

27. (1) In ascertaining the strength of any spirits, any obscuration shall be determined and allowed for. Strength of spirits.

(2) The certificate of the Collector as to the strength of any liquid containing alcohol shall be *prima facie* evidence of the strength thereof.

28. If any goods which are ordinarily liable to duty at a given rate are allowed by law to be, and are in fact, entered at a lower rate of duty, or free of duty, on any special conditions, or for use for some special purpose, or because they are the property of or intended for use by some particular person or functionary, and if such conditions are not observed, and the goods are at any time within two years of the date of importation thereof used for any other than the specified purpose, or, being goods entered as aforesaid because they are the property of or intended for use by some particular person or functionary, are sold or transferred to any other person, such goods, unless the full duties thereon shall have been paid, shall be forfeited, and the importer and any person who shall be knowingly concerned in the use of such goods contrary to such conditions, or for some purpose other than that specified or in any way contrary to this section, shall each incur a penalty of one hundred pounds, or treble the value of such goods, at the election of the Collector. Goods used contrary to purpose for which imported.

29. The importer of any such goods as aforesaid shall, on demand, produce them to any officer, or otherwise account for them to the satisfaction of the Collector, within such period of two years aforesaid, and if he shall fail to produce such goods, or otherwise account for the same as aforesaid, he shall incur a penalty of one hundred pounds, or treble the value of such goods, at the election of the Collector. Penalty for not producing goods.

30. The provisions of sections 28 and 29 shall not apply to goods imported by or for use of the Government, and sold or transferred by Government order. Saving as to goods of Government.

31. The Collector may give permission to any person to import any goods without payment of duty thereon, upon being satisfied that such goods are so imported for temporary use. Goods imported for temporary use.

use only. Such permission shall be subject to the provisions of section 33 and to the following conditions:

- (a) that such goods shall be exported within three months of the date of such permission, and
- (b) that the person to whom such permission is given shall deposit in the hands of the Collector the amount of the duty on such goods, or else give security therefor, at the election of the Collector.

Disposal of  
deposit.

32. If any goods imported under the provisions of section 31 are not exported within three months of the date of the said permission, the deposit in the hands of the Collector shall be forfeited, or, if security has been given as aforesaid, then the importer shall pay to the Collector the full duties on such goods. If such goods are exported as aforesaid, such deposit shall be refunded, or the security cancelled: Provided that the Collector may, in his discretion, and on provision of additional security where he so requires, allow any additional period where he is satisfied that the articles are the *bona-fide* property or *bona fide* in the use of any person on a temporary visit to the Colony.

Certain  
goods may  
be excepted.

33. The Governor in Council may by notice in the *Gazette* declare that any goods named by him shall not be imported under the provisions of section 31 and may also declare that any goods which are permitted to be brought in under the said section shall be subject to such proportion of the duty thereon as he shall specify in such notice.

Contract  
prices of im-  
ported goods  
may be  
adjusted to  
meet change  
in duty.

34. (1) Where any new import duty of customs is imposed, or where any import duty of customs is increased, and any goods in respect of which the duty is payable are delivered on or after the day on which the new or increased duty takes effect in pursuance of a contract made before that day, the seller of the goods may, in the absence of agreement to the contrary, recover, as an addition to the contract price, a sum equal to any amount paid by him in respect of the goods on account of the new duty or increase of duty, as the case may be.

(2) Where any import duty of customs is repealed or decreased, and any goods affected by the duty are delivered on or after the day on which the duty ceases or the decrease in the duty takes effect in pursuance of a contract made before

that day, the purchaser of the goods, in the absence of agreement to the contrary may, if the seller of the goods has had, in respect of those goods, the benefit of the repeal or decrease of the duty, deduct from the contract price a sum equal to the amount of the duty or decrease of duty, as the case may be.

(3) Where any addition to or reduction from the contract price may be made under this section on account of any new or repealed duty, such sum as may be agreed upon, or, in default of agreement, determined by the Collector as representing, in the case of a new duty, any new expenses incurred, and, in the case of a repealed duty, any expenses saved, may be included in the addition to or deduction from the contract price, and may be recovered or deducted accordingly.

35. It shall be lawful for the Governor from time to time by proclamation to prohibit the importation, carriage coastwise or exportation of any goods whatsoever, and any such proclamation may prohibit importation, carriage coastwise or exportation until the revocation thereof, or during such period as may be specified therein, and may either absolutely prohibit importation, carriage coastwise or exportation, or may prohibit importation, carriage coastwise or exportation except on compliance with any conditions which may be specified in the proclamation, or importation from or exportation to any particular place named in the proclamation.

Governor  
may prohibit  
importation,  
carriage  
coastwise or  
exportation.

36. Until revoked by proclamation under section 35 the importation of the following goods is prohibited:

Goods pro-  
hibited to be  
imported.

(a) All goods which if sold would be liable to forfeiture under the Merchandise Marks Ordinance, and all goods of foreign manufacture bearing any name or trade mark being or purporting to be the name or trade mark of any manufacturer, dealer or trader in the British Commonwealth, unless such name or trade mark is accompanied by a definite indication of the country in which the goods were made or produced.

Chapter 47.

(b) All goods of a kind prohibited to be imported into the United Kingdom by order made under the Anthrax Prevention Act, 1919.

- (c) Arms and ammunition, except with the written permission of the Colonial Secretary.
- (d) Clocks and watches or any other article of metal impressed with any mark or stamp representing or in imitation of any legal British Commonwealth assay mark, or stamp, or purporting by any mark or appearance to be of the manufacture of any part of the British Commonwealth, such clocks, watches or other articles not being of the manufacture of such part of the British Commonwealth.
- (e) Coin—viz.: base or counterfeit coin of any country.
- (f) Coin, imitation and foreign, of a kind which is prohibited by law to be imported into the United Kingdom.
- (g) Coin, silver of the realm, or any money purporting to be such, not being of the established standard in weight and fineness.
- (h) Extracts, essences or other concentrations of tobacco, or any admixture of the same, tobacco stalks and tobacco-stalk flour, except under such conditions as the Collector may with the approval of the Governor either generally or in any particular case allow.
- (i) Fictitious stamps as defined in the Post Office Ordinance, and any die, plate, instrument or materials capable of making any such stamps.
- (j) Indecent or obscene prints, paintings, photographs, books, cards, lithographic or other drawings, or any other indecent or obscene articles.
- (k) Mechanical games or devices set in operation wholly or partly by the insertion of a coin or coins, and so constructed as to return to the person inserting the coin or coins, in certain circumstances, a coin or coins of greater total value than that of the coin or coins inserted.
- (l) Spirits (not being cordials or perfumed or medicinal spirits), and wine, unless specifically reported as such, and unless in aircraft, or in ships of thirty tons burden at least, and in casks or other vessels capable of containing liquids, each of such casks or other

vessels being of the size or content of nine gallons at the least, or unless in glass or stone bottles, properly packed in cases, or in demijohns, each case or demijohn containing not less than one gallon.

- (m) Saccharin, except with the written permission of the Senior Medical Officer.
- (n) Tobacco, cigars, cigarillos and cigarettes, unless specifically reported as such and unless in aircraft, or ships of thirty tons burden at least, and unless in whole and complete packages, each containing not less than twenty pounds net weight of tobacco, cigars, cigarillos or cigarettes.

37. It shall be lawful for the Collector to permit the importation of spirits, wines, tobacco, cigars, cigarillos and cigarettes in smaller ships and in smaller quantities than are prescribed in section 36 or any proclamation made thereunder under such conditions and subject to such regulations as he may prescribe, and subject to such additional duties (if any) as may be fixed by the Legislative Council.

Saving as to spirits and tobacco.

38. Goods imported in transit or as *bona-fide* stores of any aircraft or ship shall not be deemed to be goods prohibited to be imported or exported unless such goods—

Saving as to transit goods and stores.

- (a) being in transit, are of a description included in paragraphs (a), (b), (d), (e), (f), (g), (i), (j), (l) or (n) of section 36, or
- (b) being the *bona-fide* stores of any aircraft or ship, are of a description included in paragraphs (a), (b), (d), (e), (f), (g), (i) or (j) of section 36, or
- (c) are expressly prohibited to be imported in transit or as aircraft's or ship's stores, in any proclamation made under the customs laws, or in any Ordinance prohibiting the importation of any goods.

39. The provisions of sections 35 to 38 shall be additional to the provisions of section 121, and to any provisions of any other Ordinance prohibiting the importation, carriage coastwise or exportation of any goods.

Prohibitions elsewhere provided.



Governor in Council may direct granting of drawbacks.

40. (1) It shall be lawful for the Governor in Council from time to time by regulation to direct on what goods a drawback of the whole or any part of the duties paid on the importation thereof may be granted, and the conditions under which such drawbacks shall be allowed.

(2) Notwithstanding anything hereinbefore contained in this section, all drawbacks payable under any former Ordinance shall be paid or allowed under this Ordinance until cancelled by direction of the Governor in Council under this section.

Certification of debenture.

41. Every sum of money which shall be due upon any debenture, certificate or other instrument for the payment of money out of the duties of customs shall be paid by the Treasurer on the proper debenture certified by the Collector.

Declaration by owners of goods exported on drawback.

42. The owner of any goods on which drawback is claimed shall make and subscribe a declaration on the debenture that the conditions under which drawback is allowed have been fulfilled, and, in the case of goods exported or put on board an aircraft or ship for use as stores, that such goods have been actually exported or put on board for use as stores, as the case may be, and have not been returned and are not intended to be returned to the Colony, and that such owner at the time of entry of such goods was, and continues to be entitled to the drawback thereon.

Evidence of disposal of goods.

43. The Collector may require the owner to produce satisfactory evidence of the landing or disposal of any goods before certifying any debenture.

Time limit for debenture payment.

44. No debenture for any drawback shall be paid after the expiration of one year from the date of entry of any goods for drawback, or, in the case of goods exported or put on board an aircraft or ship for use as stores, from the date of putting the same on board the exporting or using aircraft or ship.

Refund of duties paid in error.

45. The Treasurer shall return any money which shall have been overpaid as duties of customs at any time within two years after such overpayment, on the proper document for such overpayment being certified by the Collector.

ARRIVAL AND REPORT OF AIRCRAFT AND SHIPS, LANDING OF  
PASSENGERS AND UNLOADING, REMOVAL AND DELIVERY OF  
GOODS.

46. If any aircraft or ship arriving in the Colony or the waters thereof (a) shall not come to some port therein, or such other place as may be allowed by the Collector in any special circumstances, without touching at any other place in the Colony, or (b) on arriving at any such port or place, shall not come as quickly up to the proper place of mooring or unloading as the nature of the port or place will admit, without touching at any other place, or (c) in proceeding to such proper place, shall not bring to at the station appointed by the Governor by notice in the *Gazette* for the boarding of aircraft or ships, or (d) after arriving at such proper place shall depart therefrom except directly to some other place of mooring or unloading approved of by the proper officer, or, with the authority of the proper officer, directly to some other port or to some place allowed by the Collector in any special circumstances as aforesaid in the Colony, or directly on any flight or voyage to a place outside the Colony in accordance with the provisions of the customs laws, or, (e) after departing as aforesaid on any flight or voyage to a place outside the Colony shall bring to within the Colony or the waters thereof, unless in accordance with the customs laws, or with the permission of the proper officer, or for some cause which the master shall explain to the satisfaction of the Collector, then in every such case the master of such aircraft or ship shall incur a penalty of one hundred pounds.

Procedure on  
arrival.

47. The Collector may, subject to any other authority provided by law, direct at what particular part of any port or other place aircraft or ships shall moor or shall discharge their cargo.

Collector  
may direct  
mooring and  
discharge.

48. Any officer on duty may board any aircraft or ship within the Colony or the waters thereof, and stay on board for any period, and shall have free access to every part, with power to secure any part by such means as he shall consider necessary, and to examine any goods, and to require any goods to be unloaded and removed for examination, or for the security thereof, or to unload and remove such goods at the expense of the master or owner, or the agent of either, and to examine any goods in course of being unloaded or

Officer may  
board air-  
craft or ship.

removed, or when unloaded or removed, and to lock up, seal, mark or otherwise secure any goods on board such aircraft or ship.

Officer may  
open if access  
not free.

**49.** If any officer acting under the provisions of section 48 shall find that there be not free access to any place or to any box or chest, or if the keys of any such place, box or chest, if locked, be withheld, such officer may open any such place, box or chest in any manner; and if any goods be found concealed on board, they shall be forfeited.

Penalty for  
interfering  
with seal,  
etc.

**50.** If the officer shall place any lock, mark or seal upon any goods on board an aircraft or ship, or upon any place or package in which the same may be, and such lock, mark or seal be wilfully opened, altered or broken before due delivery of such goods, or within the Colony or the waters thereof, except with the authority of the proper officer, or if any of such goods be secretly conveyed away, or if any goods, place or package, after having been secured by the officer, be opened within the Colony or the waters thereof, except with the authority of the proper officer, or if the officer shall require any goods to be unloaded and removed for examination or for the security thereof, and such goods shall not be unloaded and removed forthwith as required by the officer, the master of such aircraft or ship shall incur a penalty of one hundred pounds.

Goods un-  
lawfully dis-  
charged.

**51.** If any officer shall board any aircraft or ship and find any goods thereon, and, after leaving such aircraft or ship, such officer, or any other officer, shall board such aircraft or ship, and such or any part of such goods shall no longer be on board, and the master is unable to give a due account of the lawful discharging of the same, the master of such aircraft or ship shall incur a penalty of one hundred pounds, or treble the value of such goods, at the election of the Collector.

Search of  
persons.

**52.** (1) If any officer shall be informed or have reason to suppose that any person on an aircraft or ship, or any person who shall have landed from an aircraft or ship, or any person who the officer may suspect has received any goods from any such person, is carrying or has any uncustomed or prohibited goods about his person, such officer may search such person; and if any such person shall, upon being

questioned by any officer whether he has any goods obtained outside the Colony about his person, or in his possession, or in his baggage, refuse to answer or deny having the same, and any such goods shall be discovered to be or to have been upon his person, or in his possession, or in his baggage, such goods shall be forfeited. No officer shall be liable to any prosecution or action at law on account of any search made in accordance with the provisions of this section.

(2) Before any person shall be searched he may require to be taken with all reasonable despatch before a magistrate, or the Collector or other superior officer, who shall, if he sees no reasonable cause for search, discharge such person, but if otherwise, direct that he be searched.

(3) A female shall not be searched except by a female. Search of female.

53. If upon boarding any ship any officer shall find any goods of which the master shall not be able to give a satisfactory account, and if such officer shall suspect that such goods are being or have been or are intended to be dealt with in any way contrary to the customs laws, he may arrest and detain such master, and take him before a magistrate, and if such master shall fail to satisfy the magistrate that such goods had not been, were not being, and were not intended to be dealt with contrary to the customs laws, such goods shall be forfeited, and the master shall incur a penalty of one hundred pounds. Detention of master.

54. (1) The Governor in Council may from time to time make general regulations in respect of ships not exceeding one hundred tons burden prescribing, with reference to the tonnage, build or general description of such ships, the limits within which the same may be used or employed, the mode of navigation, the manner in which such ships shall be so used or employed, and such other terms, particulars, conditions and restrictions as the Governor in Council may think fit, and also from time to time to revoke, alter or vary such regulations. General regulations for small craft.

(2) Every ship which shall be used or employed contrary to any regulations made under this section shall be forfeited unless the same shall have been specially licensed by the Collector to be so used or employed, as next hereinafter provided. Penalty for infringement of regulations.

Licenses for  
small craft.

**55.** The Collector may, if he thinks fit, grant licences in respect of any ships not exceeding one hundred tons burden upon such terms and conditions, and subject to such restrictions and stipulations as in such licences mentioned, notwithstanding any general regulations made as aforesaid, whether the said regulations shall be revoked or not; and if any ship so licensed shall not comply with the conditions imposed by or expressed in any such licence, or if such ship shall be found without having such licence on board, such ship shall be forfeited. The Collector may revoke, alter or vary any licence granted as aforesaid.

Accommoda-  
tion of  
officer.

**56.** If the master of any ship on board of which any officer is stationed shall neglect or refuse to provide every such officer with proper and sufficient food and suitable bedding accommodation under the deck, he shall incur a penalty of twenty pounds.

Report.

**57. (1)** The master of every aircraft or ship, whether laden or in ballast, or his agent, shall (except as otherwise provided in any regulations made under this Ordinance) within twenty-four hours after arrival from any place outside the Colony at any port, or at any place specially allowed by the Collector, make report of such aircraft or ship, and its stores and cargo, to the Collector on the prescribed form in the prescribed manner, and giving the prescribed particulars.

Certain  
goods to  
be separately  
reported.

**(2)** Every report required by this section shall show separately any goods which are to be transferred to another aircraft or ship for re-exportation, and shall state whether there be any goods which are to remain on board for exportation in the same aircraft or ship; and such report shall, except where otherwise specially allowed by the Collector, give a particular account of all goods remaining on board for exportation, and shall be made before bulk be broken.

Certain  
goods to be  
reported  
before break-  
ing bulk.

**(3)** The master of any aircraft or ship shall make report of any packages or parcels for which no bill of lading has been issued, before bulk be broken, unless the Collector shall otherwise allow.

Penalty for  
not making  
due report.

**(4)** If the master of any aircraft or ship, or his agent, shall fail to make due report, or if any of the particulars contained in such report be false, such master, or his agent, shall incur a penalty of one hundred pounds, and all goods

not duly reported shall be forfeited, unless the omission is explained to the satisfaction of the Collector.

58. If any package or parcel reported (except as remaining on board as stores or for re-exportation or, with the permission of the Collector, for direct transfer to another aircraft or ship for use as stores or for re-exportation) shall not be duly unloaded, removed and deposited in a customs area or other place approved by the Collector, and shall not be duly entered and cleared therefrom in accordance with the customs laws, or else shall not be produced to the proper officer for deposit, or be deposited in the King's warehouse in accordance with the provisions of section 73, the master or his agent shall pay the duty thereon, and, in addition, a penalty of five pounds in respect of each such package or parcel, unless he shall explain the failure to unload, remove and deposit or produce such package or parcel as aforesaid to the satisfaction of the Collector.

Penalty for not accounting for package reported.

59. The master or agent shall (a) answer immediately all such questions relating to the aircraft or ship, its cargo, stores, baggage, crew, passengers and flight or voyage as shall be put to him by the proper officer and (b) produce all such books and documents in his custody or control relating to the aircraft or ship, its cargo, stores, baggage, crew, passengers and flight or voyage as the proper officer may require and (c) before any person (unless permitted by the proper officer) disembarks, deliver to the officer who boards such aircraft or ship on arrival at any port or place a list containing the names of each passenger on board such aircraft or ship, and also, if required by such officer, the names of the master, and of each officer and member of the crew; and if such list be not correct and complete, unless the inaccuracy or omission is explained to the satisfaction of the Collector, or if he shall not observe any of the provisions of this section, the master or his agent shall in respect of every such offence incur a penalty of one hundred pounds.

Master to answer questions.

60. If after arrival within the Colony or the waters thereof bulk shall be broken contrary to section 57 (2) and (3), or any alteration made in the stowage of the cargo of any aircraft or ship so as to facilitate the unloading of any part of such cargo before such aircraft or ship shall have arrived at her proper place of unloading, or, not being an aircraft or ship

Penalty for wrongly breaking bulk.

pecially allowed so to do, before report of such aircraft or ship shall have been made as hereinbefore provided, or if at any time after arrival as aforesaid any goods be staved, destroyed or thrown overboard, or any package be opened without the knowledge and consent of the proper officer, in every such case the master or his agent shall incur a penalty of one hundred pounds, unless cause be shown to the satisfaction of the Collector.

Master to  
deliver pre-  
vious  
clearance.

**61.** The master of every aircraft or ship or his agent shall, if required, deliver to the Collector at the time of making report the clearance of such aircraft or ship, if any, from the port or ports from which such aircraft or ship shall have arrived.

Tonnage  
dues.

**62.** The master of every vessel arriving from any port out of the Colony at any port of the Colony other than Stanley, for the purpose of landing or receiving cargo, shall, at the time of making report, pay to the officer at such port a duty of one shilling per ton on the registered tonnage of such vessel: Provided that no vessel shall be liable to a payment of a larger amount than ten pounds in respect of the aforesaid duty on each entry, and no vessel shall be suffered to clear out until the said duty has been paid; and the same and other duties collected by such officer, shall be transmitted with all convenient speed by such officer to the Treasurer at Stanley. All vessels liable to the payment of tonnage duties shall be liable to the same only for the first two voyages after the first day of January in any one year, and after payment of tonnage duties on such two voyages, shall be exempt from any further duties during the remainder of such year.

Ship  
abandoned  
may be  
seized.

**63.** Any officer may seize any aircraft or ship found abandoned within the Colony or the waters thereof, and such aircraft or ship shall be forfeited, unless the owner shall claim the same within one month of the date of seizure, and satisfy the Collector that the requirements of the customs laws have been complied with.

Unloading,  
entry, re-  
moval and  
delivery of  
goods.

**64.** Save in accordance with any regulation made under this Ordinance, or with the written permission of the Collector—

(a) No goods shall be unloaded from any aircraft or ship arriving from any place outside the Colony unless

authority for unloading the same has been given by the proper officer.

- (b) No goods shall be unloaded from any aircraft or ship arriving from any place outside the Colony, except at an approved place of unloading or sufferance wharf approved for the purpose and all goods when so unloaded, and all goods which shall have been put into a vessel to be landed shall immediately upon being unloaded or landed be conveyed in the care of the proper officer into the customs area, or to a King's warehouse if the Collector shall so require.
- (c) No goods shall be removed from any part of the customs area or from the King's warehouse into which the same shall have been conveyed unless such goods shall have first been duly reported and entered, and authority for the removal or delivery of the same has been given by the proper officer.
- (d) Goods entered to be warehoused shall be removed by the importer by such ways, in such manner and within such time as the proper officer shall direct to the warehouse for which the same are entered, and delivered into the care of the officer in charge of the warehouse; provided that, if the Collector shall so require, the importer shall first enter into a bond for the due warehousing of such goods.

65. The provisions of section 64 shall apply to the cargo of the aircraft or ship only. No goods whatsoever other than cargo, duly reported as such, shall be taken out of any aircraft or ship arriving from any place outside the Colony or delivered to any person aboard such aircraft or ship other than for the consumption or use of the crew or passengers thereof except under such conditions (which conditions may vary the procedure as to reporting the aircraft or ship as required by this Ordinance) as may be prescribed in any regulations made under this Ordinance or directed by the Collector in any particular case. The term "goods" in the expression "no goods whatsoever" shall include passengers' baggage, stores, and any goods which may be taken on board any aircraft or ship arriving from any place outside the Colony while such aircraft or ship is within the Colony or the waters thereof.

As to goods  
other than  
cargo.



Forfeiture.

**66.** If any goods shall be unloaded, removed or dealt with contrary to the provisions of section 64 or section 65, or to the terms and conditions contained in any written permission given by the Collector, they shall be forfeited.

Delivery of  
bullion and  
coin.

**67.** Notwithstanding anything hereinbefore contained, it shall be lawful for the Collector to permit the delivery to the importer of any bullion or coin under the authority of the proper officer without entry thereof, but if such importer shall not within forty-eight hours after the same shall have been removed from the importing aircraft or ship deliver to the proper officer a full and true account thereof, including its weight and value, he shall incur a penalty of twenty pounds.

Entry in  
absence of  
documents.

**68.** If the importer of any goods shall not be able to furnish full particulars of such goods for want of any documents or information concerning them (other than documents or information relating to the origin of such goods required by regulations made under section 9 (2)) he shall make and subscribe a declaration in the prescribed form to that effect before the Collector or proper officer, and the Collector shall thereupon permit the importer to examine and enter the said goods, notwithstanding that there shall not be satisfactory documentary evidence regarding the same, and may allow delivery of the said goods, provided that the Collector is satisfied that the description of the goods for tariff and statistical purposes is correct and also, in the case of goods liable to duty *ad valorem*, that the value declared on the entry is approximately correct and in the case of goods liable to duty according to the weight or measurement thereof, that the weight or measurement declared on the entry is correct.

Entry  
provisional.

**69.** (1) In the case of goods liable to duty *ad valorem* the entry made in accordance with section 68 shall be deemed provisional. The amount estimated as the duty for the purpose of making such provisional entry shall be held on deposit; and the importer shall also deposit with the Collector, in addition to the amount deposited as the estimated duty on the said goods, such sum as the Collector may require, not being less than one-half of the amount deposited as the estimated duty.

(2) The sum deposited as the estimated duty as aforesaid shall be brought to account as duty, and the additional sum deposited shall be forfeited, unless the importer shall within three months, or such further period as the Collector may in any special circumstances allow, produce to the Collector satisfactory evidence of the value, and make final entry of such goods, in which case so much of the sums deposited as shall be necessary shall be brought to account as duty and the balance returned to the person who deposited the same.

Disposal of deposit.

70. The Collector may retain such samples of the goods entered under section 68 for such period up to the final entry of such goods as he shall require, and the proper officer shall make inventory of the said goods.

Samples to be retained.

71. (1) If the importer, having made a declaration in accordance with section 68, shall not make entry as therein provided, or if the Collector is not satisfied as aforesaid (in which case any entry which shall have been made shall be *ipso facto* void), the Collector shall cause the goods referred to in such declaration to be deposited in a King's warehouse and dealt with as provided in section 74.

Goods not entered after declaration.

(2) Notwithstanding anything hereinbefore contained, if the Collector is satisfied, whether before or after the warehousing under this section of any goods liable to duty *ad valorem*, that it is impossible for the importer to obtain satisfactory documentary evidence of the value of such goods, or if in any case the documentary evidence relating to such goods, though not complete, is in the opinion of the Collector sufficient to enable a reliable estimate of the value to be made, it shall be lawful for the Collector to permit such goods to be entered according to a value which two officers to be appointed by the Collector for the purpose are satisfied is, as nearly as may be estimated, and not less than, the correct value of such goods.

Power to waive production of documents.

72. Where the Collector permits any goods to be entered in the absence of any document under the provisions of section 71, it shall be lawful for him to require the person entering the goods to deposit with him such additional sum as he shall require, not exceeding one-half of the duty paid upon such goods. Any sum so deposited shall be forfeited unless the person entering the goods shall produce the

Deposit in certain cases.

required document within three months of the date of entry, or unless he shall explain his failure to the satisfaction of the Collector.

Goods not entered or delivered to be deposited in King's Warehouse.

73. If any goods imported in any aircraft or ship shall remain on board such aircraft or ship, or having been unloaded, shall not be entered and also delivered from the customs area within ten days from the date of importation, or such further period as the Collector may in any special circumstances allow, then such goods shall be deposited in such King's warehouse as the Collector shall direct by the agent of such aircraft or ship, or by the Collector, if there be no agent, or if the agent shall not act forthwith as herein required. Such goods shall be subject to rent and other charges as if they were goods warehoused in a King's warehouse in pursuance of an entry for warehousing.

Goods warehoused may be sold.

74. (1) Where under the provisions of this Ordinance any goods are required to be deposited in a King's warehouse, and such goods are of a perishable nature, then it shall be lawful for the Collector, notwithstanding such provisions, to sell the same forthwith by public auction; and if such goods, though not perishable, are of a kind not permitted, by any other provision of law, to be deposited in a King's warehouse, it shall be lawful for the Collector, notwithstanding such provisions, to sell the same by public auction after fourteen days' notice by publication in the *Gazette*.

(2) Where any goods are deposited in a King's warehouse under the provisions of this Ordinance, and the same are not entered for warehousing or delivery from such King's warehouse within three months after such deposit, or within such further period as the Collector may direct, and all charges for removal, freight, and rent, and all other expenses incurred in respect thereof, duly paid, such goods may be sold by public auction after one month's notice being given by publication in the *Gazette*.

(3) In all cases where goods are sold under the provisions of this section, the proceeds shall be applied first in discharge of duties (if any), of the expenses of removal and sale, and of rent and charges due to the Government, and then of freight and other charges; and the balance, if any, shall be paid to the owner of the goods on his application for the same, if such application be made within two

years from the time of the sale of such goods, but otherwise shall be paid into the general revenue of the Colony.

75. If any goods on being offered for sale as aforesaid cannot be sold for a sum to pay all duties, expenses, rent and charges, the same may be destroyed, or otherwise disposed of as the Governor may direct.

Goods not sold on being offered for sale.

76. It shall be lawful for the Collector to cause any goods required to be removed under this Ordinance to a King's warehouse to be opened for examination by any officer, as often as may be required, at the expense of the owner of such goods.

Goods warehoused may be examined.

77. Where the owner of any goods imported in any ship into the Colony fails to make entry thereof, or having made entry, fails to land the same or to take delivery thereof by the times severally hereinafter mentioned, the shipowner or master or the agent of either, may make entry of the said goods at the times, in the manner, and subject to the conditions following, that is to say:

Goods may be entered by ship-owner.

- (a) If a time for the delivery of the goods is expressed in the charter party, bill of lading or agreement, then at any time after the time so expressed; and
- (b) If no time for delivery of the goods is expressed in the charter party, bill of lading or agreement, then at any time after the expiration of seventy-two hours, exclusive of a Sunday or public holiday, after the report of the ship:

Provided that if at any time before the goods are landed or unshipped, the owner of the goods is ready and offers to land or take delivery of the same, he shall be allowed to do so, and his entry shall, in such case, be preferred to any entry which may have been made by the shipowner or master, or the agent of either.

78. The periods of time mentioned in sections 73 and 77 shall be computed from the time at which the aircraft or ship and goods shall have been released from any quarantine to which they may have been subjected.

Computation of time.

Officer may remain on board at discretion of Collector: charge for Officers' services.

79. On the arrival of any vessel from any port out of the Colony at any port in the Colony it shall be lawful for the Collector to send one or more officers on board of such vessel to remain on board at the discretion of the Collector till all goods are landed from such vessel, and the duties (if any) shall have been paid or otherwise accounted for to the satisfaction of the Collector, and there shall be paid for the services of every officer so proceeding or remaining on board, as aforesaid, by the master or consignee of such vessel to the Treasurer for the purposes of general revenue, the sum of ten shillings for every day or part of a day during which such officer shall be so employed.

Restrictions as to passengers and other persons.

80. No person whether a passenger or not, shall disembark or go ashore from, or go on board any aircraft or ship that shall have arrived within the Colony or the waters thereof, save at such times, by such means, and by such ways as may be prescribed in any regulations made under this Ordinance, or otherwise as the Collector may allow.

#### WAREHOUSED GOODS AND GOODS DEPOSITED IN A CUSTOMS AREA.

Warehouse.

81. It shall be lawful for the Governor from time to time by notice in the *Gazette* to declare what kind of goods shall or may be warehoused upon first importation without payment of duty thereon; and any such goods, while in any warehouse, and all goods whatsoever while in any customs area, shall be subject to such regulations as may be made under this Ordinance, and, in the case of goods deposited in a King's warehouse or customs area in the occupation or use of the Government, to the payment by the owner of such goods, at the prescribed times, of such rent and other charges as the Governor shall from time to time direct by notice in the *Gazette*; and if at any time any such rent or other charges shall not be paid to the Collector when due and payable on any goods in any such King's warehouse or customs area, such goods may, without prejudice to any other lawful method of recovery, be sold, or otherwise dealt with, and any proceeds applied, as if they were goods which might be sold, or otherwise dealt with under the provisions of sections 104 and 105.

82. No compensation shall be payable by Government to any importer, owner or consignee of any goods deposited in a King's warehouse or in a customs area in the occupation or use of Government, save when loss or damage occurs as the direct result of the wilful act or negligence of Government or of an officer.

Compensation for damage to goods deposited in King's Warehouse.

83. Where under the customs laws any goods are or may be required to be deposited in a King's warehouse, and for any reason the Collector may in his discretion decide that it is undesirable or inconvenient to deposit such goods in a King's warehouse, such goods shall for all purposes be deemed to be deposited in a King's warehouse as from the time that the same are required to be deposited in a King's warehouse, and shall also be chargeable with such expenses for securing, watching and guarding, and of removing the same from the original to some other place of deposit (if the Collector shall so require) as the Collector shall deem reasonable, and neither the Collector nor any officer shall be liable to make good any damage which such goods may sustain by reason or during the time of their being so deposited and dealt with as aforesaid.

Goods deemed to be in King's Warehouse.

84. No building or place may be used as a private warehouse, or, save with the written permission of the Collector, as a customs area, until a bond, in such sum as may from time to time in each case be required by the Collector, is given by the warehouse-keeper, or by the owner or occupier of the customs area, as the case may be, with one or more sufficient sureties, conditioned on due payment of all duties and the due observation of the provisions of the customs laws.

Private warehouses and customs areas.

85. In all cases where it may be expedient to constitute a hulk a transit shed such hulk shall be fitted with a secure store room, and the key of such store room shall be in the custody of an officer, who shall keep a correct account of all dutiable goods removed from the importing vessel and placed therein, but no goods shall be kept on board any such hulk for a longer period than seven days, unless by special permission in writing of the Collector, and any such goods received on board any hulk without being placed in such secure store room as aforesaid, shall be liable to forfeiture; and the owner of such hulk shall be liable to a penalty not

Hulk warehouse.

exceeding fifty pounds for each offence. The removal of any such goods to and from such hulk shall be carried out in the presence of one or more officers, and there shall be paid by the owner of such hulk the sum of ten shillings per day for the services of each officer so employed and the Collector may send one or more officers on board such hulk there to remain during the time any dutiable goods shall be on board and the owner of such hulk shall pay for the service of each officer at the above mentioned rate.

Officers not liable for damage or wrong delivery.

**86.** No action shall be brought against the Government or any of its officers for loss or damage sustained by goods while in any private warehouse or private customs area or hulk warehouse or for any wrong or improper delivery of goods therefrom.

Warehouse-keeper, etc., not to enter warehouse without permission.

**87.** The owner or occupier of any customs area or a warehouse-keeper shall not by himself or by any person in his employ open or gain access to any building in a customs area or transit shed or private warehouse except in the presence or with the knowledge and consent of an officer acting in the execution of his duty.

Owner of warehouse, etc., to provide facilities.

**88.** The owner of any private warehouse or customs area shall provide such office accommodation and weights, scales, measures and other facilities for examining and taking an account of goods and for securing the same as the Collector may require.

Revocation of order approving warehouse.

**89.** On the revocation of the appointment of any private warehouse, the duties on all the goods warehoused therein shall be paid or the goods shall be exported or removed to another warehouse within such time, not less than three months, as the Collector may direct. Notice in writing of such revocation addressed to the warehouse-keeper of the private warehouse, and left thereat, shall be deemed to be notice to all persons interested in the goods.

Disposal of goods on revocation.

**90.** If any goods shall not be duly exported or removed in conformity with section 89 such goods shall be taken to a King's warehouse by an officer, and may be sold, or otherwise dealt with, and any proceeds applied as if they were goods which might be sold or otherwise dealt with under the provisions of section 74.

91. Upon the delivery of any goods entered to be warehoused into the care of the officer in charge of any warehouse, such officer shall, subject to any other direction of the Collector, whether account has been taken of such goods on the quay or elsewhere, or not, take a particular account of such goods, and shall enter in a book prepared for that purpose the name of the importing aircraft or ship, and of the person in whose name such goods are entered, the number of packages, the mark and number of each package, and the description of the goods; and when the same shall have been deposited in the warehouse, with the authority of such officer, he shall certify at the foot of the account that the entry and warehousing of the goods is complete, and such goods shall from that time be considered goods duly warehoused.

Procedure as to warehousing.

92. All goods warehoused shall be deposited in the packages in which they are imported, except such goods as are permitted to be skipped on the quay, or bulked, sorted, lotted, packed or repacked in the warehouse, in which case they shall be deposited in the packages in which they are contained when the account thereof is taken by the proper officer on the completion of such operation.

Goods to be warehoused in packages in which imported.

93. If in the case of goods warehoused in a private warehouse any alteration shall afterwards be made in the goods or packages so deposited, or in the packing thereof in the warehouse, or in the marks or numbers of such packages, or if the same shall be removed from the part of the warehouse in which they were deposited, without the presence and sanction of the proper officer, except for delivery after they have been duly entered, and under the authority of the proper officer, such goods shall be forfeited.

Penalty for interfering with storage of goods in a private warehouse.

94. The Collector may direct in what different parts or divisions of any warehouse or customs area and in what manner any goods shall be deposited therein, and if any goods are deposited contrary to such directions, the occupier of such warehouse or customs area shall in respect of every package so deposited incur a penalty of five pounds, together with a further penalty of one pound for each day during which any such package shall remain so deposited.

Collector may direct stowing of goods.



Penalty for neglect to stow goods properly.

95. If the occupier of any warehouse or customs area or any part thereof shall neglect to stow the goods deposited therein so that easy access may be had to every package and parcel thereof, he shall, for every such neglect, incur a penalty of five pounds, together with a further penalty of one pound for each day during which such neglect continues.

Warehoused goods to be produced to Officer.

96. If the occupier of any warehouse or customs area, or any part thereof, shall not produce to any Officer, on his request, any goods deposited in such warehouse or customs area, or any part thereof, which shall not have been duly entered and delivered therefrom, such occupier shall, for every such neglect, incur a penalty of five pounds in respect of every package or parcel not so produced, and shall pay the duties due thereon.

Penalty for not warehousing, etc.

97. If any goods entered to be warehoused shall not be duly warehoused by the importer in pursuance of such entry, or if any goods whatsoever, being duly warehoused or deposited in a customs area, shall be in any way concealed in or removed from the warehouse or customs area, or abstracted from any package, or transferred from one package to another, or otherwise, for the purpose of illegal mixing, removal, or concealment, they shall be forfeited.

Penalty for illegally opening or entering warehouse or customs area.

98. If any person shall clandestinely open any warehouse or transit shed or, except in the presence of the proper officer acting in the execution of his duty, gain access to the goods therein, he shall for every such offence, incur a penalty of one hundred pounds; and if any person shall enter any warehouse or any part of a customs area when forbidden by any officer, or refuse to leave any warehouse or any part of a customs area when requested to do so by any officer, he shall incur a penalty of ten pounds.

Penalty for embezzling warehoused goods, etc.

99. If any goods required to be previously entered shall be taken out of any warehouse or customs area without being duly entered (except as permitted by the customs laws), the warehouse-keeper or the occupier of any part of a customs area where such goods shall have been deposited shall forthwith pay the duties due upon such goods; and every person taking out any goods from any warehouse or customs area, without the same having been duly entered (except as aforesaid), or who shall aid, assist, or be concerned therein,

and every person who shall destroy or embezzle any goods duly warehoused or deposited in a customs area shall be guilty of an offence, and shall, on conviction, on an information laid against him in the Supreme Court, be liable to imprisonment with or without hard labour, for any term not exceeding two years; but if such person shall be an officer not acting in the due execution of his duty, and shall be prosecuted to conviction by the importer, consignee, or owner of such goods, no duty shall be payable for or in respect of such goods, and the damage occasioned by such destruction or embezzlement shall, with the sanction of the Governor in Council, be repaid or made good to such importer, consignee, or owner by the Treasurer.

**100.** (1) The Collector shall have power at the expense of the owner of goods warehoused in a King's warehouse, or deposited in a customs area in the occupation or use of the Government, to do all such reasonable acts as may by him be deemed necessary for the proper custody and preservation of such goods, and shall have a lien on the said goods for expenses so incurred; but no such acts shall be done until the expiration of twenty-four hours after the owner of such goods has been notified that such acts are required, unless the Collector shall in his discretion decide that immediate action is necessary for the proper custody or preservation of the goods as aforesaid.

Collector may do reasonable acts to warehoused goods.

(2) The importer or owner of any such goods shall pay any expenses incurred in respect thereof under this section at such times and in such manner as the Collector shall either generally or in any particular case direct, and if any such expenses be not paid in accordance herewith, such goods may be sold or otherwise dealt with, and any proceeds applied as if they were goods which might be sold or otherwise dealt with under the provisions of section 105.

Owner to pay cost.

**101.** (1) The removal of warehoused goods from a warehouse to any other warehouse shall be subject to any regulations made under this Ordinance and to such other conditions as the Collector may direct.

Removal of warehoused goods to another warehouse.

(2) On the delivery of any goods for removal as aforesaid, an account containing the particulars thereof shall be transmitted by the proper officer of the port or place of

Procedure on delivery.

removal to the proper officer of the port or place of destination, and the person requiring the removal thereof shall enter into a bond, with such security or securities as the Collector shall require, in a sum equal at least to the duty chargeable on such goods, for the due arrival and re-warehousing thereof at the port or place of destination within such time as the proper officer may direct; and such bond shall not be discharged unless such goods shall have been produced to the proper officer and duly re-warehoused at the port or place of destination within the time directed by the proper officer as aforesaid, or unless the full duties of customs shall have been paid thereon as provided in subsection (4) hereof, or unless such goods shall have been otherwise accounted for to the satisfaction of the Collector, nor until the full duties due upon any deficiency of such goods not so accounted for shall have been paid.

Goods removed subject to warehouse regulations.

(3) Upon the arrival of such goods at the port or place of destination, they shall be entered and warehoused, as nearly as may be subject to the laws, rules and regulations, which apply to the entry and warehousing of goods on first importation.

May be entered for use in the Colony or exportation.

(4) If, upon the arrival of goods so removed as aforesaid at the port or place of destination, the parties shall be desirous forthwith to export the same, or to pay duty thereon for use within the Colony, without actually lodging the same in the warehouse for which they have been entered and examined to be re-warehoused, the officer at such port or place may permit the same to be entered and delivered for home use, or, after all the formalities of entering and examining such goods for re-warehousing have been duly performed, to be entered and loaded for exportation, as if such goods had been actually lodged in such warehouse.

Removal, etc., to be subject to certain conditions.

**102.** If any goods taken from a warehouse for removal or for exportation or use as aircraft's or ship's stores shall be removed or put on board an aircraft or ship, except with the authority or under the care of the proper officer, and in accordance with any regulations made under this Ordinance, and in such manner, by such persons and within such time, and by such roads or ways, as such officer shall permit or direct, such goods shall be forfeited; and if any such goods shall be illegally removed or carried away prior to being put on board the exporting or removing aircraft, ship or carriage,

or from any exporting or removing aircraft, ship or carriage, in or on which the same shall have been put, the bond given in respect thereof shall be forfeited, and may forthwith be put in suit for the penalty thereof, although the time prescribed in such bond for putting the goods on board the exporting aircraft or ship, or re-warehousing such goods at the place of destination, shall not have expired; and all such goods shall be forfeited.

**103.** Notwithstanding anything hereinbefore contained, the Collector may, if in his discretion he shall decide that such action is advisable, remove goods at the cost of Government from one King's warehouse to another in any manner he may deem reasonable.

Collector  
may remove  
goods ware-  
housed in  
King's ware-  
house.

**104.** All warehoused goods shall be entered and delivered either for use within the Colony, or as aircraft's or ship's stores, or for exportation not later than two years after the day on which the same were warehoused, or within such further period and in such cases as the Collector shall direct unless the owner of such goods shall be desirous of re-warehousing the same, in which case the same shall be examined by the proper officer, and the duties due upon any deficiency or difference between the quantity ascertained on importation and the quantity found to exist on such examination, together with the necessary expenses attendant thereon, and any charges incurred in respect of the said goods, shall, subject to such allowances as are by law permitted in respect thereof, be paid to the Collector; and the quantity so found shall be re-warehoused in the name of the then owner in the same manner as on first importation; Provided that if the owner shall, with the concurrence of the warehouse-keeper, desire to re-warehouse the same according to the account taken at the importation thereof, without re-examination, such re-examination may be dispensed with, the officer being satisfied that the same are still in the warehouse, and that there is no reason to suspect that there is any undue deficiency; but the warehouse-keeper shall be liable to make good the duty on any deficiency not allowed by law which may be discovered in the goods at the time of delivery thereof, or any earlier time.

Re-  
warehousing.

**105.** If any warehoused goods shall not be duly entered for use within the Colony, or as aircraft's or ship's stores, or

Disposal of  
goods not re-  
warehoused.

exported or re-warehoused, and the duties ascertained to be due on the deficiencies as aforesaid and any charges and expenses shall not be paid at the expiration of two years from the previous entry and warehousing thereof or within such further period as shall be directed as aforesaid, the same shall, after one month's notice by advertisement in the *Gazette*, with all convenient speed be sold by public auction, and the proceeds thereof shall be applied to payment of the duties, expenses of the sale, and of any rent and charges due to the Government, then in discharge of any lien for freight and other charges, and the surplus, if any, shall be paid to the owner of such goods on his application for the same within two years from the time of sale, but otherwise shall be paid into the general revenue of the Colony; and if such goods, on being so offered for sale, cannot be sold for a sum to pay all duties, expenses, rent and charges due to the Government, then the same may be destroyed or otherwise disposed of as the Governor may direct; and the duties due upon any deficiency in any warehoused goods not allowed by law shall be forthwith paid by the warehouse-keeper.

Freight on  
goods ware-  
housed.

**106.** Any officer having the custody of any goods which shall have come into his hands under this Ordinance shall refuse delivery thereof from a King's warehouse or other place of deposit until proof be given to his satisfaction that the freight due on such goods has been paid; provided that this section shall not apply to goods which shall have been warehoused in pursuance of an entry for warehousing.

Warehoused  
goods  
entered or  
sold must be  
removed  
within 14  
days.

**107.** If any goods shall remain in any warehouse for a period of fourteen days after being entered for use within the Colony, or after being sold by public auction under the customs laws, they shall be forfeited and disposed of in such manner as the Governor may direct, unless the failure to remove the same shall be explained to the satisfaction of the Collector.

Delivery in  
special  
circum-  
stances.

**108.** The Collector may permit any goods to be taken out of any warehouse or customs area without payment of duty for such purpose and for such period as to him may appear expedient, and in such quantities, and under such regulations and restrictions, and with such security by bond for the due return thereof, or the payment of the duties due thereon, as he may direct or require; and if any such goods shall be dealt

with in any way contrary to the terms of such permission or to such regulations or restrictions, the same shall be forfeited.

109. The Collector may permit warehoused goods to be delivered as stores for a ship of not less than thirty tons burden, or an aircraft, in accordance with section 134; and if any goods taken from a warehouse for use as stores shall not be duly put on board the aircraft or ship for which the same are entered, or otherwise accounted for to the satisfaction of the Collector, or shall be dealt with in any way contrary to the customs laws, such goods shall be forfeited. Stores.

110. The duties to be paid when warehoused goods are entered for use within the Colony shall not be less in amount than would have been payable according to the value or quantity thereof at the time of importation except as to the following goods, namely, tobacco in leaf, oil in casks, wine in casks, malt liquor in casks, and spirits in casks, the duties whereon, when cleared from the warehouse for use within the Colony, shall be chargeable upon the quantity of such goods ascertained by weight, measure or strength at the time of actual delivery thereof, unless there is reasonable ground to suppose that any portion of any deficiency has been caused by illegal abstraction. Duty to be paid according to original account.

111. Subject to the observance by the exporter of all the provisions of the customs laws and of the conditions of any bond, no import duty shall be charged in respect of any goods entered under bond for the due exportation and landing thereof in a place outside the Colony, or for use as aircraft's or ship's stores in accordance with section 134, and delivered from any warehouse or customs area, unless the Collector has reasonable grounds to suppose that any deficiency in any such goods, or any part thereof, has arisen from illegal abstraction, in which case duty shall be paid on such deficiency by the owner of such goods. Goods entered for exportation exempt from import duty.

#### LOADING AND EXPORTATION OF GOODS.

112. The master of every ship, in which any goods are to be exported, or his agent, shall, before any such goods be taken on board, deliver to the proper officer at the port at which such ship shall have first arrived an entry outwards Entry outwards.

of such ship, verified by his signature, in the prescribed form, and containing the several particulars indicated in or required thereby, and in such entry outwards the master or his agent shall declare that no imported goods are left on board such ship other than such goods and stores as shall be specified in the entry outwards.

Rummage  
certificate  
may be  
granted  
before com-  
pletion of  
discharge.

**113.** The master of every ship shall if required obtain from the proper officer a certificate of rummage in the prescribed form. If he desires to obtain such certificate before the whole of the inward cargo of the ship has been discharged, he shall remove and stow the inward cargo remaining on board such ship in such manner as such officer shall direct in order to enable him to rummage the ship, and after the ship has been rummaged, shall stow the inward cargo remaining on board separately and keep it separate to the satisfaction of the proper officer from any coastwise or any outward cargo that may subsequently be put into such ship.

Loading  
licence.

**114.** Before any aircraft or ship required to report at any port in the Colony shall depart therefrom to load cargo at another port or place in the Colony, the master or his agent shall, in respect of each port or place at which he desires to load cargo, obtain from the proper officer a loading licence in duplicate in the prescribed form, and containing the prescribed particulars, and signed by such officer, and, before leaving the port at which such licence is issued, shall enter on both copies of the licence particulars of the cargo and of any stores loaded or remaining on board from the inward voyage at such port.

Procedure  
after loading  
under load-  
ing licence.

**115.** After the loading of any goods under the authority of a loading licence shall have been completed, the master shall proceed with such aircraft or ship forthwith to an approved port, where all the provisions of the customs laws shall be complied with, as nearly as may be, as if such goods had been loaded at such port, unless the proper officer shall otherwise direct.

Completion  
and delivery  
of licence  
after loading.

**116.** When loading has been completed at any port or place for which a loading licence has been issued, before the aircraft or ship departs from such port or place, the master or his agent shall enter on both copies of the licence particulars

of the cargo loaded and of any stores taken on board at such port or place, showing the number of packages loaded and the quantity and description of the goods, and shall sign the same and deliver one copy to the proper officer at the port of loading before leaving the port, or, if the goods have been loaded at a place other than a port, then at such place and to such person as shall be named in the licence; and the master or his agent shall deliver the remaining copy of the licence together with the content required to be delivered to the proper officer in accordance with section 137.

117. If any goods shall be taken on board any aircraft or ship at any port or place contrary to the provisions of sections 112 to 116, or if any of the requirements of the said sections shall not be observed, the master of such aircraft or ship or his agent shall incur a penalty of one hundred pounds.

Penalty for breach of sections 112 to 116.

118. Nothing contained in sections 112 to 116 shall be deemed to authorise the loading of goods except from an approved place of loading, unless specially allowed by the Collector under section 123.

Limitation of authority granted as aforesaid.

119. The Governor may by notice to the Collector in writing under his hand direct that any or all of the provisions of sections 112 to 117 shall not apply to aircraft, either generally, or in any particular case, during any period specified in the notice.

Non-application to aircraft.

120. On arrival at any port or place in the Colony of any ship, about to deliver cargo at more than one port or place in the Colony, or having on board any goods duly reported for exportation in the same ship, it shall be lawful, subject to any regulations made under this Ordinance, or to such conditions as the Collector may deem necessary, to allow the entry outwards of such ship, and to permit the loading of goods for exportation in such ship or for carriage coastwise as provided in section 147, before the whole of the goods imported in such ship shall have been discharged therefrom, the complete separation of such goods from the inward cargo and from any cargo remaining on board for exportation being effected to the satisfaction of the proper officer.

Restrictions as to carriage coastwise.



Restriction  
on exportation of certain goods.

**121.** (1) No person shall export or attempt to export any warehoused goods, or goods liable to duties of customs transferred from an importing aircraft or ship, or goods entitled to drawback on exportation (not being wines, spirits, tobacco, cigars, cigarillos or cigarettes), nor shall enter or attempt to enter any such goods for exportation in any ship of less burden than five tons.

Penalty:

(2) Any person who shall export or enter or attempt to export or enter, any goods contrary to this section or place any goods on board a ship of less size than is thereby permitted for exportation shall incur a penalty of fifty pounds, and such goods shall be forfeited.

General provisions as to loading and exportation of goods

**122.** Except as provided in section 123, no goods shall be put on board any aircraft or ship for exportation or use as stores, or be put into any vessel to be water-borne, or be water-borne to be put on board any aircraft or ship for exportation or use as stores from any port or place in the Colony without the authority of the proper officer, nor before any due entry outwards of the exporting aircraft or ship, if the same is by law required to be entered outwards, nor before such goods are duly entered, and no goods having been put into any vessel to be water-borne to any aircraft or ship for exportation or use as stores, shall be put on board the exporting aircraft or ship outside the limits of any port; and it shall be lawful for any officer to open and examine all goods put on board any aircraft or ship or brought to any place in the Colony to be put on board an aircraft or ship for exportation or for use as stores.

Collector may relax conditions of shipment.

**123.** Notwithstanding the provisions of section 122, it shall be lawful for the Collector to permit any goods to be put on board any aircraft or ship under such conditions as he may either generally or in any particular case direct, and in like manner the Collector may direct what goods need not be entered by the exporter until after the departure of any aircraft or ship, but any such goods must be entered within twenty-four hours of such departure, unless the Collector shall otherwise allow; provided that where any goods are permitted to be entered after being put on board, the Collector may in such case require the agent of the master or owner of the aircraft or ship to give security for the payment of any export duties of customs on any goods liable thereto

under such conditions, and subject to such charges to be paid to the agent by the exporter of any such goods, as the Governor in Council may prescribe.

124. Any goods which have been put into any vessel to be water-borne to any aircraft or ship for exportation or use as stores shall be taken directly and without delay to the aircraft or ship in which the same are to be exported or used as stores, and put on board forthwith.

Vessels loading goods into ship to proceed direct.

125. No goods having been put on board any aircraft or ship in accordance with section 136, or for exportation, or as stores, shall be discharged in any part of the Colony without the written permission of the proper officer, and except in accordance with such conditions as the Collector shall impose.

Permission required to discharge goods loaded.

126. If any person shall put or attempt to put any goods on board any aircraft or ship, or discharge or attempt to discharge, or deal with any goods in any way contrary to the provisions of sections 122 to 125 such goods shall be forfeited.

Forfeiture on breach of sections 122 to 125.

127. If any officer shall place any lock, mark or seal upon any goods or stores taken on board any aircraft or ship in the Colony, and such lock, mark or seal be wilfully opened, altered or broken, or if such goods or stores be secretly conveyed away either while such aircraft or ship remains in the Colony, or on her passage from one port or place in the Colony to another before the final departure of such aircraft or ship on a flight or voyage to a place outside the Colony, the master shall incur a penalty of one hundred pounds, and such goods or stores shall be forfeited.

Penalty for interfering with goods secured by Officer.

128. If any person shall put on board any aircraft or ship, or put off or put into any vessel to be water-borne to any aircraft or ship for exportation or use as stores, or bring to any aerodrome, customs area, quay, wharf or any place whatever in the Colony for exportation or use as stores, or export any goods prohibited to be exported, or any goods the exportation of which is restricted contrary to such restriction, or attempt to perform or be knowingly concerned in the performance of any of the aforesaid acts, he shall (except as otherwise provided in section 121 (2)) incur a

Penalty for attempting to ship prohibited goods.

penalty of five hundred pounds, or treble the value of such goods, at the election of the Collector; and all such goods shall be forfeited.

Bond to be given in certain cases.

**129.** Before any warehoused goods, or goods entitled to any drawback on being put on board an aircraft or ship for use as stores or for exportation, or goods exportable only under particular rules, regulations or restrictions, or goods liable to duties of customs intended for transfer from an importing to an exporting aircraft or ship shall be permitted to be entered for use as stores, or for exportation or for transfer as aforesaid, the exporter shall give such security by bond as the Collector may require that such goods shall be duly put on board the aircraft or ship for which the same are entered and shall be used as stores (if so entered) or else exported to and discharged at the place for which they are entered within such time as the Collector may deem reasonable, or be otherwise accounted for to his satisfaction.

Offences relating to goods for which bond is required.

**130.** If any goods for which bond is required under section 129, or any goods liable to export duties of customs be put on board any aircraft or ship, or brought to any aerodrome, customs area, quay, wharf or other place to be put on board an aircraft or ship and shall on examination by the proper officer be found not to agree with the entered particulars thereof, or being goods on which drawback shall be claimed or allowed shall be found to be goods not entitled to drawback, all such goods shall be forfeited; and the exporter of such goods shall in every case incur a penalty of one hundred pounds, or treble the amount of the value of such goods, at the election of the Collector.

Penalty for not exporting.

**131.** If any goods for which bond is required under section 129, after being entered and put on board an aircraft or ship, shall be used otherwise than as stores (if so entered) or shall not be duly exported to and discharged at the declared destination (such goods not having been discharged in the Colony with the permission of the proper officer as provided in section 125) or otherwise accounted for to the satisfaction of the Collector the same shall be forfeited; and the master of the aircraft or ship in which such goods shall have been put shall incur a penalty of one hundred pounds, or treble the value of such goods, at the election of the Collector.

**132.** If any person who shall have entered any goods for which bond is required under section 129 shall fail, in case such goods or any of them shall not be duly put on board the aircraft or ship for which the same shall have been entered, to attend the proper officer within twenty-four hours of the time of clearance of the aircraft or ship, or such further period as the Collector may allow, and notify such officer of the short loading of such goods, and re-warehouse or re-enter for exportation or use as stores in some other aircraft or ship within such period of twenty-four hours any such goods which shall have been removed from a warehouse for exportation or use as stores, any such goods entered as aforesaid shall be forfeited.

Short loading.

**133.** If any exporter who shall have entered any goods, not being goods for which bond is required, for exportation in any aircraft or ship shall fail, in case such goods or any of them shall not be duly put on board the aircraft or ship for which the same are entered, to attend the proper officer within twenty-four hours after the departure of such aircraft or ship, or such period as the Collector may allow, and notify such officer of the short loading of such goods, he shall incur a penalty of five pounds.

Exporter to notify short loading of non-bonded goods.

**134.** Notwithstanding anything to the contrary contained in the customs laws, and subject to any regulations made under this Ordinance, the Collector may, upon due request being made, permit the master of any aircraft or ship departing from any port in the Colony upon a flight or voyage to any place outside the Colony to take on board stores (not being goods prohibited to be exported) for the use of such aircraft or ship, and of the master, crew and passengers, upon payment of any export duty leviable on the like kind of goods exported, and upon such other terms and conditions as the Collector may direct, and in such quantities as the Collector in his discretion shall deem reasonable; and every such request shall be made on the prescribed form and contain the particulars required thereby or indicated therein, and shall be signed by the master or his agent; and no stores shall be put on board for the use of any aircraft or ship, nor shall any articles taken on board any aircraft or ship be deemed to be stores, except such as shall be or have been put on board such aircraft or ship in accordance with the provisions hereof.

Collector may allow shipment of stores.

Drawback  
and trans-  
shipment of  
goods.

**135.** The provisions of the customs laws with reference to the exportation of warehoused goods, so far as they are applicable, shall be deemed to apply to and include goods liable to duties of customs transferred from an importing to an exporting aircraft or ship, and goods exported on drawback.

Loading of  
goods other  
than cargo  
or stores.

**136.** Notwithstanding any contrary provisions of the customs laws, and subject to any regulations made under this Ordinance, it shall be lawful for the Collector to permit the loading of passengers' baggage, and also to permit any person to take on board any aircraft or ship any goods for sale or delivery to the passengers, officers, or crew of such aircraft or ship, or for such other purpose as the Collector shall allow, under such conditions as he may either generally or in any particular case direct; but if any goods, not being part of the cargo or authorised stores of any aircraft or ship, shall be taken on board any aircraft or ship which is about to proceed to any place outside the Colony, or which has any goods remaining on board thereof from a voyage from a place outside the Colony, or if any attempt shall be made to put any such goods on board any such aircraft or ship without the permission of or contrary to any conditions directed as aforesaid by the Collector, or otherwise contrary to the customs laws, the same shall be forfeited.

#### DEPARTURE AND CLEARANCE OF AIRCRAFT AND SHIPS.

Clearance of  
aircraft or  
ships.

**137.** The master of every aircraft or ship shall immediately before leaving the Colony on any flight or voyage to any place outside the Colony attend before the proper officer, and shall answer all such questions as shall be demanded of him by such officer concerning the aircraft or ship, the cargo, the stores, the baggage, the officers, crew and passengers and the flight or voyage, and shall deliver to and sign in the presence of the proper officer an account of all cargo and stores on board such ship within the Colony, as well as of any cargo and stores which shall have been brought to the Colony in such ship and shall have remained on board for exportation or for use as stores; and such account shall be in the prescribed form and shall contain the names of all passengers, and of the master, officers and crew of such ship, and, when signed by the proper officer, shall be the clearance and authority for the departure of such ship from the Colony.

138. If any such aircraft or ship shall depart from the Colony to any place outside the Colony without the delivery of such content in accordance with section 137, or if any ship as aforesaid shall so depart without authority having been granted under section 137, the master of such aircraft or ship shall incur a penalty of five hundred pounds, and if any of the particulars contained in any such content or account as aforesaid be false, or if any of the required particulars be omitted therefrom and such omission be not explained to the satisfaction of the Collector, the master or agent shall incur a penalty of one hundred pounds.

Penalty for  
not clearing.

139. If any ship shall depart in ballast from the Colony to any place outside the Colony, not having any goods on board except stores duly shipped as such, nor any goods reported inwards for exportation in such ship, the Collector shall, on the application of the master or his agent, clear such ship in ballast; and the master of such ship or his agent shall comply with the customs laws as if such ship had cargo on board except that the words "in ballast" shall be written on the prescribed forms in the places which are provided for particulars of cargo.

Clearance in  
ballast.

140. For the purposes of section 139, ships having only passengers with their *bona-fide* luggage on board, in addition to stores as aforesaid, shall be deemed to be in ballast.

Ships with  
passengers  
and baggage  
deemed in  
ballast.

141. Any officer may go on board any aircraft or ship within the Colony or the waters thereof, and demand the clearance of such ship, and if the master shall not produce the same, or if the master of any aircraft or ship whatsoever which may be boarded as aforesaid by an officer shall not answer or shall not truly answer such questions concerning the aircraft or ship, the cargo, stores, baggage, officers, crew, passengers and intended flight or voyage as may be demanded of him, he shall incur a penalty of one hundred pounds.

Clearance,  
etc., to be  
produced to  
officer on  
demand.

142. If there be any goods or stores on board any aircraft or ship which may have been boarded by an officer within the Colony or the waters thereof not contained in the content or account required to be signed as the clearance of such aircraft or ship (if any) such goods or stores shall be forfeited, and the master shall incur a penalty of one hundred pounds, or of treble the value of such goods, at the election of the Collector.

Goods not  
contained in  
account  
forfeited.

Penalty for failure to produce goods.

**143.** If any officer having boarded any aircraft or ship within the Colony or the waters thereof after clearance, shall discover that any goods which were loaded within the Colony on board thereof as stores or for exportation or which at the time of clearance remained on board from the inward voyage, be no longer on board such aircraft or ship (unless the same shall have been discharged in the Colony, with the permission of the proper officer, as provided in section 125 or, being stores remaining on board from the inward voyage, shall in the opinion of the proper officer not exceed the quantity which might fairly have been consumed, having regard to the period which such aircraft or ship shall have been within the Colony or the waters thereof), the master shall incur a penalty of twenty pounds for every package or parcel of such goods not on board, or a penalty of treble the value of such goods, at the election of the Collector.

Deficiency in stores, etc.

**144.** If any aircraft or ship, having departed from the Colony on a flight or voyage to a place outside the Colony and having returned within the Colony or the waters thereof, is boarded by an officer, and if such officer shall discover any deficiency in the stores of such aircraft or ship which in his opinion shall be in excess of the quantity which might fairly have been consumed, having regard to the period which has elapsed between the departure of such aircraft or ship and the discovery of the deficiency, the master shall pay the duties on such deficiency at the rate chargeable on similar goods imported, and in addition shall incur a penalty of twenty pounds.

Officers to be set down by departing aircraft or ship, etc.

**145.** If any aircraft or ship departing from the Colony shall not bring to at the proper boarding station for setting down officers, or for any other purpose required by the customs laws, or shall depart on a flight or voyage with any officer on board without the assent of such officer, the master shall incur a penalty of one hundred pounds.

#### COASTING TRADE.

Definition.

**146.** Except as provided in section 147, all trade by sea or by air from any one part of the Colony to any other part thereof shall be deemed to be coasting trade, and all aircraft and ships while employed therein shall be deemed to be coasting aircraft and coasting ships, and if any doubt shall

at any time arise as to what, or to or from what parts of the Colony shall be deemed a passage by sea, the Governor may determine and direct in what cases the trade by water from one port or place in the Colony to another of the same shall or shall not be deemed a trade by sea within the meaning of the customs laws.

**147.** Notwithstanding any provisions in the customs laws to the contrary, it shall be lawful for the proper officer, on the arrival from a place outside the Colony of any aircraft or ship having on board cargo intended to be delivered at more than one port or place in the Colony, to permit such aircraft or ship to convey goods from any port at which such aircraft or ship shall partially discharge her cargo to any other port or place in the Colony for delivery there, upon the complete separation of such goods from the inward cargo still on board being effected to the satisfaction of the proper officer, but such conveyance of goods from one port or place to another shall not constitute the aircraft or ship a coasting aircraft or coasting ship within the meaning of the customs laws. The loading, unloading and conveyance of goods under this section shall be subject to any regulations made under this Ordinance and to such conditions as the Collector may impose, and if any goods shall be loaded, unloaded, conveyed or dealt with contrary to such regulations or conditions, the goods shall be forfeited, and the master of the aircraft or ship shall incur a penalty of twenty pounds.

Exception in regard to aircraft and ships with cargo for several places in the Colony.

**148.** No ship shall trade coastwise within the Colony unless she is provided with a licence in the prescribed form to be issued by the Collector, which licence shall expire on the thirty-first day of December in each year. Every ship trading contrary to this section shall be forfeited, and the master of the ship shall incur a penalty of one hundred pounds.

Licence for coasting ship.

**149.** No goods shall be carried in any coasting aircraft or ship except such as shall be loaded to be carried coastwise at some port or place in the Colony.

Coasting aircraft or ship to take only coastwise cargo.

**150.** If any coasting aircraft or ship shall deviate from its flight or voyage, unless forced by unavoidable circumstances, whereof the proof shall lie on the master of such aircraft or ship, or if the master of any coasting aircraft or ship which

Offences.



shall have deviated from its flight or voyage, or shall have taken on board any wrecked or other goods, or discharged any goods in the course of a flight or voyage from one part of the Colony to another, shall not enter an account of the circumstances and of any goods so taken on board or discharged in the cargo book hereinafter referred to, and proceed forthwith direct to the nearest port in the Colony, and declare and explain the same to the satisfaction of the proper officer, and deliver all goods so taken on board into his care, such master shall incur a penalty of one hundred pounds, and the aircraft or ship may be seized by any officer and detained until such penalty is paid.

Special conditions as to certain goods.

**151.** Tobacco, cigars, cigarillos, cigarettes, wines and spirits shall not be put on board any aircraft or ship for carriage coastwise except at an approved place of loading or sufferance wharf and in the presence or with the authority of an officer, and if any such goods shall be put on board contrary hereto, or if any attempt is made so to put them, such goods shall be forfeited.

Coastwise cargo not to be put on board on Sunday, etc.

**152.** If any goods shall be discharged from any aircraft or ship arriving coastwise, or from any vessel into which the same shall have been put to be landed, or be put on board or be put into any vessel to be water-borne, or be water-borne to be put on board any aircraft or ship for carriage coastwise on Sundays or public holidays, or except between half-past seven in the morning and half-past four in the afternoon on any other day, save with the written permission of the Collector, the same shall be forfeited, and the master of the aircraft, ship or vessel shall incur a penalty of fifty pounds, and the aircraft, ship or vessel may be seized by any officer and detained until such penalty is paid.

Prohibited goods.

**153.** If any person shall put on board any coasting aircraft or ship, or put off, or put into any vessel to be put on board any coasting aircraft or ship, or bring to any aerodrome, customs area, quay, wharf or any place whatever in the Colony for carriage coastwise or carry coastwise any goods prohibited to be carried coastwise, or any goods the carriage of which is restricted contrary to such restriction, or attempt to perform, or be knowingly concerned in the performance of any of the aforesaid acts, he shall incur a penalty of two hundred pounds, and all such goods shall be forfeited.

**154.** The master of every coasting aircraft or ship shall keep, or cause to be kept, a cargo book, stating the name of the aircraft or ship, the master, and the port to which the aircraft or ship belongs, and of the port or place to which it is bound on each flight or voyage, and, unless the Collector otherwise directs, shall at every port or place of loading, enter into such book the name of such port or place, and an account of all goods there taken on board such aircraft or ship, stating the descriptions of the packages, and the quantities and descriptions of any goods stowed loose, and the names of the respective consignors and consignees, and shall at every port or place of discharge of such goods note the respective days on which the same, or any of them, are delivered out of such aircraft or ship, and the respective times of departure from every port or place of loading and of arrival at every port or place of discharge.

Master to keep cargo book.

**155.** The master of every coasting aircraft or ship shall, on demand, produce the cargo book for the inspection of any officer, who shall be at liberty to make any note or remark therein; and if upon examination any package entered in the cargo book as containing imported goods shall be found not to contain such goods, such package with its contents shall be forfeited; or if any package shall be found to contain imported goods not entered in such book, such goods shall be forfeited.

Master to produce cargo book on demand.

**156.** If such master shall fail correctly to keep or cause to be correctly kept such cargo book, or to produce the same, or if at any time there be found on board such aircraft or ship any goods not entered in such book as loaded, or any goods noted as delivered, or if any goods entered as loaded and not noted as delivered be not on board, the master of such aircraft or ship shall incur a penalty of twenty pounds and the aircraft or ship may be seized by any officer and detained until such penalty is paid.

Penalty for failure to keep cargo book correctly.

**157.** Notwithstanding any other provisions contained in this Ordinance, it shall be lawful for the Governor, by notice in the *Gazette*, to require the masters or agents of all or any coasting aircraft or ship or ships to deliver to the Collector, prior to the departure from any port or place of such aircraft or ship or ships, an account of all cargo and stores taken on board, in such manner as may be specified in the said notice; and if any coasting aircraft or ship shall depart contrary to

Governor may impose special conditions.

the provisions of any such notice the master and owner shall each incur a penalty of fifty pounds.

Form of  
cargo book.

**158.** The cargo book shall be in the prescribed form, and shall contain such particulars in addition to, or in lieu of the particulars required by sections 154 to 157 as the form prescribed as aforesaid shall indicate or require; and if such cargo book is not in the form prescribed as aforesaid, the master of the aircraft or ship shall incur a penalty of ten pounds, and the aircraft or ship may be seized by any officer and detained until such penalty is paid.

Master to  
deliver cargo  
book to  
officer before  
departure.

**159.** (1) Before any coasting aircraft or ship shall depart from her port or place of loading, her cargo book containing the several particulars required by this Ordinance, and signed by the master shall be delivered to the proper officer, who shall return it dated and signed by him, and such cargo book shall be the clearance of the aircraft or ship for the voyage; and if the master shall fail to deliver such cargo book he shall incur a penalty of twenty pounds, and the aircraft or ship may be seized by any officer and detained until such penalty is paid.

Procedure  
where no  
officer is  
stationed.

(2) Any coasting aircraft or ship taking cargo on board at a place where no officer is stationed to be carried coastwise may depart from such place without delivering such cargo book, on condition that the master of the aircraft or ship shall produce the cargo book to the proper officer at the first place where an officer is stationed at which such aircraft or ship arrives after loading, and the officer shall thereupon sign such book, if satisfied as to its correctness.

Master to  
deliver cargo  
book on  
arrival.

**160.** Immediately after the arrival of any coasting aircraft or ship at her port or place of discharge and before any goods be unloaded, the cargo book with the name of the place or wharf where the cargo is to be discharged noted thereon shall be delivered to the proper officer, who shall note thereon the date of delivery; provided that a coasting aircraft or ship having cargo duly loaded to be carried coastwise may discharge at a place where no officer is stationed without delivering the cargo book as herein required, on condition that the cargo book, containing an account of the cargo so discharged is produced to the proper officer at the first place where an officer is stationed at which the aircraft or ship arrives after discharging; and if any goods are unloaded or if

any goods are loaded on board any aircraft or ship and carried coastwise, or be brought to any port or place in the Colony for that purpose, contrary to the customs laws, such goods shall be forfeited.

**161.** Any officer may go on board any coasting aircraft or ship in any port or place in the Colony or on any coasting ship at any period of her voyage, and search such aircraft or ship and examine all goods on board, and all goods then being loaded or unloaded, and demand all books or documents which ought to be on board such aircraft or ship, and may require all or any such books or documents to be brought to him for inspection, and the master shall answer all such questions concerning the aircraft or ship and its cargo, officers, crew, passengers and the flight or voyage as may be put to him by such officer; and if the master shall refuse to produce such books and documents on demand, or to bring the same to such officer when required, he shall incur a penalty of twenty pounds, and the aircraft or ship may be seized by any officer and detained until such penalty is paid.

Cargo book, etc., to be delivered to officer on demand.

**162.** Notwithstanding anything hereinbefore contained, the Collector may permit the loading and clearance and the entry and unloading of any coasting aircraft or ship and goods under such conditions as he may direct.

Collector may vary procedure.

**163.** It shall be lawful for the Collector, subject to such conditions as he may require to be observed, to permit the master of any aircraft or ship bringing any goods coastwise to an approved port to enter such aircraft or ship and goods or any of them outwards for exportation without first discharging the same.

Coasting aircraft or ship may be entered outward in certain cases.

**164.** The carriage of passengers, officers and crew coastwise, whether in a coasting aircraft or ship or not, shall be subject to any regulations made under this Ordinance.

Coastwise passengers, etc.

#### PREVENTION OF SMUGGLING

**165.** If any aircraft or ship shall be found or discovered to have been within the waters of the Colony, or within or over the Colony, which has any secret or disguised place adapted for concealing goods, or any device adapted for running goods, or which has on board or in any manner attached thereto,

Penalty on persons found on board smuggling ships.

or which has had on board or in any manner attached thereto, or which is conveying or has conveyed in any manner any goods imported contrary to the customs laws, or from which any part of the contents of such aircraft or ship shall have been thrown overboard to prevent seizure, or on board which any goods shall have been staved or destroyed to prevent seizure, then in every such case every person who shall be found or discovered to have been on board any such aircraft or ship shall incur a penalty of one hundred pounds, and all such goods shall be forfeited; provided that no person shall be liable to conviction under this section unless there shall be reasonable cause to believe that such person was concerned in or privy to the illegal act or thing proved to have been committed.

Smuggling  
ships under  
250 tons for-  
feited.

**166.** Every ship of less than 250 tons burden on board which, or in respect of which, any offence against section 165 shall be committed shall be forfeited.

Penalty on  
smuggling  
aircraft and  
ships of 250  
tons or more.

**167.** (1) With regard to aircraft or any ship of or exceeding two hundred and fifty tons burden, on board or in respect of which any offence against section 165 shall be committed, such aircraft or ship shall not be forfeited for such offence, but the following provisions shall apply:

- (a) The Collector shall have power, subject to appeal to the Governor, to fine any such aircraft or ship in any sum not exceeding fifty pounds, in any case where in his opinion a responsible officer (as hereinafter defined) of such aircraft or ship is implicated either actually or by neglect;
- (b) For the purpose of enforcing such fine, the Collector shall have power to require the deposit in his hands, at the port where such aircraft or ship shall be, of such sum, not exceeding fifty pounds, as he may think right, pending the ultimate decision, and in default of payment of such deposit the Collector shall have power to withhold clearance and to detain the said aircraft or ship;
- (c) If in any case the Collector shall consider that the fine of fifty pounds aforesaid will not be an adequate penalty against any such aircraft or ship for the offence committed thereon, it shall be lawful for him

to take proceedings for condemnation of the said aircraft or ship in a penalty not exceeding five hundred pounds at the discretion of the Court. And for this purpose the Collector may, as to any aircraft or ship referred to in this section, require the deposit in his hands as aforesaid of a sum not exceeding five hundred pounds, to abide the decision of the Court, and in default of payment of such deposit the Collector may withhold clearance and detain such aircraft or ship;

- (d) No claim shall be made against the Collector for damages in respect of the payment of any deposit, or for the detention of any aircraft or ship under this section.

(2) The expression "responsible officer" in this section shall include the master, mates and engineers of any ship, and in the case of a ship carrying a passenger certificate, the purser or chief steward, and where the ship is manned by Asiatic seamen, the serang or other leading Asiatic officer, and, in the case of an aircraft, the pilot, navigator, chief steward or chief engineer. The expression "neglect" in this section shall include cases where goods unowned by any of the crew are discovered in a place or places in which they could not reasonably have been put or remained if the responsible officer or officers having supervision of such place or places had exercised proper care at the time of loading of the aircraft or ship or subsequently.

**168.** If any ship within the waters of the Colony, shall not bring to upon the proper signal made by any vessel or boat in His Majesty's service or in the service of the customs, whereupon chase shall be given, and any person on board such ship shall during chase, or before such ship shall bring to, or upon bringing to, throw overboard any part of her contents, or shall stave or destroy any part thereof to prevent seizure, such ship shall be forfeited.

Ship forfeited for offence during chase.

**169.** If any aircraft or ship liable to seizure or examination under the customs laws shall not bring to when required so to do and remain for such period as the boarding officer shall require, the master of such aircraft or ship shall incur a penalty of one hundred pounds.

Penalty for not bringing to.

Offences by  
smugglers,  
etc., against  
officers.

**170.** (1) If any person shall maliciously shoot at any aircraft or ship in the service of the customs, or shall maliciously shoot at, maim or wound any officer in the execution of his office or duty, or with violence commit any of the offences mentioned in subsection (4) of this section, every person so offending, and every person aiding, abetting or assisting therein shall, upon conviction on an information laid against him in the Supreme Court, be adjudged guilty of felony, and shall be liable to imprisonment, with or without hard labour, for any term not exceeding fifteen years.

(2) If any person engaged, or who shall have been engaged, in the commission of any offence against the customs laws be armed with firearms or other offensive weapons, or, whether so armed or not, be disguised in any way, or being so armed or disguised shall be found with any goods liable to forfeiture under the customs laws, he shall, on conviction on an information laid against him in the Supreme Court, be liable to imprisonment, with or without hard labour, for any term not exceeding three years.

(3) If any person shall by any means procure or hire, or shall depute or authorize any other person to procure or hire any person to assist in any evasion of the customs laws, he shall on conviction be liable to imprisonment with or without hard labour for any term not exceeding twelve months.

(4) If any person shall stave, break, or destroy any goods to prevent seizure thereof by an officer or other person authorized to seize the same, or shall rescue, or stave, break or destroy to prevent the securing thereof any goods seized by an officer or other person authorised to seize the same, or rescue any person apprehended for any offence punishable by a pecuniary penalty or imprisonment under the customs laws, or prevent the apprehension of any such person, or obstruct any officer going, remaining or returning from on board an aircraft or ship within the Colony or the waters thereof, or in searching an aircraft or ship, or in searching a person liable to be searched under the customs laws, or in seizing any goods liable to forfeiture, or otherwise acting in the execution of his duty, or attempt or endeavour to commit, or aid, abet or assist in the commission of any of the offences mentioned in this subsection, he shall for each such offence incur a penalty of one hundred pounds.

(5) If any person, not being an officer, takes or

assumes the name, designation, appearance or character of an officer for the purpose of thereby obtaining admission into any aircraft or ship, house or other place, or of doing or procuring to be done any act which he would not be entitled to do or procure to be done of his own authority, or for any other unlawful purpose, he shall in addition to any other punishment to which he may be liable for the offence, be liable, on conviction, to be imprisoned, with or without hard labour, for any term not exceeding three months.

(6) In this section "violence" means any criminal force or harm to any person, or any criminal mischief to any property, or any threat or offer of such force, harm or mischief, or the carrying or use of deadly, dangerous or offensive weapons in such manner as that terror is likely to be caused to any person, or such conduct as is likely to cause in any person a reasonable apprehension of criminal force, harm or mischief to them or to their property.

**171.** (1) No person shall make or cause to be made, or aid, or assist in making any signal in or on board or from any aircraft or ship, or on or from any part of the Colony, for the purpose of giving notice to any person on board any smuggling aircraft or ship, whether any person so on board of such aircraft or ship be or be not within distance to notice any such signal; and if any person shall make or cause to be made, or aid or assist in making any such signal, he shall on conviction be liable to imprisonment, with or without hard labour, for any term not exceeding twelve months.

Penalty for  
signalling to  
smuggling  
aircraft or  
ship.

(2) If any person be charged with having made or caused to be made, or with aiding or assisting in making any such signal as aforesaid, the burden of proof that such signal so charged as having been made with intent and for the purpose of giving such notice as aforesaid was not made with such intent and for such purpose shall be upon the defendant against whom such charge is made.

(3) Any person whatsoever may prevent any signal being made as aforesaid, and may go upon any lands for that purpose, without being liable to any indictment, suit or action for the same.

(4) For the purposes of this section any ship to which a signal is made as aforesaid, and which changes its course, or, if at anchor, weighs anchor, or from which any signal is made, following any signal made from an aircraft or ship or



any part of the Colony as aforesaid, shall, for the purposes of this section be deemed to be a smuggling ship, unless the contrary be proved.

Penalty for interfering with customs gear.

**172.** Every person who shall cut away, cast adrift, remove, alter, deface, sink or destroy, or in any other way injure or conceal any aircraft, ship, buoy, anchor, chain, rope or mark in the charge of or used by any person for the prevention of smuggling, or in or for use of the service of the customs, shall incur a penalty of fifty pounds.

Inter-meddling with goods found floating.

**173.** If any person, not being an officer, shall intermeddle with or take up any spirits or any goods prohibited to be imported or exported, being in packages found floating upon or sunk into the sea, such spirits or goods prohibited to be imported or exported shall be forfeited, and every such person shall incur a penalty of twenty pounds.

Writs of assistance.

**174.** All writs of assistance issued from the Supreme Court (which is hereby authorized and required to grant such writs upon application by the Collector) shall continue in force during the reign for which they were granted and for six months afterwards; and any officer having such writ of assistance may, by day or by night, enter into and search any house, shop, cellar, warehouse, room or other place, and in case of resistance break open doors, chests, trunks, and other packages, and seize and bring away any uncustomed or prohibited goods, or any books or documents relating thereto, and put and secure the same in a King's warehouse.

Search warrant.

**175.** If any officer shall have reasonable cause to suspect that any uncustomed or prohibited goods, or any books or documents relating to uncustomed or prohibited goods, are harboured, kept or concealed in any house or other place in the Colony, and it shall be made to appear by information on oath before the magistrate or justice of the peace in the Colony, it shall be lawful for such magistrate or justice of the peace by special warrant under his hand to authorise such officer to enter and search such house or other place, by day or by night, and to seize and carry away any such uncustomed or prohibited goods, or any books or documents relating to uncustomed or prohibited goods, as may be found therein; and it shall be lawful for such officer, in case of resistance, to break open any door, and to force and remove any other

impediment or obstruction to such entry, search or seizure as aforesaid.

**176.** Any officer may upon reasonable suspicion stop and examine any carriage to ascertain whether any uncustomed or prohibited goods are contained therein; and, if none shall be found, the officer shall not on account of such stoppage and examination be liable to any prosecution or action at law; and any person driving or conducting such carriage refusing to stop or allow such examination when required by any officer shall incur a penalty of one hundred pounds.

Officer may stop carriage.

**177.** Any officer, when on duty, and having the authority of the Collector, may patrol upon and pass freely either on foot or otherwise along and over and enter any part of the Colony other than a dwelling-house or other building and any such officer so proceeding shall not be liable to any indictment, action or suit for so doing.

Officer may patrol freely, etc.

**178.** The officer in charge of any aircraft or ship employed for the prevention of smuggling may land or haul any such aircraft or ship upon any part of the Colony which shall be deemed most convenient for that purpose, and moor any such aircraft or ship on any part of the Colony, and continue such aircraft or ship so moored as aforesaid for such time as he shall deem necessary and proper; and such officer shall not be liable to any indictment, action or suit for so doing.

Officer may moor patrol craft.

#### GENERAL.

**179.** Save as otherwise provided in section 180 any person who shall be convicted of any offence against the customs laws for which no specific penalty is provided shall incur a penalty of fifty pounds.

General penalty.

**180.** Where any aircraft, ship, carriage or goods become liable to forfeiture under the customs laws, any person who shall be knowingly concerned in the act or omission which renders the same liable to forfeiture shall be guilty of an offence against this Ordinance, and shall incur the penalty provided by this Ordinance in respect of such offence, or, where no such penalty is provided, shall incur a penalty of one hundred pounds, or treble the value of any goods seized, at the election of the Collector; and any such person may be

Penalty in cases of forfeiture.

arrested and detained by any officer, and taken before a magistrate to be dealt with according to law; Provided that no person shall be arrested whilst actually on board any aircraft or ship in the service of a foreign state or country.

Penalty for  
false declara-  
tion, etc.

**181.** If any person shall in any matter relating to the customs, or under the control or management of the Collector, make and subscribe, or cause to be made and subscribed, any false declaration, or make or sign, or cause to be made or signed, any declaration, certificate or other instrument required to be verified by signature only, the same being false in any particular, or if any person shall make or sign any declaration made for the consideration of the Collector on any application presented to him, the same being untrue in any particular, or if any person required by the customs laws to answer questions put to him by an officer shall refuse to answer such questions, or if any person shall answer untruly any questions put to him by any officer acting in the execution of his duty, or if any person shall counterfeit, falsify or wilfully use when counterfeited or falsified any document required by the customs laws, or by or under the directions of the Collector, or any instrument used in the transaction of any business or matter relating to the customs, or shall alter any document or instrument after the same has been officially issued, or counterfeit the seal, signature, initials or other mark of or used by any officer for the verification of any such document or instrument, or for the security of goods, or any other purpose in the conduct of business relating to the customs or under the control or management of the Collector, or shall on any document or instrument required for the purpose of the customs laws counterfeit or imitate the seal, signature, initials or other mark of or made use of by any other person whatsoever, whether with or without the consent of such person, every person so offending shall incur a penalty of five hundred pounds.

Penalty for  
evading cus-  
toms laws  
regarding  
imported or  
exported  
goods.

**182.** Every person who shall import or bring or be concerned in importing or bringing into the Colony any prohibited goods, or any goods the importation of which is restricted, contrary to such prohibition or restriction, whether the same be unloaded or not, or shall unload, or assist or be otherwise concerned in unloading any goods which are prohibited, or any goods which are restricted and imported

contrary to such restriction, or shall knowingly permit or suffer or cause or procure to be harboured, kept or concealed, any prohibited, restricted or uncustomed goods, or shall knowingly acquire possession of or be in any way knowingly concerned in carrying, removing, depositing, concealing, or in any manner dealing with any goods with intent to defraud His Majesty of any duties due thereon, or to evade any prohibition or restriction of or applicable to such goods, or shall be in any way knowingly concerned in any fraudulent evasion or attempt at evasion of any import or export duties of customs, or of the laws and restrictions of the customs relating to the importation, unloading, warehousing, delivery, removal, loading and exportation of goods, shall for each such offence incur a penalty of one hundred pounds, or treble the value of the goods, at the election of the Collector; and all goods in respect of which any such offence shall be committed shall be forfeited.

**183.** If any person shall import or export, or cause to be imported or exported, or attempt to import or export any goods concealed in any way, or packed in any package or parcel (whether there be any other goods in such package or parcel or not) in a manner calculated to deceive the officers of customs, or any package containing goods not corresponding with the entry thereof, such package and the goods therein shall be forfeited, and such person shall incur a penalty of one hundred pounds, or treble the value of the goods contained in such package at the election of the Collector.

Penalty in relation to concealed goods, etc.

**184.** (1) Notwithstanding the provisions of section 183, if, upon the examination of any imported goods, which are chargeable with duty upon the value thereof, it appears to the Collector that the value of such goods as declared by the importer and according to which duty has been or is sought to be paid is not the true value thereof, it shall be lawful for the Collector to detain the same, in which case he shall give notice in writing to the importer of the detention of such goods, and of the value thereof as estimated by him, either by delivering such notice personally, or by transmitting the same by post to such importer, addressed to him at his place of abode or business, as stated in his entry.

Power of Collector to purchase goods in certain cases.

(2) The Collector shall, within fifteen days after the detention of such goods, determine, either that the goods are or may be correctly entered according to the value

declared by the importer and permit the same to be delivered, or to retain the same for the public use of the Colony, in which latter case he shall cause the value at which the goods were declared by the importer, together with an addition of ten per centum and the duties already paid, to be paid to the importer in full satisfaction for such goods; or he may permit such person, on his application for that purpose, to enter the goods according to such value and on such terms as he may direct.

(3) Such goods, if retained, shall be disposed of for the benefit of the Colony, and if the proceeds arising therefrom, in case of sale, exceed the sums so paid, and all charges incurred by the Colony, such surplus shall be disposed of as the Governor may direct.

Officer  
taking un-  
authorised  
fees, etc.

**185.** If any officer shall accept any fee, perquisite or reward, whether pecuniary or otherwise, directly or indirectly from any person on account of anything done or to be done by him, or omitted to be done by him, or in any way relating to his said office or employment, except such as he shall receive with the approval of the Governor or Collector, such officer so offending shall, on proof thereof to the satisfaction of the Governor, be dismissed from his office; and if any person shall give, offer or promise to give any such fee, perquisite or reward, such person shall for every such offence incur a penalty of one hundred pounds.

Collusive  
seizure,  
bribery, etc.

**186.** If any officer shall make any collusive seizure, or deliver up, or make any agreement to deliver up or not to seize any aircraft, ship, carriage or goods liable to forfeiture, or shall take any bribe, gratuity, recompense or reward for the neglect or non-performance of his duty, or conspire or connive with any person to commit an offence against the customs laws for the purpose of seizing any aircraft, ship, carriage or goods, and obtaining any reward for such seizure or otherwise, every such officer shall incur a penalty of five hundred pounds, and be rendered incapable of holding any office under the Government of the Colony, and every person who shall give or offer, or promise to give or procure to be given, any bribe, recompense or reward to, or shall make any collusive agreement with any such officer to induce him in any way to neglect his duty, or to do, conceal or connive at any act whereby any provisions of the customs laws may be evaded, shall incur a penalty of five hundred pounds.

**187.** If any person shall offer for sale any goods under pretence that the same are prohibited, or have been unloaded and removed without payment of duties, all such goods (although not liable to any duties, or prohibited) shall be forfeited.

Offering goods for sale under pretence that they are smuggled.

**188.** Subject to the provisions of section 167, all aircraft, ships and carriages, together with all animals and things made use of in the importation, attempted importation, landing, removal, conveyance, exportation or attempted exportation of any uncustomed, prohibited or restricted goods, or any goods liable to forfeiture under the customs laws shall be forfeited; and all aircraft, ships, carriages and goods together with all animals and things liable to forfeiture, and all persons liable to be detained for any offence under the customs laws or under any Ordinance whereby officers are authorized to make seizures or detentions, shall or may be seized or detained in any place either upon land or water, by any person duly employed for the prevention of smuggling, or by any person having authority from the Collector to seize or detain the same, and all aircraft, ships, carriages and goods, together with all animals and things so seized shall forthwith be delivered into the care of the Collector; and the forfeiture of any aircraft, ship, carriage, animal or thing shall be deemed to include the tackle, apparel and furniture thereof, and the forfeiture of any goods shall be deemed to include the package in which the same are found and all the contents thereof.

General provision as to forfeiture.

**189.** (1) Whenever any seizure shall be made, unless in the possession of or in the presence of the offender, master or owner, as forfeited under the customs laws, or under any Ordinance by which officers are empowered to make seizures, the seizing officer shall give notice in writing of such seizure and of the grounds thereof to the master or owner of the aircraft, ship, carriage, goods, animals or things seized, if known, either by delivering the same to him personally, or by letter addressed to him, and transmitted by post to, or delivered at, his usual place of abode or business, if known, and all seizures made under the customs laws or under any Ordinance by which officers are empowered to make seizures shall be deemed and taken to be condemned, and may be sold or otherwise disposed of in such manner as the Governor may direct, unless the person from whom such seizure shall

Procedure on seizure.

have been made, or the master or owner thereof, or some person authorised by him shall within one calendar month from the day of seizure give notice in writing to the Collector that he claims the same, whereupon proceedings shall be taken for the forfeiture and condemnation thereof; provided that if animals or perishable goods are seized, they may by direction of the Collector be sold forthwith by public auction, and the proceeds thereof retained to abide the result of any claim that may legally be made in respect thereof.

(2) Where proceedings are taken as aforesaid for forfeiture and condemnation, the Magistrate may order delivery of such aircraft, ship, carriage, goods, animals or things seized to the claimant, on security being given for the payment to the Collector of the value thereof in case of condemnation.

Disposal of  
seizure.

**190.** All seizures whatsoever which shall have been made and condemned under the customs laws, or any other Ordinance by which seizures are authorised to be made by officers, shall be disposed of in such manner as the Governor may direct.

Limit of  
penalty.

**191.** Where a penalty is prescribed for the commission of an offence under this Ordinance, such offence shall be punishable by a penalty not exceeding the penalty so prescribed; provided that where by reason of the commission of any offence the payment of any customs duty has or might have been evaded, the penalty imposed shall, unless the Court for special reasons thinks fit to order otherwise, and without prejudice to the power of the Court to impose a greater penalty, be not less than treble the amount of duty payable.

Governor  
may restore  
seizures, etc.

**192.** When any seizure shall have been made, or any fine or penalty incurred or inflicted, or any person committed to prison for any offence against the customs laws, the Governor may direct restoration of such seizure, whether condemnation shall have taken place or not, or waive or compound proceedings, or mitigate or remit such fine or penalty, or release such person from confinement, either before or after conviction, on any terms and conditions, as he shall deem fit.

Collector  
may mitigate  
penalty.

**193.** Subject to the approval of the Governor (which approval may be signified by general directions to the Collector), and notwithstanding anything contained in

section 191, the Collector may mitigate or remit any penalty, or restore anything seized under the customs laws, at any time prior to the commencement of proceedings in any Court against any person for an offence against the customs laws, or for the condemnation of any seizure.

**194.** The Collector may, with the approval of the Governor, reward any person who informs him of any offence against the customs laws or assists in the recovery of any fine or penalty. Rewards.

**195.** Every document submitted to the Collector or his officers for the purposes of the customs laws shall be in such form as may be prescribed, if any, and shall contain the particulars required by such form or indicated therein. Documents,  
form of.

**196.** (1) The importer, exporter or any person concerned in the importation or exportation of any goods shall, on the request of any officer made at any time within three years of the date of importation or exportation, as the case may be, or of the date of delivery to the proper officer of an entry for such goods, if the same have been entered, produce, for the inspection of such officer the invoices, books of account and any other documents of whatever nature relating to such goods which the officer shall require, and shall answer such questions and make and subscribe such declarations regarding the weight, measure, strength, value, cost, selling price, origin and destination of such goods, and the name of the place whence or where any imported goods were consigned or transferred from one aircraft or ship to another, as shall be put to him by the officer, and shall produce such evidence as the officer may consider necessary in support of any information so furnished; and if the importer or exporter or other person concerned as aforesaid shall neglect or refuse to carry out any of the provisions of this section, he shall incur a penalty of one hundred pounds, and the Collector may, on such neglect or refusal, refuse entry or delivery or prevent shipment of the goods, or may allow entry, delivery or shipment of the goods upon such terms and conditions, and upon deposit of such sum, pending the production of the proper documents and declarations, as he shall see fit to impose or require. Documents,  
production  
of.

(2) The deposit made in accordance with subsection



(1) of this section shall be forfeited unless within three months of the time of deposit or such further period as the Collector may allow the person making the deposit shall produce the required documents or declarations to the Collector.

Copies of  
documents  
to be  
submitted.

**197.** Where any person is required to submit any report, entry, declaration or other form for the purpose of the customs laws, the Collector may require such person to submit as many copies thereof as he may deem necessary; and where the Collector shall require invoices or certificates of origin, or both to be produced for any goods imported or exported, he may require such invoices or certificates of origin or both, to be submitted in duplicate, and may retain the duplicates, or, if such invoices or certificates of origin, or both, are not submitted in duplicate, he may retain the originals.

Translation.

**198.** Where any document required for the purposes of the customs laws contains any words not in the English language, the person required to produce such document shall produce therewith a correct translation thereof in English.

Samples.

**199.** Any officer may on the entry of any goods, or at any time afterwards, take samples of such goods for such purpose as the Collector may deem necessary, and such samples shall be disposed of and accounted for in such manner as the Collector may direct.

Goods to be  
handled by  
owner.

**200.** The unloading, loading and removal of goods and bringing them to the proper place for examination and weighing, putting them into scales, opening, unpacking, repacking, bulking, sorting, lotting, marking and numbering, where such operations respectively are necessary or permitted, and removing to and placing them in the proper place of deposit until delivered or put on board an exporting aircraft or ship, shall be performed by or at the expense of the owner of such goods; and the owner shall unpack, sort, pile or otherwise prepare any goods either before or after entry thereof in such manner as the proper officer shall require to enable him to examine or take account of the same.

Samples for  
owner.

**201.** The Collector may direct what goods may be skipped in a customs area or warehouse, or bulked, sorted, lotted, packed and repacked there, and the manner thereof, and direct

in what manner and subject to what conditions the owner of any goods may take samples thereof; Provided that no goods may in any such building or place be repacked into packages of a size in which the same are prohibited to be imported or exported, unless express provision therefor is made by law.

**202.** If any goods shall be lost or destroyed by unavoidable accident before the same have been delivered out of the care of any officer, either on board an aircraft or ship, or in removing, loading, unloading, or receiving into a customs area or warehouse, or in the customs area or warehouse, or in course of delivery therefrom, the Collector, if satisfied that such goods have not been and will not be consumed in the Colony, may remit or return the duties due or paid thereon, and any goods which may be abandoned by the owner thereof as not worth the duty while in the charge of any officer may be destroyed or otherwise disposed of as the Collector shall direct, at the cost and charges of such owner, and the Collector may thereupon remit or return the duties due or paid thereon.

Remission of  
duty on  
goods lost,  
etc.

**203.** Where it is proved to the satisfaction of the Collector that any goods after being duly put on board an aircraft or ship for exportation or use as stores have, either before or after exportation, been destroyed by accident on board such aircraft or ship, any drawback or allowance payable on the goods shall be payable in the same manner as if the goods had been actually exported or used as stores.

Drawbacks  
on goods  
lost.

**204.** Where it is proved to the satisfaction of the Collector that any goods after being duly put on board an aircraft or ship for exportation or use as stores have been materially damaged on board such aircraft or ship, any drawback or allowance payable in respect of the goods shall, if they are with the consent of the Collector discharged in the Colony and abandoned to the Government, be payable as if the goods had been actually exported or used as stores.

Drawback  
on goods  
abandoned.

**205.** The Collector may modify the form of declaration required under section 42 in such manner as he may think necessary for adapting it to the provisions of sections 203 and 204.

Modification  
of declara-  
tion.

Authority to be produced by person acting for another.

**206.** Whenever any person shall make application to any officer to transact any business on behalf of any other person, such officer may require the person so applying to produce a written authority from the person on whose behalf such application is made, and in default of the production of such authority may refuse to transact such business; and any document required by the customs laws to be signed by any particular person, if signed by any person authorised as aforesaid on behalf of the person required to sign the same, shall be deemed for all purposes to be signed by the person required to sign the same; provided that the Collector may in his discretion refuse to allow any such application as aforesaid.

Witnessing of signatures.

**207.** Where any document or declaration is required by the customs laws to be signed in the presence of the Collector, or any particular officer, if such document or declaration is signed in the presence of a witness whose signature is known to and who is approved by the Collector or the officer who receives the same, then in such case such document or declaration shall be as valid as if it had been signed in the presence of the Collector or the officer in whose presence it is required to be signed.

Master to attend before Collector if so required.

**208.** Where under the customs laws the master or agent of any aircraft or ship is required to answer questions put to him by the Collector or any officer, and such aircraft or ship shall be within the Colony or the waters thereof, and shall not have left her final position, anchorage or berth preparatory to leaving the Colony, it shall be lawful for the Collector or such officer to require the master to attend before him at the office of the Collector or such officer, and in such case the requirements of the customs laws shall not be deemed to have been fulfilled unless the master shall so attend when so required; Provided that it shall be lawful for the master, with the consent of the Collector or such officer, to depute a senior officer of such aircraft or ship to attend for the purpose of answering such questions, and in such case, any reply to any question put to such senior officer by the Collector or such officer as aforesaid shall for the purposes of section 181 be deemed to have been made by the person required to answer such questions.

Time of importation, etc., defined.

**209.** (1) If for any purpose of the customs laws it becomes necessary to determine the precise time at which an importa-

tion of any goods shall be deemed to have had effect, such time shall be deemed to be the time at which the aircraft or ship importing such goods actually landed in the Colony or came within the waters thereof.

(2) If any question arises upon the arrival of any aircraft or ship at any port or place in the Colony in respect of any charge or allowance for such aircraft or ship, exclusive of cargo, the time of such arrival shall be deemed to be the time at which such aircraft or ship shall first be boarded by any person in the employment of the Government at such port or place.

(3) The time of exportation of any goods shall be deemed to be the time when the same are put on board the exporting aircraft or ship, except in the case of goods prohibited to be exported, with reference to which the time of exportation shall be deemed to be the actual time at which the aircraft or ship departed from its final position, anchorage or berth within the Colony or the waters thereof.

**210.** All packages and coverings in which goods are imported or exported and which in the opinion of the Collector:

Special packages deemed separate articles.

- (a) are not the usual or proper packages or coverings for such goods, or
- (b) are designed for separate use, other than as packages or coverings for the same or similar goods, subsequent to importation or exportation, as the case may be,

shall for all purposes of the customs laws be deemed to be separate articles, except in cases where a contrary provision shall be made.

**211.** In addition to any other power of arrest or detention conferred by the customs laws, any officer may arrest and detain any person whom he finds committing an offence against the customs laws, and take him before a magistrate to be dealt with according to law.

Power of arrest.

**212.** If any person liable to arrest under the customs laws escapes from any officer attempting to arrest him, or if any officer is for any reason whatever unable or fails to arrest any such person, such person may afterwards be arrested

Arrest after escape.

and detained by any officer at any place in the Colony within seven years from the time such offence was committed, and dealt with as aforesaid, as if he had been arrested at the time of committing such offence.

#### LEGAL PROCEEDINGS.

Prosecutions  
for customs  
offences.

Chapter 3.

Proceedings  
to be taken  
within seven  
years.

Alternative  
prison  
sentence.

Imprison-  
ment for  
second  
offence.

Limitations  
as to  
pleading.

**213.** Subject to the express provisions of the customs laws, any offences under the customs laws may be prosecuted, and any penalty or forfeiture imposed by the customs laws may be sued for, prosecuted and recovered summarily, and all rents, charges, expenses and duties, and all other sums of money whatsoever payable under the customs laws may be recovered and enforced in a summary manner before a magistrate in the manner prescribed by the Administration of Justice Ordinance, or as near thereto as the circumstances of the case will permit, on the complaint of any officer.

**214.** Proceedings under the customs laws may be commenced at any time within seven years after the date of the offence.

**215.** Where any Court has imposed a penalty for any offence against the customs laws, and such penalty is not paid, the Court may order the defendant who is convicted of such offence, in default of payment of the penalty adjudged to be paid, to be imprisoned, with or without hard labour, for any term not exceeding six months, where the penalty does not exceed one hundred pounds, or twelve months where the penalty exceeds one hundred pounds.

**216.** Where a penalty of one hundred pounds or upwards has been incurred under the customs laws and the defendant has previously been convicted for an offence against the customs laws, or has previously incurred a pecuniary penalty or forfeiture under the customs laws which has been enforced in any Court, the Court may, if it thinks fit, in lieu of ordering payment of a pecuniary penalty order the defendant to be imprisoned with or without hard labour, for any period not exceeding one year.

**217.** The fact that any duties of customs have been secured by bond or otherwise shall not be pleaded or made

use of in answer to or in stay of any proceeding under the customs laws.

**218.** Every offence under the customs laws shall be deemed to have been committed and every cause of complaint to have arisen either in the place in which it actually was committed or arose, or in any place on land where the offender or person prosecuted may be or be brought.

Place of  
offence.

**219.** An officer may prosecute and conduct any information or other proceeding under the customs laws in respect of any offence or penalty.

Officer may  
prosecute.

**220.** In all proceedings under the customs laws the same rule as to costs shall be observed as in proceedings between private persons.

Costs.

**221.** (1) No claim or appearance shall be entered to any information filed or exhibited for the forfeiture of any animal, carriage, aircraft, ship or goods seized for any cause of forfeiture in any Court unless such claim or appearance be made by or in the real name of the owner thereof, describing his place of residence and occupation; and if such claimant shall reside in the Colony, oath shall be made by him before the Court before which such information shall be exhibited, that the said animal, carriage, aircraft, ship or goods were his property at the time of seizure; but if such person shall reside outside of the Colony, then oath shall be made by the attorney by whom such claim or appearance shall be entered that he has full authority from such claimant to make or enter the same, and that to the best of his knowledge and belief the same were at the time of seizure the *bona-fide* property of the claimant; and on failure of making such proof of ownership such animal, carriage, aircraft, ship or goods shall be condemned, as if no claim or appearance had been made; and if such animal, carriage, aircraft, ship or goods shall at the time of the seizure thereof be the *bona-fide* property of any number of owners exceeding five, it shall not be necessary for more than two of them to enter such claim or appearance on the part of themselves and their co-owners, or to make such oath as aforesaid; and if any such animal, carriage, aircraft, ship or goods shall at the time of seizure be the property of a company, such claim and appearance shall be entered and oath made by the secretary or a director of such company.

Claims to  
seized goods  
to be in name  
of owner.

Chapter 13.

(2) For the purpose of this section a company means a limited company registered in the Colony under the provisions of the Companies and Private Partnership Ordinance or a limited company registered in the United Kingdom but operating in the Colony.

Certificate of probable cause of seizure.

**222.** In case any information or suit shall be commenced or brought to trial on account of the seizure of any animal, carriage, aircraft, ship or goods, or pursuant to any act done by any officer in the execution or intended execution of his duty under the customs laws, and such information or suit be dismissed, and it shall appear to the Court before whom the same shall have been tried that there was probable cause for such seizure or act, the Judge or magistrate, as the case may be, shall certify on the record that there was such probable cause, and in such case the person who made such seizure or performed such act shall not be liable to any action, indictment or other suit or prosecution on account of such seizure or act; and a copy of such certificate, verified by the signature of the officer of the Court, shall at the request of the officer concerned be given to him, and the same shall for all purposes be sufficient evidence of such certificate; and in case any action, indictment or other suit or prosecution shall be commenced and brought to trial against any person on account of any seizure or act as aforesaid (whether any information be brought to trial in respect of the same or not, or having been brought to trial, the Judge or magistrate shall not have certified that there was a probable cause for such seizure or act), wherein a verdict shall be given against the defendant, if the Court shall be satisfied that there was a probable cause for such seizure or act, then the plaintiff shall recover any things seized or the value thereof without costs of suit, but no conviction shall be recorded against the defendant.

#### PROOFS IN PROCEEDINGS.

Onus of proof on defendant in certain cases.

**223.** (1) In any prosecution under the customs laws, the proof that the proper duties have been paid in respect of any goods, or that the same have been lawfully imported or exported, or lawfully put into or out of any aircraft or ship, or lawfully transferred from one aircraft or ship to another aircraft or ship shall lie on the defendant.

(2) The averment that the Collector has elected that any particular penalty should be sued for or recovered, or

that any goods thrown overboard, staved or destroyed were thrown overboard, staved or destroyed to prevent seizure, or that any person is an officer, or that any person was employed for the prevention of smuggling, or that the offence was committed, or that any act was done within the limits of any port, or in the waters of the Colony, or over the Colony, or, where the offence is committed in any port or place in the Colony, the naming of such port or place in any information or proceedings, shall be deemed sufficient unless the defendant in any such case shall prove the contrary.

**224.** If upon any trial a question shall arise whether any person is an officer, his own evidence thereof shall be deemed sufficient, and every such officer shall be deemed a competent witness upon the trial of any suit or information on account of any seizure or penalty, notwithstanding such officer may be entitled to any reward upon the conviction of the party charged in such suit or information.

Evidence of officers.

**225.** (1) In all cases where any penalty the amount of which is to be determined by the value of any goods is sued for under the customs laws, such value shall, as regards proceedings in any Court, be estimated and taken according to the rate and price for which goods of the like kind, but of the best quality, upon which the duties of importation shall have been paid, were sold at or about the time of the offence, or according to the rate and price for which the like kind of goods were sold in bond at or about the time of the offence, with the duties thereon added to such rate or price in bond;

Valuation of goods for penalty.

(2) A certificate under the hand of the Collector of the value of such goods shall be accepted by the Court as *prima facie* evidence of the value thereof.

**226.** In case any book or document required by the customs laws be required to be used as evidence in any Court as to the transactions to which it refers, copies thereof certified by an officer shall be admissible for that purpose, without production of the original; and certificates and copies of official documents purporting to be certified under the hand and seal or stamp of office of any of the principal officers of Customs and Excise in the United Kingdom, or of any Comptroller of colonial revenue in any British

Copies of documents valid.



possession, or of any British Consul or Vice-Consul in a foreign country, shall be received as *prima facie* evidence.

Proof of  
order of  
Governor,  
etc.

**227.** If upon the trial of any issue touching any seizure, penalty or forfeiture, or other proceedings under the customs laws or incident thereto, it may be necessary to give proof of any order issued by the Governor, Collector, or any person in the employment of the Government, the order, or any letter or instructions referring thereto, shall be admitted and taken as sufficient evidence of such order if any such document purports to be signed by any such functionary, or shall appear to have been officially printed or issued, unless the contrary be proved.

Certificate of  
condemna-  
tion.

**228.** Condemnation by any Court under the customs laws may be proved in any Court, or before any competent tribunal, by the production of a certificate of such condemnation purporting to be signed by the officer of such Court.

#### MISCELLANEOUS.

Effect of Air  
Navigation  
Orders in  
Council.

**229.** Where in any Order in Council made applicable to the Colony in accordance with the provisions of the Air Navigation Acts, 1920 and 1936, or any amending Act, or in any regulations made under any such Order in Council, any provision shall be made contrary to the customs laws, such provisions shall have effect to the exclusion of the corresponding provision contained in the said laws.

Regulations.

**230.** The Governor in Council may make regulations for the better carrying out of the provisions of the customs laws, and may, in such regulations, prescribe fees, rents or charges to be paid in respect of any matter therein referred to.

Forms.

**231.** Subject to the provisions of this Ordinance and any regulations made thereunder, the Collector may from time to time prescribe forms required to be used for the purposes of the customs laws.

Application  
of section 14  
of Copyright  
Act, 1911.

**232.** For the purpose of the application of section 14 of the Copyright Act, 1911, to the importation into the Colony of works made out of the Colony:

(a) The Treasurer and Collector of Customs shall perform the duties and may exercise the powers

thereby imposed on or given to the Commissioners of Customs and Excise of the United Kingdom.

- (b) Regulations made by the Treasurer and Collector of Customs under that section shall require the approval of the Governor in Council.
- (c) Regulations made under that section may provide that notices given to the Commissioners of Customs and Excise of the United Kingdom, if communicated by them to the Treasurer and Collector of Customs, shall be deemed to have been given by the owner of the copyright to the Treasurer and Collector of Customs.

**233.** The Collector may permit the entry, unloading, removal and loading of goods, and the report and clearance of aircraft and ships, in such form and manner as he may direct to meet the exigencies of any case to which the customs laws may not be conveniently applicable.

Discretionary power to Collector in special circumstances.

**234.** All ports, warehouses, sufferance wharves and boarding stations, approved as such at the commencement of this Ordinance, shall continue to be ports, warehouses, sufferance wharves and boarding stations, and all legal quays shall be deemed to be approved places of loading and unloading until the appointment thereof is revoked or varied under this Ordinance.

Existing warehouses, etc., to continue.

**235.** All officers are hereby constituted Excise Officers.

All officers are excise officers.

## CHAPTER 17.

## DAIRY PRODUCE.

2 of 1938.  
42 of 1949.  
10 of 1950.

AN ORDINANCE RELATING TO THE INSPECTION OF DAIRIES  
AND THE MANUFACTURE AND SALE OF DAIRY PRODUCE.

[4th June, 1938.]

Short title.

1. This Ordinance may be cited as the Dairy Produce Ordinance.

Interpreta-  
tion.

2. In this Ordinance, unless the context otherwise requires—

“Butter fat” means the pure fat of milk.

“Conveyance” includes every description of cart, wagon, truck, or other vehicle.

42 of 1949.

“Dairy” means any farm, house, cowshed, milkstore, milk shop or other place from which milk is supplied or in which milk is kept for the purpose of sale.

“Dairy produce” means milk, cream, butter or cheese, and includes any other produce of milk or cream, but does not include tinned or condensed milk or cream.

“Disease” in the case of other than human beings, means tuberculosis, ringworm, or any other disease and includes any tumour or growth which in the opinion of the inspector is of a malignant or recurrent nature and such as to render unfit for human consumption the milk of the animal suffering therefrom.

“Infected” means infected with disease.

“Milk” means the milk of cows, goats and sheep, and does not include tinned or condensed milk and cream.

“Owner” means the owner, whether jointly or severally, and includes the owner’s agent or manager: it includes also in the case of a company, the manager, secretary, or other principal officer thereof.

“Package” includes cask, keg, crate, can, box, case, wrapper, tin, and every other receptacle or covering used for the packing of dairy produce.

"Prescribed" means prescribed by this Ordinance or by the Regulations under this Ordinance.

"Pure milk" means the whole milk (including what is commonly known as the "strippings") drawn at the time of milking; but does not include milk containing less than three per centum of butter fat, or mixed with any preservative or chemical or colouring matter of any kind.

"Ship" includes a vessel of any description propelled by any means whatever.

"Stock" means horses, cattle, sheep, goats, poultry, dogs and swine of any age or sex, and the carcase or any portion of the carcase of any stock.

3. Every dairy shall be registered as prescribed under this Ordinance, and no person shall supply, sell or offer for sale any dairy produce unless he is duly licensed in that behalf.

Registration  
of dairies:  
Suppliers of  
dairy produce  
to be  
licensed.  
10 of 1950.

4. (1) The Governor may from time to time appoint inspectors, experts, and other officers as he deems necessary for the purpose of this Ordinance, and may also prescribe their powers and functions.

Inspectors.

(2) The officer in charge of the Agricultural Department, and the Inspector of Stock shall be inspectors under this Ordinance.

(3) Every inspector under this Ordinance shall have all the powers and functions necessary to enforce the provisions of this Ordinance.

5. An inspector may:

- (a) at all reasonable times enter, inspect, and examine any dairy, and also inspect and examine any stock, utensil, machinery, apparatus, or works in a dairy, or used in connection with a dairy or with dairy produce, and also any building, conveyance, or ship used for the storage or carriage of dairy produce;
- (b) inspect and examine any dairy produce, or the food or water supplied to any dairy or to the stock in or about any dairy; and also demand and without payment take samples thereof for inspection or analysis;
- (c) detain and open any package containing, or supposed to contain dairy produce, for the purpose of

Powers of  
inspectors.

inspecting or taking samples of the contents thereof, or of ascertaining whether such package bears or contains any false description or brand;

- (d) order any dairy, utensil, machinery, apparatus, or work, building, conveyance or ship, as the case may be, to be forthwith cleansed, disinfected, and rendered wholesome to his satisfaction;
- (e) forbid the same to be used in any way for the purposes of dairy produce, either absolutely or until all defects have been remedied to his satisfaction, or for such time as he thinks necessary;
- (f) forbid the removal from a dairy of any dairy produce for such time as he thinks necessary.

Inspector  
may order  
defects to be  
remedied.

6. In any case where, as the result of his inspection and examination, the inspector is satisfied of the existence of any of the following defects, that is to say:

- (a) that any dairy is in an unclean or unwholesome condition; or
- (b) that any dairy produce produced or stored in any dairy is likely to be contaminated by reason of any structure or other thing situated in the neighbourhood of the dairy, or of any operations carried on or of any conditions obtaining in the neighbourhood thereof; or
- (c) that any utensil, machinery, or apparatus in or about the dairy or used in connection with dairy produce is in an unclean or unwholesome condition, or is otherwise unfit for the purpose; or
- (d) that any building, conveyance, or ship used for the storage or carriage of dairy produce is in an unclean or unwholesome condition, or is otherwise unfit for the purpose; or
- (e) that any stock in or about a dairy, or used in connection therewith or with dairy produce, are diseased; or
- (f) that any person employed in or about a dairy is affected with any contagious or infectious disease which in the opinion of the Senior Medical Officer might render unfit for human consumption, dairy produce with which such person comes into contact,

or is a member of a household wherein any person is affected with any such disease; or

- (g) that any food or water supplied to stock, or any water used in connection with a dairy, is impure or unwholesome,

he may, by order in writing under his hand delivered to the owner, or person in charge, without further name or description, require such defects to be remedied to the inspector's satisfaction, and every such order shall be duly obeyed.

7. An owner shall forthwith separate diseased stock from stock not diseased and keep them so separated and shall not sell or allow to be used for food any dairy produce from diseased stock, and he shall give notice in writing to an inspector within twenty-four hours of any disease or suspected disease in his stock.

Where stock suspected of being diseased.

42 of 1949.

8. An owner shall isolate and keep isolated from his stock any person suffering from any contagious or infectious disease as defined by the Public Health Ordinance.

Isolation of persons suffering from contagious or infectious disease.

42 of 1949.

9. An owner shall cause every person engaged in handling dairy produce sold or supplied for human consumption to be examined by a registered medical practitioner once during each of the first and third quarters in each year and shall not employ such person unless he is certified free from communicable disease.

Medical examination of persons engaged in dairy.

42 of 1949.

10. Whenever so requested by an inspector, the owner or person in charge of a dairy shall—

Inspector may require certain information.

- (a) Furnish to the inspector a list of the customers or other persons supplied with dairy produce from such dairy;
- (b) Give the inspector any personal assistance and information in his power to enable the inspector to search and discover any source of contamination, infection, or disease to which any stock or dairy produce may be exposed.

Nuisances.  
42 of 1949.

11. Any person who shall keep or permit to be kept any fowl or pig, manure heap, cesspool or closet within thirty feet of any dairy or the open water supply thereof shall commit an offence.

Milk not to  
be sold if  
tainted or  
impure.

12. A person shall not sell or supply to any person for human consumption any milk or cream which is tainted; or any milk or cream from any milk which has been drawn from a cow that is suspected or known to be diseased, or that has calved within four clear days before the day on which the milk was so drawn.

Milk to be  
cooled before  
sale.

13. A person shall not supply or sell any milk unless such milk has been properly cooled (in manner prescribed) immediately after being drawn from the cow, and a person shall not supply or sell any cream unless such cream has been properly cooled in manner prescribed, immediately after being separated.

Penalties.

42 of 1942.

10 of 1950.

14. (1) Any person who shall neglect or fail to comply with any provision of this Ordinance or any regulation made thereunder, or shall commit any breach thereof, shall commit an offence and shall be liable to a fine not exceeding £25, and the Court may order that the certificate of registration or licence granted to such person pursuant to any regulation made under section 14 of this Ordinance be cancelled or suspended for such period as the Court may deem fit.

10 of 1950.

(2) Any person who shall supply, sell or offer for sale any dairy produce for human consumption without being registered or licensed so to do pursuant to any regulation made under section 14 of this Ordinance, or during the period of suspension of any certificate of registration or licence suspended pursuant to subsection (1) of this section, shall for the first offence be liable to a fine not exceeding £50 and for each subsequent offence to a fine not exceeding £100 or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

(3) Any person who shall obstruct or hinder an inspector or fail to give him such assistance as he may require in the course of his duty under this Ordinance shall be liable to a fine not exceeding £5 for each such offence.

15. The Governor in Council may from time to time make regulations:

The Governor in Council may make regulations.

- (a) For the registration of dairies.
- (b) Prescribing conditions subject to which application for the registration of dairies may be granted.
- (c) For the inspection of cows kept for the purpose of supplying milk for human consumption, and of other stock kept upon or about a dairy.
- (d) For the inspection and sanitation of dairies, and of the machinery, utensils, appliances, packages, and conveyances used in or about dairies, or in connection with the manufacture, deposit, or carriage of dairy produce.
- (e) Prescribing the form of licences, certificates, notices, and other documents under this Ordinance.
- (f) Generally for carrying out the provisions of this Ordinance, and the intent and object thereof.



## CHAPTER 18.

## DANGEROUS DRUGS.

2 of 1949. AN ORDINANCE TO CONSOLIDATE THE LAW RELATING TO  
10 of 1950. DANGEROUS DRUGS.

[1st June, 1949.]

Short title. 1. This Ordinance may be cited as the Dangerous Drugs Ordinance.

Interpreta- 2. In this Ordinance unless the context otherwise re-  
tion. quires—

“Dangerous drugs” includes all those several substances mentioned in the First Schedule to this Ordinance.

“Import authorisation” means a licence issued by the Senior Medical Officer, authorising the importation of a specified quantity of a dangerous drug and containing full particulars of the drug, together with the name and address of the person from whom the drug is to be obtained, the name and address of the person authorised to import the drug, and the period within which the importation must be effected.

“Import certificate” means a certificate issued by the Senior Medical Officer.

Governor in 3. If it appears to the Governor in Council that any new  
Council may drug or drugs not previously specified may be productive, if  
add to the improperly used, of ill effect, then the Governor in Council  
Schedule. may by Proclamation declare the said drugs to be “dangerous  
drugs” within the meaning of this Ordinance.

Restriction 4. Any person who cultivates, imports, manufactures,  
of imports or exports, supplies, procures, sells, or gives away any dangerous  
sale or distri- drugs or their derivatives in the Colony, save under licence  
bution of or authorisation of the Senior Medical Officer in the manner  
dangerous  
drugs.

---

[Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

hereinafter set forth in this Ordinance, shall be guilty of an offence against this Ordinance:

Provided that the administration by or under the direct supervision of a registered medical practitioner, registered dentist, officer in charge of the Agricultural Department or veterinary surgeon, shall not be deemed to be supplying dangerous drugs within the meaning of this Ordinance.

5. (1) An import authorisation permitting the importation of any dangerous drug specified therein may be granted by the Senior Medical Officer, subject to such conditions as he shall deem fit, to any person who in his discretion appears to be a proper person to import dangerous drugs.

Import of dangerous drugs.

(2) Where an import authorisation is issued in pursuance of subsection (1) of this section the Senior Medical Officer shall also issue, in relation to the dangerous drugs intended to be imported, an import certificate which shall be forwarded by the intending importer to the person from whom the drug is to be obtained.

6. (1) Every person who sells any dangerous drug shall, before delivery thereof to the purchaser, inquire his name, place of abode and occupation, and the purpose for which the dangerous drug is required, and shall make a true entry of the dangerous drug and the quantity thereof, and all the particulars given by the purchaser, together with the day of the month and year of the sale, in a book to be kept by the vendor for that purpose, in the form in the Second Schedule hereto.

Sale of dangerous drugs to be entered in a book.

(2) The entry shall be signed by the person making the same and also by the purchaser, unless he declares himself unable to write, in which case the person making the entry shall add thereto the words "purchaser cannot write".

(3) A witness to the sale shall sign the entry, and shall state his place of abode.

(4) Every person licenced to sell dangerous drugs shall forthwith record in the book provided for in this section the particulars of all such drugs used by him.

7. (1) When sales and purchases of dangerous drugs are made by correspondence, the letter ordering the same shall be preserved by the vendor and a memorandum of the date of the said letter, by whom it was written, and the quantity

Sales by correspondence.

and particulars of the dangerous drug therein ordered, shall be entered in the said book.

(2) No person shall sell any dangerous drug so ordered to any person with whose signature he is not acquainted, unless the signature has been witnessed by a justice of the peace, clergyman, or public officer, or is authenticated by some person known to the vendor.

Restrictions  
as to sale of  
any danger-  
ous drugs.

8. (1) No person shall sell any dangerous drug to any person who is under eighteen years of age, or who is unknown to the vendor, unless the sale is made in the presence of some witness who is known to the vendor and knows the purchaser.

(2) The witness shall sign his name and add his place of abode to the required entry before the delivery of the dangerous drug to the purchaser.

Sale and  
purchase of  
dangerous  
drugs:  
offences.

9. Any person who—

- (a) sells any dangerous drug, and delivers the same, without having made and signed the entries required by this Ordinance; or
- (b) sells any dangerous drug without having obtained the signature to such entry as is required by this Ordinance; or
- (c) purchases a dangerous drug and gives false information in answer to inquiries which the vendor is by this Ordinance authorised to make; or
- (d) signs his name as a witness to the sale of a dangerous drug to a person unknown to him; or
- (e) omits to record any drugs used by him as required under section 6 (4) hereof;

shall be guilty of an offence against this Ordinance.

Rules to be  
observed in  
the sale of  
poisons.

10. Any person who sells any dangerous drug either by wholesale or retail, unless the bottle, or other vessel, wrapper, or cover, box, or case immediately containing the same bears thereon the word "Poison" printed conspicuously, together with the name of the article and the name and address of the seller thereof, shall be guilty of an offence against this Ordinance.

11. The books required to be kept under this Ordinance shall at all times be open to inspection by a Government medical officer, the Chief Constable, or a police officer not below the rank of sergeant, and any person who wilfully delays or obstructs any person in the exercise of his powers under this section or fails to produce or conceals or attempts to conceal any book shall be guilty of an offence against this Ordinance.

Inspection of books.

12. Whosoever, being the owner or other person in charge or possession of any dangerous drug, leaves it in any place (whether the same is ordinarily accessible to others or not) unless the bottle or package of whatever kind in which the dangerous drug is contained is marked "Poison" and is otherwise duly labelled shall be guilty of an offence against this Ordinance.

Poisons to be labelled.

13. Any constable may arrest without warrant any person who has committed, or attempted to commit, or is reasonably suspected by the constable of having committed or attempted to commit, an offence against this Ordinance, if he has reasonable ground for believing that person will abscond unless arrested, or if the name and address of that person are unknown to and cannot be ascertained by him.

Power of arrest.

14. (1) A magistrate or justice of the peace may, on being satisfied by information on oath that there is reasonable ground for suspecting that any dangerous drugs are, in contravention of this Ordinance, in the possession or under the control of any person in any premises, grant a search warrant to enter, if necessary by force, at any time or times within one month from the date of the warrant and to search the premises named in the warrant and any person found therein, and if there is reasonable ground for suspecting that an offence against this Ordinance has been committed to seize and retain any dangerous drugs.

Power to search for dangerous drugs.

(2) Any person who wilfully delays or obstructs a constable in the exercise of his powers under this section, or fails to produce or conceals or attempts to conceal any drugs shall be guilty of an offence against this Ordinance.

Governor in Council may make regulations.

**15.** The Governor in Council may make regulations governing—

- (a) the export of dangerous drugs from the Colony;
- (b) dangerous drugs in transit;
- (c) the supply and distribution of dangerous drugs within the Colony under the supervision of medical practitioners registered under the Medical Practitioners, Midwives, and Dentists Ordinance;
- (d) generally the effective administration of this Ordinance.

Chapter 45.

Exemptions.

**16.** Nothing in this Ordinance shall apply to the sale of

- (a) any dangerous drug when made up or compounded as a medicine according to the prescription of a duly qualified medical practitioner, registered dentist, veterinary surgeon or officer in charge of the Agricultural Department, provided the medicine is labelled with the name and address of the vendor and the ingredients thereof are entered, with the name of the person to whom it is sold or delivered, in a book to be kept for that purpose;
- (b) patent medicines;
- (c) medicine dispensed by or on the instructions of the officer in charge of the Agricultural Department or a veterinary surgeon, for animals under their treatment.

Issue of licences.

**17.** Licences and authorisations issued or granted by the Senior Medical Officer may be issued or granted on such terms and subject to such conditions (including in the case of a licence the payment of a fee) as the Senior Medical Officer thinks proper.

**18.** Any person who:

Offences.

- (a) acts in contravention of or fails to comply with any regulation under this Ordinance; or
- (b) acts in contravention of or fails to comply with the conditions of any licence issued or authorisation granted under this Ordinance; or
- (c) for the purpose of obtaining whether for himself or for any other person the issue, grant, or renewal of

any such licence or authorisation makes any declaration or statement which is false in any particular or knowingly enters, produces, or makes use of such document or statement; or

- (d) aids, abets, conceals, or procures the commission of an offence against this Ordinance;

shall be guilty of an offence against this Ordinance.

19. Every person guilty of an offence against this Ordinance shall in respect of each offence be liable— Penalties.

- (a) on conviction upon indictment to a fine not exceeding £1,000 or to penal servitude for a period not exceeding ten years or to both such fine and penal servitude; or
- (b) on summary conviction to a fine not exceeding £100 or imprisonment not exceeding six months or to both such fine and imprisonment

and shall in every case on conviction for the offence forfeit to His Majesty all articles in respect of which the offence was committed, and the Court may order any forfeited articles to be destroyed or otherwise disposed of as the Court thinks fit.

#### FIRST SCHEDULE.

1. Medicinal opium.
2. Indian hemp including the whole or any portion of the plants *Cannabis indica* and *Cannabis sativa*, any resin obtained from such plants, all preparations of which such resins form the base and any extract or tincture of Indian hemp.
3. Morphine and its salts, and diacetylmorphine (commonly known as diamorphine or heroin) and the other esters of morphine and their respective salts.
4. Cocaine (including synthetic cocaine) and ecgonine and their respective salts, and the esters of ecgonine and their respective salts; "ecgonine" means laevo-ecgonine and includes any derivatives of ecgonine from which it may be recovered industrially.
5. Any solution or dilution of morphine or cocaine or their salts in an inert substance whether liquid or solid, containing any proportion of morphine or cocaine, and any preparation, admixture, extract or other substance (not being such a solution or dilution as aforesaid) containing not less than one-fifth per cent. of morphine or one-third per cent. of cocaine or of ecgonine.
6. Any preparation, admixture, extract or other substance containing any proportion of diacetylmorphine.

7. Dihydrohydroxycodine, dihydrocodeine, dihydromorphine, their esters and the salts of any of these substances and of their esters, morphine-N-oxide (commonly known as genomorphine), the morphine-N-oxide derivatives, and any other pentavalent nitrogen morphine derivatives.

8. Thebaine and its salts, benzylmorphine and the ethers of morphine (including methylmorphine commonly known as codeine and ethylmorphine, commonly known as dionin) and their respective salts.

9. Any preparation, admixture, extract or other substance containing any proportion of any of the substances mentioned in 7 above and any preparation, admixture, extract or other substance containing any proportion of any of the substances mentioned in 8 above except Syrupus Codeinae Phosphatis B.P.C. 1934 and preparations, admixtures or other substances containing 2.5 per cent. or less of methylmorphine or ethylmorphine in association with other medicinal substances.

10. Acetyldihydrocodeine (acedicone) and its salts and any preparation, admixture, extract or other substance containing any proportion of acetyldihydrocodeine.

11. Dagga, wild dagga, red dagga or klip dagga, including the whole or any portion of the plants *Leonotis ovata*, or any solution, extract or other preparation of any part of such plants.

12. Dihydrodesoxymorphine, commonly called desomorphine, its salts and any preparation, admixture, extract or other substance containing any proportion of dihydrodesoxymorphine.

13. Pethidine (1 methyl —4 phenylpiperidine —4 carboxylic acid ethyl ester), its salts and any preparation, admixture, extract or other substance containing any proportion of pethidine.

14. Any preparation, not being a preparation capable of external use only, made from extract or tincture of Indian hemp.

## SECOND SCHEDULE.

(Form of entry in book on sale of dangerous drugs).

Date.	Articles supplied.	Quantity.	To whom supplied.	For what purpose.	Signature.	Signature of Witness.

## CHAPTER 19.

## DEFENCE FORCE.

AN ORDINANCE TO PROVIDE FOR THE ESTABLISHMENT OF  
A DEFENCE FORCE.

[13th December, 1920.]

7 of 1920.  
6 of 1938.  
3 of 1940.  
9 of 1941.  
19 of 1948.  
38 of 1949.  
10 of 1950.

1. This Ordinance may be cited as the Defence Force Ordinance. Short title.

2. In this Ordinance and in any regulations or rules made thereunder unless the context otherwise requires: Interpretation.

“Appointments” includes accoutrements and equipments of every kind other than clothing.

“Commanding Officer” or “Commandant” means the officer in command of the Defence Force.

“Force” means the Defence Force established by this Ordinance.

“Efficiency” or “efficient” means the standard of efficiency fixed by the Governor in Council by regulations under this Ordinance.

“Member” means a member of the Force.

“Officer” means a person holding the Governor’s commission as an officer in the Force.

“Regulations” and “Standing Orders” and “Rules” mean respectively regulations and standing orders and rules made under the provisions of this Ordinance.

“Unit” means unit forming part of the Force.

38 of 1949.

“The Army Act” means the Army Act, 1881 (44 and 45, Vic. c. 58), and includes all Acts amending or substituted for the same and also all Articles of War in force thereunder.

3. (1) It shall be lawful for the Governor on behalf of His Majesty to accept the services of any male person desiring to join the Force and offering his services to His Majesty. Formation of Force.  
3 of 1940.

[Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]



(2) Nothing herein contained shall be deemed to render it obligatory upon the Governor to accept the services of any person.

38 of 1949.

(3) The Governor may appoint such honorary members as he may deem fit.

Composition  
of Force.

4. The Force shall consist of such units as the Governor may from time to time determine, and each such unit shall be designated by such style as the Governor shall direct.

Disbandment

5. The Governor may disband or discontinue the services of any unit or part thereof whenever it seems to him expedient to do so.

Entry on  
Muster Roll.

6. (1) The name of every person whose services have been accepted by the Governor as a Member shall be entered by the Commanding Officer on the muster roll of the Force which shall be kept by him.

Oath.  
Schedule A.

(2) Every person whose services have been accepted as above shall upon admission to the Force take the oath or make the declaration set forth in Schedule A to this Ordinance, to be administered by a magistrate or justice of the peace or by a commissioned officer of the Force.

Officers.

7. (1) The Governor shall appoint the officers with such rank as he may from time to time think necessary; such officers shall have such rank and authority in the Force as are held by officers of corresponding rank in His Majesty's Regular Forces, and their duties shall be the same as are from time to time prescribed for officers of the Army in the "King's Regulations" so far as the same can be made applicable.

Command-  
ant.

(2) The Governor may appoint a Commanding Officer or Commandant of the Force, who shall have such local rank as the Governor may confer on him, and he shall be responsible to the Governor for the instruction, training, discipline and conduct of the Force.

Rank of  
officers.

(3) Officers shall rank with officers of His Majesty's Regular Forces but as junior of their respective ranks.

Validity of  
appoint-  
ment.

(4) No appointment made under this section shall be deemed to be vacated by the death or retirement from office of the Governor who made the same.

8. The Commanding Officer may appoint such non-commissioned officers of the Force as he may deem expedient.

Non-commissioned officers.

9. (1) Members, other than officers, shall wear such uniforms as the Governor shall direct, which shall be supplied to them upon their enrolment, and renewed at the public expense, as the Commandant shall decide.

Uniform.  
38 of 1949.

(2) Officers shall provide and maintain at their own expense such uniforms as the Governor shall direct: Provided that the Governor may grant an allowance to each officer in respect thereof.

Officers' uniforms.

10. (1) A rifle and such appointments as the Governor may direct shall be issued to the Commandant on loan for the use of every member, and the Commandant shall be responsible to the Governor for such arms and appointments.

Arms, etc.

(2) There may be issued for every member annually two hundred rounds of rifle ammunition and such further supply on such terms as to payment and otherwise as the Governor may direct.

Ammunition supply per member.

(3) Every member shall pay to the Commandant the cost of repairing or replacing any rifle or appointments damaged, destroyed or lost by such member, and shall also pay for any ammunition expended by him to the full issue of which he was not entitled.

Cost of repairs, etc., and extra ammunition.

(4) All arms, ammunition, musical instruments, clothing, appointments and necessities issued on loan to any member shall be and remain the property of the Government and shall be produced, exhibited and delivered to the Commanding Officer or to any person authorised by him to inspect or receive the same.

Arms and equipment, etc., remain property of Government.

11. Subject as hereinafter mentioned any member may, except when on active service, and except when the sections relating to compulsory service under this Ordinance are in force, quit the Force on complying with the following conditions:

Right of member to quit Force.

- (i) giving the Commanding Officer one month's notice in writing of his intention to quit the Force: Provided that the Commandant may in his discretion dispense with such notice;

38 of 1949.

- (ii) delivering up in good order (fair wear and tear only excepted) all arms, clothing and appointments being public property or property of the Force issued to him; and
  - (iii) paying all money due or becoming due by him under the rules of the Force either before or at the time or by reason of his quitting the Force,
- and thereupon he shall be struck off the muster roll of the Force by the Commanding Officer.

Persons  
liable to  
serve furnish  
name and  
age.

12. (1) Every male person resident in the Colony between the ages of eighteen and forty-one years, shall within four months of his becoming liable under this Ordinance furnish his full name, the date of his birth, and nationality to the Commanding Officer who shall enter the same in an alphabetical Register to be kept by him.

To report  
movements  
to or from  
Colony.

(2) Every person so registered and liable to serve in the Force shall on each occasion of his leaving or returning to the Colony notify the Commanding Officer.

(3) Upon any person ceasing to be liable to serve under this Ordinance the Commanding Officer shall strike his name out of the Register.

Failure to  
furnish  
name, etc.

13. Any person who fails to furnish his full name, the date of his birth, and nationality to the Commanding Officer as required under the provisions of this Ordinance shall on summary conviction be liable to a penalty not exceeding ten pounds.

Retired list.

19 of 1948.  
38 of 1949.  
10 of 1950.

14. (1) Any member who has been returned with efficiency for at least fifteen years or has been returned with efficiency for at least twelve years and has attained the age of forty-one years

- (a) may at any time thereafter, on application in writing to the Commanding Officer, be posted to the Retired List, and his name shall thereupon be removed from the Active List;
- (b) may at any time thereafter for any reason which the Commanding Officer may deem fit, subject to the approval of the Governor, be posted to the Retired List and his name shall thereupon be removed from the Active List.

(2) Any member who

- (a) has been returned with efficiency for at least five years and has been certified by a medical officer to be debarred from further service with the Force by reason of physical disability, not being the result of his own misconduct, or
- (b) while on service with the Force, suffers a disability, not being the result of his own misconduct, and has been certified by a medical officer to be thereby debarred from further service with the Force,

shall be posted to the Retired List and his name removed from the Active List.

(3) Every member on the Retired List may wear uniform and the badge of the substantive rank held by him at the time he was posted to the Retired List, with the approval of the Commanding Officer, at any military function or on any occasion when uniform is permitted to be worn. He shall wear the letters "R.L." below the badge of the Force worn on the shoulder straps.

(4) He may enjoy the privileges of the Defence Force Club as though he were an active member of the Force.

15. (1) The Commanding Officer may, subject to such appeal to the Governor as is hereinafter mentioned, discharge any member from the Force and strike him off the strength, either for disobedience to orders by him, while on duty with the Force, or for neglect of duty or misconduct by him as a member, or for other sufficient cause, the existence and sufficiency of the cause to be judged by the Commanding Officer or, in a case of appeal, by the Governor.

Expulsion  
from Force

(2) The member so discharged shall deliver up in good order, fair wear and tear only excepted, all arms, ammunition, clothing and appointments, being public property or property of the Force, issued to him and to pay all moneys due or becoming due by him under this Ordinance or under the rules or regulations, either before or at the time or by reason of his discharge.

Liability  
after dis-  
charge.

(3) Any member who feels aggrieved by such discharge may appeal to the Governor at any time within fourteen days after such discharge, and the Governor may cancel or confirm such discharge or give such other directions with reference thereto as to him may seem just and proper, and his determination shall be binding on all persons.

Appeal to  
Governor.

Offences.  
Schedule C.

**16.** (1) Every member who shall be guilty of any of the offences specified in the first column of Schedule C to this Ordinance shall be liable to pay a fine not exceeding the amount set opposite such offence in the second column of that Schedule.

Fines of £1  
and under.

(2) Fines in respect of an offence for which the limit of the fine is one pound and under may be imposed by the Commanding Officer.

Fines over  
£1.

Fines in respect of offences for which the limit of fine exceeds one pound shall only be imposed by the Commanding Officer after an investigation by a Court of Inquiry.

Fines to go  
to funds  
Force.

Chapter 3.

(3) All fines inflicted for any of the said offences shall go to the funds of the Force, and, if not paid within ten days, shall be recoverable summarily as a civil debt, under the Administration of Justice Ordinance, or any Ordinance amending the same, by the Commanding Officer or any officer of the Force authorised by him.

Recovery.

**17.** Any money recoverable under this Ordinance may be recovered in a Court of Summary Jurisdiction notwithstanding the amount may be in excess of the ordinary jurisdiction of that Court.

Inspections.

**18.** An inspection of the Force may from time to time be held by an Officer of His Majesty's Regular Forces, nominated by the Governor for the purpose, at such times as the Governor may direct, and such Inspecting Officer shall report in writing to the Governor as to the efficiency or otherwise of the Force.

Immunities  
of members.

**19.** (1) No action shall lie against any member of the Force, nor shall he be subject to any penalty or punishment, for any act or thing done by him, while paraded under arms:

Provided that the act or thing was done in pursuance of a lawful command given to him by the Governor or a Magistrate or his Commanding Officer, or in defence of his post or person or otherwise in the lawful performance of his duty.

(2) No action shall be brought against any person for anything done by him under this Ordinance, unless the same shall be commenced within three months after the act complained of was committed, nor unless notice in writing

of such action shall have been given at least one month before such action was commenced.

(3) No plaintiff in an action brought against any person in respect of any act performed under this Ordinance shall succeed unless he prove that such act was done maliciously or without reasonable cause or that it was carried out with gross negligence.

The defendant may plead this Ordinance in his defence.

(4) Nothing in this Ordinance contained shall exempt any person from being prosecuted, tried and convicted before the ordinary tribunals of the Colony for any felony, misdemeanour or offence against any law for the time being in force in the Colony:

Provided that no person shall be punished twice for the same offence.

20. It shall be lawful for the Colonial Treasurer subject to the regulations and on the warrant of the Governor to pay annually out of the Revenue of the Colony to the Commanding Officer for the purpose of the Force, capitation grants, not exceeding the following rates:

Capitation grant.

For every member qualified in any year as efficient:

- (a) in drilling or musketry the sum of thirty shillings (30s.)
- (b) in both drilling and musketry the sum of two pounds (£2).

21. All moneys subscribed by or to or for the use of the Force or any unit or club of the Force and all effects and other property belonging to the Force or any unit or club of the Force and the exclusive right to sue for and recover current subscriptions, arrears of subscriptions and other moneys due to the Force or to any unit or club of the Force shall vest in the Commanding Officer for the time being and his successors in office, with power for him and them to bring actions, to make contracts and conveyances and to do all other lawful things in respect of or relating to the same; and any civil or criminal proceedings taken by virtue of this section by the Commanding Officer shall not be discontinued or abated by his death, resignation or removal from office, but may be carried on by and in the name of his successor.

Force funds and property vested in Commanding Officer.

Committee  
of Force.

22. There shall be a Committee of the Force composed of the Commanding Officer the Adjutant and six members to be elected at a General Meeting of the members to be held annually. Two of the elected members shall retire in rotation each year, but shall be eligible for re-election. Any casual vacancy on the Committee during the course of a year may be filled by the Committee until the next annual General Meeting.

Committee  
may make  
rules.

23. The Committee may from time to time make, amend, and revoke rules for the management and maintenance by annual subscription or otherwise of the social club of the Force to be called "The Defence Force Club", and for the property, finances and civil affairs of the Force;

Provided that such rules shall not have effect until they have been approved by the Governor and such approval has been notified to the Force, whereupon they shall be binding on all members and shall be published in the *Gazette*.

Fines under  
rules.

24. The rules may provide for the payment by member of fines not exceeding ten shillings for any infringement thereof as may be imposed by the Committee, and for the payment of the amount of any damage done to the property of the Club.

Governor  
may convene  
Court of  
Inquiry.

25. (1) The Governor may at any time convene a Court of Inquiry, composed of officers or other persons, or of both, to inquire into any matter relative to the Force or to any unit or any part thereof or to any officer or member and to record the facts and circumstances ascertained in such inquiry and, if required, to report upon the same for his information.

Commanding  
Officer may  
convene  
Court of  
Inquiry.

(2) The Commanding Officer may at any time convene a Court of Inquiry composed of officers to inquire into any matter relative to any unit or to any non-commissioned officer or private thereof and to record the facts and circumstances ascertained on such inquiry, and, if required, to report on the same for his information and assistance.

Power of  
Court.

(3) Every Court of Inquiry shall have power to bring any member before it, either by summons or, if necessary, by warrant of apprehension directed to any police officer or constable.

(4) If any person summoned or ordered to attend as a witness before a Court of Inquiry, after payment or tender of reasonable expenses of his attendance: Non-attendance.

- (a) makes default in attending or in being in attendance; or
- (b) refuses to take an oath or affirmation which the Court of Inquiry requires him to take; or
- (c) refuses to produce any document in his power or control which the Court of Inquiry lawfully requires him to produce; or
- (d) refuses to answer any question which the Court of Inquiry lawfully requires him to answer; or
- (e) is guilty of any contempt of the Court of Inquiry by causing any interruption or disturbance in its proceedings or otherwise;

the President of the Court of Inquiry may certify the default, refusal or contempt under his hand to a Judge or magistrate having power to deal with or punish persons guilty of like acts or omissions in his Court, and such Judge or magistrate may thereupon inquire into the same, and if the person is found guilty, deal with or punish him in like manner as if such default, refusal or contempt had been made or committed before him or in relation to his Court. President's powers.

26. Any person who assaults or resists, or aids or abets any person in assaulting, or resisting, any member in the discharge of his duty shall be punishable on summary conviction with a fine not exceeding one hundred pounds or with imprisonment for any term not exceeding six months. Assaulting or resisting members.

27. Any person who wilfully obstructs or molests any unit or any officer or member of any unit while on duty shall, on the prosecution of the Commanding Officer, be liable, on summary conviction, to a penalty not exceeding five pounds, and may be arrested or given into custody by the senior officer present and conveyed and handed over to the custody of the police. Obstructing or molesting members.

28. Any person who wilfully commits any damage to any gun, cannon, butt or target, hut, shed, emplacement, magazine or other property lawfully used by His Majesty's Regular Forces or the Force, or without the leave of the Wilful injury to guns, butts, etc.



Commanding Officer searches for bullets in or otherwise disturbs the soil of or near such gun, cannon, butt or target, hut, shed, emplacement or magazine, shall on the prosecution of the Commanding Officer, be liable on summary conviction to a penalty not exceeding twenty pounds for every such offence.

Wrongful  
detention or  
disposal of  
arms, etc.

Chapter 3.

**29.** (1) If any person makes away with, sells, pawns, wrongfully destroys or damages or negligently loses anything issued to a member, or refuses or neglects, when lawfully required, to produce, exhibit or deliver, on demand anything which he is liable under this Ordinance or the rules or regulations made thereunder to produce, exhibit or deliver, the value thereof shall be recoverable from him summarily, under the Administration of Justice Ordinance, by the Commanding Officer, and he shall also for every such offence, be liable, on summary conviction, to a fine not exceeding five pounds.

(2) Whoever knowingly buys or takes in exchange or in pawn from any member or person acting on his behalf, or solicits or entices any member to sell or pawn, or knowingly assists or acts for any member in selling or pawning, or has in his possession or keeping without satisfactorily accounting for the same, any arms, ammunition, clothing, appointments, musical instruments or necessities, being public property, or the property of the Force, shall be liable, on summary conviction, to a sum not exceeding five pounds for every such offence.

Prevention  
of persons  
from be-  
coming  
members of  
Force.

**30.** Any employer or person who by threats or otherwise, wilfully prevents or endeavours to prevent anyone from becoming a member of the Force or at any time serving as a member shall be liable on summary conviction, if the offence be committed in peacetime, to a fine not exceeding twenty-five pounds, and if committed at any time during which the Force or any part thereof is on active service, to a fine not exceeding one hundred pounds, for each such offence or repeated offence.

Appearance  
of Com-  
manding  
Officer.

**31.** In all proceedings under this Ordinance before a Court of Summary Jurisdiction the Commanding Officer may appear by any officer of the Force authorised by him in that behalf by writing under his hand.

**32.** Every pecuniary penalty recovered summarily on the prosecution of the Commanding Officer shall be paid to the Commanding Officer and be applied as part of the funds of the Force. Application of penalties.

**33.** (1) The Governor in Council may from time to time make, amend, and revoke such regulations consistent with the provisions of this Ordinance as he shall deem proper for: Governor to make regulations.

- (a) regulating muster, instruction and rifle practice;
- (b) fixing standards of efficiency and extra efficiency;
- (c) the storing and issuing of arms and ammunition;
- (d) the provision and use of targets, butts and shooting ranges;
- (e) the composition and proceedings of Courts of Inquiry;
- (f) the general government and good discipline of the Force; and
- (g) giving further and better effect to the provisions of this Ordinance.

(2) Any such regulations may provide for the punishment or penalty of any infraction thereof.

#### ACTIVE SERVICE.

**34.** (1) The Governor may by proclamation call out the Force, or any unit or part thereof, for active service, whenever it appears to him advisable to do so by reason of invasion, or war, or danger, or any of them, or by reason of any internal emergency threatening the security of life or property, which he may deem the available civil force is inadequate to quell. Governor may call out Force.

(2) Every member so called out shall attend in obedience to the call and shall assemble at such place and perform such service as may be directed by the Governor. Attend call.

(3) Every member so called out shall for the purpose of this Ordinance be deemed to be on active service. If any such member, not incapacitated by infirmity for service, refuses or neglects so to assemble, as required by the Governor, he shall be deemed to be a deserter. Called out, deemed on active service.

(4) The period of such service shall continue so long as the Governor shall consider necessary, and shall end only by order of the Governor. Period of active service.

Liable to  
serve in  
Colony only.

(5) Nothing in this Ordinance shall render any member liable to serve or proceed on duty without his consent beyond the limits of the Colony.

Command on  
active  
service.

35. Whenever the Force or any part thereof is on active service, or is undergoing drill, exercise or inspection, or is doing any duty together with His Majesty's Regular Forces, the Force shall, subject to any regulation under this Ordinance, be under the command of the officers of His Majesty's Regular Forces so nevertheless that the Force or any part thereof shall when the circumstances of the service admit be led by its own officers under such command.

Persons  
liable to  
serve.

36. Every male British subject over the age of eighteen and under the age of forty-one years resident in the Colony, not being exempt under section 39 of this Ordinance, shall be liable to serve in the Force:

Provided that when a state of war or emergency exists, the Governor in Council may increase the age limit to fifty-one years and any person thereupon becoming liable, if resident in Stanley, shall forthwith furnish his full name, the date of his birth, and nationality to the Commanding Officer and if resident in any camp to the manager of that camp. The manager shall thereupon communicate such particulars to the Commanding Officer.

Application  
of active  
service.

37. In the event of the Force being called out for active service as hereinbefore provided, and the Governor considering it expedient that the numerical strength of the Force should be increased, the Governor may by proclamation call upon and require any or all such person or persons as are mentioned in the preceding section, not being members of the Force or exempt under the next succeeding section to join and serve with the Force so called out, and every such person shall be required to assemble at such place and perform such service as may be directed by the Governor and shall be subject to the provisions of this Ordinance and shall serve as a member of the Force accordingly.

Power of  
Governor to  
exempt,  
defer calling  
up, etc.  
38 of 1949.

38. The Governor in Council may exempt, defer the calling out of, or order the release or discharge of any person or class of persons registered under sections 12, 36 and 37 hereof when he may deem it in the interest of the Colony so to do.

39. The persons specified in Schedule B to this Ordinance shall be exempt from service in the Force:

Provided that they may so serve, if they desire and the Governor sanctions their doing so.

Exemption  
from service.  
Schedule B.

40. Whenever any member shall be called out under this Ordinance on active service away from his place of residence he shall be entitled to receive, if willing to do so, his travelling expenses from and to such residence, and the Governor may fix the rate and amount of such expenses.

When  
travelling  
expenses are  
payable to  
members.

41. Every member called out under this Ordinance on active service shall receive from the Government such pay and allowances, quartering and billeting, as the Governor shall from time to time direct, and while in receipt of such shall not be entitled to claim pay from his employer, except at such times and under such conditions as are hereinafter specified.

Pay and  
allowances  
on active  
service.

42. Every member who, when called out under this Ordinance on active service, shall leave a wife or a wife and family unable to support herself or themselves, shall during the period of absence on such active service be entitled to relief for his wife and family, and the Governor may fix the amount of such relief, consideration being given to the amount of the pay and allowances granted under the preceding section to the member himself.

Relief to  
families of  
members  
called out on  
active  
service.

43. Every member who shall have received wounds or injuries when called out under this Ordinance on active service, and the widows and families of all such members who may have been killed or have died within twelve months after having been wounded of wounds received during such active service, or have died within twelve months from illness directly traceable to fatigue or exposure incidental to such active service, shall be entitled to such pensions or gratuities as shall be fixed by the Governor provided that no pension or gratuity under this section shall exceed the sum of two hundred pounds (£200).

Pensions to  
members dis-  
abled on  
service and  
to widows  
and families  
of those  
killed on  
service.

44. (1) When on the written request of an employer a member is permitted or instructed by the Commanding Officer temporarily to resume his civil employment no payment shall be made by the Government in respect of the

Payment of  
members by  
employer on  
release from  
military  
duties.

period during which such member shall be released from military duty, and the employer shall pay full wages to the member in respect of such time as he shall work for his employer during the period of such release.

(2) Should any employer apply for the temporary services of any member other than his own employee, he shall be responsible for the full payment, at the current rate of wages, of such members as may be selected to perform such work in respect of such time as they or any of them are thus employed.

Impressment  
of horses,  
etc.  
38 of 1949.

45. The Commanding Officer may, when the Force or any part thereof is called out for active service, impress motor vehicles, horses, carts, riding and driving gear and boats and their accessories, or any article as the service may require.

Discipline on  
active  
service.

46. (1) The provisions of the Army Act shall as far as applicable apply to the discipline of the Force or any part thereof when on active service, or undergoing drill, exercise, training or inspection together with His Majesty's Regular Forces or any part thereof, subject nevertheless to the following modifications:

- (a) that no member shall for any offence against the Army Act be subject to the penalty of death, or to any longer term of imprisonment than five years;
- (b) that no sentence of a Court Martial for the trial of a member shall be carried into execution unless confirmed by the Governor.

(2) Nothing in this section contained shall be deemed to limit or derogate from the power given by section 177 of the Army Act to the General Officer Commanding His Majesty's Forces with which the Force is serving of making such exceptions or modifications as in the same section are referred to.

#### SCHEDULES.

##### SCHEDULE A.

Section 6 (2).

I do sincerely promise and swear  
 (\*or "solemnly, sincerely, and truly declare") that I will be faithful and bear  
 true allegiance to His Majesty George VI His Heirs and Successors according  
 to law, and that I will faithfully serve His Majesty in the Defence Force of  
 the Colony of the Falkland Islands for the defence of the same against His  
 Majesty's enemies and for the security of life or property, and in accordance  
 with the law under which I serve—†so help me God.

‡Omit in  
 case of  
 declaration.  
 3 of 1940.

[The words "and bear true allegiance" should be deleted if the person whose  
 services have been accepted as a member of the Defence Force is not a British  
 subject.]

**SCHEDULE B.**

Section 39.

**Persons Exempt from Serving in the Defence Force.**

1. Judge of the Supreme Court.
2. Members and Clerk of the Executive and Legislative Councils.
3. Magistrates.
4. Registered medical practitioners.
5. Ministers of Religion.
6. Postmaster, and Registrar Supreme Court.
7. Members of the Police Force.
8. Teachers in schools under Government inspection.
9. The only son of a widow being her only support.
10. All persons medically certified to the satisfaction of the Governor to be physically unfit for service,
11. Any person exempted by order of the Governor in Council.

**SCHEDULE C.**

Section 16.

	Limits of Fine.		
	£	s	d
Loading a rifle contrary to orders .. .. .	1	0	0
Improperly pointing a rifle, loaded or unloaded, at any person ..	5	0	0
Discharging a rifle without orders in a public place .. ..	1	0	0
Infringing or disobeying any of the rules of target practice .. ..	1	0	0
Failing to qualify in either drill or musketry through his own neglect or omission .. .. .	10	0	
Failing to qualify in both drill and musketry through his own neglect or omission .. .. .	2	0	0

## CHAPTER 20.

## DIPLOMATIC PRIVILEGES (EXTENSION).

5 of 1949. AN ORDINANCE TO MAKE PROVISION AS TO THE IMMUNITIES,  
10 of 1950. PRIVILEGES AND CAPACITIES OF INTERNATIONAL ORGANISATIONS OF WHICH HIS MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM AND FOREIGN GOVERNMENTS ARE MEMBERS AND FOR PURPOSES CONNECTED THEREWITH.

[1st June, 1949.]

Short title. 1. This Ordinance may be cited as the Diplomatic Privileges (Extension) Ordinance.

Privileges, immunities and capacities of certain international organisations and their staffs. 2. (1) This section shall apply to any organisation declared by an order of the Governor in Council to be an organisation of which His Majesty's Government in the United Kingdom and the government or governments of one or more foreign sovereign Powers are members.

(2) The Governor may by Order in Council:

Schedule Part I.

(a) provide that any organisation to which this section applies (hereinafter referred to as "the organisation") shall, to such extent as may be specified in the Order, have the immunities and privileges set out in Part I of the Schedule to this Ordinance and shall also have the legal capacities of a body corporate;

Schedule Part II.

(b) confer upon such number of officers of the organisation as may be specified in the Order, being the holders of such high offices in the organisation as may be specified in the Order, and upon such persons employed on missions on behalf of the organisation as may be specified, and upon any person who is the representative of a member government on the governing body or any committee of the organisation, to such extent as may be so specified, the immunities and privileges set out in Part II of the Schedule to this Ordinance;

[*Note.* This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

- (c) confer upon such other classes of officers and servants of the organisation as may be specified in the Order, to such extent as may be so specified, the immunities and privileges set out in Part III of the Schedule to this Ordinance; Schedule Part III.

and Part IV of the Schedule to this Ordinance shall have effect for the purpose of extending to the staffs of representatives of member governments and to the families of officers of the organisation any immunities and privileges conferred on the representatives or officers under paragraph (b) of this subsection, except in so far as the operation of the said Part IV is excluded by the Order conferring the immunities and privileges. Schedule Part IV.

(3) Where immunities and privileges are conferred on any persons by an Order in Council made under the last foregoing subsection, the Governor—

- (a) shall compile a list of the persons entitled to immunities and privileges conferred under paragraph (b) of that subsection, and may compile a list of the persons entitled to immunities and privileges conferred under paragraph (c) of that subsection;
- (b) shall cause any list compiled under this subsection to be published in the *Gazette*; and
- (c) whenever any person ceases or begins to be entitled to the immunities and privileges to which any such list relates, shall amend the list and cause a notice of the amendment, or, if he thinks fit, an amended list, to be published as aforesaid.

(4) Every list or notice published under the last foregoing subsection shall state the date from which the list or amendment takes or took effect; and the fact that any person is or was included or not included at any time among the persons entitled to the immunities and privileges in question may, if a list of those persons has been so published, be conclusively proved by producing the *Gazette* containing the list, or, as the case may be, the last list taking effect before that time, together with the *Gazettes* (if any) containing notices of the amendments taking effect before that time, and by showing that the name of that person is or was at that time included or not included in the said list.



Diplomatic  
immunities  
of represen-  
tatives  
attending  
international  
conferences.

3. (1) Where a conference is held in the Colony and is attended by the representatives of His Majesty's Government in the United Kingdom and the government or governments of one or more foreign sovereign Powers, and it appears to the Governor that doubts may arise as to the extent to which the representatives of such foreign Powers and members of their official staffs are entitled to diplomatic immunities, he may—

- (a) compile a list of the persons aforesaid who are entitled to such immunities, and cause that list to be published in the *Gazette*; and
- (b) whenever it appears to the Governor that any person ceases or begins to be entitled to such immunities, amend the list and cause a notice of amendment or, if he thinks fit, an amended list, to be published as aforesaid;

and every representative of a foreign Power who is for the time being included in the list shall, for the purpose of any law and rule of law or custom relating to the immunities of an envoy of a foreign Power accredited to His Majesty, and of the retinue of such an envoy, be treated as if he were such an envoy, and such of the members of his official staff as are for the time being included in the list shall be treated for the purpose aforesaid as if they were his retinue.

(2) Every list or notice published under the last foregoing subsection in relation to any conference shall include a statement of the date from which the list or amendment takes or took effect; and the fact that any person is or was included or not included at any time among the persons entitled to diplomatic immunities as representatives attending the conference or as members of the official staff of any such representative may, if a list of those persons has been so published, be conclusively proved by producing the *Gazette* containing the list or, as the case may be, the last list taking effect before that time, together with the *Gazettes* (if any) containing notices of the amendments taking effect before that time, and by showing that the name of that person is or was at that time included or not included in the said list.

Application  
to United  
Nations.

4. This Ordinance shall, in its application to the United Nations, have effect subject to the following modifications—

- (a) any reference to the governing body or any committee of the organisation shall be construed as referring to the General Assembly or any council or other organ of the United Nations; and
- (b) the powers conferred by subsection (2) of section 2 of this Ordinance shall include power by Order in Council to confer on the judges and registrars of the International Court and on suitors to that Court and their agents, counsel and advocates, such immunities, privileges and facilities as may be required to give effect to any resolution of, or convention approved by, the General Assembly of the United Nations.

5. Nothing in the foregoing provisions of this Ordinance shall be construed as precluding the Governor in Council from declining to accord immunities or privileges to, or from withdrawing immunities or privileges from, nationals or representatives of any Power on the ground that that Power is failing to accord corresponding immunities or privileges to British nationals or representatives.

Reciprocal  
treatment.

## **SCHEDULE.**

### **Part I.**

#### **IMMUNITIES AND PRIVILEGES OF THE ORGANISATION.**

1. Immunity from suit and legal process.
2. The like inviolability of official archives and premises occupied as offices as is accorded in respect of the official archives and premises of an envoy of a foreign sovereign Power accredited to His Majesty.
3. The like exemption or relief from taxes and rates, other than taxes on the importation of goods, as may be accorded to a foreign sovereign Power.
4. Exemption from taxes on the importation of goods directly imported by the organisation for its official use in the Colony or for exportation, or on the importation of any publications of the organisation directly imported by it, such exemption to be subject to compliance with such conditions as any law relating to Customs and Excise may prescribe for the protection of the Revenue.
5. Exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the organisation for its official use and in the case of any publications of the organisation directly imported or exported by it.
6. The right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the Press or for broadcasting (including communications addressed to, or despatched from, places outside the Colony), of any reduced rates applicable for the corresponding service in the case of Press telegrams.

**Part II.****IMMUNITIES AND PRIVILEGES OF HIGH OFFICERS, PERSONS ON MISSIONS AND GOVERNMENT REPRESENTATIVES.**

1. The like immunity from suit and legal process as is accorded to an envoy of a foreign sovereign Power accredited to His Majesty.
2. The like inviolability of residence as is accorded to such an envoy.
3. The like exemption or relief from taxes as is accorded to such an envoy.

**Part III.****IMMUNITIES AND PRIVILEGES OF OTHER OFFICERS AND SERVANTS.**

1. Immunity from suit and legal process in respect of things done or omitted to be done in the course of the performance of official duties.
2. Exemption from income-tax in respect of emoluments received as an officer or servant of the organisation.

**Part IV.****IMMUNITIES AND PRIVILEGES OF REPRESENTATIVE'S STAFF AND OF HIGH OFFICER'S FAMILY**

1. Where any person is entitled to any such immunities and privileges as are mentioned in Part II of this Schedule as the representative of a member government, his official staff accompanying him as such a representative shall also be entitled to those immunities and privileges to the same extent as the retinue of an envoy of a foreign sovereign Power accredited to His Majesty is entitled to the immunities and privileges accorded to the envoy.
2. Where any person is entitled to any such immunities and privileges as are mentioned in Part II of this Schedule as an officer of the organisation, that person's wife or husband, and children under the age of twenty-one shall also be entitled to those immunities and privileges to the same extent as the wife or husband and children of an envoy of a foreign sovereign Power accredited to His Majesty are entitled to the immunities and privileges accorded to the envoy.

## CHAPTER 21.

## DOGS.

AN ORDINANCE RELATING TO THE LICENSING AND CONTROL OF DOGS. 1 of 1944.  
37 of 1949.

[23rd December, 1944.]

1. This Ordinance may be cited as the Dogs Ordinance. Short title.
2. (1) In this Ordinance unless the context otherwise requires— Interpretation.

“Domestic animal” includes horses, mules, asses, cattle, sheep, goats and swine.

“Poultry” includes domestic fowls, turkeys, geese, ducks, guinea-fowl and peafowl.

(2) The occupier of any house or premises where a dog is kept or permitted to live or remain at any material time shall be presumed to be the owner or keeper of the dog for the purpose of this Ordinance unless he proves that at the material time he was not the owner or keeper of the dog:

Provided that where there are more occupiers than one in any house or premises let in separate apartments or lodgings or otherwise, the occupier of that particular part of the house or premises in which the dog has been left or permitted to live or remain at the material time shall be presumed to be the owner or keeper of the dog.

3. (1) Any person living in a town who shall keep a dog without having in force a licence granted under this Ordinance authorising him so to do, or shall keep a greater number of dogs than he shall be licensed to keep, shall commit an offence and shall be liable on summary conviction to a fine not exceeding five pounds. If, after conviction, a person neglects or refuses to licence the dog the court may order that the dog be destroyed: Licence for dogs kept in a town.

Provided that no licence fee shall be payable in respect of—

- (i) any dog under the age of six months; or
- (ii) any dog which is kept for use solely in connection with the work or business of its owner;
- (iii) any hound under the age of twelve months where an owner of or a master of hounds has taken out proper licences for all hounds entered in any pack kept by him.

(2) In any proceedings for keeping a dog without a licence, the proof of the age of the dog shall lie upon the defendant.

Granting of  
licences and  
keeping  
register.

4. (1) The Chief Constable shall issue all dog licences which shall expire on the 31st day of December next following the date of issue. The licences and fees prescribed under this Ordinance shall be levied by and paid to the Chief Constable and all such licences and fees shall form part of the general revenues of the Colony.

(2) The Chief Constable shall keep a register of all such licences granted by him specifying the name and place of abode of every person licensed and the number of dogs which each person shall be licensed to keep; and any justice or constable, and upon the payment of the prescribed fee any other person, may at any convenient time inspect the register of licences.

Production  
of licence.

5. Any person who shall not produce and deliver a licence to be examined and read by any constable, within a reasonable time after such constable shall request the production of the same, shall commit an offence and shall be liable on summary conviction to a fine not exceeding five pounds.

Seizure of  
stray dogs.

6. (1) Where a constable has reason to believe that any dog found in a street or place of public resort is a stray dog, he may seize the dog and may detain it until the owner or keeper has claimed it and paid all expenses incurred by reason of its detention.

(2) Where any dog so seized wears a collar having inscribed thereon or attached thereto the address of any person, or the owner or keeper of the dog is known, the Chief Constable, or any person authorised by him in that behalf, shall serve upon the person whose address is given on the collar, or upon the owner or keeper, a notice in writing stating that the dog has been so seized, and will be liable to

be sold or destroyed if not claimed within seven clear days after the service of the notice.

(3) A notice under this section may be served either—

- (a) by delivering it to the person upon whom it is to be served; or
- (b) by leaving it at that person's usual or last known place of abode, or at the address given on the collar; or
- (c) by forwarding it by post in a prepaid letter addressed to that person at his usual or last known place of abode, or at the address given on the collar.

(4) Where any dog so seized has been detained for seven clear days after the seizure, or, in the case of such a notice as aforesaid having been served with respect to the dog, then for seven clear days after the service of the notice, and the owner or keeper has not claimed the dog and paid all expenses incurred by reason of its detention, the Chief Constable, or any person authorised by him in that behalf, may cause the dog to be sold or destroyed in a manner to cause as little pain as possible.

7. Any person who takes possession of a stray dog shall forthwith either return the dog to its owner or keeper or give notice in writing to the Chief Constable containing a description of the dog and stating the place where the dog was found and the place where the dog is detained, and any person failing to comply with the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding two pounds.

Notice to  
police of  
finding of  
stray dogs.

8. The owner or keeper of a dog shall be liable in damages for injury done to any domestic animals or poultry by that dog; and it shall not be necessary for the person seeking such damages to show a previous mischievous propensity in the dog, or the owner's or keeper's knowledge of such previous propensity, or to show that the injury was attributable to neglect on the part of the owner or keeper.

Liability of  
owner of dog  
for injury to  
domestic  
animals or  
poultry.

9. Any person who shall take any dog upon or across any sheep station between the first day of August and the last day of November of each year without the permission of the owner or manager of such station previously obtained shall commit an offence and shall be liable on summary conviction to a fine not exceeding ten pounds.

Dogs not to  
be taken  
through  
sheep  
stations  
during  
lambling  
season.

Dangerous  
dogs may be  
destroyed.

**10.** If it appears to the court, on complaint, that a dog is dangerous, and not kept under proper control, it may order that the dog be kept by the owner or keeper under proper control or destroyed, and any person failing to comply with such order shall commit an offence and shall be liable to a penalty not exceeding one pound for every day during which he fails to comply with such order.

Bitches to  
be kept  
under  
control.

**11.** Any person who within the town of Stanley or any town shall, being the owner or keeper of any bitch, suffer her when on heat to be off the chain or not shut up in some secure place shall be liable to a fine not exceeding forty shillings.

Fatal Acci-  
dents Acts to  
apply to dog  
bites.

**12.** Where the death of a person is occasioned by the bite of a dog to which any wrongful act, neglect or default of any person shall be contributory, that act, neglect or default shall be deemed to cause the death for the purposes and within the meaning of the Fatal Accidents Act, 1846, and any Act substituted for or amending that Act.

Rules.

**13.** The Governor in Council may make rules prescribing forms, fixing fees and generally for the carrying into effect of any of the provisions or purposes of this Ordinance.

## CHAPTER 22.

## EDUCATION.

AN ORDINANCE TO REVISE THE LAW RELATING TO EDUCATION 45 of 1949.

[31st December, 1949.]

1. This Ordinance may be cited as the Education Ordinance. Short title.

2. In this Ordinance and regulations thereunder unless the context otherwise requires: Definitions.

“Child” means any person who has attained the age of 5 years and has not attained the age of 14 years;

“Parent” in relation to a child includes guardian and every person who is liable to maintain or has the actual custody of the child;

“Recognised school” means a school approved by the Governor as suitable for giving efficient education;

“Recognised teacher” means a teacher approved by the Governor;

“Superintendent of Education” means the officer in charge of education in the Colony.

3. It shall be the duty of the parent of every child to cause that child to receive efficient education by attending regularly either Duty of parent to have child educated.

(a) a recognised school, or

(b) the classes held by a recognised teacher.

4. (1) If it appears to the Superintendent of Education that the parent of any child is failing to perform the duty imposed on him by section 3 he shall serve on such parent a notice requiring him within seven days, if the parent resides in Stanley, or thirty days, if the parent resides outside Stanley, from the service thereof to satisfy the Superintendent of Education that the child is receiving efficient education: School attendance orders.



Provided that it shall be a sufficient excuse for non-compliance with the requirements of section 3 if:

- (a) there is neither a recognised school nor a recognised teacher within one mile in the case of a child under the age of seven years, or within two miles in the case of any other child, from the residence of such child;
- (b) the child has been prevented from receiving efficient education by reason of sickness or any unavoidable cause.

(2) If, after the said notice, and without reasonable excuse, the parent of any child fails to cause the child to receive education as provided in section 3 the Superintendent of Education shall serve on the parent an order in the prescribed form (hereinafter referred to as a school attendance order) requiring him to cause the child to receive efficient education as specified in the order.

(3) Any person upon whom a school attendance order is served who fails to comply with the requirements of the order shall be guilty of an offence.

Duty of  
parent to  
secure  
regular  
attendance  
of registered  
pupils.

5. If any child who is registered at a recognised school fails to attend regularly thereat, or being registered with a recognised teacher fails to attend regularly with that teacher at the place and times notified to the parent, the parent of the child shall be guilty of an offence:

Provided that a child shall not be deemed to have failed to attend regularly by reason of his absence with leave, or when he was prevented from attending by reason of sickness or any unavoidable cause, or on any day exclusively set apart for religious observance by the religious body to which his parent belongs.

Medical  
inspection.

6. Children registered at a recognised school or with a recognised teacher shall be inspected by a Government medical officer at appropriate intervals as the Governor may direct and the parent of any such child who shall fail without reasonable cause to submit that child for such inspection shall be guilty of an offence.

Inspection of  
schools.

7. (1) The Governor may cause inspection to be made of all recognised schools at such intervals as may appear to him to be appropriate.

(2) If any person obstructs a person authorised under this section to make an inspection in the execution of his duty he shall be liable on summary conviction to a fine not exceeding £20, or on a second or subsequent conviction to a fine not exceeding £50 or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

(3) The religious instruction given at a school not maintained by the Government otherwise than in accordance with an agreed syllabus shall not be the subject of inspection as hereinbefore provided.

8. The Governor in Council may by Order raise the upper limit of the school leaving age to sixteen and thereupon any references in this Ordinance to a child shall mean one who has not attained the age given in the Order:

Power to  
raise school  
leaving age.

Provided that no Order made under this section shall take effect unless it is confirmed by the Legislative Council at the meeting following the publication of the Order.

9. Any person guilty of an offence under this Ordinance or any regulation made thereunder for which a penalty is not prescribed shall be liable on summary conviction in the case of a first offence to a fine not exceeding £1, in the case of a second offence to a fine not exceeding £5 and in the case of a third or subsequent offence to a fine not exceeding £10 or to imprisonment for a term not exceeding one month, or to both such fine and imprisonment.

Penalties.

10. The Governor in Council may make regulations for carrying out the provisions of this Ordinance and in particular and without prejudice to the generality of the foregoing power, regulations as to the education of children residing outside a town, and as to the standard and method of education in recognised schools.

Regulations.

## CHAPTER 23.

## ELECTRICITY SUPPLY.

15 of 1939. AN ORDINANCE TO MAKE PROVISION FOR THE SUPPLY OF  
6 of 1941. ELECTRICITY FOR LIGHTING AND OTHER PURPOSES IN  
THE TOWN OF STANLEY.

[9th December, 1939.]

Short title. 1. This Ordinance may be cited as the Electricity Supply Ordinance.

Definition. 2. In this Ordinance the expression "Supervisor" means the Government officer charged with the administration of any Government Department or branch of a Government Department for the time being concerned with the provision and control of the supply of electricity for light and power purposes, and includes any officer or person acting within the scope of his duties under the general authority of the Government officer aforesaid.

Power to make regulations. 3. It shall be lawful for the Governor in Council to make regulations for the control of the supply of electricity for lighting and power purposes and in particular with respect to any of the following matters:

- (a) the regulation of the use of and the prevention of the misuse or waste of electricity supply;
- (b) the protection of electrical installations and services;
- (c) the protection of cables and other plant connected with the distribution of electricity;
- (d) the fixing of charges for the supply of electricity;
- (e) the imposition of penalties for contravention of the regulations;
- 6 of 1941. (f) the protection of life and property and the general safety of the public.

4. (1) It shall be lawful for the Supervisor to construct and erect plant, works and equipment (hereinafter in this section referred to as "works"), and—

Power to Supervisor to construct and erect electrical plant and equipment.

- (a) to enter upon any lands for the purpose of constructing, erecting, placing or maintaining any works so placed and to remain therein for such reasonable time and to execute and do all such things as he may consider necessary;
- (b) to survey and take levels of any such lands or any part thereof, and also to dig, cut, remove and carry away any earth, stone, soil, sand and gravel whatsoever, as the nature of the works may require;
- (c) to construct, place and maintain cables, apparatus and works in, upon, over, along or across any lands or buildings, or any pier; or under, in, upon, over, along or across any road or street; and for any such purpose to open or break up any road or street and alter the position thereunder of any pipe (not being a main) for the supply of water, and to alter or remove any cable so constructed or placed as aforesaid.

(2) Except as hereinafter provided the Supervisor shall not enter upon any lands for the purpose of constructing works except by day, nor unless with the consent of the owner or occupier of such lands or his authorised agent until after one week's notice has been given to such owner, occupier, or agent of the intention to construct such works upon such lands.

Notice before entry on lands.

(3) If the owner or occupier of any lands cannot after reasonable inquiry be found, it shall be sufficient if the Supervisor shall cause not less than one week's notice in writing of his intention to enter upon such lands for the purposes of this Ordinance to be posted in some conspicuous place on the lands so proposed to be entered; and after the expiration of the time mentioned in such notice the Supervisor may exercise all the powers vested in him as effectually as if notice had been served on the owner or occupier of such lands.

Where the owner or occupier cannot be found.

(4) The Supervisor may at all reasonable times enter upon any lands whatsoever without giving notice for the purpose of inspecting, repairing, or altering any works, whether wholly or in part constructed.

Entry to inspect, repair, or alter works.

Exemption  
of apparatus  
from distress  
and attach-  
ment.

(5) When any electric wires, meters, fittings, works, or apparatus belonging to the Government are placed in or upon any private premises for the purpose of supplying or measuring energy, such wires, meters, fittings, works, or apparatus shall not be subject to distress nor be liable to be taken in execution under any legal process.

Supervisor  
to do as little  
damage as  
possible.

6 of 1941.

(6) In the exercise of the foregoing powers the Supervisor shall do as little damage as possible; and, where the surface of a road or street has been disturbed he shall as far as practicable restore it to its former condition.

Compensa-  
tion.

6 of 1941.

(7) Every person having any estate or interest in land taken by the Government for the purposes of any works, or injuriously affected by the exercise of the said powers or suffering any damage therefrom, shall be entitled to compensation, to be settled, awarded, and paid in accordance (as nearly as may be) with the provisions relating to compensation which are contained in the Land Ordinance.

Chapter 36.

## CHAPTER 24.

## EMPLOYMENT OF CHILDREN.

AN ORDINANCE TO PRESCRIBE THE MINIMUM AGE FOR THE 4 of 1939.  
EMPLOYMENT OF CHILDREN IN ANY OCCUPATION.

[13th March, 1939.]

1. This Ordinance may be cited as the Employment of Children Ordinance. Short title.

2. Any person who employs a child under the age of 14 years in any occupation shall be guilty of an offence and shall be liable on summary conviction thereof to imprisonment with or without hard labour for any term not exceeding six months or to a fine not exceeding £50 or to both such imprisonment and fine: Prohibition of employment of children.

Provided that this section shall not apply to part-time work not exceeding two hours daily, done by children of not less than 12 years of age; and

Provided further that a magistrate may grant permission for any child under the age of 14 years to be employed if in his opinion such employment would be in the child's interests.

---

[Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

**CHAPTER 25.****ESTATE DUTY.**

4 of 1949. AN ORDINANCE TO AMEND AND CONSOLIDATE THE LAW AS  
10 of 1950. TO ESTATE DUTY.

[1st June, 1949.]

Short title.      1. This Ordinance may be cited as the Estate Duty Ordinance.

Definitions.    2. In this Ordinance unless the context otherwise requires:  
“Deceased person” and “the deceased” mean a person dying after the commencement of this Ordinance.  
“Estate Duty” means Estate Duty under this Ordinance.

“Incumbrance” includes any claim, lien or liability attaching to property.

“Personal representative” means the executor or administrator of a deceased person and includes as regards any obligations under this Ordinance any person who takes possession of or intermeddles with the estate of a deceased person.

“Property” includes all freehold and leasehold estates and personal property and the proceeds of sale thereof respectively and any moneys or investment and any undivided share therein held jointly or in common with any other person but excluding that held by the deceased as a trustee.

“Treasurer” means the Treasurer for the time being of the Colony and any person appointed by the Governor under section 3 of this Ordinance.

Administra-      3. This Ordinance shall be administered and estate duty  
tion.            shall be collected by the Treasurer on behalf of the Govern-  
ment: Provided that the Governor may from time to time  
by Order in Council appoint any person he may consider  
fit to assist in the collection of estate duty.

---

[Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

4. (1) On and after the date of this Ordinance, estate duty at the graduated rates shown in the Schedule to this Ordinance shall be levied and paid on the principal value of all property belonging to the deceased at the date of his death (in this Ordinance referred to as "the estate of the deceased").

Charge of  
estate duty.

(2) The estate of the deceased shall include:

- (a) property of which the deceased was at his death competent to dispose;
- (b) property taken as a *donatio mortis causa* (gift made in contemplation of death) made by the deceased;
- (c) money payable to the deceased's estate under any policy of insurance;
- (d) property which belonged to the deceased or of which he was competent to dispose at any time within three years of his death and of which the deceased has disposed in any manner other than for full consideration in money or money's worth;
- (e) any annuity or other interest purchased or provided by the deceased either by himself alone or in concert or by arrangement with any other person, to the extent of the beneficial interest accruing or arising by survivorship or otherwise on the death of the deceased:

Provided that this provision shall not apply to gifts made to the entire exclusion of the deceased, which are made in consideration of marriage, or which are proved to the satisfaction of the Treasurer to have been part of the normal expenditure of the deceased and to have been reasonable having regard to the amount of his income, or which in the case of any donee do not exceed in aggregate £100 in value or amount, or which are made for public or charitable purposes more than twelve months before the date of death of the deceased.

(3) Estate duty shall be paid whether or not the deceased died in the Colony and whether he was or was not domiciled in the Colony at the time of his death, but shall only be paid in respect of property situate in the Colony.

(4) For the purposes of this section the situation of any property shall be determined in accordance with the law of England.



Interest.

5. (1) Simple interest at the rate of 5 per centum per annum shall be paid on estate duty from the date of death of the deceased and shall be recoverable in the same manner as if it were part of the estate duty.

(2) Where the estate duty is less than £2 10s. 0d. interest will not be charged if the duty is paid within twelve months of the date of death.

Relief in  
respect of  
quick  
successions.

6. Where the Treasurer is satisfied that estate duty has become payable on any property consisting of land or a business (not being a business carried on by a company) or any interest in land or such a business passing upon the death of the deceased, and subsequently estate duty has become payable on the same property or any part thereof by reason of the death of the person to whom the property passed on the first death, the estate duty payable on that property by reason of the second death shall be reduced as follows:

Where the second death occurs within one year of the first death by 50 per cent.

Where the second death occurs within two years of the first death by 40 per cent.

Where the second death occurs within three years of the first death by 30 per cent.

Where the second death occurs within four years of the first death by 20 per cent.

Where the second death occurs within five years of the first death by 10 per cent.:

Provided that where the value, on which estate duty is payable, of the property on the second death exceeds the value, on which the duty was payable, of the property on the first death, the latter value shall be substituted for the former for the purpose of calculating the amount of duty on which the reduction under this section is to be calculated.

Principles for  
computing  
estate duty.

7. (1) For the purpose of determining the rate of estate duty the estate of the deceased shall be aggregated so as to form one estate and the estate duty shall be levied at the proper graduated scale on the principal value thereof as shown in the Schedule to this Ordinance.

(2) The principal value of any property shall be the price estimated by the Treasurer to be the price it would

fetch if sold in the open market at the date of the death of the deceased: Provided that should it be shown to the satisfaction of the Treasurer that the property has depreciated by reason of the death of the deceased the Treasurer in fixing the price shall take the depreciation into account.

(3) An allowance shall be made for reasonable funeral expenses in respect of and any debts of the deceased and for any incumbrances on the estate of the deceased, but an allowance shall not be made—

- (a) for debts incurred by the deceased, or incumbrances created by a disposition made by the deceased, unless such debts or incumbrances were incurred or created *bona fide* for full consideration in money or money's worth wholly for the deceased's own use and benefit and take effect out of his interest; nor
- (b) for any debt in respect whereof there is a right to reimbursement from any other estate or person, unless such reimbursement cannot be obtained; nor
- (c) more than once for the same debt or incumbrance charged upon different portions of the estate;

and any debt or incumbrance for which an allowance is made shall be deducted from the value of the land or other subjects of property liable thereto.

(4) No allowance shall be made for debts due from the deceased to persons resident outside the Colony unless contracted to be paid in the Colony or unless and to the extent to which it is shown to the satisfaction of the Treasurer that the property of the deceased situate in the country in which the person to whom such debts are due resides is insufficient for their payment.

8. (1) The personal representative of the deceased shall as soon as possible after the death of the deceased ascertain the particulars and principal value of the property of the deceased and make and deliver to the Treasurer an affidavit (hereinafter called the "estate duty affidavit") giving such particulars and value so far as is known to him and from time to time make and deliver to the Treasurer any further estate duty affidavit that may be necessary to supplement any omission from or mistake in any previous estate duty affidavit.

Value of  
estate:  
affidavit.

(2) Any personal representative who fails in any duty

imposed upon him by this section, or who fails to make and deliver an estate duty affidavit within twenty-one days after service of a notice from the Treasurer requiring him so to do shall be guilty of an offence against this Ordinance.

Payment of  
duty.

9. (1) Estate duty shall in the first instance be calculated at the appropriate rate on the value of the estate of the deceased which may come into his hands as shown in the original estate duty affidavit and shall be payable by the personal representative on delivery of that affidavit.

(2) The personal representative shall on delivery of every subsequent estate duty affidavit pay any estate duty payable on any property which may come into his hands disclosed by that affidavit.

Liability of  
personal  
representative.

10. The personal representative shall be liable for all estate duty payable by him in respect of the estate of the deceased which may come into his hands but his liability shall not exceed the assets he has received or would but for his own neglect or default have received.

Liability of  
beneficiaries,  
trustees,  
purchasers,  
etc.

11. Every beneficiary to the amount of the estate of the deceased passing to him, and every trustee, guardian, committee or other person to the extent of the property actually received or disposed of by him or them, and every person who takes possession of or administers any part of the property, and every person in whom the same is vested by alienation or other derivative title shall be liable for the estate duty on such estate of the deceased as is taken by him or them:

Provided that a person who merely acts as agent or bailiff for another in the management of property is not accountable for any estate duty in respect of such property.

When estate  
duty in  
arrears.

12. The whole estate duty shall, except as hereinafter mentioned, become due and payable at the end of six months from the date of death of the deceased, or on delivery of the original estate duty affidavit whichever first occurs, and any estate duty not so paid shall be deemed to be in arrears and be recoverable accordingly.

Postpone-  
ment of  
payment.

13. The Treasurer may if he is satisfied that estate duty cannot without excessive sacrifice be raised at once allow

payment to be postponed for such period and to such extent and on payment of such interest and on such terms as he may deem fit.

14. Any person liable for estate duty on any part of the estate of the deceased shall have power, whether or not the estate is vested in him, to raise the amount of such duty and expenses incurred by him in connection therewith by sale or mortgage of that part of the property.

Power to raise duty by sale or mortgage.

15. Estate duty shall, subject to the will of the deceased, be borne by the beneficiaries under the will in proportion to the value of their respective interests, and the personal representative shall in distributing the property of the deceased make such payments, reductions and adjustments as may be necessary for that purpose.

Estate duty to be borne rateably.

16. (1) Every personal representative or other person liable for the payment of estate duty or having in his possession, power or control any documents relating to the estate of the deceased shall whenever required by the Treasurer—

Personal representative, etc., to produce documents and attend examination.

(a) make and deliver to the Treasurer an affidavit giving to the best of his knowledge and belief answers to such questions as to the estate of the deceased as may be put to him by the Treasurer;

(b) disclose, produce to and allow the Treasurer to make copies of any such documents as aforesaid.

(2) Any personal representative or other person who fails to comply with the requirements of the Treasurer under this section within fourteen days after a notice stating such requirements shall be guilty of an offence under this Ordinance.

17. (1) Subject to the provisions of this Ordinance the Treasurer shall ascertain the principal value of the estate of the deceased in such manner and by such means as he shall deem fit and may accept the value estimated by the personal representative or the valuation of any person approved by the Treasurer as a valuer for the purpose of this Ordinance or for the purpose of that valuation.

Valuation by Treasurer.

(2) The Treasurer shall pay the reasonable cost of the valuation made by a person named by him.

(3) Any person named by the Treasurer to value any property for the purpose of this Ordinance shall at all reasonable times have power to enter and inspect the property.

Assessment  
by Treas-  
urer.

**18.** (1) The assessment of the Treasurer that any estate duty is payable in respect of any property shall, subject to the right of appeal hereinafter provided for, be conclusive evidence that that duty is payable in respect of that property.

(2) The Treasurer may at any time revoke or reduce an assessment when it is shown to his satisfaction to be erroneous or excessive and may make a further assessment in respect of the same property.

Refund of  
overpaid  
duty.

**19.** The Treasurer shall refund any excess estate duty when it is shown to his satisfaction that too much duty has been paid.

Appeals  
against  
assessment,  
etc.

**20.** (1) Any person aggrieved by the refusal of the Treasurer to refund any excess duty or by any assessment or other decision of the Treasurer may on payment of the estate duty or such part thereof then payable or on giving security for it to the satisfaction of the Supreme Court appeal to the Supreme Court of the Colony.

(2) The appeal shall be lodged within one month of the date of notice of the decision of the Treasurer by which the appellant is aggrieved and shall specify the objections to the assessment, decision or refusal to refund.

(3) The Supreme Court may

- (a) extend the time for appealing notwithstanding that it has elapsed if it considers the interests of justice so require;
- (b) reverse or vary an assessment, decision or refusal to refund;
- (c) make such order as to costs of the appeal as it may deem fit.

Recovery of  
estate duty.

**21.** (1) Estate duty in arrears shall be recoverable by civil suit as a debt to the Government of the Colony from the person liable.

(2) The Treasurer may apply to any magistrate or justice of the peace in the Colony in open court to recover estate duty in arrears as follows—

- (a) on production of the assessment and on proof of service on the person liable and that duty is in arrear the Court shall make an order for the payment of the estate duty in arrear by the person liable and may direct the immediate execution of the order;
- (b) a statement in writing by the Treasurer shall be sufficient evidence of the amount of estate duty in arrears;
- (c) the order shall be served as soon as possible on the person liable who may within fourteen days of such service apply to the Court for the order to be discharged, which may be done on any ground disclosing a valid defence to proceedings for the recovery of the estate duty;
- (d) property liable to attachment and sale in execution of the order may be seized forthwith but shall not be sold until the time for applying for a discharge of the order has elapsed or the application for discharge been disposed of;
- (e) when it appears to the Court that an appeal against the assessment is pending or the time for appealing has not elapsed the Court may grant a stay of execution for such period and on such terms as it may deem just.

**22.** (1) The whole estate duty shall be a first charge on the estate of the deceased.

Estate duty  
a charge on  
deceased's  
estate.

(2) The Supreme Court may appoint a receiver of the property and of the rents, profits and income thereof and order a mortgage or sale of the property for enforcing such charge.

**23.** (1) The Treasurer may, on being satisfied that the full estate duty has been or will be paid in respect of all the estate of the deceased, give a certificate discharging the property specified in the certificate from any further claim for estate duty.

Certificate of  
discharge.

(2) A person liable for estate duty, other than a personal representative, may after two years from the death of the deceased apply to the Treasurer for a certificate discharging him and specified property from any further claim for estate duty and shall deliver to the Treasurer a full

statement to the best of his knowledge and belief of all the estate of the deceased and the persons entitled thereto, and the Treasurer may, upon payment by the person liable of such estate duty as should be borne by him, issue such certificate.

(3) A certificate given under this section shall not

- (a) discharge any person or property from estate duty in case of fraud or failure to disclose material facts;
- (b) affect the rate of duty payable in respect of any other part of the estate of the deceased and the duty in respect of such other part shall be at such rate as would be payable if the value thereof were added to the value of the property in respect of which a certificate of discharge has been given.

(4) A certificate purporting to be a discharge of the whole estate duty payable in respect of any property in the certificate shall exonerate a *bona-fide* purchaser for valuable consideration without notice from estate duty notwithstanding any such fraud or failure.

Power to  
accept  
composition

24. The Treasurer may, where it is difficult to ascertain exactly the amount of estate duty payable in respect of any property or to ascertain the same without undue expense in proportion to the value of the property, on the application of the person liable for estate duty thereon and upon his giving all information in his power affecting the liability of the property for estate duty, assess such sum as he may consider proper as the estate duty and accept payment of that sum as composition for and in full discharge of all claims for estate duty in respect of that property and issue a certificate of discharge accordingly:

Provided that the certificate shall not discharge any person or property from any duty in case of fraud or failure to disclose material facts.

No grant to  
probate  
without cer-  
tificate of  
Treasurer.

25. Probate or Letters of Administration shall not be granted unless a certificate of the Treasurer is produced that a proper estate duty affidavit as to the estate of the deceased has been delivered to the Treasurer and that the estate duty has been paid or security for the payment thereof has been given to his satisfaction.

26. Any person who, while any part of the estate duty payable on the estate of the deceased remains unpaid or in respect of which satisfactory security has not been given as provided in this Ordinance,

Penalty for administering or accepting assets while duty unpaid.

- (a) distributes any part of the estate of the deceased to any beneficiary;
- (b) takes possession of and administers or appropriates any part of the estate of the deceased;
- (c) being a beneficiary accepts any part of the property shall be guilty of an offence against this Ordinance.

27. Any notice of any act, decision, requirement, valuation or assessment of or by the Treasurer under this Ordinance or any regulation made thereunder required to be served on any person shall be sufficient if it records the substance of that act, decision, requirement, valuation or assessment and is signed by the Treasurer and shall be sufficiently served if left at the last known place of abode or business in the Colony of the person to be served or if sent by registered post to such place of abode or business.

Notices.

28. The Governor may make regulations for carrying this Ordinance into effect and in particular, without prejudice to the general power, prescribing

Regulations.

- (a) the forms of estate duty and other affidavits;
- (b) the accounts to be kept by the Treasurer and procedure to be observed by him in carrying out the provisions of this Ordinance.

29. Any person who wilfully fails to perform any duty imposed upon him by this Ordinance or any regulation thereunder or contravenes the provisions of this Ordinance or any regulation thereunder or who attempts to commit or abets an offence against this Ordinance shall be guilty of an offence against this Ordinance and shall be liable to a fine not exceeding £200 or to a term of imprisonment not exceeding one year or to both such fine and imprisonment.

Penalties.



## SCHEDULE.

## Rate of Estate Duty.

						Rate of Duty.	
Not exceeding	£100	..	..	..	..	Nil	
Exceeding	£100 but not exceeding	£300	..	£100	0 (fixed)		
"	£300	£500	..	£2	10	0	"
"	£500	£1,000	..	1 per cent.			
"	£1,000	£2,000	..	2			
"	£2,000	£3,000	..	3			
"	£3,000	£5,000	..	4			
"	£5,000	£7,500	..	5			
"	£7,500	£10,000	..	6			
"	£10,000	£12,500	..	7			
"	£12,500	£15,000	..	8			
"	£15,000	£20,000	..	10			
"	£20,000	£25,000	..	12			
"	£25,000	£30,000	..	14			
"	£30,000	£35,000	..	16			
"	£35,000	£40,000	..	18			
"	£40,000	£45,000	..	20			
"	£45,000	£50,000	..	22			
"	£50,000	£60,000	..	24			
"	£60,000	£75,000	..	27			
"	£75,000	£100,000	..	30			
"	£100,000	£150,000	..	35			
"	£150,000	£200,000	..	40			
"	£200,000	£250,000	..	45			
"	£250,000	£300,000	..	50			
"	£300,000	£500,000	..	55			
"	£500,000	£750,000	..	60			
"	£750,000	£1,000,000	..	65			
"	£1,000,000	£2,000,000	..	70			
"	£2,000,000	..	..	75			

## CHAPTER 26.

## FIREARMS.

AN ORDINANCE TO AMEND AND CONSOLIDATE THE LAW AS 10 of 1948.  
TO FIREARMS.

[21st October, 1948.]

1. This Ordinance may be cited as the Firearms Ordinance. Short title.

2. In this Ordinance

“Certificate” means a certificate issued by the Chief Constable that the holder thereof is permitted to have in his possession the firearms specified therein. Definitions.

“Chief Constable” means the Chief Constable or officer acting in that behalf at Stanley.

“Firearms” means any lethal barrelled weapon of any description (other than a smooth bore gun with a barrel not less than twenty inches in length and an air gun) from which any shot, bullet or other missile can be discharged and includes any prohibited weapon whether it is such a lethal weapon or not, any component part of such lethal or prohibited weapon and any accessory to any such weapon designed or adapted to diminish the noise or flash caused by firing the weapon.

“Firearms dealer” means a person who by way of trade or business manufactures, sells, transfers, repairs, tests or proves firearms.

“Gun” means a firearm of any description and includes an air gun, air rifle or air pistol.

“Imitation firearm” means anything which has the appearance of being a firearm whether or not it is capable of discharging any shot, bullet or other missile.

“Licence” means a licence issued by the Chief Constable authorising the holder to carry a gun.

“Prohibited ammunition” means any ammunition

[Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

containing or designed or adapted to contain any noxious liquid, gas, or other thing.

"Prohibited weapon" means (a) any firearm which is so designed or adapted that if pressure is applied to the trigger, missiles continue to be discharged until pressure is removed from the trigger or the magazine containing the missiles is empty; or (b) any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas, or other thing.

"Public place" means any street, road, footway or open and public place in Stanley to which the public have or are permitted to have access.

"Registered" in relation to a firearms dealer means registered with the Chief Constable.

## Part I.

### REGISTRATION.

Penalty for purchasing or possessing firearms or ammunition without a certificate.

3. (1) Subject to the provisions of this Ordinance no person shall purchase, acquire, or have in his possession any firearm to which this part of the Ordinance applies without holding a certificate in force at the time, or otherwise than as authorised by such certificate.

(2) Any person who purchases or is in possession of any firearm without a certificate, or fails to comply with the conditions of such certificate, shall for each offence be liable on summary conviction to a fine not exceeding £50 or imprisonment for a term not exceeding three months or to both such fine and imprisonment.

Grant, renewal, variation, or revocation of certificate.

4. (1) An application for the grant of a certificate shall be made on the form issued for that purpose by the Chief Constable and shall state such particulars as may be required.

(2) A certificate shall be granted by the Chief Constable if he is satisfied that the applicant has good reason for having in his possession the firearm in respect of which the application is made and can be permitted to have the same without danger to the public peace or safety:

Provided that a certificate shall not be granted to a person whom the Chief Constable has reason to believe to be of intemperate habits or unsound mind or to be for any reason unfitted to be entrusted with any firearm.

(3) A certificate shall specify the conditions (if any)

subject to which it is held and the nature and number of the firearms to which it relates.

(4) An applicant shall pay the sum of five shillings upon the grant of a certificate irrespective of the number of firearms to which it relates.

(5) A certificate shall, unless previously revoked or cancelled, continue in force for three years from the date when it was granted or last renewed and shall be renewable for a further period of three years and from time to time, and the foregoing provisions shall apply to the renewals as they apply to the grant of a certificate.

(6) The Chief Constable may at any time by notice in writing vary the conditions subject to which the certificate is held and may by notice require the holder to deliver up the certificate to him within twenty-one days of the date of the notice for the purpose of amending the conditions therein specified.

(7) The Chief Constable may revoke a certificate if

- (a) he is satisfied that the holder is of intemperate habits or unsound mind or is otherwise unfitted to be entrusted with a firearm; or
- (b) the holder fails to comply with a notice under subsection (6) of this section requiring him to deliver up the certificate.

(8) Any person aggrieved by a refusal of the Chief Constable to grant him a certificate or renew a certificate or by the revocation of a certificate may appeal to the magistrate.

(9) The Chief Constable shall, when he revokes a certificate, by notice in writing require the holder to surrender the certificate, and if the holder fails to do so within twenty-one days of the date of the notice he shall be liable on summary conviction to a fine not exceeding £20.

(10) Any person who makes a statement which he knows to be false for the purpose of procuring whether for himself or any other person the grant of a certificate shall be liable for each offence on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding £20 or to both such imprisonment and fine.

5. The following persons shall be exempt from the Exemptions requirements of section 3 of this Ordinance:

(1) a registered firearms dealer or his servant in the ordinary course of that business;

(2) an auctioneer or his servant in the ordinary course of that business;

(3) a person who has been granted a permit by the Chief Constable to have in his possession a slaughtering instrument;

(4) a person carrying a firearm belonging to another person holding a certificate may without himself holding a certificate have in his possession that firearm under instructions from and for the use of that other person for sporting purposes only;

(5) a member of his Majesty's Forces or a member of the police force in respect of any firearm entrusted to such member in the course of his official duties;

(6) a member of the Falkland Islands Defence Force in respect of any firearm certified by the Commanding Officer thereof as being used by such member for the sole purpose of target shooting.

Production  
of certificate.

6. (1) Any constable or customs officer may demand the production of a certificate from a person whom he believes to be in possession of a firearm.

(2) If any person upon whom a demand is so made fails to produce the certificate or to permit the constable or customs officer to read the certificate or to show that he is exempt from holding a certificate under section 5 of this Ordinance, the constable or customs officer may seize and detain the firearm and may require that person to declare to him immediately his name and address.

(3) Any person who refuses so to declare his name and address or fails to give his true name and address shall be liable on summary conviction to a fine not exceeding £20, and the constable or customs officer may apprehend without warrant any person who refuses so to declare his name or address or whom he suspects of intending to abscond.

Penalty  
for manu-  
facturing,  
etc., firearms  
without  
being  
registered.

7. (1) No person shall by way of trade or business

(a) manufacture, sell, transfer, repair, test, or prove; or

(b) expose for sale, or transfer, or have in his possession for sale, transfer, repair, test, or proving any firearms unless he is registered as a firearms dealer:

Provided that it shall be lawful for an auctioneer to have in his possession for sale by auction and to sell by auction any firearm if he has obtained from the Chief Constable a permit for that purpose.

(2) Any person who contravenes the provisions of this section or makes any statement which he knows to be false for the purpose of procuring whether for himself or some other person the grant of a permit shall for each offence be liable on summary conviction to a fine not exceeding £20 or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

8. (1) The Chief Constable shall keep a register of firearms dealers and shall enter therein such particulars as may be required by him of any person applying for registration:

Registration  
of firearms  
dealers.

Provided that the Chief Constable may refuse to register an applicant if he is satisfied that the applicant cannot be permitted to carry on business as a firearms dealer without danger to the public peace or safety.

(2) An annual fee of £1 shall be paid by each registered firearms dealer.

(3) The Chief Constable may after giving reasonable notice to any person whose name is on the register if satisfied that that person

(a) is no longer carrying on business as a firearms dealer; or

(b) cannot be permitted to continue to carry on business as a firearms dealer without danger to the public peace or safety

cause the name of that person to be removed from the register.

(4) Any person aggrieved by a refusal by the Chief Constable to register him as a firearms dealer or by the removal of his name from the register may appeal to the magistrate.

(5) Any person who for the purpose of procuring the registration of himself or any other person as a firearms dealer makes any statement which he knows to be false shall for each offence be liable on summary conviction to a fine not exceeding £20 or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

Register of  
transactions  
in firearms.

9. (1) A registered firearms dealer shall provide and keep a register of transactions and shall within twenty-four hours of each transaction enter such particulars relative thereto as may be required by any regulation made under this Ordinance or by the Chief Constable.

(2) A registered firearms dealer shall allow the Chief Constable at all reasonable times to inspect all stock in hand and the register required to be kept as aforesaid.

(3) Any person who fails to comply with any provisions of this section or knowingly makes any false entry in the said register shall for each offence be liable on summary conviction to a fine not exceeding £20 or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

Offence by  
registered  
firearms  
dealer.

10. When a registered firearms dealer is convicted of an offence against this Ordinance, or an offence against the Customs Ordinance relating to the import or export of firearms, the Court may order that his name be removed from the register and that any stock in hand in the business be disposed of by sale or otherwise in accordance with such directions as may be contained in the order:

Provided that any person aggrieved by such an order may appeal to the Supreme Court and the Court may suspend the order pending the appeal.

## Part II.

### LICENCES.

Gun licences.

11. Any person who shall carry a gun otherwise than in a dwelling-house or outbuilding yard and enclosed ground adjoining the house without having in force a licence shall be liable on summary conviction to a fine not exceeding £10.

Grant of  
licence, etc.

12. (1) A licence shall be granted by the Chief Constable

Provided that a licence shall not be granted to a person whom the Chief Constable has reason to believe to be a person of intemperate habits or unsound mind or to be for any reason unfitted to be entrusted with a gun.

(2) A licence shall remain in force for one year, expiring on the 31st day of December in each year, and a

fee of five shillings shall be paid in respect of each year or part of a year during which a licence is held.

(3) The Chief Constable may for any good and sufficient reason revoke any licence if he considers that the grant of it would constitute a danger to public peace or safety.

(4) Any person aggrieved by a refusal of the Chief Constable to grant him a licence or by the revocation of a licence may appeal to the magistrate.

(5) On conviction for an offence involving the use of a gun under the Wild Animals and Birds Protection Ordinance or any amendment thereof the Court may revoke the licence. Chapter 77.

13. The following persons shall be exempt from the requirements of section 11 of this Ordinance: Exemptions

(1) a registered firearms dealer or his servant in the ordinary course of that business.

(2) a member of His Majesty's forces or a member of the police force in respect of any gun entrusted to such member in the course of his official duties;

(3) a member of the Falkland Island Defence Force in respect of any gun certified by the Commanding Officer thereof as being used by such member for the sole purpose of target shooting.

14. Any constable or customs officer may require any person using or carrying a gun to produce a licence or to show that he is exempt under section 13 of this Ordinance, and if a person not so exempt shall not produce a licence or permit the constable or officer to read such licence or fail on demand to declare immediately his true name and address he shall be liable on summary conviction to a fine of £10. Production of licence.

### Part III.

#### MISCELLANEOUS PROVISIONS AS TO FIREARMS AND AMMUNITION.

15. Any person who shall manufacture, sell, transfer, procure, or otherwise have in his possession any prohibited firearm or ammunition without the written permission of the Governor, the Admiralty, the Army Council, or the Air Council or who shall fail to comply with any condition Prohibited firearms and ammunition.



imposed in respect thereof shall be liable on conviction on indictment to imprisonment for a term not exceeding two years or on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding £20 or to both such imprisonment and fine.

Restriction  
on sale or  
purchase of  
firearms by  
young  
persons.

16. (1) No person under the age of 17 years shall purchase or hire any firearm, and no person shall sell or let on hire any firearm to any person whom he knows or has reasonable ground for believing to be under the age of 17 years.

(2) No person under the age of 14 years shall accept as a gift or borrow or have in his possession any firearm, and no person shall give or lend or part with the possession of any such firearm to any person whom he knows or has reasonable ground for believing to be under the age of 14 years.

(3) Any person contravening any provision of this section shall for each offence be liable on summary conviction to a fine not exceeding £20 or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

Prohibition  
on sale, etc.,  
to drunk or  
insane  
persons.

17. Any person who sells or transfers any firearm or ammunition to, or repairs, proves or tests any firearm or ammunition for, any person whom he knows or has reasonable ground for believing to be drunk or of unsound mind shall for each offence be liable on summary conviction to a fine not exceeding £20 or to imprisonment for a term not exceeding three months.

Penalty for  
possessing  
firearms with  
intent to  
injure.

18. Any person who has in his possession any firearms or ammunition with intent by means thereof to endanger life or cause serious injury to property or to enable any other person by means thereof to endanger life or cause serious injury to property shall, whether or not any injury to person or property has been caused, be guilty of felony and on conviction on indictment be liable to penal servitude for a term not exceeding fourteen years.

Penalty for  
use and  
possession of  
firearms or  
imitation  
firearms in  
certain cases.

19. Any person who makes or attempts to make any use whatever of a firearm or imitation firearm with intent to resist or prevent the lawful apprehension or detention of himself or any other person shall on conviction on indictment be liable to penal servitude for a term not exceeding fourteen years.

20. Any person other than a registered firearms dealer who shall shorten the barrel of a smooth bore gun to a length of less than twenty inches, or shall convert into a firearm any thing which though having the appearance of being a firearm is so constructed as to be incapable of discharging any missile through the barrel thereof, shall for each offence be liable on conviction on indictment to imprisonment for a term not exceeding one year or to a fine not exceeding £100 or to both such fine and imprisonment or on summary conviction to a term of imprisonment not exceeding three months or to a fine not exceeding £50 or to both such fine and imprisonment.

Provisions as to shortening guns and converting imitation firearms into firearms.

21. Any person who discharges any gun in a public place, other than a shot gun or air gun on Stanley Common, shall be liable on summary conviction to a fine not exceeding £5.

Discharging gun in public place.

## Part IV.

### GENERAL.

22. (1) When a person is convicted of any offence against Part I of this Ordinance the Court may make such order as to the forfeiture and disposal of the firearm or ammunition as it may think fit and may cancel the certificate held by the person convicted.

Forfeiture of firearms and cancellation of certificate.

(2) Whenever the Court shall cancel a certificate under this section the Chief Constable shall by notice in writing require the holder to surrender it and should the holder fail to do so within twenty-one days from the date of such notice he shall be liable on summary conviction to a fine not exceeding £20.

23. (1) A justice of the peace may, if satisfied by information on oath that there is reasonable ground for suspecting that an offence against this Ordinance has been, is being or is about to be committed, grant a search warrant authorising any constable named therein

Search for and disposal of firearms or ammunition.

- (a) to enter at any time any premises or place named in the warrant, if necessary by force, and to search the premises or place and every person found therein; and

- (b) to seize and detain any firearms or ammunition which he may find on the premises or place or on any such person in respect of which he has reasonable grounds for suspecting that an offence under this Ordinance has been, is being, or is about to be committed; and
- (c) if the premises are those of a registered firearms dealer to examine any books relating to the business.

(2) The constable may arrest without warrant any person found on the premises whom he has reason to believe to be guilty of an offence under this Ordinance.

(3) The Court may order any firearm or ammunition seized and detained by a constable under this Ordinance to be destroyed or otherwise disposed of.

Summary of proceedings.

**24.** Summary proceedings for an offence under this Ordinance shall not be instituted more than six months after commission of the offence.

Power of Governor as to Proclamations and Regulations.

**25. (1)** The Governor may by proclamation prohibit

- (a) the exportation of firearms or ammunition to any country or place named therein;
- (b) coastwise traffic in firearms and ammunition.

(2) Any person who contravenes the terms of any Proclamation shall be liable on summary conviction to a term of imprisonment not exceeding three months or to a fine not exceeding £20 for each firearm or parcel of ammunition in respect of which the offence is committed or to both such fine and imprisonment.

(3) The Governor in Council may make regulations for the effective administration of this Ordinance.

## CHAPTER 27.

## FISHERIES.

## AN ORDINANCE TO CONTROL FISHING.

2 of 1944.

[23rd December, 1944.]

1. This Ordinance may be cited as the Fisheries Ordinance. Short title.
2. In this Ordinance:
- “Fish” means any marine or fresh water animal not being a mammal or bird. Definition.
- “Fishing” means killing, pursuing, fishing for, injuring, capturing, shooting at, disturbing or molesting by any method.
3. Subject to the provisions of this Ordinance the Governor in Council may from time to time by order make regulations applicable to the whole or any part of the Colony or its fresh waters or to Colonial waters or to the whole or any part of the Dependencies or their territorial waters as to all or any of the following matters— Power to make regulations.
- (a) prescribing close seasons within which it shall not be lawful to fish for all or any particular fish; Close season.
- (b) prohibiting, restricting or regulating the fishing for all or any particular fish in any specified locality; Restrictions.
- (c) prohibiting, restricting or regulating any method or means of fishing, and the use for fishing of any gear, material, instruments, or things and authorising the seizure of gear, material, instruments or things of which the use for fishing is for the time prohibited, restricted, or regulated; Methods.
- (d) prohibiting, restricting or regulating the removal, transfer, sale or purchase of any fish, and the removal, transfer, sale or purchase of any material or substance or thing manufactured from fish; Trafficking.

[Note. This Ordinance is applied to the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

- |                      |  |
|----------------------|--|
| Curing, etc.         | (e) prohibiting, restricting, or regulating the manufacture, curing or preservation for any purpose of any fish or material or substance derived or extracted from fish and the conditions and methods of such operations;   |
| Import and Export.   | (f) prohibiting, restricting or regulating the import or export of fish, or any material, substance or thing manufactured from fish;   |
| Scientific purposes. | (g) regulating the import, export, fishing for or possession or sale of any fish for scientific purposes;  |
| Licences.            | (h) prescribing the forms, conditions and duration of licences and permits, by whom, to whom, in what circumstances and on what conditions they are to be issued, the fees to be paid therefore, the royalties to be paid on the fish captured, the register to be kept by the holders and the returns to be made; |
| General.             | (i) generally for the carrying into effect of any of the provisions or purposes of this Ordinance.   |

Export  
licences  
necessary.

4. No person shall, unless he is in possession of a valid licence, either—

- (a) fish in the fresh or territorial waters of the Colony or Dependencies for any fish for the purpose of export; or
- (b) export from the Colony or Dependencies any fish or substance or thing manufactured from fish which has been landed, transhipped, cured, preserved, or treated in the Colony or Dependencies or within territorial waters.

Offences.

5. Any person who contravenes any provision of this Ordinance or any regulation made under it, or who fails to comply with any requirement of this Ordinance or of any regulation, or who commits a breach of the conditions of any licence or permit held by him, and any person who attempts to commit, or abets such an offence, shall commit an offence against this Ordinance and shall on summary conviction be liable to a fine not exceeding £50 for a first offence and to forfeiture of any vessel, boat or gear used in committing the offence and to forfeiture of any fish in respect of which an offence has been committed, and for a second offence shall be liable to a penalty not exceeding £100 as well as to the said forfeitures.

## CHAPTER 28.

GOVERNMENT EMPLOYEES PROVIDENT  
FUND.

AN ORDINANCE TO ESTABLISH A PROVIDENT FUND FOR CERTAIN NON-PENSIONABLE EMPLOYEES OF THE GOVERNMENT. 8 of 1938.

[4th June, 1938.]

1. This Ordinance may be cited as the Government Employees Provident Fund Ordinance. Short title.

2. (1) In this Ordinance, unless the context otherwise requires— Interpretation.

“Fund” means the Non-Pensionable Employees Provident Fund established under this Ordinance.

“Board” means the Board of Management appointed under this Ordinance.

“Treasurer” means the Treasurer of the Colony.

“Non-Pensionable Employee” means a person in the service of the Government of the Colony who—

(a) holds an office which is for the time being included in the Schedule to this Ordinance; and

(b) receives a salary of not less than £100 per annum.

“Depositor” means a person who is making deposits in the Fund.

“Salary” includes wages and any personal allowance, but no other payment or allowance whatsoever.

“Personal Allowance” means a special addition to salary granted personally to the holder for the time being of the office.

“Prescribed” means prescribed by regulations made under this Ordinance.

(2) For the purposes of this Ordinance a depositor's family shall be deemed to include his mother, father, wife and children, but no other person.

---

[Note. This Ordinance is applied to the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

Amendment  
of Schedule.

3. The Governor in Council may from time to time by order published in the *Gazette* amend the Schedule to this Ordinance by adding any office to the list of offices contained therein or by deleting any office from such list, but every such order shall make such provision (if any) as may be necessary or expedient to preserve existing rights. When any office is added to the Schedule the provisions of sections 5, 6 and 12 of this Ordinance shall have effect as respects that office as if the date upon which it is added were the date of the commencement of the Ordinance.

Establish-  
ment and  
management  
of the fund.

4. (1) There shall be established a Fund to be known as the Non-Pensionable Employees Provident Fund.

(2) The Governor shall appoint a Board of Management who shall be responsible for the control and management of the Fund in accordance with the provisions of this Ordinance and of any regulations made hereunder. The Treasurer shall be chairman of the Board.

(3) The expenses of management and administration of the Fund shall be paid out of the Fund.

(4) The moneys paid into the Fund shall, so far as practicable, be invested by the Treasurer on behalf of the Fund in such security or securities yielding interest as the Board shall approve, or, with the approval of the Board, be deposited by him in the Government Savings Bank.

(5) The Treasurer shall keep a separate account for the moneys of the Fund.

(6) The Board shall submit to the Governor as soon as practicable after the thirty-first day of December in each year a full statement showing the working of the Fund and all claims thereon, and containing full particulars of all transactions connected with the working of the Fund. The accounts of the Fund shall be audited by the Government Auditor.

Who shall  
become a  
depositor.

5. (1) Every person who shall have been appointed a non-pensionable employee either after the commencement of this Ordinance, or on terms which so require, shall become a depositor from the date on which he begins to draw any of the salary of the post to which he is so appointed or from the commencement of this Ordinance, whichever shall be the later.

(2) Every non-pensionable employee to whom the preceding subsection does not apply, who does not elect under section 6 of this Ordinance to become a depositor, and is appointed to the service of the Government after the commencement of this Ordinance upon terms which constitute a reappointment or re-engagement in the service of the Government, shall become a depositor as from the date of such reappointment or re-engagement.

6. Every non-pensionable employee who is not required by the preceding section to become a depositor may, by a written notice addressed to the head of his department within three months after the commencement of this Ordinance or within such extended time as the Governor in Council may in any particular case allow, elect to become a depositor, and, if he so elect, he shall become a depositor as from the commencement of this Ordinance.

Who may  
become a  
depositor.

7. (1) Every depositor shall deposit in the Fund monthly an amount equal to one-twentieth of his monthly salary, until the termination of his service with the Government. The Treasurer shall deduct the deposit from the salaries of depositors.

Compulsory  
deposit.

(2) Such deposit shall be called the "compulsory deposit", and shall be calculated on full salary whether the depositor is on full, half, or no salary:

Provided that, when a depositor is on half salary or no salary for a period exceeding two months continuously, he may elect to contribute in respect of the excess over two months at the rate of one-twentieth of any salary which he receives.

8. Subject to prescribed conditions a depositor may, from time to time,

Voluntary  
deposits.

- (a) in addition to his compulsory deposits, deposit in the Fund sums, which shall be called "voluntary deposits", of five shillings or any multiple thereof, to an amount not exceeding twenty-five pounds in any one year, or one hundred and fifty pounds in all; and
- (b) withdraw all or any part of such deposits including interest credited thereon;
- (c) repay any sum so withdrawn.



## Bonuses.

9. (1) A sum equal to each compulsory deposit shall, on the date when the deposit is made, be paid out of the revenues of the Colony into the Fund for the credit of the depositor.

(2) Every sum so credited shall be called a "bonus".

## Interest.

10. (1) Interest shall be credited separately on compulsory deposits, voluntary deposits and bonuses at a rate to be fixed annually by the Governor in Council and shall begin to accrue in respect of each sum deposited and each bonus on the first day of the month next following the day on which the deposit was made or the bonus credited. Subject to the provisions of this Ordinance, it shall be calculated to the thirty-first day of December in each year and shall then be added to and become part of the principal and be deemed for the purposes of this Ordinance to be compulsory deposit, voluntary deposit or bonus as the case may be.

(2) No interest shall be credited on any sum withdrawn in respect of the period between the last day of the month preceding the date of withdrawal and the first day of the month next following the date of repayment.

Information  
to  
depositors

11. As soon as practicable after the thirty-first day of December in each year the Treasurer shall inform each depositor of the total amount standing to his credit in the Fund at that date.

Deposits in  
respect of  
previous  
service.

12. (1) Any non-pensionable employee who shall have had at least one year's continuous service immediately before the commencement of this Ordinance and who being an officer to whom section 6 of this Ordinance applies, elects under that section to become a depositor, may if he thinks fit—

- (a) within a period of two years after the commencement of this Ordinance, deposit in the Fund in respect of each completed year of such service an amount not exceeding one-twentieth of his salary as at the commencement of this Ordinance; or
- (b) increase his deposits under section 7 of this Ordinance by 50 per cent. for a period not exceeding his completed years' continuous service prior to the commencement of this Ordinance.

(2) All amounts deposited under the provisions of this section shall be treated in all respects as compulsory deposits and the provisions of section 9 shall apply accordingly.

(3) In this section the word "service" means service which would, if this Ordinance had been in force, have been service as a non-pensionable employee.

13. Subject to the provisions of this Ordinance no compulsory deposit, bonus, or interest on any such deposit or bonus, shall be assignable or transferable or liable to be attached, sequestered or levied upon for, or in respect of, any debt or claim whatsoever.

Deposits,  
etc., not to be  
assigned or  
attached.

14. A depositor may withdraw compulsory deposits,

(1) with the approval of the Board; or

(2) with the permission of the Treasurer if the Treasurer is satisfied that withdrawal is desirable and that it is required for any one or more of the following purposes:

Withdrawal  
of com-  
pulsory  
deposits.

(a) to pay the passage of

(i) any member of the depositor's family; or

(ii) the depositor's brother or sister,

coming from abroad, or leaving the Colony on medical advice or for other good cause, such person being wholly or mainly dependent upon, or ordinarily resident with, the depositor;

(b) to pay the funeral expenses of any member of the depositor's family;

(c) to pay hospital or other expenses incurred through the illness of the depositor or any members of his family.

15. Any sum withdrawn from compulsory deposits under section 14 of this Ordinance shall be repaid by the depositor in not more than twelve equal monthly instalments, commencing in the month following the withdrawal, which may be deducted from his salary.

Repayment  
of with-  
drawal.

16. (1) On the death of a depositor or the termination of the depositor's service with the Government, interest up to the end of the month previous to the date of such death or termination of service shall be credited to his account, which shall then be closed.

Closing of  
accounts.

- (2) Notice of such closure shall thereupon be given
- (i) if the depositor is living, to the depositor; or
  - (ii) if the depositor is dead, to such person or persons mentioned in section 20 of this Ordinance to whom it shall appear to the Treasurer that notice should properly be given,
- and in either case to such other persons as shall, or may in the opinion of the Treasurer, reasonably require such notice.

Death or  
termination  
of service.

17. Subject to the provisions of this Ordinance, if a depositor dies while in the service of the Government or leaves the service in any of the following circumstances, that is to say:

- (1) retirement on medical evidence to the satisfaction of the Governor in Council (or the Secretary of State) that he is incapable by reason of some infirmity of mind or body of discharging the duties of his office;
  - (2) satisfactory completion of contract;
  - (3) abolition of office;
  - (4) reaching the prescribed age of retirement;
  - (5) determination of contract by, or with the consent of, the Government otherwise than by dismissal;
  - (6) in the case of a female depositor, retirement with a view to, or in consequence of, marriage after not less than three years' service (subject to the production of evidence of marriage within such period after retirement as the Board may in any case prescribe);
- the amount standing to his or her credit in the Fund at the closing of such account shall be paid out of the Fund to the depositor or any other person to whom by virtue of this Ordinance or otherwise payment may lawfully be made.

Resignation,  
or dismissal

18. (1) Subject to the provisions of this Ordinance, if a depositor shall be dismissed, or resign, or leave the service of the Government without permission without completing the period prescribed by any contract under which he may be serving,

- (a) the amount of his deposits and interest credited thereon under subsection (1) of section 16 of this Ordinance shall be paid out of the Fund to the depositor; and

- (b) such part, if any, of the bonuses credited to the depositor and interest credited as aforesaid, as the Board with the approval of the Governor shall determine, may be so paid.

(2) Any part of such bonuses and interest not paid as aforesaid shall be paid out of the Fund to the Government and credited to revenue.

19. (1) If a depositor is transferred to a post which is a pensionable office under the Pensions Ordinance, or any other Ordinance, the provisions of section 16 of this Ordinance shall apply as if the service of the depositor with the Government had terminated in circumstances in which section 17 of this Ordinance applies:

Transfer to pensionable office.

Chapter 49.

Provided that interest shall continue to be credited to his account, in accordance with the provisions of section 10 and subsection (1) of section 16 of this Ordinance.

(2) Subject to the provisions of this Ordinance, upon his subsequently leaving the service of the Colony in any circumstances or upon his dying in the service, the amount then standing to the credit of such depositor shall be paid out of the Fund to him or to any other person to whom by virtue of this Ordinance or otherwise payment may lawfully be made.

(3) A depositor who is so transferred may elect at the time of transfer to continue while serving in such post to remain subject to the provisions of this Ordinance, and shall thereupon be deemed to be a depositor as defined in section 2 (1) of this Ordinance while serving in a pensionable post or posts:

Provided that in the event of his being at any time confirmed in a pensionable post, the provisions of subsections (1) and (2) of this section shall apply to him as from the date of such confirmation.

Any election under this subsection shall be made in writing to the Board and shall be irrevocable.

20. (1) Subject to the provisions of this Ordinance, on the death of a depositor—

Payment on death of depositor.

- (a) if the amount at his credit does not exceed £50 the Treasurer shall pay it to the person or persons nominated for the purpose by the depositor in manner prescribed, or, if no such nomination has

been made, to the personal representative of the depositor or, at the discretion of the Treasurer, the person appearing to the Treasurer to be entitled ultimately by law to receive it;

- (b) if the amount at his credit exceeds £50, the Treasurer shall pay it to the personal representative of the depositor:

Provided that the Treasurer may make payments, not exceeding £10 in any one case, to meet the expenses of the funeral of the deceased or to give immediate relief to the widow or children or other dependants of the deceased, if in the opinion of the Treasurer such relief is required.

(2) All amounts paid under this section shall be paid out of the Fund and all payments under this section shall be valid and effectual against any demand made upon the Government, the Board or the Treasurer by any other person in respect of the amount standing to the credit of the depositor.

Sums due to  
Government.

**21.** Any sum or sums due to Government by a depositor may, on payment out of the Fund of any amount then standing to his credit therein, be deducted from the amount otherwise payable.

Power to  
make regu-  
lations.

**22.** The Governor in Council may make regulations for carrying out the provisions of this Ordinance.

#### SCHEDULE.

Section 2 (1)

Offices the holders of which are non-pensionable employees within the meaning of the Ordinance.

(a) The holders of non-pensionable posts included in the approved estimates receiving a salary of not less than one hundred pounds per annum.

O.I.C.  
18th April,  
1939.  
3rd July,  
1948.

(b) Other non-pensionable Government employees in receipt of wages at a rate of not less than one hundred pounds per annum and paid from Votes under "Other Charges", who may from time to time be added to the list of such employees by name by Order of the Governor in Council, but no such employee shall be permitted to become a depositor after 3rd July, 1948.

## CHAPTER 29.

## GOVERNMENT WHARVES.

AN ORDINANCE RELATING TO GOVERNMENT WHARVES.

1 of 1911.

[18th February, 1911.]

1. This Ordinance may be cited as the Government Wharves Ordinance. Short title.

2. In this Ordinance—

Interpreta-  
tion.

“Government Wharf” means any wharf the property of the Crown which shall be declared to be such by the Governor in Council and published in the *Gazette*.

“Boat” means any small open or partly decked vessel, ordinarily propelled by oars.

“Harbour Master” means any person lawfully performing the duties or acting under the orders of the Harbour Master.

“Officer of Customs” means any person duly appointed in writing as such, and shall include the Collector of Customs, and any Deputy Collector of Customs, and all police constables.

3. No vessel shall be taken alongside or made fast to any Government wharf except with the permission of the Harbour Master. Any vessel alongside or made fast to any such wharf must at any time at the request of the Harbour Master be removed or shifted from alongside such wharf. The master or person in charge of any vessel who shall offend against any of the provisions of this section shall on conviction be liable for every such offence to a fine not exceeding £10.

Vessels not  
to be taken  
alongside  
without con-  
sent of  
Harbour  
Master.

4. When any vessel of a measurement of not less than two tons, other than a vessel under mail contract with the Government, shall be placed alongside a Government wharf for the purpose of discharging or taking in cargo or landing or embarking passengers or for any other purpose the owner or

Wharfage  
charges.

master of such vessel shall pay the wharfage charges specified in the Schedule to this Ordinance. Such wharfage shall be paid or secured to the satisfaction of the Harbour Master before such vessel is removed from alongside such Government wharf. Any person or persons removing any vessel from alongside any Government wharf without such wharfage being paid or secured as aforesaid shall be liable on conviction to a fine not exceeding £10.

Tonnage of  
vessels.

5. The measurement of any vessel shall be deemed to be that specified in the register, and in the case of unregistered vessels the Harbour Master shall determine the tonnage thereof.

Wharfage  
charges may  
be com-  
muted.

6. The Governor in Council in the case of any vessel or vessels owned by the same firm or person within the Colony may permit the wharfage charges payable in respect of such vessel or vessels for any period not exceeding one year to be commuted by the payment in advance of such sum as he may determine subject to such conditions as he may deem expedient.

Exemptions  
from ad-  
ditional  
wharfage.

7. Any vessel employed trading to or within the Colony that has paid the wharfage charge aforesaid at one Government wharf for any one day may for any portion of such day be placed alongside any other Government wharf free of wharfage.

Exclusion of  
persons from  
wharves.

8. The Harbour Master or any officer of Customs may prevent any person from entering upon any Government wharf and may order any person already there to leave the same, and any person neglecting or refusing to leave such wharf when requested to do so may be taken into custody without a warrant, and shall upon conviction be liable to a fine not exceeding £10.

Liability for  
damage.

9. The owner or master of any vessel or boat shall be liable for any damage done to any Government wharf, or penalty incurred by such vessel or boat, and such vessel or boat may be detained by order of the Governor until such penalty or damage has been paid.

10. The master or owner of any vessel or boat from which any ashes, ballast, damaged goods, or dead animals are landed on any Government wharf without permission shall be liable to a fine not exceeding £50. Penalty for landing ashes, etc., without permission.

11. Any person who leaves or causes to be left on any Government wharf any dead animal, ballast, damaged goods, rubbish, nightsoil, or any other material without the permission of the Harbour Master or an Officer of Customs shall be liable to a penalty not exceeding £5. Penalty for leaving dead animals, etc., on wharf.

12. (1) The Governor in Council may from time to time make, alter, or revoke regulations appertaining to and for the general good management and control of any Government wharf, and such regulations may provide that any infraction thereof may be punished by fine not exceeding £10. Power of Governor to make regulations.

(2) Until the Governor in Council makes regulations under this section, the regulations in the Schedule to this Ordinance shall be in force, and shall be deemed for all purposes to be regulations made by the Governor in Council under this section.

### SCHEDULE.

#### The Wharfage Regulations.

1. These Regulations may be cited as "The Wharfage Regulations".
2. Wharfage duty for one day or any part thereof.

							£	s	d
Vessel of	2 tons but under	10 tons	..	..	..	..	5	0	
"	10	" "	20	..	..	..	7	6	
"	20	" "	50	..	..	..	10	0	
"	50	" "	60	..	..	..	11	0	
"	60	" "	70	..	..	..	12	0	
"	70	" "	80	..	..	..	13	0	
"	80	" "	90	..	..	..	14	0	
"	90	" "	150	..	..	..	15	0	
"	150 tons and upwards	..	..	..	..	..	20	0	

3. The Government wharf at the north end of Philomel Street, Stanley, shall, after the hour of sunset and before the hour of sunrise, be the only calling-place for all boats plying to or from vessels in the harbour, and it shall not be lawful for any boat to call at any other wharf or place, or to proceed from any other wharf or place on the shore of the harbour after the hour of sunset or before the hour of sunrise, without the permission of the Harbour Master or an Officer of Customs.



4. No vessel is to be anchored or moored within twenty yards of the two mooring buoys situated to the north-west and north-east respectively of the Government wharf at the north end of Philomel Street, without the permission of the Harbour Master, or within twenty yards of a straight line drawn between the two mooring buoys.

5. Any person failing to comply with or offending against these regulations shall be liable to a penalty not exceeding the sum of two pounds for each offence.

## CHAPTER 30.

## HARBOURS.

AN ORDINANCE TO AMEND THE LAW RELATING  
TO HARBOURS.2 of 1902.  
39 of 1949.

[26th March, 1902.]

1. This Ordinance may be cited as the Harbour Ordinance. Short title.

2. In this Ordinance—

“Harbour Master” means any person lawfully performing the duties or acting under the orders of the Harbour Master. Interpretation.

“Vessel” includes every description of ship other than a boat.

“Harbour” means the landlocked water lying to the west and south-west of a line drawn from Cape Pembroke to Port William Point, and any port hereafter defined and declared a harbour by the Governor in Council.

“Boat” includes lighter, barge, hulk, or any open or partly decked craft.

3. The Governor in Council may make regulations:

Regulations.

(a) for the preservation of any port, harbour, roadstead, wharf, landing place, or beach, for the safe and commodious navigation of any harbour, and for the maintenance of good order therein.

(b) respecting the anchoring, mooring and removing of vessels, hulks, boats and buoys; the packing, landing, deposit or removal of gunpowder and other dangerous goods; the watering, coaling, ballasting, deballasting, loading and discharging of ships; the order and management of vessels and boats within the waters of the Colony, and the loading, landing and disposition of cargo;

(c) respecting the numbering and marking and traffic of boats;

---

[Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.), and is deemed to have applied to the Dependencies since 1st January, 1948.]

- (d) respecting the rates to be charged by boats, and the fees to be paid under this Ordinance;
- (e) fixing the penalties for the breach of any regulation made under this Ordinance;
- (f) requiring the deposit of a ship's papers with the Collector of Customs.

Harbour  
Master  
may be  
appointed.

4. The Governor may from time to time appoint a Harbour Master and a Deputy Harbour Master for any port, and make regulations respecting their duties.

Orders he  
may issue.

5. The Harbour Master may order the master of any vessel, boat or hulk—

- (a) to shift the berth of such vessel, boat or hulk to any place other than where such vessel, boat or hulk may be lying at the time of making such order;
- (b) to make in writing or otherwise any declaration upon any subject in connection with his vessel or the cargo and crew thereof.

Any person receiving such order who shall refuse or neglect to comply with such order with all convenient speed shall be liable to a fine not exceeding £20.

False  
declaration.

6. Any person signing a declaration required by this Ordinance, or by any regulation made under this Ordinance, containing any wilfully false, misleading or inaccurate statement, shall be liable to a fine not exceeding £50.

No person to  
board before  
pratique.

7. Any person receiving anything from any vessel arriving from ports beyond the seas, and any unauthorised person other than the pilot boarding or leaving, or making fast to any vessel before she has received pratique and hoisted the commercial code letter "N" at the mast head shall be liable to a fine not exceeding £5.

Interfering  
with Har-  
bour Master.

8. Any person interfering with the Harbour Master in the due execution of his duty so as to resist or impede him in the proper performance thereof shall be liable to a fine not exceeding £50.

Damaging  
moorings,  
etc.

9. Any person who shall wilfully and unlawfully cut, break, destroy, damage or remove, except for the purposes of this Ordinance, the mooring or fastening of any vessel,

boat or hulk, or any sea mark, shall be liable on summary conviction to imprisonment for a term not exceeding four months or to a fine not exceeding £10 or both such fine and imprisonment, and such penalties shall not be a bar to, or prejudice any action at law which may be brought by any person who has suffered injury or loss.

10. Any person who shall oppose or impede the execution on board any vessel of any warrant or other legal process shall be liable on summary conviction to imprisonment for a term not exceeding six months, or to a fine not exceeding £50 or both such fine and imprisonment. Impeding legal process.

11. Where any vessel or boat is sunk, stranded or abandoned in any harbour or tidal water, or in or near any approach thereto, in such a manner as, in the opinion of the Governor in Council, to be an obstruction or a danger to navigation, the Harbour Master may— Removal of wreck.

- (a) take possession of and raise, remove or destroy the whole or any part of the vessel or boat; and
- (b) light or buoy any such vessel or boat or part until the raising, removal or destruction thereof; and
- (c) deliver to the owner on demand and on payment of all expenses incurred, or in the absence of such demand and payment sell, in such manner as he shall think fit, any vessel or boat or part so raised or removed, and also any other property recovered in the exercise of his powers under this section, and out of the proceeds of the sale reimburse himself for the expenses incurred by him in relation thereto, and deposit in the Treasury the surplus (if any) of the proceeds in trust for the persons entitled thereto:

Provided that the Harbour Master shall be entitled to recover from the owner of anything raised, removed or destroyed or sold under this section all expenses incurred by him in relation thereto in excess of the proceeds of such sale.

12. (1) The Master of a vessel or boat from which any anchor, cable, cargo or ship's apparel is slipped or lost in any harbour shall immediately buoy the spot and send to the Cable, cargo, etc., lost to be buoyed.

Harbour Master a full report in writing of such loss and of the position of such buoy, and any master making default in obeying the provisions of this section shall be liable to a fine not exceeding £50.

(2) Any expenses incurred by the Government in raising or removing anything lost in the harbour may be recovered by summary procedure from the master of the vessel to which it belonged.

When owner,  
agent, etc.  
liable.

13. In the absence of the master, or if the master shall depart from the Colony before repaying such expenses the owner, agent and consignee of such vessel at the time such anchor, cable, cargo or apparel was lost shall be liable to repay such expenses to the Government.

Anchors  
found.

14. Any person finding or taking up any derelict anchor or chain shall immediately deliver the same to the Harbour Master.

Explosives,  
regulations  
as to.

15. The master of any vessel or boat having gunpowder or other explosives on board shall comply with the following conditions:

- (a) if such vessel or boat be laden with more than fifty tons of explosives, or if, having more than one ton of explosives on board, she be laden also with coal, petroleum or any such inflammable cargo, he shall not enter the inner harbour of Stanley until such explosives have been deposited in the magazine or otherwise disposed of as the Governor may in writing sanction;
- (b) if she be laden with an inflammable cargo and not having more than one ton of explosives, and if she be laden with a properly stowed general cargo and not having more than fifty tons of explosives, he may anchor in the inner harbour to the east of the Narrows;
- (c) while taking in or discharging any explosives he shall fly flag "B" of the International Code.

Penalty for  
violating.

16. Any person who wilfully violates the provisions of the preceding section, and any person who knowingly and wilfully authorises or permits any such violation, shall be

liable to imprisonment for a term not exceeding one year or to a fine not exceeding £100 or to both such fine and imprisonment.

17. If any information shall be given upon oath to any justice that there is reasonable cause to suspect that any unlawful quantity of explosives is on board any merchant vessel in the inner harbour of Stanley, he may by warrant direct any constable at any time to enter and search any such vessel, and any such constable (having previously made known his authority) may either alone or with such assistance as he may deem necessary enter and search any such vessel and seize and remove to the proper place any unlawful quantities of explosives found on such vessel, and if necessary use force to execute any such warrant.

Search for  
explosives

18. The master of any vessel (except a vessel of war) who shall in any harbour keep or cause or permit to be fired any cannon on board, loaded with ball, shall be liable to a fine not exceeding £50.

Loaded  
cannon.

19. Any person who takes or removes any sand, stone or gravel from a harbour or the beach thereof without the permission in writing of the Harbour Master, shall be liable to a fine not exceeding £50.

Sand,  
removal of.

20. The master of any vessel from which any ashes, ballast, damaged goods, dead animal or cargo are thrown into any harbour shall be liable to a fine not exceeding £50.

Master liable  
as to rubbish,  
etc., thrown  
into harbour.

21. Any person who throws into a harbour or on the beach or any public jetty any dead animal, ballast, damaged goods, rubbish, night soil or other material shall be liable to a fine not exceeding £5:

Other  
persons  
liable, ditto.

Provided that nothing herein contained shall prevent the deposit of rubbish at any spot where an official notice shall be posted sanctioning such deposit, and subject to the conditions laid down in such notice.

22. Any person engaged in removing, or being in a boat containing, gunpowder who shall have in his possession any matches or means for making fire or shall smoke shall be liable to a fine of £5.

Gunpowder:  
offences.  
39 of 1949.

Taking boat  
without  
owner's per-  
mission.

23. Any person who shall take, use or cause to be taken or used, without the consent of the owner, any boat in any harbour shall be liable to a fine not exceeding £10 and such sum as the Court shall award for the loss, use of, or damage to such boat.

Regulations:  
penalty for  
breach of.

24. Any person offending against any regulation made under this Ordinance shall be liable to a fine not exceeding the sum fixed in such regulations and not more than £20.

## CHAPTER 31.

## IMMIGRATION.

AN ORDINANCE TO IMPOSE RESTRICTION ON IMMIGRATION 34 of 1949.  
AND FOR PURPOSES CONNECTED THEREWITH. 10 of 1950.

[31st December, 1949.]

1. This Ordinance may be cited as the Immigration Short title.  
Ordinance.

2. In this Ordinance or any regulation made thereunder Definitions.  
unless the context otherwise requires:

"Alien" means a person who is neither a British 9 of 1950.  
subject, a British protected person, a citizen of India  
nor a citizen of the Republic of Ireland.

"Prohibited immigrant" means any person who

- (a) is not in possession of a passport valid for entry into the Colony; or
- (b) has left the Colony at the public expense; or
- (c) is deemed by the Governor to be an undesirable immigrant; or
- (d) is an idiot or insane; or
- (e) is without visible means of support or is likely to become a public charge; or
- (f) has signed or entered into an agreement to labour for hire in the Colony, or whose passage has been paid on his behalf with a view to his entering into such an agreement on arrival, unless the consent in writing of the Colonial Secretary to the immigration of such person has been obtained.

3. The Governor may prohibit any person landing in the Colony and may impose all or any of the following conditions in respect of any person appearing to be a prohibited immigrant: Prohibition of and conditions on landing any immigrant.

[Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]



- (a) he shall deposit with the Colonial Secretary the sum of £100 provided that the Colonial Secretary may in lieu of requiring the said deposit permit the intending immigrant to give security by bond in the prescribed form in the sum of £100 with one or more sureties to be approved by the Colonial Secretary conditional on the intending immigrant obtaining from the Colonial Secretary within six months after entering the Colony a certificate that he is a fit and proper person to be received as an immigrant;
- (b) if he shall, within six months after entering the Colony, obtain from the Colonial Secretary such certificate as aforesaid his deposit, if any, shall be refunded;
- (c) if he shall fail to obtain such certificate within six months as aforesaid, his deposit may be forfeited or the bond may be put in suit by the Colonial Secretary, and he may be deported.

In the case of any person allowed to enter the Colony, under this section, no liability shall attach to the vessel or the owner, agent or master of such vessel.

Offence of  
illegal land-  
ing and  
deportation.

4. Any prohibited immigrant who shall land in the Colony except under and in accordance with the provisions of section 3 shall commit an offence and shall on conviction be liable to a fine not exceeding £50 or to imprisonment for a term not exceeding six months and the Governor in Council may make a deportation order in respect of such prohibited immigrant upon such conviction.

Liability of  
master,  
owner and  
agent of a  
ship in res-  
pect of pro-  
hibited  
immigrant.

5. The master or person having command or charge of the vessel in which a prohibited immigrant (not having been shipwrecked) arrived in the Colony shall, if required, give a passage and accommodation and maintenance during the passage to such prohibited immigrant upon deportation, and the master and the owner and the agent of any vessel from which any prohibited immigrant shall land or be landed shall be jointly and severally liable to pay to the Government of the Colony all expenses incurred in connection with the maintenance of such immigrant and his deportation from the Colony.

Alien  
immigrants  
to register.  
10 of 1950.

6. Every alien immigrant over the age of 16 years shall within seven days of his landing in the Colony register with the Chief Constable and furnish him with such particulars

as he may require, and if he shall fail without reasonable excuse to comply with the provisions of this section he shall commit an offence.

7. (1) No seaman shall be discharged from any ship in the Colony except with the consent of the Harbour Master which consent shall not be given unless the master, owner or agent shall have made arrangements to the satisfaction of the Harbour Master to ensure that the seaman shall not become a charge on the Colony.

Seamen not  
to be dis-  
charged  
without  
consent of  
Harbour  
Master.

(2) Any seaman discharged without such consent or deserting from the ship or being left behind in the Colony shall be deemed to be a prohibited immigrant.

8. Any person bringing into the Colony any person to serve under an agreement, who shall within twelve months of the date of his arrival become chargeable to the Colony, shall be liable to repay to the Government of the Colony all costs and charges incurred in respect of such person and the cost of his removal from the Colony.

Liability of  
employers  
bringing  
persons into  
Colony.

9. Any person who—

Offences.

- (a) aids and assists any prohibited immigrant to land in the Colony in contravention of this Ordinance; or
- (b) being the master of a ship knowingly permits any prohibited immigrant to land from his ship in contravention of this Ordinance, or refuses to receive on board, or neglects to take reasonable measures to keep on board, any prohibited immigrant who shall have landed from his ship and been replaced on board; or
- (c) being an alien immigrant fails without reasonable excuse to comply with the provisions of section 6 of this Ordinance; or
- (d) being the master, owner or agent of a ship discharges a seaman from such ship without the consent of the Master;

shall commit an offence and be liable to a fine not exceeding £50 or to imprisonment for a term not exceeding six months, and when the master of a ship is charged with any offence clearance outwards of the ship shall be refused until the charge has been heard and the fine if any imposed has been paid.

**Exemptions.**     **10.** This Ordinance shall not apply to persons in the service of the Government of the Colony or to natives of the Colony or persons domiciled therein.

## CHAPTER 32.

## INCOME TAX.

AN ORDINANCE TO IMPOSE A TAX UPON INCOMES AND TO  
REGULATE THE COLLECTION THEREOF.

[30th December, 1939.]

20 of 1939.  
6 of 1940.  
8 of 1940.  
3 of 1941.  
5 of 1948.  
7 of 1948.  
8 of 1949.  
46 of 1949.  
9 of 1950.

1. This Ordinance may be cited as the Income Tax Ordinance. Short title.

2. In this Ordinance, unless the context otherwise requires— Interpretation.

“Commissioner” means the Commissioner of Income Tax charged with the administration of this Ordinance.

“Company” means any company incorporated or registered under any law in force in the Colony, and any company which, though incorporated or registered outside the Colony, carries on business or has an office or place of business therein.

“Person” includes a body of persons.

“Body of persons” means any body politic or corporate, and any company or partnership or society of persons whether corporate or unincorporate.

“Incapacitated person” means any infant, lunatic, idiot, or insane person.

“Prescribed” means prescribed by rule under this Ordinance.

“Year of assessment” means the period of twelve months beginning on the 1st day of January in any year.

“Chargeable income” means the aggregate amount of the income of any person from the sources specified in section 5 remaining after allowing the appropriate deductions and exemptions under this Ordinance.

[Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

## ADMINISTRATION.

Appoint-  
ment and  
duty of Com-  
missioner,  
etc.

3. (1) For the due administration of this Ordinance the Governor shall appoint a Commissioner of Income Tax, and such collectors and officers as may be necessary to collect, receive and account for the income-tax.

(2) The Commissioner shall prepare assessment lists and shall generally carry out the provisions and exercise the powers delegated to or vested in him under this Ordinance.

(3) The Commissioner shall be a person holding public office in the Government Service of the Colony.

(4) There shall be paid to such Commissioner for his services under this Ordinance such remuneration as the Governor with the approval of the Legislative Council may from time to time direct.

Official  
Secrecy.

4. (1) Every person having any official duty or being employed in the administration of this Ordinance shall regard and deal with all documents, information, returns, assessment lists, and copies of such assessment lists relating to the income or items of income of any person as secret and confidential, and shall make and subscribe a declaration in the form prescribed to that effect before a Justice of the Peace.

(2) Every person having possession of or control over any documents, information, returns, or assessment lists, or copies of such lists relating to the income or items of income of any person, who at any time communicates or attempts to communicate such information or anything contained in such documents, returns, lists, or copies to any person—

(a) other than a person to whom he is authorised by the Governor to communicate it; or

(b) otherwise than for the purpose of this Ordinance, shall be guilty of an offence against this Ordinance.

## IMPOSITION OF INCOME TAX.

Charge of  
income-tax.  
8 of 1949.

5. Income Tax shall, subject to the provisions of this Ordinance, be payable at the rate or rates specified hereafter for the year of assessment upon the income of any person accruing in or derived from the Colony or elsewhere, and whether received in the Colony or not in respect of—

- (a) gains or profits from any trade, business, profession or vocation, for whatever time such business, trade, profession or vocation may have been carried on or exercised;
- (b) gains or profits from any employment, including the estimated annual value of any quarters or board or residence or of any other allowance granted in respect of employment whether in money or otherwise;
- (c) the annual value of land and improvements thereon used by or on behalf of the owner or used rent free by the occupier for enjoyment and not for the purpose of gain or profit, such annual value being deemed to be 5 per centum of the capital value of such land and improvements;
- (d) dividends, interest, or discounts;
- (e) any pension, charge or annuity;
- (f) rents, royalties, premiums, and any other profits arising from property:

Provided that in the case of income arising outside the Colony which is earned income, or which arises to a person who is not ordinarily resident in the Colony or not domiciled in the Colony, the tax shall be payable on the amount received in the Colony. 8 of 1949.

6. Tax shall be charged, levied and collected for each year of assessment upon the chargeable income of any person for the year immediately preceding the year of assessment. Basis of assessment.

Provided that, notwithstanding anything to the contrary contained in this Ordinance the chargeable income of any person not ordinarily resident in the Colony and engaged on seasonal work in the whaling or sealing industries in the Colony and Dependencies shall be the actual earnings from such employment in any one whaling or sealing season, notwithstanding that the period of employment may extend into two calendar years. 7 of 1948.

7. Where the Commissioner is satisfied that any person usually makes up the accounts of his trade or business on some day other than that immediately preceding any year of assessment, the Commissioner shall permit the gains or profits of that trade or business to be computed for the purposes of this Ordinance upon the income of the year Special periods of assessment.

terminating on that day in the year immediately preceding the year of assessment on which the accounts of the said trade or business have been usually made up: Provided that in no case where the Commissioner has permitted the gains or profits of any trade or business to be computed on any such date as aforesaid shall any change be subsequently made without prior notice in writing to the Commissioner and subject to such adjustment of income-tax as the Commissioner may determine.

#### EXEMPTIONS.

Exemptions  
S of 1940.

8. There shall be exempt from the tax:

- (a) the official emoluments received by the Officer Administering the Government during the period in which he is administering the Government and the emoluments drawn by the Governor himself while on leave;
- (b) the income of any local authority in so far as such income is not derived from a trade or business carried on by the local authority;
- (c) the income of any statutory or registered building or friendly society;
- (d) the income of any ecclesiastical, charitable or educational institution of a public character in so far as such income is not derived from a trade or business carried on by such institution;
- (e) the emoluments payable to members of the permanent Consular Services of foreign countries in respect of their offices or in respect of services rendered by them in their official capacity;
- (f) the emoluments payable from Imperial Funds to members of His Majesty's Forces and to persons in the permanent service of the Imperial Government in the Colony in respect of their offices under the Imperial Government;
- (g) wound and disability pensions granted to members of His Majesty's Forces;
- (h) gratuities granted to members of His Majesty's Forces in respect of war services;
- (i) the income of the Government Savings Bank;

Provided that nothing in this section shall be construed to exempt in the hands of the recipients any dividends, interest, bonuses, salaries or wages paid wholly or in part out of the income so exempted.

9. The Governor may by proclamation published in the *Gazette* provide that the interest payable on any loan charged on the public revenue of the Colony shall be exempted from the tax, either generally or only in respect of interest payable to persons not resident in the Colony; and such interest shall as from the date and to the extent specified in the proclamation be exempt accordingly.

Government  
loans.

#### ASCERTAINMENT OF CHARGEABLE INCOME.

10. (1) For the purpose of ascertaining the chargeable income of any person there shall be deducted all outgoings and expenses wholly and exclusively incurred during the year preceding the year of assessment by such person in the production of the income, including:

Deductions  
allowed.

- (a) sums payable by such person by way of interest upon any money borrowed by him, where the Commissioner is satisfied that the interest was payable on capital employed in acquiring the income;
- (b) rent paid by any tenant of land or buildings occupied by him for the purpose of acquiring the income;
- (c) where any person engaged in any trade, business, profession or vocation has expended any sum in replacing any plant or machinery which was used or employed in such trade, business, profession or vocation, and which has become obsolete, an amount equivalent to the cost of the machinery replaced, after deducting from that such sum as shall represent the total depreciation which has occurred by reason of exhaustion or wear and tear since the date of purchase of such plant and machinery and any sum realised by the sale thereof;
- (d) any sum expended for repair of premises, plant and machinery employed in acquiring the income, or for the renewal, repair or alteration of any implement, utensil or article so employed;



- (e) bad debts incurred in any trade, business, profession or vocation, proved to the satisfaction of the Commissioner to have become bad during the year immediately preceding the year of assessment, and doubtful debts to the extent that they are respectively estimated to the satisfaction of the Commissioner to have become bad during the said year notwithstanding that such bad or doubtful debts were due and payable prior to the commencement of the said year, provided that all sums recovered during the said year on account of amounts previously written off or allowed in respect of bad or doubtful debts shall for the purposes of this Ordinance be treated as receipts of the trade, business, profession or vocation for that year;
- (f) such other deductions as may be prescribed by any rule made under this Ordinance.

(2) The Governor in Council may by rules provide for the method of calculating or estimating the deductions allowed or prescribed under this section.

Allowance  
for wear and  
tear.

**11.** In ascertaining the chargeable income of any person engaged in a trade, business, profession or vocation, there shall be allowed as a deduction a reasonable amount for the exhaustion, wear and tear of property owned by him, including plant and machinery, arising out of the use or employment of such property in the trade, business, profession or vocation during the year immediately preceding the year of assessment.

Deductions  
not to be  
allowed.

**12.** For the purpose of ascertaining the chargeable income of any person no deduction shall be allowed in respect of:

- (a) domestic or private expenses;
- (b) any disbursements or expenses not being money wholly and exclusively laid out or expended for the purpose of acquiring the income;
- (c) any capital withdrawn or any sum employed or intended to be employed as capital;
- (d) any capital employed in improvements;
- (e) any sum recoverable under an insurance or contract of indemnity;
- (f) rent of or cost of repairs to any premises or part of

premises not paid or incurred for the purpose of producing the income;

- (g) any amounts paid or payable in respect of the United Kingdom income-tax or super-tax or Empire income-tax as defined by this Ordinance.

**13.** Where the amount of a loss incurred in the year preceding any year of assessment in any trade, business, profession or vocation carried on by any person either solely or in partnership is such that it cannot be wholly set-off against his income from other sources for the same year, the amount of such loss shall to the extent to which it is not allowed against his income from other sources for the same year be carried forward and shall, subject as hereinafter provided, be set-off against what would otherwise have been his chargeable income for the next five years in succession, provided that the amount of any such loss allowed to be set-off in computing the chargeable income of any year shall not be set-off in computing the chargeable income of any other year, and provided also that in no case shall such set-off be allowed to an extent which would reduce the tax payable for any year of assessment to less than one-half of the amount which would have been payable had the set-off not been allowed.

Allowance of  
trade losses.

**14. (1)** For the purpose of ascertaining the chargeable income of any individual there shall be allowed in respect of so much of the income as is earned a sum equal to one-tenth of the amount of such earned income, provided that such deduction shall not in the case of any individual exceed £100; and provided also that where a loss arises in the exercise of any trade, business, profession or vocation or a loss is brought forward from a previous year under section 13 of this Ordinance, no deduction shall be allowed except in respect of the amount, if any, by which the earned income exceeds such loss or the aggregate amount of such losses, as the case may be.

Deductions  
in respect of  
earned in-  
come.

**(2)** For the purposes of this section the expression "earned income" means any income arising in respect of any gains or profits immediately derived by the individual from any trade, business, profession, employment or vocation carried on or exercised by him either as an individual or in the case of a partnership as a partner personally acting there-

in, or in respect of any pension, superannuation, or other allowance given in respect of past services of the individual or of the husband or parent of the individual or given to the individual in respect of the past services of any deceased person, whether the individual or husband or parent of the individual shall have contributed to such pension, superannuation or other allowance or not, after deducting the expenses referred to in sections 10 and 11 of this Ordinance, but before allowing the other deductions to be made in arriving at chargeable income.

Deduction  
for wife.

15. (1) In ascertaining the chargeable income of an individual who proves to the satisfaction of the Commissioner that he had during the year of assessment his wife living with him or wholly maintained by him there shall be a deduction of £80.

Deduction  
for female  
relative  
taking  
charge of  
children.

5 of 1948.

(2) Where a widower or widow proves to the satisfaction of the Commissioner that he or she had during the year of assessment a female relative of his or of his deceased wife or of her or of her deceased husband resident with him or her for the purpose of taking charge of his or her children there shall be a deduction not exceeding £50 in respect of that female relative or other female person:

Provided that:

- (a) no deduction shall be allowed under this section unless the claimant proves that no other person is entitled to a deduction in respect of the female relative under the provisions of this Ordinance or if any other person is entitled that he has relinquished his claim thereto; and
- (b) no deduction shall be allowed under this section where the female relative is a married woman living with her husband and the husband has claimed the allowance under subsection (1) of this section.

Deduction  
for mainten-  
ance of in-  
firm, etc.,  
relative.

- (3) (a) Where a claimant proves to the satisfaction of the Commissioner that he maintains at his own expense any person being a relative of his or of his wife who is incapacitated by old age or infirmity from maintaining himself, or his or his wife's widowed mother, whether incapacitated or not, whose total income from all sources does not exceed £50 a year he shall be entitled to a deduction not

exceeding £25 a year in respect of each person whom he so maintains, and a like deduction shall be made in the case of a claimant who by reason of old age or infirmity is compelled to depend upon the services of a daughter resident with and maintained by him or her;

- (b) where two or more persons jointly maintain any such person as aforesaid the deduction to be made under this subsection shall be apportioned between them in proportion to the amount or value of their respective contributions towards the maintenance of that person;
- (c) this subsection shall apply to a claimant being a female person as it applies to a claimant being a male person with the substitution of "husband" for "wife".

**16. (1)** In ascertaining the chargeable income of an individual who proves to the satisfaction of the Commissioner that he had a child or children living and under the age of 16 years at the commencement of the year of assessment, there shall be allowed a deduction of £40 in respect of the first child and £25 in respect of each subsequent child.

Deduction  
for children.

10 of 1950.

Provided that where a child is receiving full-time instruction at any university, college or school abroad, either wholly or partly at the expense of the claimant, the Commissioner may allow a deduction not exceeding £125 in respect of each such child during such period of instruction.

5 of 1948.

(2) The expressions "child" and "children" in this section include a step-child or step-children but do not include an illegitimate child or illegitimate children.

**17.** In ascertaining the chargeable income of any person who

- (a) shall have made insurance on his life or the life of his wife in any insurance company; or
- (b) shall have made an annual contribution to a Pension Fund or such other fund as the Governor may consider as equivalent to a Pension Fund—

Deduction in  
respect of  
life in-  
surance, and  
contribution  
to a pension  
fund.

there shall be allowed a deduction of the annual amount of the premium paid by him for such insurance or contribution as aforesaid: Provided that no such deduction shall be

allowed in respect of any such annual amount of the premium or contribution beyond an amount equal to one-sixth part of the chargeable income of such person estimated in accordance with the provisions of this Ordinance before making the deductions specified in this section and in sections 15 and 16 of this Ordinance.

Special provisions as to certain companies and businesses.

18. Notwithstanding anything to the contrary contained in this Ordinance, it is hereby provided that:

(a) Insurance companies other than life insurance companies.

(a) in the case of an insurance company (other than a life insurance company) where the gains or profits accrue in part outside the Colony, the gains or profits on which tax is payable shall be ascertained by taking the gross premiums and interest and other income received or receivable in the Colony (less any premiums returned to the insured and premiums paid on re-insurances), and deducting from the balance so arrived at a reserve for unexpired risks at the percentage adopted by the company in relation to its operations as a whole for such risks at the end of the year preceding the year of assessment, and adding thereto a reserve similarly calculated for unexpired risks outstanding at the commencement of the year preceding the year of assessment, and from the net amount so arrived at deducting the actual losses (less the amount recovered in respect thereof under re-insurance), the agency expenses in the Colony and a fair proportion of the expenses of the head office of the company;

(b) Life insurance companies.

(b) in the case of a life insurance company, whether mutual or proprietary, the gains or profits on which tax is payable shall be the invested income less the management expenses (including commission):

Provided that where such a company received premiums outside the Colony, the gains or profits shall be the same proportion of the total investment income of the company as the premiums received in the Colony bore to the total premiums received after deducting from the amount so arrived at the agency expenses in the Colony and a fair proportion of the expenses of the head office of the company.

- (c) in the case of a shipowner, the gains or profits of his business as a shipowner, shall, if he produces or causes to be produced to the Commissioner the certificate mentioned in subsection (d) of this section, be taken to be a sum bearing the same ratio to the sums payable in respect of fares or freight for passengers, goods, or mails shipped in the Colony as his total profits for the relevant accounting period shown by that certificate bear to the gross earnings for that period; (c) Ship-owners.  
8 of 1940.
- (d) the certificate shall be a certificate by the Taxing Authority of the place in which the principal place of business of the shipowner is situated and shall state—
- (i) that the shipowner has furnished to the satisfaction of that Authority an account of the whole of his business; and
- (ii) the ratio of the gains or profits for the relevant accounting period as computed according to the Income Tax law of that place (after deducting interest on any money borrowed and employed in acquiring the gains and profits) to the gross earnings of the shipowner's fleet or vessel for that period;
- (e) if the gains or profits of a shipowner have for the purpose of assessment in the Colony under this Ordinance been computed on any basis other than the ratio of the gains or profits shown by a certificate as aforesaid and an assessment has been made accordingly, the shipowner shall upon production of such a certificate at any time within two years from the end of the year of assessment be entitled to such adjustment as may be necessary to give effect to the said certificate and to have any tax paid in excess refunded;
- (f) in this section the expression "shipowner" means an owner or charterer of ships whose principal place of business is situated outside the Colony, but in a part of His Majesty's Dominions or in territory under His Majesty's protection.

19. In ascertaining the chargeable income of a company registered in the Colony the majority of the shares being Income of a company.

held by individuals who are resident in the Colony there shall be allowed a deduction of 20 per cent. in respect of the amount of such income.

Wife's  
income.

20. The income of a married woman living with her husband, shall for the purposes of this Ordinance, be deemed to be the income of the husband and shall be charged in the name of the husband and not in her name nor in that of her trustee, provided that that part of the total amount of tax charged upon the husband which bears the same proportion to that total amount as the amount of the income of the wife bore to the amount of the total income of the husband and wife may, if necessary, be collected from the wife, notwithstanding that no assessment has been made upon her.

#### RATE OF TAX.

Rates of tax.  
5 of 1948.

21. (1) The tax upon the chargeable income of every person other than a company shall be charged at the following rates:

On the first £100 of such income	..	Nil.
In respect of the excess over £100		
for every pound of the first £100	..	1/6
„ „ „ „ „ next £250	..	2/-
„ „ „ „ „ „ £250	..	2/6
„ „ „ „ „ „ £250	..	3/-
„ „ „ „ „ above £950	..	3/6

7 of 1948.

Provided that, notwithstanding anything to the contrary contained in this Ordinance, the tax upon the chargeable income of any persons engaged on seasonal work in the whaling or sealing industries in the Colony and Dependencies shall be at the following rates:

On the first £100 of such income	Nil
4% of every £ of the next £100	
5% „ „ „ „ „ „ £200	
6% „ „ „ „ „ „ £200	
7% „ „ „ „ „ „ £200	
10% „ „ „ „ „ „ £200	
12½% „ „ „ „ „ „ £1,000	

(2) The Tax upon the chargeable income of a company shall be charged at the rate of three shillings and sixpence on every pound of the chargeable income thereof. 5 of 1948.

- (3) (a) The tax chargeable upon the income of any person engaged on seasonal work shall be payable by the employers who may deduct the amount from earnings of any such persons. The employer, or in the case of a company the manager or principal officer of the company, shall at the end of each season render to the Commissioner an account of the earnings of each employee and of the amount of the tax payable in respect of such earnings; 7 of 1948.
- (b) any person who fails or neglects to render an account due under this subsection shall be guilty of an offence against this Ordinance.
- (4) (a) The account books of the employers shall be at all reasonable times open for inspection by the Commissioner or his duly appointed representative or agent;
- (b) any person who hinders or obstructs the Commissioner or his duly appointed representative or agent in the inspection of any such account books shall be guilty of an offence against this Ordinance.

22. (1) Every company which is registered in the Colony shall deduct from the amount of any dividend paid to any shareholder tax at the rate paid or payable by the company, double taxation relief being left out of account, on the income out of which such dividend is paid, provided that where tax is not paid or payable by the company on the whole income out of which the dividend is paid the deduction shall be restricted to that portion of the dividend which is paid out of income on which tax is paid or payable by the company. Deduction of tax from dividends of companies.

(2) Every such company shall upon payment of a dividend furnish each shareholder with a certificate setting forth the amount of the dividend paid to that shareholder and the amount of tax which the company has deducted in respect of that dividend, and also, where the tax paid or payable by the company is affected by double taxation relief, the rate (hereafter in this Ordinance referred to as "the net Colonial rate") of the tax paid or payable by the company after taking double taxation into account. 8 of 1949.



Double tax-  
ation relief  
definition.  
8 of 1949.

(3) In this section the expression "double taxation relief" means any credit for foreign income-tax which is allowable against income-tax chargeable under this Ordinance by virtue of arrangements having effect under section 49 of this Ordinance, and any relief allowable under section 46 or section 47 of this Ordinance, including any credit or relief which has been taken into account in determining the net Colonial rate applicable to any dividends received by the company.

Deducted  
tax to be set  
off.

23. Any tax which a company has deducted under the last preceding section from a dividend paid to a shareholder, and any tax applicable to the share to which any person is entitled in the income of a body of persons assessed under this Ordinance, shall, when such dividend or share is included in the chargeable income of such shareholder or person, be set off for the purposes of collection against the tax charged on that chargeable income.

Temporary  
residents.

24. Tax shall not be payable in respect of any income arising out of the Colony which accrues to any person who is in the Colony for some temporary purpose only and not with any intent to establish his residence therein and who has not actually resided in the Colony at one or more times for a period equal in the whole to six months in the year preceding the year of assessment.

#### TRUSTEES, AGENTS, ETC.

Charge-  
ability of  
trustees, etc.

25. A receiver appointed by the Court, trustee, guardian, curator, or committee having the direction, control, or management of any property or concern on behalf of any incapacitated person shall be chargeable to tax in like manner and to the like amount as such person would be chargeable if he were not an incapacitated person.

Charge-  
ability of  
agent of  
person resid-  
ing out of  
the Colony.

26. (1) A person not resident in the Colony (hereinafter in this section referred to as a non-resident person), whether a British subject or not, shall be assessable and chargeable in the name of his trustee, guardian, or committee, or of any attorney, factor, agent, receiver, branch, or manager, whether such attorney, factor, agent, receiver, branch or manager has the receipt of the income or not, in like manner

and to the like amount as such non-resident person would be assessed and charged if he were resident in the Colony and in the actual receipt of such income: Provided that in the case of any individual who is not a British subject, no deduction shall be allowed in respect of earned income or in respect of wife or child or in respect of life insurance.

A non-resident person shall be assessable and chargeable in respect of any income arising, whether directly or indirectly, through or from any attorneyship, factorship, agency, receivership, branch, or management, and shall be so assessable and chargeable in the name of the attorney, factor, agent, receiver, branch, or manager.

(2) Where a non-resident person, not being a British subject, or a firm or company whose principal place of business is situated in His Majesty's Dominions or in territory under His Majesty's protection, or a branch thereof, carries on business with a resident person, and it appears to the Commissioner that owing to the close connection between the resident person and the non-resident person and to the substantial control exercised by the non-resident person over the resident person, the course of business between those persons can be so arranged and is so arranged, that the business done by the resident person in pursuance of his connection with the non-resident person produces to the resident person either no profits or less than the ordinary profits which might be expected to arise from that business, the non-resident person shall be assessable and chargeable to tax in the name of the resident person as if the resident person were an agent of the non-resident person.

(3) Where it appears to the Commissioner, or to the Judge by whom an appeal is heard, that the true amount of the gains or profits of any non-resident person chargeable with tax in the name of a resident person cannot be readily ascertained, the Commissioner or Judge may, if he thinks fit, assess and charge the non-resident person on a fair and reasonable percentage of the turnover of the business done by the non-resident person through or with the resident person in whose name he is chargeable as aforesaid, and in such case the provisions of this Ordinance relating to the delivery of returns or particulars by persons acting on behalf of others shall extend so as to require returns or particulars to be furnished by the resident person of the business so done by the non-resident person through or with the resident

person, in the same manner as returns or particulars are to be delivered by persons acting for incapacitated or non-resident persons of income to be charged: Provided that the amount of the percentage shall in each case be determined, having regard to the nature of the business and shall, when determined by the Commissioner, be subject to an appeal to the Judge as provided by section 43 of this Ordinance.

(4) Nothing in this section shall render a non-resident person chargeable in the name of a broker or general commission agent or other agent where such broker or general commission agent or other agent is not an authorised person carrying on the regular agency of the non-resident person, or a person chargeable as if he were an agent in pursuance of subsections (2) and (3) of this section, in respect of gains or profits arising from sales or transactions carried through such a broker or agent.

(5) The fact that a non-resident person executes sales or carries out transactions with other non-residents in circumstances which would make him chargeable in pursuance of subsections (2) and (3) of this section in the name of a resident person shall not of itself make him chargeable in respect of gains or profits arising from those sales or transactions.

(6) Where a non-resident person is chargeable to tax in the name of any attorney, factor, agent, receiver, branch or manager in respect of any gains or profits arising from the sale of goods or produce manufactured or produced out of the Colony by the non-resident person, the person in whose name the non-resident person is so chargeable may, if he thinks fit, apply to the Commissioner or, in the case of an appeal, to the Judge, to have the assessment to tax in respect of those gains or profits made or amended on the basis of the profits which might reasonably be expected to have been earned by a merchant or, where the goods are retailed by or on behalf of the manufacturer or producer, by a retailer of the goods sold who has bought from the manufacturer or producer direct, and on proof to the satisfaction of the Commissioner or Judge of the amount of the profits on the basis aforesaid, the assessment shall be made or amended accordingly.

Acts, etc., to  
be done by  
trustees, etc.

**27.** The person who is chargeable in respect of an incapacitated person, or in whose name a non-resident person is chargeable, shall be answerable for all matters required to

be done by virtue of this Ordinance for the assessment of the income of any person for whom he acts and for paying the tax chargeable thereon.

28. Every person who in whatever capacity is in receipt of any money or value being income arising from any of the sources mentioned in this Ordinance, or belonging to any other person who is chargeable in respect thereof, or who would be so chargeable if he were resident in the Colony and not an incapacitated person shall, whenever required to do so by any notice from the Commissioner, prepare and deliver within the period mentioned in such notice a list signed by him containing:

Statement to be prepared by trustees, etc.

- (a) a true and correct statement of all such income;
- (b) the name and address of every person to whom the same shall belong and such other information as the Commissioner may deem necessary for the purposes of this Ordinance;

and the provisions of this Ordinance with respect to the failure to deliver lists or particulars in accordance with a notice from the Commissioner shall apply to any such list.

29. The manager or other principal officer of every corporate body of persons shall be answerable for doing such acts, matters and things as are required to be done by virtue of this Ordinance for the assessment of such body and payment of the tax.

Manager of corporate bodies of persons.

30. Every person answerable under this Ordinance for the payment of tax on behalf of another person may retain out of any money coming to his hands on behalf of such other person so much thereof as shall be sufficient to pay such tax; and shall be and is hereby indemnified against any person whatsoever for all payments made by him in pursuance and by virtue of this Ordinance.

Indemnification of representative.

31. When any person dies during the year preceding the year of assessment and such person would but for his death have been chargeable to tax for the year of assessment, or when any person dies during the year of assessment or within two years after the expiration thereof and no assessment has been made upon him for that year, the personal representative

Deceased persons.

of such person shall be liable to and charged with the payment of the tax with which such person would have been chargeable, and shall be answerable for doing all such acts, matters and things as such person if he were alive would be liable to do under this Ordinance, provided that in the case of a person dying during the year preceding the year of assessment if his personal representative distributes his estate before the commencement of the year of assessment such personal representative shall pay the tax at the rate or rates in force at the date of distribution of the estate, if the rate of tax for the year of assessment has not been fixed at that date.

Deductions  
of and ac-  
counting for  
tax on mort-  
gage and  
debenture  
interest.

32. (1) Where any person pays mortgage or debenture interest to a person not resident in the Colony and is entitled to deduct such interest under section 10 (1) (a) of this Ordinance, he shall upon paying the interest deduct therefrom tax at the rate of two shillings on every pound of such interest, and shall forthwith render an account to the Commissioner of the amount so deducted, and every such amount shall be a debt from him to the Government of the Colony and shall be recoverable as such.

(2) In the case of a company the account aforesaid shall be rendered by the manager or other principal officer of the company.

(3) Any person who fails or neglects to render an account due under this section, shall be guilty of an offence against this Ordinance.

#### GENERAL POWERS OF COMMISSIONER.

Notices of  
chargeability  
and returns.

33. (1) It shall be the duty of every person chargeable with tax to give notice to the Commissioner within four months after the commencement of any year of assessment that he is so chargeable.

(2) The Commissioner may by notice in writing require any person to furnish him within a reasonable time with a return of income and such particulars as may be required for the purposes of this Ordinance with respect to the income for which such person is chargeable.

(3) Any person who fails or neglects to give such notice of chargeability or to furnish such return or particulars shall be guilty of an offence against this Ordinance.

34. (1) The Commissioner may require any officer in the employment of the Government or any public body to supply such particulars as may be required for the purposes of this Ordinance and which may be in the possession of such officer, provided that no such officer shall by virtue of this section be obliged to disclose any particulars as to which he is under any statutory obligation to observe secrecy.

Official information and official secrecy.

(2) Every employer, agent, contractor, or other person when required to do so by notice from the Commissioner shall within the time limited by the notice, prepare and deliver for any year a return containing:

- (a) the names and places of residence of all persons employed by him; and
- (b) the payments and allowances made to those persons in respect of that employment, except persons who are not employed in any other employment and whose remuneration in the employment for the year does not exceed £80;
- (c) the names and places of residence of all persons with whom he has entered into a contract for the performance of any work or for delivery of any produce or goods and the amount advanced or paid in respect of such contract either in cash or in goods or merchandise; and
- (d) such other information as the Commissioner may deem necessary from time to time for the purposes of this Ordinance;

and the provisions of this Ordinance with respect to the failure to deliver returns or particulars in accordance with a notice from the Commissioner shall apply to any such return or returns:

Provided that any employer, agent, contractor, or other person shall not be liable to any penalty for omitting from any such return the name or place of residence of any person employed by him and not employed in any other employment if it appears to the Commissioner, on enquiry, that such person has no chargeable income.

(3) Where the employer, agent, contractor or other person is a body of persons the manager or other principal officer shall be deemed to be the employer for the purposes of this section, and any director of a company, or person

engaged in the management of a company, shall be deemed to be a person employed.

Part-  
nerships.

**35.** Where a trade, business, profession or vocation is carried on by two or more persons jointly—

(1) The income of any partner from the partnership shall be deemed to be the share to which he was entitled during the year preceding the year of assessment in the income of the partnership (such income being ascertained in accordance with the provisions of this Ordinance) and shall be included in the return of income to be made out by such partner under the provisions of this Ordinance.

(2) (a) The precedent partner, that is to say, the partner who of the partners resident in the Colony—

(i) is first named in the agreement of partnership; or

(ii) if there be no agreement is named singly or with precedence to other partners in the usual name of the firm; or

(iii) is the precedent acting partner if the partner named with precedence is not an acting partner, shall, when required by the Commissioner, make and deliver a return of the income of the partnership for any year, such income being ascertained in accordance with the provisions of this Ordinance, and declare therein the names and addresses of the other partners in the firm together with the amount of the share of the said income to which each partner was entitled for that year.

(b) Where no partner is resident in the Colony, the return shall be made and delivered by the attorney, agent, manager or factor of the firm resident in the Colony.

(c) The provisions of this Ordinance with respect to the failure to deliver returns or particulars in accordance with a notice from the Commissioner shall apply to any return required under this section.

Signature of  
notices.

**36.** (1) Every notice to be given by the Commissioner under this Ordinance shall be signed by the Commissioner or by some person or persons from time to time appointed by him for that purpose, and every such notice shall be valid if the signature of the Commissioner or of such person or persons is duly printed or written thereon, provided that

any notice in writing under this Ordinance to any person requiring him to furnish particulars to the Commissioner, or any notice under this Ordinance requiring the attendance of any person or witness before the Commissioner, shall be personally signed by the Commissioner or by any person duly authorised by him.

(2) A signature attached to any notice and purporting to be the signature of any person so appointed shall be taken to be the signature of that person until the contrary be shown.

37. Notice may be served on a person either personally or by being sent through registered post to his last known business or private address, and shall in the latter case be deemed to have been served, not later than the tenth day succeeding the day on which the notice would have been received in the ordinary course by post, and in proving such service it shall be sufficient to prove that the letter containing the notice was properly addressed and posted.

Service of  
notices.

#### ASSESSMENTS.

38. (1) The Commissioner shall proceed to assess every person chargeable with the tax as soon as may be after the expiration of the time allowed to such person for the delivery of his return.

Commis-  
sioner to  
make assess-  
ments.

(2) Where a person has delivered a return the Commissioner may—

- (a) accept the return and make an assessment accordingly; or
- (b) refuse to accept the return, and, to the best of his judgment, determine the amount of the chargeable income of the person and assess him accordingly.

(3) Where a person has not delivered a return and the Commissioner is of the opinion that such person is liable to pay tax, he may, according to the best of his judgment, determine the amount of the chargeable income of such person and assess him accordingly; but such assessment shall not affect any liability otherwise incurred by such person by reason of his failure or neglect to deliver a return.

39. Where it appears to the Commissioner that any person liable to tax has not been assessed or has been assessed at a

Additional  
assessments.



less amount than that which ought to have been charged, the Commissioner may, within two years after the expiration thereof, assess such amount or additional amount, as according to his judgment ought to have been charged, and the provisions of this Ordinance as to notice of assessment, appeal and other proceedings under this Ordinance shall apply to such assessment or additional assessment and to the tax charged thereunder.

List of persons assessed and notices of assessments.

40. (1) The Commissioner shall as soon as possible prepare lists of persons assessed to tax.

(2) Such lists (herein called the assessment lists) shall contain the names and addresses of the persons assessed to tax, the amount of the chargeable income of each person, the amount of tax payable by him, and such other particulars as may be prescribed.

Appointment of agent in the United Kingdom.

41. For the purpose of facilitating the assessment of the income of persons residing in the United Kingdom the Governor may appoint an agent in the United Kingdom who shall make enquiries on behalf of the Commissioner in respect of any such person as may apply to be dealt with through such agent, and shall ascertain and report to the Commissioner the amount of the chargeable income of such person in accordance with this Ordinance and shall forward to the Commissioner the accounts and computations upon which his report is based. The Commissioner on receipt of the report shall enter the amount reported in the assessment list: Provided that if it appears to the Commissioner that any error has occurred in the accounts or computation he may refer the report back for further consideration; and provided also that nothing in this section shall prevent the appeal to the Judge conferred by section 43 of this Ordinance.

Power of Commissioner to revise assessments in case of objection.

42. (1) The Commissioner shall cause to be served personally on or sent by registered post to each person whose name appears on the assessment lists a notice addressed to him at his usual place of abode or business, stating the amount of his chargeable income and the amount of tax payable by him, and informing him of his rights under the next subsection.

(2) If any person disputes the assessment he may apply to the Commissioner by notice of objection in writing, to

review and to revise the assessment made upon him. Such application shall state precisely the grounds of his objections to the assessment and shall be made within two months from the date of the service of the notice of assessment: Provided that the Commissioner, upon being satisfied that owing to absence from the Colony, sickness or other reasonable cause, the person disputing the assessment was prevented from making the application within such period, shall extend the period as may be reasonable in the circumstances.

(3) On receipt of the notice of objection referred to in subsection (2) of this section, the Commissioner may require the person giving the notice of the objection to furnish such particulars as the Commissioner may deem necessary with respect to the income of the person assessed and to produce all books or other documents in his custody or under his control relating to such income, and may summon any person who, he thinks, is able to give evidence respecting the assessment to attend before him, and may examine such person (except the clerk, agent, servant, or other person confidentially employed in the affairs of the person to be charged) on oath or otherwise.

(4) In the event of any person assessed, who has objected to an assessment made upon him, agreeing with the Commissioner as to the amount at which he is liable to be assessed, the assessment shall be amended accordingly, and notice of the tax payable shall be served upon such person:

Provided always that in the event of any person who, under subsection (2) of this section, has applied to the Commissioner for a revision of the assessment made upon him failing to agree with the Commissioner as to the amount at which he is liable to be assessed his right of appeal to the Judge under the provisions of this Ordinance, against the assessment made upon him, shall remain unimpaired.

43. (1) Any person who, being aggrieved by an assessment made upon him, has failed to agree with the Commissioner in the manner provided in subsection (4) of the preceding section, may appeal against the assessment to the Judge in Chambers upon giving notice in writing to the Commissioner within thirty days from the date of the refusal of the Commissioner to amend the assessment as desired:

Provided that, notwithstanding the lapse of such period of thirty days, any person may appeal against the said assess-

Appeals  
against  
assessments

ment if he shows to the satisfaction of the Judge that, owing to absence from the Colony, sickness or other reasonable cause he was prevented from giving notice of appeal within such period, and that there has been no unreasonable delay on his part.

(2) Every person appealing shall attend before the Judge in person on the day and at the time fixed for the hearing of his appeal:

Provided always that if it be proved to the satisfaction of the Judge that owing to absence from the Colony, sickness, or other reasonable cause, any person is prevented from attending in person at the hearing of his appeal on the day and at the time fixed for that purpose, the Judge may postpone the hearing of the appeal for such reasonable time as he thinks necessary for the attendance of the appellant, or he may admit the appeal to be made by any agent, clerk, or servant of the appellant, on his behalf.

(3) Ten clear days' notice shall, unless rules made hereunder otherwise provide, be given to the Commissioner of the date fixed for the hearing of the appeal.

(4) The onus of proving that the assessment complained of is excessive shall be on the appellant.

(5) If the Judge is satisfied that the appellant is overcharged he may reduce the amount of the assessment by the amount of the overcharge, and if he is satisfied that the appellant is undercharged, he may increase the amount of the assessment by the amount of the undercharge.

(6) Notice of the amount of tax payable under the assessment as determined by the Judge shall be served by the Commissioner upon the appellant.

(7) All appeals shall be heard in camera, unless the Judge shall, on the application of the appellant, otherwise direct.

(8) The costs of the appeal shall be in the discretion of the Judge hearing the appeal, and shall be a sum fixed by the Judge.

(9) The Judge may make rules governing such appeals and providing for the method of tendering evidence.

(10) The decision of the Judge shall be final: provided that the Judge if he so desires may, and on the application of

the appellant or of the Commissioner shall, state a case on a question of law for the decision of His Majesty in Council under the provisions of the Administration of Justice Chapter 3. Ordinance.

(11) Notwithstanding anything contained in subsection (2) of section 53 of this Ordinance if the Judge is satisfied that tax in accordance with his decision upon the appeal may not be recovered, the Judge may require the appellant forthwith to furnish such security for payment of the tax, if any, which may become payable by the appellant as may seem to the Judge to be proper. If such security is not given the tax assessed shall become payable forthwith and shall be recoverable in the manner prescribed by section 57 of this Ordinance. 8 of 1940.

44. (1) No assessment, warrant or other proceeding purporting to be made in accordance with the provisions of this Ordinance shall be quashed, or deemed to be void or voidable, for want of form, or be affected by the reason of a mistake, defect or omission therein, if the same is in substance and effect in conformity with or according to the intent and meaning of this Ordinance or any Ordinance amending the same, and if the person assessed or intended to be assessed or affected thereby is designated therein according to common intent and understanding. Errors, etc., in assessments and notices.

(2) An assessment shall not be impeached or affected—

(a) by reason of a mistake therein as to:

- (i) the name or surname of a person liable; or
- (ii) the description of any income; or
- (iii) the amount of tax charged;

(b) by reason of any variance between the assessment and the notice thereof:

Provided that in cases of assessment the notice thereof shall be duly served on the person intended to be charged, and such notice shall contain, in substance and effect, the particulars on which the assessment was made.

45. The production of any document under the hand of the Commissioner or of any person or persons appointed by him purporting to be a copy of or extract from any return or Evidence.

assessment shall in all Courts and in all proceedings be sufficient evidence of the original, and the production of the original shall not be necessary; and all courts shall in all proceedings take judicial notice of the signature of the Commissioner or of any person or persons appointed by him either to the original or to such copy or extract.

#### RELIEF IN CASES OF DOUBLE TAXATION.

Relief in respect of United Kingdom income-tax.

**46.** (1) Any person who has paid, by deduction or otherwise, or is liable to pay tax under this Ordinance for any year of assessment on part of his income and who proves to the satisfaction of the Commissioner that he paid by deduction or otherwise or is liable to pay income-tax in the United Kingdom for that year in respect of the same part of his income, shall be entitled to relief from tax under this Ordinance paid or payable by him on that part of his income at a rate equal to the amount by which the rate of tax appropriate to his case under this Ordinance exceeds half the appropriate rate of United Kingdom tax. If, however, the rate of tax appropriate to his case under this Ordinance exceeds the appropriate rate of United Kingdom tax he shall be entitled only to relief at a rate equal to half the appropriate rate of United Kingdom tax.

(2) For the purposes of this section a certificate issued by or on behalf of the Commissioners of Inland Revenue in the United Kingdom shall be receivable in evidence to show what is the appropriate rate of United Kingdom tax in any particular case.

(3) For the purposes of this section the expression "rate of tax" when applied to tax paid or payable under this Ordinance means the rate determined by dividing the amount of tax paid or payable for the year (before the deduction of the relief granted under this section) by the amount of the income in respect of which the tax paid or payable under this Ordinance has been charged for that year, except that where the income which is the subject of a claim to relief under this section is computed by reference to the provisions of section 26 of this Ordinance on an amount other than the ascertained amount of the actual profits, the rate of tax shall be determined by the Commissioner.

47. (1) If any person resident in the Colony who has paid, by deduction or otherwise, or is liable to pay, tax under this Ordinance for any year of assessment on any part of his income, proves to the satisfaction of the Commissioner that he has paid by deduction or otherwise, or is liable to pay, Empire income-tax for that year in respect of the same part of his income, he shall be entitled to relief from tax in the Colony paid or payable by him on that part of his income at a rate thereon to be determined as follows:

Relief in respect of Empire income-tax.

- (a) if the Empire rate of tax does not exceed one-half of the rate of tax appropriate to his case under this Ordinance in the Colony the rate at which relief is to be given shall be the Empire rate of tax;
- (b) in any other case the rate at which relief is to be given shall be half the rate of tax appropriate to his case under this Ordinance.

(2) If any person not resident in the Colony who has paid, by deduction or otherwise, or is liable to pay, tax under this Ordinance for any year of assessment on any part of his income, proves to the satisfaction of the Commissioner that he has paid, by deduction or otherwise, or is liable to pay Empire income-tax for that year of assessment in respect of the same part of his income, he shall be entitled to relief from tax paid or payable by him under this Ordinance on that part of his income at a rate thereon to be determined as follows:

- (a) if the Empire rate of tax appropriate to his case does not exceed the rate of tax appropriate to his case under this Ordinance, the rate at which relief is to be given shall be one-half of the Empire rate of tax;
- (b) if the Empire rate of tax appropriate to his case exceeds the rate of tax appropriate to his case under this Ordinance, the rate at which relief is to be given shall be equal to the amount by which the rate of tax appropriate to his case under this Ordinance exceeds one-half of the Empire rate of tax.

(3) For the purposes of this section, Empire income-tax means any income-tax charged under any law in force in any part of His Majesty's Dominions or in any place under His Majesty's protection (other than the United Kingdom or this Colony), provided that the legislature of that part or place has provided for relief in respect of tax charged on

income both in that part or place and this Colony in a manner similar to that provided in this section.

(4) For the purposes of this section the rate of tax under this Ordinance shall be computed in the manner provided by subsection (3) of the last preceding section of this Ordinance and the Empire rate of tax shall be computed in a similar manner.

(5) Where a person is for any year of assessment resident both in the Colony and in a part or place in which Empire income-tax is charged, he shall for the purposes of this section be deemed to be resident where during that year he resides for the longer period.

Time limit  
for repay-  
ment of  
claims.

8 of 1940.

48. A claim for relief under section 46 or section 47 of this Ordinance shall be made within two years from the end of the year of assessment to which it relates:

Provided that such a claim, though not made within the said period of two years, shall be admitted if made within six years from the end of the said year and within six months from the date upon which the relevant amount of United Kingdom income-tax or of Empire income-tax, as the case may be, has been ascertained.

Double tax-  
ation relief:  
Order in  
Council.

8 of 1949.

49. (1) If the Governor in Council by Order declares that arrangements specified in the Order have been made with the Government of any territory outside the Colony with a view to affording relief from double taxation in relation to income-tax and any tax of a similar character imposed by the laws of that territory and that it is expedient that those arrangements should have effect, the arrangements shall have effect in relation to income-tax notwithstanding anything in any enactment.

46 of 1949.

(2) On the making of an Order under this section with respect to arrangements relating to the United Kingdom, section 46 of this Ordinance shall cease to have effect and shall be deemed to have ceased to have had effect from the beginning of the first year of assessment for which the arrangements are expressed to apply except in so far as the arrangements otherwise provide.

(3) On the making of an Order under this section with respect to arrangements relating to any territory forming part of His Majesty's dominions (other than the United Kingdom or the Colony), section 47 of this Ordinance shall cease to

have effect as respects that territory and shall be deemed to have ceased to have had effect from the beginning of the first year of assessment for which the arrangements are expressed to apply except in so far as the arrangements otherwise provide. 46 of 1949.

(4) Any Order made under this section may be revoked by a subsequent Order.

(5) Where any arrangements have effect by virtue of this section, the obligation as to secrecy imposed by section 4 of this Ordinance shall not prevent the disclosure to any authorised officer of the government with which the arrangements are made of such information as is required to be disclosed under the arrangements.

(6) The Governor in Council may make rules for carrying out the provisions of any arrangements having effect under this section.

**50.** The provisions of this section shall have effect where, under arrangements having effect under section 49 of this Ordinance, tax payable in respect of any income in the territory with the Government of which the arrangements are made is to be allowed as a credit against tax payable in respect of that income in the Colony; and in this section the expression "foreign tax" means any tax payable in that territory which under the arrangements is to be so allowed and the expression "income-tax" means tax chargeable under this Ordinance. Amount of relief.

(2) The amount of the income-tax chargeable in respect of the income shall be reduced by the amount of the credit:

Provided that credit shall not be allowed against income-tax for any year of assessment unless the person entitled to the income is resident in the Colony for that year.

(3) The credit shall not exceed the amount which would be produced by computing the amount of the income in accordance with the provisions of this Ordinance and then charging the income-tax at a rate ascertained by dividing the income-tax chargeable (before allowance of credit under any arrangements having effect under section 49 of this Ordinance) on the total income of the person entitled to the income by the amount of his total income.

(4) Without prejudice to the provisions of the pre-



ceding subsection, the total credit to be allowed to a person for any year of assessment for foreign tax under all arrangements having effect under section 49 of this Ordinance shall not exceed the total income-tax payable by him for that year of assessment, less any tax payable by him under the provisions of section 32 of this Ordinance.

(5) In computing the amount of the income—

- (a) no deduction shall be allowed in respect of foreign tax (whether in respect of the same or any other income);
- (b) where the income-tax chargeable depends on the amount received in the Colony, the said amount shall be increased by the appropriate amount of the foreign tax in respect of the income;
- (c) where the income includes a dividend, and under the arrangements foreign tax not chargeable directly or by deduction in respect of the dividend is to be taken into account in considering whether any, and if so what, credit is to be given against income-tax in respect of the dividend, the amount of the income shall be increased by the amount of the foreign tax not so chargeable which falls to be taken into account in computing the amount of credit;

but notwithstanding anything in the preceding provisions of this subsection a deduction shall be allowed of any amount by which the foreign tax in respect of the income exceeds the credit therefor.

(6) Paragraphs (a) and (b) of the preceding subsection (but not the remainder thereof) shall apply to the computation of total income for the purposes of determining the rate mentioned in subsection (3) of this section, and shall apply thereto in relation to all income in the case of which credit falls to be given for foreign tax under arrangements for the time being in force under section 49 of this Ordinance.

(7) Where—

- (a) the arrangements provide, in relation to dividends of some classes, but not in relation to dividends of other classes, that foreign tax not chargeable directly or by deduction in respect of dividends is to be taken into account in considering whether any, and if so what, credit is to be given against income-tax in respect of the dividends; and

(b) a dividend is paid which is not of a class in relation to which the arrangements so provide, then, if the dividend is paid to a company which controls, directly or indirectly, not less than one-half of the voting power in the company paying the dividend, credit shall be allowed as if the dividend were a dividend of a class in relation to which the arrangements so provide.

(8) Credit shall not be allowed under the arrangements against income-tax chargeable in respect of the income of any person for any year of assessment if he elects that credit shall not be allowed in the case of his income for that year.

(9) Any claim for an allowance by way of credit shall be made not later than two years after the end of the year of assessment, and in the event of any dispute as to the amount allowable the claim shall be subject to objection and appeal in like manner as an assessment.

(10) Where the amount of any credit given under the arrangements is rendered excessive or insufficient by reason of any adjustment of the amount of any tax payable either in the Colony or elsewhere, nothing in this Ordinance limiting the time for the making of assessments or claims for relief shall apply to any assessment or claim to which the adjustment gives rise, being an assessment or claim made not later than two years from the time when all such assessments, adjustments and other determinations have been made, whether in the Colony or elsewhere, as are material in determining whether any and if so what credit falls to be given. 46 of 1949.

**51.** (1) Where the tax paid or payable by a company is affected by double taxation relief the amount to be set off under section 23 of this Ordinance, or to be repaid under section 58 of this Ordinance, in respect of the tax deductible from any dividend paid by the company shall be reduced as follows: Relief for companies.

- (a) if no tax is chargeable on the recipient in respect of the dividend, the reduction shall be an amount equal to tax on the gross dividend at the rate of double taxation relief applicable thereto;
- (b) if the rate of tax chargeable on the recipient in respect of the dividend is less than the rate of double taxation relief applicable to the dividend, the reduction shall be an amount equal to tax on the

gross dividend at the difference between those two rates.

(2) For the purposes of this section—

- (a) if the income of the person chargeable includes one dividend such as is mentioned in the preceding subsection, that dividend shall be deemed to be the highest part of his income;
- (b) if his income includes more than one such dividend, a dividend shall be deemed to be a higher part of his income than another dividend if the net Colonial rate applicable to the former dividend is lower than that applicable to the latter dividend;
- (c) where tax is chargeable at different rates in respect of different parts of any such dividend, or where tax is chargeable in respect of some part of any such dividend and is not chargeable in respect of some other part thereof, each part shall be deemed to be a separate dividend;
- (d) the expression "double taxation relief" has the same meaning as in section 22 of this Ordinance, and the expression "the rate of double taxation relief" means the rate which represents the excess of the rate of tax deductible from the dividend over the net Colonial rate applicable thereto.

Official  
secrecy.

52. Where, under any law in force in any part of His Majesty's Dominions or in any place under His Majesty's protection, provision is made for the allowance of relief from income-tax in respect of the payment of income-tax in this Colony, the obligation as to secrecy imposed by section 4 of this Ordinance shall not prevent the disclosure to the authorised officers of the Government in that part of His Majesty's Dominions or in that place under His Majesty's protection of such facts as may be necessary to enable the proper relief to be given in cases where relief is claimed from income-tax in that part or place aforesaid.

#### COLLECTION AND REPAYMENT OF TAX.

Extracts  
from assess-  
ment lists to  
be sent to  
collector.

53. (1) The Commissioner shall from time to time deliver to the collector certified extracts from the assessment lists containing the names and addresses of the persons assessed together with the amount payable by each person.

(2) Collection of tax shall in cases where notice of an objection or an appeal has been given remain in abeyance until such objection or appeal is determined:

Procedure in cases where objection or appeal is pending.

Provided that the collector may in any such case enforce payment of that portion of the tax (if any) which is not in dispute.

54. Tax shall be payable within sixty days after service of a notice of assessment under section 42 of this Ordinance.

Time within which payment is to be made.

55. If any tax is not paid within the period prescribed in section 54 of this Ordinance—

Penalty for non-payment of tax; and enforcement of payment.

- (a) a sum equal to 5 per centum of the amount of the tax payable shall be added thereto and the provisions of this Ordinance relating to the collection and recovery of tax shall apply to the collection and recovery of such sum;
- (b) the Commissioner or any collector appointed under this Ordinance shall serve a demand note upon the person assessed, and if payment is not made within thirty days from the date of the service of such demand note, the collector may proceed to enforce payment as hereafter provided.

56. Where payment of tax in whole or in part has been held over pending the result of a notice of objection or of an appeal, the tax outstanding under the assessment, as determined on such objection or appeal as the case may be, shall be payable within thirty days from the receipt by the person assessed of the notification of the tax payable, and if such tax is not paid within such period the provisions of the last preceding section shall apply.

Collection of tax after determination of objection or appeal.

57. Tax may be sued for and recovered in a Court of competent jurisdiction by the Commissioner or any collector in his official name with full costs of suit from the person charged therewith as a debt due to the Government of the Colony as well as by the means hereafter provided.

Suit for tax by collector.

58. (1) If it is proved to the satisfaction of the Commissioner that any person for any year of assessment has paid tax, by deduction or otherwise, in excess of the amount with which he is properly chargeable, such person shall be

Repayment of tax.

entitled to have the amount so paid in excess refunded. Every claim for repayment under this section shall be made within two years from the end of the year of assessment to which the claim relates. The Commissioner shall give a certificate of the amount to be repaid and upon the receipt of the certificate the Treasurer shall cause repayment to be made in conformity therewith.

(2) Except as regards sums repayable on an objection or appeal, no repayment shall be made to any person in respect of any year of assessment as regards which that person has failed or neglected to deliver a return or has been assessed in a sum in excess of the amount contained in his return, provided that he has received notice of the assessment made upon him for that year, unless it is proved to the satisfaction of the Commissioner that such failure or neglect to deliver a true and correct return did not proceed from any fraud or wilful act or omission on the part of that person.

Fugitive  
taxpayers.  
8 of 1940.

**59.** (1) If in any particular case the Commissioner has reason to believe that a person who has been assessed to tax may leave the Colony before such tax becomes payable under the provisions of section 54 or section 56 of this Ordinance without having paid such tax, he may by notice in writing to such person demand payment of such tax within the time to be limited in such notice. Such tax shall thereupon be payable at the expiration of the time so limited and shall in default of payment, unless security for payment thereof be given to the satisfaction of the Commissioner, be recoverable forthwith in the manner prescribed by section 57 of this Ordinance.

(2) If in any particular case the Commissioner has reason to believe that tax upon any chargeable income may not be recovered he may at any time and as the case may require:

- (a) forthwith by notice in writing require any person to make a return and to furnish particulars of any such income within the time to be specified in such notice;
- (b) make an assessment upon such person in the amount of the income returned, or if default is made in making such return or the Commissioner is dis-

satisfied with such return, in such amount as the Commissioner may think reasonable;

- (c) by notice in writing to the person assessed require that security for the payment of the tax assessed be forthwith given to his satisfaction.

(3) If in any particular case the Commissioner has reason to believe that tax upon any income, which would upon the issue of a proclamation imposing tax for any year of assessment become chargeable to such tax, may not be recovered he may at any time:

- (a) by notice in writing to the person by whom the tax would be payable determine a period for which tax shall be charged and require such person to render within the time specified therein returns and particulars of such income for that period;
- (b) make an assessment upon such person in the amount of the income returned, or if default is made in making a return or the Commissioner is dissatisfied with such return, in such amount as the Commissioner may think reasonable. Such assessment shall be made at the rate of tax imposed by the past preceding proclamation.

(4) Notice of any assessment made in accordance with the provisions of subsections (2) and (3) of this section shall be given to the person assessed, and any tax so assessed (in accordance with the provisions of subsections (2) and (3) of this section) shall be payable on demand made in writing under the hand of the Commissioner and shall in default of payment, unless security for the payment thereof be given to the satisfaction of the Commissioner, be recoverable forthwith in the manner prescribed by section 57 of this Ordinance.

(5) Any person who has paid the tax in accordance with a demand made by the Commissioner or who has given security for such payment under subsections (2) and (3) of this section shall have the rights of objection and appeal conferred by sections 42 and 43 of this Ordinance and the amount paid by him shall be adjusted in accordance with the result of any such objection or appeal.

(6) The provisions of subsections (2) and (3) of this section shall not affect the powers conferred upon the Commissioner by section 39 of this Ordinance.

## PROCEEDINGS FOR THE RECOVERY OF INCOME TAX.

Notice to be given to tax defaulters.

60. The Commissioner shall on such days in each year as the Governor in Council may direct cause to be inserted in three consecutive issues of the *Gazette* a notice to the effect that warrants will be issued for the recovery of all income-tax together with the fines due thereon which may after a day set out in the said notice remain unpaid. The day set out in the said notice shall not be less than one month from the first publication of the said notice and such publication shall be a sufficient notice to all defaulters.

Collector to issue warrants against goods for recovery of taxes.

61. The collector shall, on such day in each year as the Governor in Council may direct, issue to any person whom he may employ as bailiff for this purpose (hereinafter referred to as "bailiff") warrants directing and authorising him in manner hereinafter provided to make a levy upon the goods of all defaulters for the payment of taxes and fines thereon unpaid in the previous year. And the collector may thereafter issue another warrant or other warrants directed to any bailiff to recover any tax and fines still outstanding and due from a defaulter named in a warrant previously issued by him:

Power for Treasurer to sell lands or houses chargeable.

Provided always that it shall be lawful for the Treasurer, under the provisions of section 69 hereof, to proceed to sell or issue a *praecipe* authorising the sale of any land or house chargeable with the unpaid taxes and the fines and expenses thereon accrued, at any time.

Withdrawal of execution and institution of proceedings before magistrate.

62. Notwithstanding that the name of a person who has made default in the payment of the tax shall have been included in a list to any warrant or *praecipe* authorising a levy as provided in the last section, it shall be lawful for the Treasurer, at his discretion, at any time that such tax remains unpaid, to cause the operation of the said warrant or *praecipe* to be suspended as against such defaulter and in lieu thereof to apply to the magistrate for a summons directing the defaulter to attend before the magistrate, at a time to be named in the summons, to show cause why he should not be ordered to pay the amount aforesaid, as a judgment debt, and it shall be lawful for the magistrate in his discretion to issue such summons and cause the same to be served and to deal with the defaulter in such manner as is next hereinafter provided.

## JUDGMENT DEBTOR PROCESS.

63. If a summons for enabling the defaulter to show cause as mentioned in the last preceding section is issued, it shall be lawful for the magistrate on the date named in the summons or at any other date to which the hearing may be adjourned, to order the defaulter to pay into Court the amount of the unpaid tax and fines, and such costs and expenses as may have been incurred, or to order him to pay into Court any part of such amount which the magistrate may deem the defaulter able to pay or arrange for paying, within seven days of the order or within such extended time as may be determined by the magistrate, and either in a lump sum or by instalments.

Magistrate may order payment of tax, etc., into Court.

64. (1) If the person summoned as aforesaid fails to comply with the summons without lawful excuse or if he makes default in payment into Court in the manner aforesaid, it shall be lawful for the magistrate to commit such person to prison without hard labour for a term not exceeding six weeks or until payment of the sum ordered to be paid (if paid before the expiration of such term):

Imprisonment for failure to obey order.

Provided that no such committal shall be ordered for default in payment as aforesaid unless it be proved to the satisfaction of the magistrate that the person making default either has, or has had since the date of the order, the means to pay the sum in respect of which he has made default, and has refused or neglected, or refuses or neglects, to pay the same.

(2) Proof of the means of the person making default may be given in such manner as the magistrate thinks just, and, for the purposes of such proof, the debtor and any witnesses may be summoned and their attendance enforced by the same processes as in cases in which the magistrate has summary jurisdiction in criminal matters, and such debtor and witnesses may be examined on oath.

Proof of means of defaulter.

(3) Every order of committal under this section shall be issued, obeyed, and executed in manner similar to commitments by the magistrate in the exercise of his summary jurisdiction in criminal cases.

Order of committal.



Imprisonment not to extinguish liability.

(4) Imprisonment under this section shall not operate as a satisfaction or extinguishment of the judgment debt.

Debtor paying whole of amount ordered to be paid.

65. In the event of the defaulter paying the whole of the amount ordered to be paid as aforesaid, the magistrate shall remit to the Treasury the amount so paid, deducting such part thereof as may represent the Court costs.

#### PROCEEDINGS BY WAY OF DISTRESS.

Form and scope of warrant

66. (1) For the purpose of levying any distress the bailiff shall execute a warrant issued to him by the collector according to the tenor thereof, and such warrant shall be in the form set out in the First Schedule hereto.

Bailiff to give receipts upon payment to him of taxes, etc.

(2) On payment of the tax and fines and expenses accrued thereon, the bailiff shall give acquittances under his hand unto the persons who pay the same on numbered (counterfoil) receipt forms with which the bailiff shall be supplied by the collector, and shall pay over to the Treasury all money received by him under this Ordinance.

Sale of goods levied on and disposal of proceeds.

67. When any goods or chattels are distrained on, they shall, after due notice given in the *Gazette*, be sold by the bailiff at public auction in such a manner as is usual in sales under executions issuing out of the Magistrate's Court. Until the sale, the goods shall remain in the custody of the bailiff by whom the levy is made. The money arising from the sale shall be paid over by the bailiff to the Treasury after deducting therefrom all reasonable and necessary charges and expenses attending the levy and sale which may be allowed by the Treasurer; and these proceeds of sale shall be applied by the Treasurer towards satisfaction of the unpaid tax and fines, and the surplus (if any) shall be restored on demand to the owner of the goods distrained: Provided as follows—

- (a) tools of trade, bedding and wearing apparel amounting in all to the value of £10 shall be exempted from execution;
- (b) after a levy it shall be lawful for the owner of the goods seized to redeem the same at any time before the time appointed for the sale by paying to the bailiff the full amount of the tax and fines thereon, together with all costs and expenses incurred in relation thereto by the date of such payment;

- (c) if at such public auction there shall be no bids sufficient to cover the tax, fines, costs and expenses, the unsold goods shall become the property of the King for the use of the Government of the Colony.

68. The bailiff's fees which may be included in a claim of levy under a warrant may be in such sum and according to such scale as is fixed from time to time by the Governor in Council. All such fees shall be paid by the defaulters against whom warrants are issued, and the Governor in Council may award to any bailiff such proportion thereof as he shall think fit.

Bailiff's fees.

#### EXECUTION AGAINST LANDS OR HOUSES.

69. (1) If the amount of the taxes due and recoverable from a defaulter and of the fines, costs and expenses chargeable as aforesaid have not been, or in the opinion of the Treasurer cannot be, raised by the sale of the goods of defaulter as aforesaid, the Treasurer may put up for sale either the whole of any lands or houses in the Colony to which the defaulter is beneficially entitled, or such part thereof as in the discretion of the Treasurer may be selected and marked off as sufficient to realise the required amount.

Failing to recover on goods the Treasurer to sell realty of defaulter.

(2) In default of satisfaction of the debt by any such sale as aforesaid, then if the lands or houses charged with the payment of unpaid income-tax had passed out of the possession of the defaulter before the date of the said sale and consequently such last mentioned lands or houses had not been levied as aforesaid, the Treasurer may in the last instance proceed to levy and sell the lands or houses last mentioned.

After failure to recover against goods and lands of defaulter Treasurer to sell the property charged which had passed out of possession.

(3) The Treasurer may issue a *praecipe* to levy the tax by the sale of the lands or houses therein mentioned which *praecipe* shall be in the form set out in the Second Schedule hereto.

Form of *praecipe* for sale of lands.

70. (1) Before proceeding with the sale of any land or house as aforesaid the Treasurer or the officer conducting such sale shall serve or cause to be served on the person in default a notice in the form set out in the Third Schedule hereto.

Notice to be served on defaulter before sale of realty.

(2) Except in cases specially sanctioned by the Treasurer or the said officer, every such notice shall be served personally on the person in default.

(3) Whenever the Treasurer or the said officer shall have reason to think that the person in default is avoiding service of the notice, or that neither he nor his authorised agent can be found, the Treasurer or officer may order the notice to be affixed in some conspicuous manner to the property with respect to which the *praecipe* to levy has been issued.

(4) The server or bailiff serving any such notice personally shall endeavour to explain its purport fully to the person upon whom it is served.

(5) The bailiff or server of such notice shall write upon it the date when it is served by him, and shall enter upon a counterfoil of the notice or upon some other record the date and manner of service and the place where it was made.

(6) Any person duly served but failing to make such statement as aforesaid within the time and in the manner prescribed shall be liable on summary conviction to a fine not exceeding £5 unless he prove either that, previous to the notice being served, he had paid the tax or fine, or that no tax or fine was or is due from him.

On abortive  
sale of realty  
and con-  
tinued de-  
fault in pay-  
ment,  
property to  
vest in  
Crown.

71. (1) When the whole of any land or any house in respect of which levy has been made, has been offered for sale and no bid made for it equal to or in excess of the tax, fines, costs and charges thereon, the same shall be liable to forfeiture at the discretion of the Governor in Council: Provided, however, that as a condition precedent to the forfeiture the Treasurer shall cause to be served on the defaulter a notice that such land or house is liable to forfeiture within one month from the date of the service of the notice, if the amount due be not paid.

(2) When any land or house has been declared by the Governor in Council to be forfeited the same shall vest in His Majesty, his heirs and successors for the use of the Government of this Colony.

(3) The Treasurer shall forward to the Registrar of the Court for the purposes of registration a statement in form to be prescribed by the Governor, which statement shall

contain the particulars of the land or house, the name of the person in default, the amount due, the date of abortive sale, and the date of the service of the notice of liability to forfeiture.

(4) The registration of the statement shall constitute an indefeasible title.

**72.** In all cases of the sale of lands or houses under this Ordinance the following shall be the conditions of sale: Conditions of sale.

(1) The purchaser buys at his own risk as to the provisions of the law necessary to authorise the sale having been complied with. Those who intend to purchase shall be allowed access to all documents which show that such provisions have been complied with.

(2) The purchaser shall not require any proof (beyond the Assessment List, and the *praecipe* with the list of defaulters' notices with service) of the identity of the contents, dimensions, or other particulars of the "property" offered for sale with that advertised.

(3) The highest bidder for each lot may be the purchaser. Should any dispute arise as to any bidding, the property may again be put up for sale.

(4) The reserve price will be the amount of the tax, costs, and charges.

(5) The advance on the bidding may be declared by the officer conducting the sale on putting up the specific lot. No bid shall be retracted without the consent of the said officer.

(6) Immediately after the sale, the purchaser shall pay to the Treasurer, or to the officer who conducts the sale, a deposit of his bid; and the balance within seven days thereafter. In default of payment of the deposit, the property shall be offered for sale immediately and any subsequent bid by the person who has made default as aforesaid, shall be ignored or refused. If the purchaser fails to complete his purchase within seven days, the deposit shall be forfeited, and the property shall be re-offered for sale, when any deficiency on the first bid may be recovered from the first bidder as a debt.

(7) Except in special cases to which the Governor may give his sanction, conveyances for lands, tenements and hereditaments will only be executed on the prescribed form.

(8) Conveyances will not be executed until one month has elapsed from the date of sale, and during this period the right is reserved for the Governor to cancel the sale.

Effect of execution sales with regard to title.

**73.** (1) All sales of any lands or houses charged with the payment of unpaid income-tax, shall, provided that the provisions of this Ordinance have been duly complied with, operate to confer on the purchaser an indefeasible title thereto, free from all encumbrances. All sales of lands or houses other than those hereinbefore specified shall have the effect of conveying to the purchaser the right, title, and interest therein of the person who has made default in the payment of the tax:

Provisos.

Provided always that no purchaser shall have, or be capable of granting, any title to any land, house or goods purchased under the powers of this Ordinance, if the purchase shall have been made with the intent to defraud creditors, or as agent or trustee for the taxpayer in default, or for his wife or family:

Provided further that any such sale to the taxpayer in default shall be void.

Persons having a charge on properties may pay the tax and recover from the owner.

(2) Any person having a charge or debt by way of specialty or otherwise upon any property of the person named in the Assessment List may pay the tax, fines, costs and expenses properly due under this Ordinance by such person named as aforesaid, and shall be entitled to add the moneys thus paid to such charge or debt as aforesaid, and thereupon the increased charge or debt shall bear the same interest and may be enforced and recovered in the same manner as the original charge or debt.

Form of conveyance.

**74.** Where any land or house is sold hereunder, the Colonial Secretary shall execute and deliver on completion a conveyance thereof to the purchaser in the form set out in the Fourth Schedule hereto.

Disposal of surplus proceeds of sale.

**75.** Any surplus moneys arising on any sales under this Ordinance, after payment of the tax, fines and costs, shall be paid by the Treasurer to the owner of the property sold, if known; and if not known, then they shall be at the disposal of the Governor in Council on the application of any person entitled, for six years from the day of sale, after which they shall be appropriated to the general revenue of the Colony:

Provided always that if the Treasurer has notice that any person other than the owner of the property sold has a claim to the said surplus moneys or any part thereof, either by way of mortgage or other legal encumbrance, the Treasurer may send to the said owner, by post, a letter addressed to him at his last known place of abode stating that the said moneys or some specified part thereof will be paid to such claimant, mortgagee, or encumbrancer, unless the owner informs the Treasurer within ten days from the date of the said letter that he does not admit the said claim. If no reply is received from the owner within the time aforesaid, the surplus moneys, or such part thereof as is specified in the said letter, may be paid to the said claimant by the Treasurer. If the owner denies the said claim, then the Treasurer shall pay the surplus moneys to the Registrar of the Supreme Court, to be placed by the latter to the credit of an account in Court, to abide the settlement by the Court of the question as to what person is entitled to the same. The Treasurer shall not be held responsible for any payment made by him under the provisions of this section.

#### CLAIMS BY THIRD PARTIES.

76. If any person (other than the person making default as aforesaid) claims that he is the owner of any goods or lands which are levied upon as belonging to a party who is named in the Assessment List, such person or any solicitor on his behalf may file an affidavit in the Supreme Court—

*Affidavit by a person not the defaulter, claiming the property levied upon.*

- (a) specifying which of the goods or lands he claims as his property;
- (b) stating full particulars of his title thereto; and
- (c) stating the value of the property.

77. If any such person, either at the time of or subsequent to the filing of the affidavit as aforesaid, gives security by bond with two sureties (such bonds being hereby exempted from stamp duty) to the satisfaction of the Registrar of the Supreme Court in a sum of £100, conditioned to secure, first, either the total amount of taxes, fines, costs, and expenses unpaid or such part thereof as may be equivalent to the value of the property claimed; and, secondly, all costs of the legal proceedings incidental to the trial of the issue hereinafter

*Discontinuance of levy upon bond being given by claimant, etc.*

mentioned, the Registrar shall notify the Treasurer to discontinue his levy upon such of the goods and lands as are specified in the affidavit until the determination of the issue hereinafter mentioned.

Abandonment of levy or setting cause down for trial.

78. (1) At any time within seven days after receipt of the notification of the levy being discontinued the Treasurer may abandon the levy altogether, and thereupon shall notify the Registrar and the claimant that the levy is wholly withdrawn and that no further legal proceedings will take place.

(2) If no notice of abandonment is given by the Treasurer in the manner aforesaid, the Registrar shall set the matter down for trial at the next sitting of the Supreme Court (Summary Jurisdiction) held not later than two weeks subsequent to security being so given.

Issue at trial.

79. At the hearing the issue shall be whether or no the claimant has made out his title to the goods or lands specified in the affidavit, and whether the value thereof has been correctly stated in the affidavit; and, upon the issues being determined, the Court shall order the bond to be enforced or cancelled, as the case may be.

Procedure to be same as in ordinary cases.

80. Throughout the proceedings in the case of goods being claimed as aforesaid the bailiff by whom the levy was made, or in the case of lands being claimed, the Treasurer, shall be the defendant, and all steps may be taken and things done as in ordinary cases before the said Court:

Provided that the defendant shall not be ordered to pay any costs unless the Court is of the opinion that he has been guilty of wilful neglect or misconduct.

Exemption from stamp duties.

81. No summons, process or other document issued by or for any person acting under this Ordinance shall be subject to stamp duty.

*Onus probandi.*

82. The burden of proof of exemption from or abatement of the tax levied under this Ordinance shall lie on the party claiming the exemption or abatement.

83. Any prosecutions instituted against any person for the commission of any offence against the provisions of this Ordinance shall be commenced within six years from the time of the offence committed and not afterwards.

Prosecutions to commence within six years.

#### GENERAL.

84. Any person guilty of an offence against this Ordinance shall be liable on summary conviction to a fine not exceeding £100 and in default of payment to imprisonment with or without hard labour for any term not exceeding six months.

Penalties for offences.

85. (1) Any person who, for the purpose of obtaining any deduction, rebate, reduction or repayment in respect of tax for himself or for any other person, or who in any return, account or particulars made or furnished with reference to tax, knowingly makes any false statement or representations, and—

False statements and returns.

(2) Any person who aids, abets, assists, counsels, incites or induces another person:

(a) to make or deliver any false return or statement under this Ordinance; or

(b) to keep or prepare any false accounts or particulars concerning any income on which tax is payable under this Ordinance;

shall be liable on summary conviction to a fine not exceeding £100 or to imprisonment with or without hard labour for a term not exceeding six months.

86. The provisions of this Ordinance shall not affect any criminal proceedings under any other Ordinance or Law.

Saving for criminal proceedings.

87. Any person who obstructs or impedes or insults or molests a Commissioner, collector or other officer lawfully authorised by this Ordinance or any amendment thereto in the discharge of his duties or in his official capacity or in the exercise of his powers shall be guilty of an offence against this Ordinance.

Impeding or obstructing Commissioner or officers.

88. Any person who shall reduce his income by the transfer or assignment of any real or personal, movable or immovable property to any member of the family of such person shall

Transfer of property to evade taxation.



nevertheless be liable to be taxed as if such transfer or assignment had not been made, unless the Commissioner is satisfied that such transfer or assignment was not made for the purpose of evading the taxes imposed under this Ordinance or any part thereof.

Rules.

**89.** (1) The Governor in Council may from time to time make rules generally for carrying out the provisions of this Ordinance, and may, in particular, by those rules provide—

- (a) for the form of returns, claims, statements and notices under this Ordinance;
- (b) for the deduction and payment of tax at the source in respect of emoluments and pensions payable out of the revenue of the Colony;
- (c) any such matters as are authorised by this Ordinance to be prescribed.

(2) All rules purporting to be made in pursuance of this section shall be published in the *Gazette* and shall come into operation on such publication or at such other time as may be named in such rules.

(3) If any person fails to comply with or contravenes the provisions of any rule made under this Ordinance he shall be guilty of an offence against this Ordinance.

(4) All rules made under this Ordinance shall be judicially noticed.

Power to re-  
mit.

**90.** The Governor in Council may remit the whole or any part of the income-tax payable by any person if he is satisfied that it would be just and equitable to do so. Notice of such remission shall be published in the *Gazette*.

**FIRST SCHEDULE.**

Section 67.

Warrant to levy.

**Under the Income Tax Ordinance.**

FALKLAND ISLANDS.

By  
Islands.

Treasurer of the Colony of the Falkland

To  
Treasurer in this behalf.

a bailiff appointed by the said

WHEREAS the several persons named in the List attached to this Warrant are respectively liable in respect of Income Tax to pay the several amounts set opposite their names respectively in such List.

AND WHEREAS default has been made in payment of the same YOU are therefore hereby enjoined and required to make demand of the several sums mentioned in the said List from the persons liable therefor or on the premises charged with the assessment, as the case may require, and upon payment thereof, to give acquittances under your hand unto the several persons who shall pay the same; and if any sum or sums remain unpaid after demand duly made by you then you are hereby enjoined and required to levy upon each and every of the persons named in the List such sums of money as shall be sufficient to pay the amount set opposite to the names of such persons in the said List together with the cost attending any levy and any sale thereon or any and all other proceedings consequent thereon. And of your proceedings herein you are forthwith to make your Return to me.

Given under my hand at Stanley, Falkland Islands, the

day of

19

*Treasurer.*

## SECOND SCHEDULE.

Section 69.

Praecipe to levy by sale of land or house.

### Under the Income Tax Ordinance.

FALKLAND ISLANDS.

By  
To

Treasurer of the Falkland Islands.

WHEREAS the lands or houses of the several persons named in the List to this Warrant attached are respectively liable under the Income Tax Ordinance for the several amounts set opposite their respective names.

AND WHEREAS the lands or houses named in the said List are likewise respectively liable for the amount aforesaid whether or not the persons named are in possession thereof. And Whereas default hath been made in payment of the said amounts You are therefore hereby enjoined and required to levy upon and sell the lands of which the several persons named in the said List are possessed, or a sufficient part thereof, to satisfy the amounts set opposite their respective names as aforesaid together with the costs attending any such levy and sale and all other proceedings consequent thereon.

And in default of satisfaction thereby, then, if the persons named are not now in possession of the lands or houses named in the said List, you are hereby enjoined and required to levy upon the lands or houses last mentioned. And of your proceedings herein you are to make Returns to me at the end of every calendar month commencing from the date hereof until your final Return which you are to make to me on or before the thirtieth day of April next.

Given under my hand at Stanley, Falkland Islands, the

day of

19

*Treasurer.*

## THIRD SCHEDULE.

Section 70.

Notice to Defaulter.

## Under the Income Tax Ordinance.

TAKE NOTICE that you are hereby required to fill in the following form with the statements and information thereby required, to sign the same and to deliver it within seven days from the date of the service thereof to the Officer in charge of the Treasury.

AND FURTHER TAKE NOTICE that in default of your delivering such form duly filled in and signed as aforesaid, you will be liable to a fine not exceeding five pounds.

## FORM.

Do you admit that you owe £ \_\_\_\_\_  
for Income Tax and £ \_\_\_\_\_ for  
fines in respect of \_\_\_\_\_

If the whole of the above-mentioned  
amount is not owing by you, state how  
much is owing by you.

If the above-mentioned amount or any  
part thereof is not owing by you, but  
is owing by some other person, state  
the name of that person.

Have you any right, title or interest in  
the following properties? If you have,  
state the nature of your interest there-  
in.

.....

.....

State any reason you may have for  
claiming that your property should not  
be sold to satisfy the amount due by  
you.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_

Served by me on the \_\_\_\_\_ day

Treasurer.

19 \_\_\_\_

Bailiff or Server.

## FOURTH SCHEDULE.

Section 74.

THIS INDENTURE made the                      day of                      19  
between                      the Colonial Secretary of the Colony of the  
Falkland Islands (hereinafter called "the Colonial Secretary") of the one part  
and                      (hereinafter called "the Grantee") of the other  
part

WITNESSETH that in consideration of the sum of  
paid by the Grantee to the Government of the Falkland Islands (the receipt  
whereof is hereby acknowledged) the Colonial Secretary doth, pursuant to  
and in exercise of the powers in him vested by the laws of the said Colony  
relating to Income Tax, hereby grant to the Grantee ALL THAT

EXCEPTING AND RESERVING to the Crown, out of the grant hereby  
intended to be made, all the rights, liberties and benefits in respect of the said  
land and every portion thereof reserved to the Crown under and by virtue of  
section 28 of the Land Ordinance.

To hold the said hereditaments unto and to the use of the Grantee in fee  
simple.

IN WITNESS whereof the Colonial Secretary hath hereunto set his hand  
and seal the day and year above written.

Signed sealed and delivered by the }  
said (Colonial Secretary)  
in the presence of

L.S.

## CHAPTER 33.

## INTERPRETATION AND GENERAL LAW.

6 of 1949  
15 of 1949.  
10 of 1950  
1 of 1951

AN ORDINANCE TO CONSOLIDATE THE LAW RELATING TO  
INTERPRETATION AND GENERAL LAW.

[1st January, 1949.]

Short title  
10 of 1950.

1. This Ordinance may be cited as the Interpretation and General Law Ordinance.

Interpreta-  
tion.

2. (1) In this Ordinance and in all Ordinances, Orders in Council, Proclamations, Regulations and Notices now in force or hereafter to be made the following words and expressions shall have the meanings hereby assigned to them respectively, unless such construction is inconsistent with the context or unless it is otherwise expressly provided therein:

“Act” means an Act of Parliament of the United Kingdom in force in the Colony.

10 of 1950.

“The Colony” means the Colony of the Falkland Islands and shall be deemed to include the territorial waters thereof.

“Colonial waters” include territorial waters.

“Commencement” means, with reference to an Ordinance, the time at which the Ordinance comes into operation.

“Common law” means the Common law of England.

10 of 1950.

“Commonwealth” means collectively the United Kingdom, any other part of His Majesty's dominions, India, any territory under His Majesty's protection, and any territory administered by the Government of any part of His Majesty's dominions in accordance with a mandate from the League of Nations or under the trusteeship system of the United Nations.

[*Note.* This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

"Contravention" means in relation to any requirement or condition prescribed in any Ordinance or Regulation, or in relation to any permit licence or other authority granted under or in pursuance of any Ordinance or Regulation, a failure to comply with that requirement or condition.

"Daily penalty" means a penalty for each day on which an offence is continued after conviction therefor.

"The Dependencies" mean the Dependencies of the Colony of the Falkland Islands, and shall be deemed to include the territorial waters thereof.

"Dues" means rates, taxes and duties.

10 of 1951.

"Estate" means any estate, right, title, interest, claim or demand in to or upon property.

"Folio" means seventy-two words.

"The *Gazette*" means the Government Gazette of the Colony.

"Gazetted" means published in the *Gazette*.

"Government" means the Government of the Colony.

"Government Notice" or "General Notice" means an announcement not of a legislative character made by or with the authority of the Governor in the *Gazette*.

"Government printer" means any printer authorised by the Government to print the *Gazette* and other documents of the Government.

"Governor" means the person for the time being lawfully administering the Government of the Colony.

"Governor in Council" means the Governor acting with the advice and consent of the Executive Council but not necessarily acting in such Council assembled nor necessarily in accordance with such advice.

"Harbour" means any port declared a harbour by the Governor in Council.

"Immovable property" includes land, benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth.

10 of 1950

"Imperial Order in Council" means any Order of His Majesty in Council applicable to the Colony.

"Justice" or "Justice of the Peace" means a person appointed by the Governor to be a justice of the peace for the Colony.

"Land" means land and any messuages, houses, buildings or other constructions standing thereon.

"Magistrate" means a person appointed by the Governor to be a Magistrate for the Colony.

"Master" means, in relation to a ship, any person having charge, control or command thereof.

"Occupier" means any person who uses, inhabits, possesses, or enjoys the premises in respect of which that word is used otherwise than as a servant or care-taker.

"Owner" means a person receiving the rent of the property in respect of which that word is used either on his own account, or as trustee, agent, or manager, or who would receive the same if such property were let to a tenant.

"Parliament" or "Imperial Parliament" means the Parliament of the United Kingdom.

"Person" includes any corporation, club, society, or other body corporate or unincorporate.

"Proclamation" means a proclamation of the Governor under the Public Seal.

10 of 1950.

"Property" includes money, goods, choses in action, land and every description of property, whether real or personal.

"Public Seal" means the Public Seal of the Colony.

"Registrar" means the Registrar of the Supreme Court.

"Secretary of State" means one of His Majesty's Principal Secretaries of State.

Chapter 68.

"Stanley" means the area defined in section 138 of the Stanley Town Council Ordinance and the schedule thereto.

"Suburban land" or "suburbs" means (1) land outside Stanley bounded on the north by the Murrel River and Port William, on the south and east by Port Harriet and the sea and on the west by a line drawn from a point on the Murrel River commonly known as

"Furze Bush" to the summit of Mount Harriet and thence along the eastern boundary of No. 1 Section to the west of Port Harriet, and (2) land outside the limit or boundary of any place declared to be a town but not more than six miles from the centre of such town.

"Town" means Stanley or land within the limits of any place declared to be a Town under section 17 of this Ordinance.

"United Kingdom" means Great Britain and Northern Ireland.

"Vessel" includes every description of ship, boat, lighter, or floating water tank.

"Writing" and expressions referring to writing mean printing, lithography, typewriting, photography and other modes of representing or producing words or figures in visible form.

(2) Words importing the masculine gender shall include the feminine, words in the singular shall include the plural, and words in the plural shall include the singular. Gender and number.

(3) When forms are prescribed slight deviations therefrom not affecting the substance nor calculated to mislead shall not invalidate them. Forms.

(4) When any expression of time occurs the time referred to shall, unless it is otherwise expressly provided, be held to signify the standard time adopted for the Colony by order of the Governor. Time.

(5) When no time is prescribed or allowed within which anything shall be done such thing shall be done with all convenient speed and as often as the prescribed occasion arises. When no time prescribed.

(6) The measurement of distance shall, unless the contrary intention appears, be in a straight line on a horizontal plane. Distances.

3. The printing by the Government printer of any duly enacted Ordinance, or of any official document countersigned by the Colonial Secretary or by any person duly authorised by the Governor, shall be a sufficient publication and promulgation thereof. Government publications.

4. (1) The draft of every Ordinance shall be published in the *Gazette* and a copy thereof affixed to the public notice Publication of draft Ordinances.



board in Stanley for one week before its introduction, unless the Governor in Council decides that for reasons of urgency it is necessary to dispense with such publication and public notification.

Copies may  
be bought.

(2) Copies of every draft published as aforesaid may be purchased from the Government printer for such sum as the Governor may from time to time direct and the purchaser of such draft may on demand within six months of the date of such purchase be supplied with a copy of the Ordinance as passed without further payment.

Dis-  
allowance.

5. An intimation of the disallowance by His Majesty of any Ordinance shall be published in the *Gazette*.

When Ord-  
inances, etc.,  
take effect.

6. Ordinances and subsidiary legislation shall be published in the *Gazette* and unless it is otherwise provided therein shall take effect and come into operation as law on the date of such publication.

Inspection of  
Ordinances.

7. A copy of any Ordinance shall be available for inspection during office hours at any place appointed by the Governor.

Admission of  
Ordinances,  
etc. in evi-  
dence.

8. A copy of any Ordinance, Order in Council, Regulation or Notice printed by the Government Printer shall be admissible in evidence without further proof thereof.

Repeals do  
not revive.

9. Where any Ordinance repealing in whole or in part any former enactment is itself repealed, the enactment or part before repealed shall not be revived unless express words to that effect are contained in the last repealing enactment.

Rules, Regu-  
lations, etc.

10. (1) All orders, rules, regulations, by-laws made, and all scales of fees, charges or fines prescribed under or by virtue of any Ordinance shall come into force on publication thereof unless the contrary intention is expressed and shall be binding in the same manner and to the same extent as if they formed part of such Ordinance.

10 of 1950.

(2) All orders, rules, regulations, by-laws and scales of fees, charges or fines made or prescribed under any Act or Ordinance prior to its repeal, shall, if the repealing Ordinance provides for making orders, rules, regulations or by-laws, or prescribing scales of fees, charges or fines, remain in force after such repeal until they are revoked or superseded by

orders, rules, regulations, by-laws, or scales of fees, charges or fines made or prescribed under and by virtue of the repealing Ordinance, and they may be read with such verbal alterations as may be required to make them applicable to the requirements of the repealing Ordinance.

11. (1) The Governor may appoint such persons as may be required to carry out the duties imposed by any Ordinance and such appointment shall be during pleasure only.

Appoint-  
ments.

(2) The powers and duties conferred and imposed by any Act upon the holder of any office which does not exist in the Colony shall be exercised and performed by any person duly authorised by the Governor in that behalf.

(3) Any reference to a public officer shall include the person for the time being lawfully exercising the duties and functions of such officer.

Officer  
acting.

(4) Where powers and duties are conferred or imposed upon any person by an Ordinance and such elections or appointments have not been made as required, or the persons elected or appointed have declined to act, or a vacancy is caused by death, the Governor may appoint some person to exercise such powers and discharge such duties until some person who is willing to act has been duly elected or appointed.

Power to fill  
vacancies.

(5) When any powers or duties are conferred or imposed upon a public officer by any Ordinance, the Governor may direct that during any period of absence of such public officer, owing to illness or any other cause, such powers and duties shall be exercised and performed by a person nominated by the Governor, subject to such conditions, exceptions and qualifications as the Governor may direct.

Power to fill  
vacancies  
during tem-  
porary  
absence.

(6) Where a power of appointment is conferred by any Ordinance the power shall also be implied to remove, dismiss, suspend, reappoint, or reinstate any person appointed in exercise of the power unless the contrary intention is expressed in the Ordinance.

Dismissal,  
etc.

(7) When any change in the title of a public office occurs the Governor may, by notice in the *Gazette*, declare that such change in title shall take effect from the date specified in such notice, and any reference in any Ordinance to the former title of such office shall be read and construed as a reference to that office by the new title declared by the Governor in such notice.

Change of  
title of public  
office.

Disposal of  
fines, etc.

12. Subject to the express provisions of any Ordinance all dues, fees, fines, penalties or forfeitures, or proceeds thereof upon sale, shall be paid into the general revenues of the Colony, but the Governor may direct payment to the Stanley Town Council, or to any aggrieved person of such proportion of the fine or penalty as he may think fit.

Commis-  
sions, Boards  
etc.

13. (1) The precedence of members of any Commission or Board shall, unless specially determined, be by date of appointment, or when they are appointed on the same day by the order in which their names appear in the *Gazette* or instrument appointing them, and unless specially provided the senior member shall be the chairman.

(2) When the quorum of any Commission or Board is not prescribed the majority thereof shall constitute a quorum.

(3) The Chairman shall have only an equal vote with other members, except in case of an equality of votes when he shall have a second or casting vote.

Law of  
England in  
force.

14. (1) The common law, rules of equity and the general statutes in force in England on the 22nd day of May, 1900, shall be in force in the Colony in so far as the circumstances of the Colony permit, and provided they are not inconsistent with, or repugnant to, any Ordinance or Order in Council, in which case the Ordinance or Order in Council shall prevail.

10 of 1950.

(2) So much of the enactments specified in the Schedule hereto as is not already in force in the Colony, and is capable of being applied therein by Ordinance, shall apply therein with such modifications as the circumstances of the Colony require.

Acts of  
Parliament  
to be read  
with  
necessary  
modifica-  
tions.  
10 of 1950.

15. Every Act shall be read with such formal alterations as to names, localities, courts, officers, persons, moneys, penalties and otherwise as may be necessary to make it applicable to the circumstances of the Colony.

Division of  
Colony into  
districts.

16. The Governor in Council may, when it is considered convenient for the more efficient operation of any Ordinance or any other purpose, divide, subdivide and re-divide the Colony into districts, or alter the boundaries of any such districts.

17. The Governor in Council may, with the approval of the Secretary of State, declare any place to be a town, and define the extent, limits, and boundaries of such town and of its suburbs, and vary or alter such extent, limits and boundaries: Declaration of town.

Provided that no part of the boundaries of the town shall be more than two miles, nor the suburbs more than six miles from the centre of the town.

SCHEDULE

Section 14 (2)

The Merchant Shipping Acts, 1894-1948.  
 The Married Women's Property Act, 1907.  
 The Protection of Animals Act, 1911.  
 The Forgery Act, 1913.  
 The Criminal Law Amendment Act, 1924.  
 The Trustee Act, 1925.  
 The Criminal Law Amendment Act, 1928.  
 The Marriage (Prohibited Degrees of Relationship) Act, 1931.  
 The Sentence of Death (Expectant Mothers) Act, 1931.  
 The Children and Young Persons Act, 1933, sections 1 and 53.  
 The Counterfeit Currency (Convention) Act, 1935.  
 The Law Reform (Married Women and Tortfeasors) Act, 1935.  
 The Infanticide Act, 1938.  
 The Criminal Justice Act, 1948, section 2.

## CHAPTER 34.

## LABOUR (ADVISORY BOARD).

1 of 1942. AN ORDINANCE TO CREATE A LABOUR ADVISORY BOARD.

[13th March, 1942.]

Short title.

1. This Ordinance may be cited as the Labour (Advisory Board) Ordinance.

Labour Ad-  
visory  
Board.

2. The Governor may by Order appoint a Labour Advisory Board consisting of not less than three or more than seven persons whose duty it shall be

- (a) to submit to the Governor for his consideration any recommendations or suggestions which it may consider expedient to make in regard to any matters connected with labour conditions in the Colony;
- (b) to consider and to render to the Governor a report on any matter having reference to or arising out of labour conditions in the Colony which may be specially referred by the Governor to it for its advice.

---

[Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

## CHAPTER 35.

## LABOUR (MINIMUM WAGE)

AN ORDINANCE TO MAKE PROVISION FOR THE FIXING OF 2 of 1942.  
A MINIMUM WAGE FOR LABOUR.

[13th March, 1942.]

1. This Ordinance may be cited as the Labour (Minimum Wage) Ordinance. Short title.

2. (1) Whenever the Governor in Council is satisfied that the wages paid in the Colony or any part of the Colony for any occupation are unreasonably low, he may by proclamation fix a minimum rate of wage for that occupation. Fixing of minimum wage.

(2) Where a minimum rate of wages is fixed in respect of a part of the Colony the boundaries thereof shall be set out in the proclamation.

(3) The Governor in Council may by proclamation vary or cancel a minimum rate of wage.

(4) The Governor in Council may by proclamation revoke any proclamation made under this section.

(5) Any such minimum rate as aforesaid or the cancellation or variation of any such rate shall become effective as from the date specified in that behalf in the proclamation.

(6) All proclamations under this section shall be published in the *Gazette*.

3. (1) The Governor in Council may where he considers it desirable appoint advisory boards to consider the wages paid for any occupation. Appointment of Advisory Boards.

(2) The Governor in Council may make regulations as to the constitution, appointment and duties of advisory boards.

[*Note.* This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

Penalty for not paying wages in accordance with minimum rate which is effective.

4. (1) Where a minimum rate of wage fixed by the Governor in Council has become effective an employer shall in cases to which the minimum rate is applicable pay wages to the persons employed at not less than the minimum rate clear of all deductions, and if he fails to do so shall be liable on summary conviction in respect of each offence to a fine not exceeding £20 and to a fine not exceeding £5 for each day on which the offence is continued after conviction therefor.

Meaning of "deductions."

The expression "deductions" shall not apply to loans free of premium or interest advanced on account of wages or to payments in respect of tools or implements supplied to and used by a labourer in his occupation as such, but shall include deductions which could otherwise lawfully be made from wages.

(2) On the conviction of an employer under subsection (1) of this section the Court may by the conviction adjudge the employer convicted to pay, in addition to any fine, such sum as appears to the Court to be due to the person employed on account of wages, the wages being calculated on the basis of a minimum rate, but the power to order the payment of wages under this provision shall not be in derogation of any right of the person employed to recover wages by any other proceedings.

Offences by agents.

(3) Where an offence for which an employer is by virtue of this section liable to a fine has in fact been committed by some agent of the employer or other person, that agent or other person shall be liable to be proceeded against for the offence in the same manner as if he were the employer, and either together with or before or after the conviction of the employer, and shall be liable on conviction to the same fine as that to which the employer is liable.

Savings as to employer when agent convicted.

(4) Where an employer who is charged with an offence against this section proves to the satisfaction of the Court that he has used due diligence to enforce the execution of this Ordinance, and that the offence was in fact committed by his agent or some other person without his knowledge, consent, or connivance, he shall, in the event of the conviction of that agent or other person for the offence, be exempt from any fine in respect of the offence, without prejudice, however to the power of the Court under subsection (2) of this section to adjudge him to pay any sum which appears to the Court to be due to the person employed on account of wages.

(5) It shall be the duty of every employer in an occupation to which a minimum rate is applicable to keep such records of wages as are necessary to show that the provisions of this Ordinance are being complied with as respects persons in his employment, and if he fails to do so he shall be liable on summary conviction in respect of each offence to a fine not exceeding £2 and also to a fine not exceeding £1 for every day during which the default continues after conviction.

Record of wages to be kept.

(6) On any prosecution of a person for failing to pay wages at not less than the minimum rate it shall lie on that person to prove that he has not paid wages at less than the minimum rate.

Burden of proof.

5. (1) The Governor in Council may appoint such officers as he may think necessary for the purpose of investigating any complaints and otherwise securing the proper observance of the provisions of this Ordinance.

Appointment of officers and power of entry and inspection.

(2) Any such officer shall have power to enter at all reasonable times upon the premises of any employer in an occupation to which a minimum rate is applicable and to require the production of wages sheets or other record of wages by any such employer and to inspect and examine the same and copy any material part thereof.

(3) Any person who hinders or molests any officer in the exercise of the powers given by this section or fails or refuses to produce any wages sheet or other record of wages, shall be liable on summary conviction in respect of each offence to a fine not exceeding £5; and any person who makes or causes to be made or knowingly allows to be made any wages sheet or record of wages or record of payments which is false in any material particular, or produces or causes to be produced or knowingly allows to be produced any such sheet or record to any officer acting in exercise of the powers given by this section knowing the same to be false, shall be liable on summary conviction to a fine not exceeding £20 or to imprisonment with or without hard labour for a term not exceeding three months.

6. Any agreement for the payment of wages in contravention of the provisions of this Ordinance shall be void.

Agreement in contravention of this Ordinance void.



## CHAPTER 36.

## LAND.

28 of 1949.  
10 of 1950

AN ORDINANCE TO CONSOLIDATE THE LAW AS TO LAND.

[31st December, 1949.]

Short title.

1. This Ordinance may be cited as the Land Ordinance.

Interpreta-  
tion.

2. In this Ordinance unless the context otherwise requires:  
“Deed” means any instrument affecting land in the Colony.

10 of 1950.

“Land” includes any messuages, tenements and buildings thereon and any estate or interest therein but does not include minerals.

“Court” means the Supreme Court of the Colony.

“Registrar-General” means the Registrar-General at Stanley.

“Crown land” means any land not already granted in fee simple and any land acquired by the Crown.

“Reserve” means the land specified in section 21 and any land declared a reserve under that section.

“Chief Constable” means the chief officer of Police at Stanley.

“Improvement” shall include buildings, drains, wells, tanks, dams, cultivation, fencing, filling up, laying down grass, and any beneficial work done upon any land, not being a reserve, to increase its value, productiveness, or ability to carry stock.

“Country land” means land more than six miles from the Cathedral in Stanley or from the centre of any other town.

“Town land” means land in Stanley as defined in section 138 of the Stanley Town Council Ordinance

---

[*Note.* This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

and land not more than two miles from the centre of any other town.

"Vendor", "Owner", "Mortgagor", "Mortgagee", "Lessor", "Lessee", "Transferor", "Transferee" include respectively their heirs, executors, administrators and assigns.

"Lease" includes the right of occupation or use of any land.

"Minerals" mean precious stones, precious metals, metals and all minerals of any kind whatsoever including coal, bituminous shale, lime, and mineral oil.

"Public purpose" means any purpose connected with exclusive Government use or general public use, or connected with or ancillary to the public interest or utility, or with or to town planning, or any purpose connected with the defence of the Colony, or connected with or ancillary to naval, military or air force requirements, and includes any other purpose specified as public by any enactment or which the Governor in Council may resolve to be in the public interest.

## Part I.

### DEEDS.

3. (1) Every deed conveying the fee simple in land may be in the form set out in Form 1 in the first Schedule hereto. Convey-  
ances.

(2) The following covenants shall be implied in every conveyance:

- (a) when the vendor is conveying as beneficial owner, for the right to convey free from encumbrances (except as therein mentioned); for quiet enjoyment; and for further assurance;
- (b) when the vendor is conveying as trustee, mortgagee, personal representative of a deceased person, committee of a person of unsound mind, receiver of the income of a person of unsound mind or of a defective, or as tenant for life, or under an order of the Court, that he has the right to convey free from encumbrances (except as therein mentioned) limited to things done or suffered by the person so conveying or to which he has been party.

Mortgages.

4. (1) Every deed being a mortgage of land may be in the form set out in Form 2 in the First Schedule.

10 of 1950.

(2) The following covenants shall be implied in every mortgage:

- (a) on the part of a mortgagor conveying as beneficial owner, for the right to convey free from encumbrances (except as therein mentioned); that upon default in payment of the money thereby secured, or any part thereof, or any interest thereon, contrary to any provision therein contained, the mortgagee may enter into possession of and quietly enjoy the mortgaged land; and for further assurance;
- (b) on the part of a mortgagor conveying as trustee, personal representative of a deceased person, committee of a person of unsound mind, receiver of the income of a person of unsound mind or of a defective, or as tenant for life, or under an order of the Court, the covenants contained in section 3 (2) (b);
- (c) on the part of the mortgagee that the mortgagor repaying the principal sum secured by the mortgage on the date therein mentioned and interest thereon at the rate thereby reserved the mortgagee will reconvey the mortgaged land to the mortgagor free from encumbrances.

(3) The mortgagee shall in default of payment of principal or interest have power to enter into possession of the mortgaged land and to receive the rents and profits thereof and to sell such land but until such default the mortgagor shall quietly enjoy such land.

Transfer of mortgage.

5. Every deed being a transfer of mortgage may be in the form set out in Form 3 of the First Schedule and shall be endorsed on or annexed to the mortgage thereby transferred.

Reconveyance.

6. (1) When the whole sum included in the mortgage or any less sum in full satisfaction thereof is received by the mortgagee he shall endorse on the mortgage deed a reconveyance in the form set out in Form 4 in the First Schedule and upon registration thereof in accordance with section 9 the mortgage debt shall be discharged.

(2) When the mortgagee after having received or been tendered the full amount of the mortgage debt or an agreed

sum in full satisfaction thereof fails to reconvey the land mortgaged the mortgagor may apply to the Court for an order to cancel the mortgage, and any order made by the Court shall be registered in accordance with section 9.

7. (1) Every deed being a lease (other than a Crown lease) <sup>Lease.</sup> may be in the form set out in Form 5 in the First Schedule.

(2) There shall be implied in every such lease covenants on the part of the lessee with the lessor to pay rent, rates and taxes (if any), not to assign without prior written consent, to repair and on determination of the lease to leave in good repair and condition.

(3) The lessor shall have power, subject to the provisions <sup>10 of 1950.</sup> contained in the proviso to section 27 (1) and in section 27 (2) of this Ordinance with the substitution of "the lessor" for "the Governor", to enter upon the leased land and resume possession thereof upon non-payment of rent or breach of any covenant but until such default the lessee shall have quiet enjoyment.

8. (1) Every deed shall be signed as follows:

<sup>Execution of  
deeds.</sup>

- (a) a conveyance by the vendor;
- (b) a mortgage by the mortgagor;
- (c) a transfer of mortgage by the transferor;
- (d) a reconveyance by the mortgagee;
- (e) a lease by both parties;
- (f) an assignment of a lease by the assignor and the <sup>10 of 1950.</sup> assignee,

in the presence of a Justice of the Peace, or in a foreign country a Notary Public: Provided that a deed shall be duly executed by a limited company if the common seal of the company is affixed in accordance with the articles of association of the company.

(2) No deed shall be registered until it has been duly executed as aforesaid.

9. (1) Every deed, or order of the Court (other than a <sup>Registration.</sup> Crown Grant or lease or an agreement for a lease or for an assignment of a lease) shall be registered with the Registrar-General within thirty days of the execution thereof when the party or parties executing it are resident in the Colony or within six months when such parties are not so resident.

(2) Any deed not registered as aforesaid shall be void against a subsequent purchaser or mortgagee for valuable consideration unless such deed shall be registered before registration of the deed under which such subsequent purchaser or mortgagee shall claim.

(3) Every applicant for registration shall pay the appropriate fee set out in the first part of the Second Schedule.

(4) No deed shall be registered unless it is properly stamped in accordance with section 12 and the Third Schedule.

Certified  
copy of deed.

**10.** A copy of any registered deed certified by the Registrar-General shall be admissible in evidence.

Fresh title.

**11.** (1) Any person who considers himself lawfully entitled to be registered as the owner in fee simple of any land may petition the Court to be so registered.

(2) Such petition shall be published in such manner as the Court may direct not less than three months before it is heard and copies thereof shall be served on such persons as the Court may direct.

(3) The Court may, on being satisfied as to the claim of a petitioner, make a decree nisi for the issue of a title. Such decree shall not be made absolute until after the expiration of one year from the date thereof.

(4) Any person may show cause why it should not be made absolute at any time before it is made absolute.

(5) On a decree being made absolute the Registrar-General shall prepare a deed in the Form 6 in the First Schedule and when the Judge has countersigned such deed and the copy in the Register such title shall be indefeasible.

## Part II.

### STAMP DUTIES.

Charge of  
duties on  
deeds.

**12.** Duties shall be charged on the several deeds specified in the Third Schedule at the rate or rates respectively shown against each such deed.

Manner of  
and time for  
payment of  
duty.

**13.** (1) All duties chargeable under this Ordinance shall be paid and denoted by an adhesive stamp or stamps affixed to the top left-hand corner of the deed in the presence of the

Registrar-General within thirty days of the execution of the deed when the party or parties executing it are resident in the Colony or within six months when such parties are not so resident.

(2) A penalty of £10, and where the unpaid duty exceeds £10 interest on the unpaid duty at the rate of £5 per centum per annum, shall be paid where the deed is not stamped within the time prescribed in subsection (1) of this section. Penalty.

(3) When more than one deed is written on the same piece of material every deed shall be separately and distinctly stamped with the duty with which it is chargeable.

14. Every stamp affixed to a deed shall be cancelled by the Registrar-General by impressing his seal thereon. Cancellation.

15. Any person who

Penalties.

- (a) fraudulently removes or causes to be removed from any deed any stamp, or affixes to any other deed or uses for any postal purpose any stamp which has been so removed with intent that the stamp may be used again; or
- (b) sells or offers for sale or alters any stamp which has been so removed or utters any deed having thereon any stamp which to his knowledge has been so removed as aforesaid; or
- (c) executes any instrument in which all the facts and circumstances affecting the liability of any deed to duty or the amount of duty with which any deed is chargeable are not fully set forth; or
- (d) being employed or concerned in or about the preparation of any deed neglects or omits fully and truly to set forth therein all the said facts and circumstances,

shall be guilty of an offence against this Ordinance and shall be liable on summary conviction to a fine not exceeding £50.

16. The deeds to which section 12 shall apply and the persons liable for duty in respect thereof are as follows: Persons  
liable for  
duty.

<i>Deed.</i>	<i>Person liable for duty.</i>
Conveyance.	The purchaser (which term includes the person in whose favour an order of the Court is made under section 11 hereof.)
Mortgage.	The mortgagee.
Transfer of mortgage.	The transferee.
Reconveyance.	The mortgagor.
Lease.	The lessee.
Assignment of lease.	The assignee.

Assessment  
of duty.

**17.** (1) Subject to any regulations which the Governor may make under this Ordinance the Registrar-General shall assess the duty to be paid on any deed and may call upon the parties thereto to furnish him with such evidence as to all the facts and circumstances affecting the liability of the deed to duty as he may deem necessary.

(2) Any person who is dissatisfied with the assessment of the Registrar-General may within twenty-eight days after the date of the assessment and on payment of the duty in conformity therewith appeal against the assessment to the Court.

### Part III.

#### CROWN LANDS.

Disposal of  
Crown lands.

**18.** Crown lands shall not, except as hereinafter mentioned, be dealt with or disposed of without the sanction of the Secretary of State.

Disposal of  
land for  
public use.

**19.** The Governor in Council may dispose of Crown lands required for public purposes.

Power of  
refusal to sell  
freehold.

**20.** The Governor in Council may refuse a lessee of any Crown lands the right of purchasing the freehold thereof.

Reserves.

**21.** (1) The following land shall continue to be reserves—  
In Lafonia, near Bull Point: 1,280 acres.  
In Section 22A, West Cove: 1,540 acres.

In Pebble Island, Elephant Bay: 160 acres.

In Keppel Island, Bold Point: 160 acres.

In New Island, Tigre Harbour: 160 acres.

In Stanley Harbour, Navy Point: 145 acres.

(2) The Governor in Council may by notice in the *Gazette* declare any Crown land a reserve and such declaration shall show in general terms the nature of the purpose for which such land is declared a reserve.

(3) Should any land declared a reserve, or any part thereof, be subject to a lease a notice of the declaration shall be served on the lessee, and the lease so far as it relates to the land so reserved shall determine at the expiration of three years from the date of publication of the notice in the *Gazette*, and the Governor in Council may where the lessee is so deprived of the use of the reserved part of his holding grant a proportionate rebate of the rent.

(4) The Governor in Council may with the approval of the Secretary of State declare a reserve to be no longer reserved and upon publication of a notice in the *Gazette* to that effect such land shall cease to be a reserve and may be dealt with as other Crown land.

22. Any reserve or part of a reserve may be leased for a term not exceeding three years subject, in the case of a lease to a person whose land does not adjoin the reserve, to the sanction of the Secretary of State.

Lease of reserved land.

23. (1) The Governor in Council may with the approval of the Secretary of State, upon the application of a lessee whose lease has expired or will expire within two years, grant to him either a renewal of such lease or a new lease upon such terms and subject to such conditions and restrictions as may seem expedient, but such renewal or new lease shall not, unless otherwise expressly provided, have effect until the determination of the then current lease, and shall not in the case of

Renewal of lease.

country land (not being a reserve) exceed the term of twenty-one years;

suburban land or a reserve exceed the term of three years;

town land exceed the term of sixty years.

(2) Where the Governor shall decline to renew a lease the Government shall pay the lessee the value of all improve-



ments assessed as hereinafter provided but no compensation shall be paid for any improvement when a lease has been determined in accordance with section 27.

Disposal of  
land on ter-  
mination of  
lease.

24. Where a lessee declines to accept a renewal of the lease or declines to accept a new lease upon terms approved by the Governor in Council, or where a lease has been determined in accordance with section 27, the Governor may cause a new lease of the land thus reverting to the Crown to be put up to public auction, or he may by private treaty grant a new lease on such terms and subject to such conditions as he may deem expedient.

Option to  
determine all  
leases when  
renewal is  
refused.

25. Where the Governor has declined to renew a lease the lessee may by notice in writing to the Colonial Secretary elect that all leases of Crown lands held by him shall expire on the same day as the lease which the Governor has declined to renew, and thereupon all such leases shall be determined accordingly and all such leases shall be considered leases which the Governor has refused to renew.

Assessment  
of improve-  
ments.

26. The value of improvements as provided for in section 23 shall be assessed by two assessors one to be appointed by the Governor and one by the lessee who shall certify to the best of their knowledge and belief the value of every improvement suitable and appropriate to the leased land provided that such valuation shall not exceed the actual cost of the improvement.

In the event of the assessors failing to agree the matter shall be referred to an umpire agreed upon by such assessors or failing agreement to one appointed by the Judge of the Court who shall determine the amount of assessment.

Determina-  
tion of lease.

27. (1) When a lessee fails to observe or perform any of the covenants and conditions on his part contained in the lease, or to pay the rent reserved by the lease within one month after it has become due, it shall be lawful for the Governor or his servants or agents to re-enter upon and re-occupy the land demised by the lease and thereupon such lease shall be determined:

10 of 1950.

Provided that the right of re-entry or forfeiture for a breach of any covenant or condition in a lease shall not be

enforceable unless and until there shall be served on the lessee a notice—

- (a) specifying the breach complained of; and
- (b) if the breach is capable of remedy, requiring the lessee to remedy the breach; and
- (c) in any case, requiring the lessee to make compensation in money for the breach;

and the lessee fails within a reasonable time thereafter to remedy the breach, if it is capable of remedy, and to make compensation in money, to the satisfaction of the Governor, for the breach.

The foregoing proviso shall not extend—

- (i) to a covenant or condition against assigning, underletting or disposing of the land leased; or
- (ii) to a condition for forfeiture on the bankruptcy of the lessee, or on taking in execution of his interest.

(2) Where it is proposed to enforce such a right of re-entry or forfeiture, the lessee may apply to the Court for relief; and the Court may grant or refuse relief as the Court, having regard to all the circumstances, thinks fit; and may grant relief on such terms as to costs, expenses, damages, compensation, or otherwise as the Court, in the circumstances of each case, thinks fit.

28. (1) The Governor in Council may insert in any grant or lease of Crown lands such reservations, restrictions and conditions as he may deem expedient.

Reservations, restrictions and conditions.

(2) Every grant or lease of Crown lands shall be subject to the following reservations, restrictions and conditions unless they are expressly excluded or are not appropriate to the particular grant or lease.

- (a) No lease shall be transferred without the consent in writing of the Governor first obtained.

Transfer of lease.

A transfer of a lease shall be endorsed thereon and shall be as follows:

"I hereby transfer to  
all my right title and interest in this lease.

Dated the                      day of                      19   ."

Such endorsement shall be signed by the lessee in the presence of a justice of the peace, or, in a foreign country, a Notary Public, or, if the lessee is a

limited company, the common seal of the company shall be affixed in accordance with the articles of association of the company.

The transferee shall within thirty days if the lessee is resident in the Colony, or within six months if he is not so resident, forward the lease to the Registrar-General for registration otherwise the transfer shall not be effective.

Country and suburban lands for pastoral purposes.

- (b) Country and suburban lands shall be used for pastoral purposes only.

Government may take stone, etc.

- (c) The Governor and any person acting under his authority may search for, excavate and take away any stone or other materials which may be required for any public road, public utility or convenience.

Minerals reserved to Government.

- (d) All minerals are reserved to the Government, with full liberty at all times to search for, mine, quarry and carry away the same and for that purpose to enter upon the land or any part thereof or authorise any person or company so to do.

Sealing.  
10 of 1950.

- (e) The right to hunt kill and take seals is reserved to the Government and such persons as are duly licensed by the Government.

Rent.

- (f) Rent shall be paid yearly in advance.

Right of entry.

- (g) Any person authorised by the Governor shall be permitted to enter upon any land for the purpose of surveying, inspecting fences or for any particular purpose specified in writing.

Rates, etc.

- (h) All rates, taxes and assessments shall be paid in respect of the land.

Fences.

- (i) Good and sufficient fences shall be erected and maintained on the boundaries of land where there is no natural boundary and the physical features of the land permit.

Damage to fences, etc.

29. Any person who wilfully or maliciously damages any gate or fence erected on country or suburban land or leaves open any gate erected on such land shall be liable on summary conviction to a fine not exceeding £10 or to imprisonment for a term not exceeding two months or to both such fine and imprisonment.

## Part IV.

### ACQUISITION OF LAND.

30. Whenever the Governor in Council resolves that any land is required for a public purpose the Governor may authorise, in writing, any person, his agents, servants and workmen to enter as often as may be necessary upon such land to survey, measure, take levels, mark out and delineate the land so required.

Power to enter to survey.

31. The Governor in Council may by resolution declare that any land shall be acquired for a public purpose and thereupon a warrant in Form A in the Fourth Schedule shall be made under his hand and the Public Seal of the Colony directing that such land be acquired for a public purpose and such warrant shall be published in the *Gazette*.

Warrant for acquisition.

32. Whenever a warrant is made under section 31 the Colonial Secretary shall within eight days of the date of the warrant cause a notice in Form B in the Fourth Schedule to be served personally on the owners and lessees of the land specified in the warrant or their duly appointed attorneys, or if they cannot be found

Notices.

- (a) by leaving the notice with a responsible person at their last known place of abode or business; or
- (b) by leaving it with the occupier of the land; or
- (c) by affixing it to a conspicuous part of the land.

33. Any person authorised by the Governor may, twenty-one days after service of the notice provided for in section 32, enter upon the land specified in the notice and mark out and take possession of the same for a public purpose.

Entry and possession.

34. Within eight days after such appropriation the Colonial Secretary shall cause a plan of the land so appropriated and a certified copy of the warrant provided for in section 31 to be registered with the Registrar-General and such registration shall be conclusive evidence of appropriation of the land for a public purpose.

Registration.

Proceedings  
where pos-  
session  
refused

35. (1) When the owner or occupier of any land required for a public purpose hinders or obstructs any person duly authorised by the Governor from entering upon or taking possession of such land in pursuance of this Ordinance the Governor may issue his warrant in the Form C in the fourth Schedule directed to the Chief Constable who shall forthwith eject any person so withholding possession.

Penalty for  
obstruction,  
etc.

(2) Any person who wilfully hinders or obstructs any person duly authorised by the Governor from entering upon or taking possession of or using any land in pursuance of the provisions of this Ordinance, or who shall molest, hinder or obstruct such person when in possession of such land, or shall hinder or obstruct any police officer when executing the warrant provided for in subsection (1) of this section, shall be liable on summary conviction to a fine not exceeding £50 or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

Land rendered  
useless  
by reason of  
appropriation.

36. When any land after appropriation as hereinbefore provided is so divided as to leave part thereof useless to the owner for the purpose for which he has been accustomed to use the land he may serve on the Colonial Secretary, before any agreement for the purchase of the land so appropriated is made or compensation in respect thereof is determined, notice requiring the Governor to purchase the said land rendered useless by reason of the severance as aforesaid, and thereupon the Governor may purchase such land at an agreed price, or may refer the matter to the arbitrators and umpires hereinafter mentioned to find whether or otherwise such land has been rendered useless by severance as aforesaid, and if so to determine the price which should be paid for the same as though it were appropriated land as aforesaid, and the Governor shall purchase such land rendered useless accordingly.

Part of build-  
ing not to be  
taken.

37. Nothing in this Ordinance shall be deemed to authorise the Governor to take part only of a house or other building, and where part of the land on which a house or other building stands is required for a public purpose the Governor shall take the whole house or building.

Compensa-  
tion.

38. (1) Any person having any right, title or interest in land acquired for a public purpose shall be entitled to and shall receive compensation therefor and for all damages

sustained by reason of the exercise of the powers granted by this Ordinance such compensation to be determined as hereinafter provided.

(2) The Governor and any person referred to in subsection (1) of this section may agree the amount of such compensation as aforesaid and in default of such agreement such amount shall be determined by arbitration as hereinafter provided.

**39.** (1) In case of dispute as to the amount of compensation to be paid the claim shall be referred to two arbitrators one to be appointed by the Governor and one by the persons claiming in respect of the land appropriated, who shall decide thereon: Arbitration.

Provided that in the event of their not agreeing on the amount to be awarded they shall within the period during which they have power to make an award appoint an umpire.

(2) The arbitrators shall:

Duties of  
Arbitrators.

- (a) decide upon all claims in respect of land acquired as aforesaid and apportion the award in respect of the various interests in any claim;
- (b) appoint the times and places at which they will sit to hear and determine a claim and give notice thereof to the parties concerned;
- (c) require the parties to appear before them and, subject to any legal objection, produce all deeds, books, papers, accounts and documents as they may deem fit;
- (d) require, if they deem fit, witnesses to be examined on oath;
- (e) decide the amount of costs and all questions relating thereto, but shall not award the costs to the claimant where
  - (i) the award of compensation does not exceed the sum offered by the Governor,
  - (ii) his conduct has been unreasonable or vexatious or his claim grossly excessive,
  - (iii) he has been party to deceit or fraud in respect of his claim;

- (f) consider only the following matters and none other in determining the amount of compensation to be paid:
- (i) the market value of the land at the time of acquisition,
  - (ii) any damage sustained by reason of severance of the land acquired affecting the other property or earnings of the claimant at the time of appropriation,
  - (iii) the reasonable expenses of the claimant incurred by him in changing his residence consequent on the acquisition of the land.

False evidence to be perjury.

**40.** Any person who shall wilfully give false evidence on oath of any fact material to any claim for compensation shall be guilty of perjury.

Time for award.

**41.** (1) The arbitrators shall make their award in writing within three months of their appointment or within such further period not exceeding six months as they may by notice decide.

(2) The umpire shall make his award in writing within one month of his appointment or within such further period not exceeding three months as he may by notice decide.

Publication of award.

**42.** Every such award shall specify the amount awarded under the several heads of claim, be signed by the arbitrators or umpire, and be published in the *Gazette*.

Award conclusive.

**43.** (1) The decision of the arbitrators or umpire shall be final and conclusive regarding all persons who have appeared and claimed or on whose behalf any person having authority has claimed any land or interest therein, but any person who has not appeared or claimed or on whose behalf no claim has been made may do so within one year of the date of the award.

Postponement of payment.

(2) Except where a valid title has been shown to the satisfaction of the arbitrators or umpire payment of compensation shall be postponed for one year from the date of the award and shall then be paid to the person or persons who shall in the opinion of the arbitrators or umpire appear

to have the best right thereto and his or their receipt shall operate as a full and complete discharge of the Governor from all claims in respect of compensation for such land appropriated and any interest therein.

44. Nothing in this Ordinance contained shall be construed or deemed to confer upon any person any right to compensation in respect of any land resumed in the name of His Majesty, his heirs or successors as required for roads, railways or other public works in pursuance of any condition, reservation, or power of resumption contained in any other Ordinance, or in any grant or lease of Crown lands.

Resumption of land under Crown Grants not to give claim for compensation.

## Part V.

### GENERAL.

45. (1) All actions or proceedings brought against persons acting in the execution of this Ordinance shall be commenced within six months after the act, neglect or default complained of or in case of a continuance of injury or neglect within six months after the ceasing thereof.

Protection of persons acting under Ordinance.

(2) Notice in writing of such action and of the cause or causes thereof shall be given to the defendant at least one month before the commencement of the action.

(3) No plaintiff shall recover in any such action if tender of sufficient amends shall have been made before action brought, or if a sufficient sum shall have been paid into Court by the defendant after action brought and notice thereof given to the plaintiff.

46. Any person who shall cut or cause to be cut any peat on Crown lands without the consent of the Governor shall be liable on summary conviction to a fine not exceeding 40s. for each day peat is so cut.

Cutting peat on Crown lands.

47. Any person may during the normal office hours search the registers maintained by the Registrar-General and obtain a certified copy of any deed registered therein subject to his paying the appropriate fee set forth in the Second Part of the Second Schedule.

Searches and certified copies of documents.

48. The Governor in Council may make regulations for carrying out the provisions of this Ordinance.

Governor in Council may make regulations.



## FIRST SCHEDULE.

## Form 1.

THIS CONVEYANCE made the                      day of                      one  
thousand nine hundred and                      in pursuance of the Land  
Ordinance

BETWEEN                      of  
(hereinafter called "the Vendor") of the one part and  
of                      (hereinafter called "the Purchaser") of the other  
part

WITNESSETH that in consideration of the sum of  
now paid by the Purchaser to the Vendor (the receipt whereof is hereby  
acknowledged) the Vendor hereby conveys to the Purchaser ALL that parcel  
of land

TO HOLD the same unto the Purchaser, his heirs, executors, administrators  
and assigns for ever

Delete if not applicable. It is hereby CERTIFIED that the transaction hereby effected does not form  
part of a larger transaction or of a series of transactions the amount or value or  
the aggregate amount or value of which exceeds one thousand pounds.

IN WITNESS whereof the Vendor has hereunto set his hand the day and  
year first above written.

*Signed by the Vendor }  
in the presence of }*

The signature must be witnessed by a Justice of  
the Peace or in a foreign country by a Notary  
Public, except in the case of a limited company.

## Form 2.

THIS MORTGAGE made the                      day of                      one  
thousand nine hundred and                      in pursuance of the Land  
Ordinance

BETWEEN                      of  
(hereinafter called "the Mortgagor") of the one part and  
of                      (hereinafter called "the Mortgagee") of the  
other part

Where one                      WHEREAS by a Mortgage dated the                      day of  
prior charge. and made between the Mortgagor of the one part and  
of the other part the land hereinafter described and intended to be hereby  
conveyed was conveyed to the said                      subject to the  
right of redemption therein contained

Where more                      WHEREAS by the mortgages more particularly set out in the Schedule  
than one                      hereto the land hereinafter described and intended to be hereby conveyed was  
prior charge. conveyed to the respective mortgagees subject to the rights of redemption  
Delete                      respectively herein contained  
recitals when  
not  
applicable.

WITNESSETH that in consideration of the sum of \_\_\_\_\_ now  
paid by the Mortgagee to the Mortgagor (the receipt whereof is hereby acknow-  
ledged) the Mortgagor hereby conveys ALL that piece of land

TO HOLD the same unto the Mortgagee his heirs and assigns for ever subject  
to the right of redemption by the Mortgagor. And the Mortgagor for himself  
his heirs executors administrators and assigns hereby covenants with the  
mortgagee his heirs executors administrators and assigns that he will repay  
the principal sum of \_\_\_\_\_ hereby secured on the \_\_\_\_\_ day  
of \_\_\_\_\_ one thousand nine hundred and \_\_\_\_\_  
and interest in the meantime at the rate of \_\_\_\_\_ per centum per annum by  
half yearly payments on the \_\_\_\_\_ day of \_\_\_\_\_ and the  
\_\_\_\_\_ day of \_\_\_\_\_ in every year.

IN WITNESS whereof the Mortgagor has set his hand the day and year  
first before written.

### THE SCHEDULE.

DATE.	MORTGAGOR.	MORTGAGEE.	SUM SECURED.
-------	------------	------------	--------------

*Signed by the Mortgagor }  
in the presence of*

The signature must be witnessed by a Justice of  
the Peace or in a foreign country by a Notary  
Public except in the case of a limited company.

### Form 3.

#### TRANSFER OF MORTGAGE.

THIS TRANSFER made the \_\_\_\_\_ day of \_\_\_\_\_ one  
thousand nine hundred and \_\_\_\_\_ in pursuance of the Land  
Ordinance

BETWEEN \_\_\_\_\_ of \_\_\_\_\_ (herein-  
after called the "Transferor") of the one part and \_\_\_\_\_ of  
(hereinafter called the "Transferee") of the  
other part

WITNESSETH that in consideration of the sum of \_\_\_\_\_ now  
paid by the Transferee to the Transferor (the receipt whereof is hereby acknow-  
ledged) the Transferor hereby conveys and assigns ALL his right title powers  
and interest in the within written mortgage TO HOLD the same unto the  
Transferee his heirs executors administrators and assigns for ever subject to  
the right of redemption contained in the mortgage.

IN WITNESS whereof the Transferor has hereunto set his hand the day and  
year first before written.

*Signed by the Transferor }  
in the presence of*

The Signature must be witnessed by a Justice of  
the Peace or in a foreign country by a Notary  
Public except in the case of a limited company.

**Form 4.**

## RECONVEYANCE.

(To be endorsed on mortgage to which it relates.)

THIS RECONVEYANCE made the                      day of  
one thousand nine hundred and                      in pursuance of the Land  
Ordinance

BETWEEN \_\_\_\_\_ of \_\_\_\_\_  
(hereinafter called the "Mortgagee") of the one part and \_\_\_\_\_  
of \_\_\_\_\_ (hereinafter called the "Mortgagor") of the  
other part

WITNESSETH that in consideration of all principal money and interest thereon secured by the within written mortgage having been paid as the Mortgagee hereby acknowledges the Mortgagee hereby reconveys ALL that piece of land comprised in the within written mortgage TO HOLD the same unto the Mortgagor his heirs executors administrators and assigns for ever free from encumbrances.

IN WITNESS whereof the said (Mortgagee) has hereunto set his hand the day and year first before written.

Signed by the Mortgagee }  
in the presence of }

The Signature must be witnessed by a Justice of the Peace or in a foreign country by a Notary Public except in the case of a limited company.

**Form 5.**

LEASE.

THIS LEASE made the                      day of                      one  
thousand nine hundred and                      in pursuance of the Land  
Ordinance

BETWEEN \_\_\_\_\_ of \_\_\_\_\_  
(hereinafter called "the Lessor") of the one part and \_\_\_\_\_  
of \_\_\_\_\_ (hereinafter called "the Lessee") of the other  
part \_\_\_\_\_

WITNESSETH that in consideration of the yearly rent of \_\_\_\_\_  
to be paid by the Lessee to the Lessor (in advance) on the \_\_\_\_\_ day of \_\_\_\_\_  
the \_\_\_\_\_ day of \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_  
of \_\_\_\_\_ and the \_\_\_\_\_ day of \_\_\_\_\_ in every year  
the first payment to be made on the \_\_\_\_\_ day of \_\_\_\_\_ and of \_\_\_\_\_  
of the implied covenants on the part of the Lessee the Lessor hereby lets and the  
Lessee hereby takes ALL that piece of land \_\_\_\_\_

TO HOLD the same unto the Lessee his executors administrators and assigns  
for the term of \_\_\_\_\_ years from the \_\_\_\_\_ day of \_\_\_\_\_  
one thousand nine hundred and \_\_\_\_\_

IN WITNESS whereof the parties hereto have hereunto set their hands the day and year first before written.

*Signed by the Lessor }  
in the presence of }*

*Signed by the Lessee }  
in the presence of }*

The Signature must be witnessed by a Justice of the Peace or in a foreign country by a Notary Public except in the case of a limited company.

### Form 6.

#### DECLARATION OF TITLE.

Pursuant to the Land Ordinance.

WHEREAS \_\_\_\_\_ of \_\_\_\_\_ has presented a petition to this Court that he is lawfully entitled to be registered as the owner in fee simple of the land hereinafter more particularly described

AND WHEREAS after hearing the evidence of the said Petitioner (and the respondents) this Court made a decree nisi for the issue of a title on the day of \_\_\_\_\_ 19\_\_\_\_

AND WHEREAS one year has elapsed since the date of the said decree and no person has shown cause why such decree should not be made absolute

NOW THEREFORE IT IS ORDERED AND DECLARED that \_\_\_\_\_ of \_\_\_\_\_ shall be registered as and shall be the lawful owner in fee simple of ALL that piece of land, &c. subject, &c.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

*Judge.*

Registered the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

*Registrar-General.*

### SECOND SCHEDULE.

#### Part I.

	£	s	d
For completing a form of deed .. .. .	10	0	
For making a plan of town lot on deed .. .. .	5	0	
For registering a deed (other than a reconveyance) or any instrument not more than five folios .. .. .	10	0	
For every additional folio .. .. .	1	0	

	£	s	d
Issue of title, including registration	2	0	0
Registration of reconveyance		2	6
Registering plans, according to cost of work.			

**Part II.**

For every search (other than Crown grant register)	5	0	
For a certified copy of or extract from any recorded deed or deposited memorial or notice (other than Crown grant) per folio or part	2	0	
For a certified copy of or extract from the general index, per line or part			6
For comparing any deed with the record if required by the person registering, per folio or part			4
For searching Crown grant register	10	0	
For every certified copy of a Crown grant	2	0	0

**THIRD SCHEDULE.****CONVEYANCE.**

(1) Where the amount or value of the consideration for the sale does not exceed £1,000, five shillings for every £50 or fractional part of £50 of such amount or value.

(2) Where the transaction effected by the deed forms part of a larger transaction or of a series of transactions in respect of which the amount or value or the aggregate amount or value exceeds £1,000, ten shillings for every £50 or fractional part of £50 of such amount or value.

(3) A conveyance or transfer made for effecting the appointment of a new trustee or in connection with winding up the estate of a deceased person shall not be charged with any higher duty than ten shillings.

**MORTGAGE.**

1s. for every £50 or fractional part of £50 of the amount secured by the mortgage.

**TRANSFER OF MORTGAGE AND RECONVEYANCE.**

6d. for every £100 or fractional part of £100 of the amount secured by the mortgage.

**LEASE.**

2s. 6d. for each £50 or fractional part of £50 of the yearly rent reserved by the lease.

*Exemption.*

All deeds on which duty would be payable by the Government shall be exempt from the duties shown in this Schedule.

---

FOURTH SCHEDULE.

(Section 31.)

## Form A.

By His Excellency the Governor in Council.

*Governor.*

Whereas on the            day of            the Governor in Council by resolution declared that the following land namely (description) should be acquired for a public purpose.

Therefore I do hereby direct that the said land shall be acquired for a public purpose under and in accordance with the Land Ordinance.

Dated this            day of            19    .

*By Command,*

*Colonial Secretary.*

---

## Form B.

(Section 33.)

Notice is hereby given that the following land namely (description) is to be acquired for a public purpose.

Any person having any right title or interest in the said land is required on or before the            day of            19    (twenty-one days after date of service of this notice) to forward to the Colonial Secretary a statement of his right title or interest and evidence thereof and any claim made by him in respect of the value of the said land and his right title or interest therein.

The Governor is willing to treat for the purchase of the said land.

Date

*Colonial Secretary.*

---

## Form C.

(Section 35.)

To the Chief Constable.

By a warrant dated the            day of            19    His Excellency the Governor directed that the following land namely (description) should be acquired for a public purpose.

You are therefore commanded to put any person duly authorised by the Governor in that behalf in possession of the said land.

Dated the            day of            19    .

*By Command,*

*Colonial Secretary.*

## CHAPTER 37.

## LEGISLATIVE COUNCIL (ELECTIONS).

16 of 1948.  
44 of 1949.

AN ORDINANCE TO PROVIDE FOR THE NOMINATION AND  
ELECTION OF MEMBERS TO THE LEGISLATIVE COUNCIL.

[31st December, 1948.]

## Part I.

## PRELIMINARY.

Short title.

1. This Ordinance may be cited as the Legislative Council (Elections) Ordinance.

Definitions.

2. In this Ordinance unless the context otherwise requires:

“Member” means a member of the Legislative Council.

“Register” means a register of electors compiled in accordance with the provisions of this Ordinance.

“Council” means the Legislative Council.

“Order in Council” means The Falkland Islands (Legislative Council) Order in Council, 1948.

“Qualifying period” means twelve months ending on the 31st day of October in any year or twelve months ending on the last day of the month preceding dissolution of the Council.

“Elector” means any person whose name is on the register.

“Corrupt practice” means treating, bribery, undue influence and personation committed by or with the consent of a candidate or by a person acting under the authority of a candidate.

“Election officer” includes every returning officer, presiding officer, clerk or other person having any duty to perform pursuant to this Ordinance.

“Electoral area” means an electoral area as constituted by the Order-in-Council.

3. Four members shall be elected to the Legislative Council in accordance with the provisions of this Ordinance to represent the following electoral areas:

(1) Two members shall be elected for the area of Stanley as defined in the Stanley Town Council Ordinance. Electoral areas.  
Chapter 68.

(2) One member for the remaining part of that area known as the East Falklands.

(3) One member for that area known as the West Falklands.

4. In the event of no member or an insufficient number of members being elected for an electoral area the Governor shall nominate an elector in the area in which no member or an insufficient number of members has been elected to be a member. Governor to  
nominate on  
failure to  
elect.

## Part II.

### REGISTRATION AND QUALIFICATION OF ELECTORS.

5. (1) The Colonial Secretary shall forthwith on the promulgation of this Ordinance and on the 1st day of November in each fourth year thereafter, or when the Governor in Council shall so decide, publish a notice in the *Gazette* and by such other means as the Governor shall decide requiring all persons who are desirous of having their names entered on the register for the electoral area in which they reside to forward their claims within twenty-eight days from the date of publication of the notice to the registration officer appointed for such electoral area. Claims for  
registration  
as electors.

(2) A claim under subsection (1) of this section shall be in the Form A in the Schedule hereto and shall not be admitted unless it is signed by the claimant.

6. Any person who

- (a) is a British subject who has attained the age of 21 years; and
- (b) is not subject to any legal incapacity; and
- (c) has resided in the electoral area during the qualifying period

Qualification  
of electors.

shall be qualified to be registered as an elector:



Provided that temporary absence from an electoral area for a period not exceeding four months shall not disqualify a person from being registered:

Provided also that no person shall be entitled to be registered in more than one electoral area at the same time.

Appoint-  
ment of  
Registration  
Officers.

7. The Governor shall appoint one or more registration officers and a returning officer for each electoral area.

Preparation  
of registers.

8. (1) The registration officer shall upon the expiration of the period of twenty-eight days provided for in section 5 (1) prepare a register for the electoral area in respect of which he is appointed.

(2) The names of all voters on the register shall be classified alphabetically in accordance with the initial letter of the surname of each voter and a serial number shall be allotted to each name.

Inspection of  
register.

9. The registration officer shall immediately on completion forward the register to the Colonial Secretary who shall cause it to be published in the *Gazette*, together with a notice as to the place and times when the register may be inspected.

Claims on  
omission  
from the  
register.

Form A.

10. (1) Any person who is qualified to be registered as an elector and whose name is omitted from the register for his electoral district may apply in writing in the Form A in the Schedule to the registration officer thereof within fourteen days from the date of publication of the register in the *Gazette* to have his name inserted.

(2) The registration officer shall upon receipt of such application forthwith inquire into such application and if necessary hear the applicant within seven days of the receipt of the application and decide thereon.

(3) The registration officer shall forthwith forward a list of names together with serial numbers to be inserted in the register to the Colonial Secretary who shall cause them to be published in the *Gazette*.

Appeal from  
decision of  
registration  
officer.

11. (1) An applicant who resides within twenty miles of Stanley and who is dissatisfied with the decision of a registration officer may within seven days from the date thereof appeal to the Magistrate, Stanley, in writing stating the grounds thereof.

(2) An applicant who resides more than twenty miles from Stanley and who is dissatisfied with the decision of a registration officer may within seven days from the date thereof appeal to not less than two justices (of whom the registration officer shall not be one) sitting in a court of summary jurisdiction stating the grounds thereof.

(3) The Magistrate or justices shall hear the applicant and determine the appeal within ten days from the date of receipt thereof.

(4) On determination of all appeals the Magistrate or justices shall forthwith forward to the Colonial Secretary and to the registration officer concerned a statement of the names and serial numbers he has or they have decided shall be inserted in the register and the Colonial Secretary shall cause such statement to be published in the *Gazette*.

12. The register for the time being in force as published in the *Gazette* shall be conclusive evidence as to the eligibility or otherwise of a person to vote in an electoral area for the election of a member.

Register  
conclusive.

### Part III.

#### ELECTIONS.

13. (1) The Governor shall for the purpose of every general election of members and of the election of members to fill vacancies caused by death, resignation or otherwise, issue writs of election under the Public Seal directed to the returning officers of the respective electoral areas for which members are to be returned.

Writs of  
election.

(2) A writ of election shall specify:

- (a) the day and place at which the returning officer is to receive the nomination of any duly qualified candidate;
- (b) the day or days and the place or places at which a poll shall be taken;
- (c) the day on which the writ shall be returnable to the Governor.

(3) The returning officer shall upon receipt of a writ of election proceed to hold the election thereby directed and in manner hereinafter provided.

Notice of  
election.

14. The Colonial Secretary shall, on the Governor issuing a writ of election cause a copy thereof to be published in the *Gazette* next following the date thereof and notices thereof to be published in such manner as he shall deem expedient.

Qualification  
for  
candidates.

15. (1) Any person who is registered as an elector in the electoral area for which he is nominated as a candidate except as hereinafter provided shall be qualified to be elected as a member.

Disqualifica-  
tion.

(2) No person shall be qualified to be elected as a member who at the time of election:

- (a) is by virtue of his own act under any acknowledgment of allegiance, obedience or adherence to a foreign Power or State; or
- (b) is an undischarged bankrupt having been declared a bankrupt under any law in force in any part of His Majesty's dominions or in any territory under His Majesty's protection or in any territory in which His Majesty has from time to time jurisdiction; or
- (c) has in any part of His Majesty's dominions or in any territory under His Majesty's protection or in any territory in which His Majesty has from time to time jurisdiction been sentenced to death or to imprisonment for a term exceeding six months and has not either suffered the punishment to which he was sentenced or such other punishment as may by competent authority have been substituted therefor or received a free pardon; or
- (d) has been declared to be of unsound mind under any law in force in the Colony; or
- (e) is a party to or a partner in a firm or a director or manager of a company which is a party to any subsisting contract with the Government for or on account of the public service and has not published within one month before the day of the election in the *Gazette* and in a newspaper circulating in the electoral district for which he is a candidate a notice setting out the nature of such contract and of his interest or of the interest of such firm or company therein; or

- (f) holds any office of emolument under the Crown in the Colony; or
- (g) is not qualified to be registered as an elector under the provisions of this Ordinance, or being so qualified, is not so registered; or
- (h) is disqualified for election by any law for the time being in force in the Colony by reason of his holding, or acting in, any office the functions of which involve
  - (i) any responsibility for, or in connection with, the conduct of any election, or
  - (ii) any responsibility for the compilation or revision of any electoral register;
- (j) has not ordinarily resided in the Colony for a period of not less than twelve months; or
- (k) is disqualified for membership of the Council by any law for the time being in force in the Colony relating to offences connected with the election of elected members.

44 of 1949.

44 of 1949.

16. (1) A candidate shall be nominated in writing in the Form B in the Schedule by a proposer and seconder who shall be electors in the electoral area for which the candidate seeks election and whose signatures shall be witnessed by a justice of the peace.

Nomination  
of candid-  
ates.

Form B.

(2) The nomination paper shall also be signed by seven other electors in the electoral area in which the candidate seeks election whose signatures shall be witnessed.

(3) Every nomination paper accompanied by a deposit of £25 shall be delivered to the returning officer by the candidate or his proposer or seconder between the hours of 10 a.m. and 12 noon on the day and at the place appointed for the nomination of the candidates.

(4) Nomination papers which are not subscribed to and attested as required by subsections (1) and (2) of this section or in respect of which a deposit has not been made as required under subsection (3) of this section or are delivered after the hour of 12 noon shall be rejected and the nomination deemed void.

(5) No person other than the candidate and his proposer, seconder and one other person selected by the candidate shall, except for the purpose of assisting the returning officer, be permitted to attend the proceedings during the time appointed for nomination.

(6) The returning officer shall permit the candidates, their proposers, seconders and the persons selected by the candidates as aforesaid to examine the nomination papers of candidates which have been received for the electoral area concerned.

(7) Any objection to a nomination paper shall be made within one hour of the same being delivered to the returning officer whose decision thereon if disallowing the objection shall be final and if allowing the objection shall be subject to reversal on a petition questioning the election or return.

Withdrawal  
of candidate.

17. A candidate may before 12 noon on the nomination day, but not afterwards, withdraw from his candidature by giving notice to that effect, signed by him, to the returning officer.

Where candi-  
dates  
unopposed.

18. Where no more candidates than the members required for election under section 3 thereof are nominated as hereinbefore provided the returning officer shall declare such candidate or candidates to be elected and shall forthwith endorse such election on the writ of election and return the writ to the Governor who shall cause a notification of such election to be published in the *Gazette*.

Where candi-  
dates are  
opposed.

19. (1) When more candidates than the members required for election under section 3 hereof are nominated the returning officer shall declare the date of the poll in accordance with the writ of election and shall forthwith report to the Governor the names of the candidates as described in their respective nomination papers.

(2) The Colonial Secretary shall cause a notice to be published in the *Gazette* and in such other manner as he may deem expedient specifying

- (a) the electoral area for which a poll will be taken;
- (b) the day or days and the place or places on and at which a poll shall be taken;
- (c) the names of the candidates as described in their respective nomination papers and the names of their proposers, seconders and supporters.

20. If a duly nominated candidate dies before the poll has commenced the returning officer shall, upon being satisfied as to the death, countermand notice of the poll and report the same to the Governor who shall thereupon issue a fresh writ of election:

Death of candidate before poll is taken.

Provided that no further nomination shall be required in respect of a candidate who had been duly nominated at the time of the countermand of the poll.

21. (1) The Governor shall appoint a presiding officer to preside at each polling station and may appoint a deputy presiding officer or clerk to preside in the unavoidable absence of, or to assist, the presiding officer.

Officers at polling station.

(2) The presiding officer shall keep order at his station, shall regulate the number of electors to be admitted and shall exclude all other persons except the candidate, the agents of candidates and police officers on duty.

22. The poll shall open at 9 a.m. and shall close at 5 p.m. on the same day unless the Governor by notice in the *Gazette* appoints any other hour.

Hours of poll.

23. (1) Every ballot box shall be so constructed that the ballot papers can be inserted therein but cannot be withdrawn therefrom unless the box be unlocked.

Ballot boxes.

(2) The presiding officer shall immediately before commencement of the poll, show the empty unlocked ballot box to such persons as may be present at the polling station so that they may see that it is empty and shall then lock the box and place his seal upon it in such manner as to prevent it being opened without breaking the seal and shall keep it locked and sealed. He shall place it for the receipt of ballot papers so that it is always in his view.

24. (1) Ballot papers shall be in the Form C in the Schedule hereto, shall be capable of being folded and shall

Ballot papers.

- (a) contain a list of candidates as described in their respective nomination papers with a square adjacent to each name in which the elector can record his vote;
- (b) have a number printed on the back thereof and a corresponding number printed on the counterfoil attached to the ballot paper.

Form C.

Delivery of  
ballot  
paper to  
elector.

**25.** (1) Immediately before a ballot paper is delivered to an elector it shall be marked on both sides with an official mark.

(2) The serial number in the register shall be marked on the counterfoil and a mark made in the register against the name of the elector denoting that he has received a ballot paper.

Manner of  
voting.

**26.** (1) The elector shall take the ballot paper to the place specially provided for voting and there mark the paper by placing the mark X and no other mark, writing or signature opposite the name of the candidate (or in the case of an election in the electoral area of Stanley, two candidates) whom he selects.

(2) An elector shall not be entitled to give more than one vote in respect of each candidate.

(3) The elector shall fold the ballot paper so as to conceal his vote and shall place it so folded into the ballot box.

(4) He shall vote without undue delay and leave the polling station as soon as he has inserted his ballot paper into the ballot box.

Spoilt ballot  
papers.

**27.** An elector who has inadvertently dealt with his ballot paper in such manner that it cannot be used as a ballot paper may, on satisfying the presiding officer as to his inadvertence and delivering the ballot paper to him, obtain another ballot paper. The presiding officer shall cancel the ballot paper so spoilt and return it in a separate packet.

Inability to  
mark ballot  
paper.

**28.** If any elector is unable for any good and valid reason to mark his ballot paper the presiding officer shall

(a) mark the ballot paper as the elector directs and insert the paper in the ballot box;

(b) write in the register opposite the name of such elector a statement that the ballot paper was marked by him at the request of the elector and the reason therefor.

29. (1) If a person representing himself to be an elector named in the register applies for a ballot paper after another person has voted as such elector the applicant shall after making the declaration provided in Form D in the Schedule, be entitled to mark a ballot paper (hereinafter called "a tendered ballot paper") in the same manner as any other elector.

Application for ballot paper in name of person who has already voted.

Form D.

(2) A tendered ballot paper shall be different in colour from other ballot papers and shall be delivered to the presiding officer who shall endorse it with the name and serial number of the elector and return it in a separate packet.

30. No person other than the returning officer, presiding officer or clerk shall communicate with an elector at a polling station. The presiding officer may order any other persons so communicating to leave the polling station forthwith.

No communication with elector at polling station.

31. The presiding officer shall as soon as practicable after the close of the poll deliver to the returning officer the ballot box locked and sealed, the marked copy of the register and counterfoils of ballot papers, and the unused, spoilt and tendered ballot papers, together with a list of tendered ballot papers.

Delivery of ballot boxes, etc., to returning officer.

32. The returning officer shall cause the votes to be counted as soon as practicable after he has received all ballot boxes relating to his electoral area and shall give notice thereof to each candidate and his agent who shall be entitled to be present at such counting.

Counting votes.

33. (1) The returning officer shall not count any ballot paper which does not have an official mark on both sides or on which votes are given for more than the number of candidates required for election or on which anything except the number is written or marked by which the vote can be identified.

Rejection of ballot papers.

(2) The returning officer shall endorse every ballot paper which he may reject as invalid with the word "rejected".

34. The decision of the returning officer on any question arising in respect of any ballot paper shall be final.

Decision of returning officer final.



Tendered  
ballot  
papers.

35. The returning officer shall not open the sealed packet of tendered ballot papers but shall forward the same to the Colonial Secretary.

Declaration  
of poll.

36. (1) The returning officer shall immediately upon completion of the counting of the votes declare the candidate who has received the greatest number of votes, or in the case of an election in the Stanley electoral area the two candidates who have received the greatest number of votes, to be elected:

Provided that a candidate or his agent may apply to have one recount as of right and as many recounts as the returning officer may deem reasonable before the returning officer makes the declaration.

(2) The returning officer shall endorse the name of the successful candidate or candidates on the writ of election and forthwith return the writ to the Governor.

Equality of  
votes.

37. When there is an equality of votes the returning officer shall endorse the writ of election accordingly and forthwith return the writ to the Governor who will inform the Council at the first meeting thereof after the election and the Council shall before proceeding with any other business elect one of such candidates to serve on the Council.

Disposal of  
ballot  
papers.

38. (1) The returning officer shall after he has declared the result of the poll seal up all ballot papers and all other documents relating to the election and forward them to the Colonial Secretary in such manner as the Governor may direct.

(2) The Colonial Secretary shall retain all papers and documents so forwarded to him for a period of six months and then unless otherwise directed by the Governor, cause them to be destroyed.

Refund or  
forfeiture of  
deposit.

39. (1) A candidate who has obtained one-eighth or more of the total number of the votes polled for the electoral area for which he was a candidate for election shall be entitled, upon his obtaining a certificate to that effect from the returning officer, to a refund of the deposit made under the provisions of subsection (3) of section 16.

(2) The deposit of a candidate who has failed to obtain one-eighth of the total number of votes as aforesaid shall be forfeited to His Majesty.

40. (1) An election petition complaining of an undue return or undue election of a member for an electoral area may be presented to the Judge in Chambers by one or more of the following persons:

Presentation  
of election  
petition.

- (a) some person who voted or had the right to vote at the election to which the petition relates; or
- (b) some person claiming to have had a right to be returned or elected at such election; or
- (c) some person alleging himself to have been a candidate at such election.

(2) An election petition shall

- (a) be signed by all the petitioners; and
- (b) be presented within fourteen days after the last day on which the election was held except that if it complains of the election on the ground of corrupt practices and specifically alleges that a payment of money or other reward has been made or promised since the election by a person elected at the election, or on his account or with his privity, in pursuance or furtherance of such corrupt practices, it may be presented at any time within twenty-one days after the date of the alleged payment or promise.

44 of 1949.

(3) At the time of presentation of an election petition, or within three days thereof, the petitioner shall deposit the sum of £50 with the Registrar of the Supreme Court or give security for such sum by recognisance to be entered into before the said Registrar for the payment of all costs, charges, and expenses that may become payable by the petitioner to anyone summoned as a witness on his behalf or to the respondent.

(4) The rules made under the Administration of Justice Ordinance shall as to practice and procedure apply to the hearing of an election petition.

Chapter 3.

## Part IV.

### OFFENCES.

41. (1) Any person who

- (a) registers himself in an electoral area when he is registered in another electoral area; or

Offences in  
connection  
with regis-  
tration and  
elections.

- (b) forges or fraudulently defaces or destroys any nomination paper, or delivers a nomination paper to a returning officer knowing the same to be wholly or partly forged; or
- (c) votes, or induces or procures any person to vote, knowing that he or such other person is prohibited from voting at such election; or
- (d) before or during an election knowingly publishes a false statement of the withdrawal of a candidate at such election for the purpose of promoting or procuring the election of another candidate; or
- (e) forges or counterfeits or fraudulently defaces or destroys any ballot paper or the official mark on any ballot paper; or
- (f) without due authority supplies a ballot paper to any person; or
- (g) not being authorised so to do under the provisions of this Ordinance makes any mark on any ballot paper issued to any person other than himself; or
- (h) fraudulently takes any ballot paper out of a polling station; or
- (j) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purpose of the election,

shall be guilty of an offence and shall on conviction be liable to imprisonment for a term not exceeding six months.

(2) Any attempt to commit any of the offences specified in subsection (1) of this section shall be punishable in the same manner in which the offence itself is punishable.

(3) In any prosecution for an offence in relation to ballot boxes, nomination and ballot papers and other things in use at an election the property in such ballot boxes, nomination and ballot papers and things shall be deemed to be in the returning officer for the electoral area of such election.

Duty of  
secrecy.

**42.** (1) Every election officer and agent in attendance at a polling station shall maintain and aid in maintaining the secrecy of the voting in such station, and shall not communicate, except for some purpose authorised by law,

before the poll is closed, to any person any information as to the name or number on the register of electors of any elector who has or has not applied for a ballot paper or voted at that station or as to the official mark; and no person who-soever shall interfere with or attempt to interfere with an elector when marking his vote, or otherwise attempt to obtain in the polling station information as to the candidate for whom any elector in such station is about to vote or has voted, or communicate at any time to any person any information obtained in a polling station as to the candidate for whom any elector in such station is about to vote or has voted, or as to the number on the back of the ballot paper given to any elector at such station.

(2) Every election officer and agent in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting, and shall not attempt to ascertain at such counting the number on the back of any ballot paper, or communicate any information obtained at such counting as to the candidate for whom any vote is given in any particular ballot paper.

(3) No person shall, directly or indirectly, induce any elector to display his ballot paper after he has marked it so as to make known to any person the name of the candidate for or against whom he has so marked his vote.

(4) Every person who acts in contravention of any of the provisions of this section shall be guilty of an offence and shall be liable on conviction to imprisonment for any term not exceeding six months.

**43. (1) Any person who**

**Personation.**

- (a) applies for a ballot paper in the name of any other person whether that name be of a person living, dead or fictitious; or
- (b) having voted once at any election, applies at the same election for a ballot paper in his own name shall be guilty of personation.

(2) Any person aiding, abetting, counselling or procuring the offence of personation shall be punishable in the manner in which the offence itself is punishable.

Offences by  
election  
officers.

44. Every election officer who

- (a) makes in any record, return, or other document which he is required to keep or make under this Ordinance, any entry which he knows, or has reasonable cause to believe, to be false, or does not believe to be true; or
- (b) permits any person whom he knows, or has reasonable cause to believe, not to be a blind person, or an incapacitated person, or an illiterate person, to vote in the manner, provided for blind persons, or incapacitated persons, or illiterate persons, as the case may be; or
- (c) refuses to permit any person whom he knows, or has reasonable cause to believe, to be a blind person, or an incapacitated person, or an illiterate person to vote in the manner provided for blind persons, or incapacitated persons, or illiterate persons, as the case may be; or
- (d) wilfully prevents any person from voting at the polling station at which he knows, or has reasonable cause to believe, such person is entitled to vote; or
- (e) wilfully rejects or refuses to count any ballot paper which he knows, or has reasonable cause to believe, is validly cast for any candidate in accordance with the provisions of this Ordinance; or
- (f) wilfully counts any ballot paper as being cast for any candidate, which he knows, or has reasonable cause to believe, was not validly cast for such candidate,

shall be guilty of an offence, and shall be liable on conviction to imprisonment for any term not exceeding two years.

Bribery and  
treating.

45. (1) Every person who

- (a) directly or indirectly, by himself or by any other person on his behalf gives, lends, or agrees to give or lend, or offers, promises, or promises to procure or to endeavour to procure, any money or valuable consideration to or for any elector, or to or for any person on behalf of any elector, or to or for any other person, in order to induce any elector to vote or refrain from voting, or corruptly does any such act as aforesaid on account of such elector having voted or refrained from voting at any election;

- (b) directly or indirectly, by himself or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers, promises, or promises to procure or to endeavour to procure any office, place, or employment, to or for any elector, or to or for any person on behalf of any elector, or to or for any other person, in order to induce such elector to vote or refrain from voting, or corruptly does any such act as aforesaid on account of any elector having voted or refrained from voting at any election;
- (c) directly or indirectly, by himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement, or agreement as aforesaid to or for any person, in order to induce such person to procure, or endeavour to procure, the return of any person as an elected member or the vote of any elector at any election;
- (d) upon or in consequence of any such gift, loan, offer, promise, procurement, or agreement, procures or engages, promises or endeavours to procure, the return of any person as an elected member, or the vote of any elector at any election;
- (e) advances or pays, or causes to be paid, any money to or to the use of any other person, with the intent that such money, or any part thereof, shall be expended in bribery at any election, or who knowingly pays, or causes to be paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election;
- (f) before or during any election, directly or indirectly, by himself or by any other person in his behalf, receives, agrees, or contracts for any money, gift, loan, or valuable consideration, office, place, or employment, for himself or for any person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting, at any election;
- (g) after any election, directly, or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration on account of any

person having voted or refrained from voting, or having induced any other person to vote or refrain from voting, at any election,

shall be guilty of bribery.

(2) (a) Every person who corruptly by himself or by any other person, either before, during, or after an election, directly or indirectly gives or provides, or pays wholly or in part the expenses of giving or providing, any food, drink, entertainment, or provision to or for any person for the purpose of corruptly influencing that person, or any other person, to vote or refrain from voting at such election, or on account of such person or any other person having voted or refrained from voting at such election; and

(b) every elector who corruptly accepts or takes any such food, drink, entertainment, or provision

shall be guilty of treating.

Undue  
influence.

46. Every person who directly or indirectly, by himself or by any other person on his behalf, makes use of, or threatens to make use of, any force, violence, or restraint, or inflicts, or threatens to inflict, by himself or by any other person, any injury, damage, harm, or loss, upon or against any person, in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting, at any election or who by abduction, duress or any fraudulent contrivance, impedes or prevents the free exercise of the franchise of any elector, or thereby compels, induces, or prevails upon, any elector, either to give or refrain from giving his vote at any election, shall be guilty of undue influence.

Penalties for  
corrupt  
practices.

47. Any person convicted of an offence under sections 43, 44, 45 and 46 shall be liable to a fine not exceeding £200 or to imprisonment for a term not exceeding one year or to both such fine and imprisonment and shall during a period of seven years from the date of his conviction be incapable of being registered as an elector, or of voting at an election of a member, or of being elected a member, or if elected before his conviction of retaining his seat as such member.

**Part V.****GENERAL.**

48. No election of a member shall be valid if any corrupt practice is committed in connection therewith by the candidate elected.

Corrupt practices invalidate election.

49. No elector shall in any legal proceedings be required to state for whom he has voted.

Elector not bound to disclose for whom he voted.

50. All expenses properly incurred by a registration officer or a returning officer at an election under this Ordinance shall be defrayed from the general revenue of the Colony.

Election expenses.

51. (1) The Governor in Council may make regulations:

Governor in Council may make regulations.

- (a) prescribing fees to be paid in connection with anything done under this Ordinance;
- (b) prescribing the period during which every employer shall permit his employees to be absent from work for the purpose of registering their votes;
- (c) as to the appointment and duties of election agents and sub-agents and the penalties for illegal practices;
- (d) as to expenses which may be incurred by a candidate and the penalties for illegal practices;
- (e) carrying into effect the provisions of this Ordinance;

(2) Such regulations shall be laid on the table of the Council.

52. The Governor may by order published in the *Gazette* vary all or any dates mentioned in this Ordinance or any writ of election or order issued thereunder and may substitute other dates in lieu thereof.

Powers to vary dates.



**SCHEDULE.****FORM A.****Form of Claim.**

To the Registration Officer, \*Electoral Area.

I claim to have my name included in the register of electors for the \*  
Electoral Area.

Surname (in capitals)

Other names

Address

I certify that I am a British subject, that I have attained the age of 21 years  
and that I have resided in the Electoral Area for  
the twelve months ending the 31st October, 19

*Applicant.*

**FORM B.****Nomination Form.**

1. Name of candidate (in full)

2. Address

3. Name of proposer (in full)

4. Name of seconder (in full)

5. Names of supporters (in full)

Signed by the above named (proposer)

in my presence the day of 19

*Justice of the Peace.*

Signed by the above named (seconder)

in my presence the day of 19

*Justice of the Peace.*

Signed by the above named (supporters)

in my presence the day of 19

Handed in at a.m. on the day of 19

*Returning Officer*

FORM C.

**Ballot Paper.**

No. ....

FALKLAND ISLANDS.

Legislative Council Elections.

FALKLAND ISLANDS.

Legislative Council Elections.

\*Electoral area.

BALLOT PAPER—COUNTERFOIL

BALLOT PAPER.

Elector's Serial Number.

1.

2.

3.

Official Mark.

**REVERSE.**

No. .... (corresponding with that on counterfoil.)

BALLOT PAPER.

Electoral area of\*

Date

FORM D.

**Declaration.**

I, \_\_\_\_\_ of \_\_\_\_\_ solemnly and  
sincerely declare that I am the same person whose name appears as

No. \_\_\_\_\_ in the register of elections in force for the\*

Electoral area.

Declaration made in the presence of

(Signed)

\*Stanley.

Presiding Officer

East Falkland.

West Falkland.

## CHAPTER 38.

## LICENSING.

12 of 1949.  
10 of 1950.

AN ORDINANCE TO CONSOLIDATE AND AMEND THE LAW AS  
TO LICENSING.

[31st December, 1949.]

## Part I.

## PRELIMINARY.

Short title.

1. This Ordinance may be cited as the Licensing Ordinance.

Interpreta-  
tion.

2. In this Ordinance unless the context otherwise requires:

“Auctioneer” means any person selling by public auction any goods, chattels or land whether in lots or otherwise.

“Billiard table licence” means a licence to keep and maintain billiard or bagatelle tables for hire on the premises and on the days and between the hours specified in the licence.

“Cigarette” includes cut tobacco rolled up in paper, tobacco leaf or other material in such form as to be capable of immediate use for smoking.

“Club” means a society of persons associated together for social intercourse or for the promotion of politics, sport, art, science or literature or similar purposes.

“Club licence” means a licence for the sale of intoxicating liquor to members of a club and to the guests of such members only on the premises of the club but the holder thereof shall not be restricted to the hours specified in section 35 hereof.

“Intoxicating liquor” means spirits, wine, beer, porter, cider, perry, and any fermented distilled or spirituous liquor which cannot, according to any law for the time being in force, be sold without a licence.

---

[*Note.* This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

"Licensed premises" means premises in respect of which a licence has been granted and is in force.

"Licensing authority" means the officer in charge of the Treasury in the Colony and, in the Dependencies, the Administrative Officer in South Georgia.

"Packet licence" means a licence to the master of the vessel therein mentioned to sell any intoxicating liquor during a voyage to any passenger, subject, in the case of voyages directly from and to places within the Colony, to the proviso that no intoxicating liquor on which the proper duties of Customs have not been paid shall be sold.

"Publican's retail licence" means a licence for the sale of any intoxicating liquor in any quantity less than two gallons for consumption on or off licensed premises.

"Still" means any apparatus susceptible of being used for the manufacture or rectifying of spirits and includes any part of such apparatus.

"Tobacco" includes cigarettes, cigars, cigarillos, smoking mixtures and snuff.

"Wholesale licence" means a licence for the sale of any intoxicating liquor for consumption off the licensed premises.

3. (1) The licensing authority may, subject as hereinafter mentioned, grant the following licences upon payment of the fees respectively set out against them:

Kinds of  
licences.

	£	s	d
Publican's retail .. .. .	15	0	0
Billiard table (each table) .. .. .	2	10	0
Packet .. .. .	5	0	0
Wholesale .. .. .	30	0	0
Club .. .. .	10	0	0
Tobacco (for Stanley and within fifteen miles thereof by land or sea)	3	0	0
Tobacco (outside the above limit) ..	1	10	0
Auctioneer .. .. .	5	0	0
„ (occasional) .. .. .	1	0	0

Fees.

Duration.

(2) (a) Packet, wholesale, tobacconist's, club, and auctioneer's licences (other than an auctioneer's occasional licence) shall be in force for twelve months and publican's retail and billiard table licences shall be in force for six months.

(b) An auctioneer's occasional licence shall be in force only for the day of the particular auction in respect of which it is granted.

Form.

(3) All licences shall be in such form, contain such particulars and be subject to such conditions as the licensing authority may deem appropriate.

## Part II.

### INTOXICATING LIQUOR LICENCES.

Licences  
already held  
to be subject  
to this  
Ordinance.

4. All licences held at the commencement of this Ordinance, and all persons holding a licence and all premises in respect of which a licence shall be held at the commencement of this Ordinance, shall, except where otherwise specially provided, be under and subject to the provisions of this Ordinance.

Ordinance  
not to apply  
in certain  
cases.

5. Nothing in this Ordinance shall apply to any person selling any spirituous or distilled perfume *bona fide* as perfumery, or to the prescription or administration of any intoxicating liquor as medicine or for medicinal purposes by or under the direction of any registered medical practitioner, or to any person who holds a licence as auctioneer selling intoxicating liquor at public auction in quantities of not less than two gallons at any one time.

No intoxi-  
cating  
liquor to  
be sold with-  
out licence.

6. No person shall sell or expose for sale any intoxicating liquor without being duly licensed to sell the same, or at any place where he is not duly authorised to sell the same, and any person who shall (except as the agent or servant of a licensed person, and then only in accordance with such person's licence) sell any intoxicating liquor without a licence authorising such sale shall commit an offence and be liable to forfeit all intoxicating liquor and the containers in his possession.

7. (1) Any person applying for a new publican's retail or packet licence shall advertise notice of his application, setting out the name and address of the applicant, the type of licence for which he intends to apply, the premises in respect of which the application is made and the date of application, in the *Gazette*, and on the official notice board in Stanley, and in a paper circulating in the Colony not less than twenty-one days before making the application.

Application  
for new  
publican's  
retail or  
packet  
licence.

(2) The licensing authority may on the requirements of subsection (1) hereof having been complied with grant a licence provided that no objection as provided for in section 8 shall have been upheld by the justices under section 9 hereof.

8. Objection to the grant or renewal of a licence may be taken on the ground that the applicant is of bad character or of drunken habits, or has within the preceding year forfeited a licence, or within the preceding three years been convicted of selling intoxicating liquor without a licence, or that the premises are not structurally suitable to the class of licence which is required, or that the premises are in the immediate vicinity of a place of worship, hospital or school, or that the premises are not maintained to the required standard, or that there are sufficient licensed premises to supply the needs of the neighbourhood.

Objections.

9. (1) Notice of any objection to the grant or renewal of a licence stating the ground thereof shall be given to the magistrate, the licensing authority and the applicant within twenty-one days of publication of the notice in the *Gazette* as provided in section 7 (1) hereof.

Notices and  
hearing of  
objections.

(2) Objections to the grant or renewal of licences shall be heard and determined by the magistrate sitting with not less than two nor more than four justices within seven days of the receipt of the notice of objection or within the said period of twenty-one days whichever shall be the later: Provided that no justice holding or interested in a licence under this Ordinance shall adjudicate.

(3) When an objection to the grant of a licence is upheld by the justices an applicant shall not, nor shall any person when the objection is on the ground of the unsuitability or otherwise of the premises, apply for the grant or renewal of a licence within twelve months of the date of such decision.

## Appeals.

**10.** (1) Any person who thinks himself aggrieved by the refusal of the justices to grant or renew a publican's retail or packet licence may appeal to the Supreme Court upon giving notice in writing to the magistrate of his intention to appeal and of the grounds thereof within five days of the decision of the justices.

(2) The order of the Supreme Court shall be final and conclusive.

(3) The Supreme Court may make such order as to costs or otherwise as it may deem fit and issue process for enforcing the order.

## Renewal of licences.

**11.** All licences held at the commencement of this Ordinance or granted during its operation may be renewed without publication of the notices as required under section 7: Provided that any objection thereto is not upheld by the justices.

## Special licences.

**12.** The magistrate may, at his discretion, grant on any special occasion to the holder of a publican's retail licence a special licence authorising such publican to keep his premises open during the hours specified on such special licence, and there shall be paid into the Treasury, on the issue of such special licence, the following fees:

In respect of a licence authorising premises to be kept open during any period prohibited under section 35:

- (a) between midday and midnight, each and any hour or part of an hour, five shillings; and
- (b) after midnight, each and any hour or part of an hour, ten shillings.

## Occasional licence.

**13.** The magistrate may, at his discretion, grant to any person an occasional licence for the sale of intoxicating liquor at such place, in such quantities, and for such period of time not exceeding three consecutive days, as may be specified in such licence, and on the issue of any such licence there shall be paid into the Treasury a fee at the rate of ten shillings per diem in respect of any place within three miles of a public house, and five shillings per diem in respect of any other place.

Provided that no such licence shall be granted except with the consent of the occupier of the place specified in such licence.

14. Every licensed person shall cause to be painted or fixed, and shall keep painted or fixed on the front of the premises in respect of which his licence is granted, in a conspicuous place, and in letters at least three inches in height, his name, with the addition after the name of the word "licensed" and of words sufficient to express the business for which his licence has been granted, and no person shall have any words or letters on his premises importing that he is licensed in any way other than that in which he is in fact duly licensed. Every licensed person who acts in contravention or, who fails to comply with the provisions of this section shall commit an offence.

Name of licensed person to be affixed to premises.

15. Any person licensed to sell intoxicating liquor by retail in Stanley or in any town, who shall directly or indirectly keep a store, or sell or barter goods on the premises for which a retail licence has been granted under this Ordinance, shall commit an offence and be liable to forfeit his licence: Provided that this section shall not apply in the case of a licensed person supplying meals or provisions to be consumed on the licensed premises or selling tobacco under licence.

Retail dealers not to keep a store.

16. Any constable may enter upon any premises where intoxicating liquor is kept or stored for the purposes of sale and take samples of any such liquor to be tested, and any person refusing to furnish liquor required with this object, or who may interfere with, impede, resist or obstruct the officer in the discharge of his duty shall commit an offence.

Samples of intoxicating liquor may be taken for test purposes.

17. Every holder of a publican's retail licence shall thoroughly cleanse and disinfect all the rooms, passages, stairs, floors, walls, ceilings, closets, cesspools and drains of the licensed premises to the satisfaction of and as required by or in accordance with the directions of any inspector.

Sanitary precautions.

18. (1) Any licensed person who shall permit any part of the licensed premises or the appurtenances thereto to be used or occupied for the purposes of singing, dancing or theatrical entertainment without a licence provided for in subsection (2) hereof shall commit an offence and shall be liable to forfeit his licence.

Dancing, etc. on licensed premises.



(2) The magistrate may at his discretion grant to any licensed person a licence permitting such person to use a specified part of licensed premises or the appurtenances thereof (but not the whole) for the purposes of singing, dancing or theatrical entertainment on a day and within stated hours upon payment of a licence fee of five shillings.

Liability to  
revocation of  
licence on  
conviction.

19. Any person holding a wholesale licence or transfer thereof who shall sell or suffer to be sold any intoxicating liquor for consumption on the licensed premises, and any person holding a publican's retail licence or transfer thereof who shall sell or suffer to be sold on the licensed premises to any person at one time intoxicating liquor amounting to or exceeding two gallons, or be convicted of any offence against the law for the proper regulation and good order of the licensed premises occupied by him or against the conditions of his licence, shall in addition to any penalty on account of such offence be liable to forfeit his licence: Provided that any person holding both wholesale and retail licences may sell intoxicating liquor either by wholesale or retail on the same premises.

Penalty for  
paying  
wages in  
licensed  
premises.

20. Any master employing journeymen, workmen, servants or labourers, who shall pay or cause any payment to be made to any such journeymen, workmen, servants or labourers in any licensed premises or in any house in which intoxicating liquor is sold shall commit an offence: Provided always that nothing herein contained shall extend to any licensed person paying his own journeymen, workmen, servants or labourers employed solely in his business as licensed person in his licensed house.

No debts for  
intoxicating  
liquor re-  
coverable.

21. No licensed person shall recover any debt or demand on account of any intoxicating liquor supplied by him to any person for consumption on the premises; but such licensed person may sue for and recover the value of any intoxicating liquor supplied in moderate quantity with meals to any person *bona fide* lodging in his house.

Liquor to be  
sold for  
money only.

22. (1) Any licensed person who shall receive in payment or as a pledge for any intoxicating liquor or entertainment supplied in or from his licensed premises anything except current money, shall commit an offence. The person to whom

belongs anything given as a pledge as aforesaid shall have the same remedy for recovering such pledge or the value thereof as if it had never been pledged.

(2) No licensed person shall receive payment in advance for any intoxicating liquor to be supplied; and any payment so made in advance may be recovered notwithstanding that any intoxicating liquor may have been supplied subsequently to such payment.

23. (1) Any person holding a publican's retail licence or a club licence who shall permit any person apparently under the age of 18 years to enter or remain in any bar in such licensed premises shall commit an offence and shall be liable to forfeit his licence.

Persons under 18 years not to enter bars or licensed premises.

(2) Any person under the age of 18 years who shall enter a bar in any premises in respect of which a publican's retail or club licence is held and anyone taking such person into such bar shall commit an offence.

24. Any person who sells or delivers any intoxicating liquor to any person apparently under the age of 18 years for consumption on or off licensed premises shall commit an offence.

Sale, etc. of intoxicating liquor to persons under the age of 18 years.

25. Any licensed person who knowingly harbours or suffers to remain on his premises any constable during any part of the time appointed for such constable being on duty, unless for the purpose of keeping or restoring order or in execution of his duty, or supplies any intoxicating liquor or refreshments, whether by way of gift or sale, to any constable on duty, unless by the authority of some superior officer of such constable, or bribes or attempts to bribe any constable shall commit an offence and shall be liable to forfeit his licence.

Harbouring constable.

26. Where it shall appear to a court that any person by excessive drinking of intoxicating liquor misspends, wastes or lessens his or her estate, or greatly injures his or her health, or endangers or interrupts the peace and happiness of his or her family, the magistrate or any two justices may by writing under their hands, forbid any licensed person to sell to him or her any intoxicating liquor for a period not exceeding one year.

Supply of intoxicating liquor to drunkards prohibited.

Prohibition  
renewable.

**27.** The magistrate or any two justices may renew any such prohibition as aforesaid as to all such persons as have not in their opinion reformed within the period specified, and if any licensed person shall during any period of prohibition, after service of a copy thereof upon him or with a knowledge thereof in other manner acquired, sell to any such prohibited person any intoxicating liquor he shall commit an offence.

Penalties.

**28** Any person

- (a) against whom an order of prohibition has been made under section 26 or renewed under section 27 of this Ordinance who shall, within the currency of such order or any renewal thereof, be in any place where intoxicating liquor is sold by retail; or
- (b) who, being the holder of any retail liquor licence, shall suffer any such prohibited person to be in the place so licensed; or
- (c) who sells, supplies or distributes intoxicating liquor or authorises such sale, supply or distribution to any such prohibited person, shall commit an offence:

Provided that the magistrate hearing a charge under this section upon being satisfied that the person charged did not wilfully contravene the provisions of this section, or used every effort to prevent a prohibited person from being or remaining on his premises and immediately gave information thereof to the police, may dismiss the charge against such person.

Drunkard  
may not pro-  
cure liquor.

**29.** When any person against whom a prohibition order has been made or renewed under section 26 or 27 of this Ordinance shall—

- (a) send or in any way influence any person to procure him intoxicating liquor; or
  - (b) be found in possession of any intoxicating liquor; or
  - (c) be found drunk in Stanley,
- he shall commit an offence.

Sales by  
auction for-  
bidden on  
licensed  
premises.

**30.** Any licensed person who shall permit any sale by auction to be made on his premises shall commit an offence.

Penalty for  
permitting  
gaming.

**31.** Any licensed person who suffers any unlawful game or any raffle, lottery or betting to be carried on in his premises,

or opens, keeps or uses or suffers his premises to be opened, kept or used for the purpose of fighting or baiting any dog, cock or other kind of animal whether of domestic or wild nature, shall commit an offence. The penalty shall be irrespective of and in addition to any other penalties to which any person may be liable under any law relating to gaming or cruelty to animals.

**32.** Any licensed person who permits his premises to be used as a brothel shall commit an offence, and upon conviction therefor shall forfeit his licence and be permanently disqualified from holding any licence for the sale of intoxicating liquor:

Forfeiture of licence for permitting house to be a brothel.

Provided that the Governor in Council, if he considers that for special reasons justice so requires, may direct that the person convicted shall not be so disqualified or that the disqualification shall cease to have effect at the expiration of such period as the Governor in Council shall specify.

10 of 1950.

**33.** Any licensed person may refuse to admit to and may turn out of the premises in respect of which his licence is granted any person who is drunken or who is violent, quarrelsome or disorderly, whether drunken or not, and any person whose presence on his premises would subject him to a penalty under this Ordinance, and may refuse to serve any such person with liquor if demanded only as a pretext for remaining on the premises.

Power to exclude persons from premises and to refuse liquor.

**34.** Any person who, upon being requested by a licensed person or his agent or servant or any constable to quit such premises, refuses or fails to do so, shall commit an offence, and any constable shall on the demand of such licensed person, his agent or servant, expel or assist in expelling every such person from such premises and may use such force as may be required for that purpose.

Penalty for refusing to quit premises on demand.

**35.** All premises in which intoxicating liquors are sold by retail shall be open for the following hours only:

Permitted hours for sale of liquor.

On weekdays from 10 a.m. until 1 p.m. and from 5.30 p.m. until 10 p.m.

On Sundays, Christmas Day and Good Friday from 12 noon until 1 p.m.:

Provided that it shall be lawful for the Governor by Order in Council to vary the said hours.

Sale of liquor  
at unauthor-  
ised times.

10 of 1950.

36. Any person who, during the time at which licensed premises are directed to be closed by or in pursuance of this Ordinance, sells or exposes for sale on such premises any intoxicating liquor, or opens, or keeps open such premises for the sale of intoxicating liquor, or allows any intoxicating liquor, although purchased before the hours of closing, to be consumed on such premises by any person other than one *bona fide* lodging therein, or during such aforesaid time allows any one, other than as aforesaid, to play at billiards or bagatelle, or any other game on such premises, and any person other than one *bona fide* lodging in such premises who shall consume any intoxicating liquor or play any game as aforesaid during such time, shall commit an offence.

Occupier of  
unlicensed  
premises  
liable for the  
sale of  
intoxicating  
liquor.

Seller liable  
for drinking  
on premises  
contrary to  
licence.

37. The occupier of any unlicensed premises on which any intoxicating liquor is sold, or, if such premises are occupied by more than one person, every occupier thereof shall, if he was privy or consenting to the sale, commit an offence.

38. (1) If any purchaser of any intoxicating liquor from a person who is not licensed to sell the same to be drunk on the premises, drinks such liquor on the premises where the same is sold, the seller of such liquor shall, if it shall appear that the drinking was with his privity and consent, commit an offence.

(2) For the purposes of this section the expression "premises where the same is sold" shall include premises adjoining or near the premises where the liquor is sold, if belonging to the seller, or under his control, or used by his permission.

Evasion of  
law as to  
drinking on  
premises  
contrary to  
licence.

39. (1) If any person having a licence to sell intoxicating liquor, not to be drunk on the premises, himself takes or carries, or employs or suffers any other person to take or carry any such liquor out of, or from the premises of such licensed person, for the purpose of being sold on his account, or for his benefit or profit, and of being drunk or consumed in any other house, or in any tent, shed or other building of any kind whatever, belonging to such licensed person, or hired, used or occupied by him, or on or in any place, whether enclosed or not, and whether or not a public thoroughfare, such liquor shall be deemed to have been consumed by the purchasers thereof on the premises of such licensed person with his privity and consent, and such licensed person shall commit an offence.

(2) In any proceeding under this section it shall not be necessary to prove that the premises, or place or places to which such liquor is taken to be drunk, belonged to or were hired, used or occupied by the seller, if proof is given to the satisfaction of the Court, that such liquor was taken to be consumed thereon or therein, with intent to evade the conditions of his licence.

40. (1) Every person who makes or uses, or allows to be made or used, any internal communication between any licensed premises and any unlicensed premises which are used for public entertainment or resort, or as a refreshment house, shall commit an offence.

Penalty on internal communication with unlicensed premises.

(2) Any holder of a licence convicted under this section shall in addition to a penalty, be liable to forfeit his licence.

41. (1) No bar, beyond the number stated on a publican's licence shall be opened or used in or upon the licensed premises, except with the consent of the magistrate, which consent shall be endorsed on the licence.

No bars beyond the number licensed to be used.

(2) Any person who shall open or use any additional bar for the sale of intoxicating liquors, or shall knowingly permit the same to be opened or used for such sale, without such consent and endorsement as aforesaid and without having paid a licence fee at the rate of £5 per annum for each additional bar, shall be deemed to have been guilty of selling without a licence.

42. Any person operating or controlling a club or taking an active interest therein or being a member official or servant thereof who shall sell or cause to be sold any intoxicating liquor on any premises occupied by the club, whether permanently or temporarily, without first obtaining a club licence shall commit an offence.

Club not to sell liquor without licence.

43. In any proceedings relative to an offence under this Ordinance it shall not be necessary, when the sale or consumption of intoxicating liquor is involved, for the prosecution to prove that any money actually passed or liquor was actually consumed. The Court may be satisfied by evidence that a transaction in the nature of a sale actually took place, or that consumption of intoxicating liquor was about to take place, and proof of the consumption or intended consumption

Proof in proceedings for illegal sale of intoxicating liquor.

of intoxicating liquor on premises to which a licence is attached by some person, other than the occupier of or a servant in such premises, shall be evidence that the liquor was sold to the person consuming, or being about to consume or carrying away the same by or on behalf of the holder of the licence.

Unlawful  
sale of  
intoxicating  
liquor  
provable by  
purchaser  
thereof.

44. The evidence of any person shall be admitted in proof of unlawful sale of intoxicating liquor, although he may have himself purchased the same, and such evidence shall be sufficient to support a conviction for such offence.

Persons  
deemed un-  
licensed if  
not pro-  
ducing  
licence.

45. (1) In all proceedings against any person for selling or allowing to be sold any intoxicating liquor without a licence, such person may be deemed to be unlicensed, unless he shall at the hearing of the case produce his licence.

(2) The fact of any person, not being a licensed person, keeping up any sign, writing, painting or other mark in or near to his house or premises, or having such house fitted up with a bar or other place containing bottles or casks displayed so as to induce a reasonable belief that such house or premises is or are licensed for the sale of intoxicating liquor, or that any is sold or served therein, or of there being on such premises more intoxicating liquor than is reasonably required for the use of the persons residing therein, shall be *prima facie* evidence of the unlawful sale of such liquor by such person.

Penalty for  
permitting  
drunkenness.

46. (1) Any licensed person who permits drunkenness or any violent quarrelsome, or riotous conduct to take place on his premises, or sells any intoxicating liquor to any person already in a state of intoxication, or by any means encourages and incites any person to drink shall commit an offence.

(2) Any person who is drunken, violent, quarrelsome or disorderly and refuses or fails to quit licensed premises in pursuance of a request by the licensed person his servant or agent so to do shall commit an offence.

Protection of  
property of  
guests.

47. (1) Every house for which a publican's licence shall be granted shall be considered as a common inn, and no goods or chattels whatsoever *bona fide* the property of any lodger or stranger, and being in such licensed house or the appurtenances thereof, or any place used and occupied therewith in the ordinary course of resort at such licensed house, shall be subject to be distrained or seized for or in respect of any claim

for rent for such licensed house or appurtenances or in respect of any other claim whatsoever against the said house or appurtenances or the owner or occupier thereof.

(2) If any such goods or chattels shall be distrained or seized for rent, or in respect of any other claim, contrary to the provisions hereof, the magistrate, or any two justices may inquire into any complaint made in respect thereof in a summary manner and order such goods or chattels to be restored to the owner thereof, and order the payment of such reasonable costs as shall be incurred by such proceedings.

48. No publican shall be liable to make good to a guest any loss of, or injury to, goods or property brought to his licensed premises to a greater amount than £30, unless

Limitation  
of liability  
for property  
of guest.

- (a) the goods or property shall have been stolen, lost, or injured through the wilful act, default, or neglect of such licensee or his servant in his employ; or
- (b) the goods or property shall have been deposited expressly for safe custody with such licensee:

Provided always that in the case of such deposit the licensee may require as a condition of his liability that such goods or property shall be deposited in a box or other receptacle, fastened and sealed by the person depositing the same.

49. Every licensed publican who fails to provide suitable accommodation, with bed and board, for at least one traveller shall commit an offence.

To provide  
accommoda-  
tion for at  
least one  
traveller.

50. (1) No publican's retail licence shall be granted to any person until an accurate description of the premises in writing, with a diagram or plan of the same attached thereto, shall have been furnished by the applicant, and approved by the magistrate, and in the case of premises in Stanley, by the Stanley Town Council, and in the case of premises not in Stanley by the Board of Health and should the description so furnished by such applicant be found to be false or inaccurate in any material fact the party making such false or inaccurate statement shall commit an offence and forfeit any licence which may have been granted to him by reason of such false or inaccurate description.

Accurate  
description  
of premises  
to be given.



(2) The description given by the applicant shall in all cases be endorsed on or embodied in the licence.

Removal and  
alteration of  
premises.

**51.** (1) Any person holding a publican's retail licence who shall remove from the premises described in the licence to any other premises, or make any structural alteration which gives increased facilities for drinking or conceals from observation any part of the premises used for drinking, or which affects the communication between the part of the premises where intoxicating liquor is sold and any other part of the premises or any street or public way, without the approval of the magistrate and the Board of Health or Stanley Town Council, as the case may be, shall forfeit his licence unless he shall return to the premises described in the licence or restore the premises to their original condition within a time fixed by the magistrate.

(2) Objections to the removal of a publican's retail licence may be made in the manner and on the grounds herein provided in respect of objections to the grant of a licence.

Transfer of  
retail  
licences.

**52.** No publican's retail licence shall be transferred to any person except with the consent in writing of the magistrate, and on the production by the person to whom the licence is proposed to be transferred of a certificate of good character and fitness signed by two justices not holding licences under this part of this Ordinance.

Approval of  
managers  
and agents.

**53.** Any person holding a publican's retail licence who employs another person as his manager or agent without the approval of the magistrate first obtained and endorsed on the licence and any person so acting without such approval and endorsement shall commit an offence.

Provision in  
case of the  
death of  
licensee.

**54.** In the case of the death of any person holding a publican's retail licence, his widow, or any executor or administrator, or person appointed by them may, subject to the approval of the magistrate endorsed by him on the licence in writing carry on the business of the deceased on the licensed premises until the expiration of the licence.

Governor or  
justices may  
order  
licensed  
houses to be  
closed.

**55.** The Governor, the magistrate, or any two justices of the peace, may when any riot, tumult, breach of the peace or disorderly conduct shall happen, or be expected to take place, order any person holding a publican's retail licence, or transfer

thereof, to close his house when and for so long as the Governor, the magistrate, or the justices shall direct, and if any such licensed person shall keep his house open during such time he shall commit an offence.

56. (1) If upon information given on oath it appears to any justice that there is reasonable cause for suspecting that any intoxicating liquor is kept for the purpose of sale or is being or has been sold by any person not duly licensed in that behalf or by any person in any house building vessel or boat not specified in his licence or in any manner not authorised by his licence, such justice may by warrant under his hand directed to any constable or constables or other officer of police authorise such officer to enter and search such premises, and by the said warrant may, if he thinks fit, specially authorise such officer to enter and search such premises at any time of the day or night, and moreover if he thinks fit, may specially authorise such officer, with or without assistance, to break open or otherwise use force in order to effect an entry to such premises.

Searching  
unlicensed  
premises.

10 of 1950.

(2) If, upon search under this section, any intoxicating liquor or any vessels used for holding or measuring the same is found, it shall be lawful for the officer executing the warrant to take possession of and secure such liquor or vessel; and he may apprehend and bring before a magistrate or any two justices not only the person in whose premises the same are found, but also every other person found in such premises who appears to have been employed or to have assisted in the selling of such liquor, and unless it be made to appear to such magistrate or justices that such liquor was not on the premises for the purpose of being illegally sold and was not illegally sold the person in whose premises such liquor is found and every person so appearing to have been employed or to have assisted in the selling thereof in such premises shall be guilty of an offence.

(3) Any intoxicating liquor found on any search under this section, together with any vessels used for holding or measuring the same, shall, upon any conviction in respect thereof, be forfeited to the use of His Majesty.

(4) Every warrant issued under this section shall remain in force for one month from the day of the date thereof, and it shall be no defence to any charge under

subsection (1) that the intoxicating liquor found on the premises was deposited or brought thereon after the issue of the warrant.

Constables  
may stop  
any person  
removing  
intoxicating  
liquor.

**57.** Any person who shall knowingly remove or convey any intoxicating liquor for the purpose of being or that shall have been illegally sold shall commit an offence. It shall be lawful for any constable to stop any person conveying in any manner any intoxicating liquor, and if such person shall not upon request satisfy the constable that such liquor has not been illegally removed or sold as aforesaid, to detain and convey such person and liquor, together with the packages, before the magistrate or any two justices, and to seize and take into his possession the horse, cart, boat, vessel or other conveyance used in removing the same; and if such person shall not satisfy the magistrate or justices that such liquor had not been illegally removed or sold as aforesaid, they may declare the same to be forfeited to His Majesty, as well as the horse, cart, boat, vessel or other conveyance, if any, used in removing the same.

Forfeiture of  
licence for  
felony, etc.

**58.** Any licensed person convicted of felony, perjury, or infamous offence, shall forfeit his licence. If convicted of a misdemeanour he shall be liable to forfeit his licence.

No licensed  
person to  
act as a  
justice.

**59.** Any justice holding a licence under this Ordinance who shall act as a justice under any of the provisions of this Ordinance shall commit an offence.

Adulterating  
liquor.

**60.** Any licensed person who shall mix, or suffer to be mixed with any intoxicating liquor any unwholesome ingredient, or shall receive or have in his possession any unwholesome ingredient, with intent to mix the same with any intoxicating liquor, shall commit an offence and be liable to forfeit his licence, and all such unwholesome liquor and ingredients.

Continuance  
of forfeited  
licence by  
owners of  
premises in  
certain cases.

**61.** Where any licensed person is convicted of any offence, and in consequence either becomes personally disqualified, or has his licence forfeited, the magistrate on the application by or on behalf of the owner of the premises in respect of which the licence was granted (where the owner is not the occupier) and upon being satisfied that such owner was not privy to nor a consenting party to the act of the tenant, and

that he has legal power to eject the tenant of such premises, may by order authorise an agent to carry on the business of such premises until the end of the period for which such licence was granted, in the same manner as if such licence had been formally transferred to such agent.

62. Any licensed person who shall sell by wholesale or retail any spirits of less strength than thirty underproof shall commit an offence.

Strength  
of spirits.

63. Any owner, lessee, manager, or agent in charge of a station may, without a licence, sell intoxicating liquor to shepherds and other employees *bona fide* in his own employment, provided such station be at a distance of not less than six miles from Stanley, or any other town, and provided that such liquor shall have been properly imported into the Colony and the requisite duty has been paid thereon. Any owner, lessee, manager or agent selling intoxicating liquor to other than his own employees shall commit an offence.

Supply of  
intoxicating  
liquor with-  
out licence  
by owner of  
stations to  
their em-  
ployees  
under  
certain con-  
ditions.

64. (1) No person shall import or have in his possession a still without having first received the written permission of the Colonial Secretary.

Still illegal  
without per-  
mission.

(2) Any officer of Customs or constable may enter into and search without warrant any buildings, premises, vessel or boat where there is reasonable cause to suspect that an illicit still may be found and to make such examination or inquiry as may be proper to ascertain whether any offence against this Ordinance has been committed.

(3) Any person unlawfully importing a still into the Colony or colonial waters shall commit an offence.

(4) Any person found unlawfully in possession of, making, erecting, concealing, or using a still shall be guilty of an offence.

65. The Chief Constable and all constables shall be inspectors of licensed premises under this Ordinance, and it shall be their duty to enforce and superintend the carrying out of this Ordinance in every respect.

Constables  
to be *ex*  
*officio*  
inspectors.

66. Any inspector may at all times during business hours, and after such hours for reasonable cause, enter on any premises licensed under this Ordinance, and may examine every room and part of such premises, and take an account of

Inspectors  
may enter  
premises and  
search for  
adulterated  
drink.

Penalty for obstructing inspector.

all intoxicating liquor therein, and may demand, select, and obtain any samples of such liquor which may be in such house or premises, and on paying, or tendering payment for such samples may remove the same for the purpose of analysis or otherwise. If any licensed or other person in charge of the premises refuses or fails to admit any inspector demanding to enter in pursuance of this section, or refuses to permit any inspector to select or obtain such samples, or refuses or fails to furnish him with such light or assistance as he may require, or obstructs such inspector, or causes or permits him to be obstructed or delayed in the discharge of his duty, such licensed or other person shall commit an offence.

Commencement of prosecutions.

67. All prosecutions under this Ordinance shall be commenced within six calendar months after the alleged offence.

Application forfeitures.

68. All forfeitures shall be sold or otherwise disposed of in such manner as the magistrate or justices making the order may direct, and the proceeds of such sale or disposal shall be paid into the Treasury for the use of the Government.

Penalties.

69. (1) Any person who commits an offence against this Part of this Ordinance shall in addition to any penalty otherwise provided, be liable—

- (a) to a fine not exceeding £20 or to imprisonment for a period not exceeding three months; and
- (b) for a second offence, to a fine not exceeding £50 or to imprisonment for a period not exceeding six months; and
- (c) for a third or subsequent offence, to both such last-mentioned fine and imprisonment.

(2) If a person convicted is the holder of a licence the Court may order that particulars of the conviction be endorsed on the licence.

### Part III.

#### BILLIARD TABLE LICENCES.

Application for grant of a billiard table licence.

70. Any person applying for a new billiard table licence shall advertise such application in the manner prescribed in section 7 (1) and such application shall be subject to the objections contained in section 8. Objections shall be heard in the manner laid down in section 9.

71. The magistrate may, at his discretion, grant on any special occasion to the holder of a billiard table licence a special licence, authorising such licensee to keep his premises open during the hours specified on such special licence, and there shall be paid into the Treasury, on the issue of such special licence, the following fees:

Special  
billiard  
licence.

In respect of a licence authorising premises to be kept open during any period not specified in the licence—

- (a) between midday and midnight, any hour or part of an hour, two shillings; and
- (b) after midnight, any hour or part of an hour, four shillings.

72. Any person who shall permit or allow a billiard or bagatelle table to be used for hire on any premises for which a billiard table licence has not been obtained shall commit an offence, and shall be liable to the penalties provided for in section 69.

Penalty for  
unlawful hire  
of billiard  
table.

## Part IV.

### AUCTIONEERS.

73. (1) No person shall carry on the business of an auctioneer before he has applied for and been granted a licence so to do by the licensing authority.

Grant of  
licence.

(2) An auctioneer's licence shall be renewed on the 1st day of January in each year.

(3) The licensing authority may grant an occasional licence to conduct a sale by public auction on a date specified on the licence.

Occasional  
licence.

74. Any person who carries on the business of an auctioneer or who sells any goods or chattels or land by public auction without a licence as required under section 73 or who does not comply with the provisions hereof and the conditions of the licence shall commit an offence and be liable on summary conviction to a fine not exceeding £100.

Penalty on  
sale, etc.,  
without  
licence.

Payment of  
2½ per cent  
of proceeds  
of sale into  
Treasury.

**75.** (1) An auctioneer shall retain from all proceeds of any sale by auction of any goods, chattels or land (other than agricultural implements and live animals) an amount equal to 2½ per cent. of the gross proceeds of such sale and shall within seven days from the date of such sale pay such sum into the Colonial Treasury.

Provided that the said sum shall not be deducted when any lot is bought in under the reserve price and the auctioneer shall publicly state that the lot was bought in and the licensing authority is so satisfied.

(2) The sum provided for under subsection (1) hereof shall be recoverable from the auctioneer as a personal debt due from him to Government.

Auctioneer  
to furnish  
Colonial  
Secretary  
with inform-  
ation as to  
sale.

**76.** The auctioneer shall within seven days of any public auction render to the Colonial Secretary a true and complete account in writing of the price at which each lot or article was sold and shall furnish such information relative to the auction as the Colonial Secretary may require.

No auction  
on board  
vessel with-  
out permis-  
sion.

**77.** No auction shall be held on board any vessel without the written permission of the Colonial Secretary unless the vessel be attached to a wharf or hulk and the public have full access thereto by jetty or gangway.

This part not  
applicable to  
Government  
officials or  
person acting  
under Order  
of Court.

**78.** This Part of this Ordinance shall not apply to an official acting on Government instructions or to a person selling under order of any court.

## Part V.

### TOBACCO LICENCES.

Penalty on  
sale without  
licence.

**79.** Any person who shall directly or indirectly sell tobacco without first obtaining a licence from the licensing authority authorising him so to do shall commit an offence

and shall be liable to a penalty not exceeding £10 for each offence.

80. The licensing authority may, at his discretion, grant to any person an occasional licence for the sale of tobacco at such place, in such quantities and for such period of time, not exceeding three consecutive days, as may be specified in the licence and there shall be paid a fee of 2s. 6d. a day in respect of such licence.

Occasional  
licence.

81. (1) If any person sells to a person apparently under the age of 16 years any cigarettes or cigarette papers (whether for his own use or not) or tobacco, he shall be liable in the case of a first offence to a fine not exceeding £2, and in the case of a second offence to a fine not exceeding £5, and in the case of a third or subsequent offence to a fine not exceeding £10.

Penalty for  
selling  
tobacco to  
children and  
young per-  
sons.

(2) A constable shall seize any cigarette or cigarette papers in the possession of any person apparently under the age of 16 whom he finds smoking in any street or public place, and any cigarettes or cigarette papers so seized shall be disposed of in such manner as the Chief Constable may direct. Every constable is hereby authorised to search any boy found smoking. Any girl found smoking may be conducted to and searched by the Gaol Matron.

Forfeiture of  
tobacco.

Search.

82. (1) If a court is satisfied that any automatic machine for the sale of cigarettes kept on any premises is being extensively used by children or young persons, the court may order the owner of the machine or the person on whose premises the machine is kept to take such precautions to prevent the machine being so used as may be specified in the order, or, to remove the machine within such time as may be specified in the order: Provided that any person aggrieved by such an order may appeal against it to the Judge in Chambers.

Provision as  
to automatic  
machines for  
the sale of  
tobacco.

(2) If any person against whom any such order has been made fails to comply with the order, he shall be liable on summary conviction to a fine not exceeding £5, and to a further fine not exceeding £1 for each day during which the offence continues.



**Part VI.**

## GENERAL.

Powers of  
Governor in  
Council to  
make regu-  
lations.

**83.** The Governor in Council may from time to time make, alter, annul and revoke regulations for the more effective carrying out of the purposes of this Ordinance, and may impose penalties for the breach of any such regulations.

## CHAPTER 39.

## LIGHTING CONTROL.

AN ORDINANCE TO PROVIDE FOR THE TOTAL OR PARTIAL CESSATION OF LIGHTING IN THE COLONY BY REGULATION OF THE GOVERNOR IN COUNCIL ON OCCASIONS OF EMERGENCY OR PUBLIC DANGER OR BY WAY OF EXPERIMENT OR PRACTICE FOR SUCH OCCASIONS.

5 of 1938.  
10 of 1950.

[4th June, 1938.]

1. This Ordinance may be cited as the Lighting Control Ordinance.

Short title.

2. On any occasion which the Governor in Council may consider to be an occasion of emergency or public danger, and also whenever he may consider it necessary by way of experiment or practice for any such occasion, the Governor in Council may make such regulations as he may consider desirable providing, either by express command or by request for co-operation, for the total or partial cessation of lighting in the Colony.

Power to  
make regu-  
lations.

3. Compliance with any such express command or with any such request for co-operation shall exonerate any person from any liability contractual or otherwise for damage resulting from such compliance, provided that such person has taken all other reasonable measures possible to avoid such damage.

Exoneration  
from liability  
of persons  
complying  
with regu-  
lations.

4. Any person who refuses or fails to comply with any such express command shall be liable on summary conviction to a fine not exceeding £200.

Penalty for  
refusal or  
failure to  
comply with  
mandatory  
regulations.

[Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

## CHAPTER 40.

## LIVE STOCK.

6 of 1901.  
1 of 1907.  
7 of 1918.  
5 of 1922.  
6 of 1942.  
7 of 1944.  
31 of 1949.

## AN ORDINANCE RELATING TO INFECTIOUS AND CONTAGIOUS DISEASES IN SHEEP AND OTHER ANIMALS.

[15th October, 1901.]

Short title

1. This Ordinance may be cited as the Live Stock Ordinance.

2. In this Ordinance—

Interpretation.

“Destroy” shall mean kill and either bury at a depth of not less than two feet under the ground or consume by fire or boil down.

“Sheep” means any ram, ewe, wether or lamb.

“Travelling sheep” means sheep being driven over any road or land not in the occupation of the owner of the sheep.

5 of 1922.

“Infected sheep” means any sheep infected with scab or other infectious or contagious disease or affected with any parasitic disease or which within six months have been exposed to disease as aforesaid.

31 of 1949.

“Stray sheep” means any sheep, not being a travelling sheep, upon land not in occupation of the owner of the sheep.

“Dipping” means immersing in some scab-destroying preparation approved by the Governor in Council, or, with reference to lice in sheep, means immersing in some lice-destroying preparation.

“Dressing” means applying to a sheep a scab-destroying preparation.

“Imported” means brought from any place beyond the limits of the Colony.

31 of 1949.

“Inspector” means an inspector appointed under section 3 of this Ordinance.

"Farmer" means the owner of any sheep, and includes the manager, overseer or person in charge of any sheep.

"Owner" includes a lessee from the Crown and the agent or manager of any absentee owner or lessee, and, with reference to the ownership of sheep, includes the manager, overseer or person in charge of any sheep.

"Notice" means a notice in writing or in print, or partly in writing and partly in print, delivered to the person to be affected thereby or left at or affixed to the usual or last known place of abode of such person.

"Station" means the land, enclosures and buildings (but not a dwelling-house) occupied or used by any farmer.

3. For the purpose of carrying out the provisions of this Ordinance the Governor may appoint duly qualified persons to act as inspectors for such periods, at such salaries and on such terms and conditions as may be thought proper by the Governor in Council. No inspector shall, either directly or indirectly, be an owner of or dealer in sheep or act as the agent of any farmer, under a penalty for any such offence not exceeding £50.

Inspectors to be appointed.

4. An inspector may at any time in the execution of his duty enter any station, and if any farmer will not permit such inspector, upon his demanding and stating his business, so to enter or refuses to collect within any enclosure upon such land any sheep, or if any person impede or hinder such inspector in the discharge of his duty, such farmer or person shall on conviction be liable to a penalty not exceeding £50.

May enter and inspect sheep.

5. An inspector may where necessary employ any person to assist him in carrying out the provisions of this Ordinance or any regulations hereunder, and the owner through whose neglect, omission or other default, or by reason of the infection or removal of or other dealing with whose sheep the expense of such employment shall have been incurred, shall repay the same to the inspector on demand, as well as all other expenses incurred by the inspector in the performance of his duty in regard to any such sheep.

May employ labour.

6. An inspector may call upon any person concerned in the charge, control or management of any sheep to give

May demand information.

information to him as to facts within his knowledge relating to such sheep, and if any person being so called upon shall refuse or neglect to give such information, or shall make any statement knowing the same to be false, he shall be liable to a penalty not exceeding £25.

Must be  
lodged.

7. Any inspector in the discharge of his duty as such may demand suitable board and lodging of any farmer, and shall pay in respect thereof the sum of four shillings per day and night.

Sheep and  
cattle must  
be marked.

8. (1) All sheep and cattle above the age of six months shall be marked and kept legibly marked by the owner thereof with his registered mark.

31 of 1949.

(2) All ear marks and brands shall be subject to the approval of the Agricultural Officer and when approved shall be registered and a description thereof published in the *Gazette*.

(3) The registered mark for wethers and rams shall be on the off ear and for ewes shall be on the near ear, and no age mark shall be put on the ear which contains the registered mark.

Proof of  
ownership.

9. Proof that the registered mark of any owner is marked on any sheep and cattle, and that it is the only registered mark thereon, shall be *prima facie* evidence of the ownership of such sheep and cattle.

Offences.

10. Every person who shall:

Wrongful  
marking.

(1) wilfully or negligently mark or permit any sheep and cattle of which he is not the owner to be marked with his registered mark;

Defacing  
marks.

(2) wilfully deface, destroy, crop or alter any ear or other mark on sheep and cattle of which he is not the owner or permit or be privy thereto;

Mutilating.

(3) cut off the tip or more than one-fourth of the ear of any sheep;

Using  
another's  
mark.

(4) use on any sheep and cattle the registered mark of any other person without his authority

shall commit an offence and for every such offence be liable to a fine not exceeding £100.

11. (1) Between the 1st day of March and the 30th day of June in every year, every owner shall dip or cause to be dipped with an insecticidal dip approved by an inspector all sheep running on land whereof he is the occupier: Annual dipping compulsory. 6 of 1942.

Provided that for purposes previously approved in writing by the inspector, the inspector may advance or extend the period during which sheep must be dipped but so that all sheep, excepting those used for experimental dipping, must be dipped before the 31st October, or before they are mixed with another flock that has been dipped since the 1st of March, whichever is the earlier:

Provided also that the Agricultural Officer may exempt the owner on any island from dipping in any one year if the sheep examined by him on that island are found to be absolutely free of tick, lice and scab in that year. 31 of 1949.

(2) Any person who contravenes the provisions of this section shall be liable to a fine not exceeding two shillings for every sheep.

12. (1) If any inspector is satisfied that any sheep are affected with lice, he may give the owner thereof notice requiring him to dip such sheep to the satisfaction of the said inspector or any other inspector, within a period to be specified in such notice. Notice to dip sheep affected with lice.

(2) Every such owner who refuses, neglects or fails to comply with such notice shall be liable, on conviction, to a penalty not exceeding £50: Penalty for neglect to dip after notice.

Provided that if, in the opinion of any inspector, the said sheep are fit for slaughter, either for consumption as the food of man or for boiling down, and will be slaughtered before the expiration of the period in the said notice within which the said owner was required to dip such sheep, no penalty shall be incurred under this section.

(3) If after the expiration of one month from the date of a conviction under this section the sheep in respect of which such conviction has been obtained shall not have been dipped to the satisfaction of an inspector, the owner of such sheep shall, upon conviction, be liable to a further penalty of £50, and so on for every succeeding period of one week:

Provided that if, in the opinion of any inspector, the said sheep are fit for slaughter, either for consumption as the food of man or for boiling down, and will be slaughtered within

the period of one month from the date of a conviction under this section, no further penalty shall be incurred under this subsection.

Ewes not to be dipped during lambing time.

**13.** Notwithstanding anything contained in this Ordinance or any notice given thereunder, it shall not be necessary to dip any ewe affected with lice during such time previous to or after lambing as an inspector may appoint; and for such purpose any inspector may, in respect of ewes, extend any notice to dip for such time as he shall think fit.

Penalty for driving sheep affected with lice.

**14.** Every person who by himself, his agent, or servant, drives, without the permission of an inspector, or depastures or suffers to stray, any sheep from a station declared by such inspector to be affected with lice, shall be liable on conviction for every day during which such sheep shall be so driven, depastured or suffered to stray, to a penalty not exceeding £5 and not less than £1.

Penalty on owner of sheep affected with lice found in any pound, etc.

**15.** (1) If any sheep affected with lice shall be found in any pound or in any yard, or on any land or other place at which sheep are offered for sale, the owner of such sheep shall be liable to a penalty not exceeding £10.

(2) Any inspector may order the withdrawal from sale of any sheep affected with lice until such sheep have been dipped to the satisfaction of the said inspector or any other inspector, and every owner of such sheep who refuses, neglects or fails to comply with such order shall be liable to a further penalty not exceeding £20.

Farmers must notify infection.

**16.** Whenever a farmer shall become aware or have reasonable grounds to suspect that any of his sheep have become infected, he shall, within forty-eight hours thereafter, give notice thereof in writing to the owners of adjoining stations, and shall, within one week thereafter, give notice thereof in writing to an inspector. He shall also, within twenty-one days thereafter or on such date as is laid down in any rules or as may be ordered by an inspector, dip all such sheep and, within fourteen days of the completion of the first dipping, dip all such sheep a second time.

Order to clean sheep.

**17.** If an inspector is satisfied that any sheep are infected, he shall give the owner of such sheep an order in writing to

clean such sheep within twelve months from the date of such order, and if at any time during such period such owner shall not, in the opinion of an inspector, have made or be making reasonable exertions to clean such sheep, or if at the expiration of the twelve months such sheep shall, in the opinion of an inspector, still be infected sheep, the owner thereof shall upon conviction be liable to a penalty not less than  $\frac{1}{2}$ d. and not more than 2d. for every such sheep.

18. If after the expiration of nine months from the date of a conviction under the preceding section such sheep shall, in the opinion of an inspector, still be infected sheep, the owner of such sheep shall upon conviction be liable to a further penalty of 2d. for every such infected sheep, and so on for every succeeding period of nine months: Neglect to clean sheep.

Provided that a magistrate or two justices may, upon the application of an inspector, order the destruction of any sheep which have been infected for more than twenty-one months, and such inspector shall cause such sheep to be destroyed and the remains disposed of for the benefit of the owner as such inspector may direct. 31 of 1949.

19. An inspector, on being satisfied that any station or any part of a station is infected, shall on ascertaining the extent to which the infection has spread, define the boundaries of and place the infected land in quarantine, by giving notice to the proprietor or person in charge of such station in Form 1 of the Schedule hereto, and by notification in the *Gazette*, signed by such inspector, of the establishment of such quarantine, and all sheep within or which may be brought within such boundaries during the existence of such quarantine shall be included and kept therein until released by order of an inspector, and such quarantine shall continue in force until an inspector shall issue a certificate as in Form 2 in the Schedule hereto. Inspector may quarantine.

20. No person shall remove into or take out of quarantine any sheep without the permission in writing of an inspector, and all sheep unlawfully taken in or out of quarantine may be seized by any person and shall be dealt with as an inspector shall direct. Breach of quarantine.



Dip and appliances to be always ready

21. Every farmer shall always have in readiness on every station all the materials and appliances necessary to dip and dress all the sheep on such station at least once to the satisfaction of an inspector.

Order to dip suspected sheep.

22. An inspector may at any time order that any sheep he may suspect to be infected be dipped and dressed, and require any owner to disinfect any premises, yard or articles used by any infected sheep.

Clean certificate.

23. No clean certificate as in Form 2 in the Schedule hereto shall be granted by an inspector under section 19 hereof until a declaration has been made by the farmer in Form 3 of the Schedule hereto.

Travelling sheep.

24. No person shall drive any sheep upon or across any station without

7 of 1944.

- (a) the drover having in his possession a way-bill stating the number, description and markings of the sheep, and signed by the owner or vendor of the sheep;
- (b) giving notice to the manager of such station in writing not less than twenty-four hours and not more than three days before such driving, of the intention so to do;
- (c) giving notice of the places whence and whither such sheep are being driven, and the point at which the person driving such sheep will enter such station:

Provided that the farmer may give a permit in writing waiving, either absolutely or upon such terms as are stated in the permit, his claim to receive from any other person any notice required to be given by this section:

Provided also that any farmer or inspector may examine and count such travelling sheep and check them with the way-bill which must be produced on request.

Farmers may detain infected and suspected sheep.

25. Any farmer may seize and detain any infected sheep, and may detain and examine any travelling sheep approaching or being upon any part of his station, upon reasonable suspicion of their being infected, and, upon his giving the owner of such sheep written notice to that effect, he may detain them until their owner shall call in the inspector to examine such sheep and determine whether or not they are

infected: and if the owner shall prevent such sheep from being detained or examined as aforesaid, or impede or hinder the proprietor or person in charge in detaining or examining them, or shall not forthwith after their detention give the inspector written notice thereof, then such owner shall for every such offence incur a penalty not exceeding £100.

26. Any person so detaining any travelling sheep shall until the arrival of an inspector keep such sheep on his own station or make such arrangements as shall prevent the further spread of disease, and if such sheep shall be declared infected all necessary expenses incurred by such person in the detention and keep of such sheep shall be repaid to him by their owner, but if it shall be found that the sheep so detained were not infected and that there was no reasonable ground for suspecting them to be infected, the person detaining them shall pay the owner of such sheep the loss and expense occasioned by such detention.

Action on  
detention.

27. If with intent to cause it to appear that any sheep are not infected within the meaning of this Ordinance, or to conceal the ownership of any sheep, any person shall separate any of the sheep of a flock from any others of the same flock, or conceal or destroy any sheep or remove any mark from any sheep, he shall be liable for every offence to a penalty not exceeding £100.

Concealing  
cases of in-  
fection.

28. Any person who shall cast any infected sheep into any stream or running water, or leave the carcasses of any such sheep in any stream or running water, shall be liable to a penalty not exceeding £100.

Leaving in-  
fected sheep  
in stream.

29. No person shall abandon any infected sheep or leave the dead carcasses of any infected sheep unburied or undestroyed by fire when it is possible to bury or so destroy the same. In cases where it is impossible to bury or destroy by fire such carcasses; he shall at once remove the skins thereof and take them away, well and securely packed in a bag.

Abandoning  
infected  
sheep or  
leaving  
carcase un-  
destroyed.

30. If it shall appear to an inspector, upon his own view, that any infected sheep may, because of their vicinity to the flocks of sheep on an adjacent station, cause damage to the owner of those flocks, such inspector may order the owner

Removing  
and herding  
infected  
sheep.

of such infected sheep to cause them to be removed to such other place on the station as may be approved by the inspector, or to cause such sheep to be constantly herded by day and kept at night within a proper enclosure.

Infected  
sheep not to  
be used for  
food.

31. No person shall slaughter for sale or expose for sale or export the carcase of any sheep suffering from scab or other infectious or contagious disease.

Expenses  
attending  
destruction  
of sheep.

32. All expenses attending the destruction of any sheep destroyed under this Ordinance shall be payable by their owner, and no person shall recover any compensation whatever for any sheep destroyed under the authority of this Ordinance.

Infesting  
sheep a mis-  
demeanour.

33. Any person who wilfully communicates or attempts to communicate to any sheep scab or any other infectious or contagious disease shall be deemed guilty of a misdemeanour, and shall be liable to imprisonment with hard labour for any term not exceeding three years.

Farmers to  
notify  
neighbours  
when  
gathering.

34. Every farmer who shall gather any flock for the purpose of shearing, dipping, dressing, cutting, tailing or ear-marking, or removal from the station or for any other purpose, shall, forty-eight hours at least before gathering the same, give notice in writing to the occupiers of all the adjoining stations of his intention so to do.

Certificate,  
etc., of ins-  
pector to be  
evidence.

35. Any statement, certificate, notice or order of an inspector shall, in every case for the purpose of this Ordinance, be *prima facie* evidence of the truth of the matter contained therein, and shall be considered conclusive unless the contrary be proved.

False declar-  
ation a mis-  
demeanour.

36. Every person who shall make or sign any declaration, report or certificate respecting any sheep, knowing the same to be false, or shall forge or alter any declaration, return, report, notice, certificate or permit, or utter the same knowing it to be forged or altered, shall be guilty of a misdemeanour, and shall be liable to imprisonment for any term not exceeding three years, with or without hard labour.

Penalties for  
neglect.

37. Where no specific penalty is provided in this Ordinance every person who shall wilfully neglect or omit to give any

notice or make any return required under this Ordinance shall be liable on conviction to a penalty not exceeding £5 for every day's default.

38. Any person who shall commit a breach of any of the provisions of this Ordinance, or of any proclamation or rule made hereunder to which a penalty is not attached, shall be liable on conviction to a penalty not exceeding £100.

Penalties for breach.

39. All penalties and expenses under this Ordinance may be recovered in a summary way before a magistrate or two justices on the complaint of an inspector, and shall be paid into the Colonial Treasury.

Recovery of penalties.

40. Every farmer shall, on or before the 30th day of June in each year, make and transmit to the Agricultural Officer a return in Form 4 of the Schedule hereto.

Annual return.  
5 of 1922.

41. The forms set out in the Schedule to this Ordinance, or such other forms as the Governor may approve, shall be used in all cases to which such forms are applicable.

Forms.

42. The Governor in Council may by proclamation prohibit the importation or introduction into the Colony or into any particular port thereof of any sheep, cattle, horses or other animals, or of any hay, straw, fodder or other article, either generally or from any places that may be named in such proclamation, for such periods as he may deem necessary for the purpose of preventing the introduction of any infectious or contagious disorder among the sheep, cattle, horses or other animals in the Colony.

Governor may prohibit importation.

43. The Governor in Council may make such regulations for subjecting any sheep, cattle, horses or other animals to quarantine, or for causing the same to be destroyed upon their arrival in the Colony, or for destroying any hay, fodder or other article, whereby it appears to him that infection or contagion may be conveyed, and generally to make such regulations with respect to the importation of sheep, cattle, horses or other animals as he may consider necessary to prevent the introduction of any contagious or infectious disorder.

Regulations.

Rules.

**44.** The Governor in Council may make rules

For determining the powers and duties of inspectors;

For establishing proper places for dipping and prescribing the mode and times of dipping, the medicaments and appliances to be used, and the precautions and measures to be adopted by the owner of infected sheep;

For establishing proper paddocks in which sheep may be kept after being gathered for inspection;

For the inspection and landing of sheep, relating to quarantine, the marking of sheep, the seizure, destruction or disposal of stray sheep, and generally with reference to any matter in connection with this Ordinance, and the Governor may, subject to such rules, if any, and to the provisions of this Ordinance, impose such restrictions and conditions and issue such orders with reference to imported sheep, quarantine, paddocks, infected places or sheep therein as he may deem expedient.

#### SCHEDULE.

FORM 1. (*Section 19.*)

##### Scab Notice.

Notice is hereby given that the sheep on \_\_\_\_\_ belonging  
to \_\_\_\_\_ are infected sheep within the meaning of  
the Live Stock Ordinance, and that the \* \_\_\_\_\_ is  
in quarantine.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

*Inspector.*

\* Here insert exact locality.

FORM 2. (*Section 19.*)

##### Clean Certificate.

I certify that the sheep on \_\_\_\_\_ Station belonging  
to \_\_\_\_\_, an order to clean which sheep was issued  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_, are at the date hereof  
not infected sheep, and that the \* \_\_\_\_\_ is released  
from quarantine.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

*Inspector.*

\* Here insert exact locality.

## FORM 3. (Section 23.)

**Declaration.**

I solemnly declare that (\*I have made to the best of my belief a complete gathering of all sheep on station and that) my sheep marked being in number now being at have not within three months undergone any dipping or dressing, nor have they within six months been mixed with any infected sheep nor depastured on any land in quarantine nor placed in any yard or enclosure in which there were any infected sheep, and I make this solemn declaration, conscientiously believing the same to be true.

*Owner.*

Declared before me at this day of  
 , 19 .

*Inspector.*

\* May be omitted when not required by the Inspector.

## FORM 4. (Section 40.)

**Annual Return for the year ending 31st May, 19...**

31 of 1949.

Station ..... Owner .....

Brand for Horses and Cattle ..... Ear-mark for Sheep .....

**Sheep.**

Number of sheep on 31st May.

Rams.	Breeding Ewes.	Other Ewes.		Wethers.	Lambs.	Total.
		Cast	Maiden			

	Ram.	Ewe.	Wether.	Total.
Number of Lambs marked	_____	_____	_____	_____
Number of Lambs dipped	_____	_____	_____	_____

Sheep disposed of in year				Stock acquired in year			
				Type of Stock.	Country of origin or Station where bought.	Sex.	Total.
Sold locally for Breeding	..	..	..				
" " Mutton	..	..	..				
" " Boiling down	..	..	..				
" " Other reasons	..	..	..				
Exported	..	..	..				
Killed on Station for skins only	..	..	..				
Boiled down on Station	..	..	..				
Killed for Mutton	..	..	..				
Total	..	..	..				

Number of Sheep shorn between 1st June, 19..... and 31st May, 19.....

Total Wool Shorn.....net lbs. Average Wool clipped per sheep.....net lbs.

## Labour on 31st May.

Shepherds.	Navvies.	Other Hands.	Total.

## Total population on 31st May.

Male.	Female.	Total.

Annual Rainfall in inches where records are kept on Station.....inches.

Number of Houses on Station including Cookhouse..... Number vacant.....

## Horses.

Stallions.	Brood Mares.	All other horses.	All under 3 years old.	Total.

## Cattle.

Bulls.	Cows.	All under 2 years old	Other oxen.	Total.

## Swine.

Boars.	Breeding Sows & Gilt.	All over 6 months.	All under 6 months.	Total.

## Poultry.

Hens.	Cocks.	Pullets.	Total.

Geese.....

Turkeys.....

*Note.*—All private horses and privately owned cows and pigs on the Station to be included in these returns.

Ploughed Land .....Acres.

Area sown Oats .....Acres.

Other ground Mown .....Acres.

I solemnly and sincerely declare that the foregoing is to the best of my knowledge and belief a correct and accurate statement.

Signature of Manager.

*Note.*—This return must be made to the Agricultural Officer on or before 30th June in each year.

## CHAPTER 41.

### LOTTERIES.

AN ORDINANCE TO PROVIDE FOR CONTROL OF LOTTERIES. 8 of 1948.

[21st October, 1948.]

1. This Ordinance may be cited as the Lotteries Ordinance. Short title.

2. In this Ordinance unless the context otherwise requires: Definitions.

“Lottery” means a distribution of prizes by lot or chance and shall include betting by totalisator.

“Promoter” means any person or number of persons associated together for the purpose of operating a lottery.

“Money” includes a cheque, bank note, postal order or money order.

“Ticket” means any document evidencing the claim of a person to participate in the chances of a lottery.

“Totalisator” means the contrivance for betting known as the totalisator or pari-mutuel, or any other machine or instrument of betting of a like nature, whether mechanically operated or not.

3. No lottery shall be operated in the Colony except as hereinafter provided. Lotteries to conform with requirements of Ordinance.

4. Any person who proposes to operate a lottery shall before taking any steps in respect thereof apply in writing to the Treasurer for a licence so to do and shall in such application state Application for licence to operate a lottery.

(a) the full names and addresses of all promoters;

(b) the number and cash value of all prizes it is proposed to award;

(c) the number of tickets to be issued;



- (d) the name of the printer who will print the tickets;
- (e) the purchase price of each ticket;
- (f) the date, time and place of the intended draw for the prize or prizes.

Issue and  
revocation of  
licence.

5. The Treasurer may issue a licence for the purpose of this Ordinance subject to such conditions as may be imposed and at any time may revoke any licence for any reason he may consider just and sufficient.

Payment of  
10 per cent.  
of net  
amount of  
moneys  
collected.

6. (1) It shall be a condition of the grant of a licence that the promoters shall on the day preceding the draw produce to the Treasurer a true balance sheet showing all moneys received and paid for printing and stationery (no other deductions shall be permissible) in connection with the lottery and such evidence as he may require in verification thereof and shall thereupon pay the Treasurer 10 per centum of the net amount of the moneys available for distribution.

(2) No draw for the lottery shall take place until the requirements of subsection (1) of this section have been complied with.

(3) The amount so paid to the Treasurer shall be paid into the General Revenue of the Colony.

(4) The provisions of this section shall not apply to a lottery operated in aid of any charitable purpose approved by the Governor.

(5) The Governor may reduce the percentage provided for in subsection (1) of this section in such cases as he may think fit.

Publication  
of results of  
lotteries.

7. The result of the draw of every lottery shall be published on the day following the draw by broadcast and by exhibiting a list of all prize-winners on the public notice board in Stanley.

Offences.

8. Any person who shall

- (a) operate or attempt to operate a lottery without obtaining a licence as herein provided; or
- (b) fail to comply with or observe any condition of a licence granted to operate a lottery; or
- (c) fail to comply with the requirements of sections 6 and 7 hereof; or

- (d) sell any ticket to any person apparently under the age of 17 years, whether acting on his own behalf or on behalf of another person; or
- (e) buy or accept the transfer of a ticket in a lottery which has not been licensed under this Ordinance

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £50 for each offence and in the case of a second or subsequent conviction for an offence under the same section to a fine not exceeding £100 or imprisonment for a term not exceeding three months or to both such fine and imprisonment:

Provided that it shall be a defence for a person charged only by reason of his being a promoter of the lottery or being a director or officer of a body corporate operating the lottery to prove that the offence was committed without his knowledge.

9. Any justice of the peace, if satisfied by information on oath that there is reasonable ground to suspect that any premises are being used for the purpose of the commission of an offence against this Ordinance, may grant a warrant under his hand authorising any constable at any time or times within one month from the date thereof to enter, if necessary by force, the said premises and every part thereof and to search for and seize and remove any documents, money or valuable thing found therein which he has reasonable ground to suppose are on those premises for any purpose constituting an infringement of this Ordinance.

Power to  
issue Search  
Warrant.

10. The common law of England so far as it is applicable to the Colony by virtue of section 14 of the Interpretation and General Law Ordinance or any amendment thereof shall not apply to any lottery licensed under this Ordinance.

Common law  
of England  
not to apply.  
Chapter 33.

11. The Governor in Council may make regulations for carrying out the purposes of this Ordinance.

## CHAPTER 42.

MAINTENANCE ORDERS (FACILITIES FOR  
ENFORCEMENT).

1 of 1921. AN ORDINANCE TO FACILITATE THE ENFORCEMENT IN THE  
2 of 1922. COLONY OF MAINTENANCE ORDERS MADE BY COURTS  
6 of 1925. IN ENGLAND AND NORTHERN IRELAND AND VICE VERSA.  
9 of 1929.

[27th September, 1921.]

Short title. 1. This Ordinance may be cited as the Maintenance Orders (Facilities for Enforcement) Ordinance.

Definitions. 2. In this Ordinance unless the context otherwise requires:  
2 of 1922. "Maintenance order" means an order, other than an order of affiliation, for the periodical payment of sums of money towards the maintenance of the wife or other dependents of the person against whom the order is made.

"Dependents" means such persons as that person is liable to maintain according to the law in force in that part of His Majesty's dominions in which the maintenance order was made.

"Certified copy" in relation to an order of a court means a copy of the order certified by the proper officer of the court to be a true copy.

"Prescribed" means prescribed by rules of court.

Enforcement in the Colony of maintenance orders made in England and Northern Ireland. 3. (1) Where a maintenance order has, whether before or after the passing of this Ordinance, been made against any person by any court in England or Northern Ireland, and a certified copy of the order has been transmitted by the Secretary of State to the Governor, the Governor shall send a copy of the order to the prescribed officer of a court in the Colony for registration; and on receipt thereof the order shall be registered in the prescribed manner, and shall, from the date of such registration, be of the same force and effect, and, subject to the provisions of this Ordinance, all proceedings may be taken on such order, as if it had been an order

[Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

originally obtained in the court in which it is so registered, and that court shall have power to enforce the order accordingly.

(2) The court in which an order is to be so registered as aforesaid shall, if the court by which the order was made was a court of superior jurisdiction, be the Supreme Court, and, if the court was not a court of superior jurisdiction, be a court of summary jurisdiction.

4. Where a court in the Colony has, whether before or after the passing of this Ordinance, made a maintenance order against any person, and it is proved to that court that the person against whom the order was made is resident in England or Northern Ireland, the court shall send to the Governor for transmission to the Secretary of State a certified copy of the order.

Transmission of maintenance orders made in the Colony.

5. (1) Where an application is made to a court of summary jurisdiction in the Colony for a maintenance order against any person, and it is proved that that person is resident in England or Northern Ireland, the court may, in the absence of that person, if after hearing the evidence it is satisfied of the justice of the application, make any such order as it might have made if a summons had been duly served on that person and he had failed to appear at the hearing, but in such case the order shall be provisional only, and shall have no effect unless and until confirmed by a competent court in England or Northern Ireland.

Power to make provisional orders of maintenance against persons resident in England or Northern Ireland.

(2) The evidence of any witness who is examined on any such application shall be put into writing, and such deposition shall be read over to and signed by him.

(3) Where such an order is made, the court shall send to the Governor for transmission to the Secretary of State, the depositions so taken and a certified copy of the order, together with a statement of the grounds on which the making of the order might have been opposed if the person against whom the order is made had been duly served with a summons and had appeared at the hearing, and such information as the court possesses for facilitating the identification of that person, and ascertaining his whereabouts.

(4) Where any such provisional order has come before a court in England or Northern Ireland for confirmation, and the order has by that court been remitted to the court of

summary jurisdiction which made the order for the purpose of taking further evidence, that court or any other court of summary jurisdiction sitting and acting for the same place shall, after giving the prescribed notice, proceed to take the evidence in like manner and subject to the like conditions as the evidence in support of the original application.

If upon the hearing of such evidence it appears to the court that the order ought not to have been made, the court may rescind the order, but in any other case the depositions shall be sent to the Secretary of State and dealt with in like manner as the original depositions.

(5) The confirmation of an order made under this section shall not affect any power of a court of summary jurisdiction to vary or rescind that order: Provided that on the making of a varying or rescinding order the court shall send a certified copy thereof to the Governor for transmission to the Secretary of State, and that in the case of an order varying the original order the order shall not have any effect unless and until confirmed in like manner as the original order.

(6) The applicant shall have the same right of appeal, if any, against a refusal to make a provisional order as he would have had against a refusal to make the order had a summons been duly served on the person against whom the order is sought to be made.

Power of court of summary jurisdiction to confirm maintenance order made by courts in England or Northern Ireland.

6. (1) Where a maintenance order has been made by a court in England or Northern Ireland, and the order is provisional only and has no effect unless and until confirmed by a court of summary jurisdiction in the Colony, and a certified copy of the order, together with the depositions of witnesses and a statement of the grounds on which the order might have been opposed has been transmitted to the Governor, and it appears to the Governor that the person against whom the order was made is resident in the Colony, the Governor may send the said documents to the prescribed officer of a court of summary jurisdiction, with a requisition that a summons be issued calling upon the person to show cause why that order should not be confirmed, and upon receipt of such documents and requisition the court shall issue such a summons and cause it to be served upon such person.

(2) A summons so issued may be served in the Colony in the same manner as if it had been originally issued or

subsequently endorsed by a court of summary jurisdiction having jurisdiction in the place where the person happens to be.

(3) At the hearing it shall be open to the person on whom the summons was served to raise any defence which he might have raised in the original proceedings had he been a party thereto, but no other defence, and the certificate from the court which made the provisional order stating the grounds on which the making of the order might have been opposed if the person against whom the order was made had been a party to the proceedings shall be conclusive evidence that those grounds are grounds on which objection may be taken.

(4) If at the hearing the person served with the summons does not appear or, on appearing, fails to satisfy the court that the order ought not to be confirmed, the court may confirm the order either without modification or with such modifications as to the court after hearing the evidence may seem just.

(5) If the person against whom the summons was issued appears at the hearing and satisfies the court that for the purpose of any defence it is necessary to remit the case to the court which made the provisional order for the taking of any further evidence, the court may so remit the case and adjourn the proceedings for the purpose.

(6) Where a provisional order has been confirmed under this section, it may be varied or rescinded in like manner as if it had originally been made by the confirming court, and where on an application for rescission or variation the court is satisfied that it is necessary to remit the case to the court which made the order for the purpose of taking any further evidence, the court may so remit the case and adjourn the proceedings for the purpose.

(7) Where an order has been so confirmed, the person bound thereby shall have the same right of appeal, if any, against the confirmation of the order as he would have had against the making of the order had the order been an order made by the court confirming the order.

7. (1) A court of summary jurisdiction in which an order has been registered under this Ordinance or by which an

Mode of enforcing orders.

order has been confirmed under this Ordinance, and the officers of such court, shall take all such steps for enforcing the order as may be prescribed.

(2) Every such order shall be enforceable in like manner as if the order were for the payment of a civil debt recoverable summarily:

Provided that if the order is of such a nature that if made by the court in which it is so registered, or by which it is so confirmed, it would be enforceable in like manner as an order of affiliation, the order shall be so enforceable.

(3) A warrant of distress or commitment issued by a court of summary jurisdiction for the purpose of enforcing any order so registered or confirmed may be executed in any part of the Colony in the same manner as if the warrant had been originally issued or subsequently endorsed by a court of summary jurisdiction having jurisdiction in the place where the warrant is executed.

Application  
of Admin-  
istration of  
Justice Ord-  
inance.

Chapter 3.

8. The Administration of Justice Ordinance shall apply to proceedings before courts of summary jurisdiction under this Ordinance in like manner as it applies to proceedings under that Ordinance, and the power to make rules under section 68 of the Administration of Justice Ordinance shall include power to make rules regulating the procedure of courts of summary jurisdiction under this Ordinance.

Proof of  
documents  
signed by  
officers of  
court.

9. Any document purporting to be signed by a judge or officer of a court in England or Northern Ireland shall, until the contrary is proved, be deemed to have been so signed without proof of the signature or judicial or official character of the person appearing to have signed it, and the officer of a court by whom a document is signed shall until the contrary is proved, be deemed to have been the proper officer of the court to sign the document.

Depositions  
to be evi-  
dence.

10. Depositions taken in a court in England or Northern Ireland for the purpose of this Ordinance may be received in evidence in proceedings before courts of summary jurisdiction under this Ordinance.

11. The Governor may make regulations as to the manner in which a case can be remitted by a court authorised to confirm a provisional order to the court which made the provisional order, and generally for facilitating communications between such courts.

Power of Governor to make regulations for facilitating communications between courts. 2 of 1922.

12. Where the Governor is satisfied that reciprocal provisions have been made by the Legislature of any British possession or any territory under His Majesty's protection for the enforcement within such possession or territory of maintenance orders made by courts in the Falkland Islands, the Governor may by Proclamation extend this Ordinance to such possession or territory, and this Ordinance shall thereupon apply in respect of such possession or territory as though the references to England or Northern Ireland were references to such possession or territory and the references to the Secretary of State for the Colonies were references to the Governor of such possession or territory.

Extension to other parts of the British Empire. 9 of 1929.



## CHAPTER 43.

## MARRIAGE.

16 of 1949.  
10 of 1950.

AN ORDINANCE TO AMEND AND CONSOLIDATE THE LAW AS  
TO MARRIAGE.

[31st December, 1949.]

Short title.

1. This Ordinance may be cited as the Marriage Ordinance.

Interpreta-  
tion.

2. In this Ordinance unless the context otherwise requires:

“Registrar-General” means the person holding that office under the Registration Ordinance.

Chapter 56.

“Minor” or “Infant” means a person under the age of 21 years who is not a widow or widower.

“Minister” means a Minister registered to celebrate marriages under this Ordinance.

“Court” means:

(a) the Judge in chambers;

(b) a court of summary jurisdiction otherwise than in open court.

Valid  
marriages.

3. Every marriage

(1) which by the law of England would be valid;

(2) celebrated in the Colony in accordance with the law prior to the passing of this Ordinance;

(3) celebrated by a minister or registrar in conformity with the provisions of this Ordinance,

shall be good and valid to all intents and purposes:

Provided that nothing herein contained shall render valid any marriage between parties who at the time of marriage would, by the law of England, be incapable of intermarrying.

Appoint-  
ment of  
Registrars.

4. The Governor may appoint registrars for the purposes of this Ordinance.

[Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

5. Every minister of religion ordinarily officiating as such in the Colony shall be deemed to be a minister registered for celebrating marriages and any minister of religion, or the head of any religious denomination in the Colony may apply to the Colonial Secretary to be registered as a minister for celebrating marriages. The Governor may grant a certificate of registration under the Public Seal to any person so applying:

Registered ministers.

Provided that the Governor may refuse any such application and may remove the name of any person from the register.

6. (1) Christ Church Cathedral, the Roman Catholic Church and the Nonconformist Tabernacle shall be deemed to be places registered for celebrating marriages.

Places registered for celebration of marriages.

(2) The Governor may grant a certificate of registration under the Public Seal in respect of any other building commonly used for religious purposes.

7. (1) A minister may at any time within three months after a declaration made under section 8 and after the banns have been published on three consecutive Sundays, or the Registrar-General has issued his licence as in Form 2 in the First Schedule hereto, or the Governor has issued a special licence, solemnise a marriage between the parties named in such declaration and in accordance with the provisions of this Ordinance:

When and where a marriage may be solemnised.

By minister.

Provided that—

- (a) a marriage by banns shall be solemnised in a place registered for celebrating marriages;
- (b) a marriage by licence other than the Governor's special licence shall be solemnised in a place registered for celebrating marriages, or in the house of a justice.

(2) A registrar may, at any time within three months from the date of the issue of the licence by the Registrar-General, solemnise a marriage in his office between the parties named in such licence.

By Registrar.

8. One of the parties to the intended marriage shall make and sign before a registrar or a justice a solemn declaration as in Form 1 in the First Schedule hereto, before any licence is granted.

Declaration of intended marriage.

Notice of  
marriage to  
be publicly  
posted.

9. The Registrar-General shall, upon receiving or taking any such declaration, post the same in his office for twenty-one days, and such declaration shall constitute a notice of an intended marriage, and shall be open, without fee, during office hours, for inspection by any person.

Marriage  
licence.

10. The Registrar-General may, not less than twenty-one days nor more than three months after the said posting of the notice of marriage, issue a marriage licence in the Form 2 in the First Schedule hereto and he shall upon issue of such licence file a notice of marriage in his office.

Consents  
required to  
marriage of  
minors.

11. The Registrar-General shall not enter any notice of marriage when either party is a minor without the consent of the person or persons mentioned in the Second Schedule hereto:

Provided that—

(1) if the Registrar-General or a minister is satisfied that the consent of any person whose consent is so required cannot be obtained by reason of absence or inaccessibility, or by reason of his being under any disability, he may dispense with the necessity for the consent of that person if there is any other person whose consent is so required, or a Court may on application being made consent to the marriage, and the consent of the Court so given shall have the same effect as if it had been given by the person whose consent cannot be so obtained.

(2) If any person whose consent is required refuses his consent a Court may on application being made consent to the marriage and the consent of the Court so given shall have the same effect as if it had been given by the person whose consent is so refused.

Conditions  
as to  
marriage.

12. No person shall, except as provided in section 13, solemnise any marriage

- (1) until a marriage licence has been issued or the banns published as provided in section 7 hereof;
- (2) after the expiration of three months from the date of the marriage licence or publication of the banns;
- (3) save in a place registered for the celebration of marriages or in the office of the registrar, or in the

house of a justice, or in such place as any special licence shall specify;

- (4) save in the presence of two witnesses who shall sign the certificate of marriage;
- (5) in any building with closed doors or before 9 o'clock in the morning or after 4.30 in the afternoon.

13. (1) A marriage by the Governor's special licence may be celebrated by a minister or a registrar at any time and in any place therein stated. Governor's special licence.

(2) The Governor's special licence may be issued at any time after the declaration prescribed in section 8.

14. Any person whose consent to a marriage by licence is required as hereinbefore provided may forbid the issue of a licence by writing upon the notice of marriage the word "forbidden" and signing his name, and serving upon the Registrar-General a notice in writing signed by or on behalf of such person stating the grounds of objection, and no licence shall in such case be issued without an order of the Court. Forbidding marriages.

15. (1) Any person may enter a caveat with the Registrar-General against the grant of a certificate or licence for the marriage of any person therein named. Any caveat shall be signed by or on behalf of the person entering the same and shall state the ground of objection. No licence or certificate shall be issued until the caveat shall be withdrawn by the person who entered the same or it shall be determined by the Judge. Caveats.

(2) Any person who shall enter a caveat on grounds which the Judge shall declare to be frivolous shall be liable for the costs of the proceedings and for damages recoverable by the party against whose marriage the caveat was entered.

16. In every case of solemnisation of marriage each of the parties shall, in some part of the ceremony and in the presence of the officiating minister or registrar and of the witnesses make the following declaration: Form of words at marriage.

"I do solemnly declare that I know not of any lawful impediment why I, A.B., may not be joined in matrimony to C.D."

and say to each other

"I, *A.B.*, do take thee, *C.D.*, to be my wedded wife (or husband)".

Certificates.

17. The person celebrating a marriage, the parties thereto and the two witnesses of such marriage shall sign in triplicate a certificate as in Form 3 in the First Schedule hereto, and one copy of such certificate shall be forthwith transmitted to the Registrar-General in Stanley, one copy shall be given to the husband and one shall be recorded in a book by the person celebrating the marriage.

The certificates shall be numbered consecutively, and all certificates referring to one marriage shall have the same number.

Marriages to be registered.

18. The Registrar-General shall forthwith enter every certificate of marriage in the marriage register book, and certify the accuracy of the entry and file and index the certificate of marriage.

Proof of marriage.

19. A copy of the certificate of any marriage registered by a minister or a registrar under his hand shall be *prima facie* evidence in all proceedings of the fact of such marriage having been duly celebrated.

Wrongful celebration.

20. Any person who shall wilfully and knowingly celebrate any marriage contrary to the provisions of this Ordinance or where the provisions of this Ordinance have not been complied with shall be guilty of a misdemeanour and be liable to a fine not exceeding £500, or to imprisonment not exceeding two years or to both such fine and imprisonment.

False declaration.

21. Any person who for the purpose of procuring a marriage or a certificate or licence for marriage knowingly and wilfully makes a false oath or makes or signs a false declaration notice or certificate required under this Ordinance is guilty of a misdemeanour and is liable on conviction on indictment to penal servitude for a term not exceeding seven years or to imprisonment for a term not exceeding two years or to a fine or to penal servitude or imprisonment and fine or on summary conviction to a fine not exceeding £50.

22. A party to a marriage intended to be solemnised under the Foreign Marriage Acts, 1892 to 1947, who has had his usual place of abode in the Colony or its Dependencies for a period of not less than one week immediately preceding such intended marriage or such other period as may be determined by His Majesty in Council shall give notice thereof to the Registrar-General in Form 1 in the Fourth Schedule hereto.

Marriages under the Foreign Marriage Acts, 1892 to 1947.

Notice.

23. The Registrar-General shall post up a true copy of such notice in some conspicuous place in his office and shall keep the same so posted up during fourteen consecutive days before the marriage.

Posting of notice.

24. The Registrar-General shall unless he is aware of any impediment or objection to the solemnisation of the marriage give a certificate in Form 2 in the Fourth Schedule hereto that such notice has been given and posted up as aforesaid.

Certificate of notice.

25. The fees set out in the Third Schedule hereto shall be paid for the services therein specified.

Fees.

**FIRST SCHEDULE.**  
**Form 1.**  
**Notice of Marriage.**

No.	Christian and Surnames in full.	"Under" or "above" the age of 21.	Condition: Bachelor, Spinster, Widower or Widow	Rank or Profession.	Residence.	Father's Christian and Surnames in full. (If either party be under the age of 21, the father or guardian must write here "I Consent" and sign his name.	Father's Profession.

*I do solemnly and sincerely declare that I believe the foregoing particulars to be true in every respect and that there is no impediment or lawful objection by reason of any kindred, relationship, or alliance or any former marriage or want of consent or any other lawful cause to the marriage of the parties above named.*

Signed and declared to before me by ..... Signature .....  
this ..... day of ..... 19 .. at .....  
Signature ..... Registrar or J.P.

*I certify that the above declaration was duly received by me on the ..... day of ..... 19 ..*

Signature ..... Registrar-General.  
N.B.—If Marriage is to be in Camp or by Special Licence say where.

Form 2.

Marriage Licence.

*I hereby certify that the persons named and described below have given notice of their intended marriage and made the declaration required by law and that I know of no lawful objection to the proposed marriage. These are therefore to license any registered minister of religion or any Registrar to marry the said persons according to the provisions of the Marriage Ordinance, on any day before the.....day of.....19.....*

Christian and Surnames in full.	"Under" or "above" the age of 21.	Condition: Bachelor, Spinster, Widower or Widow.	Rank or Profession.	Residence	Father's Christian and Surnames in full.	Father's Profession.

Date.....

..... Registrar-General.



FALKLAND ISLANDS.  
Marriage Certificate.

No. \_\_\_\_\_ in the Registrar-General's Office.

Form. 3.

No.	When married.	Christian and Surnames in full.	"Under" or "above" the age of 21.	Condition. <i>Bachelor, Spinster, Widower or Widow.</i>	Rank or Profession and Country.	Father's Christian and Surnames in full.	Father's Rank or Profession.	Where Married.

*This Marriage was solemnised between us*

..... } *In the presence of us* { ..... *Witness.*  
 ..... } ..... *Witness.*

*Married by me*

*Signature* .....

*Title* .....

Three copies of this Certificate shall be signed by all the parties: One shall be given to the Bridegroom, one sent to the Registrar-General, and one entered in the book kept by the person solemnising the Marriage.

**SECOND SCHEDULE.**

**Consents required to the Marriage of an Infant.**

**1. WHERE THE INFANT IS LEGITIMATE.**

CIRCUMSTANCES.	PERSON OR PERSONS WHOSE CONSENT IS REQUIRED.
1. Where both parents are living	
(a) if parents living together:	Both parents.
(b) if parents are divorced or separated by order of court or by agreement:	The parent to whom the custody of the infant is committed by order of any court or by the agreement, or, if the custody of the infant is so committed to one parent during part of the year and to the other parent during the rest of the year, both parents.
(c) if one parent has been deserted by the other;	The parent who has been deserted.
(d) if both parents deprived of custody of infant by order of court:	The person to whose custody the infant is committed by order of the court.
2. Where one parent is dead:	
(a) if there is no other guardian:	The surviving parent.
(b) if a guardian has been appointed by the deceased parent:	The surviving parent and the guardian if acting jointly, or the surviving parent or the guardian if the parent or the guardian is the sole guardian of the infant.
3. Where both parents are dead:	The guardians or guardian appointed by the deceased parents or by the court.

**2. WHERE THE INFANT IS ILLEGITIMATE.**

CIRCUMSTANCES.	PERSON WHOSE CONSENT IS REQUIRED.
If the mother of the infant is alive:	The mother, or if she has by order of the court been deprived of the custody of the infant, the person to whom the custody of the infant has been committed by order of the court.
If the mother of the infant is dead:	The guardian appointed by the mother.

## THIRD SCHEDULE.

## Table of Fees.

TO WHOM PAYABLE.	FOR WHAT DUTY.	AMOUNT.
The Governor	Special Licence .. .. .	£ s d 3 0 0
The Minister	Marriage by Governor's licence .. ..	2 0 0
The Clerk	The same .. .. .	10 0
The Minister	Marriage after banns or on Registrar-General's licence .. .. .	10 0
The Clerk	The same .. .. .	5 0
The Minister	Publication of banns of marriage .. ..	2 6
.. ..	Who performs a marriage elsewhere than in Stanley for travelling expenses for every mile beyond Stanley .. .. .	3 6
The Treasury	Entry of notice of marriage .. .. .	2 6
.. ..	Registrar-General's licence .. .. .	5 0
.. ..	Entering caveat .. .. .	5 0
.. ..	Marriage by Registrar .. .. .	10 0
.. ..	Notice under Foreign Marriage Act .. ..	1 0
.. ..	Certificate under Foreign Marriage Act ..	2 0
The Minister	Copy certified by Minister of entry in registry kept by Minister .. .. .	2 6

## FOURTH SCHEDULE.

## Form 1.

To the Registrar-General, Falkland Islands.

I hereby give you notice that a marriage is intended to be solemnised within three months from the date hereof between the parties named and described.

Name and Surname.	Condition.	Rank or Profession.	Age.	Residence.	Church or building where marriage to be solemnised.
A.B.					
C.D.					

Witness my hand at  
day of

19

, Falkland Islands this

(Signed) A.B.  
or  
C.D.

## Form 2.

I, \_\_\_\_\_ Registrar-General, Falkland Islands,  
hereby certify that on the \_\_\_\_\_ notice of marriage between  
the parties hereinafter described was given under the hand of  
one of the said parties.

Name and Surname.	Condition.	Rank or Profession.	Age.	Residence.	Church or building where marriage to be solemnised.
A.B.					
C.D.					

Date of notice.

Date of certificate.

The issue of this certificate has not been forbidden by any person authorised to forbid the issue thereof.

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_ 19 .

*Registrar-General.*

*N.B.*—This certificate will be void unless the marriage is solemnised on or before the \_\_\_\_\_ day of \_\_\_\_\_ 19 .

## CHAPTER 44.

## MATRIMONIAL CAUSES.

1 of 1940.  
12 of 1940

AN ORDINANCE TO AMEND THE LAW RELATING TO DIVORCE.

[22nd May, 1940.]

Short title.

1. This Ordinance may be cited as the Matrimonial Causes Ordinance.

Jurisdiction

2. (1) The Supreme Court (hereinafter called "the Court") shall have jurisdiction to make decrees of divorce, of nullity of marriage and of judicial separation in accordance with the provisions of this Ordinance.

(2) Such jurisdiction shall extend—

- (a) in proceedings for divorce and nullity of marriage, to cases in which the parties to the marriage are domiciled in the Colony;
- (b) in proceedings for judicial separation, to cases in which the parties to the marriage are domiciled or resident in the Colony at the time of the institution of the suit.

(3) In the exercise of such jurisdiction the Court shall, subject to the provisions of this Ordinance, act and give relief on principles which in the opinion of the Court are as nearly as may be conformable to the principles on which the High Court of Justice in England acts and gives relief in matrimonial causes.

## DISSOLUTION OF MARRIAGE.

Restriction  
on petitions  
for divorce  
during first  
three years  
after  
marriage.

3. (1) No petition for divorce shall be presented to the Court unless at the date of the presentation of the petition three years have passed since the date of the marriage:

Provided that a judge of the Court may, upon application being made to him in accordance with rules of court, allow a petition to be presented before three years have passed on

[*Note.* This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.), and has applied in the Dependencies since 1st July, 1947.]

the ground that the case is one of exceptional hardship suffered by the petitioner or of exceptional depravity on the part of the respondent, but if it appears to the court at the hearing of the petition, that the petitioner obtained leave to present the petition by any misrepresentation or concealment of the nature of the case, the court may, if it pronounces a decree nisi, do so subject to the condition that no application to make the decree absolute shall be made until after the expiration of three years from the date of the marriage, or may dismiss the petition, without prejudice to any petition which may be brought after the expiration of the said three years upon the same, or substantially the same, facts as those proved in support of the petition so dismissed.

(2) In determining any application under this section for leave to present a petition before the expiration of three years from the date of the marriage, the judge shall have regard to the interests of any children of the marriage and to the question whether there is reasonable probability of a reconciliation between the parties before the expiration of the said three years.

(3) Nothing in this section shall be deemed to prohibit the presentation of a petition based upon matters which have occurred before the expiration of three years from the date of the marriage.

4. A petition for divorce may be presented to the Court either by the husband or wife on the ground that the respondent—

Grounds of  
petition for  
divorce.

- (a) has since the celebration of marriage committed adultery; or
- (b) has deserted the petitioner without cause for a period of at least three years immediately preceding the presentation of the petition; or
- (c) has since the celebration of the marriage treated the petitioner with cruelty; or
- (d) is to the satisfaction of the Court incurably of unsound mind and has been continuously under care and treatment for a period of at least five years immediately preceding the presentation of the petition;

and by the wife on the ground that her husband has since the celebration of the marriage been guilty of rape, sodomy or bestiality.

Definition of  
"care and  
treatment"  
in relation to  
insanity.  
Chapter 46

5. For the purposes of the preceding section a person of unsound mind shall be deemed to be under care and treatment while he is detained in pursuance of any order made under the provisions of the Mental Treatment Ordinance.

Duty of  
Court on  
presentation  
of petition  
for divorce

6. (1) On a petition for divorce it shall be the duty of the Court to inquire, so far as it reasonably can, into the facts alleged and whether there has been any connivance or condonation on the part of the petitioner and whether any collusion exists between the parties and also to inquire into any countercharge which is made against the petitioner.

(2) If the Court is satisfied on the evidence that—

- (i) the case for the petitioner has been proved; and
- (ii) where the ground of the petition is adultery, the petitioner has not in any manner been accessory to, or connived at, or condoned the adultery, or where the ground of the petition is cruelty the petitioner has not in any manner condoned the cruelty; and
- (iii) the petition is not presented or prosecuted in collusion with either the respondent or the co-respondent;

the Court shall pronounce a decree of divorce, but if the Court is not satisfied with respect to any of the aforesaid matters it shall dismiss the petition:

Provided that the Court shall not be bound to pronounce a decree of divorce and may dismiss the petition if it finds that the petitioner has been guilty of unreasonable delay in presenting or prosecuting the petition, or during the marriage been guilty of adultery, or where the ground of the petition is adultery or unsoundness of mind or desertion the petitioner has been guilty of such wilful neglect or misconduct as has conduced to the adultery or unsoundness of mind or desertion.

Husband  
may claim  
damages  
from adult-  
terer.

7. (1) Any husband may, either in a petition for divorce or for judicial separation, or in a petition to the Court limited to such object only, claim damages from any person on the ground of his having committed adultery with the wife of such petitioner.

(2) Such petition shall be served on the alleged adulterer and the wife, unless the Court dispenses with such service or directs some other service to be substituted.

(3) The damages to be recovered on any such petition shall be ascertained by the Court, although the respondents or either of them may not appear.

(4) After the decision has been given the Court may direct in what manner such damages shall be paid or applied.

8. (1) Whenever in any petition presented by a husband the alleged adulterer has been made a co-respondent and the adultery has been established, the Court may order the co-respondent to pay the whole or any part of the costs of the proceedings.

Costs against  
co-respond-  
ent.

(2) The co-respondent shall not be ordered to pay the petitioner's costs

(a) if the respondent was at the time of the adultery living apart from her husband and leading the life of a prostitute; or

(b) if the co-respondent had not at the time of the adultery reason to believe the respondent to be a married woman.

9. In any suit instituted for divorce in which on the petition of a husband the alleged adulterer is made a co-respondent, or in which on the petition of a wife the person with whom the husband is alleged to have committed adultery is made a respondent, the Court may, after the close of the evidence for the petitioner, direct the co-respondent or the respondent, as the case may be, to be dismissed from the proceedings if the Court is of opinion that there is not sufficient evidence against him or her.

Dismissal of  
co-respon-  
dent or  
respondent  
from  
proceedings.

10. In any suit instituted for divorce if the respondent opposes the relief sought on the ground of the adultery, cruelty or desertion without reasonable excuse of the petitioner, the Court may in such suit give the respondent, on his or her application, the same relief to which he or she would have been entitled in case he or she had presented a petition seeking such relief.

Grant of  
relief to res-  
pondent if  
petition  
opposed.



## NULLITY OF MARRIAGE.

Petition for  
nullity of  
marriage

11. Any husband or wife may present a petition to the Court praying that his or her marriage may be declared null and void.

Grounds of  
decree.

12. (1) Such decree may be made on any of the following grounds:

- (a) that the respondent was impotent at the time of the marriage and at the time of the institution of the suit;
- (b) that the parties are within the prohibited degrees of consanguinity or affinity, whether natural or legal;
- (c) that the former husband or wife of either party was living at the time of the marriage and the marriage with such former husband or wife was then in force;
- (d) that the consent of either party to the marriage was obtained by force or fraud in any case in which the marriage might be annulled by the law of England;
- (e) that the marriage has not been consummated owing to the wilful refusal of the respondent to consummate the marriage;
- (f) that either party was of unsound mind at the time of the marriage;
- (g) that the respondent was at the time of the marriage suffering from venereal disease in a communicable form;
- (h) that the respondent was at the time of the marriage pregnant by some person other than the petitioner;
- (j) that the marriage is invalid by the law of the Colony:

Provided that in the cases specified in paragraphs ( f ), ( g ) and ( h ) of this subsection the Court shall not grant a decree, unless it is satisfied—

- (i) that the petitioner was at the time of the marriage ignorant of the facts alleged;
- (ii) that proceedings were instituted within a year from the date of the marriage;
- (iii) that marital intercourse with the consent of the petitioner has not taken place since the discovery by the petitioner of the grounds for a decree;

(2) Any child born of a marriage avoided pursuant to sections (d), (f) or (g) of the last foregoing subsection shall be a legitimate child of the parties thereto notwithstanding that the marriage is so avoided and any child born of a marriage avoided pursuant to section (c) shall be a legitimate child of the parties where it is adjudged that the subsequent marriage was contracted in good faith and with the full belief of the parties that the former husband or wife was dead, notwithstanding that the marriage is so avoided.

#### DECREE ABSOLUTE.

13. (1) A decree of divorce or nullity of marriage may be made absolute after the expiration of such time, not less than three months from the pronouncing thereof, as is prescribed or as is fixed by the Court in any suit.

When decree  
is to be made  
absolute.

(2) During that period any person may in such manner as is prescribed or as is directed by the Court in any suit, show cause why the decree should not be made absolute by reason of the same having been obtained by collusion or by reason of material facts not being brought before the Court.

(3) On cause being so shown the Court shall make the decree absolute, or reverse the decree nisi, or require further inquiry, or otherwise deal with the case as justice demands.

(4) The Court may order the costs arising from such cause being shown to be paid by such parties, or such one or more of them including a wife if she has separate property, as it thinks fit.

(5) When a decree nisi has been made and the petitioner fails to move within a reasonable time to have such decree made absolute, the Court may dismiss the suit.

#### PRESUMPTION OF DEATH.

14. (1) Any married person who alleges that reasonable grounds exist for supposing that the other party to the marriage is dead may present a petition to the Court to have it presumed that the other party is dead and to have the marriage dissolved, and the Court, if satisfied that such reasonable grounds exist, may make a decree of presumption of death and of divorce.

Proceedings  
for decree of  
presumption  
of death and  
divorce.

(2) In any such proceedings the fact that for a period of seven years or upwards the other party to the marriage has been continually absent from the petitioner, and the petitioner has no reason to believe that the other party has been living within that time, shall be evidence that he or she is dead unless the contrary be proved.

### JUDICIAL SEPARATION.

Grounds for  
judicial sep-  
aration.

15. The Court may make a decree of judicial separation on the petition of either the husband or the wife on any ground upon which it may make a decree of divorce.

Property of  
wife after  
judicial  
separation.

16. (1) The property of a wife who at the time of her death is judicially separated from her husband shall in case she dies intestate devolve as if her husband had been then dead.

(2) Where, upon any such judicial separation, alimony has been decreed or ordered to be paid to the wife and the same is not duly paid by the husband he shall be liable for necessities supplied for her use.

(3) Nothing in this section shall prevent the wife from joining, at any time during such separation, in the exercise of any joint power held by herself and her husband.

Power to re-  
verse a  
decree.

17. The Court shall have power on due cause being shown to reverse a decree of judicial separation.

### ALIMONY.

Alimony  
*pendente lite*.

18. (1) In any suit under this Ordinance the wife may present a petition for alimony pending the suit.

(2) Such petition shall be served on the husband and the Court may make such order on the husband for payment to the wife of alimony as it deems just.

Permanent  
alimony.

19. The Court may, if it shall see fit, on any decree absolute for divorce or for nullity of marriage or on any decree of judicial separation obtained by the wife order that the husband shall secure to the wife such gross sum of money, or such annual sum of money for any term not exceeding

her life, as, having regard to her fortune, if any, to the ability of the husband, and to the conduct of the parties, it shall deem reasonable, or the Court may make an Order on the husband for the payment to the wife during their joint lives of such monthly or weekly sum for her maintenance and support as the Court may think reasonable:

Provided always that if the husband shall from any cause become unable to make such payments, it shall be lawful for the Court to discharge or modify the Order or temporarily to suspend the same as to the whole or any part of the money so ordered to be paid, and again to revive the same Order wholly or in part, as to the Court shall deem fit.

#### CUSTODY OF CHILDREN.

20. The Court after a final decree of judicial separation, nullity of marriage, or divorce, may, upon application by petition for this purpose, make from time to time all such orders and provisions with respect to the custody, maintenance and education of the children, the marriage of whose parents was the subject of the decree, or for placing such children under the protection of the Court, as the Court shall see fit: Custody of children.

Provided that the term for which any sum of money is secured for the benefit of a child shall not extend beyond the date when the child will attain 21 years of age.

#### PROCEDURE.

21. Subject to the provisions herein all proceedings under this Ordinance shall be regulated by the Administration of Justice Ordinance. Procedure.  
Chapter 3.

22. The whole or any part of any proceeding under this Ordinance may be heard, if the Court thinks fit, within closed doors. Sittings in camera.

## CHAPTER 45.

MEDICAL PRACTITIONERS, MIDWIVES AND  
DENTISTS.

3 of 1914, AN ORDINANCE TO PROVIDE FOR THE REGISTRATION OF  
2 of 1947, MEDICAL PRACTITIONERS, MIDWIVES AND DENTISTS.  
43 of 1949.  
6 of 1950.

[27th June, 1914.]

Short title. 1. This Ordinance may be cited as the Medical Practitioners, Midwives and Dentists Ordinance.

Interpretation. 2. In this Ordinance unless the context otherwise requires:  
"Medical Practitioner" means any person professing to practice medicine or surgery or holding himself out as ready and willing to treat patients for gain.

Registration. 3. Separate registers of medical practitioners, midwives,  
2 of 1947. and dentists shall be kept in the form of the Schedule hereto.

Fees. The fee to be charged for each registration under this Ordinance shall be two guineas for persons possessing professional qualifications registered in any Commonwealth country, and a fee of five guineas for persons possessing professional qualifications not registered therein, but medical practitioners, midwives and dentists who are in the employment of the Government shall be registered free of charge:

Provided that the Senior Medical Officer may refuse to register any person whose professional qualifications are not acceptable by the General Council of Medical Education and Registration of the United Kingdom.

Senior Medical Officer to be Registrar. 4. The Senior Medical Officer shall be the Registrar of medical practitioners, midwives and dentists, and shall once in every year, as soon as conveniently may be after the first day of January, make and publish in the *Gazette* a list containing the names and qualifications of all registered medical practitioners, midwives and dentists.

[Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

5. (1) The publication of such list shall be *prima facie* evidence that the persons named therein are registered under this Ordinance, and the absence of the name of any person from such list shall be *prima facie* evidence that such person is not registered.

Publication  
*prima facie*  
evidence of  
Registration.

(2) All register books and all copies thereof or extracts therefrom certified under the hand of the Registrar shall be receivable in evidence in all courts of justice in the Colony.

(3) The Registrar shall produce or cause to be produced any register book in his office on subpœna or order of any court without payment for so doing, unless the Court or tribunal shall otherwise direct.

6. (1) A person who holds a licence, degree, or diploma which would entitle him to registration as a medical practitioner by the General Council of Medical Education and Registration in the United Kingdom, or a licence, degree, or diploma in medicine or surgery which by order of the Governor in Council shall be declared a qualification for registration as a medical practitioner under this Ordinance, shall be entitled to registration under this Ordinance as a medical practitioner.

Persons en-  
titled to be  
registered  
medical  
prac-  
titioners.

(2) Any person who holds a diploma or certificate in midwifery granted by a recognised institution shall be entitled to registration under this Ordinance as a midwife.

Persons en-  
titled to be  
registered as  
midwives.

(3) A person who possesses a licence or degree in dental surgery or dentistry of any of the Bodies and Universities who elect members of the General Council of Medical Education and Registration in the United Kingdom, or holds any licence or degree in dental surgery or dentistry not registered within the Commonwealth, which by order of the Governor in Council shall be declared a qualification for registration as a dentist under this Ordinance, shall be entitled to registration under this Ordinance as a dentist:

Persons en-  
titled to be  
registered as  
Dentists.

6 of 1950.

Provided that no person shall be entitled to registration whose name has been struck off the Register of the General Council of Medical Education and Registration in the United Kingdom.

7. Every person registered under this Ordinance who may have obtained any higher degree or qualification, other than the qualification in respect of which he may have been registered, shall be entitled to have such higher degree or additional qualification inserted in the register in substitution

Persons reg-  
istered may  
have ad-  
ditional  
qualification  
inserted in  
register free  
of charge.

for, or in addition to, the qualifications previously registered, without payment of any further fee.

If registered  
entitled to  
practice and  
sue for fees

8. Every medical practitioner registered under this Ordinance shall be entitled to practice medicine, surgery, and midwifery, and every dentist registered under this Ordinance shall be entitled to practice dentistry, and every person registered under this Ordinance as a midwife shall be entitled to practice midwifery and every medical practitioner, dentist, and midwife so registered shall be entitled to demand, sue for, and recover in any court of law, with full cost of suit, reasonable charges for professional aid, advice, and visits, and the value of any medicine or any medical or surgical appliances rendered or supplied by him to his patient.

No fees re-  
coverable  
unless per-  
sons  
registered.

9. No person shall be entitled to recover any charge in any court of law for any medical or surgical advice, or attendance or for the performance of any operation as a medical practitioner, or dentist, or for any medicine which he shall have prescribed and supplied or for any services performed as a midwife within the Colony, unless he was at the time registered under this Ordinance.

Certificates  
must be  
signed by  
registered  
person.

10. No certificate, or other document, required by law to be signed by a duly qualified medical practitioner shall be valid unless signed by a person registered as a medical practitioner under this Ordinance.

Construction  
of terms.

11. The words "legally qualified medical practitioner", or "duly qualified medical officer", or any words importing a person recognised by law as a medical practitioner, or member of the medical profession when used in any Ordinance, or order of the Governor in Council, or in any Proclamation, or in any Order or Rules made thereunder, with reference to such person, shall be construed to mean a person registered as a medical practitioner under this Ordinance.

Persons en-  
titled to free  
registration.

12. All medical officers in the public service of the Colony, and all medical officers of His Majesty's Army and Navy respectively residing in the Colony while on full pay, and all duly qualified ship's surgeons while in discharge of their duties shall be entitled to the privileges of persons registered under this Ordinance and may be registered free of charge.

13. (1) If any medical practitioner, midwife or dentist registered under this Ordinance, shall be convicted of any felony or misdemeanour; or after due inquiry by a Board of Inquiry be deemed by the Governor in Council to have been guilty of infamous conduct in any professional respect, the Governor in Council may order the Registrar to strike out the name of such person from the Register.

If convicted  
may be  
struck off  
the  
Register.

(2) Such order may prescribe a period on the expiration of which a person ordered to be struck off as aforesaid shall be entitled to be re-registered.

(3) The Board of Inquiry shall consist of the Senior Medical Officer and two other persons to be appointed by the Governor; upon any such inquiry the person against whom such offence or conduct is alleged shall be entitled to appear and be heard.

(4) Any person whose name may have been ordered to be struck out from the Register may appeal to the Supreme Court which shall have power to annul or vary the order in respect of which such person appeals.

(5) Every appeal under this section shall be made within eight days from the date of such Order and the Registrar shall not strike out any name as aforesaid before such period has expired and he has ascertained that no such appeal has been lodged.

14. Any person who wilfully and falsely takes, or uses, any name, title or addition, implying a qualification to practise medicine, surgery, dentistry or midwifery, or not being registered or entitled to the privileges of persons so registered under this Ordinance practises or professes to practise or publishes his name as practising medicine, surgery, midwifery or dentistry, shall be liable on summary conviction to a fine not exceeding £50 or to imprisonment for a term not exceeding three months or to both such fine and imprisonment:

Penalties.  
43 of 1949.

Provided that a person who attends a woman in childbirth under the direction and personal supervision of a registered medical practitioner or registered midwife, or gives attention in a case where no such registered person could attend shall not commit an offence.



**SCHEDULE.****Form of Register.**

No.	Full Name.	Address.	Qualification.	Date of Qualification.	Date of Local Registration.	Fee.	Remarks

## CHAPTER 46.

## MENTAL TREATMENT.

AN ORDINANCE TO MAKE PROVISION FOR THE CARE OF PERSONS OF UNSOUND MIND. 20 of 1949.  
6 of 1950.  
10 of 1950.

[31st December, 1949.]

1. This Ordinance may be cited as the Mental Treatment Ordinance. Short title.

2. In this Ordinance unless the context otherwise requires: Interpreta-  
tion.  
“Person of unsound mind” means an idiot or a person who is suffering from mental derangement.

3. (1) Any justice, upon information on oath of any informant to the effect that the informant has good cause to suspect and believe and does suspect and believe that a particular person is of unsound mind and a proper subject to be placed under care and treatment, may see and question the person so suspected and may together with another justice hold an inquiry in private as to the state of mind of such person. For the purposes of such inquiry the justices shall have the powers of a Court and may, after one of them shall have seen the person suspected of being of unsound mind, proceed with such inquiry in the absence of such person and without proof of service of any summons upon him. Inquiry as to  
the state of a  
person's  
mind.

(2) If it shall appear to any justice by information on oath that any person suspected of being of unsound mind is at large, or is dangerous to himself or others, or is not under proper care and control, or is cruelly treated or neglected by any relative or other person having the care or charge of him, such justice may by order under his hand require any constable to apprehend such person and bring him before himself and another justice or two other justices for the purpose of inquiry and examination.

[Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

(3) The justices may adjourn the inquiry for a period not exceeding eight days for the purpose of medical examination or the production of evidence as to the state of mind of the person so suspected, and may, if the person alleged to be of unsound mind has been apprehended as aforesaid or under the provisions of section 6, make such order for the detention and safe custody of such person during the said adjournment as they may deem fit.

Medical certificates.

10 of 1950.

4. (1) The justices making an inquiry under section 3 hereof shall direct that the person suspected of being of unsound mind be examined by two registered medical practitioners, and thereupon such practitioners shall, if they consider that the facts warrant it, sign a certificate that in their opinion the suspected person is of unsound mind, specifying in full detail the facts upon which they found their opinion.

(2) A certificate may contain information as to the previous medical history of the person so suspected but no certificate which purports to be founded wholly on facts communicated by others shall have any effect.

Adjudication of insanity and admission to a place for proper care and custody.

5. Where it appears to the justices upon inquiry that any person is of unsound mind and a proper subject to be placed under care and treatment, and the Senior Medical Officer or other medical practitioner having certified that he is of unsound mind, they may adjudge such person to be of unsound mind and a proper person to be placed under care and treatment, and may make an order (hereinafter referred to as a "reception order") for the care and treatment of such person in an institution or place approved by the Governor in Council as a fit and proper place for the care and treatment of persons of unsound mind (hereinafter referred to as an "approved place"):

Provided that the justices shall not make a reception order unless one, at least, of them shall have seen the person suspected of being of unsound mind.

Removal of person of unsound mind in urgent cases.

6. If a police constable is satisfied that it is necessary for the public safety, or for the welfare of a person alleged to be of unsound mind in respect of whom an inquiry ought to be made under this Ordinance, that such person should be placed under care and control before such inquiry can be held, the

constable may remove that person to an approved place, and shall within twenty-four hours of such removal lay information on oath under section 3 hereof. The Senior Medical Officer or the person in charge of the approved place shall receive and detain such person therein but no person shall be so detained for more than three days.

7. (1) A reception order shall remain in force for one year from its date, and thereafter from year to year if at the end of each year a special report of the Senior Medical Officer as to the mental and bodily condition of the patient with a certificate under his hand that the patient is still of unsound mind and a proper person to be detained under care and treatment is sent to the magistrate not more than one month nor less than seven days before the end of such year.

Duration of  
reception  
orders.

(2) A magistrate or any two justices may require the Senior Medical Officer to give such further information concerning the patient as he or they may require, or order that the patient be brought before him or them for examination and, if necessary, discharge him from the approved place.

(3) Any person who detains a person after he has knowledge that an order for his reception has expired shall be guilty of a misdemeanour.

(4) A certificate under the hand of a magistrate that an order for reception has been continued to the date therein mentioned shall be sufficient evidence of the fact.

8. The Senior Medical Officer shall be responsible for the management and control of an approved place, the patients and the staff thereof.

Control of an  
approved  
place.

9. If it shall appear to any justice that the father, mother, husband, wife or children of any person confined in an approved place or elsewhere as hereinafter provided for is or are possessed of sufficient means to support or contribute to the support of such person, he may summon such relatives to appear before a Court, and the Court shall, if satisfied that such relative or relatives are able to maintain or assist in the maintenance of the person so confined, order that such relative or relatives pay such sum of money weekly or otherwise as it may consider reasonable having regard to the circumstances of the parties:

Maintenance  
of person of  
unsound  
mind.

Provided that a Court may vary an order upon proof that the means of such relative or relatives have changed since the date of the original order or any subsequent order varying it.

Maintenance may be charged to estate of person of unsound mind.

10. The Judge of the Supreme Court may make such inquiries as he may deem proper as to the estate of a person of unsound mind, and may order all or any part thereof to be sold or dealt with as he may deem most expedient for the purpose of raising or securing money for the payment of or provision for the future maintenance of such person, or for any purpose which the Judge may consider is for the benefit and interest of the person of unsound mind.

Discharge of patient if fit.

11. Whenever it shall appear to the Senior Medical Officer that a patient is fit to be discharged from an approved place he shall so certify to a magistrate or two justices who may order that such patient shall be discharged accordingly.

Discharge of person on undertaking of relative, etc., for proper care.

12. Whenever the Senior Medical Officer shall certify that a patient (except any criminal lunatic) is fit to be discharged to the care and custody of relatives or friends any justice may order accordingly, subject to such relatives or friends entering into a bond, with or without sureties, in such amount and conditions as the justice may deem fit that such patient shall be properly taken care of and shall be prevented from doing injury to himself or others.

Release of patient on trial.

13. (1) When it shall appear to the Senior Medical Officer that any person confined under this Ordinance (other than a criminal lunatic) is not dangerous, he may at his discretion permit such person to be absent from an approved place upon trial for such period as he may think proper and subject to any undertaking or the observance of any conditions as to residence, occupation, surveillance and sureties (if any) as the Senior Medical Officer may deem fit.

(2) In the case of any breach of an undertaking or condition imposed under this section, or if a person does not return to the approved place at the expiration of the period for which he was released, such person may at any time up to fourteen days after the expiration of such period be retaken by any police officer and conveyed back to an approved place.

14. Any patient who shall leave an approved place otherwise than upon discharge, removal, or release on trial may without a fresh order and certificates be retaken at any time within fourteen days after his leaving the approved place by a police officer or any person authorised in writing by the Senior Medical Officer and conveyed back to, and received in, the approved place.

Escaped patient may be retaken within 14 days.

15. (1) If it shall appear to a magistrate on information on oath that there is reason to believe that any person of sound mind (other than a criminal lunatic) is confined in an approved place against his will, he shall order that such person shall be brought before him or two justices for the examination on oath of such confined person and of any medical or other witnesses who may be called by the Senior Medical Officer or informant as to the state of mind of such person, and if it shall appear to such magistrate or justices that such person is of sound mind and detained against his will, he or they shall make an order that such person shall be discharged from the approved place and the Senior Medical Officer shall discharge such person accordingly.

Magistrate may order person to be brought before him for examination.

(2) An examination under this section shall be conducted in private.

16. (1) The magistrate or two justices may, upon being satisfied that adequate arrangements have been made for the safety and care of a person of unsound mind while on board ship and for his reception at the port of landing to secure his proper disposal into the care of friends or a mental hospital in the United Kingdom, or being an alien, in his country of origin, order that such person be removed from the Colony in a ship bound for a port in the United Kingdom or said country of origin as the case may be:

Removal of a person of unsound mind from the Colony.

Provided that the father, mother, husband, wife or children of the person so removed shall pay such part of the cost of the passage and maintenance in a mental home of such person as a justice shall after hearing the parties decide.

(2) When a person of unsound mind is removed from the Colony a transcript of the proceedings in respect of such person shall be transmitted by the Governor to His Majesty's Secretary of State for the Colonies.

(3) This section shall not apply to the removal of criminal lunatics which is governed by the Colonial Prisoners Removal Act, 1884, and any Act amending or replacing that Act.

Visitors.

**17.** (1) The Governor shall appoint two or more persons to be visitors of approved places and may remove any of them and appoint others in their places.

(2) Two of the said visitors shall at least once in every month inspect every part of an approved place in which a person of unsound mind is confined and see and examine every such person therein and the orders for their admission, and shall enter in a book to be kept for that purpose any remarks which they may deem proper in regard to the condition and management of the approved place and the patients therein and shall sign the book upon every such visit.

(3) The said visitors shall in December in each year submit a joint report to the Governor on the state and condition of any approved place in which persons of unsound mind are confined and as to the management and conduct thereof and the care of patients therein.

10 of 1950.

(4) In addition to the annual report the visitors, or any of them, shall at any time make such reports upon any matter connected with an approved place as they shall see fit, and as may be specially directed by the Governor.

Protection  
of persons  
putting the  
Ordinance  
in force.

**18.** (1) No person who has presented an application or laid an information for a reception order, or signed or carried out, or done any act with a view to signing or carrying out, an order purporting to be a reception order, or any report, application or certificate, or any document purporting to be a report, application or certificate, or has done anything in pursuance of this Ordinance shall be liable to any civil or criminal proceedings unless he has acted in bad faith or without reasonable care.

(2) No proceedings shall be brought against any person in any Court in respect of any matter referred to in subsection (1) hereof without the leave of the Supreme Court, and leave shall not be granted unless the Supreme Court is satisfied there is substantial ground for the contention that the person against whom it is sought to bring proceedings has acted in bad faith or without reasonable care.

(3) Notice of any application under subsection (2) hereof shall be given to the person against whom it is sought to bring proceedings, and such person shall be entitled to be heard against the application.

(4) Proceedings against any person for anything done under this Ordinance shall be commenced within twelve months of the alleged act in respect of which the proceedings are brought, or from the date of release of the party who has been detained as a person of unsound mind, as the case may be, and for the purpose hereof the date of service of notice of an application under subsection (3) hereof shall be deemed to be date of commencement provided that proceedings are commenced within four weeks of leave to proceed having been granted.

(5) If proceedings are not commenced within the time stated in subsection (4) hereof judgment shall be given for the defendant.

19. Any person not being a registered medical practitioner who knowingly and wilfully signs a certificate prescribed under this Ordinance shall commit a misdemeanour and on conviction thereof shall be liable to imprisonment for a term not exceeding twelve months.

Person other than registered medical practitioner signing certificate.

20. Any registered medical practitioner who knowingly and wilfully in any certificate prescribed under this Ordinance falsely certifies anything shall commit a misdemeanour and on conviction thereof shall be liable to imprisonment for a term not exceeding two years.

False medical certificate.

21. Any person who wilfully assists the escape of any person of unsound mind while being conveyed to or confined in an approved place or who hides such person who has escaped from an approved place shall commit an offence and shall be liable to a fine not exceeding £20 or to imprisonment for a term not exceeding six months.

Assisting escape of person of unsound mind.

22. Any person employed at an approved place who through wilful neglect or connivance permits any person confined in an approved place to leave otherwise than on discharge, removal or release on trial as provided by this Ordinance shall commit an offence and shall be liable to a fine not exceeding £20 or to imprisonment for a term not exceeding six months.

Permitting escape of person of unsound mind.



Abuse of  
female of un-  
sound mind.

23. Any person employed or having duties at an approved place who carnally knows or attempts to have carnal knowledge of any female under care and treatment at such approved place shall commit a misdemeanour and on conviction on indictment shall be liable to imprisonment for a term not exceeding two years.

Ill-treating  
patients in  
an approved  
place.

24. Any person employed at an approved place who strikes, ill-treats or neglects any patient therein shall commit an offence and be liable to a fine not exceeding £20 or to imprisonment for a term not exceeding six months.

Ill-treating  
patients  
released on  
trial and  
obstructing  
officer.

25. Any person who strikes or ill-treats any person released on trial from an approved place knowing him to be of unsound mind, or obstructs an officer of an approved place in the execution of his duty in connection with a person of unsound mind, shall commit an offence and be liable to a fine not exceeding £20 or a term of imprisonment not exceeding six months.

Selling, etc.,  
articles to  
persons in  
approved  
place.

26. Any person who, without the consent of the Senior Medical Officer gives, sells or barter any article or commodity to any patient in an approved place shall commit an offence and be liable to a penalty not exceeding £20 or to imprisonment for a term not exceeding six months.

Trespassing  
on premises  
of an ap-  
proved place.

27. (1) Any person who trespasses upon any premises belonging or appertaining to an approved place, or who enters the same without being duly authorised so to do, shall commit an offence and be liable to a fine not exceeding £10 or to imprisonment for a term not exceeding three months.

(2) Any person committing an offence under this section may be apprehended without warrant by any servant at the approved place or by any constable.

Rules.

28. The Governor in Council may make rules for the better administration of this Ordinance and the control and management of approved places.

Appeals.

29. Any party to proceedings under sections 9 and 16 (1) hereof shall have a right of appeal to the Supreme Court against any order made by a justice.

30. Nothing in this Ordinance shall apply to criminal lunatics or affect the jurisdiction of the Supreme Court in matters relating to lunacy.

Non-application to criminal lunatics.

## CHAPTER 47.

## MERCHANDISE MARKS.

## MERCHANDISE MARKS ORDINANCE.

1 of 1889.  
14 of 1889.  
40 of 1949.

[18th February, 1889.]

Short title.

1. This Ordinance may be cited as the Merchandise Marks Ordinance.

Offences as  
to trade  
marks and  
trade  
descriptions.

2. (1) Every person who

- (a) forges any trade mark; or
- (b) falsely applies to goods any trade mark or any mark so nearly resembling a trade mark as to be calculated to deceive; or
- (c) makes any die, block, machine or other instrument for the purpose of forging, or of being used for forging a trade mark; or
- (d) applies any false trade description to goods; or
- (e) disposes of or has in his possession any die, block, machine or other instrument for the purpose of forging a trade mark; or
- (f) causes any of the things above in this section mentioned to be done

shall, subject to the provisions of this Ordinance, and unless he proves that he acted without intent to defraud, commit an offence.

(2) Every person who sells, or exposes or has in his possession for sale or any purpose of trade or manufacture, any goods or things to which any forged trade mark or false trade description is applied, or to which any trade mark or mark so nearly resembling a trade mark as to be calculated to deceive is falsely applied, as the case may be, shall unless he proves

- (a) that having taken all reasonable precautions against committing an offence against this Ordinance, he

had at the time of the alleged offence no reason to suspect the genuineness of the trade mark or trade description; and

(b) that on demand made by or on behalf of the prosecutor he gave all the information in his power with respect to the persons from whom he obtained such goods or things; or

(c) that otherwise he had acted innocently,  
be guilty of an offence.

(3) Every person guilty of an offence against this Ordinance shall be liable

(i) on conviction on indictment to imprisonment, with or without hard labour, for a term not exceeding two years, or to a fine or to both imprisonment and fine; and

(ii) on summary conviction to imprisonment, with or without hard labour, for a term not exceeding four months, or to a fine not exceeding £20, and in the case of a second or subsequent conviction to imprisonment, with or without hard labour, for a term not exceeding six months, or to a fine not exceeding £30; and

(iii) in any case to forfeit to His Majesty every chattel, article, instrument or thing by means of or in relation to which the offence has been committed.

3. (1) In this Ordinance unless the context otherwise requires— Definitions.

“Trade mark” means a trade mark registered in the register of trade marks kept under the provisions of the Trade Marks Act, 1905, and includes any trade mark which, either with or without registration, is protected by law in the Colony, or in any British possession or foreign state, to which the provisions of section 91 of the Patents and Designs Act, 1907, are under Order in Council for the time being applicable.

“Trade description” means any description, statement or other indication direct or indirect—

(a) as to the number, quantity, measure, gauge or weight of any goods; or

(b) as to the place or country in which any goods were made or produced; or

- (c) as to the mode of manufacturing or producing any goods; or
  - (d) as to the material of which any goods are composed; or
  - (e) as to any goods being the subject of an existing patent, privilege or copyright,
- and the use of any figure, word or mark which according to the custom of trade is commonly taken to be an indication of any of the above matters shall be deemed to be a trade description within the meaning of this Ordinance.

"False trade description" means a trade description which is false in a material respect as regards the goods to which it is applied, and includes every alteration of a trade description, whether by way of addition, effacement or otherwise where that alteration makes the description false in a material respect, and the fact that a trade description is a trade mark, or part of a trade mark, shall not prevent such trade description being a false trade description within the meaning of this Ordinance.

"Goods" means anything which is the subject of trade, manufacture or merchandise.

"Person," "manufacturer," "dealer" or "trader" and "proprietor" include any body of persons corporate or unincorporate.

"Name" includes any abbreviation of a name.

(2) The provisions of this Ordinance respecting the application of a false trade description to goods shall extend to the application to goods of any such figures, words, or marks, or arrangement or combination thereof, whether including a trade mark or not, as are reasonably calculated to lead persons to believe that the goods are the manufacture or merchandise of some person other than the person whose manufacture or merchandise they really are.

(3) The provisions of this Ordinance respecting the application of a false trade description to goods, or respecting goods to which a false trade description is applied, shall extend to the application to goods of any false name or initials applied in like manner, as if such name or initials were a trade description.

"False name or initials" means as applied to any goods any name or initials of a person which—

- (a) are not a trade mark or part of a trade mark; and
- (b) are identical with, or a colourable imitation of, the name or initials of a person carrying on business in connection with goods of the same description, and not having authorised the use of such name or initials; and
- (c) are either those of a fictitious person or of some person not *bona fide* carrying on business in connection with such goods.

4. A person shall be deemed to forge a trade mark who either— Forging  
trade mark.

- (a) without the assent of the proprietor of the trade mark makes that trade mark, or a mark so nearly resembling that trade mark as to be calculated to deceive; or
- (b) falsifies any genuine trade mark, whether by alteration, addition, effacement or otherwise,

and any trade mark or mark so made or falsified is in this Ordinance referred to as a forged trade mark:

Provided that in any prosecution for forging a trade mark the burden of proving the assent of the proprietor shall lie on the defendant.

5. (1) A person shall be deemed to apply a trade mark or mark or trade description to goods who— Applying  
marks and  
descriptions.

- (a) applies it to the goods themselves; or
- (b) applies it to any covering, label, reel or other thing in or with which the goods are sold or exposed or had in possession for any purpose of sale, trade or manufacture; or
- (c) places, encloses or annexes any goods which are sold or exposed, or had in possession for any purpose of sale, trade or manufacture in, with or to any covering, label, reel or other thing to which a trade mark or trade description has been applied; or
- (d) uses a trade mark or mark or trade description in any manner calculated to lead to the belief that the goods in connection with which it is used are

designated or described by that trade mark or mark or trade description.

(2) "Covering" includes any stopper, cask, bottle, vessel, box, cover, capsule, case, frame or wrapper; "label" includes any band or ticket.

A trade mark, or mark, or trade description shall be deemed to be applied whether it is woven, impressed or otherwise worked into, or annexed, or affixed to the goods, or to any covering, label, reel or other thing.

(3) A person shall be deemed to falsely apply to goods a trade mark or mark, who without the assent of the proprietor of a trade mark applies such trade mark or a mark so nearly resembling it as to be calculated to deceive, but in any prosecution for falsely applying a trade mark or mark to goods the burden of proving the assent of the proprietor shall lie on the defendant.

Exemption  
of certain  
persons em-  
ployed in  
ordinary  
course of  
business.

6. Where a defendant is charged with making any die, block, machine or other instrument for the purpose of forging or being used for forging a trade mark, or with falsely applying to goods any trade mark, or any mark so nearly resembling a trade mark as to be calculated to deceive, or with applying to goods any false trade description, or causing any of the things in this section mentioned to be done and proves—

- (a) that in the ordinary course of his business he is employed on behalf of other persons to make dies, blocks, machines or other instruments for making or being used in making trade marks, or as the case may be to apply marks or descriptions to goods, and that in the case which is the subject of the charge he was so employed by some person resident in the Colony and was not interested in the goods by way of profit or commission dependent on the sale of such goods; and
- (b) that he took reasonable precautions against committing the offence charged; and
- (c) that he had at the time of the commission of the alleged offence no reason to suspect the genuineness of the trade mark, mark or trade description; and

- (d) that he gave to the prosecutor all the information in his power with respect to the persons on whose behalf the trade mark, mark or trade description was applied,

he shall be discharged from the prosecution, but shall be liable to pay the costs incurred by the prosecutor unless he has given due notice to him that he will rely on the above defence.

7. Where a watch case has thereon any words or marks which constitute, or are by common repute considered as constituting, a description of the country in which the watch was made, and the watch bears no description of the country where it was made, those words or marks shall *prima facie* be deemed to be a description of that country within the meaning of this Ordinance with respect to goods to which a false trade description has been applied, and the provisions of this Ordinance with respect to selling exposing or having in possession for sale or any purpose of trade or manufacture, goods with a false trade description shall apply accordingly. "Watch" means all that portion of a watch which is not the watch case.

Application  
to watches.

8. In any indictment, pleading, proceeding or document, in which any trade mark or forged trade mark is intended to be mentioned, it shall be sufficient without further description and without any copy or facsimile to state that trade mark or forged trade mark to be a trade mark or forged trade mark.

Trade mark  
how des-  
cribed in  
pleading.

9. In any prosecution for an offence against this Ordinance in the case of imported goods evidence of the port of shipment shall be *prima facie* evidence of the place or country in which the goods were made or produced.

Rules as to  
evidence.

10. (1) Where upon information of an offence against this Ordinance a justice of the peace has issued either a summons requiring the defendant charged by such information to appear to answer to the same or a warrant for the arrest of such defendant, and either the said justice on or after issuing the said summons or warrant, or any other justice of the peace, is satisfied by information on oath that there is reasonable cause to suspect that any goods or things by means of or in relation to which such offence has been committed are in any house or premises of the defendant, or otherwise in his possession or under his control in any place, such

Search  
warrant.



justice may issue a warrant under his hand by virtue of which it shall be lawful for any constable named or referred to in the warrant to enter any such house, premises or place at any reasonable time by day and there to search for and seize and take away those goods or things, and any goods or things seized under any such warrant shall be brought before a magistrate or two justices of the peace for the purpose of its being determined whether the same are or are not liable to forfeiture under this Ordinance.

(2) If the owner of any goods or things which, if the owner thereof had been convicted, would be liable to forfeiture under this Ordinance, is unknown or cannot be found, an information or complaint may be laid for the purpose only of enforcing such forfeiture, and a magistrate or two justices of the peace may cause notice to be advertised stating that unless cause is shown to the contrary at the time and place named in the notice such goods or things will be forfeited, and at such time and place the magistrate or two justices of the peace, unless the owner or any person on his behalf or other person interested in the goods or things show cause to the contrary, may order such goods or things, or any of them, to be forfeited.

Costs of  
defence or  
prosecution.

(3) Any goods or things forfeited under any provision of this Ordinance may be destroyed or otherwise disposed of in such manner as the Court by which the same are forfeited may direct, and the Court may, out of any proceeds which may be realised by the disposition of such goods (all trade marks and trade descriptions being first obliterated), award to any innocent party any loss he may have innocently sustained in dealing with such goods.

Limitation of  
prosecutions.

**11.** No prosecution for an offence against this Ordinance shall be commenced after the expiration of three years next after the commission of the offence, or one year next after the first discovery thereof by the prosecutor, whichever expiration first happens.

Prohibition  
on importation.

40 of 1949.

**12.** (1) All goods which, if sold would be liable to forfeiture under this Ordinance and also all goods of foreign manufacture bearing any name or trade mark being or purporting to be the name or trade mark of any manufacturer, dealer or trader in the United Kingdom or any British possession.

unless such name or trade mark is accompanied by a definite indication of the country in which the goods were made or produced, are hereby prohibited to be imported into the Colony.

(2) Where there is on any goods a name which is identical with or a colourable imitation of the name of a place in the United Kingdom, that name, unless accompanied by the name of the country in which such place is situate, shall be treated for the purposes of this section as if it were the name of a place in the United Kingdom.

(3) The Governor in Council may make, revoke and vary regulations respecting the detention and forfeiture of goods, the importation of which is prohibited by this section, and the conditions, if any, to be fulfilled before such detention and forfeiture, and may by such regulations determine the information, notices and security to be given, and the evidence requisite for any of the purposes of this section, and the mode of verification of such evidence.

(4) Such regulations may apply to all goods the importation of which is prohibited by this section, or different regulations may be made respecting different classes of such goods or of offences in relation to such goods.

(5) The regulations may provide for the informant reimbursing the Collector of Customs all expenses and damages incurred in respect of any detention made on his information and of any proceedings consequent on such detention.

13. On the sale or in the contract for the sale of any goods to which a trade mark or mark or trade description has been applied the vendor shall be deemed to warrant that the mark is a genuine trade mark and not forged or falsely applied, or that the trade description is not a false trade description within the meaning of this Ordinance, unless the contrary is expressed in some writing signed by or on behalf of the vendor and delivered at the time of the sale or contract to and accepted by the purchaser.

Implied  
warranty on  
sale of  
marked  
goods.

14. Where a trade description is lawfully and generally applied to goods of a particular class or manufactured by a particular method to indicate the particular class or method of manufacture of such goods, the provisions of this Ordinance with respect to false trade descriptions shall not apply to such trade description when so applied:

False  
description  
not to  
apply in  
certain cases.

Provided that where such trade description includes the name of a place or country, and is calculated to mislead as to the place or country where the goods to which it is applied were actually made or produced, and the goods are not actually made or produced in that place or country, this section shall not apply unless there is added to the trade description immediately before or after the name of that place or country, in an equally conspicuous manner with that name, the name of the place or country in which the goods were actually made or produced, with a statement that they were made or produced there.

Savings.

**15.** (1) This Ordinance shall not exempt any person from any action, suit or other proceeding which might, but for the provisions of this Ordinance, be brought against him.

(2) Nothing in this Ordinance shall entitle any person to refuse to make a complete discovery, or to answer any question or interrogatory in any action, but such discovery or answer shall not be admissible in evidence against such person in any prosecution for an offence against this Ordinance.

(3) Nothing in this Ordinance shall be construed so as to render liable to any prosecution or punishment any servant of a master resident in the Colony who, *bona fide* acts in obedience to the instructions of such master, and on demand made by or on behalf of the prosecutor has given full information as to his master.

Regulations.

**16.** The Governor in Council may from time to time make, alter and rescind regulations for carrying out the provisions of this Ordinance.

## CHAPTER 48.

## MINING.

AN ORDINANCE TO AUTHORISE AND REGULATE PROSPECTING  
AND MINING.1 of 1918.  
1 of 1919.  
6 of 1925.

[11th July, 1918.]

1. This Ordinance may be cited as the Mining Ordinance. Short title.

2. In this Ordinance and any Regulations made thereunder the word "mineral" means and includes precious stones, precious metals, metals and all minerals of any kind whatsoever including coal, bituminous shale and mineral oil. Definition of mineral.

3. This Ordinance shall apply only to unalienated Crown Lands and to lands the subject of an existing Crown grant or Crown lease the effect of which is to confine the user of such land by the grantee or lessee to pastoral purposes only and to reserve to the Crown all mines of silver, gold and other precious metals and all mines of coal or all diamonds and all mines of gold, silver, and other metals and all mines of coal, as the case may be. Lands to which applicable.

4. No person shall prospect for or mine or take away any mineral found upon or under any land to which this Ordinance applies, unless he be first granted by the Governor a prospecting licence or a mining lease, as the case may be, entitling him to do so: No person to prospect or mine without authority.

Provided that no licence shall be required by the holder of a Crown grant or Crown lease to quarry or take stone, flint, chalk, gravel, sand, peat and such other substances as the Governor may permit to be quarried or taken, whether under or upon the land the subject of such grant or lease. Any stone, flint, chalk, gravel, sand, peat or other substance so quarried or taken shall be used exclusively upon such land and no part thereof shall, except by permission of

[Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.)]

the Governor in writing, be sold, given away, dealt with or disposed of in any other manner whatsoever. Any person acting in contravention of this section shall commit an offence under this Ordinance.

Governor may grant licences and leases to prospect and mine.

5. (1) The Governor may grant licences to prospect for and leases to mine, take, win, and carry away any mineral upon or under any land to which this Ordinance applies, on such terms and for such periods of time as the Secretary of State for the Colonies may approve, and subject to any regulations in force.

Licences and leases not to be transferred.

(2) No licence or lease granted under this Ordinance shall be disposed of or transferred without the written sanction of the Governor being first obtained.

Payment by holder of licence or lease of compensation for damage.

(3) Every prospecting licence and every mining lease granted under this Ordinance shall provide that the holder thereof in the exercise of the right conferred shall do as little damage as possible, and shall be subject to the payment by the licensee or lessee, as the case may be, of reasonable compensation to the grantee or lessee of the land in respect of which the licence or lease is granted, for any actual damage done by him, in the exercise of such right, to any buildings, roads, or pastoral rights on or over the land.

Claim for compensation to be brought within four months.

6. (1) Any claim for compensation for actual damage done by the holder of a prospecting licence or mining lease or by his agent or servants to any buildings, roads or pastoral rights, shall be made by the grantee or lessee of the land and lodged with the Colonial Secretary within four months from the date of the alleged damage sustained.

Claim to be assessed by Board of Arbitrators.

(2) Every such claim shall within six months from the date of its being lodged with the Colonial Secretary be inquired into and the damage if any assessed by a Board of three arbitrators composed of the magistrate of the district in which the alleged damage occurred, or such other officer as the Governor may appoint, and two persons resident in the Colony, one of whom shall be nominated by the grantee or lessee of the land lodging the claim and the other by the person to whom the licence or lease is granted.

Appeal to judge against finding of arbitrators.

(3) An appeal from the finding of the majority of the Board of Arbitrators shall lie to the Judge whose decision shall be final.

7. A licence to prospect and a lease to mine shall be in the form approved by the Governor, and shall entitle the holder thereof as well as his authorised agents and servants, together with his or their animals, carts, vehicles and all things and appliances necessary for the working of the undertaking, to enter freely and to pass at all times on to and over the land named therein, and, subject to the conditions specified therein, to prospect for or to mine, take, win and carry away any mineral found upon or under the land to which the licence or lease shall apply.
8. Every application for a prospecting licence or for a mining lease shall be made in writing to the Colonial Secretary and shall state the position and approximate area and boundaries of the land in respect of which the application is made, and such further particulars as may be required by the Governor.
9. Any person who interferes with or obstructs the holder of a prospecting licence, or of a mining lease, or his agents or servants in the exercise of the rights and privileges conferred on him in pursuance of this Ordinance or of any regulation made thereunder shall commit an offence under this Ordinance.
10. In every prospecting licence there shall be implied and deemed to be inserted therein a condition that the person to whom the same is granted shall carry on the work of prospecting actively and with due diligence to the satisfaction of the Governor, in default of which, the licence may, with the sanction of the Secretary of State, be cancelled by the Governor, when it shall become null and void and all works and property of the licensee on the land shall be forfeited to the Government or otherwise dealt with as the Governor may order.
11. Any mineral raised, taken, won or carried away in contravention of the provisions of this Ordinance, or any regulation made thereunder, shall be forfeited to the Government, and any person so acting in contravention of this section shall commit an offence under this Ordinance.
- Form of licence and lease and rights conferred by same.
- Applications for licences and leases.
- Protection of holder of licence or lease against interference.
- Work to be actively carried on.
- 1 of 1919.
- Forfeiture of minerals taken in contravention of Ordinance or regulations.

Regulations.

**12.** (1) The Governor in Council may make and from time to time vary regulations for carrying out the provisions and intent of this Ordinance, and for protecting owners and occupiers of land against undue interference with their rights by operations of mining enterprises.

(2) The regulations may provide for the payment of such royalties and fees as the Governor in Council may see fit to impose.

Penalties.

**13.** Any person found guilty of an offence under this Ordinance, or failing to comply with any regulation made thereunder shall on summary conviction be liable for every offence to a fine not exceeding fifty pounds (£50) or to imprisonment for a term not exceeding six months, and in addition, at the discretion of the Governor and with the sanction of the Secretary of State, if the holder of a prospecting licence or a mining lease, to the cancellation of the same.

1 of 1919.

## CHAPTER 49.

## PENSIONS.

AN ORDINANCE TO PROVIDE FOR THE GRANT OF PENSIONS, GRATUITIES AND OTHER ALLOWANCES TO PERSONS WHO HAVE BEEN IN THE PUBLIC SERVICE OF THE COLONY.

13 of 1949.  
10 of 1950.

[31st December, 1949.]

1. This Ordinance may be cited as the Pensions Ordinance. Short title.

2. (1) In this Ordinance, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say— Interpreta-  
tion.

“Pensionable office” means:

- (a) in respect of service in the Colony an office which, by virtue of provision for the time being in force in an Order made by the Governor in Council and published in the *Gazette*, is declared to be a pensionable office; and any such Order may from time to time be amended, added to, or revoked by an Order so made and published; but where by virtue of any such amendment or revocation any office ceases to be a pensionable office, then so long as any person holding that office at the time of the amendment or revocation continues therein, the office shall, as respects that person, continue to be a pensionable office;
- (b) in respect of other public services an office which is for the time being a pensionable office under the law or regulations in force in such service.

“Non-pensionable office” means an office which is not a pensionable office.

“Pensionable emoluments”:

---

[*Note.* This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]



- (a) in respect of service in the Colony includes salary and personal allowance, but does not include duty allowance, entertainment allowance or any other emoluments whatever;
- (b) in respect of other public service means emoluments which count for pension in accordance with the law or regulations in force in such service.

"Salary" means the salary attached to a pensionable office or, where provision is made for taking service in a non-pensionable office into account as pensionable service, the salary attached to that office.

"Personal allowance" means a special addition to salary granted personally to the holder for the time being of the office, but pensionable emoluments do not include such an addition if it is granted subject to the condition that it shall not be pensionable.

10 of 1950.

"Public service" means service in a civil capacity under the Government of the Colony or the Government of any other part of His Majesty's dominions, or of any British protected state, protectorate or mandated or trust territory administered by the Government of any part of His Majesty's dominions, or of the New Hebrides or of the Anglo-Egyptian Sudan, or service which is pensionable under the Teachers (Superannuation) Act, 1925, or any Act amending or replacing the same, or under the Colonial Superannuation Scheme, or in a Colonial University College, or pensionable employment under a local authority in the United Kingdom, or in such other service as the Secretary of State may determine to be "public service" for the purpose of any provision of this Ordinance; and, except for the purposes of computation of pension or gratuity and of section 9 of this Ordinance, includes service as a Governor-General, Governor or High Commissioner in any part of His Majesty's dominions, any British protected state or Protectorate, any territory under British Mandate or the Anglo-Egyptian Sudan.

"Other public service" means public service not under the Government of the Colony.

(2) For the avoidance of doubts it is hereby declared that, where an officer has been confirmed in a pensionable office and is thereafter appointed to another pensionable office, then, unless the terms of such appointment otherwise

require, such last mentioned office is, for the purposes of this Ordinance, an office in which he has been confirmed.

3. (1) Pensions, gratuities and other allowances may be granted by the Governor in Council in accordance with regulations made under this Ordinance to officers who have been in the service of the Colony. Pension regulations.

The said regulations may from time to time be amended, added to, or revoked by regulations made by the Governor in Council with the sanction of the Secretary of State, and all regulations so made shall be laid before the Legislative Council and published in the *Gazette*.

(2) All regulations made under this section shall have the same force and effect as if they were contained in this Ordinance, and the expression "this Ordinance" shall, wherever it occurs in the following sections, be construed as including a reference to the said regulations.

(3) Whenever the Governor in Council is satisfied that it is equitable that any regulation made under this section should have retrospective effect in order to confer a benefit upon or remove a disability attaching to any person, that regulation may be given retrospective effect for that purpose:

Provided that no such regulation shall have retrospective effect unless it has received the prior approval of the Legislative Council signified by resolution.

4. There shall be charged on and paid out of the revenues of the Colony all such sums of money as may from time to time be granted by way of pension, gratuity or other allowance in pursuance of this Ordinance. Pensions, etc., to be charged on revenues of Colony.

5. (1) No officer shall have an absolute right to compensation for past services or to pension, gratuity, or other allowance; nor shall anything in this Ordinance affect the right of the Crown to dismiss any officer at any time and without compensation. Pensions, etc., not of right.

(2) Where it is established to the satisfaction of the Governor in Council that an officer has been guilty of negligence, irregularity or misconduct, the pension, gratuity, or other allowance may be reduced or altogether withheld.

6. (1) No pension, gratuity or other allowance shall be granted under this Ordinance to any officer except on his retirement from the public service in one of the following cases: Circumstances in which pension may be granted.

- (i) on attaining the age of sixty years, or with the approval of the Governor in Council on or after attaining the age of fifty-five years, or in special cases, with the approval of the Secretary of State, on or after attaining the age of fifty years;
- (ii) in the case of transfer to other public service, on or after attaining the age at which he is permitted by the law or regulations of the service in which he is last employed to retire on pension or gratuity;
- (iii) on the abolition of his office;
- (iv) on compulsory retirement for the purpose of facilitating improvement in the organisation of the department to which he belongs, by which greater efficiency or economy may be effected;
- (v) on medical evidence to the satisfaction of the Governor in Council or the Secretary of State that he is incapable by reason of any infirmity of mind or body of discharging the duties of his office and that such infirmity is likely to be permanent;
- (vi) in the case of removal on the ground of inefficiency as provided in this Ordinance;
- (vii) on retirement in circumstances, not mentioned in the preceding paragraphs of this section, rendering him eligible for a pension under the Pensions (Governors of Dominions, etc.) Acts, 1911 to 1936, or any Act amending or replacing those Acts;

Provided that the pensionable service of the officer is not less than ten years.

10 of 1950.

(2) Any pension or gratuity granted under this Ordinance shall be computed in accordance with the provisions in force at the actual date of an officer's retirement.

Retirement  
for in-  
efficiency.

7. Where an officer is removed from his office on the ground of his inability to discharge efficiently the duties thereof, and a pension, gratuity or other allowance cannot otherwise be granted to him under the provision of this Ordinance, the Governor in Council may, if he considers it justifiable having regard to all the circumstances of the case, grant such pension, gratuity or other allowance as he thinks

just and proper, not exceeding in amount that for which the officer would be eligible if he retired from the public service in the circumstances described in paragraph (5) of the preceding section.

8. (1) It shall be lawful for the Governor in Council to require an officer to retire from the service of the Colony

Compulsory  
and volun-  
tary retire-  
ment.

(a) at any time after he attains the age of fifty-five years;  
or

(b) in special cases, with the approval of the Secretary of State, at any time after he attains the age of fifty years.

(2) An officer may with the approval of the Governor in Council retire at any time after he attains the age of fifty-five years.

9. (1) Except in cases provided for by subsection (2) of this section, a pension granted to an officer under this Ordinance shall not exceed two-thirds of the highest pensionable emoluments drawn by him at any time in the course of his service in the Colony.

Maximum  
pension.

(2) An officer who shall have been granted a pension in respect of other public service shall not at any time draw from the funds of the Colony an amount of pension which, when added to the amount of any pension or pensions drawn in respect of other public service, exceeds two-thirds of the highest pensionable emoluments drawn by him at any time in the course of his public service:

Provided that where an officer receives in respect of some period of public service both a gratuity and a pension, the amount of such pension shall be deemed for the purpose of this subsection to be four-thirds of its actual amount.

(3) Where the limitation prescribed by the preceding subsection operates, the amount of the pension to be drawn from the funds of the Colony shall be subject to the approval of the Secretary of State, in order that it may be determined with due regard to the amount of any pension or pensions to be drawn in respect of other public service.

(4) For the purposes of the preceding subsections an additional pension granted in respect of injury shall not be taken into account; but where the officer is granted such an additional pension under this Ordinance, the amount thereof

together with the remainder of his pension or pensions shall not exceed five-sixths of his highest pensionable emoluments at any time in the course of his public service.

Liability of pensioners to be called upon to take further employment.

**10.** (1) Every pension granted under this Ordinance shall be subject to the condition that unless or until the officer shall have attained the age of 55 years, he may, if physically fit for service, be called upon by the Secretary of State to accept an office, whether in the Colony or in other public service, not less in value, due regard being had to circumstances of climate, than the office which he held at the date of his retirement.

If a pensioner so called upon declines to accept such office the payment of his pension may be suspended until he has attained the age of 55 years.

(2) The provisions of the foregoing subsection shall not apply in any case where the Governor, being of opinion that the officer is not qualified for other employment in the public service or that there is no reason to expect that he can be shortly re-employed therein, otherwise directs.

Suspension of pensions on re-employment.

**11.** If an officer to whom a pension has been granted under this Ordinance is appointed to another office in the public service, the payment of his pension may, if the Governor in Council thinks fit, be suspended during the period of his re-employment.

Pensions, etc., not to be assignable.

**12.** A pension, gratuity or other allowance granted under this Ordinance shall not be assignable or transferable except for the purpose of satisfying

(1) a debt due to the Government; or

(2) an order of any Court for the payment of periodical sums of money towards the maintenance of the wife or former wife or minor child of the officer to whom the pension, gratuity or other allowance has been granted,

and shall not be liable to be attached, sequestered or levied upon for or in respect of any debt or claim whatever except a debt due to the Government.

Pensions, etc., to cease on bankruptcy.

**13.** (1) If any person to whom a pension or other allowance has been granted under this Ordinance is adjudicated bankrupt or is declared insolvent by judgment of any competent Court, then such pension or allowance shall forthwith cease.

(2) If any person is adjudicated bankrupt or declared insolvent as aforesaid, either

(a) after retirement in circumstances in which he is eligible for pension or allowance under this Ordinance but before the pension or allowance is granted; or

(b) before such retirement, and he shall not have obtained his discharge from bankruptcy or insolvency at the date of retirement,

then, in the former case any pension or allowance eventually granted to him shall cease as from the date of adjudication or declaration as the case may be and, in the latter case, the pension or allowance may be granted, but shall cease forthwith and not become payable.

(3) Where a pension or allowance ceases by reason of this section, it shall be lawful for the Secretary of State, or if the person in question is resident in the Colony, the Governor, from time to time during the remainder of such person's life, or during such shorter period or periods, either continuous, or discontinuous, as the Secretary of State or the Governor, as the case may be, shall think fit, to direct all or any part of the moneys to which such person would have been entitled by way of pension or allowance, had he not become bankrupt or insolvent, to be paid to, or applied for the maintenance or benefit of, all or any to the exclusion of the other or others, of the following, that is to say, such person and any wife, child or children of his, in such proportions and manner as the Secretary of State or the Governor, as the case may be, thinks proper, and such moneys shall be paid or applied accordingly.

(4) Moneys applied for the discharge of the debts of the person whose pension or allowance has so ceased shall, for the purpose of this section, be regarded as applied for his benefit.

(5) When a person whose pension or allowance has so ceased obtains his discharge from bankruptcy or insolvency, it shall be lawful for the Secretary of State or, if such person is resident in the Colony, the Governor, to direct that the pension or allowance shall be restored as from the date of such discharge or any later date, and the pension or allowance shall be restored accordingly.

14. (1) If any person to whom a pension or other allowance has been granted under this Ordinance is sentenced to a term

Pensions,  
etc. may  
cease on  
conviction.

of imprisonment by any competent Court for any offence, such pension or allowance shall, if the Secretary of State, or if such person is resident in the Colony, the Governor, so directs, cease as from such date as the Secretary of State or the Governor, as the case may be, determines.

(2) If any person is sentenced as aforesaid after retirement in circumstances in which he is eligible for pension or allowance under the Ordinance but before the pension or allowance is granted, then the provisions of the foregoing paragraph shall apply as respects any pension or allowance which may be granted to him.

(3) Where a pension or allowance ceases by reason of this section it shall be lawful for the Secretary of State or the Governor, as the case may be, to direct all or any part of the moneys to which such person would have been entitled by way of pension or allowance had he not been sentenced as aforesaid to be paid, or applied, in the same manner in all respects as prescribed in the preceding section, and such moneys shall be paid or applied accordingly.

(4) If such person after conviction at any time receives a free pardon, the pension or allowance shall be restored with retrospective effect; but in determining whether arrears of such pension or allowance are payable to such person and in computing the amount thereof, account shall be taken of all moneys paid or applied under the preceding subsection.

Pensions,  
etc., may  
cease on  
accepting  
certain  
appoint-  
ments.

**15.** If any person to whom a pension or other allowance has been granted under this Ordinance otherwise than under section 17 becomes either a director of any company the principal part of whose business is in any way directly concerned with the Government, or an officer or servant employed in the Colony by any such company, without the prior permission of the Governor in writing, such pension or allowance shall cease if the Governor so directs:

Provided that it shall be lawful for the Governor, on being satisfied that the person in respect of whose pension or allowance any such direction shall have been given has ceased to be a director of such company or to be employed as an officer or servant of such company in the Colony, as the case may be, to give directions for the restoration of such pension or allowance, with retrospective effect, if he shall see fit, to such a date as he shall specify, and the pension or allowance shall be restored in accordance with any such directions.

16. (1) Where an officer holding a pensionable office who is not on probation or agreement, or an officer holding a non-pensionable office to which he has been transferred from a pensionable office in which he has been confirmed, dies while in the service of the Colony, it shall be lawful for the Governor in Council to grant to his legal personal representative a gratuity of an amount not exceeding his annual pensionable emoluments.

Gratuity where an officer dies in the service.

(2) For the purpose of this section, "annual pensionable emoluments" means the emoluments which would be taken for the purpose of computing any pension or gratuity granted to the officer if he had retired at the date of his death in the circumstances described in paragraph (5) of section 6 of this Ordinance.

17. (1) Where an officer dies as a result of injuries received:

- (a) in the actual discharge of his duty; and
- (b) without his own default; and
- (c) on account of circumstances specifically attributable to the nature of his duty.

Pensions to dependants when an officer is killed on duty.

while in the service of the Government of the Colony, it shall be lawful for the Governor in Council to grant, in addition to the grant, if any, made to his legal personal representative under section 16 of this Ordinance—

- (i) if the deceased officer leaves a widow, a pension to her, while unmarried and of good character, at a rate not exceeding ten-sixtieths of his annual pensionable emoluments at the date of the injury or £15 a year, whichever is the greater;
- (ii) if the deceased officer leaves a widow to whom a pension is granted under the preceding paragraph and a child or children, a pension in respect of each child, until such child attains the age of 18 years, of an amount not exceeding one-eighth of the pension prescribed under the preceding paragraph;
- (iii) if the deceased officer leaves a child or children, but does not leave a widow or no pension is granted to the widow, a pension in respect of each child, until such child attains the age of 18 years, of double the amount prescribed by the preceding paragraph;



- (iv) if the deceased officer leaves a child or children and a widow to whom a pension is granted under paragraph (i) of this subsection, and the widow subsequently dies, a pension in respect of each child as from the date of the death of the widow until such child attains the age of 18 years, of double the amount prescribed in paragraph (ii) of this subsection;
- (v) if the deceased officer does not leave a widow, or if no pension is granted to his widow, and his mother was wholly or mainly dependent on him for her support, a pension to the mother, while of good character and without adequate means of support, of an amount not exceeding the pension which might have been granted to his widow:

Provided that—

- (A) pension shall not be payable under this subsection at any time in respect of more than six children; and
- (B) in the case of a pension granted under paragraph (v) of this subsection, if the mother is a widow at the time of the grant of the pension and subsequently remarries such pension shall cease as from the date of remarriage; and if it appears to the Secretary of State at any time that the mother is adequately provided with other means of support, such pension shall cease as from such date as the Secretary of State may determine;
- (c) a pension granted to a female child under this section shall cease upon the marriage of such child under the age of 18 years.

(2) In the case of an officer not holding a pensionable office, the expression "pensionable emoluments" in the preceding subsection shall mean the emoluments enjoyed by him which would have been pensionable emoluments if the office held by him had been a pensionable office.

(3) For the purpose of this section the word "child" shall include

- (a) posthumous child;

- (b) a step-child or illegitimate child born before the date of the injury and wholly or mainly dependent upon the deceased officer for support; and
- (c) an adopted child, adopted in a manner recognised by law, before the date of the injury, and dependent as aforesaid.

(4) An officer who dies as a result of injuries received while travelling by air in pursuance of official instructions shall be deemed to have died in the circumstances detailed in (a) and (c) of subsection (1) of this section; provided that in such a case and if (b) is also satisfied the rates of pension prescribed in (i) and (ii) of that subsection shall be fifteen sixtieths and one-sixth respectively.

(5) If an officer proceeding by a route approved by the Governor to or from the Colony at the commencement or termination of his service therein, or of a period of leave therefrom, dies as a result of damage to the vessel or vehicle in which he is travelling, or of any act of violence directed against such vessel or vehicle, and the Governor is satisfied that such damage or act is attributable to circumstances arising out of war in which His Majesty may be engaged, such officer shall be deemed, for the purposes of this section, to have died in the circumstances described in subsection (1) of this section. 10 of 1950.

(6) This section shall not apply in the case of the death of any officer selected for appointment to the service of the Colony on or after the date of operation of this subsection if his dependants as defined in the Workmen's Compensation Ordinance, or any Ordinance amending or replacing that Ordinance, are entitled to compensation under that Ordinance. Chapter 79.

18. (1) The provisions of this Ordinance shall apply— Application  
of Ord-  
inance.

- (a) to every officer first appointed to the public service of the Colony
  - (i) after the commencement of this Ordinance; or
  - (ii) before the commencement of this Ordinance, to whom it was intimated before appointment that he would be liable to be affected by any change in the pensions law of the Colony; and

(b) to every other officer serving in the Colony at the commencement of this Ordinance or transferred from the Colony to any other public service before the date of such commencement and still in public service on that date, unless not later than twelve months after such commencement or within such further period as the Governor may in any special case allow, he gives notice in writing to the Colonial Secretary of his desire that the provisions of the Pensions Ordinance, 1937, the Pensions (Amendment) Ordinances, 1940, 1941 and 1946, and the regulations made thereunder shall apply to him, in which case they shall continue to apply accordingly.

(2) If any officer who shall have given notice under paragraph (b) of the preceding subsection is thereafter re-appointed to the service of the Colony the provisions of this Ordinance shall apply to him in respect of his whole service;

Provided that except where such an officer shall eventually become eligible for a pension or gratuity under this Ordinance in respect of his service both before and after his re-employment, a pension or gratuity granted to him solely in respect of service prior to such re-employment shall not be re-computed.

## CHAPTER 50.

## PLANT DISEASE REGULATION.

AN ORDINANCE TO ENABLE THE GOVERNOR IN COUNCIL TO MAKE REGULATIONS WITH REGARD TO THE IMPORTATION OF PLANTS WITH A VIEW TO THE PREVENTION OF THE INTRODUCTION AND SPREAD OF PESTS AND DISEASES AFFECTING VEGETATION AND FOR PURPOSES CONNECTED THEREWITH. 6 of 1944.

[23rd December, 1944.]

1. This Ordinance may be cited as the Plant Disease Regulation Ordinance. Short title.

2. In this Ordinance unless the context otherwise requires: Definitions.

“Plant” includes everything in the nature of a plant, and the flowers, fruits, leaves, cuttings, bark, timber, and any part thereof whatsoever, whether living or dead, severed or attached, but does not include seed, unless specifically mentioned, nor manufactured products of plants, nor anything mentioned in this definition which has been cooked.

“Pest” means any insect or other invertebrate animal which may be injurious to agricultural or horticultural crops.

“Plant disease” means any disease caused by fungus, bacterium, virus, or other organism which may be injurious to agricultural or horticultural crops.

“Container” means any box, basket, pot, package, barrel, parcel, case or other receptacle or covering.

“Covering” means covering of a plant or of a container.

3. (1) The Governor in Council may make regulations for all or any of the following purposes:

Power of Governor in Council to make regulations.

[Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

- (a) prohibiting, restricting or regulating the importation into the Colony of plants, vegetables, seeds, soils, manure, containers, straw, or other packing material or any other similar goods or things;
- (b) prescribing or designating the authority which may prescribe the conditions on which any such goods or things referred to in the preceding paragraph, may be imported into the Colony, including conditions to become operative after importation;
- (c) prescribing the places at which any such goods or things may be imported into the Colony when not imported by post;
- (d) providing for the detention and examination of any such goods or things on their importation into the Colony;
- (e) providing for the destruction of any such goods or things which on importation are found to be infected with any plant disease or pest, or for their treatment by the Department of Agriculture or otherwise, and for the similar treatment of any such goods or things, as a precautionary measure, whether found to be infected or not;
- (f) eradicating pests or plant diseases, preventing or controlling their attacks, or preventing their spread or distribution within the Colony;
- (g) prescribing the fees and charges to be paid in respect of any act or thing done under any regulation;
- (h) generally for giving effect to the objects of this Ordinance.

(2) Any regulation made under this section may be limited in its application to goods or things coming from particular countries and such countries may either be specified in the regulation or in a notice by the Governor relating to the regulation and published in the *Gazette*.

Prohibition  
on the in-  
troduction of  
pests, etc.

4. No person shall introduce, or cause to be introduced, into the Colony any living pests in any stage of development, or living cultures of fungi or bacteria that are parasitic on plants, or dried specimens of plant diseases, without the written permission of the Governor previously obtained.

---

5. In addition to any fine or term of imprisonment which Penalties. may be imposed for a contravention of any regulation made under this Ordinance the Court may order that the goods or things in respect of which the offence has been committed be forfeited and disposed of as the Court may direct.

**CHAPTER 51.****POLICE AND PRISONS.**

11 of 1949.  
10 of 1950.

**AN ORDINANCE TO PROVIDE FOR THE MAINTENANCE OF A  
POLICE FORCE AND PRISON.**

[1st June, 1949.]

Short title.

**1.** This Ordinance may be cited as the Police and Prisons Ordinance.

Definitions.

**2.** In this Ordinance and any regulations made thereunder unless the context otherwise requires—

“Constable” means the Chief Constable and any other police officer appointed under this Ordinance.

**Part 1.****POLICE.**

Appoint-  
ment of  
Constables.

**3.** (1) The Governor may for any period he may think fit appoint any person to be a constable.

(2) After taking the oath next hereinafter prescribed a constable shall be given a warrant of authority in the following form:

“This is to certify that  
has been appointed to act as constable in the Falkland  
Islands and Dependencies.

Date. for Governor.”

(3) A constable shall on termination of his appointment return the warrant to the Colonial Secretary.

Oath.

**4.** On appointment a constable shall take the following oath before a justice:

---

[Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

"I, \_\_\_\_\_, do swear that I will well and truly serve our Sovereign Lord the King in the office of constable for the Falkland Islands and Dependencies, without favour or affection, malice or ill-will, and that I will, to the best of my power, cause the peace to be kept and preserved, and prevent all offences against the persons and properties of His Majesty's subjects, and that while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge the duties thereof according to law."

5. (1) A constable shall have and exercise all the powers, authorities and immunities and be liable to all the duties and responsibilities of any constable in England so far as they are applicable in the Colony and its Dependencies. Powers and duties of a constable.

(2) A constable may stop, search or detain any vessel, motor-vehicle, cart or bicycle which he has reason to suspect is being, or has been, used in the commission of an offence and may seize any property found therein or thereon in respect whereof any person on such vessel, motor-vehicle, cart or bicycle, is unable to give a satisfactory explanation, and may arrest any such person.

(3) A constable shall, when so required by the Chief Constable, perform the duties of prison officer or warder.

6. Any constable who shall

Offences by constable.

- (a) be guilty of any neglect or violation of his duty; or
- (b) not deliver up forthwith on his ceasing to hold office all his accoutrements, clothing and other necessities of office supplied to him

shall commit an offence and shall be liable on summary conviction to a fine not exceeding £10 or to imprisonment for a term not exceeding one month and a search warrant may be granted for articles not delivered up.

7. Any person who for any unlawful purpose or without the authority of the Governor puts on the dress or accoutrements, or takes the name, designation or character of a constable shall be liable on summary conviction to a fine not exceeding £10. Personation of constable.



**Part 2.****PRISONS.**

Governor  
may appoint  
any place to  
be a prison.

**8.** The Governor may appoint any building to be a prison for the confinement of any prisoner sentenced by a Court in the Colony or sent to the Colony on conviction under any Act.

Visiting  
Justices.

**9.** (1) The Governor may on the 1st day of January in each year appoint from the panel of justices resident in Stanley three such justices to constitute a Board of Visiting Justices, of whom the Magistrate shall be a permanent and senior member, for the ensuing year.

(2) Visiting Justices shall enter and inspect any prison and see and receive complaints from prisoners when they may so decide but at least four times in any year, and after each such inspection shall report thereon and as to any complaints received from prisoners and the manner in which they were dealt with to the Governor.

Visitors.

**10.** Any person may be permitted to visit any prisoner on the order in writing of a Visiting Justice.

Forbidden  
articles.

**11.** (1) Any person who brings or attempts to introduce into any prison any spirituous or fermented liquor or tobacco, and every officer of a prison who suffers any spirituous or fermented liquor or tobacco to be sold or used therein contrary to Prison Regulations, shall commit an offence and shall be punishable on conviction by imprisonment for a term not exceeding six months or to a fine not exceeding £20 or to both such fine and imprisonment, and if the offender be a prison officer he shall be dismissed the service.

(2) Any person conveying or attempting to convey any letter or notice not allowed by Prison Regulations in or out of any prison shall on summary conviction be liable to a fine not exceeding £10, and if the offender be a prison officer he shall be dismissed the service.

Unlawful  
absence.

**12.** The period during which any prisoner has been unlawfully absent from prison shall be added to his sentence.

13. A prisoner shall be removed from prison to the hospital on a certificate stating the nature of the illness and that the removal is necessary for his restoration to health, signed by the Senior Medical Officer, countersigned by the magistrate, and delivered to the Chief Constable. Illness.

14. The Chief Constable shall give immediate notice of the death of any prisoner to the Coroner. Coroner to be informed of death.

15. The body of every offender executed shall be buried in such place as the Governor, by writing under his hand, shall appoint. Burial of body of executed prisoner.

### Part 3.

#### GENERAL.

16. The Governor in Council may make regulations as to— Regulations.

- (1) the duties and discipline of constables and the imposition of any fines for any infringement, in addition to any other punishment to which the constable may be liable;
- (2) the duties of Visiting Justices;
- (3) the duties and discipline of prison officers, the maintenance of good order in any prison and the discipline of prisoners therein, and the imposition of punishment for any infringement thereof;
- (4) the execution of the death sentence.

## CHAPTER 52.

## POST OFFICE.

10 of 1898.  
7 of 1930.  
24 of 1949.

## AN ORDINANCE RELATING TO THE POST OFFICE.

[25th July, 1898.]

Short title

1. This Ordinance may be cited as the Post Office Ordinance.

Interpretation.

2. In this Ordinance unless the context otherwise requires :

“ Postal packet ” shall mean a letter, post card, reply post card, newspaper, book packet, pattern or sample packet, and every packet or article transmissible by post, and not for the time being prohibited from being sent by post.

Postal Law  
of England  
in force.  
24 of 1949.

3. (1) Subject to the provisions of this Ordinance and to any rules made hereunder, all laws relating to the Post Office of the United Kingdom and any regulations made under such laws shall, so far as the same are applicable, be in force in the Colony.

(2) The Governor in Council may, by Order, provide for all matters relating to the practice, procedure and jurisdiction in this Colony, under the said laws and regulations in cases where the provisions thereof in respect of such matters are deemed by him inapplicable to the Colony.

Rules, Rates,  
Fees.

4. The Governor in Council may by order :—

- (a) Fix the rates of postage to be charged on postal packets sent from any place within the Colony to any other place within or without the Colony ;
- (b) Fix the fees to be paid for registration, insurance and money orders, and in every other case where fees may be deemed necessary ;
- (c) Make rules as to insurance and compensation, and any other matters connected with the Post Office and the officers and servants thereof.

---

[*Note.* This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

5. The master of any vessel about to depart from any port in the Colony shall, not less than 12 hours before leaving such port give notice personally or in writing to the Postmaster of his intended departure, and of the names of the places at which he intends to call, and he shall answer all such questions as shall be demanded of him relating to his ship and her intended voyage.

Vessel departing must give notice.

6. A master shall carry every mail tendered to him on behalf of or addressed to any Postmaster, and shall keep all mails that he shall have in charge in some dry and secure place, and the same shall be entered upon the Custom House manifest whenever practicable.

And carry mails.

7. Every master who shall refuse or wilfully delay to receive any mail or postal packet tendered to him by or on behalf of the Postmaster, or to give a receipt therefor, or who shall refuse or neglect to deliver without delay at the port of destination to the Postmaster or other addressee every mail or postal packet which he has brought, shall be liable to a penalty not exceeding One hundred Pounds.

Refusing to receive or deliver mails.

Penalty.

8. The Postmaster shall, on demand, pay to the master of any ship (not under contract with the Government), two shillings and sixpence for every mail bag containing letters and papers and five shillings for every mail bag containing parcels safely carried and delivered.

Payment for carrying mails.

24 of 1949.

9. Where, according to the rules of the Universal Postal Union, or other agreement, an indemnity in respect of loss is payable, the Governor shall cause the amount thereof to be paid to the sender, or at his request to the addressee, out of the public revenues of the Colony, on account of the country liable to pay such amount or any part thereof.

Indemnity for loss of postal packet.

10. Every postal packet shall, for the purposes of laying any information, be deemed to be the property of the Governor.

In indictments it shall be sufficient to name the Governor.

11. Any person who shall—

- (a) make, knowingly utter, deal in, sell or offer for sale any fictitious or counterfeit stamp, international reply coupon or postal identity card ; or

Manufacture, sale, use, etc., of counterfeit stamps, reply coupons, etc., prohibited.

7 of 1930.

- (b) knowingly use for any postal purpose any fictitious or counterfeit stamps, international reply coupon or postal identity card ; or
- (c) have in his possession, unless he shows a lawful excuse, any fictitious or counterfeit stamp, international reply coupon or postal identity card ; or
- (d) make, or have in his possession, unless he shows a lawful excuse, any die, plate, instrument, or materials for making any fictitious or counterfeit stamp, international reply coupon or postal identity card ; or
- (e) insert in any postal packet any opium, morphine, cocaine or any substance or drug whatever which the Senior Medical Officer of the Colony certifies to be purely a narcotic : Provided that the Governor may authorize the insertion in a postal packet of any such substance or narcotic according to any convention or agreement of the Universal Postal Union

Insertion of  
dangerous  
drugs in  
postal  
packets  
prohibited.

**Penalties.**

shall commit an offence and shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment, with or without hard labour, for a period not exceeding six months or to both such fine and imprisonment.

## CHAPTER 53.

### PUBLICATIONS (IMPORT PROHIBITION)

AN ORDINANCE TO PROVIDE FOR THE PROHIBITION BY ORDER OF THE GOVERNOR IN COUNCIL OF THE IMPORTATION INTO THE COLONY OF ANY PUBLICATION. 11 of 1938.  
33 of 1949.

[4th June, 1938]

1. This Ordinance may be cited as the Publications (Importation Prohibition) Ordinance. Short title.

2. "Publication" includes all written or printed matter and everything, whether of a nature similar to written or printed matter or not, containing any visible representation, or by its form, shape, or in any manner capable of suggesting words or ideas, and every copy and reproduction of any publication. Definitions.

"Periodical publication" includes every publication issued periodically or in parts or numbers at intervals whether regular or irregular.

"Import" includes :—

- (a) to bring into the Colony, and
- (b) to bring within the inland waters of the Colony whether or not the publication is brought ashore, and whether or not there is an intention to bring the same ashore.

3. If the Governor is of the opinion that the importation of any publication would be contrary to the public interest he may, in his absolute discretion, by Order in Council prohibit the importation of such publication, and in the case of a periodical publication may, by the same or subsequent Order in Council, prohibit the importation of any past or future issue thereof. Power to prohibit importation of publication.

4. (1) Any person who imports, publishes, sells, offers for sale, distributes, or reproduces any publication, the importation of which has been prohibited under Section 3, or any Offences.

[*Note.* This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

extract therefrom, shall be guilty of an offence and liable for a first offence to imprisonment for two years or to a fine not exceeding £100 or to both such imprisonment and fine, and for a subsequent offence to imprisonment for three years ; and such publication or extract therefrom shall be forfeited to His Majesty.

(2) Any person who without lawful excuse has in his possession any publication the importation of which has been prohibited under section 3, or any extract therefrom, shall be guilty of an offence and liable for a first offence to imprisonment for one year or to a fine not exceeding £50 or to both such imprisonment and fine, and for a subsequent offence to imprisonment for two years ; and such publication or extract therefrom shall be forfeited to His Majesty.

Delivery of  
prohibited  
publication  
to Chief  
Constable.

5. (1) Any person to whom any publication the importation of which has been prohibited under section 3, or any extract therefrom, is sent without his knowledge or privity, or in response to a request made before the prohibition of the importation of such publication came into effect, or who has such a publication or extract therefrom in his possession at the time when the prohibition of its importation comes into effect, shall forthwith if or as soon as the nature of its contents have become known to him, or, in the case of a publication or extract therefrom coming into the possession of such person before an Order in Council prohibiting its importation has been made, forthwith upon the coming into effect of an Order in Council prohibiting the importation of such publication, deliver such publication or extract therefrom to the Chief Constable, and in default thereof shall be guilty of an offence and liable to imprisonment for one year or to a fine not exceeding £50 or to both such imprisonment and fine ; and such publication or extract therefrom shall be forfeited to His Majesty.

(2) A person who complies with the provisions of sub-section (1) of this section or is convicted of an offence under that sub-section shall not be liable to be convicted for having imported or having in his possession the same publication or extract therefrom.

Power to  
examine  
packages.  
33 of 1949.

6. (1) Any of the following officers, that is to say :—  
(a) the Postmaster ;

- (b) the Collector of Customs ;
- (c) the Chief Constable ;
- (d) any other official authorized in that behalf by the Governor ;

may detain, open and examine any package or article which he suspects to contain any publication or extract therefrom which it is an offence under the provisions of section 4 to import, publish, sell, offer for sale, distribute, reproduce, or possess, and during such examination may detain any person importing, distributing, or posting such package or article or in whose possession such package or article is found.

(2) If any such publication or extract therefrom is found in such package or article, the whole package or article may be impounded and retained by the officer and the person importing, distributing, or posting it, or in whose possession it is found, may forthwith be arrested and proceeded against for the commission of an offence under section 4 or section 5 as the case may be.



## CHAPTER 54.

## PUBLIC HEALTH ORDINANCE.

## AN ORDINANCE RELATING TO PUBLIC HEALTH

1 of 1868.  
5 of 1894.  
4 of 1897.  
7 of 1908.  
2 of 1916.  
11 of 1931.  
5 of 1934.  
7 of 1937.  
17 of 1949.  
21 of 1949.  
30 of 1949.  
32 of 1949.  
10 of 1950.

Short title

1. This Ordinance may be cited as the Public Health Ordinance.

## Part I

[11th August, 1894.]

## GENERAL.

Constitution  
of Board.  
7 of 1937.

2. There shall be a Board of Health for the Colony composed of the following members :—

The Senior Medical Officer who shall be Chairman of the Board, the Government medical officers and such other members not exceeding five as shall be appointed annually by the Governor in Council, and it shall be lawful for the Governor from time to time to fill up any vacancy or vacancies which may occur during any year on the said Board.

Meetings.

3. The Board shall meet from time to time as may be necessary by order of the Governor, or on a summons from

---

[*Note.* Parts II, III and IV of this Ordinance are declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

the Chairman, or in his absence the senior member present in Stanley.

4. At all meetings of the Board four members shall form a quorum for the transaction of business, and in the absence of the Chairman the senior member present shall preside seniority being determined by the date and order of appointment as published in the Gazette. Quorum.

5. Minutes of the proceedings of the Board shall be entered in a book kept for the purpose by the Chairman and a copy of the minutes shall be forwarded as soon as practicable to the Governor. Minutes of Board.

6. Any person who shall sell, offer for sale, store, expose or prepare for sale any article of food or drink intended for human consumption in any premises which are not kept properly cleaned, lighted, ventilated and drained, or in which the utensils and other implements used in the preparation, sale or storage of such food and drink are not kept properly cleansed to the satisfaction of the Board, shall commit an offence and shall be liable to a fine not exceeding £20 and to a further fine not exceeding £5 for each day during which the offence continues after conviction thereof: Cleanliness of premises and utensils used in connection with the sale, etc., of food. 30 of 1949.

Provided that this section shall not apply in the case of premises used solely for the sale or storage of food contained in containers of such materials, and so closed, as to exclude all risk of contamination.

7. Any person concerned in the preparation, storage or handling of articles of food and drink intended to be sold for human consumption who shall fail to take all reasonable and proper precautions to prevent such articles being exposed to infection or contamination shall commit an offence and shall be liable to a fine of £20 and to a further fine not exceeding £5 for each day during which the offence continues after conviction therefor. Prevention of food being exposed to infection, etc. 30 of 1949.

8. (1) The Board may prohibit the importation of such articles of food or drink intended for sale for human consumption as it may deem fit and may vary or rescind such prohibition. Power of Board to prohibit importation of food. 30 of 1949.

(2) Any person who shall sell, store, offer or expose for sale for human consumption any article of food or drink the importation of which has been prohibited shall commit an offence and shall be liable in the case of a first offence to a fine not exceeding £20 and in the case of a subsequent offence to a fine not exceeding £100.

Power to  
seize food  
unfit for  
human con-  
sumption.  
30 of 1949.  
10 of 1950.

9. (1) A medical officer or an inspector may at all reasonable times examine any article of food or drink intended for human consumption which has been sold, or is offered or exposed for sale, and if it appears to him to be unsound, unwholesome or unfit for human consumption he may seize and carry away the same and apply to the Court forthwith for an order for its destruction.

7 of 1950.

(2) An officer who seizes any article of food or drink under the preceding sub-section shall inform the person in whose possession it was found of his intention to have it dealt with by a Court, and any person who might be liable to a prosecution in respect thereof shall, if he attends before the Court upon the application for its condemnation, be entitled to be heard and to call witnesses.

Court may  
order des-  
truction of  
food unfit for  
human con-  
sumption.

(3) If it appears to a court that any article of food or drink is unsound, unwholesome or unfit for human consumption it shall condemn the same and make an order that it shall be destroyed or otherwise disposed of to prevent it being used for human consumption.

Selling, etc.,  
food unfit for  
human con-  
sumption.  
30 of 1949.

10. Any person who—

(a) sells, offers or exposes for sale or has in his possession for the purpose of sale or of preparation for sale any unwholesome food for human consumption ;

(b) sells such food as pure and undiluted when it is adulterated or not pure ;

shall commit an offence and shall be liable in the case of a first offence to a fine not exceeding £20, and in the case of a subsequent offence to a fine not exceeding £50 or to a term of imprisonment not exceeding 3 months or to both such fine and imprisonment :

Provided that it shall be a defence to a charge under (b) above that the defendant did not adulterate or render the

said article impure or was not party thereto and had no knowledge of the condition of the said article.

**11.** Proof that an article of food or drink was not sold, offered for sale, stored, exposed or prepared for sale for human consumption shall rest on the person charged. Burden of proof.  
30 of 1949.

**12.** The Governor may appoint inspectors to carry out the provisions of this Ordinance under the instructions of the Board. Any person wilfully obstructing an inspector in the execution of his duty shall commit an offence and shall be liable to a fine not exceeding £5. Inspectors.  
30 of 1949.

**13.** The following shall, for the purpose of this Ordinance, be deemed to be nuisances :— Nuisances.

Any building, house, yard or premises in or about which any deposit or collection, fluid or otherwise, so foul or in such a state as to be injurious to health, shall be allowed to remain.

Any pool, ditch, gutter, watercourse, pig-stye, stable, cowhouse, sheep or goat pen, fowl-house, poultry yard, privy, urinal, cesspool, drain, ashpit or dung heap, so foul or in such a state as to be injurious to health.

Any animal so kept as to be a nuisance or injurious to health.

Any house so overcrowded with residents as to be injurious to the health of the inmates.

Any accumulation or deposit, fluid or otherwise, so foul or in such a state as to be injurious to health.

Any factory, workshop or other place not kept in a clean and perfectly sanitary condition.

Any cistern, well, pool, channel, barrel, tub, or other vessel used for the supply of water for domestic purposes so placed, constructed or kept as to render the water liable to contamination thereby causing, or being likely to cause, injury to health. 30 of 1949.

Proceedings  
by Board on  
existence of a  
nuisance.

**14.** The Board shall, if satisfied of the existence of a nuisance, serve a notice on the person by whose act, default or sufferance the nuisance continues, or if such person cannot be found on the owner or occupier of the premises on which the nuisance arises, requiring him to abate the same within a time specified in such notice, and to execute such works and do such things as may be necessary for the purpose :

Provided that where the nuisance arises from the want or defective construction of any structural convenience, or where there is no occupier of the premises, notice shall be served on the owner, and where the person causing the nuisance cannot be found and the nuisance does not arise or continue by the act, default or sufferance of the owner or occupier of the premises, the Board may abate the same.

10 of 1950.

**15.** (1) If the person upon whom a notice to abate a nuisance has been served makes default in complying therewith, or if the nuisance, although abated since the service of the notice, is in the opinion of the Board likely to recur on the same premises, the Board shall cause a complaint to be made to a justice, and the justice shall thereupon issue a summons requiring such person to appear before a court of summary jurisdiction.

Court orders  
as to  
nuisances.  
30 of 1949.

(2) If a court is satisfied that a nuisance exists or may recur on the same premises it may make an order :—

- (a) that the owner or occupier comply with all or any of the requirements of a notice served by the Board or otherwise abate the nuisance within the time specified by the Board and to do any work necessary for the purpose ;
- (b) directing the execution of any work necessary to prevent a recurrence of the nuisance ;
- (c) both requiring abatement and prohibiting the recurrence of a nuisance.

(3) The Court may impose a penalty not exceeding £5 on the person on whom the order is made and may make an order for the payment of all costs up to the time of making the order under this section.

16. (1) Any person who fails without reasonable excuse to comply with an order of the Court to abate a nuisance, or knowingly and wilfully acts contrary to an order of prohibition shall commit an offence and shall be liable to a fine not exceeding £5 for each day during his default.

Failure to  
comply with  
Court order.  
30 of 1949.  
10 of 1950.

(2) Without prejudice to the provisions of subsection (1) of this section, where an order to abate a nuisance has not been complied with, the Board may abate the nuisance and recover the cost of so doing from the person in default.

10 of 1950.

17. (1) If the Board is satisfied that any premises used or intended to be used for human habitation or any part thereof is unfit for human habitation as being injurious to the health of any person inhabiting the same, the Board shall serve on the owner thereof a notice in writing requiring him to effect the repairs therein specified within the time therein mentioned.

Houses unfit  
for human  
habitation,  
etc.  
30 of 1949.

(2) If a Court is satisfied that the premises in respect of which a notice under this section is served are unfit for human habitation, it may make an order prohibiting such premises from being used for human habitation until the works required by the said notice or such works as the Court shall deem fit have been executed.

(3) The Court may on completion of the said works to its satisfaction declare the premises to be fit for human habitation.

(4) Any person who fails, without reasonable excuse to comply with an order under this section shall be subject to the penalties provided for in section 16 hereof.

18. (1) The Board may with the approval of the Governor in Council make by-laws and from time to time amend or rescind by-laws so made with respect to the following matters :—

Powers of  
Board to  
make by-  
laws in  
certain  
matters.

- (i) The level, width and construction of new streets and the cleaning, drainage or sewerage thereof ;
- (ii) The structure of new buildings in any town or settlement, and the drainage, water closets, earth

closets, urinals, privies, ashpits and cesspools to be provided in the erection of such buildings ;

- (iii) The protection of water, the cleansing of water-courses, drains, ditches, streets, lanes and roads and the removal of noxious matter therefrom.
- (iv) The keeping of animals in or near a dwelling-house so as to prevent their becoming a nuisance or injurious to health.
- (v) The checking and preventing the spread of any contagious or infectious disease ;
- (vi) The carrying on of any offensive trade in any town or settlement so as to prevent or diminish the causes or injurious effects thereof ;
- (vii) The abatement or removal of nuisances ;
- (viii) The keeping of burial grounds and the proper interment of the dead ;
- (ix) The cleaning and keeping clean of lots of land, whether adjoining dwelling-houses or not ;
- (x) The cleansing and disinfecting of houses and buildings ;
- (xi) The inspection, drainage, accommodation and cleansing of common lodging-houses ;
- (xii) The inspection of shipping in the harbour of Stanley and the cleansing and disinfecting of the same ;
- (xiii) The protection of drains from injuries by cattle or otherwise ;
- (xiv) The removal or demolition of buildings so ruinous as to be dangerous to the public safety.
- (xv) The securing of payment from parties in default of expenses incurred thereby by the Board under this Ordinance ;
- (xvi) Measures to prevent and mitigate disease and the protection of public health.

(2) Any person who commits any breach of, or neglects or fails to comply with, any by-law made under this section shall commit an offence and shall be liable to a fine not exceeding £5 for each offence and to a further fine not exceeding £2 for each day during which the offence continues after conviction therefor. 30 of 1949.

19. All expenses incurred by the Board in respect of work performed in the enforcement of the Ordinance or of any by-law made thereunder shall be recoverable by the Board in a summary manner before a Court. Mode of recovery of expenses.  
30 of 1949.

20. In this Part of this Ordinance and any by-law made thereunder unless the context otherwise requires. Interpretation.  
30 of 1949.

“ The Board ” means the Board of Health appointed under section 2 hereof ;

“ Inspector ” means an inspector appointed under section 12 hereof ;

“ Contagious or infectious disease ” means cholera, plague, yellow fever, small pox, typhus fever, enteric fever, scarlet fever, diphtheria, measles, whooping cough, chicken pox, dengue, influenza, erysipelas, puerperal fever, puerperal pyrexia, cerebro-spinal fever, acute poliomyelitis, tuberculosis, ophthalmia neonatorum, acute encephalitis lethargica, acute primary pneumonia, glanders, german measles, acute rheumatism, infective diarrhoea, impetigo contagiosa, acute influenzal pneumonia, ringworm in human beings and any other disease which from time to time may be so defined by the Board by notice in the Gazette.

## Part II.

[28th April, 1868.]

### VACCINATION.

21. Every medical practitioner registered under the Medical Practitioners, Midwives and Dentists Ordinance or any Ordinance amending or replacing it shall be a public vaccinator for the purpose of this Ordinance and shall vaccinate all persons who shall be brought to him for that purpose, provided they are fit subjects for vaccination, subject to any regulations made under this Ordinance. Public vaccinator.  
20 of 1949.  
Chapter 45.



Children to  
be vaccina-  
ted  
1 of 1868.

**22.** The father or mother of every child born in the Colony shall within three months after the birth of such child, or when by reason of the death, illness, absence or inability of the father or mother, or other cause, any other person shall have the custody of such child, such person shall within three months after receiving the custody of such child take it or cause it to be taken to a registered medical practitioner to be vaccinated.

Provision for  
inspection of  
vaccination.

**23.** Upon the same day in the week following the vaccination the parent or other person, as the case may be, shall again take the child, or cause it to be taken to a registered medical practitioner, that he may inspect it and ascertain the result of the operation, and if he sees fit take from such child lymph for the performance of other vaccinations, and in the event of the vaccination being unsuccessful such parent or other person shall, if the vaccinator so direct, cause the child to be forthwith again vaccinated and inspected as on the previous occasion.

Certificate of  
successful  
vaccination.

**24.** Immediately after the successful vaccination of any child the registered medical practitioner shall deliver to the father or mother of the said child, or to the person having the custody of such child, a certificate in the form marked A in the First Schedule hereto, that the child has been successfully vaccinated, and such certificate shall, without further proof, be admissible as evidence of the successful vaccination of such child in any information or complaint which shall be brought against the father or mother of the said child, or such person as aforesaid, for non-compliance with the provisions of this Ordinance.

Provision for  
the unfitness  
of child to be  
vaccinated.

**25.** If the registered medical practitioner shall be of opinion that the child is not in a fit and proper state to be successfully vaccinated, he shall forthwith deliver to the parent or other person having the custody of such child a certificate in the form marked B in the First Schedule hereto, that the child is then in a state unfit for successful vaccination, which certificate shall remain in force for two months, and shall be renewable for successive periods of two months until the registered medical practitioner shall deem the child to be in a fit state for successful vaccination, when the child shall be vaccinated, and the certificate of successful vaccination duly given if warranted by the result, and at or before

the end of each successive period the parent or such person as aforesaid shall take or cause the child to be taken to the registered medical practitioner who shall then examine the child and give a certificate in the said Form B, so long as he deems requisite under the circumstances of the case, and the production of such certificate shall be sufficient defence against any complaint which may be brought against the father or mother or such person as aforesaid for non-compliance with the provisions of this Ordinance.

26. If the registered medical practitioner shall find that a child whom he had three times unsuccessfully vaccinated is insusceptible of successful vaccination, or that a child brought to him for vaccination has already had the small-pox, he shall deliver to the parent or other person as aforesaid a certificate in the form marked C in the First Schedule hereto. Such parent or person as aforesaid shall not then be required to cause the child to be vaccinated, and the production of such certificate shall be sufficient defence against any complaint that may be brought against the parent or other person for non-compliance with the provisions of this Ordinance.

Insusceptibility of successful vaccination.

27. The Registrar under the Registration Ordinance, shall, upon the registration of the birth of any child, give notice in the form marked D in the First Schedule hereto, to the father or mother or person having the custody of such child, requiring such child to be vaccinated according to the provisions of this Ordinance.

Registrar to give notice of vaccination to parent or other person registering birth.

28. Every father or mother or other person having the custody of any child who shall without reasonable excuse neglect to take such child or cause it to be taken to be vaccinated, or after vaccination to be inspected according to the provisions of this Ordinance, shall commit an offence and be liable upon conviction to pay a penalty not exceeding twenty shillings.

Penalty on parent or other person neglecting to procure vaccination of child.

29. Every registered medical practitioner who shall neglect or refuse to fill up and sign any certificate required of him by the provisions of this Ordinance, or who shall refuse to deliver the same to the parent or other person on request, shall be liable to pay, upon a summary conviction, a penalty not exceeding twenty shillings. Every person who shall

Penalty on vaccinator neglecting to give certificate, and persons signing false certificates.

wilfully sign a false certificate under this Ordinance shall be guilty of a misdemeanour and be punished accordingly.

Certificate of successful vaccination or otherwise to be sent to Registrar.

**30.** Every registered medical practitioner to whom a child has been brought for vaccination shall send to the Registrar within seven days thereafter in the case of a child presented for vaccination in Stanley or its suburbs, or within eight weeks in the case of a child presented for vaccination in any other place in the Colony, a certificate in the Form A, B or C in the First Schedule to this Ordinance as the case may be. Any medical practitioner who shall refuse or fail to do so shall be liable to a penalty not exceeding ten pounds unless reasonable grounds be shown for such failure.

Action in cases of unvaccinated children under 14 years of age. 21 of 1949.

**31.** The court may order that any child under the age of 14 years who has not been successfully vaccinated, or has not had small pox or has not been certified as insusceptible of successful vaccination, shall be vaccinated within such time as it may deem fit and the person against whom the order is made who fails to comply therewith shall, unless he shall satisfy the court that he had reasonable excuse for his omission, commit an offence and be liable to a fine not exceeding twenty shillings.

Penalty on persons inoculating with small-pox.

**32.** Any person who shall produce or attempt to produce in any person by inoculation with variolous matter, or by wilful exposure to variolous matter, or wilfully by any other means whatsoever, the disease of small-pox shall be guilty of an offence and shall be liable to be imprisoned for any term not exceeding two months.

### Part III

[3rd October, 1908.]

#### QUARANTINE.

Communication with the shore. 7 of 1908.

**33.** In this Part of this Ordinance and in any regulation made thereunder any term used having reference to communication with the shore, shall mean both direct and indirect communication with the shore, through or by means of communication with any ship or in any other way whatever

other than wireless telegraphy and the term "Health Officer" means the Senior Medical Officer or any person delegated by him or appointed by the Governor under this Part of this Ordinance.

Health  
Officer.  
17 of 1949.

34. The Senior Medical Officer shall have full power to superintend and enforce the carrying out of the provisions of this Part of this Ordinance, and the regulations for the time being in force relating to quarantine.

Powers of  
Senior  
Medical  
Officer.

35. The Senior Medical Officer may, with the approval of the Governor, delegate in writing to some other person or persons all or any such powers as may be vested in him under this Part of this Ordinance and the regulations made thereunder.

Delegation  
of powers by  
Senior Medi-  
cal Officer.

36. The Governor may appoint such officers as may be necessary to enforce and carry out the provisions of this Part of this Ordinance, and the regulations made thereunder and all such officers shall be subject to the direction and control of the Senior Medical Officer.

Appoint-  
ment of  
officers.

37. The Governor may, whenever it appears necessary or expedient, provide one or more ships or buildings and cause such ships or buildings to be fitted up as observation stations and isolation hospitals for the purpose of observation and isolation of the sick.

Observation  
stations and  
isolation  
hospitals.

38. The Governor may appoint suitable places for quarantine grounds and shall have power from time to time to change such places. Notice of every such appointment shall be published in the Gazette.

Quarantine  
grounds.

39. (1) The Governor in Council may make regulations—

Regulations.

- (a) For preventing the introduction of infectious or contagious diseases into the Colony ;
- (b) For the control and management of observation and isolation stations ;
- (c) For the prevention of illegal communication with or escapes from such stations and from ships not admitted to pratique ;
- (d) For the prevention or mitigation of diseases at such stations ;

- (e) For supplies to persons placed there and the rates payable for such supplies ;
- (f) For the inspection of ships and persons leaving the ports of the Colony for places beyond the Colony, and for the prevention of the embarkation of any person suffering from any infectious or contagious disease ;
- (g) For the disinfection of any such ships, the crew and all persons, effects and clothes on board or to be embarked on board such ships ;
- (h) For the detention of any person found suffering or suspected to be suffering from any infectious or contagious disease and the prohibition of embarkation of any article likely to convey infectious or contagious disease which cannot be disinfected.
- (i) And generally such other regulations as may be necessary to carry out the provisions of this Part of this Ordinance.

Such regulations may provide for the infliction of a fine not exceeding fifty pounds and imprisonment not exceeding three months for any breach or contravention thereof, and also for the seizure or destruction of any articles shipped or conveyed or attempted to be shipped or conveyed on board such ships in contravention of the said regulations.

(2) Until the Governor in Council makes regulations under this section, the regulations in the Second Schedule to this Ordinance shall be in force and shall be deemed for all purposes to be regulations made by the Governor in Council under this section.

Prohibition  
as to board-  
ing vessels  
on arrival.

**40.** On the arrival of any ship at any port of the Colony from a place beyond the Colony, any person other than the Pilot, Health Officer, Harbour Master or other person authorised by the Health Officer who shall leave or go on board or come into actual contact with the ship until she has been admitted to pratique shall commit an offence and be liable to a fine not exceeding fifty pounds.

Offences.

**41.** Any person who obstructs or impedes or assists in obstructing or impeding any officer appointed under this Ordinance, or any police officer in the execution of this Part

of this Ordinance or of any regulations made thereunder shall be guilty of an offence against this Ordinance.

42. (1) Any person who commits an offence against this Part of this Ordinance or against any regulations made thereunder for which no penalty is prescribed, shall be liable on summary conviction to a fine not exceeding fifty pounds. Penalty for offences.

(2) A person convicted of any offence against this Part of this Ordinance or against any regulations made thereunder who is within a period of twelve calendar months convicted for a second or subsequent offence against this Ordinance or any such regulations, shall be liable to imprisonment for any term not exceeding two calendar months either in addition to or in lieu of a fine.

(3) Nothing in this section contained shall affect the liability of any person to any punishment or penalty to which he is liable at common law or under any enactment other than this Ordinance, but so that a person shall not be punished twice for the same offence.

43. Any officer appointed under this Ordinance, or any police officer may, without warrant, stop and detain a person committing or reasonably suspected of being engaged in committing an offence against this Part of this Ordinance or against any regulations made thereunder, and if his name and address are not known may without warrant apprehend him. Apprehension of offender.

44. No person shall be entitled to claim from the Government or from any of its officers any damages or indemnity on account of any acts lawfully done in accordance with any of the provisions of this Part of this Ordinance, or any regulations made thereunder. No indemnification.

45. Any officer or person appointed to enforce the performance of quarantine under this Ordinance who shall desert from duty or shall infringe or knowingly suffer or permit any person to infringe any of the provisions of this Part of this Ordinance, or any regulations made thereunder, shall be liable on conviction to a penalty of not less than five pounds and not exceeding twenty-five pounds, and to immediate dismissal. Misconduct of quarantine officers.

Ship may  
put to sea  
instead of  
going into  
quarantine.

**46.** Notwithstanding anything in this Part of this Ordinance contained it shall be lawful for any ship ordered to a quarantine ground under the provisions of this Part of this Ordinance or any regulations made thereunder to put to sea again and enter the same port of the Colony instead of going into quarantine.

Ordinance to  
apply to  
men-of-war.

**47.** His Majesty's ships, and ships of war belonging to other nations, are subject to this Part of this Ordinance and the regulations made thereunder in the same way as merchant ships.

#### Part IV.

[26th October, 1931.]

#### VENEREAL DISEASE.

No person  
suffering  
from  
venereal  
disease to  
land in the  
Colony ex-  
cept with  
permission  
of the  
Governor.

**48.** No person suffering from venereal disease, to wit, syphilis, gonorrhœa or soft sores, shall disembark in the Colony from any vessel arriving from overseas, or from the Dependencies except with the permission of the Governor, which permission shall be subject to such terms, conditions and restrictions as to isolation and treatment as the Governor may prescribe on the advice of the Senior Medical Officer.

11 of 1931.  
Any person  
found to be  
suffering  
from  
venereal  
disease with-  
in a month of  
landing in  
the Colony to  
be subject to  
restriction.

**49.** Any person who has disembarked in the Colony from a vessel arriving from overseas or from the Dependencies and who is found not later than one month from the date of having so disembarked to be suffering from venereal disease as aforesaid shall be granted permission to remain in the Colony subject to such terms, conditions and restrictions as to isolation and treatment as the Governor may prescribe on the advice of the Senior Medical Officer provided that the terms conditions and restrictions so prescribed are of a nature similar to that of those which might have been prescribed under the provisions of the preceding section of this Ordinance.

Penalty.

**50.** Any person who wilfully contravenes or evades or attempts to contravene or to evade any of the provisions of this Part of this Ordinance or who aids or abets any such contravention or evasion or attempted contravention or evasion shall be liable on conviction by a court of summary jurisdiction to a fine not exceeding twenty pounds.

**Part V.**

[30th May, 1916.]

**HOSPITAL.****51.** In this Part of this Ordinance :—

“ Hospital ” means the Public Hospital in Stanley known as “ The King Edward VII Memorial Hospital ”.

Interpretation.

2 of 1916.

**52.** The Senior Medical Officer shall be the Medical Officer and Surgeon to the Hospital, and the Hospital shall be under his care and management subject to the regulations for the Hospital and the directions of the Governor.

Medical Officer.

**53.** The Governor may appoint a Nurse Matron, and such other Nurses and Servants for the Hospital as he may think fit, who shall receive such salaries and allowances as the Legislative Council may provide with the sanction of the Secretary of State.

Appointment of Nurses and Servants.

**54.** (1) There shall be a Visiting Committee for the Hospital to be appointed by the Governor from time to time for such period or periods as the Governor may think fit, consisting of not more than three persons not holding any appointment or employment under the Colonial Government. The Committee shall meet as often as they shall think fit and shall at all times have access to the Hospital and shall enter any suggestions they may have to make for the consideration of the Governor in a book to be kept at the Hospital for the purpose.

Visiting Committee.

(2) The Governor shall appoint the Chairman of the Committee.

Chairman of Committee.

**55.** The Governor in Council may make, and from time to time vary, regulations for the admission, maintenance, treatment and discharge of patients, and for the general management and working of the Hospital.

Regulations.

**FIRST SCHEDULE.****Form A.**

I, the undersigned, being a (here insert nature of professional qualification), hereby certify  
aged \_\_\_\_\_, of \_\_\_\_\_, the child of \_\_\_\_\_,  
has been successfully vaccinated by me. \_\_\_\_\_, in the district of \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_

(Signed)  
Registered Medical Practitioner.



**Form B.**

I, the undersigned, being a (here insert nature of professional qualification), hereby certify my opinion that \_\_\_\_\_, the child of \_\_\_\_\_, of \_\_\_\_\_, in the district of \_\_\_\_\_, aged \_\_\_\_\_, is not now in a fit state to be successfully vaccinated, and I do hereby postpone the vaccination until the \_\_\_\_\_ day of \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_

(Signed)

Registered Medical Practitioner.

**Form C.**

I, the undersigned, being a (here insert nature of professional qualification), hereby certify my opinion that \_\_\_\_\_, the child of \_\_\_\_\_, in the district of \_\_\_\_\_, is insusceptible of the vaccine disease.

Dated this \_\_\_\_\_ day of \_\_\_\_\_

(Signed)

Registered Medical Practitioner.

**Form D.**

I, the undersigned, hereby give you notice and require you to have \_\_\_\_\_ vaccinated within three months after the birth, pursuant to the provisions of the Public Health Ordinance.

As witness my hand this \_\_\_\_\_ day of \_\_\_\_\_

(Signed)

Registrar.

**SECOND SCHEDULE.**

1. These regulations may be cited as "The Quarantine Regulations."
2. In these regulations :—

"Infectious or contagious disease" means cholera, plague, yellow fever and small-pox.

"Place" means any clearly defined portion of territory, such as an island, a port, a district, a parish, a town or a village.

"Infected place" subject to the provisions of regulation 3, means a place where any infectious or contagious disease exists.

10 of 1950.

"Infected ship" means (a) one on board of which a case of human plague is present, or broke out more than six days after embarkation, or on which plague-infested rats are found; or (b) one on board of which there is, or has been during the five days previous to the ship's arrival, a case of cholera; or (c) one on board of which there is, or was at the time of its departure or during the voyage, a case of yellow fever; or (d) one on board of which there is, or has been during the voyage, a case of small-pox.

10 of 1950.

"Suspected ship" means (a) one on board of which a case of human plague broke out in the first six days after embarkation, or in which

investigations have shown an unusual and unexplained mortality among rats ; or (b) one on board of which there has been a case of cholera at the time of departure or during the voyage, but no fresh case in the five days previous to arrival ; or (c) one which arrives after a voyage of less than six days from an infected port or a port in close relation with an endemic centre of yellow fever, or arrives after a voyage of more than six days and there is reason to believe that it may transport adult *stegomyia* (*aedes egypti*) emanating from the said port ; or (d) one on board of which there has been during the voyage a case of small-pox, but no fresh case in the twelve days previous to arrival.

"Healthy ship" means a ship which, although having come from an infected place, has had on board no case of any infectious or contagious disease nor any rat plague either at the time of departure, or during the voyage, or on arrival, and the investigations regarding rats have not shown the existence of an unusual mortality, or if, on arriving after a voyage of more than six days from a place infected with yellow fever, it has no case of yellow fever on board, and either there is no reason to believe that it transports adult *stegomyia*, or it is proved to the satisfaction of the Health Officer :—

(i) that the ship during its stay in the infected place was moored at a distance of at least 200 metres from the inhabited shore and at such a distance from harbour vessels as to make the access of *stegomyia* improbable ; or

(ii) that the ship at the time of departure was effectively fumigated in order to destroy mosquitoes.

"Observation" means isolation of passengers, either in a proper station provided for that purpose or on board ship prior to their obtaining free pratique. In the case of yellow fever the sick or those under observation who develop a temperature exceeding 99.2° Fahrenheit must be effectively screened from mosquitoes ;

"Surveillance" means that passengers are not isolated. They receive free pratique at once and are allowed to proceed to their place of destination (the proper authority of which must be informed of their arrival) there to undergo medical supervision ;

"Medical supervision" means that all persons under surveillance shall present themselves at such places and at such times for examination as the Health Officer may direct.

3. A place shall not be regarded as infected because of the existence thereof of imported cases of any infectious or contagious disease or because of the occurrence of a single non-imported case.

In determining whether a place is infected or not under the definition of "infected place" the second non-imported case necessary to render a place infected must occur within the respective periods mentioned in regulation 4.

4. A place shall cease to be regarded as infected if the Health Officer is satisfied that :—

(a) There has been no fresh case of plague or cholera within five days, of yellow fever within eighteen days, of small-pox within twelve days, of the isolation or of the death or recovery of the last case ;

- (b) Infected things have been disinfected or destroyed, and that in the case of plague measures have been taken with a view to the destruction of rats in the infected locality, and in the case of yellow fever of mosquitoes on and near the infected premises.

The words "infected premises" in this regulation mean :—

- (i) Any premises in which the patient was residing during any of the six days preceding the date on which he was taken ill ;
- (ii) The premises on which he was taken ill ; and
- (iii) Any premises occupied by him from the time he was taken ill until effective screening from mosquitoes took place.

5. These regulations shall be applied to arrivals not from all ports of clearance of a country, but only to arrivals from such ports of clearance, if any, as, having regard to the nature and progress of the disease and to the extent and means of communication with the infected place, are likely in the opinion of the Health Officer to transmit the infectious or contagious disease with which such place is infected :

Provided that the Health Officer is satisfied that the country in which the infected place is situate takes the measures necessary to prevent the export of rags, clothing and bedding referred to in regulation 27 from that place unless they shall have been previously disinfected, and also takes measures necessary to check the spread of the disease.

6. The Health Officer may board any ship arriving in the waters of the Colony and inspect every person in the ship.

7. Every infected, suspected or healthy ship shall be inspected as soon as possible after arrival by the Health Officer.

8. The Health Officer may inspect any ships or persons leaving a port in the Colony for any place beyond the Colony and may prohibit the embarkation of any person suffering from any contagious or infectious disease.

9. The Health Officer may, if he think proper, call for inspection of the ship's books and papers, and he shall use every lawful means which may seem to him expedient for ascertaining the health of the persons on board and the sanitary condition of the ship.

10. The master of any ship, or any other person, shall answer truly, and if required in writing all such questions put to him by and give all such information to the Health Officer or Harbour Master as may be necessary for any purpose of these regulations. Any master or other person who refuses or neglects to answer, or answers evasively or falsely, any such questions, or who conceals from the Harbour Master or Health Officer the true state of the health of the crew or passengers or other persons on board of any ship, or who refuses or fails to produce such books and papers as the Health Officer may demand, shall be liable to a fine not exceeding twenty pounds.

11. Every " Infected," " Suspected " and " Healthy " ship arriving in the waters of this Colony shall fly the usual quarantine or yellow flag.

12. The master or person in charge of any infected or suspected ship shall, if so ordered by the Harbour Master or Health Officer, cause such ship to be taken at once to such place as may be pointed out to him as the quarantine ground, there to remain until released under the provisions of these regulations.

13. All ships in quarantine shall fly by day the usual quarantine or yellow flag at the foremast head ; by night at the foremast a red light over a green light.

14. All guard boats shall by day fly a similar yellow flag ; by night they shall fly a red light at bow and stern.

15. No person except those authorised by the Health Officer shall communicate with any ship in quarantine, and the persons on board shall not communicate with the shore except with the permission of the Health Officer.

16. Any person found on board any ship which has not been granted pratique without the permission of the Health Officer shall be detained in such manner and for such time as the Health Officer may direct, and shall be liable to a penalty for a breach of these regulations.

17. Infected ships shall be dealt with as follows :—

(a) The sick shall, as soon as possible, be removed from the ship and isolated ;

(b) The other persons on board shall be permitted to land and be kept under observation or subjected to surveillance for periods not to exceed the following :—

(i) Plague, six days ; if the person is under surveillance the period may be extended to ten days ;

(ii) Cholera, five days ;

(iii) Yellow fever, six days ;

(iv) Small-pox, fourteen days.

In applying these measures the date of the last case and the condition of the ship shall be taken into account.

(c) Clothing and articles belonging to the passengers or crew which, in the opinion of the Health Officer, are infected shall be disinfected or destroyed ;

(d) Those parts of the ship that have been occupied by the sick and such other parts of the ship as the Health Officer may regard as infected shall be disinfected ;

(e) In the case of plague measures shall be taken as soon as possible either before or after discharge of cargo to secure the destruction of rats on board, and shall not exceed twenty-four hours ;

(f) In the case of yellow fever measures shall be taken to secure the destruction of mosquitoes and their larvae on board or the ship shall be moored at least 200 metres from the inhabited shore and at such a distance from the harbour boats as will render the access of *stegomyia* improbable ;

(g) In the case of cholera (i) when the drinking water is suspected it shall be emptied out after disinfection and replaced, after disinfection of the tanks, by a fresh supply of wholesome water ; 10 of 1950.

(ii) the bilge water after disinfection shall be pumped out ;

(iii) the emptying or discharge into the waters of the port of human dejecta, as well as of the waste waters of the ship, may be forbidden unless they have been previously disinfected.

(h) In the case of plague or cholera unloading shall be carried out under the supervision of the Health Officer, and the persons engaged 10 of 1950.

therein shall be subjected to observation or surveillance for a period of five days from the time when they cease unloading.

When such measures as the Health Officer may have deemed necessary in accordance with the provisions of this regulation have been carried out, such ships shall immediately thereupon be admitted to free pratique.

18. Passengers arriving by an infected ship shall be entitled to a certificate from the Health Officer indicating the date of their arrival and the measures to which they and their baggage have been subjected.

19. Suspected ships shall be dealt with as follows :—

(a) The passengers and crew may be subjected to surveillance for periods not to exceed the following :—

- (i) Plague, five days ;
- (ii) Cholera, five days ;
- (iii) Yellow fever, six days ;
- (iv) Small-pox, fourteen days :

The period of surveillance shall date from the arrival of the ship.

(b) Paragraphs (c), (d) and (g) of regulation 17 shall apply to suspected ships, and paragraphs (e) and (f) thereof may be applied. When such measures as the Health Officer may have deemed necessary in accordance with the provisions of this regulation have been carried out, such ships shall immediately thereupon be admitted to free pratique.

20. Healthy ships shall be admitted to free pratique immediately on arrival irrespective of the nature of their bill of health. They may, however, at the discretion of the Health Officer be subject to the measures specified in paragraphs (c), (e), (f) and (g) of regulation 17, and the passengers and crew may be subjected to surveillance which shall not exceed the periods provided for in regulation 19 (a).

The periods of surveillance shall date from the departure of the ship from the infected place. The application of the measures specified in paragraph (c) or (e) of regulation 17 shall only be resorted to when, in the opinion of the Health Officer, special reasons exist which require them. Where the provisions of paragraph (e) are applied the operation shall not in any case exceed twenty-four hours and shall not interfere with the free circulation of passengers and crew between ship and shore.

21. If the rats in a healthy ship are found to be suffering from plague the Health Officer shall visit the ship and measures shall be taken as in paragraphs (c) and (e) of regulation 17. The parts of the ship that the Health Officer may consider infected shall be disinfected, and the passengers and crew may be subject to surveillance which shall not exceed a period of five days after arrival, unless in exceptional cases when such period may be extended to ten days. If unusual mortality has been observed among the rats on a healthy ship the Health Officer shall visit the ship and a bacteriological examination of the rats shall, when practicable, be made as quickly as possible. If it is thought necessary to resort to measures of rat destruction these shall be carried out as specified in paragraph (e) of regulation 17. Until all suspicion of plague is removed the passengers and crew may be subjected to surveillance during the time specified in this regulation in respect of ships on board of which rats are found to be suffering from plague.

22. Whenever means for the destruction of rats have been taken and the master, the shipowner or the shipowner's agent shall so demand, the Health Officer of the port shall furnish him with a certificate that such measures have been applied and specifying the reasons why.

23. If, in the opinion of the Health Officer of the port of arrival, ships from an infected place have been disinfected effectively they shall not again be subjected to sanitary measures unless a fresh case of infectious or contagious disease has occurred on board since disinfection or unless they have again called at an infected place.

24. A ship shall not be regarded as having called at a place if it has merely disembarked passengers and their baggage or mails without having been in communication with the shore.

25. Where a ship has passengers on board who are in a filthy or otherwise unwholesome condition, or is overcrowded with passengers, emigrants or otherwise, the Health Officer may if, in his opinion, it is desirable with a view of preventing the introduction of any infectious or contagious disease subject persons on board to observation or surveillance for the periods provided for in regulation 17 (b).

Where measures of observation or surveillance are prescribed the Health Officer may exempt from their application any person who, in his opinion is immune from the infectious or contagious disease on account of which these measures are applied.

26. Where these regulations provide that a person may be permitted to proceed to his place of destination subject to surveillance, the Health Officer, before granting such permission, must be satisfied that it is reasonably probable that the person to whom it is granted will duly comply with the conditions of surveillance, and permission if granted shall be upon the following conditions:—

- (a) He shall satisfy the Health Officer as to his name, intended place of destination, and his place of residence thereat;
- (b) He shall agree to present himself and shall present himself for medical supervision during the prescribed period, and he may be required by the Health Officer to deposit a sum not exceeding two pounds, which may be forfeited if he fail to so present himself.

The agreement shall be in accordance with Form 1 of these regulations.

- (c) The place must, in the opinion of the Health Officer, be conveniently situated for the medical supervision.

If the Health Officer is not satisfied as herein required, or if the person fails to comply with paragraphs (a) and (b) hereof, the Health Officer may detain him under observation or direct him to proceed to a specified place and there remain under medical supervision during the prescribed period. In the latter case the provisions of paragraph (b) hereof may, at the discretion of the Health Officer, be applied to such person.

- (d) In the case of small-pox a person may be required to produce to the Health Officer satisfactory evidence of having been successfully vaccinated or re-vaccinated within the three years immediately preceding, or of his being otherwise immune from the disease, and such person may in the absence of such evidence be detained under observation for the prescribed period. But when the ship is a healthy ship this measure shall not apply to passengers who

have not embarked or gone ashore at the infected place, and it shall not be applied to those passengers who embarked or went ashore at the infected place if the circumstances of their stay there afford reasonable evidence of non-infection.

Any person acting in contravention of any of the provisions of this regulation shall be liable to a penalty not exceeding the sum of ten pounds.

27. (1) Merchandise shall be disinfected only when, in the opinion of the Health Officer, it is infected, except in the case of yellow fever when it shall under no circumstances be liable to disinfection or prohibition. In the case of plague, cholera and small-pox, clothing and bedding which have been used, and rags, may, when imported from an infected place as merchandise, be subjected to disinfection even in the absence of evidence that they are infected, or their introduction into the Colony may be prohibited, except that in the case of cholera, rags compressed in bales, if, in the opinion of the Health Officer, they are free from infection, shall not be subjected to the provisions of this regulation.

(2) The measures specified in this regulation are the only measures that can be applied in respect of merchandise.

28. The entry of live stock into the Colony shall not be prohibited because of the existence of an infectious or contagious disease in the place from whence they have come or on board the ship in which they were conveyed.

29. When merchandise has been subjected to disinfection in pursuance of provisions in these regulations, the owner or his agent shall be entitled to a certificate from the Health Officer indicating the measures that have been taken.

30. Nothing in these regulations shall render liable to detention, disinfection or destruction, any article forming part of any mail (other than a parcel mail) conveyed under the authority of the postal administration of any Government, or shall prejudicially affect the delivery in due course of any such mail (other than a parcel mail) to the Post Office.

31. The only measures which parcel mails may be subjected to shall be disinfection or destruction of articles which are, in the opinion of the Health Officer, infected.

32. When any port within the Colony is an infected place :—

(1) Every person taking passage on a ship leaving such port shall be examined by the Health Officer immediately before departure of the ship ; such examination implies the use of the clinical thermometer, and shall, as far as practicable, be made by day and on shore, and no person suffering from any infectious or contagious disease shall be permitted to embark ;

(2) Measures shall be taken :—

(a) To prevent the exportation of merchandise or articles which the Health Officer may consider infected, unless such merchandise or articles shall in the first instance have been disinfected on shore under his supervision ;

(b) In the case of plague to prevent rats from gaining access to ships ;

(c) In the case of yellow fever to prevent mosquitoes from gaining access to the ships, but when this is impossible then measures should be taken immediately before the departure of the ship to destroy those on board ;

(d) In the case of cholera, the Health Officer shall see that the drinking water taken on board is wholesome.

(3) The Health Officer shall give to the master of the ship a certificate stating in detail the measures taken.

The master, owner or agent of any ship conveying from an infected port a passenger not previously examined, or merchandise or articles liable to disinfection not previously disinfected, shall be liable to a fine not exceeding twenty pounds; and any passenger, in the opinion of the Health Officer, suffering from any infectious or contagious disease who embarks on board of a vessel shall be liable to a fine not exceeding five pounds.

33. When, in the case of a healthy ship from a port which is an infected place, the Health Officer of the port of arrival is satisfied that the measures specified in regulation 32 have been efficiently carried out at such infected place, such ship shall be exempted from the measures specified in regulation 20 :

Provided always that if the period specified in that regulation and dating from the departure of the ship from the infected place shall not have been completed, the passengers and crew may be subjected to surveillance for such duration as may be necessary to complete the period.

34. (1) No measures shall be taken against any ship arriving in the waters of the Colony because it has come from or called at any place where any of the following diseases exists :—

Typhus fever,	Measles,
Enteric fever,	Whooping cough
Cerebro-spinal fever,	Chicken-pox,
Scarlet fever,	Dengue,
Diphtheria,	Influenza.

(2) If a case or cases of any of the above diseases has or have occurred on board either before leaving the port of departure, during the voyage, or on arrival, the following measures may be applied at the discretion of the Health Officer :—

(a) Isolation of the sick ;

(b) Disinfection of the infected clothing, bedding and effects, and of the compartment of the ship occupied by the sick.

(c) Surveillance of those who have been in contact with the sick.

35. If any ship in the waters of the Colony is known to have any case of infectious or contagious disease on board, the Health Officer may order such ship to be placed in quarantine until she has been dealt with as an infected ship.

36. In the case of a death from any infectious or contagious disease on board any ship, the body shall be disposed of in such manner as the Health Officer may direct and at the expense of the ship.

37. If any person conveys or attempts to convey any article to or from any ship in contravention of these regulations, such article shall be forfeited.

38. (1) The master or surgeon, when there is one of any ship, shall, if the facts warrant his so doing, on arrival in the waters of this Colony, sign and deliver to the Harbour Master the certificate in accordance with Form 2 appended to these regulations.

(2) In the event of any master or surgeon not signing and delivering the certificates marked (a) and (b), the Harbour Master shall place such



ship in quarantine pending the visit of the Health Officer, who shall decide whether such ship shall be granted pratique or treated as an infected, suspected or healthy ship.

(3) In the event of any master or surgeon not signing and delivering the certificates marked (c) and (d), the Harbour Master shall grant pratique, but the passengers and crew shall not be permitted to land until they have been seen and dealt with in accordance with these regulations by the Health Officer.

(4) The surgeon or master of any ship who shall sign any such certificate as aforesaid containing any false statement shall commit an offence.

39. The owner, master or agent of the ship shall pay the Government on demand any costs and expenses incurred in the removal of any person from the ship to any observation station, or connected with the cleansing and disinfection of any ship or of the cargo or merchandise of any ship or any part of such ship, cargo or merchandise, or of the destruction of rats or mosquitoes on board, including the hire of any necessary labour, ships, premises on shore and disinfecting appliances, or of removing from any ship any article or thing and disinfecting the same.

40. (1) All costs and expenses charged or incurred by the Government for the maintenance of any person under observation or isolation, and for the disinfection and cleansing of passenger's baggage, shall be paid on demand to the Government by the person concerned, except in the case of the master, officers or crew of any ship, when such expenses shall be paid by the owner, master or agent of the ship.

(2) The Government shall have a lien on all baggage and other property belonging to a person placed in an observation or isolation station to secure payment of any sum due to the Government for the maintenance of such person or that of other persons for whom he may be or may have rendered himself liable.

(3) Such property may be kept and detained at the Custom House, and in default of payment within eight days from the termination of the quarantine of any sums due to the Government by the owner of such property in respect of maintenance, the Collector of Customs may cause such property to be sold by auction :

Provided that after deduction from the sale price of such property of the claim of the Government and costs, the balance, if any, shall be paid to the owner of the property.

41. No ship shall be permitted to clear outwards from any port of the Colony until all fees and expenses payable by the owner, master or agents thereof in respect of such ship under the Public Health Ordinance, or of these regulations may have been first duly paid.

42. No person under surveillance shall be required to pay a fee to any Health Officer for the services of medical supervision :

Provided always that this provision shall not apply to any such person who received medical attendance at his or her request.

43. Where any breach of these regulations is committed, all persons assisting in any way in the commission of such breach, and the master or other person having the control of any ship on board of which such breach has been committed or who has been in any way concerned in the commission of such breach, shall be severally guilty.

## Form 1.

## REGULATION 26.

## ORIGINAL.

(To be retained by the Health Officer issuing the pass.)

- (1) No. of pass
- (2) Residence
- (3) Station of issue
- (4) Date of arrival
- (5) Name of person (in full)
- (6) Father's name (*a*)
- (7) Occupation
- (8) Age
- (9) Sex
- (10) Whence coming (give town and locality)
- (11) Destination and residence during next (*b*)      days (give town and locality)
- (12) To whom the triplicate copy of the pass sent and when.

I declare the information set forth above under headings (5) to (11) to be correct and I do hereby bind myself to appear for inspection daily, for the next        days at the office or residence of Dr.                      at the hour of            or such other place or hour as the Examining Officer may direct; and to report to the said officer my residence before departure any change in residence of the above-mentioned person within the said period of        days; and to deliver to the said officer this pass on the expiration of the said period.

Signature or mark of traveller or  
person in charge of him.

Declared and signed before me.

Signature and designation of officer  
issuing the pass.

- 
- (*a*) May be omitted when clearly not required for identification.
  - (*b*) The number of days to be inserted in accordance with the infectious or contagious disease for which the person is placed under surveillance.

Instructions to the Health Officer issuing the pass.

1. The pass should be prepared in triplicate. The original should be retained for record, the duplicate delivered to the traveller and the triplicate sent without delay to the officer who has to examine him for the prescribed number of days. The full designation and address of this officer should be entered under heading (12). One pass form should not be used for more than one individual.

2. The issuing Officer should explain to the traveller or his guardian the terms of the pass, and warn him that any breach of its terms will entail forfeiture of any deposit made by him, and also prosecution and punishment, with fine not exceeding ten pounds.

Instructions to the officer appointed to conduct the days' inspection.  
(To be endorsed on triplicate copy of pass.)

The Examining Officer should satisfy himself that the person presenting the pass is the person described therein. He should ascertain from the traveller whether there is any sickness or death in his house. If the traveller exhibits any symptoms of plague, cholera, yellow fever, small-pox, or if any sickness or death is reported in his house, or if he fails to appear for inspection, the said officer should take immediate steps for detaining him or for making the necessary inquiries as to the cause of sickness, death or absence, and report with the quickest dispatch to the Senior Medical Officer.

Endorsement of the Examining Officer :—

	Date	Signature
First day ... ..		
Second day ... ..		
Third day ... ..		
Fourth day ... ..		
Fifth day ... ..		
Sixth day ... ..		
Seventh day ... ..		
Eighth day ... ..		
Ninth day ... ..		
Tenth day ... ..		
Eleventh day ... ..		
Twelfth day ... ..		

Forwarded to the Senior Medical Officer, the passenger having been daily observed for the prescribed period.

Signature and designation of  
Examining Officer.

Date.

1. The pass-holder must, unless exempted by a written order endorsed on the pass, appear daily for the prescribed number of days on his pass, with his pass, before the Examining Officer, and obtain that officer's signature on the reverse of his pass in token of inspection.

2. The pass-holder is not obliged to remain at a place for the prescribed number of days by reason of his pass, but should he desire to change his residence within that period he must give due intimation to the Examining Officer and get the entries under headings (11) and (12) altered before departure. On the expiration of his term of surveillance he shall deliver his pass to the Examining Officer.

3. The pass-holder is warned that any breach of the terms of the pass will entail forfeiture of any deposit made by him, and also prosecution and punishment, with fine not exceeding ten pounds.

## REGULATION 38.

## Form 2.

(a) I hereby certify that there is not and has not been on board the \_\_\_\_\_ during the voyage from \_\_\_\_\_ or during the stay of the ship in that port, or in any other port in the course of the voyage, any case or suspected case of plague, cholera, yellow fever or small-pox.

Signature of Master or Surgeon.

Ship.

Date.

(b) I certify that to the best of my knowledge and belief the ship has not come from or touched at any place where there were any cases of plague, cholera, yellow fever or small-pox, and that there is no person on board who has within twelve days of embarkation been in any place where there were any cases of these diseases.

Signature of Master or Surgeon.

Ship.

Date.

(c) I certify that there is not and has not been on board the \_\_\_\_\_ during the voyage from \_\_\_\_\_ or during the stay of the ship in that port, or in any other port in the course of the voyage, any case or suspected case of the following diseases :—

Typhus fever  
Enteric fever  
Cerebro-spinal fever  
Scarlet fever  
Diphtheria

Measles  
Whooping cough  
Chicken-pox  
Dengue  
Influenza

Signature of Master or Surgeon.

Ship.

Date.

(d) I certify that there has been no death from any cause on board during the voyage.

Signature of Master or Surgeon.

Ship.

Date.

## CHAPTER 55.

### RADIO-ACTIVE MINERALS.

14 of 1948    AN ORDINANCE TO REGULATE AND CONTROL PROSPECTING AND MINING FOR RADIO-ACTIVE MINERALS AND THE EXPORT THEREOF AND FOR PURPOSES CONNECTED THEREWITH.

[21st October, 1948.]

Short title.    1. This Ordinance may be cited as the Radio-active Minerals Ordinance.

Definitions.    2. In this Ordinance, unless the context otherwise requires—

“Colony” means the Colony of the Falkland Islands and its territorial waters and includes the Dependencies of the Falkland Islands and their territorial waters;

“Licence” means a licence issued under the provisions of section 3 of this Ordinance;

“Mine,” with its grammatical variations and cognate expressions, includes all operations for the intentional winning or obtaining of any radio-active mineral;

“Permit,” means a permit issued under the provisions of section 6 of this Ordinance;

“Prospect,” with its grammatical variations and cognate expressions, means to search for any radio-active mineral and includes such working as is reasonably necessary to enable the prospector to test the radio-active mineral-bearing qualities of the area concerned.

“Radio-active mineral” means any substance specified in the Schedule to this Ordinance.

Prospecting  
and mining  
restricted.  
Chapter 48.

3. Notwithstanding anything in the Mining Ordinance, or any other enactment, no person shall within the Colony prospect for or mine, or attempt to prospect or mine, any radio-active mineral except under and in accordance with a licence granted by the Governor.

---

[*Note.* This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

4. Every holder of a licence shall within the first week of every month furnish the Colonial Secretary with a true report in writing of the prospecting and mining operations conducted by him in the immediately preceding month with respect to radio-active minerals.

Holder of licence to report his operations.

5. The holder of any prospecting licence or mining lease under the Mining Ordinance or the lessee of such mining lease shall immediately notify the Colonial Secretary of the discovery of any radio-active minerals and shall not remove them from the mining land without the consent of the Governor.

Notification of discovery of radio-active minerals

6. Notwithstanding anything in the Customs Ordinance or any other enactment, no person shall export, or attempt to export, from the Colony any radio-active mineral except under and in accordance with a permit granted by the Governor in that behalf.

Export restricted.  
Chapter 16.

7. The grant of a licence or a permit shall be in the absolute discretion of the Governor who shall be under no obligation to assign any reason for refusing the grant thereof.

Grant of licence or permit discretionary.

8. Every licence and permit shall be in such form and for such period and be subject to the payment of such a fee as the Governor may determine, and shall contain such terms and conditions as he may think fit to impose.

Form of licence and permit.

9. (1) Where it appears to the Governor that any radio-active minerals are present in or on any land, he may by order provide for compulsorily vesting in him the exclusive right, so long as the order remains in force, to work those minerals and any other minerals which it appears to him to be necessary to work with these minerals, and may also provide, by that order or a subsequent order, for compulsorily vesting in him any other ancillary rights which appear to him to be necessary for the purpose of working the minerals aforesaid including (without prejudice to the generality of the foregoing provisions)—

Compulsory vesting in Governor of right to work minerals.

- (a) rights to withdraw support ;
- (b) rights necessary for the purpose of access to or conveyance of the minerals aforesaid or the ventilation or drainage of the workings ;

- (c) rights to use and occupy the surface of any land for the purpose of erecting any necessary buildings and installing any necessary plant in connection with the working of the minerals aforesaid ;
- (d) rights to use and occupy for the purposes of working the minerals aforesaid any land forming part of or used in connection with an existing mine or quarry, and to use or acquire any plant used in connection with any such mine or quarry ; and
- (e) rights to obtain a supply of water for purposes connected with the working of the minerals aforesaid, or to dispose of water or other liquid matter obtained in consequence of working such minerals.

(2) Any order made under this section shall provide for the payment of compensation, in such cases and subject to such conditions as may be specified in the order or determined thereunder, in respect of loss suffered as the result of the acquisition or exercise of rights under the order, but no account shall be taken, in calculating the compensation payable as aforesaid, of the value of any minerals present in or on land affected by the order, being minerals specified in the order as those from which, in the opinion of the Governor, any radio-active minerals can be obtained.

(3) Any order made under this section shall be published in the Gazette and shall be served—

- (i) where the land affected is the subject of a mining lease, or an exclusive prospecting licence, granted under the Mining Ordinance, on the lessee, or the holder of such licence ; or
- (ii) in all other cases, upon the owner, lessee or occupier of any land affected by the order.

(4) No order made under this section shall have effect until it has been laid before the Executive Council and has been brought into operation in accordance with the provisions of this section.

(5) No order made under this section shall be laid before the Executive Council until the requirements of subsection (3) have been complied with and until the period of at least one month has elapsed from the date upon which it is published in the Gazette.

(6) An order made under this section and confirmed by the Executive Council shall have full force and effect, with or without amendment, as the case may be, as from the date of publication in the Gazette of the resolution of the Executive Council confirming the same.

(7) If any petition against the order is received by the Governor, he shall refer such petition to a Select Committee of the Executive Council for a report thereon and no resolution shall be taken on the order by the Executive Council until the report of the Select Committee has been laid on the table.

(8) If any petition raises separate and conflicting claims in respect of any interest or title in the lands affected, the Executive Council may, by the resolution in respect of the order, direct that such claims be determined by arbitration as provided in the Land Ordinance or any amendment thereof.

Chapter 36.

10. (1) The Governor may compulsorily acquire—

Acquisition  
of minerals  
and plant.

- (a) any minerals, being minerals from which in the opinion of the Governor any radio-active minerals can be obtained, other than minerals in a natural state or contained in a deposit of waste material obtained from any underground or surface working ;
- (b) any plant designed or adapted for the production or use of atomic energy or research into matters connected therewith,

and in the case of any plant which is affixed to land, the Governor may sever it from the land, and shall in that case make good any damage caused by the severance.

(2) If the Governor and the person affected by the acquisition of any article under this section are unable to agree as to the compensation to be paid in respect of such acquisition or if any doubt arises as to the ownership of any such article, the matter shall be settled by arbitration as provided in the Land Ordinance or any amendment thereof.

11. (1) Every person who—

Offences.

- (a) prospects for or mines, or attempts to prospect for or mine, any radio-active mineral within the Colony without a licence ; or
- (b) being the holder of a licence, prospects for or mines, or attempts to prospect for or mine, any radio-active mineral within the Colony otherwise than in



Chapter 48.

accordance with any term or condition of his licence ; or

- (c) being the holder of a licence, fails to comply with the requirements of section 4 of this Ordinance ; or
- (d) exports, or attempts to export, from the Colony any radio-active mineral without a permit ; or
- (e) being the holder of a permit, exports, or attempts to export, from the Colony any radio-active mineral otherwise than in accordance with any term or condition of his permit ; or
- (f) obtains, or attempts to obtain, a licence or permit by means of any false statement or representation ; or
- (g) being the holder of a prospecting licence or mining lease granted under the Mining Ordinance or the lessee of a mining lease granted under the said Ordinance, fails to comply with the provisions of section 5 of this Ordinance ;

shall, upon summary conviction, be liable to imprisonment for twelve months or to a fine of five hundred pounds or to both such imprisonment and fine.

(2) The Court before which any person is convicted of an offence under subsection (1) of this section shall order the forfeiture to His Majesty of any radio-active mineral or prospecting or mining apparatus derived from, or employed in the commission of, any act in respect of which such person was convicted.

Powers of  
examination,  
arrest &c.

**12.** (1) Any police officer not below the rank of sergeant, and any other officer or class of officers authorised in writing by the Governor in that behalf, may, for the purpose of enforcing the provisions of this Ordinance, without warrant or other legal process—

- (a) enter and search any place where he has reasonable grounds for suspecting that an offence under this Ordinance has been, or is about to be, committed ;
- (b) search any person whom he has reasonable grounds for suspecting to have committed, or to be about to commit, an offence under this Ordinance ;
- (c) arrest any person whom he has reasonable grounds for suspecting to have committed, or to be about to commit, an offence under this Ordinance ;

- (d) seize any radio-active mineral or prospecting or mining apparatus connected therewith which he has reasonable grounds to suspect to be, or to be about to be, derived from, or employed in, the commission of any offence under this Ordinance.

(2) Where any person is arrested, or any radio-active mineral or prospecting or mining apparatus is seized, under the provisions of subsection (1) of this section, such person, mineral and apparatus shall, as soon as practicable, be brought before the nearest magistrate.

(3) Every person who obstructs, or attempts to obstruct, whether actively or passively, any officer in the execution, or purported execution, of his duties under this section, shall be liable upon summary conviction, to imprisonment for six months or to a fine of one hundred pounds or to both such imprisonment and fine.

13. The Governor may from time to time by Order alter, vary or in any manner amend the Schedule to this Ordinance.

Power of Governor to vary Schedule.

14. Nothing in this Ordinance shall be deemed to absolve any person from compliance with the provisions and requirements of the Mining Ordinance and the Customs Ordinance or any regulations made thereunder.

Saving. Chapters 48 and 16.

15. The Governor in Council may make such regulations under this Ordinance as he may deem to be necessary or expedient.

Regulations.

#### SCHEDULE.

- (1) Any mineral containing uranium or thorium and, in particular and without prejudice to the generality of this paragraph, the substances hereinafter set out in this schedule. O.I.C. 10 of 1948.
- (2) Minerals of the pitchblende group, including pitchblende, uraninite, ulrichite, broggerite, cleveite and related mineral species.
- (3) Secondary uranium minerals including tobernite, autunite, uranite, rutherfordine, uranophane, gummite, thorogummite, uranocircite, kasolite, becquerelite, and other silicates, hydrates, carbonates, phosphates or arsenates of uranium.
- (4) Carnotite, tyuyamunite, and related uranium-bearing vanadate ores.
- (5) Uranium-bearing niobate-titanate-tantalate ores, including euxenite, polycrase, blomstrandine, priorite, samarskite, fergusonite, betafite and related minerals.
- (6) Monazite, thorite, and thorianite.

## CHAPTER 56.

## RECIPROCAL ENFORCEMENT OF JUDGMENTS.

3 of 1922. AN ORDINANCE TO SECURE THE RECIPROCAL ENFORCEMENT OF JUDGMENTS OBTAINED IN SUPERIOR COURTS IN THIS COLONY, THE UNITED KINGDOM AND OTHER PARTS OF HIS MAJESTY'S DOMINIONS OR TERRITORIES UNDER HIS MAJESTY'S PROTECTION.

[25th August, 1922.]

Short title.

1. This Ordinance may be cited as the Reciprocal Enforcement of Judgments Ordinance.

Enforcement  
in Colony of  
Judgments  
obtained in  
the United  
Kingdom.

2. (1) Where a judgment has been obtained in a superior court in the United Kingdom, the judgment creditor may apply to the Supreme Court of the Colony at any time within twelve months after the date of the judgment, or such longer period as may be allowed by the Court, to have the judgment registered in the Court, and on any such application the Court may, if in all the circumstances of the case they think it is just and convenient that the judgment should be enforced in the Colony, and subject to the provisions of this section, order the judgment to be registered accordingly.

(2) No judgment shall be ordered to be registered under this section if—

- (a) the original court acted without jurisdiction ; or
- (b) the judgment debtor, being a person who was neither carrying on business nor ordinarily resident within the jurisdiction of the original court, did not voluntarily appear or otherwise submit or agree to submit to the jurisdiction of that court ; or
- (c) the judgment debtor, being the defendant in the proceedings, was not duly served with the process of the original court and did not appear, notwithstanding that he was ordinarily resident or was carrying on business within the jurisdiction of that court or agreed to submit to the jurisdiction of that court ; or

---

[*Note.* This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

- (d) the judgment was obtained by fraud ; or
- (e) the judgment debtor satisfies the registering court either that an appeal is pending, or that he is entitled and intends to appeal, against the judgment ; or
- (f) the judgment was in respect of a cause of action which for reasons of public policy or for some other similar reason could not have been entertained by the registering court.

(3) Where a judgment is registered under this section—

- (a) the judgment shall, as from the date of registration be of the same force and effect, and proceedings may be taken thereon, as if it had been a judgment originally obtained or entered up on the date of registration in the registering court ;
- (b) the registering court shall have the same control and jurisdiction over the judgment as it has over similar judgments given by itself, but in so far only as relates to execution under this section ;
- (c) the reasonable costs of and incidental to the registration of the judgment (including the costs of obtaining a certified copy thereof from the original court and of the application for registration) shall be recoverable in like manner as if they were sums payable under the judgment.

(4) Rules of court shall provide—

- (a) for service on the judgment debtor of notice of the registration of a judgment under this section ; and
- (b) for enabling the registering court on an application by the judgment debtor to set aside the registration of a judgment under this section on such terms as the court thinks fit ; and
- (c) for suspending the execution of a judgment registered under this section until the expiration of the period during which the judgment debtor may apply to have the registration set aside.

(5) In any action brought in any court in the Colony on any judgment which might be ordered to be registered under this section, the plaintiff shall not be entitled to recover any costs of the action unless an application to

register the judgment under this section has previously been refused, or unless the Court otherwise orders.

Issue of  
certificates  
of judgments  
obtained in  
the Colony.

3. Where a judgment has been obtained in the Supreme Court of the Colony against any person, the Court shall, on an application made by the judgment creditor and on proof that the judgment debtor is resident in the United Kingdom, issue to the judgment creditor a certified copy of the judgment.

Power to  
make rules.

4. Provision may be made by rules of court for regulating the practice and procedure (including scales of fees and evidence), in respect of proceedings of any kind under this Ordinance.

Interpre-  
tation.

5. (1) In this Ordinance, unless the context otherwise requires :—

“ Judgment ” means any judgment or order given or made by a court in any civil proceedings, whether before or after the passing of this Ordinance, whereby any sum of money is made payable, and includes an award in proceedings on an arbitration if the award has, in pursuance of the law in force in the place where it was made, become enforceable in the same manner as a judgment given by a court in that place.

“ Original court ” in relation to any judgment means the court by which the judgment was given.

“ Registering court ” in relation to any judgment means the court by which the judgment was registered.

“ Judgment creditor ” means the person by whom the judgment was obtained, and includes the successors and assigns of that person.

“ Judgment debtor ” means the person against whom the judgment was given, and includes any person against whom the judgment is enforceable in the place where it was given.

(2) Subject to rules of court, any of the powers conferred by this Ordinance on any Court may be exercised by a judge of the Court.

6. (1) Where the Governor is satisfied that reciprocal provisions have been made by the legislature of any part of His Majesty's dominions outside the United Kingdom for the enforcement within that part of his dominions of judgments obtained in the Supreme Court of this Colony, the Governor may by Proclamation under his hand declare that this Ordinance shall extend to judgments obtained in a superior court in that part of His Majesty's dominions in like manner as it extends to judgments obtained in a superior court in the United Kingdom and on any such Proclamation being made this Ordinance shall extend accordingly.

(2) For the purposes of this section the expression "part of His Majesty's Dominions outside the United Kingdom" shall be deemed to include any territory which is under His Majesty's protection or in respect of which a mandate is being exercised by the Government of any part of His Majesty's dominions.

(3) A Proclamation made by the Governor under this section may be varied or revoked by a subsequent Proclamation.

## CHAPTER 57.

## REGISTRATION.

9 of 1949.  
10 of 1950.

AN ORDINANCE TO PROVIDE FOR THE MAINTENANCE OF A CENTRAL REGISTRY AND THE REGULATION OF ALL MATTERS TO BE REGISTERED THEREIN.

[1st June, 1949.]

Short title.

1. This Ordinance may be cited as the Registration Ordinance.

Definitions.

2. In this Ordinance and any regulations made thereunder, unless the context otherwise requires :—

“ Will ” includes a codicil.

“ Instrument ” means any deed, contract, will or other matter required to be registered.

“ Stillborn ” applies to any child which has issued forth from its mother after the 28th week of pregnancy and which did not at any time after being completely expelled from its mother, breathe or show any other sign of life.

Central  
Registry.

3. A Central Registry shall be maintained in Stanley for the registration of all matters required by law, and of all matters which the Governor in Council may require, to be registered in the Central Registry.

Registrar  
General.

4. (1) The Registrar General shall be responsible for the proper registration of all matters required to be registered under section 3 hereof.

(2) The Registrar General shall exercise all the powers, perform all the duties and be subject to the liabilities of a registrar of births, deaths and marriages in the United Kingdom so far as the same are applicable.

Records, &c.,  
to form  
Central  
Registry

5. All registers, records, books, papers, maps and other documents now in the custody of the Registrar General under the Registration Ordinance, 1853, shall be retained by him as part of the records of the Central Registry.

[Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

6. (1) The father or mother of every child born alive in the Colony, or in the case of the death, illness, absence or inability of the father or mother, the occupier of the house in which to his knowledge the child is born, or one of the persons present at the birth or the person having charge of the child shall, if the child shall have been born in Stanley, give to the Registrar General within ten days of the birth such particulars as he may require to be registered, and if the child shall have been born elsewhere shall give to the Registrar General or a Registrar appointed under this Ordinance such particulars within 42 days of the date of birth, and in every such case shall sign the register.

Registration  
of par-  
ticulars of  
births.

(2) Any person responsible for giving such particulars to the best of his knowledge and belief who shall fail to do so or refuse to sign the register shall commit an offence and shall be liable on summary conviction to a fine not exceeding £10.

7. The provisions of section 6 shall apply to the birth of a stillborn child and every person required to give information shall either—

Registration  
of birth of  
stillborn  
child.

(1) deliver to the Registrar General or nearest Registrar a written certificate that the child was not born alive signed by a registered medical practitioner or midwife who was in attendance at the birth or who has examined the body of such child ; or

(2) make a declaration to the effect that no registered medical practitioner or midwife was present at the birth, or has examined the body, or that his or her certificate cannot be obtained and that the child was not born alive.

8. (1) The nearest relatives of any person dying in the Colony present at the death or in attendance during the last illness, or in default thereof any relative who has knowledge of any of the particulars required to be registered, or in default of such relatives, any person present at the death, or the occupier of the house in which to his knowledge the death took place, or any person finding or taking charge of the body, or each inmate of the house, or the person causing the body to be buried, shall inform the Registrar or nearest Registrar within five days next after the death or finding the

Information  
as to death.



body if such death or finding occurred in Stanley or within 14 days if it occurred elsewhere and shall sign the register.

(2) Any person whose duty it is to register a death who shall fail within twelve months of the date of death or finding the body and within seven days of the receipt of a notice from the Registrar General or nearest Registrar calling on him so to do shall commit an offence and shall be liable on summary conviction to a fine not exceeding £10.

Ministers to keep registers of baptisms and burials.

9. A Minister of Religion shall keep registers of baptisms and burials and shall record in them the particulars required under the Parochial Registers Acts and sign the same within seven days of the baptism or burial unless prevented by sickness or other unavoidable cause, and shall on or before the 15th day of January in each year forward to the Governor or to the person appointed by him in the form required by him an abstract of the number of baptisms and burials registered during the preceding year. Any minister who shall refuse, or without reasonable cause omit to send such abstract shall commit an offence and shall be liable on summary conviction to a fine not exceeding £10.

Offences.

10. Any person who shall—

- (a) wilfully make or cause to be made a false statement for the purpose of it being inserted in any register ;
- (b) knowingly or wilfully insert or cause or permit to be inserted any false statement in a register or abstract required under this Ordinance or any regulations made thereunder, or shall knowingly or wilfully sign or verify any copy or abstract knowing the same to be false ;
- (c) wilfully destroy or injure or cause to be destroyed or injured any register or map being a record in the Central Registry

shall commit an offence and shall be liable on conviction to a fine not exceeding £100 or to imprisonment for a term not exceeding two years.

Refusal by Registrar General, &c., to hand over records.

11. (1) Any Registrar General or Registrar who refuses on ceasing to hold such office to deliver up to the Governor or the person appointed by him to receive the same all registers, records, books, papers, maps, safes, keys, and other docu-

ments and things in his possession relating to his office shall commit an offence and be liable on summary conviction to a fine not exceeding £50 and a further fine not exceeding £10 for each day he shall so refuse to deliver up such registers, records, books, papers, maps, safes, keys, and other documents and things after conviction in respect thereof.

(2) If a justice is satisfied by information on oath that an offence under this section has been committed he may grant a search warrant authorising any constable named therein to enter at any time any premises or place named in the warrant, if necessarily by force, and to search the premises or place and any person found therein and to seize any register, record, book, paper, map, document, safe, key, or anything which is evidence of an offence under this section.

**12.** The Governor in Council may make regulations for the administration of this Ordinance and impose penalties for any breach thereof. Regulations.

## CHAPTER 58.

## REGISTRATION OF UNITED KINGDOM PATENTS.

2 of 1930.  
8 of 1932.

AN ORDINANCE TO PROVIDE FOR THE REGISTRATION IN THE COLONY OF LETTERS PATENT GRANTED IN THE UNITED KINGDOM.

[29th April, 1930.]

Short title.

1. This Ordinance may be cited as the Registration of United Kingdom Patents Ordinance.

To whom  
certificates  
of registra-  
tion may be  
granted.

2. Any person being the grantee of a patent in the United Kingdom or any person deriving his right from such grantee by assignment, transmission or other operation of law may apply within three years from the date of issue of the patent to have such patent registered in the Colony. Where any partial assignment or transmission has been made, all proper parties shall be joined in the application for registration.

Procedure.

3. Every application under this Ordinance shall be addressed to the Registrar-General, and there shall be transmitted with such application :

- (1) A certificate of the Comptroller General of the United Kingdom Patent Office giving full particulars of the issue of the patent.
- (2) Two certified copies of the complete specification (including the drawings if any) in relation to any patent.
- (3) In the case of an assignment, an affidavit that the applicant is the assignee in respect of the Colony of the registered proprietor of the patent.
- (4) A fee of one pound.

Issue of  
certificates  
of registra-  
tion.

4. Upon such application being received, together with the documents mentioned in section 3 of this Ordinance, the Registrar-General shall issue a certificate of registration.

---

[*Note.* This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

5. Such certificate of registration shall confer on the applicant privileges and rights, subject to all conditions established by the law of the Colony, as though the patent had been issued in the United Kingdom with an extension to the Colony.

Privileges  
and rights  
conferred.

6. Privileges and rights so granted shall date from the date of the patent in the United Kingdom and shall continue in force only so long as the patent remains in force in the United Kingdom :

Certificate of  
registration  
in Colony to  
remain in  
force con-  
currently  
with certi-  
cate of regis-  
tration in  
United  
Kingdom.

Provided that no action for infringement shall be entertained in respect of any manufacture, use or sale of the invention prior to the date of issue of the certificate of registration in the Colony.

7. All renewals of letters patent in the United Kingdom of a patent registered under this Ordinance shall be notified to the Registrar-General, who shall, on sufficient evidence thereof and on payment of a fee of one pound, enter the same in the Register in the prescribed manner.

Notification  
of renewals  
of letters  
patent in the  
United  
Kingdom.

8. The Supreme Court shall have power upon the application of any person who alleges that his interests have been prejudicially affected by the issue of a certificate of registration, to declare that the exclusive privileges and rights conferred by such certificate of registration have not been acquired on any of the grounds upon which the United Kingdom patent might be revoked under the law for the time being in force in the United Kingdom. Such grounds shall be deemed to include the manufacture use or sale of the invention in the Colony prior to the date of the patent in the United Kingdom, but not to include the manufacture use or sale of the invention in the Colony by some person or persons after the date of the patent in the United Kingdom and prior to the date of the issue of the certificate of registration under section 4 of this Ordinance.

Supreme  
Court to  
afford relief.  
S of 1932.

9. Whenever the specification or drawings of a United Kingdom patent registered in the Colony have been amended by way of disclaimer, correction or explanation, according to the law of the United Kingdom, a request, accompanied by a copy of the specification and drawings (if any) as amended, duly certified by the Comptroller General of the

Amendment  
of speci-  
fication or  
drawings.

United Kingdom Patent Office, may be made to the Registrar-General to substitute a copy of the specification and drawings as amended, for the specification and drawings originally filed.

Registration  
of assign-  
ment.

10. Where a person becomes entitled by assignment, transmission, or other operation of law to privileges and rights conferred by a certificate of registration or to any interest therein, he may make application in the prescribed manner to the Registrar-General for the entry on the Register of such assignment, transmission, or other instrument affecting the title, or giving an interest therein.

Registrar  
may make  
rules regu-  
lating pro-  
cedure.

11. The Registrar-General may make such general rules and do such things as he may think expedient, subject to the provisions of this Ordinance, for regulating procedure under this Ordinance.

## CHAPTER 59.

## REGISTRATION OF UNITED KINGDOM TRADE MARKS.

AN ORDINANCE TO PROVIDE FOR THE REGISTRATION IN THE COLONY OF TRADE MARKS REGISTERED IN THE UNITED KINGDOM. 16 of 1938.

[18th August, 1949.]

1. This Ordinance may be cited as the Registration of United Kingdom Trade Marks Ordinance. Short Title.

2. In this Ordinance :—

Definitions.

“ Court ” means the Supreme Court of the Colony.

“ Registrar ” means the person from time to time performing the duties of Registrar-General.

“ Register ” means the register kept by the Registrar-General in pursuance of section 14 of this Ordinance.

3. Any person being the registered proprietor of a trade mark in the United Kingdom by virtue of an entry in the register of trade marks kept under the Trade Marks Act, 1938, or any Act amending or substituted for that Act, or any person deriving title from such registered proprietor by assignment or other mode of transfer, may apply at any time during the existence of the registration in the United Kingdom to have such trade mark registered in the Colony in respect of some or all of the goods comprised in the United Kingdom registration. Registration in Colony of Trade Marks registered in the United Kingdom.

4. An application for registration of a trade mark under this Ordinance shall be made to the Registrar and accompanied by a certified representation of the trade mark and a certificate of the Comptroller-General of the United Kingdom Patent Office (under his title of Registrar of Trade Application for registration.

[Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. I (D.S.).]

Marks) giving full particulars of the registration of the trade mark in the United Kingdom.

Issue of  
Certificate of  
Registration.

5. Upon such application being lodged together with the documents mentioned in section 4 of this Ordinance, the Registrar shall enter the prescribed particulars in the Register, and shall issue a certificate of registration to the applicant, who shall then be the registered proprietor in the Colony of the trade mark in respect of the goods entered in the register.

Privileges  
and rights  
conferred by  
Certificate of  
Registration.

6. Subject to the provisions of this Ordinance, a registered proprietor shall have in the Colony such privileges and rights in the use of the trade mark in respect of the goods entered in the Register as *mutatis mutandis* would be conferred on him by the law for the time being in force in the United Kingdom.

Privileges  
and rights,  
continuance  
of.

7. The privileges and rights conferred by section 6 of this Ordinance shall date from the date of registration in the United Kingdom and shall continue in force, subject to the provisions of section 15 of this Ordinance, for so long as the registration in the United Kingdom remains in force in respect of the goods for which the trade mark is registered in the Colony :

Provided that no action for infringement of the trade mark shall be entertained in respect of any use of the trade mark prior to the date of issue of the certificate of registration in the Colony.

Right of  
action  
against per-  
son passing  
off goods as  
those of  
another  
person not  
affected.

8. Nothing in this Ordinance shall be deemed to affect any right of action against any person for passing off goods as those of another person or any remedy in respect thereof.

Court may  
declare  
privileges  
and rights  
not to have  
been  
acquired.

9. The Court shall have power, upon the application of any person who alleges that his interests have been prejudicially affected by the issue of a certificate of registration, to declare on any of the grounds *mutatis mutandis* on which the United Kingdom registration might be cancelled under the law for the time being in force in the United Kingdom that the exclusive privileges and rights have not been acquired.

10. Subject to the provisions of this Ordinance, where a person becomes entitled by assignment or other mode of transfer to the privileges and rights conferred on a registered proprietor by this Ordinance, the Registrar shall, on application being made in the prescribed manner, and on proof of title to his satisfaction, cause such person to be entered in the register as subsequent registered proprietor of the trade mark.

Assignment or transmission of registered trade mark.

11. Any person entered in the United Kingdom Register of Trade Marks under section 28 of the Trade Marks Act, 1938, as a registered user in respect of any goods of a trade mark in respect of which a certificate of registration under this Ordinance is in force may apply to be registered in the Colony as a registered user of the mark in respect of some or all of such goods, subject to any conditions or restrictions entered in the United Kingdom Register.

Defensive registration of well known trade marks.

12. Upon such application being lodged, together with a certificate of the United Kingdom Registrar of Trade Marks giving full particulars of the entry in the United Kingdom Register under the said section 28, the Registrar shall cause the applicant to be entered in the register of the Colony as a registered user of the trade mark, and on such entry the registered user shall be entitled in the Colony, subject to the aforesaid conditions and restrictions, to such privileges and rights in respect of the goods for which he is entered as *mutatis mutandis* would be conferred on him by the law for the time being in force in the United Kingdom.

Entry in Register.

13. The Registrar may make such rules and do such things as he may think expedient, subject to the provisions of this Ordinance, for regulating procedure under this Ordinance, and prescribing fees to be paid in respect of proceedings under this Ordinance, and generally for prescribing anything which by this Ordinance is to be prescribed.

Registrar may make rules regulating procedure and prescribing fees.

14. The Registrar shall keep a register of all applications lodged and certificates of registration issued under this Ordinance and of all additions or alterations thereto and such register shall be open at any reasonable time for public inspection in the office of the Registrar.

Register.



Notification  
of registra-  
tion in the  
United  
Kingdom to  
be made to  
the  
Registrar.

**15.** If the registration in the United Kingdom of a trade mark registered under this Ordinance is renewed, the registered proprietor may, within such time after the date of renewal in the United Kingdom as may be prescribed, notify the Registrar, who shall then on sufficient evidence thereof and on payment of the prescribed fee, renew the registration in the Register in the prescribed manner. If the registration in the Register is not so renewed it shall be cancelled by the Registrar.

Cancellation,  
correction,  
or alteration  
of registra-  
tion

**16.** The Registrar may, on request in writing, made by the registered proprietor, and on payment of the prescribed fee—

- (1) cancel the registration of a trade mark or of a registered user thereunder either wholly or as regards any particular goods in respect of which the trade mark or the registered user is registered ;
- (2) correct any clerical error in or in connection with any application under this Ordinance or in any matter which is entered in the Register ;
- (3) enter in the Register any change in the name, description or address of the person who is registered as proprietor or user of a trade mark.

## CHAPTER 60.

## ROAD TRAFFIC.

AN ORDINANCE TO PROVIDE FOR THE REGULATION AND 20 of 1948.  
CONTROL OF ROAD TRAFFIC.

[31st December, 1948.]

1. This Ordinance may be cited as the Road Traffic Short title.  
Ordinance.

2. In the Ordinance and in any regulations made here- Definitions.  
under unless the context otherwise requires :—

“ Cart ” or “ carriage ” means any vehicle drawn by a horse.

“ Chief Constable ” means the senior police officer for the time being at Stanley.

“ Commercial vehicle ” means a motor vehicle which is constructed or adapted for use for the conveyance of goods or burden of any description.

“ Invalid Carriage ” means a mechanically propelled vehicle the weight of which unladen does not exceed 5 cwt. and which is especially designed and constructed, and not merely adapted, for the use of a person suffering from some physical defect or disability and is used solely by such person.

“ Motor vehicle ” means any vehicle propelled by any form of mechanical power and intended or adapted for use on roads.

“ Registered ” means registered with the Chief Constable.

“ Road ” includes any street, thoroughfare, highway, lane, court, alley, passage, or open place used or frequented by the public, or to which the public have or are permitted to have access in Stanley or within a radius of four miles of the boundary thereof.

"Trailer" means any vehicle having no independent motive power drawn by a motor vehicle but not including a side car attached to a motor cycle.

"Driver's Licence" means a licence issued by the Chief Constable enabling the holder to drive a motor vehicle.

Registration.

3. (1) Every motor vehicle in the Colony (except that owned or used by the Governor) shall be registered.

(2) Every motor vehicle (except that owned or used by the Governor) brought into the Colony shall be registered within seven days of it being so brought in.

(3) Any person, being the owner of a motor vehicle referred to in subsections (1) and (2) hereof who shall not comply with the provisions thereof shall commit an offence and shall on summary conviction be liable to a fine not exceeding £5.

(4) Every motor vehicle and trailer shall, when on a road, carry prescribed identification marks in such positions as may be prescribed. No other figures and no design or ornamentation shall be placed near to any identification mark in such a manner as to be liable to render it more difficult to read or distinguish such identification mark when the vehicle is in motion.

(5) Any person who shall drive a motor vehicle without its identification mark so fixed, or, if it is so fixed, if it is in any way obscured, or rendered or allowed to become not easily distinguishable, shall commit an offence :

Provided that a person shall not be convicted of an offence under this subsection should he satisfy the Court he has taken all steps practicable to prevent the identification mark being obscured or rendered not easily distinguishable.

(6) Any person to whom any motor vehicle is sold or disposed of shall apply for registration of such motor vehicle within seven days of such sale or disposition. Any person failing to do so shall commit an offence and shall be liable on summary conviction to a fine not exceeding £5.

(7) Any person who forges or fraudulently alters or uses or fraudulently lends or allows to be used by any other person any identification mark shall be liable on summary conviction to a fine not exceeding £50 or to imprisonment for a term not exceeding six months.

4. (1) There shall be charged, levied and paid in respect of motor vehicles and trailers used on roads, duties at the rates shown in the Schedule hereto. Motor vehicle and trailer licences.

(2) The duties charged under this section shall be paid annually upon licences to be taken out by the person keeping the vehicle: Provided that a licence may be taken out for periods of less than a year, but not less than three months, on payment of a proportionate part of the appropriate duty.

(3) No duty shall be payable under this section in respect of motor vehicles owned by the Government or the Stanley Town Council.

(4) Any person who, for the purpose of obtaining the grant of a motor vehicle or trailer licence to himself or any other person, knowingly makes any false statement shall be liable on summary conviction to a fine not exceeding £50.

(5) Any person who shall drive, and the owner of any motor vehicle who shall permit any person to drive on a road any motor vehicle, or who shall draw or permit a trailer to be drawn by any motor vehicle, in respect of which a licence under this section shall not be in force, shall on summary conviction be liable to a fine not exceeding £50.

5. (1) Any person, not being the holder of a driver's licence in force, who shall drive a motor vehicle on a road and any person who causes or permits any person who is not the holder of a driver's licence in force to drive a motor vehicle on a road shall be guilty of an offence. Driver's licences.

(2) Any person who being the holder of a driver's licence in respect of one class of motor vehicle shall drive a motor vehicle of another class on a road shall be guilty of an offence.

(3) A driver's licence shall not be granted until the

applicant has passed a test as to his fitness and ability to drive a motor vehicle, and shall not be granted to—

- (a) a person under the age of 16 years in respect of a motor cycle or a person under the age of 18 years in respect of any other class of motor vehicle ; or
- (b) a person suffering from such disease or physical disability as would be likely to cause the driving by him of a motor vehicle to be a source of danger to the public.

(4) For the purpose of enabling an applicant for the grant of a driver's licence to learn to drive a motor vehicle with a view to passing a test under this section the Chief Constable may on payment of a fee of 5/- grant him a provisional licence to be in force for three months subject to the conditions prescribed in regulation 4 (4) of the Road Traffic Regulations. Any person having a provisional licence who fails to comply with any of such conditions shall be guilty of an offence.

(5) Where there is reason to believe that the holder of a driver's licence is suffering from a disease or physical disability likely to cause the driving by him of a motor vehicle to be a source of danger to the public the Chief Constable may revoke the licence.

(6) Any person aggrieved by the refusal to grant, or the revocation of a driver's licence under this section may appeal to the magistrate who may make such order as he thinks fit.

(7) Any person who for the purpose of obtaining the grant of a driver's licence to himself or any other person knowingly makes any false statement shall be liable on summary conviction to a fine not exceeding £50.

(8) Any Court before which a person is convicted of an offence in connection with the driving of a motor vehicle—

- (a) may order him to be disqualified for holding or obtaining a driver's licence for such period as the Court thinks fit ;
- (b) shall on a conviction for an offence against sections 6 (1) or 8 hereof (unless the Court for special reasons thinks fit to order otherwise and without prejudice to the power of the Court to order a

longer period of disqualification) order him to be disqualified for holding or obtaining a licence for a period of twelve months from the date of conviction.

(9) The Court may order that the particulars of any conviction and of any disqualification to which a convicted person has become subject shall be endorsed on the driver's licence held by the offender.

(10) Any person in respect of whom the Court has ordered his driver's licence to be endorsed who shall fail to produce such licence to the Court within seven days of the date of conviction shall be guilty of an offence.

(11) If any person who is disqualified for holding a licence applies for and obtains a licence while so disqualified, or being a person whose licence has been endorsed applies for and obtains a licence without giving particulars of the endorsement, shall be guilty of an offence and any licence so obtained shall be of no effect.

(12) Any person driving a motor vehicle on a road who shall fail to produce his driver's licence when so required by a police constable shall be guilty of an offence, provided that if he shall within three days after being so required produce the same to the Chief Constable he shall not be convicted of an offence under this subsection.

(13) When an order has been made in respect of a person under subsection (9) of this section requiring the endorsement of a driver's licence held by him, he shall be entitled, subject to the payment of the fee of five shillings and subject to the surrender of his licence, to have issued to him a new licence free from endorsement if he has during a continuous period of three years or upwards since the order was made had no such order made against him: Provided that in reckoning the said continuous period of three years any period during which the person was by virtue of the order disqualified for holding or obtaining a licence shall be excluded.

6. (1) Any person who shall drive, or cause or permit any other person to drive a motor vehicle on a road unless there is in force in relation to the user of the vehicle by that person, or that other person as the case may be, a policy of

Third Party  
Insurance.

insurance in respect of third party risks shall be guilty of an offence and shall on summary conviction be liable to a fine not exceeding £50 or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

(2) Any person driving a motor vehicle on a road who shall fail to produce his certificate of insurance when so required by a police constable shall be guilty of an offence: Provided that if he shall within three days after being so required to produce his certificate produce the same to the Chief Constable he shall not be convicted of an offence under this subsection.

Safety precautions.

7. Any person who shall drive a motor vehicle on a road unless it is fitted with lights, warning instrument, safety glass, windscreen wipers, a reflecting mirror, a silencer, tyres and adequate brakes as prescribed by the regulations hereunder shall commit an offence.

Dangerous driving.

8. Any person who—

- (1) drives a motor vehicle on a road recklessly, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition, and use of the road, and the amount of traffic which is actually at the time, or which might reasonably be expected to be on the road, or
- (2) when driving or attempting to drive, or when in charge of a motor vehicle on a road, is under the influence of drink or a drug to such an extent as to be incapable of having proper control of the vehicle, shall be liable
  - (a) on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding four months, and in the case of a second or subsequent conviction either to a fine not exceeding one hundred pounds or to such imprisonment as aforesaid or to both such fine and imprisonment ;
  - (b) on conviction on indictment to imprisonment for a term not exceeding six months or to a fine, or to both such fine and imprisonment ;

- (3) drives a motor vehicle in Stanley at a speed greater than twenty miles per hour, or Excessive speed.
- (4) drives a motor vehicle on a road without due care and attention or without reasonable consideration for other persons using the road, or Careless driving.
- (5) contravenes any of the regulations relating to the use of motor vehicles made hereunder, or Contra-vention of regulations.
- (6) drives a motor vehicle on the pavement or footway of a road or without lawful authority on a public jetty Driving on footway or public jetty.

shall be guilty of an offence and shall be liable in the case of a first conviction to a fine not exceeding £5 and in the case of a second or subsequent conviction to a fine not exceeding £10: Provided that a person shall not be convicted of an offence under this subsection if he satisfies the court that the motor vehicle was driven for the purpose of saving life or extinguishing fire or any like emergency.

9. (1) Any person who takes and drives away any motor vehicle without having either the consent of the owner thereof or other lawful authority shall be liable (a) on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding £50; (b) on conviction on indictment to imprisonment for a term not exceeding twelve months or to a fine not exceeding £100 or both such fine and imprisonment: Provided that if the Court is satisfied that the accused acted in the belief that he had lawful authority, or in the reasonable belief that the owner would in the circumstances of the case have given his consent if he had been asked therefor, the accused shall not be liable to be convicted of the offence.

(2) Any police constable may arrest without warrant any person reasonably suspected by him of having committed or attempting to commit an offence under this section.

10. Any person who without lawful authority or reasonable cause gets on to a motor vehicle standing on a road or tampers with the brake or any part of the mechanism of the vehicle shall be guilty of an offence. Tampering with vehicles.



Leaving  
vehicles in  
dangerous  
positions.

**11.** Any person in charge of a motor vehicle or trailer who causes or permits the vehicle or trailer to remain at rest on a road in such a position or in such condition or in such circumstances as to be likely to cause danger to other persons using the road shall be guilty of an offence.

Restriction  
on number  
of passengers  
on motor  
cycle.

**12.** Any driver of a motor cycle (other than one with a side car attached) who shall—

- (a) carry more than one passenger, or
- (b) carry such passenger otherwise than sitting astride the cycle and on a proper seat securely fixed to the cycle behind the driver's seat shall commit an offence and be liable in the case of the first conviction to a fine not exceeding £5 and in the case of a second or subsequent conviction to a fine not exceeding £10.

Pedal Cycles.

**13.** Any person in charge of a pedal cycle on a road who shall—

- (a) fail to keep to the left or near side of the road when he meets traffic proceeding in the opposite direction or fail to keep to the right or offside of the road when he passes traffic proceeding in the same direction, or
- (b) fails to have attached thereto an instrument capable of giving audible and sufficient warning of approach of the bicycle, or
- (c) during the period between one hour after sunset and one hour before sunrise, fail to have attached thereto (1) a lamp showing to the front a white light visible for a reasonable distance and (2) an unobscured and efficient red light or red reflector showing to the rear : Provided the subsection shall not apply to a bicycle being wheeled by a person on foot as near as possible to the left or near side of the carriage way, or
- (d) ride on the pavement or footway of a road or on a public jetty

shall commit an offence and be liable to a fine not exceeding £2.

**14.** Any person in charge of a cart or carriage on a road who shall— Carts or carriages.

- (a) fail to keep such vehicle to the left or near side of the road when he meets traffic proceeding in the opposite direction or shall fail to keep such vehicle to the right or offside of the road when he passes traffic proceeding in the same direction, or
- (b) during the period between one hour after sunset and one hour before sunrise, fail to have attached thereto (1) a lamp on the offside of the vehicle showing to the front a white light visible for a reasonable distance and (2) an unobscured and efficient red reflector or red light attached to the offside of the vehicle and showing to the rear, or
- (c) drive such vehicle on a pavement or footway of a road

shall commit an offence and be liable to a fine not exceeding £2.

**15.** Any person in charge of an animal on a road who shall— Animals.

- (a) fail to keep the animal as close as possible to the edge of the carriage way, or
- (b) without reasonable cause lead, or ride, the animal on a pavement or footway of a road,

shall commit an offence and be liable to a fine not exceeding £2.

**16.** (1) The Executive Engineer may, if in his opinion any road or part of a road is unfit for traffic or any class of traffic, by order under his hand close such road or part thereof to all or any traffic as he shall specify for any period not exceeding one month. Closing of roads.

(2) The Executive Engineer shall cause (a) copies of such order to be affixed to the public notice board in Stanley and at both ends of the road or part thereof so closed as aforesaid (b) a copy to be inserted in any newspaper circulating in the Colony and (c) notice thereof to be broadcast.

(3) Any person contravening any terms of such order shall commit an offence and shall be liable to a fine not

exceeding £5 and in the case of a second or subsequent conviction to a fine not exceeding £10.

## Penalties.

17. Any person guilty of an offence under this Ordinance or any regulation thereunder for which a penalty is not prescribed shall be liable on summary conviction to a fine not exceeding £20 and in the case of a second or subsequent conviction to a fine not exceeding £50 or to imprisonment for a term not exceeding three months.

## Regulations.

18. The Governor in Council may make regulations for carrying out the provisions of this Ordinance.

### SCHEDULE.

#### Annual Licence Duties for Motor Vehicles and Trailers.

##### PART I.—PRIVATE VEHICLES.

	£	s.	d.
1. Motor cycle ... ..	1	0	0
2. Motor cycle with sidecar ... ..	1	10	0
3. Motor car under 9 h.p. ... ..	2	0	0
4. „ „ 9 h.p. and over but under 12 h.p. ... ..	2	10	0
5. „ „ 12 „ „ „ „ 16 „ ... ..	3	0	0
6. „ „ 16 „ „ „ „ 20 „ ... ..	3	10	0
7. „ „ 20 „ „ „ „ 25 „ ... ..	4	0	0
8. „ „ over 25 h.p.... ... ..	5	0	0

##### PART II.—COMMERCIAL VEHICLES.

1. Vehicles with load area 28 sq. ft. or under ... ..	2	0	0
2. „ „ „ „ over 28 sq. ft. but not exceeding 38 sq. ft. ... ..	3	0	0
3. „ „ „ „ „ 38 „ „ „ „ 48 „ „ ... ..	4	0	0
4. „ „ „ „ „ 48 „ „ „ „ 56 „ „ ... ..	5	0	0
5. „ „ „ „ „ 56 „ „ „ „ 66 „ „ ... ..	6	0	0
6. „ „ „ „ „ 66 „ „ „ „ „ ... ..	7	0	0

##### PART III.—TRAILERS.

1. Two wheeled trailers ... ..	1	0	0
2. Four „ „ ... ..	3	0	0

## CHAPTER 61.

## SAVINGS BANK.

AN ORDINANCE TO GOVERN THE CONTROL AND MANAGEMENT OF THE SAVINGS BANK. 7 of 1936.  
9 of 1939.

[29th May, 1936.]

1. This Ordinance may be cited as the Savings Bank Ordinance. Short title.

2. In this Ordinance unless the context otherwise requires— Interpretation.

“ Prescribed ” means prescribed by rules under this Ordinance.

“ Revenue ” of the Savings Bank does not include moneys received on deposit.

3. The Savings Bank subsisting at the time when this Ordinance comes into operation shall be deemed to be constituted and appointed under this Ordinance. Appointment of Savings Bank.

4. Subject to the provisions of section 11 of this Ordinance the Savings Bank shall be under the management and control of the Treasurer who may, subject to the provisions of this Ordinance and any rules made thereunder, take such steps as may be desirable for the encouragement of thrift, for the proper management of the Savings Bank, and otherwise for the promotion of the objects and purposes of this Ordinance. Management and control of Savings Bank.

5. The Treasurer may, with the approval of the Governor, open branch savings banks at any post office in the Colony and may, with the like approval, close any branch savings bank. Establishment and closure of branch savings banks.

6. The Treasurer, with the approval of the Governor, may engage such officers as may be necessary for the Employment of officers.

[Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

execution of this Ordinance, and for that purpose may employ for part of their time officers in the service of the Government.

Deposits and repayments.

7. Deposits of money to be paid into the Savings Bank shall be received and repaid under such conditions as may be prescribed.

Security of Government.

8. The repayment of all moneys deposited in the Savings Bank together with interest thereon is guaranteed by the Government of the Falkland Islands, and accordingly if at any time or times the assets of the Savings Bank shall be insufficient to pay the lawful claims of every depositor, the Governor shall cause such deficiency to be met out of the general revenues of the Colony, and the Treasurer shall certify such deficiency to the Legislative Council without delay.

Interest.

9. (1) Interest shall be payable on deposits at the rate of  $2\frac{1}{2}$  per centum per annum, or at such other rate as may be fixed from time to time by the Governor in Council with prior approval of the Secretary of State : Provided that not less than three months' notice of any change of rate shall be given in the Gazette.

(2) Such interest shall not be payable on any amount less than a pound nor on any fraction of a pound, and shall not commence to accrue until the first day of January, April, July or October next following the day of deposit, and shall cease on the last day of March, June, September or December which next precedes the date on which the money is withdrawn both such days inclusive.

9 of 1939.

(3) Interest on deposits shall, subject to the provisions of subsection (2) of this section be calculated to the thirty-first day of December in every year, and shall then be added to and become part of any principal money remaining on deposit.

Salaries and Expenses.

10. (1) All expenses incurred in the execution of this Ordinance shall be met from the moneys in the Savings Bank.

(2) For the purposes of this Ordinance expenses shall mean the cost of any work or service done by or in connection with the Savings Bank, including such sum on account of

administrative and other overhead expenses as may, with the approval of the Governor, be reasonably assigned to that work or service.

11. (1) Subject to the provisions of this Ordinance moneys in the Savings Bank shall not be applied in any way to the purposes of the Colony but, except so far as any sums may be prescribed to be kept in hand for the general purposes of the Savings Bank, shall be deposited in the Public Treasury of the Colony and shall, as far as practicable, be invested on behalf of the Savings Bank, under the direction of the Treasurer, in such securities or be employed at interest in such manner as shall be approved from time to time by the Governor in Council, or, in the case of moneys remitted to London for investment, by the Secretary of State, and any such investment may at any time be changed into other like securities :

Disposal of  
Moneys.

Provided that not more than one-third of such moneys shall at any time be or remain invested in securities of the Government of the Falkland Islands.

(2) Any sums of money that may from time to time be required for the repayment of any deposit or deposits under the authority of this Ordinance, or for the payment of interest thereon or expenses incurred in the execution of this Ordinance, may be raised by the sale of the whole or a part of such securities :

Provided that any sums of money which may be required for the purposes aforesaid, may, with the approval of the Governor, be advanced to the Savings Bank by the Treasurer out of the general revenues of the Colony until they can be raised by the sale of such securities and such advances shall bear interest at the rate from time to time payable to depositors.

12. Annual accounts of the revenue and expenditure of the Savings Bank and of deposits received and repaid and interest credited to depositors during the year ended on the thirty-first day of December together with a statement of the assets and liabilities of the Savings Bank, shall, after being audited and certified by the Local Auditor, be laid by the Treasurer before the Legislative Council not later than the thirty-first day of March ensuing in every year and shall

Accounts.  
9 of 1939.

as soon as practicable thereafter be published in the Gazette and submitted to the Secretary of State.

Surpluses  
and Deficits.

**13.** (1) If in any year the revenue of the Savings Bank shall be insufficient to defray the interest due to depositors and all expenses under this Ordinance, such deficiency shall be met out of the general revenues of the Colony.

9 of 1939.

(2) If in any year the revenue of the Savings Bank shall be more than sufficient to defray the interest due to depositors and all expenses under this Ordinance, then the Governor may direct the transfer of the surplus or any portion thereof to the general revenues of the Colony: Provided that no such transfer shall be made unless the assets of the Savings Bank will thereafter exceed the liabilities by not less than ten per centum of the liabilities to depositors.

Power to  
make rules.

**14.** (1) The Governor in Council may make rules for the management and regulation of the Savings Bank.

(2) In particular and without prejudice to the generality of the foregoing powers such rules may—

- (a) Prescribe limits of deposits ;
- (b) Prescribe the modes of making deposits ;
- (c) Prescribe the modes of withdrawing deposits and interest ;
- (d) Prescribe the times at which deposit books shall be returned to the Savings Bank by depositors ;
- (e) Regulate deposits by minors, guardians, trustees, married women, Friendly Societies and other charitable bodies ;
- (f) Prescribe conditions for the withdrawal of moneys by minors, guardians, trustees, married women, Friendly Societies and other charitable bodies ;
- (g) Prescribe the modes of dealing with the deposits of deceased or insane persons ;
- (h) Prescribe penalties not exceeding a fine of £100 for the breach of any such rule ;
- (i) Provide for the forfeiture of deposits made in wilful contravention of this Ordinance ;

- (7) Authorise the Treasurer to enter into an arrangement with the Post Office Savings Bank of the United Kingdom or with the Government Savings Bank of any British Dominion, Colony, Protected State, or Protectorate, or any territory in respect of which a mandate on behalf of the League of Nations is being exercised by His Majesty, or any foreign country, for the transfer of any sums standing to the credit of depositors from such Savings Banks to the Falkland Islands Savings Bank, and *vice versa*, and prescribe conditions for such transfers.

(3) All rules made in pursuance of this section shall be published in the Gazette and shall come into operation on such publication or at such later date as may be named in such rules.

(4) Rules made in pursuance of this section shall be of the same effect as if they were contained in this Ordinance.

15. (1) No person appointed to carry this Ordinance into effect shall disclose the name of any depositor or the amount which may have been deposited or withdrawn by any depositor except in due course of law, or to such person or persons as may be appointed to assist in carrying this Ordinance into operation.

Names of depositors, &c., not to be disclosed.

(2) Any person contravening the provisions of this section shall on summary conviction be liable to a fine not exceeding one hundred pounds.

16. If any dispute shall arise between the Treasurer or the officer managing and controlling any Branch Savings Bank and any individual depositor therein, or any executor, administrator, next-of-kin of a depositor, or any creditor or assignee of a depositor who may become bankrupt or insolvent, or any person claiming to be such executor, administrator, next-of-kin, creditor or assignee, or to be entitled to any money deposited in such Savings Bank, then, and in every such case, the matter in dispute shall be referred to an arbitrator to be appointed by the Governor, and whatever award, order or determination may be made by such an arbitrator shall be binding and conclusive on all parties, and shall be final to all intents and purposes, without any appeal.

Settlement of disputes.



Non-liability  
of Govern-  
ment.

17. When any payment is made or act done by the Treasurer or any person acting under his authority in accordance with this Ordinance and the rules for the time being made thereunder, the Government, the Treasurer and such person shall not be liable in respect of any claims on the part of any persons in connection with such payment or act, but any person may nevertheless recover any sum lawfully due to him from the person to whom the Treasurer has paid the same.

## CHAPTER 62.

## SEAL FISHERY.

AN ORDINANCE TO CONSOLIDATE AND AMEND THE LAWS 8 of 1921.  
RELATING TO SEAL FISHERY.

[23rd December, 1921.]

1. This Ordinance may be cited as the Seal Fishery Short title.  
Ordinance.

2. In this Ordinance unless the context otherwise re- Definitions.  
quires :—

“ Seal ” means the fur seal, the hair seal, the sea  
otter, the sea elephant, the sea leopard, the sea bear,  
the sea lion, the sea dog and any animal of the seal  
kind.

“ Skin ” means the skin of any seal.

“ Seal reserve ” means any portion of land or water  
within the limits of the Colony set apart by the  
Governor in Council for the breeding of seals.

3. Every commissioned officer of any of His Majesty's Seal Fishery  
ships on full pay, and every officer in the employ of the Officers.  
Government authorised in that behalf by the Governor shall  
be seal fishery officers to enforce the provisions of this  
Ordinance.

4. No person shall kill, take or hunt, or attempt to kill Unlawful to  
or take any seal in the Colony or the Colonial waters thereof, take seal in  
unless he shall first have been duly licensed. the Colony  
without a  
licence.

5. (1) Such officer as the Governor may appoint for the Granting of  
purpose may grant licences to take seals in the Colony and Sealing  
the Colonial waters thereof to such persons as may apply Licences.  
for them, for such periods and on such terms and conditions  
as may be approved by the Governor.

[Note. This Ordinance is declared to be in force in the Dependencies by the  
Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

Power to  
revoke  
licences.

(2) In the case of the breach by the holder of a licence of any of the provisions of this Ordinance or of the regulations made thereunder, or of any of the conditions under which such licence may have been granted, the Governor may, by notice in writing, summarily revoke such licence, and thereupon all rights conferred thereby or enjoyed thereunder shall cease as from the date mentioned in such notice.

Regulations.

6. (1) The Governor in Council may make regulations for carrying out the provisions of this Ordinance and the intent and object thereof.

(2) Any person guilty of an offence against any provision of the regulations made under this section shall be liable to a fine not exceeding Twenty-five Pounds.

Seal Reserve.

7. The Governor in Council may declare, by notification in the Gazette, any Crown land or Colonial waters, or with the consent of the owner or lessee, any private land, to be a seal reserve, and, by notification in the Gazette, revoke and declare to be no longer in force any such notification as aforesaid.

Liability of  
an owner or  
master of a  
vessel.

8. Any owner or master or other person in charge of any vessel who shall permit such vessel, or any boat or canoe belonging to such vessel, to be employed in killing or taking seals in the Colony or the Colonial waters thereof without a licence under this Ordinance, or contrary to the terms of or beyond the limits specified in any licence granted to him under this Ordinance, shall forfeit any seals so killed or taken and any seals, seal-oil or skins found in his possession, and in addition thereto shall be liable to a penalty not exceeding Three Hundred Pounds and to imprisonment with hard labour for a period not exceeding twelve months for each offence.

9. Any person who :—

Offences and  
penalties and  
forfeitures  
consequent  
thereon.

- (a) Kills, takes or hunts, or attempts to kill or take, any seal in the Colony or the Colonial waters thereof without a licence under this Ordinance, or contrary to the terms of, or beyond the limits specified in, any licence granted to him under this Ordinance ;
- (b) Has in his possession, or in any vessel under his command, any seal, seal-oil, or skins, for the lawful possession of which he cannot account satisfactorily,

shall commit an offence, and shall be liable on conviction to a fine not exceeding One Hundred Pounds and to imprisonment with hard labour for a period not exceeding six months for each such offence, and to forfeit any seals, seal-oil, or skins found in his possession.

10. A seal fishery officer may, with respect to any vessel found within the limits of the territorial waters of the Colony engaged or believed to be engaged or concerned in seal fishing—

Powers of  
seal fishery  
officers.

- (1) go on board at any time ;
- (2) require the owner, master, or crew, or any of them to produce any certificates of registry, licences, official log books, official papers, articles of agreement, muster rolls, and other documents relating to the vessel, which are in their respective possession or control on board the vessel and may take copies thereof or of any part thereof ;
- (3) muster the crew of the vessel ;
- (4) require the master to appear and to give any explanation concerning his vessel and the said certificates of registry, official log books, official papers, articles of agreement, muster rolls and other documents or any of them ;
- (5) make any examination or inquiry which he deems necessary to ascertain whether any contravention of the provisions of this Ordinance or of any regulation as aforesaid has been committed ;
- (6) when any person appears to him to have committed any such contravention, without summons, warrant or other process, take both the offender and the vessel to which he belongs and the crew thereof to a port of entry in the Colony or its Dependencies, as defined by the Customs Ordinance, and bring him or them before a court and detain him, it and them in the port until the alleged contravention has been adjudicated upon, or until the master of the said vessel has given security to be approved by the Judge or a magistrate to abide the event of any action, suit, or other legal proceeding that may be

Chapter 16.

instituted in respect of such vessel or of any person belonging thereto, and to pay all penalties, costs and damages. In any legal proceeding under this subsection the person giving security may be deemed to be the owner of the detained vessel.

Protection  
of seal  
fishery  
officers.

11. No seal fishery officer shall be liable for any costs or damages in respect of any vessel detained under this Ordinance unless the detention is proved to have been made without reasonable grounds.

Vessel not  
bringing to  
when sum-  
moned or  
throwing  
overboard  
goods during  
chase to be  
forfeited.

12. If any vessel found in the waters of the Colony and suspected by a seal fishery officer to be engaged or concerned in seal fishing, shall not bring to upon signal made by any ship or boat in His Majesty's service or in the service of the Government by hoisting the proper pendant or ensign, whereupon chase shall be given, and any person on board such vessel shall, during chase or before such vessel shall bring to, throw overboard any part of her lading, such vessel shall be forfeited.

Vessel not  
bringing to  
when  
required to.

13. If any vessel liable to seizure or examination under this Ordinance shall not bring to when required to do so, the master of such vessel shall forfeit the sum of Fifty Pounds; and on such vessel being chased by any vessel in His Majesty's Navy, or duly employed for enforcing the provisions of this Ordinance, having a proper pendant or ensign hoisted, it shall be lawful for the captain, master or other person having the charge or command of such vessel in His Majesty's Navy, or employed as aforesaid (first causing a gun to be fired as a signal), to fire at or into such vessel, and such captain, master, or other person acting in his aid or by his direction shall be and is hereby indemnified and discharged from any indictment, penalty, action, or other proceeding for so doing.

Armed  
guard may  
be stationed  
at a seal  
reserve.

14. The Governor may cause an armed guard to be stationed at or in the vicinity of any Seal Reserve for the purpose of the further enforcement of the provisions of this Ordinance and may prescribe by order under his hand the manner in which such guard shall perform their duties.

15. Any person who refuses or neglects to comply with any requisition or direction lawfully made or given by, or to answer any question lawfully asked by any seal fishery officer or armed guard shall be liable on summary conviction to a fine not exceeding One Hundred Pounds and to imprisonment with hard labour for a period not exceeding six months.

Penalty for not complying with directions of seal fishery officer.

16. (1) A seal fishery officer or an armed guard may arrest, detain if necessary by force, and bring before a court, any person committing or appearing to be about to commit, an offence against the provisions of this Ordinance, or any regulation made thereunder.

Power to arrest for breaches of Ordinance.

(2) If any person is killed, maimed or hurt by reason of his resisting a seal fishery officer or an armed guard in the execution of his duties under this Ordinance, neither the seal fishery officer nor the armed guard shall be liable to any punishment or to pay any damages by reason of the person being so killed, maimed or hurt.

17. Any person who shall maliciously shoot at any vessel or boat belonging to His Majesty's Navy, or in the service of the Government, or shall maliciously shoot at, maim, or wound any officer of the Navy or Government being duly employed in the prevention of offences against this Ordinance, or any person acting in his aid or assistance in the execution of his office or duty, and every person aiding, abetting or assisting him therein, shall, upon conviction, be guilty of felony and shall be liable to be imprisoned with hard labour for a period not exceeding three years.

Persons shooting at vessels or officers enforcing Ordinance, guilty of felony.

18. Offences under this Ordinance, or under any regulation made thereunder, may be prosecuted, and penalties and forfeitures under this Ordinance, or any regulations thereunder, may be recovered before a court of summary jurisdiction, or by action in the Supreme Court of the Colony, together with full costs of suit :

Prosecution of Offences.

Provided that any penalty imposed by a court of summary jurisdiction shall not exceed One Hundred Pounds, exclusive of costs, and imprisonment for a period not exceeding six months.

Venue.

19. For all purposes of and incidental to the trial of any person, accused of any offence under this Ordinance, and the proceedings, and to the jurisdiction of any Court, the offence shall be deemed to have been committed either in the place in which it was actually committed, or in any place in which the offender may for the time being be found.

Recovery of penalties.

20. Any penalty adjudged under this Ordinance to be paid by the owner or master, or other person in charge of a vessel may be recovered in the ordinary way, or, if the Court thinks fit, by distress or arrest and sale of the vessel to which the offender belongs, and her tackle, apparel, and furniture, and any property on board thereof or belonging thereto, or any part thereof.

Special exemption.

21. The Governor may authorise in writing any person to kill or take, for a scientific or any other special purpose, any seal in the Colony or Colonial waters thereof, and in so doing the person so authorised shall be exempt from any penalties and forfeitures under this Ordinance.

## CHAPTER 63.

## SEDITIONOUS OFFENCES.

AN ORDINANCE TO MAKE PROVISION FOR PENALTIES FOR  
SEDITIONOUS OFFENCES.

12 of 1938,  
3 of 1939,  
14 of 1949.

[4th June, 1938.]

1. This Ordinance may be cited as the Seditious Offences Ordinance. Short title.

2. "Publication" includes all written or printed matter and everything, whether of a nature similar to written or printed matter or not, containing any visible representation, or by its form, or shape, or in any manner capable of suggesting words or ideas, and every copy and reproduction of any publication. Definitions.

"Seditious publication" means a publication having a seditious intention.

"Seditious words" means words having a seditious intention.

"Import" includes—

- (a) to bring into the Colony, and
- (b) to bring within the inland waters of the Colony whether or not the publication is brought ashore, and whether or not there is an intention to bring the same ashore.

3. (1) A "seditious intention" is an intention—

Seditious  
intention.

- (i) to bring into hatred or contempt or to excite disaffection against the person of His Majesty, his heirs or successors, or the Government of the Colony as by law established; or
- (ii) to excite His Majesty's subjects or inhabitants of the Colony to attempt to procure the alteration, otherwise than by lawful means, of any matter in the Colony as by law established; or

---

[Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]



- (iii) to bring into hatred or contempt or to excite disaffection against administration of justice in the Colony ; or
- (iv) to raise discontent or disaffection amongst His Majesty's subjects or inhabitants of the Colony ; or
- (v) to promote feelings of ill-will and hostility between different classes of the population of the Colony.

3 of 1939.

But an act, speech or publication is not seditious by reason only that it intends—

- (a) to show that His Majesty has been misled or mistaken in any of his measures ; or
- (b) to point out errors or defects in the government or constitution of the Colony as by law established or in legislation or in the administration of justice with a view to the remedying of such errors or defects ; or
- (c) to persuade His Majesty's subjects or inhabitants of the Colony to attempt to procure by lawful means the alteration of any matter in the Colony as by law established ; or
- (d) to point out, with a view to their removal, any matters which are producing or have a tendency to produce feelings of ill-will and enmity between different classes of the population of the Colony.

(2) In determining whether the intention with which any act was done, any words were spoken, or any document was published, was or was not seditious, every person shall be deemed to intend the consequences which would naturally follow from his conduct at the time and under the circumstances in which he so conducted himself.

Offences.

4. (1) Any person who—

- (a) does or attempts to do, or makes any preparation to do, or conspires with any person to do, any act with a seditious intention ;
- (b) utters any seditious words ;
- (c) prints, publishes, sells, offers for sale, distributes or reproduces any seditious publication ;
- (d) imports any seditious publication, unless he has no reason to believe that it is seditious

shall be guilty of an offence and liable for a first offence to imprisonment for two years or to a fine not exceeding £100 or to both such imprisonment and fine, and for a subsequent offence to imprisonment for three years ; and any seditious publication shall be forfeited to His Majesty.

(2) Any person who without lawful excuse has in his possession any seditious publication shall be guilty of an offence and liable for a first offence to imprisonment for one year or to a fine not exceeding £50 or to both such imprisonment and fine and for a subsequent offence to imprisonment for two years ; and such publication shall be forfeited to His Majesty.

5. (1) No prosecution for an offence under section 4 shall be begun except within six months after the offence is committed. Legal proceedings.

(2) A person shall not be prosecuted for an offence under section 4 without the written consent of the officer acting as legal adviser to the Governor. 14 of 1949.

6. No person shall be convicted of an offence under section 4 on the uncorroborated testimony of one witness. Evidence.

**CHAPTER 64.****SHIPWORKERS' PROTECTION.**

10 of 1937.

AN ORDINANCE TO GIVE EFFECT TO THE INTERNATIONAL LABOUR CONVENTION CONCERNING THE PROTECTION AGAINST ACCIDENTS OF WORKERS EMPLOYED IN LOADING OR UNLOADING SHIPS.

[20th November, 1937.]

Short title.

1. This Ordinance may be cited as the Shipworkers' Protection Ordinance.

The Governor in Council may make regulations for the protection of workers.

2. The Governor in Council may make regulations for the protection against accidents of workers employed in loading, unloading, moving and handling goods in, on, or at any dock, wharf or jetty, or in loading, unloading, or coaling any ship in any dock or harbour.

Penalty for breach of regulations.

3. If any person acts in contravention of, or fails to comply with, any regulation under this Ordinance, he shall be liable for each offence to a penalty not exceeding ten pounds and, in the case of a continuing offence, to a penalty not exceeding two pounds for every day during which the offence continues after conviction therefor.

---

[*Note.* This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

## CHAPTER 65.

## SLAUGHTERING AND INSPECTION.

AN ORDINANCE TO REGULATE THE SLAUGHTERING OF STOCK AND TO PROVIDE FOR THE INSPECTION OF SLAUGHTERHOUSES. 19 of 1939.  
36 of 1949.

[9th December, 1939.]

1. This Ordinance may be cited as the Slaughtering and Inspection Ordinance, and shall apply to the Colony. Short title  
and  
application.

2. In this Ordinance, unless the context otherwise requires :— Interpre-  
tation  
36 of 1949.

“ Slaughterhouse ” means any place with its buildings and appurtenances used for the purposes of slaughtering stock for human consumption.

“ Meatshop ” means any premises where meat is stored or exposed for sale.

“ Brand ” means any brand, mark or stamp ; and includes any tag or label bearing any brand, mark or stamp.

“ Carcase of stock ” includes the whole or any part of the flesh, wool, skin, hide, bones, hair, horns, hoofs and offal of the stock.

“ Conveyance ” includes every description of cart wagon, truck, or other vehicle.

“ Disease ” means any disease and includes, Tuberculosis, Malignant tumours or new growths if generalised or extensive, Mammitis acute septic, Pericarditis septic, Pneumonia septic or gangrenous, Rickets, Pyaemia, Sarcocysts if generalised in the musculature, Septicæmia, Swine fever, Tetanus, Bruising—general extensive and severe with or without gangrene, Decomposition, Dropsy or Oedema general, Emaciation, Fever, Odour, sexual, urinous, Icterus (severe), advanced pregnancy, recent parturition, Cysticercus Cellulosæ,

Cysticercus Bovis, Cysticercus Ovis, Echinococcus cysts (generalised), Melanosis, Mange, Caseous Lymph Adenitis, and any other such defect or inferiority in the condition of any stock or meat as in the opinion of the inspector renders it unfit for human consumption.

“Diseased” means infected or affected by disease.

“Inspector” means any inspector appointed by the Governor under section 9 of this Ordinance.

“Meat” means the flesh of any slaughtered stock, whether the same is in its natural state or has been subjected to any freezing, chilling, salting or other preservative process.

“Prescribed” means prescribed by this Ordinance or by regulations thereunder.

“Ship” includes every vessel used for navigation.

“Stock” means cattle, sheep, swine or goats of either sex or any age; and includes such other animals as the Governor in Council from time to time, declares to be stock for the purpose of this Ordinance.

Persons  
slaughtering  
for family  
use, and  
*bona-fide*  
farmers  
exempted.

3. Nothing in this Ordinance shall operate or be construed to render it unlawful:—

- (a) For any person to slaughter stock on land or premises in his own occupation for consumption by persons resident thereon, or employed by him, and not for barter or sale; nor
- (b) For any *bona-fide* farmer whose ordinary farming operations include the raising of stock, to slaughter stock on his farm in the ordinary course of his business;

Provisions to  
which such  
exemptions  
subject.

36 of 1949.

Provided—

- (a) that no diseased stock shall be slaughtered for human consumption;
- (b) that a complete record of all stock slaughtered for human consumption is kept showing the persons to whom it is bartered or sold, and that such record is open to inspection by an inspector at all reasonable times.

4. It shall not be lawful in any town to slaughter any stock for human consumption or to dress any carcase for sale, except in a registered slaughter-house.

Stock to be slaughtered in slaughter-houses.

5. Application for a licence in respect of a slaughter-house in Stanley shall be made to the Board of Health and shall be in the prescribed form and be accompanied by full plans and description of the slaughter-house.

Application for licence for slaughter-house.

6. The Board of Health may grant and issue the licence if it is satisfied :—

Conditions subject to which licence is granted.

- (a) That the applicant is of good character.
- (b) That the requirements of this Ordinance have been duly complied with, and
- (c) That the situation of the slaughter-house is not objectionable and that its construction, equipment, and accommodation are in all respects sufficient.

7. The following provisions shall apply to every licence :—

Provisions as to licences.

- (a) It shall be in the prescribed form, and shall, unless sooner cancelled, continue in force until the thirty-first day of December next succeeding the date of issue, but may in the prescribed manner be thereafter renewed from year to year.
- (b) The licence whilst in force shall authorise the licensee, or any person with the licensee's written consent to slaughter in the slaughter-house specified therein stock for human consumption.
- (c) The licence may be transferred in such manner and subject to such conditions as may be prescribed.
- (d) A fee of ten shillings shall be charged for each licence issued by the Board under this Ordinance.

8. The Board of Health shall register the slaughter-house to which the licence relates and such registration shall continue in force during the currency of the licence, to which it relates.

Registration of slaughter-houses.

9. The Governor may from time to time, in such manner and on such terms and conditions as he thinks fit, appoint fit persons to be inspectors under this Ordinance.

Appointment of inspectors.  
36 of 1949.

Powers of  
inspectors.

**10.** Any inspector may at any time and from time to time enter into or upon any slaughter-house, meat shop, or other land, building, yard or premises or into, or upon any ship or conveyance where any stock or carcase may be or is supposed to be, or which is used or intended to be used for the collecting or slaughtering of stock or the carriage of stock or meat, and there do whatever he deems necessary for all or any of the following purposes :—

- (a) To inspect such place, ship, conveyance, stock or carcase ;
- (b) To make search for any stock or carcase supposed to be stolen or diseased, and to prevent the slaughter of any such stock or the removal except by himself or under his authority of any such stock or carcase ;
- (c) To prevent cruelty to any stock whether such cruelty is caused by overcrowding, insufficient shelter, insanitary conditions or want of food and drink ;
- (d) To prevent any such place, ship, or conveyance which in his opinion is in any way insanitary, defective, or unsuitable being used for the collecting, slaughtering, carriage or sale of stock or meat.

Power to  
examine  
books,  
remove  
stock, &c.

**11.** An inspector may :—

- (a) Examine all books and other records relating to stock or carcasses received or slaughtered in such place, or delivered or removed therefrom ;
- (b) At the expense of the owner or other person appearing to be in charge of any stock or carcase :—
  - (1) Remove to any convenient place of safety any stock or carcase, supposed to be stolen or diseased, or any stock appearing to be subjected to cruelty ;
  - (2) Supply with food, drink, or shelter any stock appearing to be in need thereof ;
- (c) Examine, touching any stock or carcase, any persons found in such place, ship, or conveyance or appearing to be employed therein or to have charge thereof or of any stock or carcase therein ; and also

- (d) Require any such person as aforesaid to assist in carrying out the provisions of this section, in which case it shall be the duty of every such person to comply forthwith.

12. (1) In and for every slaughter-house there shall at all times be kept a slaughter-book, wherein shall be truly and faithfully entered from day to day the following particulars respecting all stock slaughtered each day in such place :—

Record of stock slaughtered to be kept in slaughter book.

- (a) The number, species, and sex of such stock ;
- (b) The name, occupation and address of the owner of such stock or if the licensee is the owner, then of the person from whom and the date on which he took delivery of the same ;
- (c) The colour of each head of cattle and the brand or earmark of each head of cattle or sheep ; and also
- (d) Such other particulars as may be prescribed.

(2) The slaughter-book shall at all times be open to inspection by any inspector or constable without fee.

13. Where on the slaughter of any stock it is found that it is diseased the person in charge of the slaughter-house where such stock is slaughtered shall cause the carcase to be burnt or buried forthwith.

Mode of dealing with diseased stock on slaughter.

14. Every slaughter-house, conveyance or other place where stock are confined or being carried, and every meat shop, shall at all times, to the satisfaction of the inspector be kept efficiently lighted, ventilated, cleansed, drained, and provided with a sufficient water supply, and no offal, filth or refuse shall be allowed to remain therein.

Provisions for cleanliness.

15. No person shall :—

- (a) Destroy the skin of any stock or carcase ; or
- (b) Cut off, remove, or destroy any ear on such skin ; or
- (c) Cut out, burn, or otherwise destroy or deface any brand upon any such skin ; or
- (d) Be in possession of any such skin from or upon which the ear or brand has been cut, removed, burnt, or otherwise destroyed or defaced ; or

Skins, and brands thereon, not to be destroyed.



- (c) Knowingly purchase a raw hide or skin from which any brand has been cut or burnt out or destroyed or otherwise defaced—unless in every instance he is able to give a satisfactory account thereof when-ever called upon so to do by any inspector or court.

Inspection  
of skins of  
slaughtered  
stock.

16. Any inspector may at any time inspect the skins of any stock that have been, or appear from the slaughter-book to have been slaughtered in any slaughter-house, and the manager or licensee shall, if so requested, furnish to such inspector a full or satisfactory account showing from whom such skins were received, and to whom and in what manner they have been sold or disposed of.

Swine not to  
be fed on  
diseased  
carcases or  
allowed  
near  
slaughter-  
house.

17. No person owning or having charge of swine shall :—

- (a) Feed them or allow them to be fed on any part of the diseased carcase of any animal ;
- (b) Feed them with any meat or offal, unless such meat or offal is first boiled ;
- (c) Allow them to wander or be kept, housed, or penned within fifty yards of any slaughter-house ; nor
- (d) Allow them to be brought within fifty yards of any slaughter-house, save for the purpose of slaughter therein within twelve hours thereafter.

Offences.

18. Every person commits an offence against this Ordinance who, directly or indirectly by himself, his servant or agent :—

- (a) Does anything declared by this Ordinance to be unlawful ; or
- (b) Fails to perform or observe any duty or obligation imposed by this Ordinance ; or
- (c) Prevents, obstructs, or hinders any inspector or constable in the exercise of any power or function conferred by this Ordinance.

36 of 1949.

Punishment.

19. (1) Every person who commits any offence against this Ordinance is liable to a fine not exceeding £25.

(2) Where in any proceedings for a fine in respect of any such offence knowledge on the part of defendant must be shown, such knowledge shall be presumed until the contrary is proved.

20. Without in any way releasing any other person from liability under this Ordinance, it shall be the duty of the licensee of a slaughtering place to see that all the provisions of this Ordinance relating to such slaughtering place are duly observed and complied with.

Licensee to see Ordinance complied with.

21. In any proceedings against the licensee of a slaughter-house for any offence against this Ordinance :—

Proceedings against licensee.

- (a) He shall produce his licence to the Court at the commencement of the hearing.
- (b) The second and every subsequent conviction shall be endorsed by the Court on the licence.
- (c) On a third or any subsequent endorsement within any period of two years the Court may cancel the licence.

22. The Governor in Council may make regulations providing for :—

Governor in Council may make regulations.

- (a) the registration of slaughter-houses, and the licensing of all persons carrying on the business of slaughterers, butchers, or purveyors of meat for human consumption ;
- (b) the registration of marks, stamps, brands and labels used for the branding or marking meat ;
- (c) the inspection of slaughter-houses, stock, carcases and meat, and also of conveyances used for the carriage of stock, carcases, or meat ;
- (d) the inspection of ships carrying or intending to carry carcases or meat for export ;
- (e) the branding, marking, and grading of meat ;
- (f) the proper, efficient and sanitary construction, lighting, ventilation, cleansing, drainage, water-supply, maintenance and good management of slaughter-houses and of all fixtures, appliances, instruments, utensils and things connected or used therewith or connected with the management thereof ;
- (g) the mode in which carcases or meat shall be conveyed from any slaughtering-place to any ship or other place ;

- (h) the destruction or disposal of any stock, carcase, or meat which, in the opinion of the inspector, is diseased ;
- (i) the conditions subject to which carcases or meat from beyond a town may be brought for sale, barter, or consumption within the town ;
- (j) returns to be made by the licensees of slaughter-houses, setting forth prescribed particulars relating to the work done therein ;
- (k) the mode in which and the causes for which any licence or certificate under this Ordinance may be cancelled ;
- (l) the form and mode in which anything shall be done which in this Ordinance is expressed to be prescribed ;
- (m) annual licence fees on all persons carrying on the business of slaughterers, butchers, or purveyors of meat for human consumption, and prohibiting any such person not so licensed from carrying on any such business.
- (n) fines for the breach of any such regulation, not exceeding in each case five pounds.
- (o) generally giving full effect to the purposes of this Ordinance.

## CHAPTER 66.

## STAMP DUTY.

AN ORDINANCE TO PROVIDE FOR THE PAYMENT OF DUTY ON RECEIPTS. 1 of 1948.  
10 of 1950.

[14th May, 1948.]

1. This Ordinance may be cited as the Stamp Duty Ordinance. Short title.

2. In this Ordinance :—

Interpre-  
tation.

“ Receipt ” means any note, memorandum, or writing whereby any money amounting to two pounds or upwards, or any bill of exchange or promissory note for money amounting to two pounds or upwards, is acknowledged or expressed to have been received or deposited or paid, or whereby any debt or demand, or any part of a debt or demand, of the amount of two pounds or upwards, is acknowledged to have been settled, satisfied, or discharged, or which signifies or imports any such acknowledgment and whether the same is or is not signed with the name of any person.

3. A duty of twopence shall be paid on each receipt. Duty.  
Such duty shall be denoted by an adhesive stamp or stamps being affixed to the receipt and cancelled by the person by whom the receipt is given before he delivers it out of his hands.

4. If any person :—

Penalties.

- (1) Gives a receipt not duly stamped ; or
- (2) Refuses to give a receipt duly stamped ; or
- (3) Upon a payment to the amount of two pounds or upwards gives a receipt for a sum not amounting to two pounds, or separates or divides the amount paid with intent to evade the duty ;

he shall be liable to a fine not exceeding ten pounds.

---

[Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

Exemptions.

5. The following shall be exempt from the operation of this Ordinance :—

- (a) Receipts given by the Government or an officer thereof acting within the scope of and in the course of his duties.
- (b) Receipts given for or on account of any salary pay or wages or for or on account of any like payment made for the benefit of any person in respect of his employment or for or on account of any pension or superannuation allowance.
- (c) Receipts given in respect of any sums payable under the Workmen's Compensation Ordinance.

Chapter 79.

**CHAPTER 67.****STANLEY RATES.**

AN ORDINANCE TO AUTHORISE THE LEVY OF A GENERAL RATE AND A WATER RATE IN STANLEY.

9 of 1948.  
3 of 1950.

[21st October, 1948.]

1. This Ordinance may be cited as the Stanley Rates Ordinance. Short title.

2. In this Ordinance unless the context otherwise requires :— Interpre-  
tion.

“ Council ” means the Town Council of Stanley.

“ Stanley ” means the area contained in the three Wards described in the First Schedule to the Stanley Town Council Ordinance. Chapter 68.

“ Premises ” means any lands tenements hereditaments or property in Stanley which are or may become liable to a rate, in respect of which the valuation list is conclusive.

“ Court ” means the Supreme Court.

“ Rate ” means a rate the proceeds of which are applicable to purposes of a public nature in Stanley and which is leviable on the basis of an assessment in respect of the annual value of premises in Stanley.

“ Domestic purposes ” mean ordinary and reasonable purposes of domestic life and shall include the use of water for fixed baths, water closets, urinals, hot water, heating, washing cars and carriages and for the watering of gardens forming part of the amenities of the house.

**Part I.****GENERAL RATE.**

3. A rate shall be made and levied by the Council on the owners (except as hereinafter mentioned) of all premises and shall be assessed on the net annual value of all such premises: Liability for  
general rate.

Provided that an owner shall be liable to be rated although the premises are unoccupied at the time of the assessment of the rate :

Recovery of  
rates from  
tenants.

Provided also that where rates due are in arrear the Council may serve upon any person paying rent in respect of the premises so rated or any part thereof a notice stating the amount of such arrears of rate and requiring all future payments of rent (whether the same have already accrued due or not) by the person paying the rent to be made direct to the Council until such arrears shall have been duly paid, and such notice shall operate to transfer to the Council the right to recover receive and give a discharge for such rent.

Part  
payment.

4. If any owner assessed or liable to any such rate ceases to be owner of the premises in respect whereof he is so assessed or liable before the end of the period for which the rate was made, and before it is fully paid off, he shall be liable to pay only such part of the rate as may be in proportion to the time during which he continues to be such owner. In every such case any person becoming owner or occupier of the premises during part of the said period shall pay such part of the rate as may be in proportion to the time during which he continues to be such owner, and it shall be recovered from him in the same manner as if he had been originally assessed or liable.

Exemptions.

5. The following premises and the owners and occupiers thereof are exempt from rateability :—

- (a) The property of the Crown.
- (b) Property occupied by the Crown for the purposes of government of the Colony (including property occupied by the Falkland Islands Defence Force).
- (c) Every church chapel or similar building used and maintained exclusively for the public celebration of divine service and not being part of any premises used for human habitation :

Provided that no such church, chapel or like building so used and maintained as aforesaid shall be deemed or taken to be part of premises used for human habitation by reason only that it communicates therewith.

6. A rate may be made and levied either prospectively in order to raise money for the payment of expenses to be incurred within one year thereafter, or retrospectively in order to raise money for the payment of expenses incurred within one year previously, and at such rate of assessment as the Council shall think fit and as is authorised by this Ordinance, from which rate of assessment there shall be no appeal.

Rate may be prospective or retrospective.

7. A rate shall be made at a certain and equal rate assessed upon the net annual value of all premises liable to be assessed and rated, that is to say, at the rate of one or more shillings or fractions of a shilling for every pound of the net annual value.

Assessment.

8. A rate shall contain every particular required under the Form set out in the Schedule hereto, so far as such particulars can be ascertained, and shall be signed at the foot thereof by the Chairman of the Council or the person acting as such at the time of making such rate, and unless the same be so signed it shall be of no force or effect.

Rate must be in a certain form. Schedule.

9. A rate shall be due on the 1st day of January in each year and shall be paid in advance.

When rate due.

10. Any person who shall remove from any premises in respect of which he may be rated and assessed and leave any rate unpaid, or who shall remove any of his goods from any premises in order to avoid a distress thereon, shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding £10.

Penalty on persons leaving rates in arrear.

11. The Council may reduce or remit the payment of any rate on account of the poverty of any person liable to the payment thereof.

When rates may be remitted.

12. (1) The Council shall permit every rated inhabitant of Stanley, and every other person authorised in writing by the Governor, to inspect at all reasonable hours every rate made by them, and every account required to be kept by them, paying one shilling for each rate or account inspected, and

Rates may be inspected.



Penalty  
for denial of  
inspection.

the Council shall on demand give a copy of or extract from any rate or account to any such inhabitant or other person paying three pence for every hundred words or fraction thereof, and further, the Council shall be liable to a penalty of £10 for every refusal, to be recovered, together with full costs of suit by the party aggrieved in a Court of Summary Jurisdiction.

(2) All moneys received by the Council for any inspection, copy of or extract from any rate or account, shall be credited to the rates.

Publication  
of rate.

**13.** The Council shall within seven days after the making of a rate give notice thereof by publishing the notice in any newspaper circulating in Stanley and by causing the notice to be affixed to the doors of the Cathedral, Chapel of St. Mary and Tabernacle in Stanley and by local broadcast, and the rate shall not be valid unless notice is duly given.

Demand  
notes.

**14.** (1) Information on the following matters shall be included in the demand note on which the rate is levied—

- (a) such description as is reasonably necessary for identification of the premises in respect of which the demand note is issued,
- (b) the net annual value,
- (c) the amount in the pound at which the rate is charged.
- (d) the period in respect of which the rate is made.
- (e) particulars as to any discount admissible for prompt payment.

(2) A demand note may include a demand for any water or other rate, rent or charge payable to the Council.

(3) A demand note shall be sufficiently authenticated if signed by the Town Clerk.

Discount

**15.** The Council may by resolution direct that an allowance by way of discount not exceeding  $2\frac{1}{2}$  per centum shall be made on the whole amount due in respect of any rate due from any person who pays the net amount due before such date as the Council may prescribe :

Provided that such allowance shall be made at the same rate to all persons entitled thereto.

16. The Council shall appoint an Assessment Committee consisting of five members two of whom shall not be members of the Council, and shall appoint a person to fill any casual vacancy caused by death resignation disqualification or otherwise, subject to the appointment of any member not being a member of the Council being first approved by the Governor.

Assessment  
Committee.

17. The Assessment Committee shall—

Functions  
of Assess-  
ment  
Committee.

- (1) maintain a book containing particulars of all premises in Stanley, and shall make such alterations therein as may be required from time to time, and from the particulars therein contained prepare a draft valuation list.
- (2) on the 1st day of November in every year and not otherwise except by order of the Court devise and forward to the Council the draft valuation list.
- (3) hold meetings to consider any objection under section 18 hereof made to the draft valuation list and may make such alterations insertions and corrections in the list whether for the purpose of meeting an objection or for any other reason they think proper.

18. The Council shall forthwith on receipt of the draft valuation list as provided in section 17 (2) cause a notice to be published in the manner prescribed for publication of a rate in section 13 that the draft valuation list may be inspected at the office of Treasurer of the Council during the usual office hours and that any person aggrieved by any assessment therein or omission therefrom may lodge an objection within 21 days from such notice.

Publication  
of draft  
valuation  
list and  
objections.

19. After the expiration of 21 days from the notice provided for in section 18, should there be no objection to the draft valuation list, or from the notification by the Assessment Committee to the Council of its decision on all such objections, the draft valuation list shall, subject to any appeal provided for in section 22 and to any amendment that may be ordered by the Court, be conclusive evidence of the net annual value of all premises therein mentioned for all purposes of rating and assessment.

Valuation  
conclusive  
subject to  
appeal.

Power of  
Council to  
amend rate.

**20.** (1) The Council may at any time make such amendments in a rate (being either the current or the last preceding rate) as appear to them necessary in order to make the rate conform with the provisions of this Ordinance or any amendment thereof and in particular may—

- (a) correct any clerical or arithmetical error in the rate ;
- (b) correct any erroneous insertions or omissions or any misdescriptions ;
- (c) make such additions to or corrections in the rate as appear to be necessary by reason of—
  - (i) any newly erected premises or any premises which were unoccupied at the time of making the rate coming into occupation ; or
  - (ii) any premises previously rated on a single premise becoming liable to be rated in parts :

Provided that not less than seven days before making any such amendment, the effect of which is to alter the amount appearing in the rate as chargeable in respect of any premises, the Council shall send notice of the proposed amendment to the owner of the premises, and to the occupier if he is liable to pay the rate, and shall consider any objection which may be made by him or them.

(2) Every amendment under paragraph (a) or paragraph (b) of the preceding subsection shall have effect as if it were contained in the rate as originally made.

Powers of  
Assessment  
Committee ;  
entry and  
returns.

**21.** (1) Any member of the Assessment Committee may at all reasonable hours of the day, having given one clear day's notice in writing, enter any premises for the purpose of discharging his duties and remain therein so long as may be necessary for that purpose, and any person preventing or hindering such member from entering or remaining as aforesaid shall be guilty of an offence and shall be liable to a daily penalty of £5.

(2) The Assessment Committee may at any time require the owner of any premises to make a return containing such particulars as may reasonably be required for the purpose of carrying out this Ordinance within 21 days after the service of the notice calling upon him so to do, and any person who fails without reasonable excuse to comply with such notice shall on summary conviction be liable to a fine

not exceeding £20, and to a further penalty not exceeding £2 for each day during which the default continues after conviction, and any person who makes or causes to be made a return which is false in any material particular shall be liable on summary conviction in respect of each offence to a fine not exceeding £50.

**22.** Any person aggrieved by—

Appeals.

- (a) any assessment or rate ;
- (b) any order or requirement of the Council or Assessment Committee under this Ordinance ;
- (c) any conviction or order of a Court of Summary Jurisdiction registered or made under this Ordinance ;
- (d) the refusal of a Court of Summary Jurisdiction to convict or make an order under this Ordinance  
may within one month after such grievance shall have arisen appeal to the Court in manner provided by the Administration of Justice Ordinance or any amendment or re-enactment thereof :

Chapter 3

Provided that nothing herein contained shall be deemed to authorise an appeal against the rate or assessment hereby authorised unless the same shall be unequal.

**23.** (1) The Colonial Secretary may within one month from the date of the valuation list appeal to the Court against any assessment in or omission from the said list.

Appeals by  
Colonial  
Secretary.

(2) The Colonial Secretary may appeal against the making, registering, or omitting to make any order by the Council in prejudice, abridgment or derogation from the rights or privileges of His Majesty or the duties powers or authorities vested in the Governor, within one month of the making of such neglect or omission.

(3) The Colonial Secretary shall not be required to enter into a recognisance to prosecute an appeal.

**24.** The Court may cause the order of the Court in an appeal to be recorded on the valuation list and the decision

Order of  
Court.

upon any appeal shall be conclusive and binding on all parties thereto.

Service of  
notice.

25. Where there is no provision for the service of notice of appeal or statement of the grounds of appeal the Court may direct upon whom and the manner in which service shall be made.

Summary  
proceedings  
for recovery  
of rate.

26. (1) Any person liable to pay a rate who fails to pay the same when due, or quits or is about to quit any premises without payment of a rate then due, may be summoned to appear before a Court of Summary Jurisdiction to show cause why such rate should not be paid.

If the defaulter fails to appear or show sufficient cause for non payment such Court may make an order for the payment of the same and may by warrant cause the same to be levied by distress on the goods or chattels of the defaulter.

(2) The costs of the recovery of arrears of any rate may be added to such arrears.

Charge on  
premises.

27. (1) Where any rate shall remain unpaid the Council may apply to a Court of Summary Jurisdiction for an order that the amount of rate remaining unpaid together with the costs caused by attempting to collect the same shall be a first charge on the premises and such Court is hereby empowered to make such order.

(2) An order made under this section shall be registered with the Registrar General at Stanley before it shall become effective.

## Part II.

### WATER RATE.

Liability for  
water rate.

Domestic  
purposes.

28. A water rate shall be made and levied by the Council on the owners of all premises in respect of all water supplied for domestic purposes and shall be assessed on the net annual value of all such premises.

(3) Where water is supplied or used for non-domestic purposes the following fixed rates shall respectively be charged :—

Non-domestic charges.

	£	s.	d.
Butcher's shop ... ..	1	10	0
Chicken farm ... ..		10	0
Dairy... ..	1	10	0
Garage ... ..	1	10	0
Mineral water plant ... ..	5	0	0
Photographic business ... ..		10	0
Slaughterhouse ... ..	2	10	0
Stable ... ..		10	0

Provided that the Council may from time to time by resolution require a fixed charge in respect of any other premises or class of premises to which water is supplied for a non-domestic purpose or vary or cancel any fixed charge in respect of water so supplied subject to public notice being given of such resolution as provided in section 13.

29. (1) The Council may by resolution, public notice of which shall be given as hereinbefore provided, require water to be supplied by measure to any ship or premises or class of premises and may recover any money payable in respect thereof in the same manner as water rates.

Supply by meter.

(2) When water is supplied by measure the Council shall, at the option of the consumer, sell or let for hire at such economical rent as it shall decide, a meter or other instrument for measuring the quantity of water supplied and consumed and the purchase price or rent shall be recoverable in the same manner as water rates.

Council may sell or let meters.

(3) When water is supplied by measure officers of the Council may between the hours of 10 a.m. and 4 p.m. enter any premises so supplied in order to inspect any meter or any other instrument or apparatus for measuring water, or for the purpose of ascertaining the quantity of water supplied or consumed and for the purpose of removing any meter or other apparatus the property of the Council, and any person hindering any such officer from entering for any of such purposes shall be liable on summary conviction to a fine not exceeding £5 for each offence.

Power of entry.

Exemptions  
recovery of  
rates, &c.

**30.** The provisions of Part I of this Ordinance relating to exemptions, assessment, when rate is due, penalty for leaving premises when rate is in arrear, demand notes and recovery of arrears of rate including changing premises shall be applicable to the water rate as if the same had been expressly made in respect thereof.

Power to  
cut off  
supply.

**31.** The Council may in addition to any other remedy for the recovery of water rate in arrear herein contained stop the flow of water into the premises in respect of which such rate is payable by cutting the pipe to such premises or by such other means as it may think fit and may recover the cost of such cutting off and of any re-connection in addition to the arrears of water rate :

Provided that the Council shall before serving notice of intention to cut off require the occupier to pay water rate in arrear in accordance with the second proviso to section 3 and the provisions thereof shall be applicable to the water rate as if the same had been expressly made in respect thereof.

### Part III.

#### GENERAL.

Capacity of  
justices.

**32.** No justice of the peace shall be incapable of acting in cases arising under this Ordinance by reason of his being a member of the Council or a ratepayer or being liable to contribute to or be benefited by any rate or fund out of which any expenses incurred by the Council under this Ordinance are to be defrayed.

Notices.

**33.** Notices, orders and other documents required or authorised to be served under this Ordinance may be served by delivering them or a true copy thereof to some person on the premises, or if there is no person on the premises who can be served by fixing them on some conspicuous part of the premises.

Defrayment  
of expenses.

**34.** All expenses and compensation incurred or payable by the Council in the execution of this Ordinance and not otherwise provided for out of capital raised for that purpose shall be charged on and defrayed out of the rate.

35. Nothing in this Ordinance contained shall prejudice, abridge or derogate from, or be deemed, taken or construed to prejudice, abridge or derogate from, the duties, powers or authorities which now are or at any time hereafter may be lawfully imposed upon or vested in or which heretofore have been exercised by the Governor for the preservation of the peace, safety and good government of the Colony.

Powers of  
Governor.

### SCHEDULE.

#### Form of General Rate.

An assessment made for a general rate, made this \_\_\_\_\_ day of \_\_\_\_\_  
in the year one thousand nine hundred and \_\_\_\_\_  
after the rate of \_\_\_\_\_ in the \_\_\_\_\_

Number in Premises Valuation.	Arrears due.	Name of owner.	Description of property rated.	Net annual value.	Amount of rate at

Witness our Common Seal, and the hand of our Chairman, this  
day of \_\_\_\_\_ 19 \_\_\_\_\_

*Chairman of the Council.*



**CHAPTER 68.****STANLEY TOWN COUNCIL.**

1 of 1947. AN ORDINANCE TO CONSTITUTE A TOWN COUNCIL FOR  
17 of 1948. STANLEY, TO PROVIDE FOR THE CONDUCT OF ELECTIONS  
1 of 1950. AND TO REGULATE THE GENERAL POWERS OF THE  
10 of 1950. COUNCIL.

[29th November, 1947.]

Short title. 1. This Ordinance may be cited as the Stanley Town Council Ordinance.

**Part I.****THE CONSTITUTION OF THE COUNCIL.**

Formation of a Town Council. 2. (1) There shall be constituted and elected in Stanley a Town Council (hereinafter referred to as the Council) the members whereof shall be termed councillors, and the said Council shall be constituted as from the date of the first election held under this Ordinance.

(2) The Council shall be a corporate body having a common seal and shall sue or be sued in its corporate capacity.

Constitution of Town Council. 3. (1) The Council shall consist of nine members of whom three shall be members nominated or appointed by the Governor and six shall be members elected by the electors of Stanley.

(2) The Governor shall at each general election of councillors appoint three councillors as he may see fit for the full period of two years, provided that in the case of the death or resignation of a councillor appointed under this subsection, or if any such councillor is absent from meetings of the Council for more than six months consecutively except in case of illness or for some reason approved by the Council, the Governor may appoint some other person to fill the vacancy and the person so appointed shall continue in

office as a councillor so long only as the person in whose stead he shall have been appointed would have been entitled to remain in office.

(3) Every appointment or nomination made by the Governor under subsections (1) and (2) of this section shall be published in the Gazette.

4. For the purpose of the election of councillors, the Township of Stanley shall be divided into three wards as set out in the First Schedule to this Ordinance and each elector shall record his vote only in the ward for which he is registered as an elector.

Constitution  
of wards for  
elections.  
(First  
Schedule.)

5. (1) The year following immediately on the passing of this Ordinance and thereafter in every second year there shall be prepared a register of electors and such register shall be published not later than the 1st day of October in such year.

Preparation  
of register of  
electors.

(2) The Council shall appoint a registration officer to supervise the preparation of the register in accordance with the rules contained in the Second Schedule to this Ordinance:

(Second  
Schedule.)

Provided that the Governor may make all declarations, appointments and other arrangements necessary for the purpose of holding the first election.

6. A person shall not be entitled to be enrolled as an elector unless he is qualified as follows—

Qualifica-  
tions of  
electors.

(a) is a person of either sex of twenty-one years of age or over, and

(b) is resident in Stanley on the 31st day of August in the year in which the register of electors is prepared or revised and has during the twelve months prior thereto actually resided therein:

17 of 1948.

Provided that he shall not be deemed not to have actually resided in Stanley by reason only that he has been temporarily absent therefrom for short periods:

Provided also that no person in the armed forces, other than the Falkland Islands Defence Force, who

is stationed in Stanley for naval or military purposes, shall be entitled to be registered as an elector in respect of the occupation of any residence or quarters provided by the Crown free of rent or other charges,

17 of 1948.

(c) is a British subject, and

17 of 1948.

(d) is not subject to any legal incapacity.

Appeal  
against  
decision of  
registration  
officer.

7. (1) Any person who deems himself aggrieved by the omission or inclusion of any name in the register may make complaint or objection to the registration officer who shall hear and determine the same.

(2) An appeal shall lie to the Magistrate's Court from any decision of the registration officer on any complaint or objection which has been considered by him.

(3) An appeal to the Supreme Court on any point of law shall lie from any decision of the Court on any such appeal from the registration officer, but no appeal shall lie from any decision of the Supreme Court.

Date of  
elections.  
10 of 1950.

8. (1) Elections shall be held biennially on the second Wednesday in the month of December. At each biennial election the more recently elected councillor in each ward shall remain in office and the other shall retire automatically and shall be eligible to be a candidate at any subsequent election other than that at which he retires or an election to fill a casual vacancy held before the next biennial election :

Provided that a councillor elected to fill a casual vacancy shall hold office until the date upon which the person in whose place he is elected would regularly have retired and he shall then retire.

Casual  
vacancies.

(2) In the case of a casual vacancy among the elected members an election shall be held on any day to be fixed by the Governor, such day being not less than twenty-eight nor more than forty-two days after the date upon which the vacancy shall have been notified to exist, and any such casual vacancy arising shall be notified to the Governor by the Chairman of the Council and published in the Gazette.

(3) In the case of a contested election the Chairman of the Council shall on or before the fifth day before the day of election give notice of the poll specifying (a) the day and hours fixed for the poll (b) the number of councillors to be elected (c) the full name, place of residence and description of each candidate remaining validly nominated, (d) the names of the two electors of the ward who signed the nomination paper of each candidate, (e) the situation of the polling station.

Notice of  
poll.  
17 of 1948.

(4) If, after the latest time for delivery of notification as required by section 12 and before the commencement of the poll, a candidate who remained validly nominated dies, the returning officer shall countermand the poll in respect of the ward for which the deceased candidate was nominated and fix a day not less than 28 days nor more than 42 days after the date of death of the said candidate on which an election shall be held for in respect of the said ward.

Death of  
candidate.  
17 of 1948.

9. (1) The registration officer shall have power to appoint deputies who shall perform such duties as the registration officer shall direct, but the appointments of deputies shall be subject to the approval of the Council.

Duties of  
registration  
officer, and  
appointment  
of deputies.

(2) The expenses incurred in the preparation of the register shall be audited by the Town Council auditor and shall be paid out of the funds of the Council.

10. A person shall be qualified to be elected a councillor if he is qualified to be registered as an elector in the terms of section 6 of this Ordinance.

Qualification  
of councillor

11. (1) A person shall be disqualified from becoming or from acting as a councillor who shall be or shall become a bankrupt and shall not have obtained his discharge, or who has been or shall be convicted of any felony or other crime for which he has suffered or shall be sentenced to undergo any term of imprisonment exceeding three calendar months.

Disquali-  
fication of  
councillors.

(2) Any person not duly qualified who shall wilfully act as a councillor shall be liable to a penalty not exceeding £50 for every day on which he shall so act, or to imprisonment for a term not exceeding six months, and the appoint-

ment or election of any such person who shall not be duly qualified or who shall become disqualified shall be void to all intents and purposes as from the date upon which such councillor shall first have become disqualified :

Provided always that no such acting shall prejudice or make void the acts of the councillors duly appointed or legally qualified.

Declaration  
of vacancy  
17 of 1948.

(3) Where the elected councillor (1) ceases to reside in Stanley, or (2) becomes disqualified therefor under section 11 or by reason of a breach of the provisions of Part III of this Ordinance, or (3) ceases to hold office by reason of failure to attend meetings, the Council may forthwith declare his office to be vacant and signify the vacancy by notice signed by the Town Clerk affixed to the Council offices.

In such case the provisions of section 8 (2) shall apply.

Declaration  
to be made  
by candidate  
for election  
as councillor.

12. Every person being a candidate for election as a councillor shall in writing not later than twenty-one days before the date fixed for the taking of the poll so notify the Returning Officer of his intention, the notification being subscribed by two electors of the ward, and shall at the same time forward to the Returning Officer a declaration sworn before a Justice of the Peace in the form set out in the Third Schedule to this Ordinance that he fulfils the qualifications required under this Ordinance.

(Third  
Schedule.)

Deposit by  
candidates.  
17 of 1948.

13. (1) Every candidate for the office of councillor who shall be nominated therefor shall deposit with the Returning Officer the sum of £10.

(2) No candidate who has not complied with the provisions of subsection (1) hereof shall be elected, by poll or otherwise, to the office of councillor.

Remission  
and for-  
feiture of  
deposit.

14. The deposit made by a candidate under the provisions of section 13 shall be remitted to such candidate by the returning officer—

- (a) if he be elected a member of the Council, or
- (b) if he obtain not less than 1/6th of the total votes validly polled, or

- (c) if he shall resign his candidature at any time not less than seven days prior to the date of the poll.

15. It shall be lawful for the returning officer to hear and consider any complaint or objection in regard to the qualifications of any candidate and to give a decision thereon and any person aggrieved by any such decision shall be entitled to appeal in manner provided by section 7 of this Ordinance.

Power of returning officer to hear complaints.

16. Any person who knowing that he is not duly qualified shall wilfully offer himself as a candidate for election shall be liable on summary conviction to a penalty not exceeding £20 or to imprisonment for a term not exceeding one month.

Penalty on disqualified person offering himself as candidate.

17. If no more persons than the number of councillors to be elected shall have signified their intention in the manner required by section 12 of this Ordinance to become candidates for election, the returning officer on the day fixed for the election shall declare such candidate or candidates duly elected to the Council, but if more candidates than there are vacancies to be filled shall come forward for election a poll shall be taken in the manner hereinafter provided :

If only sufficient persons signify their intention to become candidates.

Provided that if insufficient candidates are nominated to fill the existing vacancies the Governor may appoint members additional to those mentioned in section 3 (2) of this Ordinance.

If number of candidates insufficient.

18. Every person being a candidate for election as a councillor may appoint an election agent whose name he shall notify to the returning officer and every advertisement, circular or publication issued for the purpose of promoting or procuring the election of any candidate shall bear thereon the name of the candidate or his agent and the printer thereof, if any.

Power of candidate to appoint an election agent.

19. (1) A Chairman of the Council shall be elected annually by the Council from among the elected members.

Chairman of Council.

(2) The election of the Chairman shall be the first business transacted at the first meeting of the Council in every year.

(3) The Chairman shall, unless he resigns or ceases to be qualified or becomes disqualified, continue in office until his successor is elected.

(4) The Council shall also appoint from the elected members of the Council a Deputy-chairman.

(5) The Deputy-chairman shall, unless he resigns or ceases to be qualified or becomes disqualified, continue in office until his successor is elected.

(6) Subject to any standing orders made by the Council anything authorised or required to be done by, to or before the Chairman may be done by, to or before the Deputy-chairman.

Filling of  
casual  
vacancy in  
case of  
Chairman or  
Deputy-  
chairman.

20. On a casual vacancy occurring in the office of Chairman or Deputy-chairman, an election to fill the vacancy shall be held not later than the next ordinary meeting of the Council held after the date on which the vacancy occurs, or if that meeting is held within three days after that date, then not later than the next following ordinary meeting of the Council, and shall be conducted in the same manner as an ordinary election.

Resigna-  
tions.

21. A person elected, nominated or appointed under this Ordinance to the Council or to an office therein may, at any time, resign by writing signed by him (in this Ordinance referred to as a "notice of resignation") and delivered—

- (a) in the case of an elected member of the Council, to the Town Clerk,
- (b) in the case of a member of the Council nominated or appointed by the Governor, to the Colonial Secretary,
- (c) in the case of the Chairman or Deputy-chairman of the Council, to the Council, and
- (d) in the case of any officer in the Council, to the Chairman of the Council,

and his resignation shall take effect upon the receipt of the notice of resignation by the person or body to whom it is required to be delivered.

22. A person elected under this Ordinance to fill a casual vacancy shall hold office until the date upon which the person in whose place he is elected would regularly have retired and himself shall then retire.

Term of office of persons filling casual vacancies.

## Part II.

### ELECTION PROCEDURE

#### ELECTIONS AND ELECTORS.

23. (1) In this part of this Ordinance, unless the context otherwise requires—

Interpretation of Part II.

“candidate” means any person who has been nominated or declared himself candidate at an election ;

“election” means an election of a Town councillor or councillors ;

“elector” means any person qualified to vote for members to serve on the Council ;

“polling place” means the house or room in which an election is held ;

“presiding officer” means the officer appointed by the returning officer to preside at a polling station ;

17 of 1948.

“register” means the register for the time being of voters qualified to vote for members to serve on the Council ;

“returning officer” means the officer appointed by the Town Council, subject to the approval of the Governor, to conduct an election.

17 of 1948.

(2) Where in this part of this Ordinance any expressions are used requiring or authorising or inferring that any act or thing is to be done in the presence of the candidates or of any other persons nominated by them for the purpose, such expressions shall be deemed to refer to the presence of such of the candidates or of any other persons nominated by them for the purpose as may be authorised to attend, and as have in fact attended at the time and place where such act or thing is being done, and the non-attendance of any candidate or of any of the persons nominated by him for the purpose at such place and time shall not, if such act or thing be otherwise duly done, in anywise invalidate the act or thing done.



## PROCEDURE AT POLL.

Votes, when  
poll required  
at an elec-  
tion, to be  
taken by  
ballot. Of  
what ballot  
shall consist.

Description  
of ballot  
paper.

(Fourth  
Schedule.)

24. In the case of a poll being required at an election the votes shall be given by ballot, the ballot of each voter shall consist of a paper (in this Ordinance referred to as a ballot paper) showing the names and descriptions of the candidates arranged alphabetically in the order of their surnames and (if there are two or more candidates with the same surname) of their other names ; it shall have a number printed on the back and shall have attached a counterfoil with the same number printed on the face, and shall be in the form set out in the Fourth Schedule to this Ordinance or as near thereto as circumstances admit, and shall be capable of being folded up.

Oath of  
secrecy by  
and before  
whom to be  
taken.

(Fifth  
Schedule.)

25. The presiding officer and every other person authorised to attend a polling place, or at the counting of the votes, shall, before the opening of the poll, make the oath of secrecy in the form prescribed in the Fifth Schedule to this Ordinance. If the person is the presiding officer he shall make the oath before a justice of the peace and if he is any other person, before the presiding officer or a justice of the peace.

Provision of  
ballot boxes  
&c.

26. (1) The returning officer shall within three days before polling day provide such ballot boxes, ballot papers, polling compartments, materials for electors to mark the ballot papers, directions for the guidance of electors in voting and such other things as may be necessary for effectually conducting any election in the manner provided by this Ordinance.

(2) There shall be one polling station which shall be furnished with one or more compartments as shall be necessary in which the electors can mark their votes screened from observation.

Directions  
for the  
guidance of  
electors.

(Sixth  
Schedule.)

27. Directions for the guidance of the electors in voting according to the form set forth in the Sixth Schedule to this Ordinance shall be placarded in various places, outside and inside every polling place and, in addition thereto, in every compartment of every polling place and be illustrated by examples of the ballot paper.

28. Every ballot box shall be so constructed that the ballot papers can be introduced therein but cannot be withdrawn therefrom without the box being unlocked. The presiding officer at any polling place just before the commencement of the poll shall show the ballot box empty to such persons as may be present in such polling place so that they may see that it is empty, and shall then lock it up and place his seal upon it in such manner as to prevent its being opened without breaking such seal and shall place it in his view for the receipt of ballot papers and keep it so locked and sealed.

Ballot boxes  
to be  
locked and  
sealed &c.

29. Every elector shall be entitled to demand and receive a ballot paper, but immediately before it is delivered to such elector it shall be marked on both sides by the presiding officer with a mark (in this Ordinance referred to as the official mark), and the number and name of the elector as stated in the copy of the register shall be called out, and the number of such elector marked to denote that he has received a ballot paper but without showing the particular ballot paper which he has received.

Every  
elector  
entitled to a  
ballot paper.

30. (1) The elector, on receiving the ballot paper, shall forthwith proceed into the compartment or one of the compartments in the polling place and there secretly mark his vote by placing a cross on the right hand side of the ballot paper opposite the name of the candidate for whom he votes. The elector may vote for as many candidates as there are vacancies to be filled. The elector shall then fold up the ballot paper so as to conceal his vote but so as to show the official mark on the back, and shall then put his ballot paper so folded in the ballot box in the presence of the presiding officer, after having shown to him the official mark on the back.

Course to be  
followed by  
an elector on  
receiving a  
ballot paper.

(2) Any ballot paper which has not on its back the official mark or on which votes are given to more candidates than the elector voting is entitled to vote for, or on which anything except the said number on the back is written or marked by which the elector can be identified shall be void and not counted.

(3) Every elector shall vote without delay and shall quit the polling place as soon as he has put his ballot paper into the ballot box.

Votes of  
blind  
electors, &c.

31. The presiding officer, on the application of any elector who is incapacitated by blindness or other physical cause from voting in manner prescribed by this Ordinance, or of any elector who is unable to read, shall cause the vote of such elector to be marked on a ballot paper in manner directed by such elector, and the ballot paper to be placed in the ballot box, and the name and the number on the register of every elector whose vote is so marked in pursuance of this section and the reason why it is so marked shall be entered on a list called the list of voters marked by the presiding officer.

Two persons  
claiming  
to be same  
voter.

32. If a person representing himself to be a particular elector named on the register applies for a ballot paper after another person has voted as such elector, the applicant, upon duly answering the questions and taking the oath permitted to be asked of and to be administered to voters at the time of polling, shall be entitled to mark a ballot paper in the same manner as any other voter, but the ballot paper (in this Ordinance referred to as a tendered ballot paper), instead of being put into the ballot box shall be given to the presiding officer and endorsed by him with the name of the voter and his number in the register and set aside and shall not be counted by the presiding officer, and the name of the voter and his number in the register shall be entered on a list called the tendered votes list.

When an  
elector may  
obtain a  
second ballot  
paper.

33. An elector who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on delivering to the presiding officer the ballot paper so inadvertently dealt with and proving the fact of the inadvertence to the satisfaction of the presiding officer, obtain another ballot paper in place of the ballot paper so delivered up and the spoilt ballot paper shall be immediately cancelled.

Keeping  
order in  
polling  
place.

34. If any person misconducts himself in the polling place or fails to obey the lawful orders of the presiding officer he shall forthwith be removed from the polling place by any constable or any other person authorised by the presiding officer to remove him, and the persons so removed shall not, unless with the permission of the presiding officer, again be allowed to enter the polling place during that day. The powers conferred by this section shall not be exercised so as

to prevent any elector who is otherwise entitled to vote at any polling place from having an opportunity of voting at such polling place.

35. No elector who has voted at an election shall in any legal proceedings to question the election or return be required to state for whom he has voted.

Prohibition  
of dis-  
closure of  
vote.

36. No election shall be declared invalid by reason of any mistake in the use of the form in the Fourth Schedule to this Ordinance if it appears to the authority having cognisance of the question that the election was conducted in accordance with the principles laid down in this Ordinance, and that such mistake did not affect the result of the election.

Mistake in  
use of ballot  
paper not to  
invalidate  
election.

#### PROCEDURE AFTER CLOSE OF POLL.

37. (1) After the close of the poll all ballot papers received at any polling place shall be sealed up by the presiding officer and delivered to the returning officer.

Result of poll  
when, how  
and in whose  
presence to  
be ascer-  
tained.

(2) The sealed boxes shall be opened by the returning officer in the presence of the candidates or other persons nominated by them for the purpose and of no other person except with the sanction of the returning officer; and he and his deputies shall ascertain and declare the result of the poll by counting the votes given to each candidate, but while so doing shall keep the ballot papers with their face upwards and take all proper precautions for preventing any person from seeing the numbers on the backs of such papers.

(3) The returning officer shall give notice to the candidates of the time and place for counting the votes.

(4) Where an equality of votes is found to exist between any candidates on a final count and the addition of a vote would entitle any of those candidates to be declared elected the returning officer shall make a special return of the results of the election and the Council duly assembled shall choose one of such candidates to be a member of the Council.

38. The returning officer shall endorse the word "rejected" on any ballot paper which he may reject as invalid, and shall add to such endorsement the words "rejection objected to" if any objection be in fact made by any

Course to be  
pursued with  
respect to  
rejected  
ballot  
papers.

candidate, or a person nominated by him to be present at the count of the votes, to the decision of the returning officer. The returning officer shall report to the Colonial Secretary the number of ballot papers rejected and not counted by him under the following heads—

- (a) absence of official mark ;
- (b) voting for more candidates than entitled to ;
- (c) writing or other mark by which voter could be identified ;
- (d) unmarked or void for uncertainty ;

and shall on request allow the candidate before such report is submitted to copy it.

Decision of  
returning  
officer to be  
final.

39. The decision of the returning officer as to any question arising in respect of any ballot paper shall be final, subject to reversal on petition questioning the election or return.

Disposal of  
papers  
relating to  
the election  
when result  
of poll is  
declared.

40. Upon the completion of the counting and the declaration by the returning officer of the candidates elected, the returning officer shall seal up each description of papers, other than the list of voters (which shall in each case be returned to the Colonial Secretary for future use), relating to the election in separate packets and return them to the Colonial Secretary and the Colonial Secretary shall retain for one year all documents and papers so returned to him, after which, unless otherwise directed by the Supreme Court, he shall cause them to be destroyed.

In whose  
presence  
such papers  
be sealed up.

41. The papers required by section 40 of this Ordinance to be sealed by the returning officer shall be sealed up by him in the presence of the candidates, or any other person nominated by them for the purpose in attendance, and by no other person except with the sanction of the returning officer.

Rejected  
ballot papers  
not to be  
inspected  
except under  
order of the  
Supreme  
Court.

42. No person shall be allowed to inspect any rejected ballot papers in the custody of the Colonial Secretary except upon the order of the Supreme Court to be granted only where it is satisfied by evidence on oath that the inspection or production of such ballot papers is required for the purpose of instituting or maintaining a prosecution for

an offence in relation to ballot papers or for the purpose of a petition questioning an election or a return; and any such order for the inspection or production of ballot papers may be made subject to such conditions as to persons, time, place and mode of inspection or production as the Supreme Court may think expedient and shall be obeyed by the Colonial Secretary, and the power given to the Court by this section may be exercised by the Judge in chambers.

43. No person shall, except by order of the Supreme Court, open any election papers relating to the election of members of the Council so returned to the Colonial Secretary and in his custody; such order may be subject to such conditions as to person, time, place and mode of opening or inspection as the Court may think expedient: Provided that in making and carrying into effect any such order care shall be taken that the mode in which any particular elector has voted shall not be discovered until he has been proved to have voted and his vote has been declared by competent authority to be invalid. Such papers shall be resealed at such time and in such manner as the Court may from time to time direct.

Election papers in the custody of the Colonial Secretary not to be opened except under an order of the Supreme Court.

44. When an order is made for the production by the Colonial Secretary of any document in his possession relating to any specified election, the production by the Colonial Secretary of the documents ordered by the Supreme Court in such manner as may be directed by rule shall be conclusive evidence that such document relates to the specified election; and any endorsement appearing on any packet of papers produced by the Colonial Secretary shall be evidence of such papers being what they are stated to be by the endorsement. The production from proper custody of a ballot paper purporting to have been used at any election and of a counterfoil marked with the same printed number and having a number marked thereon in writing shall be *prima facie* evidence that the person who voted by such ballot paper was the person who at the time of such election had annexed to his name in the register at such election the same number as the number written on such counterfoil.

Production by Colonial Secretary of documents under any such order to be conclusive evidence that such documents are the ones required.

## Part III.

## PREVENTION OF CORRUPT PRACTICES AT ELECTIONS.

## ELECTION OFFENCES.

Interpre-  
tation of  
Part III.

**45.** In this part of this Ordinance, unless the context otherwise requires—

“ candidate at an election ” includes all persons elected to serve as members on the Council and all persons nominated as candidates or who shall have declared themselves candidates at or before such election ;

“ corrupt practice ” means the offence of treating, undue influence, bribery and personation as defined in this part of this Ordinance and includes the aiding, abetting, counselling and procuring the commission of the offence of personation ;

“ election ” means the election of any member or members to serve on the Council ;

“ voter ” means any person who has or claims to have a right to vote in the election of a member or members to serve on the Council.

Offences in  
respect of  
ballot papers  
and ballot  
boxes.

**46.** (1) Every person who—

- (a) fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper ;
- (b) without due authority supplies any ballot paper to any person ; or
- (c) fraudulently puts into any ballot box any paper other than the ballot paper which he is authorised by law to put in ; or
- (d) fraudulently takes out of the polling place any ballot paper ; or
- (e) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purpose of the election,

shall be guilty of a misdemeanor and shall be liable, if he is a presiding officer, to a fine not exceeding £100 or, in default, to imprisonment for a term not exceeding two years, and if

he is another person to a fine not exceeding £25, or, in default, to imprisonment for a term not exceeding six months.

(2) In any indictment or other prosecution for an offence in relation to the ballot boxes and ballot papers at an election, the property in such boxes and papers may be stated to be in the returning officer at such election as well as the property in the counterfoil.

47. (1) Every person in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting in such place and shall not communicate, except for some purpose authorised by law, before the poll is closed to any person any information as to the name or number on the register of any elector who has or has not applied for a ballot paper, or voted at that polling place, or as to the official mark, and no such person shall interfere with or attempt to interfere with an elector when marking his vote or otherwise attempt to obtain in the polling place information as to the candidate for whom any voter in such election is about to vote or has voted, or communicate at any time to any person any information obtained in a polling place as to the candidate for whom any voter in such polling place is about to vote or has voted, or as to the number on the back of the ballot paper given to any elector at such polling place.

*Infringement  
of secrecy.*

(2) Every such person in attendance at the counting of votes shall maintain and aid in maintaining the secrecy of the voting, and shall not attempt to ascertain at such counting the number on the back of any ballot paper or communicate any information at such counting to the candidate for whom any vote is given in any particular ballot paper.

(3) No person shall directly or indirectly induce any elector to display his ballot paper after he shall have marked the same so as to make known to any person the name of the candidate for whom he has so marked his vote.

(4) Every person who acts in contravention of the provisions of this section shall be liable on summary conviction to a fine not exceeding £25 or, in default, to imprisonment for a term not exceeding six months.



Offence of  
bribery.

48. Every person who shall—

- (a) directly or indirectly, by himself or by any other person on his behalf, give, lend or agree to give or lend, or shall offer, promise or promise to procure or to endeavour to procure any moneys or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any other person in order to induce any voter to vote or refrain from voting, or shall corruptly do any such act as aforesaid on account of such voter having voted or refrained from voting at any election ;
- (b) directly or indirectly, by himself or by any other person on his behalf, give or procure, or offer, promise or promise to procure or to endeavour to procure any office, place or employment to or for any voter, or to or for any person on behalf of any voter, or to or for any other person in order to induce any voter to vote, or refrain from voting, or shall corruptly do any such act as aforesaid on account of any voter having voted or refrained from voting at any election ;
- (c) directly or indirectly, by himself or by any other person on his behalf, make any such gift, loan, offer, promise, procurement or agreement as aforesaid to or for any person in order to induce such person to procure, or endeavour to procure, the return of any person to serve on the Council or the vote of any voter at any election ;
- (d) upon or in consequence of any such gift, loan, offer, promise, procurement, or agreement, procure or engage, promise or endeavour to procure, the return of any person to serve on the Council, or the vote of any voter at any election ;
- (e) advance or pay, or cause to be paid, any money to or for the use of any other person with the intent that such money or any part thereof shall be expended in bribery at any election, or who shall knowingly pay or cause to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election ;

shall be deemed guilty of bribery and shall be punishable accordingly.

**49.** Every person who—

Offence of  
bribery  
further  
defined.

- (a) being a voter, shall before or during any election directly or indirectly, by himself or by any other person on his behalf receive, agree or contract for any money, gift loan or valuable consideration, office place or employment for himself or any other person for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election ;
- (b) shall, after any election, directly or indirectly by himself or any other person on his behalf, receive any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote, or to refrain from voting at any election,

shall also be deemed guilty of bribery and shall be punishable accordingly.

**50.** Any person who corruptly by himself or by any other person, either before, during or after an election, directly or indirectly gives or provides, or pays wholly or in part the expense of giving or providing any meat, drink, entertainment or provision to or for any person for the purpose of corruptly influencing that person or any other person to give or refrain from giving his vote at the election, or on account of such person, or any other person having voted or refrained from voting or being about to vote or refrain from voting at such election, and every elector who corruptly accepts or takes any such meat, drink, entertainment or provision, shall be guilty of treating, and shall be punishable accordingly.

Offence of  
treating.

**51.** Every person who shall directly or indirectly by himself or by any other person on his behalf, make use of, or threaten to make use of any force, violence or restraint, or inflict or threaten the infliction by himself or by or through any other person of any temporal or spiritual injury, damage, harm or loss, or in any other manner practice intimidation upon or against any person in order to induce or compel such person to vote or refrain from voting or on account of such person having voted or refrained from voting at any election, or who shall by abduction, duress or any fraudulent device

Offence of  
undue  
influence.

or contrivance, impede, prevent or otherwise interfere with the free exercise of the franchise of any voter, or shall thereby compel, induce or prevail upon any voter, either to give or refrain from giving his or her vote at any election, shall be deemed to have committed the offence of undue influence and shall be punishable accordingly.

No cockades,  
&c., to be  
given.

**52.** No candidate before, during or after any election, shall in regard to such election, by himself or his agent, directly or indirectly, give or provide to or for any person having a vote at such election, or to or for any inhabitant of Stanley, any cockade, ribbon or other mark of distinction, and every person so giving or providing shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £2.

Offence of  
personation.

**53.** (1) A person shall, for all purposes of the law relating to the Stanley Town Council elections, be deemed to be guilty of the offence of personation who at an election applies for a ballot paper in the name of some other person, whether that name be that of a person living or dead or of a fictitious person, or who having voted once at any such election applies at the same election for a ballot paper in his own name.

(2) It shall be the duty of the returning officer to institute a prosecution against any person whom he may believe to have been guilty of personation, or of aiding, abetting, counselling or procuring the commission of the offence of personation by any person at the election for which he is returning officer.

(3) A person charged with the offence of personation under this section shall not be convicted or committed for trial except upon the evidence of not less than two credible witnesses.

Punishment  
of person  
convicted on  
indictment  
of corrupt  
practices.

**54.** (1) A person who commits any corrupt practice other than personation, or aiding, abetting, counselling or procuring the commission of the offence of personation, shall be guilty of a misdemeanour, and on conviction on indictment shall be liable to a fine not exceeding £200 or to imprisonment for a term not exceeding one year.

(2) A person who commits the offence of personation, or of aiding, abetting, counselling, or procuring the com-

mission of that offence, shall be guilty of felony, and on conviction thereof on indictment shall be liable to imprisonment for a term not exceeding two years.

#### ILLEGAL PRACTICES.

**55.** (1) No payment or contract for payment shall, for the purpose of promoting or procuring the election of a candidate, be made—

Certain expenditure to be illegal.

- (a) on account of the conveyance of electors to or from the poll, whether for the hiring of horses or vehicles or otherwise ; or
- (b) to an elector on account of the use of any house, land, building or premises for the exhibition of any address, bill or notice, or on account of the exhibition of any address, bill or notice ; or
- (c) on account of any committee room in excess of one.

(2) Subject to such exception as may be allowed in pursuance of this Ordinance, if any payment or contract for payment is knowingly made in contravention of this section either before, during or after an election, the person making such payment or contract shall be guilty of an illegal practice, and any person receiving such payment or being a party to any such contract, knowing the same to be in contravention of this Ordinance, shall also be guilty of an illegal practice :

Provided that where it is the ordinary business of an elector as an advertising agent to exhibit for payment bills and advertisements, a payment to or contract with such elector if made in the ordinary course of business, shall not be deemed to be an illegal practice within the meaning of this section.

**56.** (1) Subject to such exception as may be allowed in pursuance of this Ordinance, no sum shall be paid and no expense shall be incurred by or on behalf of a candidate at an election, whether before, during or after the election, on account of or in respect of the conduct or management of such election, in excess of the maximum amount of £50.

Expenditure in excess of permitted maximum an illegal practice.

(2) Any candidate or agent of a candidate or person who knowingly acts in contravention of this section shall be guilty of an illegal practice.

Punishment  
for illegal  
practice.

57. A person guilty of an illegal practice in reference to an election, shall be liable on summary conviction to a fine not exceeding £100.

#### EXPENSES OF CANDIDATES.

Claims for  
expenses  
incurred by  
or on behalf  
of candi-  
dates, how  
and when to  
be sub-  
mitted.

58. (1) Every claim against any person in respect of any expenses incurred by or on behalf of a candidate at an election of a councillor on account or in respect of the conduct or management of such election shall be sent in within fourteen days after the day of the election, and if not so sent in shall be barred and not paid, and all expenses incurred as aforesaid shall be paid within twenty-one days after the day of election (or such later time as the Supreme Court, having regard to all the circumstances, may fix on the application of the candidate), and not otherwise, and any person who makes a payment in contravention of this section shall be guilty of an illegal practice, but if such payment was made without the sanction or connivance of the candidate, the election of such candidate shall not be void, nor shall he be subject to any incapacity under this Ordinance by reason only of such payment having been made in contravention of this section.

(Seventh  
Schedule.)

(2) Subject to an extension of time, which the Supreme Court is hereby authorised to grant on any grounds which the Court shall deem reasonable, within twenty-eight days after the day of election of a councillor every candidate at such election shall send to the returning officer a return of all expenses incurred by such candidate or his agents on account of or in respect of the conduct or management of such election, vouched (except in the case of sums under £1) by bills stating the particulars and receipts, and accompanied by a declaration by the candidate made before a justice in the form set out in the Seventh Schedule to this Ordinance, or to the like effect.

(3) After the expiration of the time for making such return and declaration the candidate, if elected, shall not, until he has made the return and declaration (in this Ordinance referred to as the return and declaration respecting election expenses), sit or vote in the Council, and if he does so shall forfeit £50 for every day on which he so sits or votes to be recovered at the suit of the Colonial Secretary.

(4) If the candidate fails without reasonable excuse (the proof whereof shall lie on the person accused) to make the said return and declaration he shall be guilty of an illegal practice.

(5) The return and declaration sent in pursuance of this Ordinance to the returning officer shall be kept at his office, and shall at all reasonable times during the twelve months next after they are received by him be open to inspection by any person on the payment of the fee of one shilling, and the returning officer shall, on demand furnish copies thereof or of any part thereof at the price of two shillings for every seventy-two words.

(6) After the expiration of the said twelve months the returning officer may cause the return and declaration to be destroyed, or if the candidate so require shall return the same to him.

#### ELECTION PETITIONS.

59. (1) An election may be questioned by an election petition on the ground—

Power to  
question  
election.

- (a) that the election was wholly voided by general bribery, treating, undue influence or personation ; or
- (b) that the election was voided by corrupt or illegal practices or offences against this part of this Ordinance committed at the election ; or
- (c) that the person whose election is questioned was at the time of the election disqualified ; or
- (d) that he was not duly elected by a majority of lawful votes.

(2) An election shall not be questioned on any of those grounds except by an election petition.

60. (1) Every election petition shall be heard by the magistrate and, subject to the express provisions of this Ordinance and any rules of court prescribed under the powers conferred by this section, every election petition shall, as nearly as circumstances admit, be presented, heard and determined according to the law for the time being in force in England with respect to municipal election petitions.

Election  
petitions to  
be heard by  
Magistrate.  
17 of 1948.

(2) After hearing an election petition, the magistrate shall deliver a report to the Governor.

(3) The Judge of the Supreme Court may make rules of court for regulating all matters relating to the presentation, hearing and determination of election petitions.

Presentation  
of petition.

61. (1) An election petition may be presented either by four or more persons who voted or who had a right to vote at the election or by a person alleging himself to have been a candidate at the election.

(2) Any person whose election is questioned by the petition, and any returning officer of whose conduct a petition complains, may be made a respondent to the petition.

Time within  
which  
petition  
must be  
presented.

62. (1) Subject to the other provisions of this section, an election petition shall be presented within twenty-one days after the day on which the election was held.

(2) An election petition complaining of the election on the ground of an illegal practice may be presented at any time before the expiration of fourteen days after the day on which the returning officer receives the return and declaration respecting election expenses of the candidate to whose election the petition relates. This subsection shall apply notwithstanding that the illegal practice is also a corrupt practice.

(3) An election petition complaining of the election on the ground of any corrupt or illegal practice, and specifically alleging a payment of money or other act made or done since the election by the candidate elected at such election, or by an agent of the candidate, or with the privity of the candidate, in pursuance or in furtherance of such corrupt or illegal practice may be presented at any time within twenty-eight days after the date of such payment or act, whether or not any other petition against that person has been previously presented or tried.

#### EXCUSE AND EXCEPTION FOR CORRUPT OR ILLEGAL PRACTICE.

Report  
exonerating  
candidates  
in certain  
cases of  
corrupt and  
illegal  
practice by  
agents.

63. Where, upon the trial of an election petition, the Court reports that a candidate at such election has been guilty by his agents of the offences of treating, undue influence and illegal practice, or of any such offence, in reference to such election, and the Court further reports that the candidate has proved to the Court—

- (a) that no corrupt or illegal practice was committed at such election by the candidate or with his knowledge or consent, and the offences mentioned in the said report were committed without the sanction or connivance of such candidate ; and
- (b) that all reasonable means for preventing the commission of corrupt and illegal practices at such election were taken by and on behalf of the candidate ; and
- (c) that the offences mentioned in the said report were of trivial, unimportant and limited character ; and
- (d) that in all other respects the election was free from any corrupt or illegal practice on the part of such candidate and of his agents,

then the election of such candidate shall not, by reason of the offences mentioned in such report, be void, nor shall the candidate be subject to any incapacity under this Ordinance.

64. Where, on application made, it is shown to the Supreme Court by such evidence as seems to the Court sufficient—

Power of  
Supreme  
Court to  
except  
innocent act  
from being  
illegal  
practice.

- (a) that any act or omission of a candidate at an election, or of any agent or other person, would, by reason of being in contravention of any of the provisions of this Ordinance, be but for this section an illegal practice ; and
- (b) that such act or omission arose from inadvertence or from accidental miscalculation or from some other reasonable cause of a like nature, and in any case did not arise from any want of good faith ; and
- (c) that such notice of the application has been given as to the Court seems fit,

and under the circumstances it seems to the Court to be just that the said candidate, agent and person, or any of them, should not be subject to any of the consequences under this Ordinance of the said act or omission, the Court may make an order allowing such an act or omission to be an exception from the provisions of this Ordinance which would otherwise make the same an illegal practice, and thereupon such candidate, agent or person shall not be



subject to any of the consequences under this Ordinance of the said act or omission.

#### DISQUALIFICATION OF ELECTORS.

Disqualifica-  
tion upon  
corrupt or  
illegal  
practices.

65. Any person who is convicted of any corrupt or illegal practice, or is found by the report upon the trial of an election petition to have been guilty of a corrupt or illegal practice either by himself or, if a candidate, through his agents, shall not be capable for a period of five years from the date of the conviction or report, as the case may be—

- (a) of being registered as an elector or voting at any election of the Council ; or
- (b) of holding office as a councillor, or justice of the peace, and if he holds such office, the office shall be at once vacated.

Prohibition  
of dis-  
qualified  
persons  
from voting.

66. Every person who, in consequence of conviction or of the report upon the trial of an election petition, has become incapable of voting at any election is prohibited from voting at any such election, and his vote shall be void and struck off on a scrutiny.

Hearing of  
person  
before he is  
reported  
guilty of  
corrupt or  
illegal  
practice.

67. Before a person, not being a party to an election petition nor a candidate on behalf of whom the seat is claimed by an election petition, is reported by the Court to have been guilty at an election of any corrupt or illegal practice, the Court shall cause notice to be given to such person, and if he appears in pursuance of the notice, shall give him an opportunity of being heard by himself and of calling evidence in his defence to show why he should not be so reported.

Offenders to  
be struck off  
register, &c.

68. Whenever it shall be proved before the registration officer that any person who is or claims to be placed on the list or register of voters, has been found guilty of corrupt or illegal practices either by conviction or by the report upon the trial of an election petition, the registration officer shall, in case the name of such person is in the list of voters, expunge the same therefrom, or shall, in case such person is claiming to have his name inserted therein, disallow such claim ; and the names of all persons whose names shall be so expunged from the list of voters, and whose claims

shall be so disallowed, shall be thereupon inserted in a separate list, to be entitled "The list of persons disqualified for corrupt or illegal practices" which last-named list shall be appended to the list or register of voters, and shall be printed and published therewith, wherever the same shall be or is required to be printed or published.

#### Part IV.

##### GENERAL POWERS AND DUTIES OF COUNCIL.

##### TRANSACTION OF BUSINESS.

69. The Council shall meet for the despatch of business as often as they shall think fit, being not less than once a month. Meetings.

70. At every meeting of the Council four members shall form a quorum. Every question shall be decided by the votes of a majority of those present and voting on that question, and in case of an equal division of votes, the Chairman shall have a second or casting vote. The Council shall cause all their proceedings to be recorded in a book to be kept for that purpose and such proceedings shall at every meeting be signed by the Chairman at the next succeeding meeting. 17 of 1948. Quorum.

71. The Council shall not be disqualified for the transaction of business by reason of any vacancy among the councillors. Council not disqualified by reason of vacancies.

72. The Council may appoint from among themselves committees consisting of not less than three, of whom the Chairman shall always be one. Every such committee shall have power, until the first day of January next following or such sooner day as the Council may determine, to transact the ordinary business for which they may be appointed: Appointment of committees.

Provided that no action shall, except as provided in section 74, be taken on any recommendation of any committee until it shall have been confirmed by the Council. 17 of 1948.

73. At every meeting of a committee two of their number shall be a quorum. Every question shall be decided in like manner as at a meeting of the Council, except that where the voting is equal the motion shall be deemed not passed. How committees may proceed. 17 of 1948.

They shall cause all their proceedings to be recorded in a book, which shall be kept and signed in like manner as that relating to the proceedings of the Council and shall submit their proceedings to the Council at every meeting next thereafter.

Public  
Assistance  
Committee.

**74.** (1) A committee shall be appointed to administer moneys voted by the Council for poor relief and it shall be entitled the Public Assistance Committee.

Members  
may be co-  
opted.

(2) Provided that at least two-thirds of the committee are members of the Council, the Public Assistance Committee may include persons who are not members of the Council and at least one of these persons shall be a woman.

Delegation  
of functions  
by Council.

(3) Subject to the provisions of section 72 of this Ordinance the Council may delegate to the Committee any or all of its functions relative to poor relief.

Relatives  
may be sued.

(4) With the general authority of the Council or with special authority referring to specified cases which have previously been submitted to the Council, the Public Assistance Committee may institute proceedings before a Court of Summary Jurisdiction against persons who are liable to maintain those relatives who are within the degrees of relationship recognised for that purpose by the laws of England for the time being in force to compel them to maintain such relatives or to contribute to their maintenance.

Representa-  
tion of  
P.A.C. in  
Court.

(5) The Public Assistance Committee may be represented in such proceedings by one of their members appointed for the purpose by the Committee.

Standing  
orders.

**75.** (1) Subject to the approval of the Governor, the Council may make standing orders for the regulation of the proceedings and business of the Council and any of their committees.

(2) Notwithstanding the provisions of this or any other law, it shall not be necessary to publish in the Gazette any standing orders of the Council.

Representa-  
tion in legal  
proceedings.  
17 of 1948.

**76.** In all legal proceedings before any court the Council may be represented by their Town Clerk.

77. Every order and certificate to be made by the Council shall be in writing under their common seal and the hand of their Chairman, and every return, report and recommendation shall be in writing and signed by the Town Clerk by order of the Council.

Orders of Council, how made.  
17 of 1948.

78. The Council shall whenever required by the Governor make a true and correct report to the Governor of any legal proceedings taken under this or any other Ordinance together with all such remarks relating to such proceedings as the Council may think fit to make.

Report of legal proceedings.

79. The Council may purchase, hire or possess motor vehicles, carts, carriages and other machines, and all necessary implements, horses and other animals of draught.

Purchase of carts, draught animals, &c.

80. The Council may enter into any contracts necessary for carrying this or any other Ordinance into execution. All such contracts shall be for any period not exceeding two years.

Power of Council to contract.

81. All contracts made by the Council in the United Kingdom, and all articles obtained by them in the United Kingdom, shall be made and obtained through the Crown Agents for the Colonies.

Contracts and purchases in the United Kingdom, how to be made.

82. (1) Any councillor who has any pecuniary interest, direct or indirect, in any contract or proposed contract or other matter and is present at any meeting of the Council or any committee at which the contract or other matter is under consideration, shall at the commencement of the consideration thereof immediately declare his interest and he shall be excluded from the meeting during such consideration.

Councillor to declare interest in contract with the Council.  
17 of 1948.

(2) For this purpose a councillor shall be treated as having an indirect pecuniary interest if—

- (a) he or his nominee is a member of any company or other body with which the contract is made or proposed to be made, or which has a direct pecuniary interest in the matter under consideration, or
- (b) he is a partner, or in the employment of a person with whom the contract is made or proposed to be made or who has a direct pecuniary interest in the other matter under consideration, or

- (c) he or she is the husband or wife of and living with such interested person with knowledge of the interest of such person :

Provided that this section shall not apply to an interest in a contract as a ratepayer, inhabitant or ordinary consumer of electricity or water, or to an interest in any matter relating to the terms on which the right to participate in any service is offered to the public.

Penalty for failure to declare interest.  
17 of 1948.

83. If any councillor shall fail to declare his pecuniary interest in any contract, proposed contract or any other matter as provided in section 82 (1) he shall be liable on summary conviction to a fine not exceeding £50 and such contract or other matter shall be cancelled forthwith unless the Council, with the consent of the Governor, otherwise decides, and no person shall have any claim for damages in respect of such breach or cancellation.

Power to make by-laws.  
17 of 1948.

84. The Council shall have power to make by-laws but no by-law shall take effect unless it is confirmed by the Governor within six weeks of the date thereof. Every by-law shall be under the Common Seal of the Council and hand of the Chairman, and shall when confirmed be published in the Gazette.

To be enrolled.

85. Every by-law shall, within three days after publication of the same, be enrolled in the Supreme Court.

Examined copy to be conclusive evidence.

86. An examined copy of the enrolment of any by-law, certified under the seal of the Supreme Court and the hand of the Registrar shall be conclusive evidence in all courts, and in all legal proceedings, and to all intents and purposes that such by-laws was duly made.

No by-laws to be questioned till annulled.

87. Every by-law lawfully made by the Council shall, after publication thereof as aforesaid, be good, valid and effectual to all intents and purposes, and such by-law shall not be impeached, impugned, questioned or disobeyed by any Court, or justice, or by any person whatever, until the same shall have been repealed, or otherwise lawfully annulled :

Provided always, that nothing hereinbefore contained shall apply to any legal or other authorised proceeding *bona fide* instituted or taken for the express purpose of causing any such by-law to be repealed, or otherwise lawfully annulled.

88. Unless any other penalty be specially provided, every person who shall without lawful excuse, the proof whereof shall lie on the person charged, break or disobey, or neglect, or refuse to obey any by-law duly in force shall be liable to a penalty not exceeding £5.

Breach of  
by-law an  
offence.

89. Copies of all by-laws shall be available for inspection without payment at the offices of the Council during the normal office hours. Copies shall on application be furnished to any person on payment of such sum as the Council may determine.

By-laws may  
be printed  
and sold.  
17 of 1948.

90. The Governor, whenever requested so to do by the Council, may cause to be prepared a draft of any by-law hereby authorised, and cause such draft to be transmitted to the Council for their consideration.

Preparation  
of by-laws.

## Part V.

### APPOINTMENT AND DUTIES OF OFFICERS.

91. Subject to the proviso hereinafter mentioned, the Council may appoint, employ, and fix the salaries of all such persons as may be necessary to enable them to exercise and carry into effect the powers and authorities created by this or any other Ordinance: Provided always that whenever the salary proposed to be attached to any appointment shall exceed £150 per annum, such appointment shall be subject to the approval and confirmation in writing of the Governor, who shall also approve the amount of the salary to be attached thereto.

Council may  
appoint  
officers and  
servants  
subject to  
Governor's  
approval.

92. The Council, with the consent in writing of the Governor, shall appoint sanitary inspectors, who shall hold office during pleasure, and every sanitary inspector shall by virtue of his office be and exercise the powers of a constable under the orders and direction of the Council.

Appoint-  
ment of  
sanitary  
inspectors  
who shall be  
constables.

93. The Council shall appoint collectors who shall be authorised to levy and collect the rates and other moneys which the Council are authorised to receive, and who shall be entitled to such salary or remuneration as the Council may fix and determine.

Appoint-  
ment of  
collectors.

Appoint-  
ment of  
Town Clerk.  
17 of 1948.

**94.** The Council may with the approval of the Governor appoint a Town Clerk at such remuneration as the Governor may determine.

Appoint-  
ment of  
Medical  
Officer of  
Health.

**95.** The Governor shall appoint and may remove a duly registered medical practitioner to be Medical Officer of Health, who shall execute all the duties of an Officer of Health and such other similar duties as may be required of him by the Governor or by the Council with the written approbation of the Governor.

Appoint-  
ment of  
Engineer.

**96.** Should at any time the Executive Engineer to the Government not be a member of the Council, the Council may appoint an Engineer, and, subject to the provisions of this Ordinance, may pay him such salary as they may think proper out of the rates :

Provided that in these circumstances the Governor may require that the execution of any works undertaken by the Council of which the cost is partly provided for from Imperial funds or from the general revenues of the Colony, or from both of those sources, shall be carried out under the supervision of the Executive Engineer, but the rates shall not be charged with any remuneration payable in respect of such supervision to the Executive Engineer.

Auditor of  
the Council's  
accounts.

**97.** The Government Auditor, or in the absence of such an appointment, such other officer as may be nominated by the Governor shall be the auditor of the Council's accounts, and in all legal or official proceedings, correspondence, or written instruments, he may be described as the Town Council Auditor without naming him, except in any legal or official proceedings had or taken by or against him, or in any instrument to which he shall be a party.

Cost of audit.

**98.** The Council shall pay to the Government out of the rates such annual sum as may from time to time be agreed upon between the Governor and the Council as a proper charge for auditing the Council's accounts.

When a  
deputy may  
be appointed  
by Council.

**99.** In the case of sickness, temporary absence, or other inability of any officer or servant of the Council, or other person charged with the performance of any duty under this Ordinance, the Council or, in the case of a civil servant, the

Governor may appoint a deputy in the place of such officer, servant or other person, and every such deputy shall perform all the duties, and be subject to all the liabilities of the officer, servant or other person in whose place he may be appointed.

**100.** (1) Officers or servants appointed or employed by the Council shall not in anywise be concerned or interested in any bargain or contract made with the Council.

Officers not to contract with the Council.

(2) If any such officer or servant is so concerned or interested, or, under colour of his office or employment, exacts or accepts any fee or reward whatsoever other than his proper salary, wages and allowances, he shall be incapable of afterwards holding or continuing in any office or employment under the Council, and shall forfeit the sum of £50, which may be recovered by any person, with full cost of suit, by action of debt.

**101.** Before any officer or servant of the Council enters on any office or employment under this or any other Ordinance, by reason whereof he will or may be entrusted with the custody or control of money, the Council shall take from him sufficient security for the faithful execution of such office or employment, and for duly accounting for all moneys which may be entrusted to him by reason thereof, in such amount and with such sureties as the Governor shall in writing direct.

Officers entrusted with money to give security.

**102.** (1) Every officer or servant appointed or employed by the Council shall, when and in such manner as may be required by the Council, make out and deliver to them, a true and complete account in writing of all moneys received by him on behalf of the Council, stating how, and to whom, and for what purpose such moneys have been disposed of, and shall, together with such account, deliver the vouchers or receipts for all payments made by him and pay over to the Council all moneys owing by him on the balance of accounts.

Officers to account.

(2) Every such officer or servant employed in the collection of any rate shall, within seven days after he has received any moneys on account of any such rate, pay over the same to the Council, and shall, as and when the Council may direct, deliver a list signed by him and containing the



names of all persons who have neglected or refused to pay any such rate, and the sums respectively due from them.

Summary  
proceedings  
against  
defaulting  
officers.

**103.** (1) If any officer or servant appointed or employed by the Council—

- (a) fails to render accounts, or to produce and deliver up vouchers and receipts, or to pay over any moneys as and when required by this Ordinance ; or
- (b) fails within twenty-four hours after written notice in that behalf from the Council to deliver up to the Council all books, papers, writings, property and things in his possession or power relating to the execution of this or any other Ordinance, or belonging to the Council,

the Council may cause a complaint to be made to a justice, and such justice shall thereupon summon the party charged to appear before a Court of Summary Jurisdiction.

(2) On the appearance of the party charged, or on proof that the summons was personally served on him, or left at his last known place of abode or business, if it appears to the Court that he has failed to render any such accounts, or to pay over such moneys, or to produce or deliver up any such vouchers or receipts, books, papers, writings, property or things as aforesaid in accordance with the provisions of this Ordinance, and that he still fails or refuses so to do, the Court may commit the offender to gaol, there to remain without bail until he has rendered such accounts, paid over such moneys, and produced and delivered up all such vouchers, receipts, books, papers, writings, property and things in respect of the charge was made :

Provided that a person shall not be imprisoned under this section for a term exceeding six months.

(3) No proceedings under this section shall be construed to relieve or discharge any surety of the offender from any liability whatever.

Pensions.  
Chapter 28.

**104.** (1) The provisions of the Provident Fund Ordinance and any subsequent amendment thereof, together with any regulations made or which may hereafter be made under that Ordinance shall apply to all officers and servants of the Council.

**Part VI.****PUBLIC WORKS, &c.**

**105.** In this part of this Ordinance, unless the context otherwise requires—

Interpre-  
tation of  
Part VI.

“ Capital ” means—

- (a) every sum of money which the Council may be authorised to raise for any public purpose ; and
- (b) all moneys which under any enactment have been granted, or which at any time hereafter may be granted to the Council for any public purpose out of moneys provided by the Legislative Council, or from the general revenues of the Colony, and all other moneys which shall be payable to the Council, or come into their hands, and be applicable to the same purposes as capital which they may be authorised to raise ;

“ to construct ” with all the moods, conjunctions and tenses thereof includes in addition to its ordinary signification to build, execute, erect, place, lay, fix, provide, enlarge, deepen, vary, alter, renew, supply and complete ;

“ expenses ” include costs and charges ;

“ lands ” and “ premises ” includes messuages, build-ings, lands, easements and hereditaments of any tenure, whether the property of His Majesty or of any person whomsoever, whether built on or not, and whether public or private, enclosed or unenclosed ;

“ public highway ” means any street, road, lane, passage, alley, steps, stairs or public place ;

“ public purpose ” includes every purpose which the Council is authorised to effect, the cost of effecting which is chargeable, wholly or in part, against capital or against any rates, tolls, rents, dues or other moneys which the Council may be authorised or enabled to levy, take, have, receive or recover ;

“ public works ” include all existing works, buildings and other constructions which are by this or any other Ordinance vested in the Council and all works, buildings

and other constructions which they may be authorised by this or any other Ordinance to construct and provide, and such other works of a public nature, whether paid for out of Town Council funds or not, as the Governor may, by notice in the Gazette, declare to be public works.

#### GENERAL.

Public works  
requiring  
Governor's  
sanction.

**106.** No public work or purpose of any kind, the cost of which is not intended to be defrayed out of the revenues provided in the estimates for the current year, and for which it may be necessary to raise capital, shall be undertaken or executed by the Council without the previous consent in writing of the Governor.

Estimate of  
cost of public  
works.

**107.** Whenever any such public work or purpose is proposed to be undertaken by the Council, they shall submit to the Governor for his approval, accompanied when necessary by a map or plan, a report stating their reasons for desiring to undertake the same and an estimate of the cost of the execution thereof, and a financial scheme for the payment of such cost. Such estimate shall include, when necessary, an estimate of the probable annual expenditure, including redemption of capital and interest thereon, to be occasioned by the execution of such public work or purpose.

Governor  
may  
authorise  
public  
works.

**108.** The Governor may, if he shall think fit, authorise in writing the execution by the Council of any such public work or purpose and the raising for such purpose of the amount of capital necessary therefor.

When esti-  
mates to be  
published.

**109.** The estimates of any public work, the cost of which shall exceed £500, shall be published for general information in the Gazette not less than ten days before being submitted for the approval of the Governor.

Capital to  
include cost  
of estimates,  
surveys, &c.

**110.** The Council may include in, and raise as part of, capital their expenses in making and preparing all necessary estimates, surveys, valuations and plans, for any public work, and in procuring contracts for the same: Provided that an account thereof shall have been duly rendered to the Town Council Auditor and certified by him to be correct within three months after the estimates for such public work shall have been approved.

**111.** The Council, with the consent in writing of the Governor, may abandon or suspend the construction of any public works or of any part thereof which shall not then be completed. The Council shall clearly describe the works so abandoned or suspended or intended so to be and shall forthwith cause notice of the same and the Governor's approbation thereof to be published in the Gazette, and thereupon their powers and liabilities relating thereto shall cease or be suspended accordingly.

Construction of works may be suspended or abandoned.

**112.** The Council may also determine that it is expedient that they should sell, or complete in a different manner or for a different purpose to be stated in writing and described in plan, any public works or any part thereof, the construction or completion whereof shall have been abandoned or suspended as aforesaid, and thereupon the Governor may authorise the Council in writing to sell or complete the same accordingly, and notice thereof, without the plan, shall be published in the Gazette. The proceeds of any sale shall be carried to the credit of the capital account.

Suspended works may be sold or completed in different manner with consent of Governor.

**113.** Whenever any public work authorised by the Governor under this Ordinance and for which capital shall have been raised has been completed, or partially constructed and the completion thereof abandoned or suspended in manner hereinbefore provided, the Council shall certify such completion or partial construction (as the case may be) to the Governor and shall at the same time transmit an account in duplicate of the expenditure relating thereto.

Completed work and expenditure to be certified to Governor.

**114.** The Governor shall cause such account to be transmitted to the Town Council Auditor, who shall examine and audit the same, and the Governor, if he shall be satisfied that such works have been satisfactorily completed or partially constructed, and the accounts thereof duly audited, shall certify to the Council his approbation thereof, and shall cause such certificate to be published in the Gazette. Such public works shall thereupon become vested in and be under the control and management of the Council.

Account to be certified by Governor after audit.

**115.** The Council shall insure against fire in some insurance office, at not less than two-thirds of the value thereof, all public works and property vested in or under their control and management, or in their possession or occupation, and which from the nature thereof may be liable to destruction

Public works to be insured against fire.

by fire, and also all the furniture, fixtures, matters and things therein, and shall pay the premium and other expenses of every such insurance out of the general rate or out of such other moneys under the control of the Council to which such premiums and expenses may be more properly chargeable.

#### COUNCIL OFFICES.

Council may  
construct  
offices.

**116.** The Council, with the consent in writing of the Governor, may construct, purchase or otherwise acquire all such offices as they may determine to be necessary for the purpose of this or any other Ordinance, and to enable them to carry the same into effect, and may provide suitable furniture and fittings therein, and may for such purposes raise such sum as they may deem necessary, and as may be sanctioned by the Governor in writing, and shall apply the same in the payment of the expenses incurred by them under this section.

Governor  
may grant  
necessary  
sites.

Chapter 36.

**117.** For the purposes aforesaid, and for all other purposes which may be authorised by this or any other Ordinance, the Governor may from time to time in accordance with the provisions of the Land Ordinance grant to the Council at such rent, payable to His Majesty, as may be reserved, permission to use any town land site, house or building, the property of His Majesty, together with all easements appertaining thereto for such term and upon such conditions as he may think fit.

Offices, &c.,  
to vest in  
Council.

**118.** Every site, house, office and building, together with all easements appertaining thereto, which, or permission to use which, shall be granted by the Governor, and all such offices, and all furniture, fixtures, fittings, matters and things therein, shall be vested in, and under the control and management of the Council.

#### Part VII.

##### GENERAL FINANCIAL PROVISIONS.

Interpre-  
tation of  
Part VII.

**119.** In this part of this Ordinance, unless the context otherwise requires—

“ capital ” means—

- (a) every sum of money which the Council may be authorised to raise for any public purpose ; and

- (b) all moneys which under any enactment have been granted or which at any time hereafter may be granted to the Council for any public purpose out of moneys provided by Parliament, or from the general revenues of the Colony, and all other moneys which shall be payable to the Council, or come into their hands, and be applicable to the same purposes as capital which they may be authorised to raise ;

“ expenses ” include costs and charges ;

“ public purpose ” includes every purpose which the Council are authorised to effect, the cost of effecting which is chargeable wholly or in part, against capital or against any rates, tolls, rents, dues or other moneys which the Council may be authorised or enabled to levy, take, have, receive or recover ;

“ public works ” include all existing works, buildings and other constructions which are by this or any other Ordinance vested in the Council and all works, buildings and other constructions which they may be authorised by this or any other Ordinance to construct and provide and such other works of a public nature, whether paid for out of Town Council funds or not, as the Governor may, by notice in the Gazette, declare to be public works.

**120.** The Council shall have power to make and levy rates in order to provide such moneys as may from time to time be required by the Council to enable them to perform the duties which by this or any other Ordinance they may be authorised or required to perform.

Power to  
levy rates.  
10 of 1950.

#### REVENUE AND EXPENDITURE.

**121.** An account shall be opened in the Colonial Treasury and all moneys received by the Council shall be paid into such account.

Treasury  
account.

**122.** The salary, wages or other remuneration of every person lawfully appointed by the Council for the purpose of discharging any duty under this or any other Ordinance shall be deemed and taken to be part of the expenses of the Council and shall be paid out of the proper moneys which may be received by them for that purpose, and shall be entered into the proper account.

Salaries, &c.,  
how to be  
paid.

Costs of  
Council in  
legal pro-  
ceedings.

**123.** All costs which the Council or their officers, or any constables acting in the execution of this or any other Ordinance may incur or be ordered by any Court to pay in any legal proceedings shall be part of their lawful expenses, and shall be paid out of the general revenues of the Council, unless the Court shall adjudge their conduct, or any complaint or any ground of appeal, or the defence against any ground of appeal, to have been frivolous and vexatious, or that they have wilfully neglected or refused to obey an order of the Court, in any of which cases the Court may make such orders as to costs as it shall think fit, and the Council and their officers or any such constables shall not be entitled to be reimbursed such costs out of any moneys that shall be raised or received by them under this or any other Ordinance or by virtue of their office.

Authority  
for expendi-  
ture on  
entertain-  
ment.

**124.** (1) The Council may expend in any one year ending on the 31st day of December a sum not exceeding £25 in the entertainment of visiting warships (including those of foreign powers), the public reception and entertainment of distinguished visitors and on such other ceremonial occasions as the Council may deem proper for official entertainment.

(2) All sums so expended by the Council shall be deemed to be expenses lawfully incurred by the Council and shall be charged and defrayed accordingly.

#### ACCOUNTS.

Accounts,  
how to be  
kept.

**125.** The Council shall cause their accounts to be kept according to a system of book-keeping approved by the Colonial Secretary, and in the denomination of the legal currency of Stanley for the time being, and such books shall contain and include a full and distinct account of all expenses, disbursements and liabilities of the Council and of all moneys by them received or receivable, and of all moneys by them paid or payable.

Capital  
account.

**126.** The Council shall cause a separate and distinct account, to be called the capital account, to be kept of all receipts and disbursements of any capital which the Council may raise or receive for any purpose in such manner as the Governor shall in writing direct and, so far as such directions shall not extend, they shall keep such capital account according to a system of book-keeping approved by the Colonial Secretary.

**127.** The Council shall cause to be included in such capital account an account of all moneys which heretofore have been, or at any time hereafter may be granted to the Council out of moneys provided by the Legislative Council, and out of the general revenues of the Colony, and of all other moneys which shall be payable to them or come into their hands, and be applicable to the same purposes as capital which the Council may raise.

**128.** The Council shall also cause to be kept separate and distinct accounts of the appropriation of all moneys which they may raise or receive for the purpose of constructing, purchasing or otherwise acquiring any public work.

Accounts of money raised, &c.

**129.** The Council shall, during the month of September in every year, prepare an estimate, certified under the hand of their Town Clerk of their probable receipts and expenses during the following year, in the same form as the abstracts of accounts which they are hereby required to prepare and deliver to the Town Council Auditor, and shall publish the same in the next Gazette.

Annual estimates of probable expenses in following year.

**130.** All moneys which the Council shall receive under this or any other Ordinance, otherwise than as capital or for any specific purpose under this or any other Ordinance, shall be duly accounted for and applied in aid of the rates.

Receipts (other than capital, &c.), how to be applied.

**131.** The Council may make by-laws—

- (a) for regulating the manner in which their accounts shall be kept, subject nevertheless to the provisions contained in this or any other Ordinance ; and
- (b) for regulating the application of the balance of any capital which shall have been raised by them for any purpose under this or any other Ordinance, and which may remain in their hands and not be required for such purpose.

By-laws as to manner of keeping accounts and disposal of capital.

#### AUDIT OF ACCOUNTS.

**132.** (1) The Council, and every person having the collection, receipt or expenditure of money payable to or receivable by the Council, or holding or accountable for any balance of such money, or any books, deeds, papers, goods

Accounts of Council and collectors.



or chattels relating to the duties of the Council, shall once in every quarter of a year make out and render to the Town Council Auditor an abstract of account of all moneys, matters and things committed to their charge, or received, held, expended or applied by them or him on their behalf.

(2) Before the first day of March in every year, the Council shall prepare and deliver to the Town Council Auditor an abstract of every account hereby required to be kept containing the amount of the income and expenditure in each of such accounts in respect of the year ended 31st December immediately previous together with the General Balance Sheet as at that date.

(3) The Town Council Auditor shall complete the examination of such accounts within ninety days of the receipt thereof by him and shall deliver them to the Council certified by him, and if he shall fail to do so within such period, the Council may notify the Governor accordingly.

(4) The Council shall within thirty-one days after the completion of the audit publish every such abstract in the Gazette.

Audit of  
accounts,  
regulations  
governing.

**133.** The following regulations with respect to audit shall be observed—

- (a) For the purpose of any audit, the Town Council Auditor may require the production before him of all books, deeds, contracts, accounts, vouchers, receipts and other documents and papers which he may deem necessary, and may require any person holding or accountable for any such books, deeds, contracts, accounts, vouchers, receipts, documents or papers to appear before him at any such audit or any adjournment thereof, and to make and sign a declaration as to the correctness of the same. If any such person neglects or refuses so to do, or to produce any such books, deeds, contracts, vouchers, accounts, receipts, documents or papers, or to make or sign such declaration, he shall be guilty of an offence and shall be liable on summary conviction for every such neglect or refusal to a penalty not exceeding £2.

- (b) The Town Council Auditor shall disallow every item of account contrary to law, and surcharge the same on the person making or authorising the making of the illegal payment, and shall charge against any person accounting the amount of any deficiency or loss incurred by the negligence or misconduct of that person, or of any sum which ought to have been but is not brought into account by that person, and in every such case the Town Council Auditor shall cause notice of his intention to make such surcharge to be given to such person, and shall adjourn the audit so far as it relates to such particular matter, for a sufficient time to allow of such person appearing before him and showing cause against such surcharge ; and at such time the Town Council Auditor shall hear such person and determine according to the law and justice of the case, and thereupon certify the amount (if any) due from such person :

Provided that the Town Council Auditor shall not disallow any payment or liability made or incurred by the Council under any order of the Supreme Court, or with the previous authority of the Governor in manner hereinafter mentioned.

- (c) On application by any person who deems himself aggrieved, the Town Council Auditor shall state in writing the reasons for his decision in respect of such disallowance or surcharge, and that person may apply to the Supreme Court by motion in a summary way for an order directing the Town Council Auditor to allow an item that may have been disallowed by him ; and the Court, upon proof of notice to the Town Council Auditor and to all such other persons (if any) as it may think entitled to notice, may make such order with respect to such disallowance or surcharge, and as to costs, as may appear to it just and reasonable, and if it shall find that the said disallowance or surcharge was lawfully made, but that the subject-matter thereof was incurred under circumstances that make it fair and equitable that the disallowance or surcharge should be remitted, the Court

may remit the same, and the Town Council Auditor shall govern himself accordingly.

- (d) Every sum certified to be due from any person by the Town Council Auditor shall be paid by such person to the Council within fourteen days after the same has been so certified (unless there is an appeal against the decision) and the Town Council Auditor shall, if necessary, proceed for the recovery thereof in the Supreme Court if the amount shall exceed £5, or in a summary manner if the amount shall not exceed such sum. All expenses incurred by the Town Council Auditor in such proceeding as aforesaid, which shall not be recovered by him from any other person, shall be paid by the Council out of the rates.

Audit of  
accounts of  
officers.

**134.** The accounts of officers or assistants of the Council who are required to receive moneys or goods on behalf of the Council shall be audited by the Town Council Auditor with the same powers, incidents and consequences as in the case of such last-mentioned accounts.

Governor  
may remit  
any sur-  
charge.

**135.** The Governor may upon application made to him in that behalf, remit any surcharge upon any councillor or other person, if he shall be satisfied that the payment or liability surcharged was made or incurred *bona fide* for the purpose of carrying into effect or performing the powers and duties vested in or imposed upon the Council, and that such payment or liability was made or incurred for the public advantage, and the Town Council Auditor shall govern himself accordingly.

Council to  
apply to the  
Governor in  
doubtful  
cases, to  
authorise  
expenditure.

**136.** In all doubtful cases, or upon any emergency, or in cases for which no provision has been made by law, the Council shall before making any payment or incurring any liability apply to the Governor for his authority to make such payment or incur such liability, and the Governor may, if he shall think fit, authorise in writing the expenditure of any sum of money or the incurring of any liability by the Council for the purpose of carrying into effect or performing the duties imposed upon them, notwithstanding that no provision may have been made by law for such expenditure or for incurring such liability.

137. The Council, whenever desired by the Governor, shall submit its books of account and all documents in its possession for the special examination by any person or persons appointed as a committee for the purpose by the Governor, and shall furnish all such information connected with its affairs as may be required by such committee.

Council to submit books for examination when required by Governor.

138. The Map of Record shall be authenticated by the signature of the Colonial Secretary and all disputes as to the boundaries of the wards shall be conclusively settled by reference thereto.

Map of Record.

139. In this Ordinance "Stanley" means—the area comprehended in the three Wards defined in the First Schedule and shown on the Map of Record.

Definition of Stanley.

140. Notwithstanding any other provision in this Ordinance the Governor in Council may from time to time make such orders as may be deemed necessary to carry out the purpose and intent of this Ordinance.

Special Powers of Governor.

---

### FIRST SCHEDULE.

Sections 4 and 139.

---

#### Boundaries of Wards.

1. The Northern boundary of all wards on the South side of Stanley Harbour and the Southern boundary of that part of the Centre Ward which lies on the North side of Stanley Harbour shall be the upper limit of the foreshore:

Provided that all hulks, jetties and sheds projecting into Stanley Harbour beyond the upper limit of the foreshore be deemed to be part of the ward from which they so project.

2. The West Ward shall be bounded—

on the West by a line about three hundred and thirty yards in length from a point on the upper limit of the foreshore two hundred and fifty yards West of the West side of Sullivan House Jetty and running in an approximately Southerly direction along the line of the fence now dividing Crown Land on the East of the fence from land in the possession of the Falkland Islands Company on the West of the fence and continued beyond the end of the said fence until the boundary meets the fence hereinafter called the second fence which runs approximately East and West on the North face of the Murray Heights;

on the South by the line of the second fence from the point where the Western boundary of the West Ward meets it, thence towards the

East to the South-East corner of the Golf Course, thence in a Southerly direction to the South-West corner of the enclosure known as "Bonner's Paddock" this corner being marked with a concrete post bearing the number "I" on the top and being marked on the Map of Record as a triangular survey sign and with the number "I," thence to a point opposite the middle line of Brisbane Road by a straight line running from the corner numbered "I" to the South-East corner of the enclosure known as "Dettleff's Paddock," the last mentioned corner being marked with a concrete post bearing the number "II" on the top and being marked on the Map of Record by a triangular survey sign and the number "II"; on the East by a line running in a Northerly direction from the point on the Southern boundary opposite the middle line of Brisbane Road and along the middle line of Brisbane Road to the middle line of Drury Street, thence in a Westerly direction along the middle line of Drury Street to a point opposite the middle line of Barrack Street, thence in a Northerly direction along the middle line of Barrack Street to the middle line of Ross Road and thence to a point in line with the East fence of the Deanery, and thence North to the foreshore.

The West Ward is shown in Blue on the Map of Record.

The Centre Ward shall be bounded—

- on the West by the East boundary of the West Ward;
- on the South from the point at which the East boundary of the West Ward meets the aforesaid straight line running from the corner numbered "I" to the corner numbered "II" and by that line to a point opposite the middle line of Dean Street;
- on the East, from the last-named point, in a Northerly direction along the middle line of Dean Street to a point on the middle line of Fitzroy Road, thence in an Easterly direction on the middle line of Fitzroy Road to a point in line with the Eastern fence enclosing the Globe Hotel, thence to the North end of the last mentioned fence and thence to the foreshore at a point on the East side of the Public jetty.

The Centre Ward shall include all lands on the North side of Stanley Harbour in occupation of the Crown or the Admiralty, being those lands to the East of the fence running North and South and distant approximately eight hundred and fifty yards East of the summit of Cortley Hill.

The Centre Ward is shown in Red on the Map of Record.

The East Ward shall be bounded—

- on the West by the Eastern boundary of the Centre Ward;
- on the South by the straight line running from the corner numbered "I" to the corner numbered "II" from the point at which it is joined by the East boundary of the Centre Ward to the corner numbered "II", thence in a straight line running approximately ENE.½E. to the Southern Leading Mark for the entrance to Stanley Harbour and thence North to the foreshore.

The East Ward is shown in Green on the Map of Record.

**SECOND SCHEDULE.**

Section 5 (2).

**Rules for preparing Register of Electors.**

1. The Register shall be framed in separate parts for each registration unit, and the registration unit shall be the ward. The names in the register shall be arranged in street order. Arrangements of register.
2. It shall be the duty of the Registration Officer to cause a house or other sufficient enquiry to be made and to prepare, or cause to be prepared, lists for each registration unit of all persons appearing to be entitled to be registered as electors and to publish those lists in the form in which the register is to be framed. The Registration Officer shall at the same time publish a notice specifying the mode in which, and the time within which, claims and objections are to be made under these rules. Preparation of Lists.
3. Any person who claims to be entitled to be registered as an elector and who is not entered, or is entered in an incorrect manner or with incorrect particulars on the electors' list may claim to be registered or to be registered correctly by sending to the Registration Officer a claim on or before the first day of September. The claim shall contain a declaration of the qualification of the claimant to be registered accordingly, including a declaration that the claimant has attained the required age and is a British subject. Claims to be registered.
4. The Registration Officer shall, as soon as practicable after receiving any notice of objection to the registration of any elector, send a copy of the notice to the person in respect of whose registration notice of objection is given. Notices of objections.
5. The Registration Officer shall, as soon as practicable, consider all objections of which notice has been given to him in accordance with these rules, and for that purpose shall give at least five clear days' notice to the objector and to the person in respect of whose registration the notice of objection has been given, of the time and place at which the objection will be considered by him. Consideration of objections.
6. The Registration Officer shall also consider all claims of which notice is given to him in accordance with these rules, and in respect of which no notice of objection is given and, if he considers that the claim may be allowed without further inquiry, shall give notice to the claimant that his claim is allowed. If the Registration Officer is not satisfied that any such claim can be allowed without inquiry, he shall give at least five clear days' notice to the claimant of the time and place at which the claim will be considered by him. Consideration of claims.
7. If on the consideration of any claim or objection it appears to the Registration Officer that the claimant, or person in respect of whose name objection is taken, is not entitled to be entered on the register in the character in which he claims to be registered or in which he is entered on the list, but is entitled to be entered on the register in another character or in another place on the register, the Registration Officer may decide that the name of that person shall be so entered on the register. Supplemental powers on consideration of claims and objections.

Publication  
of register.

8. It shall be the duty of the Registration Officer to publish the register not later than the 1st day of October by publishing in the Gazette a notice that a copy of the register is open to inspection at his office during specified hours whereupon the Registration Officer shall keep a copy of the register open for inspection in his office, and shall arrange for copies to be posted for inspection at the Post Office and shall also transmit a copy of the register, as soon as he may after it is published, to the Colonial Secretary.

Appeals  
from  
Registration  
Officer.

(9) (1) A person desiring to appeal against the decision of a Registration Officer must give notice of appeal, on the form supplied, to the Registration Officer and to the opposite party (if any), when the decision is given or within five days thereafter, specifying the grounds of appeal.

(2) The Registration Officer shall forward any such notices to the Magistrate together, in each case, with a statement of the material facts which, in his opinion, have been established in the case, and of his decision upon the whole case and on any point which may be specified as a ground of appeal, and shall also furnish any further information which the Court may require and which he is able to furnish.

(3) Where it appears to the Registration Officer that any notices of appeal given to him are based on similar grounds, he shall inform the Magistrate of the fact for the purpose of enabling the Court (if the Court thinks fit) to consolidate the appeals or select a case as a test case.

Documents,  
how they  
shall be  
published.

10. (1) Where the Registration Officer by these rules is required to publish any document, and no specific provision is made as to the mode of publication, he shall make the document available for inspection by the public in his office, and at the Post Office and, if he thinks fit, in any other manner which is, in his opinion, desirable for the purpose of bringing the contents of the documents to the notice of those interested. Any document required to be published shall be kept published for the prescribed time. Any failure to publish a document in accordance with these rules shall not invalidate the document, but this provision shall not relieve the Registration Officer from any penalty for such failure.

(2) If any person without lawful authority destroys, mutilates, defaces or removes any notice published by the Registration Officer in connection with his registration duties, or any copies of a document which have been made available for inspection in pursuance of these rules, he shall be liable on summary conviction to a fine not exceeding £5.

Supplies of  
copies of  
claims, ob-  
jections, &c.

11. The Registration Officer shall, on the application of any person, allow that person to inspect and take extracts from the electors' list for any registration unit in his area and any claim or notice of objection made under these rules.

Mode of  
sending  
notices, &c.

12. Any claim or notice of objection which is under these rules to be sent to the Registration Officer may be sent to him by post addressed to him at his office. Any notice which is required to be sent by the Registration Officer under these rules to any person shall be sufficiently sent if sent by post to the address of that person as given by him for the purpose, or as appearing on the lists, or if there is no such address, to his last known place of abode.

13. (1) The Registration Officer may require any householder or any person owning or occupying any land or premises within his area, or the agent or factor of such person, to give, on the form supplied by the Registration Officer, any information in his possession which the Registration Officer may require for the purpose of his duties as Registration Officer. Any notice requiring information under this rule may be sent by post.

Information  
from house-  
holder.

(2) If any person fails to give the required information or gives false information, he shall be liable on summary conviction to a fine not exceeding £20.

14. In reckoning time for the purpose of these rules, Sunday, Christmas Day, Good Friday and any day set apart as a public holiday or public thanksgiving shall be excluded, and where anything required by these rules to be done on any day falls to be done on any such day as aforesaid, that thing may be done on the next day not being one of any such days.

Reckoning  
of time.

### THIRD SCHEDULE.

Section 12.

#### Declaration of Candidate.

I, A. B., being a candidate for the election to the office of Councillor of the Town Council of Stanley, solemnly and sincerely declare that :—

- (a) I am a British subject by birth and of the full age of 21 years ;
- (b) I have been resident in Stanley during the past twelve months ; 17 of 1948.  
and
- (c) I am fully conversant with and able to read and write the English language.

(Signed).....

Declared before me this                      day of                      , 19   .

(A Justice of the Peace).



## FOURTH SCHEDULE.

## Form of Ballot Paper.

1	2	3	4
COUNTERFOIL.          No.....	DOE.  (John Doe, Labourer, John Street, Stanley.)	SMITH.  (Richard Walter Smith, Civil Servant, Ross Road, Stanley.)	(FRONT).  ROE.  (Albert Roe, Merchant, Ross Road, Stanley.)
Note :— The counterfoil is to have a number to correspond with that on the back of the Ballot Paper.			WHITE.  (John White, Contractor, Davis Street, Stanley.)

(BACK OF BALLOT PAPER)

No.....

ELECTION FOR TOWN COUNCIL, STANLEY.

19

NOTE : The number of the ballot paper is to correspond with that  
on the counterfoil.

**Directions as to printing Ballot Paper.**

Nothing is to be printed on the ballot paper except in accordance with this Schedule.

The surname of each candidate, and if there are two or more candidates of the same surname, also the other names of such candidates, shall be printed in large characters as shown in the form, and the names, addresses and descriptions, and the number on the back of the paper, shall be printed in small characters.

---

**FIFTH SCHEDULE.**

Section 25.

I swear by Almighty God that I will not at this Election for the Town Council of Stanley do anything forbidden by Section 46 of the Stanley Town Council Ordinance.

---

**SIXTH SCHEDULE.**

Section 27.

---

**Form of Directions for the Guidance of Electors in Voting.**

1. The voter may vote for two candidates.
2. The voter will go into one of the compartments and with the pencil provided in the compartment, place a cross on the right hand side, opposite the name of the candidate or candidates for whom he votes, thus—X.
3. The voter will then fold up the ballot paper so as to show the official mark on the back, and leaving the compartment will, without showing the front of the paper to any person, show the official mark on the back to the presiding officer, and then in the presence of the presiding officer put the paper into the ballot box, and forthwith quit the polling place.
4. If the voter inadvertently spoils a ballot paper he can return it to the presiding officer, who will, if satisfied of such inadvertence, give him another paper.
5. If the voter votes for more than two candidates, or places any mark on the paper by which he may afterwards be identified, his ballot paper will be void, and will not be counted.
6. If the voter takes a ballot paper out of the polling place, or deposits in the ballot box any other paper than the one given him by the presiding officer, he will be guilty of a misdemeanour and be liable to imprisonment for a term not exceeding six months.

NOTE : These directions shall be illustrated by examples of the ballot paper.

Section  
58 (2).

### SEVENTH SCHEDULE.

#### Form of Declaration by Candidate as to Expenses.

I, \_\_\_\_\_, having been a candidate at the election of the Stanley Town Council, on the \_\_\_\_\_ day of \_\_\_\_\_ (and my agent) do hereby solemnly and sincerely declare that I have paid for my expenses at the said election, and that, except as aforesaid, I have not, and to the best of my knowledge and belief, no person, nor any club, society or association, has on my behalf, made any payment, or given, promised or offered any reward, office, employment or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said election.

And I further solemnly and sincerely declare that, except as aforesaid, no money, security or equivalent for money, has to my knowledge or belief been paid, advanced, given or deposited by anyone to or in the hands of myself, or any other person, for the purpose of defraying any expenses incurred on my behalf, on account of, or in respect of, the conduct or management of the said election.

And I further solemnly and sincerely declare that I will not at any future time make or be a party to the making or giving of any payment, reward, office, employment or valuable consideration for the purpose of defraying any such expenses as last mentioned, or provide or be a party to the providing of any money, security or equivalent for money for the purpose of defraying any such expenses.

Signature of declarant C. D.

and his agent (if any) E. F.

Signed and declared by the above-named declarant(s) on the  
day of \_\_\_\_\_, 19\_\_\_\_, before me,

(Signed) G. H.

A Justice of the Peace.

## CHAPTER 69.

## STANLEY TOWN COUNCIL (POWERS).

AN ORDINANCE TO PROVIDE FOR THE EXERCISE OF POWERS 18 of 1948.  
OF LOCAL GOVERNMENT BY THE STANLEY TOWN COUNCIL. 10 of 1950.

[31st December, 1948.]

1. This Ordinance may be cited as the Stanley Town Council (Powers) Ordinance. Short title.

2. In this Ordinance unless the context otherwise requires :— Definitions.

“ Council ” means the Stanley Town Council as constituted under the Stanley Town Council Ordinance ; Chapter 68.

“ Brigade ” means the Stanley Fire Brigade ;

“ Fire appliances ” means engines for extinguishing fires, fire escapes, fire hydrants, pumps, pipes, water buckets and other implements for use in case of fire or any of them ;

“ Firemen ” means members of the Stanley Fire Brigade ;

“ Cemetery ” means the Stanley Cemetery and any additions thereto and all buildings used in connection therewith ;

“ Fittings ” means pipes, meters, valves, ferrules, cisterns, baths, cocks, soil-pans, water-closets and other appliances of any kind used or intended to be used in connection with the supply and use of water ;

“ Mains ” means mains carrying water from the reservoir and water supply tanks for use in Stanley .

“ Electrical fittings ” means lamps, bulbs, standards, mains, cables, pipes, lines and other appliances of any kind used or intended to be used in connection with the supply and use of electricity ;

“ Executive Engineer ” means the officer-in-charge of the Public Works Department of the Government.

**Part I.****FIRE BRIGADE.**

Council to  
control and  
maintain  
the Brigade.

3. All fire appliances in Stanley shall vest in the Council which shall—

- (1) maintain such appliances and any replacements thereof or additions thereto in a good and serviceable condition,
- (2) purchase such appliances as and when the same are required,
- (3) purchase, maintain, or hire motor vehicles and horses for drawing fire appliances,
- (4) build, provide, or lease buildings or premises for keeping motor-vehicles, horses and fire appliances,
- (5) control and maintain an efficient Brigade,
- (6) appoint and may pay men to act as firemen,
- (7) give to firemen and other persons reward for exertion in the case of fire and compensation for loss suffered by them in so doing.

Fire Brigade  
Committee.

4. The Council shall appoint a Committee to supervise all matters in connection with the Brigade.

Appoint-  
ment of  
officers.

5. The Council shall appoint a Superintendent and such other officers as it may deem necessary.

Charge to  
shipowners  
for use of  
Brigade.

6. The owner of or agent for any ship in respect of which the services of the Brigade have been required shall pay to the Council the actual expenses incurred by the Brigade on the occasion and a reasonable sum for the use of fire appliances and attendance of firemen. In the event of dispute between the Council and such owner or agent as to the sum to be paid the amount shall be finally settled by two justices sitting in a Court of Summary Jurisdiction.

Measures to  
prevent  
spread of  
fire.

7. Any police constable acting under the orders of his superior officer and any fireman and any officer of the Council may enter and if necessary break into any building

being or reasonably supposed to be on fire, or any building or land adjoining or near thereto, without the consent of the owner or occupier thereof, and may do all acts and things they may deem necessary for extinguishing fire in any such building or for protecting the same or rescuing any person or property therein from fire.

8. The Governor may at any time appoint an Inspector who shall have full power to test the Brigade as to its efficiency and to inspect and test all fire appliances. The Inspector so appointed shall submit a report thereon to the Governor and the Council shall forthwith take such steps to remedy all such inefficiency and defects as the Governor shall require.

Governor  
may appoint  
Inspector.

9. Any person who—

Offences

- (1) assaults, resists, impedes or obstructs a fireman in the discharge of his duty,
- (2) wilfully damages any fire appliances,
- (3) gives or causes to be given any false alarm of fire to the Brigade,
- (4) contravenes any by-law (other than a by-law relating to the storage or sale of petrol),

shall on summary conviction be liable to a fine not exceeding £20 or to imprisonment for a term not exceeding three months and in addition shall pay the cost of any damage occasioned by such offence,

- (5) contravenes any by-law or condition of any licence granted thereunder relating to the storage or sale of petrol

shall be liable on summary conviction to a fine not exceeding £100 or to imprisonment for a term not exceeding twelve months.

## Part II.

### CEMETERY.

10. The cemetery shall vest in the Council which shall be responsible for the maintenance and control thereof and be subject to any liabilities in respect thereof.

Vesting of  
cemetery.

Cemetery  
Committee.

**11.** The Council shall appoint a Committee to supervise all matters connected with the cemetery.

Prohibition  
of dwelling  
houses near  
cemetery.

**12.** The Council shall not build or permit to be built any dwelling house other than the caretaker's house within 100 feet of the outer walk or boundary of the cemetery.

Chapel.

**13.** The Council may permit a chapel to be built in the cemetery for the performance of the burial service.

Consecrated  
ground.

**14.** The Council shall permit part of the cemetery to be consecrated and shall maintain part of the cemetery exclusively for the burial of Roman Catholics.

Exclusive  
rights of  
burial.

**15.** The Council may—

- (1) define such parts of the cemetery as it shall deem fit for the purpose of granting exclusive rights of burial therein,
- (2) grant or sell the exclusive right of one or more burials in any such parts either in perpetuity or for a limited time,
- (3) grant or sell the right of placing a monument, gravestone or enclosure in any such part or a tablet or other inscription on the walls of any Chapel or other building in the cemetery.

Grant of  
exclusive  
right of  
burial.

**16.** (1) The grant of exclusive right of burial or right of placing a monument, gravestone, enclosure, tablet or other inscription as provided by section 16 shall be in the Form A in the Schedule hereto.

Assignment.

(2) Every assignment of an exclusive right of burial shall be in the Form B in the Schedule hereto and shall when executed within the Colony be registered with the Council within two months of execution, or when executed outside the Colony be registered with the Council within six months of the date of execution otherwise it shall be void and of no effect.

Burial place  
to be kept  
exclusively  
for grantee.

(3) No body shall be buried in any place in respect of which an exclusive right of burial has been granted without the consent of the grantee thereof.

(4) No grant of the exclusive right of burial shall give the right to bury within the consecrated part of the cemetery the body of any person not entitled to be buried in consecrated ground according to the rights and usage of the Church of England or to place any monument gravestone tablet or other inscription respecting any such body within the consecrated part of the cemetery.

Grant does not give the right of burial of certain persons in consecrated ground.

17. (1) The Council shall keep and maintain a plan of the cemetery on a scale sufficiently large to show the site of every place reserved for exclusive right of burial and the numbers thereof and shall enter in a register to be kept exclusively for that purpose the names and descriptions of the persons to whom exclusive right of burial has been granted.

Plan and register.

(2) The Council shall be entitled to demand the sum of two shillings and sixpence for the registration of the assignment of the exclusive right of burial in such register.

18. The Council may take down and remove any gravestone, monument, tablet, or other inscription and any enclosure placed within the cemetery without its authority.

Power to remove monuments, &c., improperly erected.

19. Any person who shall wilfully destroy or injure any building, wall or fence belonging to the cemetery, or destroy or injure any plant therein, or who shall disfigure any wall thereof or put up any bill therein or on any wall thereof, or wilfully destroy, injure, or deface any monument, tablet, inscription, or gravestone or other enclosure within the cemetery, or do any wilful damage therein, shall commit an offence and shall on summary conviction be liable to a fine not exceeding £5 in addition to the cost of replacement or repair of the damage caused by him.

Penalty for damaging cemetery.

20. Any person who shall play at any game or sport or save at a military funeral, discharge firearms in the cemetery, or shall wilfully and unlawfully disturb any persons assembled in the cemetery for the purpose of burying any body therein, or who shall commit any nuisance within the cemetery, shall commit an offence and shall be liable on summary conviction to a fine not exceeding £5.

Penalty for committing nuisance in the cemetery.



**Part III.****WATER SUPPLY.**

Water mains  
vested in  
Council :  
Council to  
maintain.

**21.** Mains and public fittings in Stanley shall vest in the Council and the Council shall maintain such mains and public fittings in good and serviceable condition and shall supply, lay, fix and efficiently maintain such further mains and public fittings as from time to time may be required.

Appoint-  
ment of  
Water  
Committee.

**22.** The Council shall appoint a Water Committee to supervise all matters relating to the supply of water in Stanley.

Powers of  
Council.

**23.** The Council may by its officials, workmen or agents—

- (1) at all reasonable hours enter in and upon any land and premises in Stanley for the purpose of inspecting and repairing any fittings,
- (2) after 21 days' notice in writing to the owner or occupier of any land in Stanley enter upon such land for the purpose of laying mains in or upon such land,
- (3) The Council may at any time cut off the supply of water to private property in Stanley—
  - (a) whenever any nuisance liable to pollute the water supply or cause damage to the water works exists on that property or in any fittings therein or thereon until such nuisance has been remedied to the satisfaction of the Council, or
  - (b) whenever any fittings are out of repair or have not been approved by the Council or are liable to pollute the water supply and the necessary repairs or alterations have not been effected to the satisfaction of the Council within the period prescribed in the written notice by the Council to the owner or occupier of such property, or
  - (c) whenever the available supply is insufficient by reason of drought or any other unavoidable circumstance, or
  - (d) whenever it shall be necessary to repair, clean, or alter the water works or any fittings, or

- (e) whenever water is used for a purpose other than the purpose for which it is supplied, or
- (f) in the case of the continued breach or violation of any requirement of this part of this Ordinance or of any by-law in respect thereof.

24. (1) Any owner of private property in Stanley who is desirous of laying or installing fittings shall apply to the Council for approval thereof and shall lodge with the Council such plans, specifications and other information as it may require. New connections.

(2) The laying or installation of fittings on private property shall be at the expense of the owner thereof.

(3) The Council shall convey water to the boundary of private property in Stanley and shall connect the fittings of the owner thereof with the water mains, provided that no fittings shall be connected or installed until the same have been approved by the Council.

(4) Any person who shall connect or instal, or cause to be connected or installed, any fittings in Stanley without the approval of the Council first obtained shall commit an offence.

25. The Council shall give notice to the owner of private property on which any defective fittings are situate requiring such owner to repair such defective fittings to the satisfaction of the Council and in case of non-compliance with such notice the Council may execute such repairs and charge the said owner with the cost thereof and in addition an amount equal to twenty per centum of such cost. Repair of defective fittings.

26. The Council may perform any work on behalf of a private person in connection with the laying, installation, maintenance, replacement or repair of any fittings in Stanley, and shall receive in payment from such person the actual cost of such work and in addition an amount not exceeding ten per centum of such actual cost. Council may perform work on behalf of private persons.

27. No person shall take water from the public fountains for any other than a domestic purpose. Public fountains.

## Offences.

**28.** Any person who shall in Stanley—

- (1) without the authority or consent of the Council put or allow or cause to be put in any main or fitting any cock, valve or other contrivance for drawing water therefrom, or
- (2) wilfully damage or cause or allow to be damaged any main or public fitting, or
- (3) without the authority or consent of the Council open, close, or in any way interfere with, or cause or allow to be opened or closed or in any way to be interfered with, any main or public fitting, or
- (4) alter or change, or cause or allow to be altered or changed, any public fitting with the intent to obtain more water thereby, or
- (5) commit a breach or violation of the provisions of this Part of this Ordinance or any by-law relating thereto

shall commit an offence and shall be liable on summary conviction to a fine not exceeding £50 or to imprisonment for a term not exceeding one year or to both such fine and imprisonment: Provided that no person shall be convicted for any of the foregoing offences if he proves that the action taken by him was necessitated by fire.

Payment by  
Council for  
water.

**29.** The Council shall pay to the Government annually such sum as the Government shall deem necessary for the maintenance and operation of the Water Works.

**Part IV.**

## PUBLIC HEALTH.

Responsi-  
bility of  
Council in  
public health  
matters.**30.** The Council shall be responsible in Stanley for—

- (1) the maintenance of measures to prevent the spread of any contagious and infectious diseases including the cleansing and disinfecting of houses and buildings,
- (2) the removal of house refuse and the cleansing of earth closets, privies, ashpits and cesspools,
- (3) the cleansing of watercourses, ditches, drains, roads, streets and lanes and the removal of noxious matter therefrom,

- (4) the abatement or removal of nuisances,
- (5) the construction of new buildings and reconstruction of other buildings and the sanitary conveniences to be used in connection therewith and the materials to be used,
- (6) the removal or demolition of buildings or structures the erection of which has not been approved by the Council, and of buildings or structures in such a condition as to constitute a danger to persons living in them or to passengers,
- (7) the inspection, drainage, accommodation and cleansing of common lodging houses.

**31.** The sewers in Stanley shall vest in the Council which shall maintain the same in an efficient condition and lay and efficiently maintain any other sewers which may from time to time be required.

Sewers :  
vesting in  
and main-  
tenance by  
Council.

**32.** The Council shall appoint a Committee to supervise all matters relating to public health.

Public  
Health  
Committee.

**33.** (1) All electrical fittings used in connection with the supply of electricity for the lighting of streets in Stanley shall vest in the Council.

Street  
lighting.

(2) The Council shall—

- (a) maintain all such electrical fittings and any replacements thereof and additions thereto in a good and serviceable condition, and shall supply, lay, and fix and efficiently maintain all electrical fittings that may from time to time be required for the lighting of streets in Stanley,
- (b) have power, subject to the approval of the Executive Engineer, to open roads for the purpose of laying and repairing electrical fittings, and shall be responsible for reinstating any road so opened at its own cost and to the satisfaction of the Executive Engineer,
- (c) pay the Government the charges for all electric current used for the lighting of streets in Stanley.

Public  
Baths  
and swim-  
ming-pool.

34. The Council shall be responsible for the efficient maintenance and control of the swimming-pool (when constructed) and public bath houses and shall have power to make such charges for the use thereof as it may decide.

### Part V.

#### TOWN HALL, PUBLIC LIBRARY AND MUSEUM.

Council to  
maintain  
Town Hall  
Public  
Library and  
Museum.

35. (1) All books, papers, manuscripts and documents now forming the Public Library and all objects, trophies and specimens now forming the Public Museum shall vest in the Council which shall efficiently maintain and control a Public Library and Museum.

(2) The Council shall purchase and be empowered to receive gifts of such papers, documents, objects, trophies and specimens as may from time to time be required or offered.

(3) The Council may make such charges for admission to the Public Museum, and for the use or hire of books, papers and documents in the Public Library, and may impose such fines in connection therewith as it may decide.

(4) The Council shall be responsible for the efficient maintenance and control of the Town Hall.

(5) The Council shall appoint a Committee to supervise all matters concerning the Town Hall, Public Library and Museum.

### Part VI.

#### GENERAL.

Delegation  
of powers by  
Governor in  
Council.

36. The Council shall exercise all such rights and powers as may from time to time be delegated to it by the Governor in Council.

**SCHEDULE.**

**Form A.**

By virtue of the Stanley Town Council (Powers) Ordinance, the Stanley Town Council in consideration of the sum of £ now paid by of (the receipt whereof is hereby acknowledged) hereby GRANTS unto the said (the exclusive right of burial in the Stanley Cemetery) (the right of placing a monument, gravestone, enclosure, tablet or other inscription in the Stanley Cemetery).

To HOLD the same unto the said in perpetuity (for years).

Given under the Seal of the Stanley Town Council this day of 19 .

*Chairman.*

*Town Clerk.*

**Form B.**

I, , of , of In consideration of the sum of £ now paid to me by (the receipt whereof is hereby acknowledged), as Executor Administrator of the estate of of deceased hereby assign unto (the said) of (the exclusive right of burial in the plot of land numbered ) (the right of placing a monument, gravestone, enclosure, tablet or other inscription in the Stanley Cemetery) granted to (one) (to ) by a grant dated the day of 19 and all my estate right title and interest therein.

To HOLD the same unto the said (in perpetuity) (for years) subject to the conditions now existing in respect of the said Grant.

In Witness whereof I have hereunto set my hand and seal this day of 19 .

Witness to the signature  
of the said

.....  
.....  
*Justice of the Peace.*

## CHAPTER 70.

## STANLEY WATERWORKS.

19 of 1949. AN ORDINANCE TO PROVIDE FOR THE MAINTENANCE OF  
10 of 1950. WATERWORKS AT STANLEY.

[31st December, 1949.]

Short title.      1. This Ordinance may be cited as the Stanley Water-  
works Ordinance.

Definition.      2. "Waterworks" means the Stanley Waterworks and  
includes any pumping station, reservoir, tank, filter-bed or  
other appliance used or intended to be used for collecting,  
storing or purifying water and any pipe used or intended to  
be used for conveying water between any pumping station,  
reservoir, tank and filter-bed which is or may become the  
property of the Government.

Water  
Authority.      3. (1) The Governor may appoint any person to be Water  
Authority.

Duties and  
Powers.      (2) The duties of the Water Authority shall include the  
management of the waterworks, the control of all matters  
relating thereto, and carrying out the provisions of this  
Ordinance and any regulations made thereunder.

(3) The Water Authority may with the approval of the  
Governor bring an action in any Court in any matter affecting  
the management or control of the waterworks or under this  
Ordinance or any regulation made thereunder.

(4) The Water Authority may—

(a) at any time enter on any land, hereditaments and  
premises to inspect and repair any pipe or other  
appliance ;

10 of 1950.      (b) after 21 days' notice in writing to the owner or  
occupier thereof enter on any land and lay pipes  
and other appliances on or through such land,

making compensation to the owner or occupier for all damages sustained by him or them by reason of the exercise of the said powers ; such compensation, in the absence of agreement, to be determined by arbitration as provided by the Land Ordinance, Chapter 36. save that in the application thereof to this Ordinance section 39 thereof shall be read as if the words " Water Authority " were substituted for the word " Governor."

(5) The Water Authority or any person acting under his directions may diminish, withhold, suspend or divert the supply of water through the waterworks either wholly or in part whenever it may be expedient or necessary for the purpose of conserving the supply of water, or for extending, altering or repairing the waterworks, and the Water Authority shall not be liable to any claim for compensation on account of any interruption in or insufficiency of the supply of water resulting from the exercise of any of the powers aforesaid or caused by drought or other unavoidable circumstances. 10 of 1950.

4. Any person who—

Offences.

- (1) puts or causes or allows to be put into the waterworks or any part thereof any foul or injurious matter liable to pollute or render the water therein unfit for use or to impede the flow of water therein, or
- (2) wilfully damages or causes or allows to be damaged any part of the waterworks, or
- (3) without authority opens or closes or in any way interferes with or causes or allows to be opened or closed or in any way interfered with the waterworks or any part thereof

shall commit an offence and on summary conviction be liable to a fine not exceeding £50 or to imprisonment for a term not exceeding one year or both such fine and imprisonment.

5. The Governor in Council may make regulations prescribing the size, make and materials of the pipes and other appliances to be used, the manner of laying the same, the conditions of the supply of water to the Town Council of Stanley and the amount of such supply, and generally for carrying out the provisions of this Ordinance. Regulations. 10 of 1950.



## CHAPTER 71.

## TELEGRAPHY.

8 of 1939. AN ORDINANCE TO CONTROL TELEGRAPHY AND SIMILAR METHODS OF COMMUNICATION.

[17th June, 1939.]

Short title. 1. This Ordinance may be cited as the Telegraphy Ordinance.

Governor  
may require  
production  
of telegrams  
and papers.

2. (1) Where it appears to the Governor that such a course is expedient in the public interest, he may, by warrant under his hand, require any person who owns or controls any telegraphic cable or wire, or any apparatus for wireless telegraphy, used for the sending or receipt of telegrams to or from any place out of the Colony, to produce to him, or to any person named in the warrant, the originals and transcripts either of all telegrams, or of telegrams of any specified class or description, or of telegrams sent from or addressed to any specified person or place, sent to or received from any place out of the Colony by means of any such cable, wire, or apparatus, and all other papers relating to any such telegrams as aforesaid.

(2) Any person who, on being required to produce any such original or transcript or paper as aforesaid, refuses or neglects to do so shall be guilty of an offence under this Ordinance, and shall, for each offence, be liable to imprisonment with or without hard labour for a term not exceeding three months, or to a fine not exceeding fifty pounds, or to both such imprisonment and fine.

(3) In this section, the expression "telegrams" shall have the same meaning as in the Telegraph Act, 1869, of the Imperial Parliament, and the expression "wireless telegraphy" shall have the same meaning as in section 2 of the Wireless Telegraphy Ordinance.

Chapter 78.

[Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

## CHAPTER 72.

## TRADE DISPUTES (ARBITRATION).

AN ORDINANCE TO PROVIDE FOR THE ESTABLISHMENT OF AN ARBITRATION BOARD IN CONNECTION WITH TRADE DISPUTES, AND TO MAKE PROVISION FOR THE SETTLEMENT OF SUCH DISPUTES.

10 of 1949.  
7 of 1950.  
10 of 1950.

[1st June, 1949.]

1. This Ordinance may be cited as the Trade Disputes (Arbitration) Ordinance.

Short title.

2. (1) In this Ordinance unless the context otherwise requires :—

Definitions.

“Trade dispute” means any dispute or difference between employers and workmen, or between workmen and workmen, connected with the employment or non-employment, or the terms of the employment, or with the conditions of labour, of any workman ;

“Workman” means any person who has entered into or works under a contract with an employer whether the contract be by way of manual labour, clerical work, or otherwise, be expressed or implied, oral or in writing, and whether it be a contract of service or of apprenticeship or a contract personally to execute any work or labour.

(2) This Ordinance shall not apply to persons in the Naval, Military, or Air services of the Crown, or to members of the Police Force, but otherwise shall apply to workmen employed by the Government in the same manner as if they were employed by a private person.

3. (1) Any trade dispute, may be reported to the Governor by or on behalf of either of the parties to the dispute, and the Governor shall thereupon take such steps as seem to him expedient for promoting a settlement thereof.

Trade disputes may be reported to the Governor.

[Note. This Ordinance is applied to the Dependencies by the Revised Edition of the Laws (Amendment) (Dependencies) Ordinance, 1950.]

Reference of  
disputes to  
arbitration  
board and  
constitution  
of the  
board.

(2) Where a trade dispute exists, the Governor may, subject as hereinafter provided, if both parties consent, refer the matter for settlement to an Arbitration Board (hereinafter referred to as the "Board") constituted of either—

- (a) a sole arbitrator appointed by the Governor ; or
- (b) an arbitrator appointed by the Governor, assisted by not more than three assessors nominated by or on behalf of the employers concerned and an equal number of assessors nominated by or on behalf of the workmen concerned, all of whom shall be appointed by the Governor : Provided that the award shall be made and issued by the arbitrator only ; or
- (c) not more than three arbitrators nominated by or on behalf of the employers concerned and an equal number of arbitrators nominated by or on behalf of the workmen concerned, and an independent chairman, all of whom shall be appointed by the Governor : Provided that where all the members of the Board are unable to agree as to their award, the matter shall be decided by the chairman as sole arbitrator.

10 of 1950.

(3) If there are existing in any trade or industry any arrangements for settlement by conciliation or arbitration of disputes in such trade or industry, or any branch thereof, made in pursuance of an agreement between organizations of employers and organizations of workmen representative respectively of substantial proportions of the employers and workmen engaged in that trade or industry, the Governor shall not, unless with the consent of both parties to the dispute, and unless and until there has been a failure to obtain a settlement by means of those arrangements, refer the matter for settlement in accordance with the foregoing provisions of this section.

(4) The Arbitration Act 1889 or any Act amending or substituted for it shall not apply to any proceedings of a Board under this Ordinance or to any award issued by it.

Vacancies on  
Board.

4. (1) Whenever a vacancy occurs in the number of assessors on a Board constituted under section (3) (2) (b) hereof the Board may in the discretion of the arbitrator

either act notwithstanding such vacancy or consent to another assessor being appointed to fill such vacancy.

(2) Whenever a vacancy occurs in the number of arbitrators on a Board constituted under section 3 (2) (c) hereof the Board may, with the consent of the parties, act notwithstanding such vacancy.

(3) No act, proceeding or finding of the Board shall be invalidated by reason of any such vacancy provided that the consent required under subsection (2) hereof was first obtained.

5. Where a trade dispute referred to a Board involves questions as to wages, or as to hours of work, or otherwise as to the terms or conditions of or affecting employment which are regulated by any Ordinance other than this Ordinance, any award which is inconsistent with the provisions of that Ordinance shall be invalid.

Award of Board not to conflict with any law.

6. The award of a Board shall be submitted to the Governor who shall as soon as possible thereafter cause the same to be published in such manner as he thinks fit.

Publication of the award.

7. Where a question arises as to the interpretation of an award of a Board the Governor may refer the question, or any party to the award may apply to the Board for a decision, and the Board shall decide the matter after hearing the parties, or without such hearing provided the consent of the parties has been first obtained. The decision of the Board shall be notified to the Governor and to the parties and shall be deemed to form part of and shall have the same effect in all respects as the original award.

Interpretation of the award.

8. For the purpose of dealing with any matter referred to it a Board shall have full power to order any person to furnish, in writing or otherwise, such particulars in relation to such matter as the Board may require, and attend before the Board and give evidence on oath or otherwise, and to require the production of documents, so as to elicit all such information as the Board may consider necessary, without being bound by the rules of evidence in civil or criminal proceedings: Provided always that, if any witness objects to answer any question on the ground that it will tend to

Evidence.

incriminate him or on any other lawful ground, he shall not be required to answer the question nor be liable to any penalties for refusing to answer.

Appearance  
of Counsel  
or Solicitor.

9. It shall be in the discretion of a Board to permit any interested person to appear by counsel or solicitor in any proceedings before such Board.

Sitting may  
be public  
or private.

10. (1) It shall be in the discretion of a Board to admit or exclude the public or the press from any of its sittings.

(2) Any person who shall, before an award of a Board has been published by order of the Governor, publish any comment on the Board, any proceedings or evidence, other than a fair and accurate report or summary of the proceedings including the evidence adduced at a sitting of the Board, shall be liable on summary conviction to a fine not exceeding £50.

Rules of  
procedure.

11. The Governor in Council may make rules regulating the procedure to be followed by a Board, and whenever any question shall arise in the course of an arbitration in respect of which rules have not been made, the Board shall regulate its own procedure.

Expenses.  
10 of 1950.

12. (1) The Governor may pay to any arbitrator or assessor appointed under this Ordinance such remuneration as the Governor shall think fit.

(2) The Governor may appoint at such remuneration and on such terms and conditions as he may determine such officers and other servants as may be necessary for carrying out the purposes of this Ordinance.

7 of 1950.

(3) The expenses incurred in the operation of this Ordinance shall be defrayed as directed by the Governor in Council.

## CHAPTER 73.

### TRADE UNIONS AND TRADE DISPUTES.

AN ORDINANCE TO REGULATE TRADE UNIONS AND TRADE DISPUTES. 4 of 1942.  
18 of 1949.

[13th March, 1942.]

1. This Ordinance may be cited as the Trade Unions and Trade Disputes Ordinance. Short title.

#### Part I.

2. "Trade Union" means any combination, whether temporary or permanent, the principal purposes of which are under its constitution the regulation of the relations between workmen and masters, or between workmen and workmen, or between masters and masters, whether such combination would or would not if this Ordinance had not been enacted have been deemed to have been an unlawful combination by reason of some one or more of its purposes being in restraint of trade : Meaning of  
trade union.

Provided that nothing in this Ordinance—

(a) shall affect—

- (1) Any agreement between partners as to their own business ;
- (2) Any agreement between an employer and those employed by him as to such employment ;
- (3) Any agreement in consideration of the sale of the goodwill of a business or of instruction in any profession, trade or handicraft ; or

(b) shall preclude any trade union from providing benefits for its members.

"Registered" means registered under this Ordinance.

"Registrar" means the Registrar of Trade Unions.

---

[Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

Trade unions not criminal.

3. The purposes of any trade union shall not, by reason merely that they are in restraint of trade, be deemed to be unlawful so as to render any member of such trade union liable to criminal prosecution for conspiracy or otherwise.

Trade union not unlawful for civil purposes.

4. The purposes of any trade union shall not, by reason merely that they are in restraint of trade, be unlawful so as to render voidable any agreement or trust.

Trade unions prohibited from carrying on business unless registered.

5. (1) No trade union or any member thereof shall perform any act in furtherance of the purposes for which it has been formed unless such trade union has first been registered.

(2) Any trade union or any officer or member thereof who contravenes the provisions of this section shall be guilty of an offence punishable with a fine not exceeding twenty-five pounds.

Registrar of trade unions.

6. The Governor may appoint such person as he may think fit to be the Registrar of Trade Unions.

Registration of trade unions.

7. Any seven or more members of a trade union may, by subscribing their names to the rules of the union and otherwise complying with the provisions of this Ordinance with respect to registration, register such trade union under this Ordinance :

Provided that if any one of the purposes of such trade union be unlawful such registration shall be void.

Compulsory registration.

8. (1) Every trade union shall be registered in accordance with the provisions of this Ordinance or be dissolved within three months of the date—

(a) of its formation, or

(b) of any notification by the Registrar that he has refused under section 10 to register the trade union, whichever is the later date.

(2) Every trade union which is not registered or dissolved within the period prescribed in the preceding subsection and every officer thereof shall be guilty of an offence punishable with a fine not exceeding five pounds for every day it remains unregistered after the expiration of such period.

9. With respect to the registration under this Ordinance of a trade union, and of the rules thereof, the following provisions shall apply :—

Rules for  
registration.

- (1) An application to register the trade union and its rules shall be sent to the Registrar with copies of the rules and a list of the titles and names of the officers of the trade union.
- (2) The Registrar upon being satisfied that the trade union has complied with the rules respecting registration in force under this Ordinance shall, subject to the provisions of section 10, register the trade union and rules.
- (3) No trade union shall be registered under a name identical with that by which any other existing trade union has been registered or so nearly resembling such name as to be likely to deceive the members or the public.
- (4) The Registrar upon registering a trade union shall issue a certificate of registration.

10. (1) If the Registrar is satisfied that—

Refusal of  
registration.

- (a) the applicants have not been duly authorised to apply for registration ; or
- (b) the purposes of the trade union are unlawful ; or
- (c) the application is not in conformity with the provisions of this Ordinance ;

he may refuse registration.

(2) When the Registrar refuses to register a trade union he shall forthwith inform the applicants in writing of the grounds of his refusal.

(3) An appeal shall lie to the Supreme Court from a refusal of the Registrar to register a trade union and on such appeal the Supreme Court may make any such order as it thinks proper, including any directions as to the costs of the appeal. Any such order of the Supreme Court shall be final.

(4) The Supreme Court may make rules governing such appeals, providing for the method of giving evidence, prescribing the time within which such appeals shall be



brought, the fees to be paid, the procedure to be followed and the manner of notifying the Registrar of the appeal.

(5) The Registrar shall be entitled to be heard on any appeal.

Cancellation  
of registra-  
tion.

**11.** (1) It shall be lawful for the Registrar to cancel the registration of any trade union—

- (a) at the request of the trade union, to be evidenced in such manner as he may direct ;
- (b) on proof to his satisfaction that a certificate of registration has been obtained by fraud or mistake, or that such trade union has wilfully, and after notice from the Registrar, violated any of the provisions of this Ordinance or has ceased to exist.

(2) Not less than two months' previous notice specifying briefly the grounds of the proposed cancellation shall be given by the Registrar to the trade union before such cancellation is effected, except where the trade union has ceased to exist in which case notice of cancellation may be given forthwith.

(3) An appeal from the decision of the Registrar under this section shall lie to the Supreme Court subject to the same conditions as are provided for an appeal against the refusal of the Registrar to register a trade union, and the Supreme Court may make rules providing for the same matters for which rules may be made in respect of such appeal. The decision of the Supreme Court shall be final.

Officers of  
trade union  
to account.

**12.** (1) Every treasurer or other officer of a registered trade union at such times as by the rules thereof he should render such accounts as hereinafter mentioned, or having been required so to do, shall render to the members thereof, at a meeting of the trade union, a just and true account of all moneys received and paid by him since he last rendered the like account, and of the balance then remaining in his hands, and of all bonds and securities of such trade union.

(2) Such account shall be audited by some fit and proper person or persons to be appointed by the trade union.

(3) Upon the account being audited the treasurer or other officer as the case may be shall, if thereupon required, hand over to the trade union the balance which on such audit appeared to be due from him, and shall also if required hand over to the trade union all securities and effects, books, papers and property of the trade union in his hands or custody.

(4) If the treasurer or other officer fails to hand over such things and documents as in subsection (3) required, the Committee of Management of the trade union or any member for and on behalf of the trade union may sue him in any competent court for the balance appearing to have been due from him upon the account last rendered by him, and for all moneys since received by him on account of such trade union and for the securities and effects, books, papers and property in his hands or custody, leaving him to set off in such action the sums, if any, which he may have since paid on account of such trade union; and in any such action the plaintiff shall be entitled to recover full costs of suit to be taxed as between solicitor and client.

**13.** (1) Every registered trade union shall transmit to the Registrar the account prepared and audited in accordance with section 12 within one month of its submission to the members of the trade union.

Audited  
accounts to  
be sent to  
Registrar.

(2) Every officer of a registered trade union which fails to comply with the provisions of this section shall be guilty of an offence punishable with a fine not exceeding twenty-five pounds.

**14.** With respect to the rules of a registered trade union, the following provisions shall have effect :—

Rules of  
registered  
trade unions.

(1) The rules of every such trade union shall contain provisions in respect of the several matters mentioned in the Schedule.

(2) A copy of the rules shall be delivered by the trade union to every person on demand on payment of a sum not exceeding one shilling.

**15.** (1) Every alteration of the rules of a registered trade union shall be registered with the Registrar, and shall take effect from the date of registration unless some later date is specified in the rules.

Alteration  
of rules of  
trade unions.

(2) The rules of a registered trade union shall not be altered so that they cease to contain provisions in respect of the several matters in the Schedule.

Rules by  
Governor in  
Council.

**16.** (1) The Governor in Council may make rules respecting registration under this Ordinance and in particular but without prejudice to the generality of the foregoing power with respect to :—

- (a) The seal, if any, to be used by the Registrar for the purpose of registration under this Ordinance ;
- (b) The forms to be used for such registration ;
- (c) The inspection of registers and documents kept by the Registrar and the making of copies of any entries therein ;
- (d) The fees to be charged for registration and inspection and any other service or matter prescribed or permitted by this Ordinance ; and
- (e) Generally for carrying this part of this Ordinance into effect.

## Part II.

Definitions.

**17.** (1) In this part :—

“ Trade dispute ” means any dispute between employers and workmen or between workmen and workmen, which is connected with the employment or non-employment or with the terms of the employment, or with the conditions of labour of any person.

“ Workmen ” means all persons employed in trade or industry, whether or not in the employment of the employer with whom a trade dispute arises.

Immunity of  
trade unions  
from actions  
of tort.

**18.** (1) An action against a trade union, whether of workmen or masters, or against any members or officials thereof on behalf of themselves and all other members of the trade union, in respect of any tortious act alleged to have been committed by or on behalf of the trade union shall not be entertained by any Court.

(2) Nothing in this section shall affect the liability of a trade union or any official thereof to be sued in any Court touching or concerning the property or rights of a trade

union, except in respect of any tortious act committed by or on behalf of the union in contemplation or in furtherance of a trade dispute.

19. (1) An agreement or combination of two or more persons to do or procure to be done any act in contemplation or furtherance of a trade dispute shall not be triable as a conspiracy if such act committed by one person would not be punishable as a crime.

Conspiracy  
in relation  
to trade  
disputes.

(2) An act done in pursuance of an agreement or combination by two or more persons, if done in contemplation or furtherance of a trade dispute, shall not be actionable unless the act, if done without any such agreement or combination, would be actionable.

(3) Nothing in this section shall exempt from punishment any person guilty of a conspiracy for which a punishment is awarded by any law in force in the Colony.

(4) Nothing in this section shall affect the law relating to riot, unlawful assembly, breach of the peace or sedition or any offence against the State or the Sovereign.

(5) A crime for the purposes of this section means an offence for the commission of which the offender is liable to be imprisoned either absolutely or at the discretion of the Court as an alternative for some other punishment.

(6) Where a person is convicted of any such agreement or combination as aforesaid to do or procure to be done an act which is punishable on summary conviction, and is sentenced to imprisonment, the imprisonment shall not exceed three months, or such longer time, if any, as may have been prescribed by the law for the punishment of the said act when committed by one person.

20. An act done by a person in contemplation or furtherance of a trade dispute shall not be actionable on the ground only that it induces some other person to break a contract of employment or that it is an interference with the trade, business, or employment of some other person, or with the right of some other person to dispose of his capital or his labour as he wills.

Removal of  
liability for  
interfering  
with another  
person's  
business.

Intimidation  
or annoy-  
ance.

**21.** Every person who, with a view to compel any other person to abstain from doing or to do any act which such other person has a legal right to do or abstain from doing, wrongfully and without legal authority—

- (1) uses violence to or intimidates such other person or his wife or children, or injures his property ; or
- (2) persistently follows such other person about from place to place ; or
- (3) hides any tools, clothes or other property owned or used by such other person, or deprives him of or hinders him in the use thereof ; or
- (4) watches or besets the house or other place where such other person resides or works or carries on business or happens to be or the approach to such house or place ; or
- (5) with two or more other persons follows such other person in a disorderly manner in or through any street or road,

shall be guilty of an offence punishable with a fine not exceeding twenty pounds or with imprisonment with or without hard labour for a term not exceeding three months.

Peaceful  
picketing  
and preven-  
tion of in-  
timidation.

**22.** Notwithstanding anything contained in this Ordinance it shall be lawful for one or more persons acting on their own behalf or on behalf of a trade union or of an individual employer or firm in contemplation or furtherance of a trade dispute, to attend at or near a house or place where a person resides or works or carries on business or happens to be, if they so attend merely for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or abstain from working.

**THE SCHEDULE.**

Schedule.

(Section 14.)

1. The name of the trade union.
2. The whole of the objects for which the trade union is to be established, the purposes for which the funds thereof shall be applicable, and the conditions under which any member may become entitled to any benefit assured thereby and the fines and forfeitures to be imposed on any member of the trade union.
3. The manner of making, altering, amending and rescinding rules.
4. A provision for the appointment and removal of a general committee of management, of a treasurer and other officers.
5. A provision for the keeping of full and accurate accounts by the treasurer.
6. A provision for the investment of the funds or their deposit in a bank and for an annual or periodical audit of accounts.
7. The inspection of the books and names of members of the trade union by every person having an interest in the funds of the trade union.
8. The manner of dissolving the trade union.

## CHAPTER 74.

## TRESPASS.

5 of 1904.  
2 of 1941.  
35 of 1949.  
10 of 1950.

## AN ORDINANCE RELATING TO TRESPASS.

[6th June, 1904.]

Short title.

1. This Ordinance may be cited as the Trespass Ordinance.

Interpre-  
tation.

2. In this Ordinance unless the context otherwise requires :—

“Animal” includes mare, horse, foal, mule, bull, cow, calf, swine, sheep, goat ;

“Common” means the fenced Crown land bounding Stanley on the south, east and west ;

“Owner” includes the person having the charge or custody of an animal.

Animal  
straying or  
trespassing  
may be  
impounded.

3. Any animal found straying in Stanley, or upon any Crown land or trespassing on any private fenced land, or tethered on any Crown land without a licence, or tethered otherwise than in the manner and place specified in such licence, or so tethered that it can trespass upon any road, path or drain, may be impounded in a public pound and the poundkeeper shall, unless he shall have given notice to the owner, place upon the Notice Board a description of such animal within twenty-four hours of such impounding : Provided that no penalty shall be imposed in respect of any animal found trespassing upon land having a gate opening on to the Common unless the Court shall be satisfied that such gate cannot be opened by an animal and was not left open.

Food and  
water to be  
supplied.

4. The poundkeeper shall provide any impounded animal with a sufficiency of food and water under a penalty for neglect of any sum not exceeding five pounds.

[Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

5. The owner of any impounded animal shall previously to such animal being released pay to the poundkeeper five shillings in respect of the first twenty-four hours or part thereof, and two shillings and sixpence in respect of every subsequent similar period that such animal shall remain in the pound.

Pound fees.  
35 of 1949.

6. Any person rescuing or unlawfully releasing any animal which has been lawfully seized and detained shall be liable to a penalty not exceeding two pounds.

Rescuing  
animal.

7. Any animal that shall have been in the pound for six days may on the application of the poundkeeper and by order of any justice be sold by public auction and the proceeds of such sale, after paying the pound and trespass fees (if any) and any expenses incurred, shall be paid to the owner, if known, or disposed of in such manner as the Governor may direct: Provided that two days' notice of the intended sale shall be given to the owner, if known, and if the owner be not known a particular description of the animal shall be posted up in some public place at least three days before such sale.

Sale of  
unclaimed  
animal.

8. Whenever any animal is found on the Common and the fees set forth in the Schedule hereto have not been paid in advance in respect of such animal the owner thereof shall be liable to a penalty not exceeding ten pounds.

Fees for  
Common.

9. Any person who shall wilfully, negligently or maliciously leave open any gate on or leading to or from the Common shall be liable to a penalty not exceeding ten pounds.

Penalty for  
leaving  
Common  
gate open.

10. The Governor may by notice in the Gazette constitute such public pounds as may be necessary, and from time to time appoint any persons to be the poundkeepers thereof, and whenever the Governor shall not have appointed a keeper of the pound in Stanley the Chief Constable shall be the keeper thereof.

Public  
pounds and  
keepers  
thereof.

11. The Governor in Council may make regulations modifying the amounts of pound fees and commonage fees and providing for the issue of licences hereunder and the form thereof, and otherwise for carrying out the provisions of this Ordinance.

Rules.  
10 of 1950.



## SCHEDULE.

2 of 1941.

Commonage in respect of	For any period not exceeding one month.	For one year.
Any horse, mule or cow ... ..	1/6	10/- (payable half-yearly.)
Any heifer between one and two years old ... ..	—	5/-
Any horse, for the season 1st October to 30th April 5/- ... ..	—	—
Any calf or foal not exceeding one year old ... ..	—	Free

## CHAPTER 75.

### UNITED KINGDOM DESIGNS (PROTECTION).

AN ORDINANCE TO PROVIDE FOR THE PROTECTION IN THE COLONY OF DESIGNS REGISTERED IN THE UNITED KINGDOM. 11 of 1928.  
7 of 1932.

[13th November, 1928.]

1. This Ordinance may be cited as the United Kingdom Designs (Protection) Ordinance, and shall apply to the Colony and the Dependencies. Short title  
and  
application.

2. Subject to the provisions of this Ordinance the registered proprietor of any design registered in the United Kingdom under the Patents and Designs Acts 1907 and 1919 or any Act amending or substituted for those Acts shall enjoy in the Colony the like privileges and rights as though the Certificate of Registration in the United Kingdom had been issued with an extension to the Colony. Extension to  
Colony of  
registration  
in United  
Kingdom.

3. The registered proprietor of a design shall not be entitled to recover any damages in respect of any infringement of copyright in a design from any defendant who proves that at the date of the infringement he was not aware nor had any reasonable means of making himself aware of the existence of the registration of the design : Damages not  
recoverable  
from  
innocent  
infringer.

Provided that nothing in this section shall affect any proceedings for an injunction.

4. The Supreme Court shall have power, upon the application of any person who alleges that his interests have been prejudicially affected, to declare that exclusive privileges and rights in a design have not been acquired in the Colony under the provisions of this Ordinance upon any of the grounds upon which the United Kingdom registration might be cancelled under the law for the time being in force in the United Kingdom. Such grounds shall be deemed to include the publication of the design in the Colony prior to the date of registration of the design in the United Kingdom. Supreme  
Court may  
declare  
registration  
not to be  
valid in  
Colony.  
7 of 1932.

## CHAPTER 76.

## WHALE FISHERY.

9 of 1936.

AN ORDINANCE TO CONSOLIDATE AND AMEND THE LAWS  
RELATING TO WHALE FISHERY.

[29th May, 1936.]

Short title.

1. This Ordinance may be cited as the Whale Fishery Ordinance.

Definitions.

2. In this Ordinance unless the context otherwise requires :—

“ Coastal waters ” means waters within a distance of three nautical miles from any point on the coast of the Colony measured from low water mark of ordinary spring tides ;

“ Catcher ” means a ship for taking whales ;

“ Factory ” does not include a ship ;

“ Master,” in relation to any ship, includes the person for the time being in command or charge of the ship and, in relation to a ship used for treating whales, includes the person for the time being in charge of the operations on board the ship in connection with such treatment ;

“ Prescribed ” means prescribed by regulations made under the authority of this Ordinance ;

“ Ship ” includes every description of vessel used in navigation not propelled by oars ;

“ Licensed Ship ” means a ship in respect of which the owner or charterer holds a licence under section 4 of this Ordinance.

---

[*Note.* This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

3. (1) If any person belonging to any ship while within the coastal waters of the Colony kills or takes, or attempts to kill or take—

Protection  
for certain  
classes of  
whales.

- (a) a right whale, or
- (b) an immature whale, or
- (c) a female whale which is accompanied by a calf,

that person and the master and the owner and the charterer (if any) of the ship shall each be liable to imprisonment for a term not exceeding three months, or to a fine not exceeding two hundred pounds and an additional fine not exceeding the value of the products (if any) obtained or obtainable from the whale in question, or to both such imprisonment and such fines.

(2) For the purposes of this section a whale of any description shall be deemed to be immature if it is less than such length as may be prescribed in relation to whales of that description :

Provided that the length prescribed for the purposes of this section in relation to blue whales shall not be less than sixty feet, and the length so prescribed in relation to fin whales shall not be less than fifty feet.

(3) In this section—

- (a) the expression “ calf ” includes a suckling whale ;
- (b) the expression “ right whale ” means a whale known by any of the names set out in Part I of the First Schedule to this Ordinance ;
- (c) the expression “ blue whales ” means whales known by any of the names set out in Part II of the First Schedule to this Ordinance ;
- (d) the expression “ fin whales ” means whales known by any of the names set out in Part III of the First Schedule to this Ordinance.

4. (1) Without prejudice to the provisions of the last foregoing section, no ship shall be used within the coastal waters of the Colony for taking and treating whales, and no factory situate in the Colony shall be used for treating whales, unless the owner or the charterer of the ship, or the occupier of the factory, is the holder of a licence in force

Whaling  
ships and  
whale-oil  
factories to  
be licensed.

under this Ordinance authorising the ship or the factory, as the case may be, to be so used.

(2) If any ship or factory is used for taking or treating whales in contravention of this section the master and the owner and the charterer (if any) of the ship, or the manager and the occupier of the factory, as the case may be, shall each be liable, in respect of each whale taken or treated in contravention of this section to imprisonment for a term not exceeding three months, or to a fine not exceeding two hundred pounds and an additional fine not exceeding the value of the products (if any) obtained or obtainable from the whale, or to both such imprisonment and such fines.

**Offences and  
Penalties.**

**5. If any person belonging to any ship :—**

- (a) Has in his possession, or in any ship under his command, any products obtained or obtainable from the whale for the lawful possession of which he cannot account satisfactorily ;
- (b) Employs any ship for the purpose of towing or buoying the body of any whale in the coastal waters of the Colony, unless he shall have been expressly authorised by licence or otherwise to do so ;
- (c) Employs any licensed ship to tow, buoy or manufacture within the coastal waters of the Colony bodies of whales taken or towed or buoyed outside the coastal waters of the Colony by any ship unlicensed ;

that person and the master and the owner and the charterer (if any) of the ship shall each be liable to imprisonment for a term not exceeding three months, or to a fine not exceeding two hundred pounds, or to both such imprisonment and fine.

**Grant of  
Licences.**

**6. (1)** On application made in the prescribed manner by the owner or charterer of any ship, or by the occupier of any factory situate in the Colony, and on payment of such fees as may be prescribed, the Colonial Secretary, or such other officer as the Governor may appoint for the purpose, shall, subject to the following provisions of this Ordinance, grant to the applicant a licence in the form of the Second Schedule to this Ordinance authorising the ship or factory to be used

for taking whales, or for treating whales, as the case may require.

(2) The fee prescribed in respect of the grant of a licence under this section shall not exceed—

- (a) two hundred pounds in the case of a licence authorising the use of a ship or factory for treating whales ; or
- (b) one hundred pounds in the case of a licence authorising the use of a ship for taking whales.

(3) The Colonial Secretary, or such other officer as the Governor may appoint for the purpose, may refuse to grant a licence under this section to any person who has been convicted of an offence under this Ordinance.

7. The Governor may remit the whole or part of any payment or fee prescribed in respect of any whaling licence by any regulations made thereunder.

Remission of whole or part of fees for whaling licences.

8. The Governor may give to the occupier of any factory to whom a lease of land within the Colony for treating whales is or has been granted an undertaking (which shall be subject to the provisions of this section) that the lessee will be granted a licence or licences annually, for such period not exceeding the duration of the lease and upon such terms and conditions consistent with the provisions of this Ordinance as the Governor may think fit ; and when any such undertaking has been given, then so long as the terms and conditions contained in the lease and licence or licences are duly complied with, such licence or licences shall be granted in accordance with the undertaking.

Security for granting of whaling licences.

9. (1) There shall be attached to every licence under this Ordinance authorising the use of a ship for taking whales a condition that the remuneration of the gunners and crew of the ship must, so far as it is calculated by reference to the results of their work, be calculated by reference to the size, species, oil-yield and value of the whales taken, and in such manner as to exclude remuneration in respect of any whale which is of less than such length as may be prescribed for the purposes of this section, or the taking of which is prohibited by this Ordinance.

Conditions attached to licences.

(2) There shall be attached to every licence under this Ordinance authorising the use of a ship or factory for treating whales, the following conditions, that is to say—

- (a) that there must be recorded in the prescribed manner and by the prescribed person—
  - (i) with respect to each whale treated in the ship or factory, the date and place of taking, the species and the sex of the whale, and such measurements and other biological information (including information as to the contents of its internal organs) as may be prescribed ; and
  - (ii) the prescribed particulars as to the number of whales treated in the ship or factory, and as to the yield of oil of different grades, and the quantities of meal, guano and other products derived from those whales ; and
- (b) that the ship or factory must be equipped with plant of a type approved by the Governor for the extraction of oil from the blubber, flesh and bones of whales, and that steps must be taken to ensure that the plant is kept in good order and operated efficiently ; and
- (c) that, except in the case of a whale or part of a whale intended to be used for human food, the oil must be extracted, by boiling or otherwise, from all whale blubber, from the heads and tongues of whales and from their tails as far forward as the outer opening of the lower intestine ; and
- (d) in the case of a factory, that adequate arrangements must be made for utilising residual products.

(3) There shall be attached to every licence under this Ordinance the condition that the records required by the licence to be kept must be transmitted, at such times and in such manner as may be prescribed, to the Colonial Secretary or such other officer as the Governor may appoint for the purpose.

(4) There may be attached to any licence under this Ordinance such conditions (if any) in addition to the conditions required by the foregoing provisions of this section,

as appear to the Governor to be necessary or expedient for the purpose of preventing so far as practicable—

- (a) any wastage of whales or whale products ; or
- (b) the taking of whales during certain seasons.

(5) Notwithstanding anything in the foregoing provisions of this section, no condition involving the substitution of one type of plant for another shall be attached to a licence under this section unless at least twelve months' notice of the intention to impose the condition has been given by the Colonial Secretary or such other officer as the Governor may appoint for the purpose in such manner as the authority think best for informing the persons concerned.

(6) The Colonial Secretary or such other officer as the Governor may appoint for the purpose may refuse to grant a licence under this Ordinance in respect of a ship or factory until the authority is satisfied, from an inspection of the ship or factory or by such other evidence as he may require, that any condition affecting the structure or equipment of the ship or factory which it is proposed to attach to the licence has been complied with.

(7) If any condition attached to a licence under this Ordinance is contravened or not complied with, then, in the case of a licence granted in respect of a ship, the master and (subject to the following provisions of this Ordinance) the owner and the charterer, if any, of the ship, or, in the case of a licence granted in respect of a factory, the manager and (subject as aforesaid) the occupier of a factory, shall each be liable to imprisonment for a term not exceeding three months, or to a fine not exceeding two hundred pounds, or to both such imprisonment and such fine ; and the Court by whom the offender is convicted may, if the Court think fit, cancel any licence granted under this Ordinance to the offender, being a licence which is for the time being in force in respect of the ship or factory, as the case may be, and that licence shall thereafter cease to be in force.

(8) Without prejudice to the provisions of the last foregoing subsection, if any person fails to keep any record in accordance with the conditions attached to a licence under this Ordinance or knowingly makes in any record which he is required by such conditions to keep, a statement false in any material particular, he shall be liable to imprisonment



for a term not exceeding three months, or to a fine not exceeding fifty pounds, or to both such imprisonment and such fine.

Permits to take and treat whales for scientific purposes.

**10.** (1) Notwithstanding anything in this Ordinance the Governor may grant to any person a special permit authorising that person to kill, take, and treat whales for purposes of scientific research or for other exceptional purposes, subject to such restrictions as to number, and subject to such other conditions as the Governor may think fit, and the killing, taking or treating of whales in accordance with a permit in force under this section shall be exempt from the operation of the foregoing provisions of this Ordinance.

(2) The Governor may at any time revoke a permit granted by him under this section.

The Governor in Council may make regulations.

**11.** The Governor in Council may from time to time make regulations :—

- (a) For fixing the terms and conditions on which licences to take and treat whales may be granted ;
- (b) For regulating the number of licences to be granted in any year ;
- (c) For defining the limits within which any holder of a licence shall be allowed to take whales ;
- (d) For regulating the number of whales to be taken in any year by any holder of a licence to take whales ;
- (e) For disposing by sale or otherwise of any whales, or the products obtained or obtainable from whales forfeited under the provisions of this Ordinance ;
- (f) For authorising the maintenance of spare whale catchers, regulating the use thereof ; and prescribing fees in respect thereof, and
- (g) generally for carrying out the provisions of this Ordinance, and the intent and object thereof.

And the Governor in Council may impose fines not exceeding fifty pounds for the breach of such regulations.

12. (1) In any proceedings taken by virtue of this Ordinance against the owner or charterer of a ship or against the occupier of a factory in respect of any act or omission on the part of another person, it shall be a good defence for the owner, charterer or occupier, as the case may be, to prove that the act or omission took place without his knowledge or connivance and was not facilitated by any negligence on his part.

Legal Proceedings.

(2) Proceedings in respect of offences under this Ordinance, or under any regulations made thereunder, may be taken, before the magistrate or any two justices of the peace in a summary manner, or in the Supreme Court of the Colony :

Provided that any fine imposed by the magistrate or two justices of the peace shall not exceed one hundred pounds, exclusive of costs.

13. For all purposes of and incidental to the trial and punishment of any person accused of any offence under this Ordinance, and the proceedings and matters preliminary and incidental to and consequential on his trial and punishment, and for all purposes of and incidental to the jurisdiction of any Court, or of any constable or officer with reference to such offence, the offence shall be deemed to have been committed either in the place in which it was actually committed or in any place in which the offender may for the time being be found.

Venue.

14. Any fine adjudged under this Ordinance to be paid by the master, the owner or the charterer (if any) of a ship, may be recovered in the ordinary way, or, if the Court think fit so to order, by distress or arrest and sale of the ship to which the offender belongs, and her tackle, apparel, and furniture, and any property on board thereof or belonging thereto, or any part thereof.

Recovery of penalties.

15. Service of any summons or other matter in any legal proceedings under this Ordinance shall be good service if made personally on the person to be served, or at his last place of abode, or if made by leaving such summons or other matter for him on board any ship to which he may belong, with the person being or appearing to be in command or charge of such ship.

Service of summons.

Derelict  
whales.

16. Notwithstanding anything in this Ordinance contained, the owner or lessee of any land or the agent of such owner or lessee, may take possession of any derelict whale found on such land, or on the coast or shore adjacent thereto, but such whale or any part thereof may not be appropriated by such owner or lessee, or agent as aforesaid, except with the permission of, and on such special terms and conditions in respect of royalty and otherwise as may be approved by the Governor in Council.

Penalty for  
appropriat-  
ing any  
derelict  
whale with-  
out  
authority.

17. Any person who appropriates any derelict whale or any part thereof in contravention of the foregoing section shall be liable to a fine not exceeding one hundred pounds.

### FIRST SCHEDULE.

#### Names of Whales.

##### PART I.

##### *Right Whales.*

Atlantic right whale.	North Atlantic right whale.
Arctic right whale.	North Cape whale.
Biscayan right whale.	Pacific right whale.
Bowhead.	Pigmy right whale.
Greenland right whale.	Southern pigmy right whale.
Greenland whale.	Southern right whale.
Nordkaper.	

##### PART II.

##### *Blue Whales.*

Blue whale.	Sulphur bottom.
Sibbald's rorqual.	

##### PART III.

##### *Fin Whales.*

Common finback.	Fin whale.
Common finner.	Herring whale.
Common rorqual.	Razorback.
Finback.	True fin whale.

**SECOND SCHEDULE.**

FALKLAND ISLANDS.

THE WHALE FISHERY ORDINANCE.

**Licence.**

No.....19.....

WHALING SEASON.....

Subject to the provisions of the Whale Fishery Ordinance and to the regulations made from time to time thereunder, and the conditions attached hereto, a Licence is hereby granted to the.....  
.....  
of.....  
to take whales in the territorial waters of.....  
....., and to render, boil down, treat or manufacture whale carcasses or any part thereof by means of a ship or factory for treating whales.

The period during which whales may be taken shall be  
.....  
.....

Vessels to be employed under this Licence—

Ship for treating Whales.....

Whale Catcher.....

do. ....

Colonial Secretary.

## CHAPTER 77.

## WILD ANIMALS AND BIRDS PROTECTION.

1 of 1913.  
9 of 1914.  
27 of 1949.  
29 of 1949.

AN ORDINANCE TO AMEND THE LAW WITH REGARD TO THE  
PRESERVATION OF WILD ANIMALS AND BIRDS.

[22nd March, 1913.]

Short title.

1. This Ordinance may be cited as the Wild Animals and  
Birds Protection Ordinance.

## Part I.

## GENERAL.

Offences  
with regard  
to wild  
animals and  
birds men-  
tioned in  
Schedule I.

2. Any person who—

- (a) knowingly kills or attempts to kill, or wounds or takes any wild animal or bird specified in the First Schedule to this Ordinance ; or
- (b) uses any lime, trap, net, snare or other instrument for the purpose of killing or taking any such wild animal or bird ; or
- (c) has in his control or possession or exposes or offers for sale or exports or attempts to export any such wild animal or bird killed or taken, or any part of any such wild animal or bird so killed or taken,

shall commit an offence and shall be liable to a fine not exceeding ten pounds for every such wild animal or bird or part of an animal or bird.

Offences  
with regard  
to wild  
animals or  
birds men-  
tioned in  
Schedule II.

3. Any person who, during the period between the first day of August in any year and the last day of February in the following year, both days included (which period is hereinafter called the close season)—

- (a) knowingly kills or attempts to kill or wounds or takes any wild animal or bird specified in the Second Schedule to this Ordinance ; or

[Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

- (b) uses any lime, trap, net, snare, or other instrument for the purpose of killing or taking any such wild animal or bird ; or
- (c) has in his control or possession or exposes or offers for sale or exports or attempts to export any such wild animal or bird, or any part of any such wild animal or bird, killed or taken during the close season ;

shall commit an offence and shall be liable, on conviction, to a penalty not exceeding one pound for every wild animal or bird or part of a wild animal or bird in respect of which an offence has been committed.

4. Whenever in any proceedings under sections 2 or 3 of this Ordinance it is alleged that the wild animal or bird in respect to which or to any part of which the charge is laid was killed or taken without the limits of the Colony or at a time when such bird might lawfully be killed or taken, the proof of such circumstance shall lie on the person alleging the same.

Burden of proof in certain cases.

5. Notwithstanding anything contained in this Part of this Ordinance the Governor may, for such time and subject to such conditions as he thinks fit, authorise any person to kill or take any wild animal or bird, specified in the schedules, and to export such animal or bird.

Power of Governor to grant licences.

6. The magistrate in any Dependency may authorise the killing or taking in that Dependency of any wild animal or bird specified in the schedules, and the export from that Dependency of any such animal or bird.

Power of Magistrate to grant licence.

7. (a) The Governor in Council may order that the name or names of any wild animal or bird shall be added to or expunged from the list of animals and birds contained in Schedules I and II to this Ordinance and while such order remains in force this Ordinance shall be read and shall have effect as if the name of the animal or bird so added had been inserted or as if the name of the animal or bird so expunged had not been specified in the Schedule mentioned in such order.

Power of Governor in Council to alter Schedules.

(b) Such order may apply either to the whole of the Colony and its Dependencies or to any part of such whole.

Power of  
Governor in  
Council to  
vary the  
close season.

8. (a) The Governor in Council may by Proclamation vary the close season established by section 3 of this Ordinance or by any such Proclamation with regard to any or all of the wild animals or birds named in the Second Schedule to this Ordinance, and while any such Proclamation remains in force this Ordinance shall be read subject to the variation made by such Proclamation.

(b) Such Proclamation may apply either to the whole of the Colony and its Dependencies or to any part of such whole.

## Part II.

9 of 1914.

### PENGUINS.

Unlawful  
to take  
penguins'  
eggs without  
a licence.  
29 of 1949.

9. Any person who shall take or destroy any penguins' eggs without a licence under this Ordinance or contrary to the terms and conditions thereof or shall aid and abet any person not so licensed to take or destroy any penguins' eggs shall commit an offence and be liable to a fine not exceeding ten shillings for every egg so taken or destroyed.

Granting of  
licences.

10. The Colonial Secretary, a magistrate, a justice of the peace, a Deputy Collector of Customs, or such other officer or officers as the Governor may appoint for the purpose, may grant licences to take penguins' eggs to such persons as may apply for them for such periods, and on such terms and conditions in respect of the number and description of eggs to be taken, the territorial limits within which they may be taken under such licences, and the payment to be made in respect thereof, as may be approved by the Governor.

Governor in  
Council may  
make  
regulations.

11. The Governor in Council may, from time to time, make regulations for carrying out the provisions of this Ordinance and the intent and object thereof, and may impose penalties not exceeding ten pounds for the breach of such regulations.

Regulations  
to be pub-  
lished in the  
Gazette.

12. All regulations made in pursuance of this Ordinance shall be published in the Gazette and shall come into force on such day as the Governor may direct by notice published in the Gazette.

13. Any person who shall, without a licence or contrary to the terms and conditions of any licence which may have been granted to him under this Ordinance, take, or destroy, or incite any other person to take or destroy any penguins' eggs, shall on conviction before a magistrate, or any two justices of the peace, forfeit and pay for every egg so taken or destroyed a sum not exceeding five shillings.

Penalty for taking penguins' eggs without a licence.

14. Any owner or master or other person in charge of any vessel who shall permit such vessel, or any boat or canoe belonging to such vessel, to be employed in taking or destroying penguins' eggs, or who shall permit or negligently suffer any person belonging to such vessel to be employed in taking or destroying penguins' eggs, contrary to the provisions of this Part of this Ordinance, shall forfeit any eggs so taken and any eggs found in his possession, and in addition thereto shall be liable to a penalty not exceeding fifty pounds for each offence.

Liability of an owner or master of a vessel.

15. For all purposes of and incidental to the trial of any person accused of any offence under this Ordinance, and the proceedings and the jurisdiction of any Court, the offence shall be deemed to have been committed either in the place in which it was actually committed or in any place in which the offender may for the time being be found.

Venue.

16. Any penalty adjudged under this Ordinance to be paid by the owner or master, or other person in charge of a vessel, may be recovered in the ordinary way, or, if the Court think fit so to order, by distress or arrest and sale of the vessel to which the offender belongs, and her tackle, apparel, and furniture, and any property on board thereof or belonging thereto, or any part thereof.

Recovery of penalties.

17. The Governor, and any person duly authorised by him in writing, may take or destroy for a scientific or any other special purpose, any penguins' eggs, and in so doing shall be exempt from any penalties and forfeitures under this Part of this Ordinance.

Special exemption.



**SCHEDULE I.**

Cocoi Heron.	Flamingo.
Reindeer.	Red-breasted Starling
Penguins (all varieties).	( <i>Trupialis falklandicus</i> ).
Partridge.	Cape Horn Otter.
Upland Goose (South Georgia only).	

**SCHEDULE II.**

---

Widgeon.	Snipe.
Grey Duck.	Pampa Teal.
Teal.	Cinnamon Teal.
Pintail Duck.	

## CHAPTER 78.

## WIRELESS TELEGRAPHY.

AN ORDINANCE TO REGULATE WIRELESS TELEGRAPHY AND 7 of 1925.  
SIMILAR METHODS OF COMMUNICATION.

[30th November, 1925.]

1. This Ordinance may be cited as the Wireless Telegraphy Ordinance. Short title.

2. The expression "Wireless telegraphy" means any system of communication by means of any apparatus for transmitting messages or other communications by means of electric signals without the aid of any wire connecting the points from and at which the messages or other communications are sent or received and shall include wireless telephony. Definition.

3. (1) No person shall establish or maintain any wireless telegraph station, or install or work or maintain any apparatus for wireless telegraphy in any place in the Colony or on board any ship or aircraft registered in the Colony, except under and in accordance with a licence granted in that behalf by the Governor in Council. Wireless installations to be licensed.

(2) Every such licence shall be in such form and for such period as the Governor in Council may determine, and shall contain the terms, conditions and restrictions on and subject to which the licence is granted. Conditions of licences to be fixed by Governor in Council.

(3) Where an applicant for a licence proves to the satisfaction of the Governor in Council that the sole object of obtaining the licence is to enable him to conduct experiments in wireless telegraphy, a licence for that purpose may be granted, subject to such special terms, conditions and restrictions, as the Governor in Council may think proper. Experimental licences.

(4) Any person who establishes a wireless telegraph station without a licence, or installs or works any apparatus for wireless telegraphy without a licence, shall be liable on conviction to a penalty not exceeding one hundred pounds Penalties for installing wireless apparatus without a licence.

[Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

or to imprisonment not exceeding six months and in either case be liable to forfeit any apparatus for wireless telegraphy installed or worked without a licence.

Power to  
issue search  
warrant.

(5) If a Justice of the Peace is satisfied by information on oath that there is reasonable ground for suspecting that a wireless telegraphy station has been established or maintained without a licence, or that any apparatus for wireless telegraphy has been installed or worked or maintained in any place or in any ship or aircraft within his jurisdiction without a licence, or contrary to the provisions of any regulations made under this Ordinance, he may grant a search warrant, and a warrant so granted shall authorise the police officer or person named therein to enter and inspect the station, place or ship or aircraft, and to seize any apparatus which appears to him to be used or intended to be used for wireless telegraphy therein.

Power of  
Governor in  
Council to  
make  
regulations  
and pre-  
scribe fees.

4. (1) The Governor in Council may make regulations—

- (a) prescribing the form and manner in which applications for licences under this Ordinance are to be made and the fees payable on the grant or renewal of any such licence ;
- (b) requiring any operators or other persons engaged in the working of wireless telegraphy to be provided with certificates and making provision as to the manner and the conditions of the issue and renewal of such certificate, including examination and tests to be undergone ;
- (c) as to the working of any apparatus for wireless telegraphy installed in ships and aircraft not registered in the Colony while such ships are in any harbour or the territorial waters of the Colony, and such aircraft are upon or over the territory or territorial waters of the Colony ;
- (d) for giving effect to the provisions of any international convention to which the Government of the Colony has acceded and any regulation made thereunder so far as the same relate to wireless telegraphy ;
- (e) generally for more effectually carrying into effect any of the purposes or provisions of this Ordinance.

(2) Any person acting in contravention of, or failing to comply with a regulation made under this section, shall be liable to imprisonment for a term not exceeding six months or a fine not exceeding fifty pounds or both penalties, and in the case of a continued offence, a further fine not exceeding five pounds for each day during which the offence continued. He shall further be liable to forfeit any apparatus for wireless telegraphy in respect of which the offence is committed.

5. Any person who—

- (a) sends or attempts to send by wireless telegraphy a signal of distress or a false or misleading message as to a vessel in distress ; or
- (b) improperly divulges the purport of any message sent or proposed to be sent by wireless telegraphy ;

Penalties for improper use of wireless signalling and disclosure of messages.

shall be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding six months or to both penalties and to forfeit any licence granted under this Ordinance and any apparatus by means of which the offence was committed.

6. If at any time in the opinion of the Governor an emergency has arisen in which it is expedient for the public service that His Majesty's Government should have control over the transmission of messages by wireless telegraphy it shall be lawful for the Superintendent of Posts and Telegraphs with the approval of the Governor or any other person authorised in that behalf by the Governor to take possession forthwith of any apparatus for any such purposes, and, during the continuance of the emergency, it shall be lawful for the Governor in Council to make such further rules as appear necessary with respect to the possession, sale, purchase, construction and use of apparatus for any such purpose or component parts of such apparatus.

Emergency control.

Any person acting in contravention of any such regulation shall be liable on conviction to imprisonment for a term not exceeding six months or a fine not exceeding fifty pounds or both penalties.

## CHAPTER 79.

## WORKMEN'S COMPENSATION.

4 of 1937.  
7 of 1939.  
13 of 1948.  
23 of 1949.

AN ORDINANCE TO PROVIDE FOR THE PAYMENT OF COMPENSATION TO WORKMEN FOR INJURIES SUFFERED IN THE COURSE OF THEIR EMPLOYMENT.

[20th November, 1937.]

**Preliminary.**

Short title.

1. This Ordinance may be cited as the Workmen's Compensation Ordinance.

Interpretation.

23 of 1949.

2. (1) In this Ordinance :—

“Adult” and “Minor” mean respectively a person who is not and a person who is under the age of eighteen years ;

“Commissioner” means a Commissioner for Workmen's Compensation appointed under section 20 ;

“Compensation” means compensation as provided for by this Ordinance ;

“Dependants” means such of the members of the workman's family as were wholly or in part dependent upon the earnings of the workman at the time of his death, or would but for the incapacity due to the accident have been so dependent, and where the workman, being the parent or grandparent of an illegitimate child, leaves such a child so dependent upon his earnings, or, being an illegitimate child, leaves a parent or grandparent so dependent upon his earnings, shall include such an illegitimate child and parent or grandparent respectively :

Provided that a person shall not be deemed to be a partial dependant of a workman unless he was dependent partially on contributions from the workman for the provision of the ordinary necessities of life suitable for persons in his class and position ;

---

[Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

"Employer" includes His Majesty in His Government of the Colony, and any body of persons whether incorporated or not, and any managing agent of an employer, and the legal representative of a deceased employer, and, where the services of a workman are temporarily lent or let on hire to another person by the person with whom the workman has entered into a contract of service or apprenticeship, the latter shall, for the purposes of this Ordinance, be deemed to continue to be the employer of the workman whilst he is working for that other person.

In relation to a person engaged in plying for hire with any vehicle, the use of which is obtained by that person under a contract of bailment (other than a hire purchase agreement), the person from whom the user of the vehicle is so obtained shall be deemed to be the employer. 7 of 1939.

In relation to a person employed for the purposes of any game or recreation and engaged or paid through a club, the manager, or members of the managing committee of the club shall be deemed to be the employer ;

"Managing agent" means any person appointed or acting as the representative of another person for the purpose of carrying on such other person's trade or business, but does not include an individual manager subordinate to an employer ;

"Member of a family" means wife or husband, father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother, half-sister ;

"Outworker" means a person to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished, or repaired, or adapted for sale in his own home or on other premises not under the control or management of the person who gave out the materials or articles ;

"Partial disablement" means, where the disablement is of a temporary nature, such disablement as reduces the earning capacity of a workman in any employment

in which he was engaged at the time of the accident resulting in the disablement, and, where the disablement is of a permanent nature, such disablement as reduces his earning capacity in every employment which he was capable of undertaking at that time :

Provided that every injury specified in the Schedule hereto shall be deemed to result in permanent partial disablement ;

Chapter 45.

“ Qualified medical practitioner ” means a member of the medical profession registered under the Medical Practitioners Midwives and Dentists Ordinance ;

“ Registrar ” means the Registrar of the Supreme Court ;

“ Total disablement ” means such disablement, whether of a temporary or permanent nature, as incapacitates a workman for all work which he was capable of performing at the time of the accident resulting in such disablement :

Provided that permanent total disablement shall be deemed to result from the permanent total loss of the sight of both eyes or from any combination of injuries specified in the Schedule hereto where the aggregate percentage of the loss of earning capacity, as specified in that Schedule against those injuries, amounts to one hundred per cent ;

“ Wages ” includes any privilege or benefit which is capable of being estimated in money, other than a travelling allowance or the value of any travelling concession, or a contribution paid by the employer of a workman towards any pension or provident fund, or a sum paid to a workman to cover any special expenses entailed on him by the nature of his employment ;

“ Workman ” means any person who has entered into or works under a contract of service or apprenticeship with an employer, whether the contract was made before or after the commencement of this Ordinance and whether such contract is expressed or implied, is oral or in writing ; and also includes a person engaged in plying for hire with any vehicle the use of which is obtained by that person under any contract of bailment

(other than a hire purchase agreement) in consideration of the payment of a fixed sum or a share in the earnings or otherwise :

Provided that the following persons shall not be regarded as workmen for the purposes of this Ordinance—

- (a) persons employed otherwise than by way of manual labour whose remuneration exceeds three hundred and fifty pounds a year ; or <sup>7 of 1939.</sup>
- (b) persons whose employment is of a casual nature and who are employed otherwise than for the purposes of the employer's trade or business, not being persons employed for the purposes of any game or recreation and engaged or paid through a club ; or
- (c) out-workers ; or
- (d) persons in the naval, military or air forces of the Crown ; or
- (e) members of the employer's family dwelling in his house.

(2) Any reference to a workman who has been injured shall, where the workman is dead, include a reference to his legal personal representative or to his dependants or other person to whom or for whose benefit compensation is payable.

(3) The exercise and performance of the powers and duties of a local or other public authority or of any department of the Government shall for the purposes of this Ordinance, unless a contrary intention appears, be deemed to be the trade or business of such authority or department.

(4) If on any proceedings for the recovery of compensation under this Ordinance it appears to the Commissioner by whom the claim to compensation is to be settled that the contract of service or apprenticeship under which the injured person was working at the time when the accident causing the injury happened was illegal, he may, if having regard to all the circumstances of the case he thinks proper so to do, deal with the matter as if the injured person had at the time aforesaid been a person working under a valid contract of service or apprenticeship.



**Compensation.**

Employer's  
liability for  
compensa-  
tion.

3. (1) If personal injury is caused to a workman by accident arising out of and in the course of his employment, his employer shall be liable to pay compensation in accordance with the provisions of this Ordinance :

Provided that the employer shall not be so liable—

Slight injury.

(a) in respect of any injury which does not result in the total or partial disablement of the workman for a period exceeding three days ;

7 of 1939.

Misconduct.

(b) in respect of any injury to a workman resulting from an accident which is directly attributable to—

(i) the workman having been at the time thereof under the influence of drink or drugs, or

(ii) the wilful disobedience of the workman to an order expressly given, or to a regulation or rule expressly made, for the purpose of securing the safety of workmen, or

(iii) the wilful removal or disregard by the workman of any safety guard or other device which he knew to have been provided for the purpose of securing the safety of workmen.

Disease.

(2) No compensation shall be payable to a workman in respect of any disease unless the disease is solely and directly attributable to a specific injury by accident arising out of and in the course of his employment.

Liability for  
negligence.

(3) When the injury was caused by the personal negligence or wilful act of the employer or of some person for whose act or default the employer is responsible, nothing in this Ordinance shall affect any civil liability of the employer, but in that case the workman may, at his option, either claim compensation under this Ordinance or take proceedings independently of this Ordinance ; but the employer shall not be liable to pay compensation for injury to a workman by accident arising out of and in the course of his employment both independently of and also under this Ordinance, and shall not be liable to any proceedings independently of this Ordinance, except in case of such personal negligence or wilful act as aforesaid

(4) If, within the time hereinafter in this Ordinance limited for taking proceedings, an action is brought to recover damages independently of this Ordinance for injury caused by an accident, and it is determined in such action or on appeal that the injury is one for which the employer is not liable in such action, but that he would have been liable to pay compensation under the provisions of this Ordinance, the action shall be dismissed; but the Court in which the action is tried, or, if the determination is the determination on an appeal (by either party) by an appellate tribunal, that tribunal, shall, if the plaintiff so choose, proceed to assess such compensation, but may deduct from such compensation all or part of the costs which, in its judgment, have been caused by the plaintiff bringing the action instead of proceeding under this Ordinance. In any proceeding under this subsection, when the Court or appellate tribunal assesses the compensation, it shall give a certificate of the compensation it has awarded and the directions it has given as to the deduction of costs, and such certificate shall have the force and effect of and shall be registered as an agreement under this Ordinance:

Independent  
action.

Provided that an appellate tribunal may, instead of itself assessing such compensation, remit the case to a Commissioner for the assessment of the compensation and in such case may order the Commissioner to deduct from the amount of compensation assessed by him all or part of such cost as aforesaid.

4. (1) Subject to the provisions of this Ordinance, the amount of compensation shall be as follows, namely:—

Amount of  
compensa-  
tion.

(a) Where death results from the injury and—

Death.

- (i) the workman leaves a dependant or dependants wholly dependent upon his earnings, a sum equal to thirty-six months' wages or six hundred pounds whichever is the less;
- (ii) the workman does not leave a dependant or dependants wholly dependent upon his earnings, but leaves a dependant or dependants in part so dependent, such sum not exceeding the amount of compensation payable under the preceding paragraph as may be agreed upon or in default of agreement as may be awarded

23 of 1949.  
7 of 1939.

- by the Commissioner to be reasonable and proportionate to the injury to the said dependant or dependants ;
- 7 of 1939. (iii) the workman leaves no dependants, the reasonable expenses of the burial of the deceased workman and the reasonable expenses of the medical attendance on the deceased workman, not exceeding in all the sum of fifteen pounds.
- Permanent total disablement.  
13 of 1948.  
7 of 1939. (b) Where permanent total disablement results from the injury—
- (i) in the case of an adult, a sum equal to forty-eight months' wages or seven hundred and fifty pounds, whichever is the less, and
- (ii) in the case of a minor, a sum equal to ninety-six months' wages or seven hundred and fifty pounds, whichever is less.
- 23 of 1949.  
7 of 1939. (c) Where permanent partial disablement results from the injury—
- (i) in the case of an injury specified in the Schedule hereto, such percentage of the compensation which would have been payable in the case of permanent total disablement as is specified therein as being the percentage of the loss of earning capacity caused by that injury, and
- (ii) in the case of an injury not specified in the Schedule hereto, such percentage of the compensation payable in the case of permanent total disablement as is proportionate to the loss of earning capacity permanently caused by the injury.
- Where more injuries than one are caused by the same accident, the amount of the compensation payable under this head shall be aggregated, but not so in any case as to exceed the amount which would have been payable if permanent total disablement had resulted from the injuries.
- Temporary disablement. (d) Where temporary disablement, whether total or partial, results from the injury, a half-monthly payment payable on the sixteenth day from the date of the disablement, and thereafter half-monthly

during the disablement or during a period of five years, whichever period is shorter—

- (i) in the case of an adult, of a sum equal to one-fourth of his monthly wages, and
- (ii) in the case of a minor, of a sum equal to one-third of his monthly wages :

Provided that there shall be deducted from any lump sum or half-monthly payments to which the workman is entitled the amount of any payment or allowance which the workman has received from the employer by way of compensation during the period of disablement prior to the receipt of such lump sum or of the first half-monthly payment, as the case may be, and no half-monthly payment shall in any case exceed the amount, if any, by which half the amount of the monthly wages of the workman before the accident exceeds half the amount of such wages as he is earning or is able to earn in some suitable employment or business after the accident :

Provided further that if the disablement lasts less than four weeks, no compensation shall be payable in respect of the first three days. 7 of 1939.

(2) On the ceasing of the disablement before the date on which any half-monthly payment falls due, there shall be payable in respect of that half month a sum proportionate to the duration of the disablement in that half month.

5. (1) For the purposes of section 4 the monthly wages of a workman shall be calculated as follows, namely— Method of calculating wages.

(a) where the workman has, during a continuous period of not less than twelve months immediately preceding the accident, been in the service of the employer who is liable to pay compensation, the monthly wages of the workman shall be one-twelfth of the total wages which have fallen due for payment to him by the employer in the last twelve months of that period ;

(b) in other cases, the monthly wages shall be thirty-six times the total wages earned in respect of the last continuous period of service immediately preceding the accident from the employer who is liable to pay compensation, divided by the number of days comprising such period : 23 of 1949.

Provided that if the amount of the monthly wages arrived at by calculation under clause (a) or clause (b) is more than twelve pounds and ten shillings, such monthly wages shall be assumed to be twelve pounds and ten shillings.

(2) A period of service shall, for the purposes of this section, be deemed to be continuous which has not been interrupted by a period of absence from work exceeding fourteen days.

Review.

6. (1) Any half-monthly payment payable under this Ordinance either under an agreement between the parties or under the order of a Commissioner, may be reviewed by the Commissioner on the application either of the employer or of the workman accompanied by the certificate of a qualified medical practitioner that there has been a change in the condition of the workman or, subject to regulations made under this Ordinance, on application made without such certificate.

(2) Any half-monthly payment may, on review under this section, subject to the provisions of this Ordinance, be continued, increased, decreased or ended, or, if the accident is found to have resulted in permanent disablement, be converted to the lump sum to which the workman is entitled less any amount which he has already received by way of half-monthly payments.

Payment of  
lump sum  
in lieu of  
payments.

7. Any right to receive half-monthly payments may, by agreement between the parties, or, if the parties cannot agree and the payments have been continued for not less than six months, on the application of either party to the Commissioner, be redeemed by the payment of a lump sum of such amount as may be agreed to by the parties or determined by the Commissioner, as the case may be.

Distribution  
of com-  
pensation  
on death.

8. (1) Compensation payable where the death of a workman has resulted from an injury shall be deposited with the Registrar, and any sum so deposited shall be apportioned among the dependants of the deceased workman or any of them in such proportion as the Commissioner thinks fit, or may in the discretion of the Commissioner, be allotted to any one such dependant, and the sum so allotted to any dependant shall be paid to him or be invested, applied or otherwise dealt with for his benefit in such manner as the Commissioner thinks fit.

(2) Compensation payable where permanent disablement has resulted from an injury, and lump sums payable under the provisions of the preceding section where temporary disablement has resulted from an injury, shall be deposited with the Registrar, and any sum so deposited shall be paid to the person entitled thereto or be invested, applied or otherwise dealt with for his benefit in such manner as the Commissioner thinks fit. Lump sums.

(3) Any other compensation payable under this Ordinance may be deposited with the Registrar and, when so deposited, shall be paid by the Registrar to the person entitled thereto. Other cases.

(4) The receipt of the Registrar shall be a sufficient discharge in respect of any amount deposited with him under the provisions of this Ordinance. Receipt of Registrar.

(5) On the deposit of any money under subsection (1), the Registrar may deduct therefrom the actual cost of the workman's funeral expenses, to an amount not exceeding fifteen pounds, and pay the same to the person by whom such expenses were incurred, and shall, if he thinks necessary, cause notice to be published or to be served on each dependant in such manner as he thinks fit, calling upon the dependants to appear before the Commissioner on such date as he may fix for determining the distribution of the compensation. If the Commissioner is satisfied, after any inquiry which he may deem necessary, that no dependant exists, he shall direct the Registrar to repay the balance of the money to the employer by whom it was paid. The Registrar shall, on application by the employer, furnish a statement showing in detail all disbursements made. Notice to dependants.  
23 of 1949.

(6) Where a half-monthly payment is payable under this Ordinance to a workman under any legal disability, the Commissioner may, of his own motion or on application made to him in this behalf, order that the half-monthly payment be paid during the disability to any dependant of the workman or to any other person whom he thinks best fitted to provide for the welfare of the workman. Workman under disability.

(7) Where, on application made to him in this behalf or otherwise, the Commissioner is satisfied that, on account of neglect of children on the part of a parent, or on account of the variation of the circumstances of any dependant, or Variation of order.

for any other sufficient cause, an order of the Commissioner as to the distribution of any sum paid as compensation or as to the manner in which any sum payable to any such dependant is to be invested, applied or otherwise dealt with ought to be varied, the Commissioner may make such order for the variation of the former order as he thinks just in the circumstances of the case :

Provided that no such order prejudicial to any person shall be made unless such person has been given an opportunity of showing cause why the order should not be made, or shall be made in any case in which it would involve the repayment by a dependant of any sum already paid to him.

Deductions  
for costs.

(8) The solicitor or agent of a person claiming compensation under this Ordinance shall not be entitled to recover from him any costs in respect of such claim or to claim a lien in respect of such costs on, or deduct such costs from, the sum awarded or agreed as compensation, except such sum as may be awarded by a Commissioner, subject to regulations made under this Ordinance, on an application made either by the person claiming compensation, or by his solicitor or agent to determine the amount of the costs to be paid to the solicitor or agent.

Compensation not to be assigned, attached or charged.

9. Save as provided by this Ordinance, no lump sum or half-monthly payment payable under this Ordinance shall be capable of being assigned, charged or attached or shall pass to any person other than the workman by operation of law, nor shall any claim be set off against the same.

Notice and claim.

10. (1) Proceedings for the recovery under this Ordinance of compensation for an injury shall not be maintainable unless notice of the accident has been given as soon as practicable after the happening thereof and before the workman has voluntarily left the employment in which he was injured, and unless the claim for compensation with respect to such accident has been made within six months from the occurrence of the accident causing the injury, or, in case of death, within six months from the time of death :

Provided that—

(a) the want of or any defect or inaccuracy in such notice shall not be a bar to the maintenance of such proceedings if the employer is proved to have

had knowledge of the accident from any other source at or about the time of the accident, or if it is found in the proceedings for settling the claim that the employer is not, or would not, if a notice or an amended notice were then given and the hearing postponed, be prejudiced in his defence by the want, defect or inaccuracy, or that such want, defect or inaccuracy was occasioned by mistake, absence from the Colony, or other reasonable cause ; and

- (b) the failure to make a claim within the period above specified shall not be a bar to the maintenance of such proceedings if it is found that the failure was occasioned by mistake, absence from the Colony, or other reasonable cause.

(2) Notice in respect of an injury under this Ordinance may be given either in writing or orally to the employer (or if there is more than one employer to one of such employers) or to any foreman or other official under whose supervision the workman is employed or to any person designated for the purpose by the employer, and shall give the name and address of the person injured, and shall state in ordinary language the cause of the injury and the date at which the accident happened.

(3) The notice if in writing may be given by delivering the same at, or sending it by post in a registered letter addressed to the residence or place of business of the person to whom it is to be given.

(4) Where the employer is a body of persons, corporate or unincorporate, the notice, if in writing, may also be given by delivering it or by sending it by post in a registered letter addressed to the employer at the office, or, if there be more than one office, any one of the offices, of such body.

11. (1) Where a workman has given notice of an accident or where an accident has occurred in respect of which the necessity of giving notice under this Ordinance is dispensed with, a workman shall, if the employer offers to have him examined free of charge by a qualified medical practitioner, submit himself for such examination, and any workman who is in receipt of a payment under this Ordinance shall, if so required, submit himself for such examination from time to time :

Medical  
examina-  
tion.



Provided that a workman shall not be required to submit himself for examination by a medical practitioner otherwise than in accordance with regulations made under this Ordinance, or at more frequent intervals than may be prescribed.

Refusal to  
be examined.

(2) If a workman, being required to do so by the employer under subsection (1) or by the Commissioner at any time, refuses to submit himself for examination by a qualified medical practitioner or in any way obstructs the same, his right to compensation shall be suspended during the continuance of such refusal or obstruction unless, in the case of refusal, he was prevented by any sufficient cause from so submitting himself.

Leaving  
vicinity prior  
to examina-  
tion.

(3) If a workman, before the expiry of three days from the time at which service of notice of an accident has been effected or, when an accident occurs in respect of which the necessity of giving notice under this Ordinance is dispensed with, before the expiry of three days from the date of such accident, voluntarily and without due cause leaves the vicinity of the place in which he was employed without having been examined by a qualified medical practitioner, his right to compensation shall be suspended until he returns and offers himself for such examination.

Death prior  
to examina-  
tion.

(4) Where a workman, whose right to compensation has been suspended under subsection (2) or subsection (3), dies without having submitted himself for medical examination as required by either of those subsections, the Commissioner may, if he thinks fit, direct the payment of compensation to the dependants of the deceased workman.

Compensa-  
tion not  
payable  
during  
period of  
suspension.

(5) Where under subsection (2) or subsection (3) a right to compensation is suspended, no compensation shall be payable in respect of the period of suspension.

Measure of  
compensa-  
tion on  
refusal to be  
attended or  
disregard of  
medical  
advice.

(6) Where an injured workman has refused to be attended by a qualified medical practitioner whose services have been offered to him by the employer free of charge, or having accepted such offer has deliberately disregarded the instructions of such medical practitioner, then, if it is thereafter proved that the workman has not been regularly attended by a qualified medical practitioner and that such refusal, failure or disregard was unreasonable in the circumstances of the case and that the injury has been aggra-

vated thereby, the injury and resulting disablement shall be deemed to be of the same nature and duration as they might reasonably have been expected to be if the workman had been regularly attended by a qualified medical practitioner, and compensation, if any, shall be payable accordingly.

12. (1) Where any person (in this section referred to as the principal) in the course of or for the purposes of his trade or business, contracts with any other person (in this section referred to as the contractor) for the execution by or under the contractor of the whole or any part of any work undertaken by the principal, the principal shall be liable to pay to any workman employed in the execution of the work any compensation under this Ordinance which he would have been liable to pay if that workman had been immediately employed by him; and where compensation is claimed from or proceedings are taken against the principal, then in the application of this Ordinance references to the principal shall be substituted for references to the employer, except that the amount of compensation shall be calculated with reference to the earnings of the workman under the employer by whom he is immediately employed.

Sub-contracting.

(2) Where the principal is liable to pay compensation under this section, he shall be entitled to be indemnified by any person who would have been liable to pay compensation to the workman independently of this section, and all questions as to the right to and the amount of any such indemnity shall, in default of agreement, be settled by the Commissioner.

Indemnity.

(3) Nothing in this section shall be construed as preventing a workman recovering compensation under this Ordinance from the contractor instead of the principal.

Contractor.

(4) This section shall not apply in any case where the accident occurred elsewhere than on, or in, or about the premises on which the principal has undertaken to execute the work or which are otherwise under his control or management.

Control of principal.

13. Where the injury for which compensation is payable under this Ordinance was caused under circumstances creating a legal liability in some person other than the employer to pay damages in respect thereof—

Remedies both against employer and stranger.

Recovery of  
damages  
a bar.

- (1) the workman may take proceedings both against that person to recover damages and against any person liable to pay compensation under this Ordinance for such compensation, but shall not be entitled to recover both damages and compensation ; and

Indemnity  
by third  
party.

- (2) if the workman has recovered compensation under this Ordinance, the person by whom the compensation was paid, and any person who has been called on to pay an indemnity under section 12 shall be entitled to be indemnified by the person so liable to pay damages as aforesaid, and all questions as to the right to and amount of any such indemnity shall, in default of agreement, be settled by action or, by consent of the parties, by a Commissioner.

Bankruptcy  
of employer.

14. (1) Where any employer has entered into a contract with any insurers in respect of any liability under this Ordinance to any workman, then in the event of the employer becoming bankrupt or making a composition or arrangement with his creditors or, if the employer is a company, in the event of the company having commenced to be wound up or a receiver or manager of the company's business or undertaking having been duly appointed, or possession having been taken, by or on behalf of the holders of debentures secured by a floating charge, of any property comprised in or subject to the charge, the rights of the employer against the insurers as respects that liability shall, notwithstanding anything in the enactments relating to bankruptcy and the winding up of companies, be transferred to and vest in the workman, and upon any such transfer the insurers shall have the same rights and remedies and be subject to the same liabilities as if they were the employer, so, however, that the insurers shall not be under any greater liability to the workman than they would have been under to the employer.

Proof in  
bankruptcy.

(2) If the liability of the insurers to the workman is less than the liability of the employer to the workman, the workman may prove for the balance in the bankruptcy or liquidation, or, as the case may be, he may recover the balance from the receiver or manager.

Priority.

- (3) There shall be included amongst the debts which—

23 of 1949.

- (i) under section 33 of the Bankruptcy Act, 1914,

- are, in the distribution of the property or assets of a bankrupt, to be paid in priority to all other debts ;
- (ii) under section 209 of the Companies (Consolidation) Act, 1908, are, in the winding up of a company, to be paid in priority to all other debts ;

the amount due in respect of any compensation or liability for compensation accrued before the following date, that is to say—

- (a) in the first case the date of the receiving order ;
- (b) in the second case the date of the commencement of the winding up of the company ;
- (c) in the third case the date of the appointment of the receiver or of possession being taken mentioned in the said section.

Where the compensation is a half-monthly payment, the amount due in respect thereof shall, for the purposes of this provision, be taken to be the amount of the lump sum for which the half-monthly payment could, if redeemable, be redeemed if the employer made an application for that purpose under this Ordinance, and a certificate of the Commissioner as to the amount of such sums shall be conclusive proof thereof.

Lump sum  
in lieu of  
payments.

(4) The provisions of this section with respect to preferences and priorities shall not apply where the bankrupt or the company has entered into such a contract with insurers as aforesaid.

No priority  
if insured.

(5) This section shall not apply where a company is wound up voluntarily merely for the purposes of reconstruction or of amalgamation with another company.

Voluntary  
liquidation.

15. The Governor may, by notification in the Gazette direct that every person employing workmen, or that any specified class of such persons, shall send at such time and in such form and to such person as may be specified in the notification, a correct return specifying the number of injuries in respect of which compensation has been paid by the employer during the previous year and the amount of such compensation, together with such other particulars as to the compensation as the Governor may direct. Any person failing to comply with the provisions of this section

Returns as to  
compensa-  
tion.

shall be liable on summary conviction by a Magistrate to a penalty of five pounds.

Contracting  
out.

16. Any contract or agreement, whether made before or after the commencement of this Ordinance, whereby a workman relinquishes any right of compensation from the employer for personal injury arising out of or in the course of his employment, shall be null and void in so far as it purports to remove or reduce the liability of any person to pay compensation under this Ordinance.

Workmen in  
employment  
of Crown.

17. This Ordinance shall apply to workmen employed under the Crown in the same way and to the same extent as if the employer were a private person, except in the case of persons in the naval or military or air service of the Crown and persons in the Civil employment of His Majesty otherwise than in His Government of the Colony :

Provided that this Ordinance shall not apply in the case of a workman in, or selected for appointment to, the service of the Government of the Colony before the date on which this Ordinance comes into operation where, in consequence of injury received by any such workman in the discharge of his duties, a pension or gratuity which would not be payable if such injury were received otherwise, is paid to him or, in the case of his death, to any of his dependants as defined in this Ordinance, under any Ordinance or Regulation providing for the grant of such pension or gratuity.

Workmen in  
employment  
of local  
authorities.

18. The provisions contained in the proviso to the last preceding shall *mutatis mutandis* apply in respect of a workman in the employment of any public or local authority where provisions exist by law or by by-law or regulation made under a law for the grant of a pension or gratuity to such workman in the case of injury received by him in the discharge of his duties, or to any other person in the event of the workman's death resulting from that injury.

### Commissioners.

Reference to  
Com-  
missioners.

19. (1) If any question arises in any proceedings under this Ordinance as to the liability of any person to pay compensation (including any question as to whether a person injured is or is not a workman) or as to the amount

or duration of compensation (including any question as to the nature or extent of disablement), the question shall, in default of agreement, be settled by the Commissioner.

(2) No Court shall have jurisdiction to settle, decide or deal with any question which is by or under this Ordinance required to be settled, decided or dealt with by a Commissioner, or, save as in this Ordinance or any rule or regulation made thereunder is provided, to enforce any liability incurred under this Ordinance.

**20.** (1) The Governor may appoint any person to be a Commissioner for Workmen's Compensation for the Colony or for such district as he may specify, and may at any time cancel any such appointment.

*Appoint-  
ment of  
Com-  
missioners.*

(2) Any Commissioner may for the purpose of deciding any matter referred to him for decision under this Ordinance appoint one or more persons possessing special knowledge of any matter relevant to the matter under inquiry to assist him in holding the inquiry.

**21.** In the event of the appointment of Commissioners for districts :—

*Venue of  
proceedings  
and transfer.*

(1) Where any matter is under this Ordinance to be done by or before a Commissioner, the same shall, subject to the provisions of this Ordinance and to any regulations made hereunder, be done by or before the Commissioner for the district in which the accident took place which resulted in the injury.

(2) If a Commissioner is satisfied by any party to any proceedings under this Ordinance pending before him that such matter can be more conveniently dealt with by any other Commissioner, he may, subject to regulations made under this Ordinance, order such matter to be transferred to such other Commissioner either for report or for disposal, and, if he does so the Registrar shall forthwith transmit to such other Commissioner all documents relevant for the decision of such matter and, where the matter is transferred for disposal, the Registrar shall also transmit in the prescribed manner any money remaining in his hands or invested by him for the benefit of any party to the proceedings.

- (3) The Commissioner to whom any matter is so transferred shall, subject to regulations made under this Ordinance inquire thereinto and, if the matter was transferred for report, return his report thereon or, if the matter was transferred for disposal, continue the proceedings as if they had originally commenced before him.
- (4) On receipt of a report from a Commissioner to whom any matter has been transferred for report under subsection (2), the Commissioner by whom it was referred shall decide the matter referred in conformity with such report.

Applications  
to Com-  
missioner.

**22.** (1) No application for the settlement of any matter by a Commissioner shall be made unless and until some question has arisen between the parties in connection therewith which they have been unable to settle by agreement.

(2) Where any such question has arisen, the application may be made in such form and shall be accompanied by such fee, if any, as may be prescribed and shall contain, in addition to any particulars which may be prescribed, the following particulars, namely—

- (a) a concise statement of the circumstances in which the application is made and the relief or order which the applicant claims ;
- (b) in the case of a claim for compensation against an employer, the date of service of notice of the accident on the employer and, if such notice has not been served in due time, the reason for such omission ;
- (c) the names and addresses of the parties ; and
- (d) a concise statement of the matters on which agreement has and of those on which agreement has not been come to.

(3) If the applicant is illiterate or for any other reason is unable to furnish the required information in writing, the application shall, if the applicant so desires, be prepared under the direction of the Registrar.

**23.** The Commissioner shall have all powers of the Supreme Court for the purpose of enforcing the attendance of witnesses, compelling the production of documents and material objects, administering oaths and taking evidence, amending any defect or error in any proceeding, enlarging the time appointed for taking any proceeding or for doing any act, and punishing for contempt of Court.

Powers and procedure of Commissioners.

**24.** (1) Any appearance, application or act required to be made or done by any person before or to a Commissioner (other than an appearance of a party which is required for the purpose of his examination as a witness) may be made or done on behalf of such person by a legal practitioner or, with the leave of the Commissioner, by his son, daughter, father, mother, brother, sister or wife or any person in his permanent employment.

Appearance of parties.

(2) No person other than a legal practitioner who appears or acts on behalf of any party in connection with proceedings before a Commissioner under this Ordinance shall be entitled to any fee or reward for so appearing or acting.

**25.** The Commissioner shall make notes of the evidence of every witness as the examination of the witness proceeds, and such notes shall be written and signed by the Commissioner with his own hand and shall form part of the record :

Evidence to be recorded.

Provided that the evidence of any medical witness shall be taken down as nearly as may be word for word.

**26.** All costs incidental to any proceedings before a Commissioner shall, subject to regulations made under this Ordinance, be in the discretion of the Commissioner.

Costs.

**27.** At the conclusion of the hearing of every application for the settlement of a matter by the Commissioner the Commissioner shall record his decision and order. Where the order directs the payment of compensation under this Ordinance or the variation of the amount or rate of payment of compensation previously ordered by the Commissioner or settled by agreement, the Commissioner shall direct the Registrar to record a memorandum of his order in a register in the prescribed manner.

Registration of orders.



Registration  
of agree-  
ments.

28. (1) Where the amount of compensation under this Ordinance has been settled or varied by agreement, a memorandum thereof shall be sent by the employer, and may be sent by any party interested, to the Commissioner, who shall, on being satisfied as to its genuineness, direct the Registrar to record the memorandum in a register in the prescribed manner :

Provided that—

- (a) no such memorandum shall be recorded before seven days after communication by the Registrar of notice to the parties concerned ;
- (b) where a workman seeks to record a memorandum of agreement between his employer and himself for the payment of compensation and the employer proves that the workman has, in fact, returned to work and is earning the same wages as he did before the accident and objects to recording of such memorandum, the memorandum shall only be recorded, if at all, on such terms as the Commissioner thinks just in the circumstances ;
- (c) the Commissioner may at any time rectify the register ;
- (d) where it appears to the Commissioner that an agreement as to the payment of a lump sum, whether by way of redemption of a half-monthly payment or otherwise, or an agreement as to the amount of compensation payable to a person under any legal disability, or to dependants, ought not to be registered by reason of the inadequacy of the sum or amount, or by reason of the agreement having been obtained by fraud or undue influence or other improper means, he may refuse to record the memorandum of the agreement or may make such order, including an order as to any sum already paid under the agreement, as he thinks just in the circumstances ;
- (e) the Commissioner may, within six months after a memorandum of an agreement as to the payment of a lump sum, whether by way of redemption of half-monthly payment or otherwise, or of an agreement as to the amount of compensation payable to

a person under any legal disability or to dependants, has been recorded in the register, order that the record be removed from the register on proof to his satisfaction that the agreement was obtained by fraud or undue influence or other improper means, and may make such order (including an order as to any sum already paid under the agreement) as he thinks just in the circumstances.

(2) Any memorandum of agreement to which this section applies shall disclose the amount (if any) paid or payable under or in respect of the agreement by the employer to the solicitor and counsel for the workman or his dependants as costs, and, if it appears to the Commissioner that the amount is excessive, the Commissioner shall, subject to regulations made under this Ordinance, tax such costs, or order the same to be taxed by the Registrar, and if the costs are reduced on taxation, the amount of such reduction shall either be applied or dealt with for the benefit of the workman or his dependants, or paid to the employer.

Costs paid by employer to workman's solicitor to be disclosed.

29. Every memorandum and every amendment to a memorandum registered under section 27 or section 28 and every order made under section 28, when recorded as required by the said sections, shall thereupon for all purposes be enforceable as a Supreme Court judgment.

Enforcement of orders and agreements as Supreme Court judgments.

30. Where a memorandum of any agreement, the registration of which is required by section 28, is not sent to the Commissioner as required by that section, the employer shall be liable to pay the full amount of compensation which he is liable to pay under the provisions of this Ordinance, and notwithstanding anything contained in the proviso to subsection (1) of section 4 shall not, unless the Commissioner otherwise directs, be entitled to deduct more than half of any amount paid to the workman by way of compensation whether under the agreement or otherwise.

Effect of failure to register agreement.

31. (1) With the leave of the Judge, or upon the certificate of the Commissioner making the order that it is a fit case for appeal from his order, an appeal shall lie to the Judge of the Supreme Court in summary jurisdiction from any order of a Commissioner where a question of law is involved in the appeal.

Appeals.

(2) An appeal shall lie to the Supreme Court in its summary jurisdiction as of right from the following orders of a Commissioner, namely—

- (a) an order awarding as compensation a lump sum whether by way of redemption of a half-monthly payment or otherwise or disallowing a claim in full or in part for a lump sum ;
- (b) an order refusing to allow redemption of a half-monthly payment ;
- (c) an order providing for the distribution of compensation among the dependants of a deceased workman or disallowing any claim of a person alleging himself to be such a dependant ;
- (d) an order allowing or disallowing any claim for the amount of an indemnity under the provisions of subsection (2) of section 12 ; or
- (e) an order refusing to register a memorandum of agreement or registering the same or providing for the registration of the same subject to conditions :

Provided that no appeal under this subsection shall lie against any order unless a question of law is involved in the appeal, and in the case of an order other than an order such as is referred to in clause (b) unless the amount in dispute in the appeal is not less than fifty pounds.

(3) Notwithstanding anything herein contained, no appeal shall lie in any case in which the parties have agreed to abide by the decision of the Commissioner or in which the order of the Commissioner gives effect to an agreement come to by the parties.

(4) Save in so far as the same may be modified by any rules made under this Ordinance, the rules of the Supreme Court for the time being in force as to appeals to that Court in civil matters shall, with the necessary modifications, apply to appeals under this section from orders of the Commissioner.

### **Rules and Regulations.**

Rules of  
Court.

**32.** (1) The Judge may make rules of Court for regulating the procedure and practice in respect of appeals under section 31.

(2) No such rules of Court shall come into operation until the same shall have been laid before the Legislative Council and published in the Gazette ; but when the same shall come into operation they shall have effect as if enacted by this Ordinance and shall be judicially noticed.

33. (1) The Governor in Council may make regulations for all or any of the following purposes, that is to say—

Power of  
the  
Governor in  
Council to  
make  
regulations.

- (a) for prescribing the intervals at which and the conditions subject to which an application for review may be made under section 6 when not accompanied by a medical certificate ;
- (b) for prescribing the intervals at which and the conditions subject to which a workman may be required to submit himself for medical examination under subsection (1) of section 11 ;
- (c) for prescribing the procedure to be followed by Commissioners in the disposal of matters under this Ordinance and by the parties in such matters ;
- (d) for regulating the transfer of matters from one Commissioner to another and the transfer of money in such matters ;
- (e) for prescribing the manner in which money in the hands of a Registrar may be invested for the benefit of dependants of a deceased workman ;
- (f) for the representation in proceedings before Commissioners of parties who are minors or are unable to make an appearance ;
- (g) for prescribing the form and manner in which memoranda of agreements shall be presented to and registered by Commissioners ;
- (h) for the withholding by Commissioners, whether in whole or in part, of half-monthly payments pending decision on applications for review of the same ;
- (i) for prescribing the costs which may be allowed in respect of any claim or proceedings under this Ordinance ;
- (j) for prescribing the fees to be paid in respect of any claim or proceedings under this Ordinance ;

- (k) for prescribing the fees to be paid to any person appointed to assist a Commissioner under the provisions of subsection (2) of section 20 ;
- (l) for the maintenance by the Registrar of registers and records of proceedings before the Commissioners ;
- (m) for providing for any matters which are authorised by this Ordinance to be prescribed ;
- (n) generally for carrying out the provisions of this Ordinance.

Regulations  
to be  
approved by  
the Legisla-  
tive Council.

(2) All regulations made under this section shall be laid before the Legislative Council for approval, and when so approved shall have the same force and effect as if they were contained in this Ordinance.

Publication  
of regula-  
tions.

(3) All regulations made under this section shall be published in the Gazette and shall be judicially noticed.

Rules as to  
transfer of  
funds.

**34.** (1) Where an arrangement has been made whereby sums awarded under the law relating to workmen's compensation in the Colony to beneficiaries resident or becoming resident in the United Kingdom or in any other Commonwealth country, and sums awarded under the law relating to workmen's compensation in the United Kingdom or in such other Commonwealth country to beneficiaries resident or becoming resident in the Colony, may, at the request of the authority by which the award is made, be transferred to and administered by a competent authority in the United Kingdom or in such other Commonwealth country or in the Colony, as the case may be, the Governor in Council may make rules—

- (a) for the transfer, in such manner as may be provided by the arrangement, to the United Kingdom or that Commonwealth country with which the arrangement is made of any money in the disposition of the Court, applicable for the benefit of any person resident in or about to reside in the United Kingdom or such Commonwealth country ;
- (b) for the receipt and administration by an officer appointed by the Governor for this purpose of any money which under any such arrangement has

been transmitted from the United Kingdom or the Commonwealth country with which the arrangement has been made as money applicable for the benefit of any person resident or about to reside in the Colony.

**SCHEDULE.**

**List of Injuries deemed to result in Permanent Partial Disablement.**

Injury.	Percentage of loss of earning capacity.
Loss of either arm above or at the elbow ... ..	70
Loss of either arm below the elbow ... ..	60
Loss of leg at or above the knee ... ..	60
Loss of leg below the knee ... ..	50
Permanent total loss of hearing ... ..	50
Loss of one eye ... ..	30
Loss of thumb ... ..	25
Loss of all toes of one foot ... ..	20
Loss of one phalanx of thumb ... ..	10
Loss of index finger ... ..	10
Loss of great toe ... ..	10
Loss of any finger other than index finger ... ..	5

Complete and permanent loss of the use of any limb or member referred to in this Schedule shall be deemed to be the equivalent of the loss of that limb or member.



## **DEPENDENCIES SERIES**





CHAPTER 1 (D.S.).

APPLICATION OF COLONY LAWS

AN ORDINANCE TO PROVIDE FOR THE APPLICATION TO  
THE DEPENDENCIES OF CERTAIN ORDINANCES  
OF THE COLONY.

[1st January, 1949.]

1. This Ordinance may be cited as the Application of Colony Laws Ordinance.

2. No Ordinance of the Colony shall be in force in the Dependencies unless it shall have been expressly declared to apply to the Dependencies by an Ordinance of the Dependencies.

3. (1) Any Ordinance or part of any Ordinance of the Colony which shall be in force in the Dependencies shall be in force therein so far only as the circumstances of the Dependencies and their inhabitants permit, and subject to such qualifications as local circumstances render necessary.

(2) Any Ordinance or part of any Ordinance of the Colony which shall be in force in the Dependencies shall be read with such formal alterations as to names, localities, courts, officers, persons and otherwise, as may be necessary to make it applicable to the circumstances.

4. Whenever any Ordinance or part of any Ordinance of the Colony shall be in force in the Dependencies, any rules, regulations, or by-laws made thereunder for carrying out the provisions thereof shall also be in force in the Dependencies to the same extent as such Ordinance is in force therein, unless the Governor in Council shall make, as he is hereby authorised to do, rules, regulations, or by-laws, as the case may be, which shall be specially applicable to any or all of the Dependencies, and shall be in force therein.

5. Unless a contrary intention appears, no liability shall be imposed on any person by reason solely that an Ordinance of the Colony shall have been applied to the Dependencies with retrospective effect.

9 of 1908.  
2 of 1950  
(D.S.).  
3 of 1950  
(D.S.).  
1 of 1951  
(D.S.).  
2 of 1951  
(D.S.).  
4 of 1951  
(D.S.).  
6 of 1951  
(D.S.).  
7 of 1951  
(D.S.).  
8 of 1951  
(D.S.).

Short title

Colony  
Ordinances  
in force in  
Depend-  
encies only  
if expressly  
applied.

Extent of  
application  
of Colony  
Ordin-  
ances.

Application  
of sub-  
sidiary  
legislation.

Retro-  
spective  
applica-  
tion.

Colony  
Ordinances  
applied to  
the De-  
pendencies.

Chapter 12.

6. (1) The Ordinances of the Colony specified in the Schedule hereto are declared to be in force in the Dependencies.\*

(2) Subsection (1) of section 10 of the Revised Edition of the Laws Ordinance shall be read in its Application to the Dependencies as if the words "being authorized thereto by a resolution of the Legislative Council" were deleted therefrom.

(3) Section 15 of the Commissions of Inquiry Ordinance shall be read in its application to the Dependencies as if for the words "unless such remuneration shall be specially voted by the Legislative Council" therein there were substituted the words "unless such remuneration shall be specially directed by the Governor to be paid."

\* Particulars of the Ordinances in force in the Dependencies on 31st December, 1950, are given in the list on page (li).

---

**SCHEDULE**

---

**Chapter.**

- Revised Edition of the Laws Ordinance.
1. Administration of Estates Ordinance.
  2. Administration of Estates by Consular Officers Ordinance.
  3. Administration of Justice Ordinance.
  4. Aliens Ordinance.
  5. Arbitration (Foreign Awards) Ordinance.
  6. British Nationality Ordinance.
  7. Carriage of Goods by Sea Ordinance.
  8. Census Ordinance.
  11. Civil Procedure (Execution) Ordinance.
  12. Commissions of Inquiry Ordinance.
  13. Companies and Private Partnership Ordinance.
  14. Consular Conventions Ordinance.
  15. Currency Notes Ordinance.
  16. Customs Ordinance.
  18. Dangerous Drugs Ordinance.
  19. Defence Force Ordinance.
  20. Diplomatic Privileges (Extension) Ordinance.
  24. Employment of Children Ordinance.
  25. Estate Duty Ordinance.
  26. Firearms Ordinance.
  27. Fisheries Ordinance.
  28. Government Employees Provident Fund Ordinance.
  29. Government Wharves Ordinance.
  30. Harbour Ordinance.
  31. Immigration Ordinance.
  32. Income Tax Ordinance.
  33. Interpretation and General Law Ordinance.
  34. Labour (Advisory Board) Ordinance.
  35. Labour (Minimum Wage) Ordinance.
  36. Land Ordinance.
  38. Licensing Ordinance.
  39. Lighting Control Ordinance.
  40. Live Stock Ordinance.
  42. Maintenance Orders (Facilities for Enforcement) Ordinance.
  43. Marriage Ordinance.
  44. Matrimonial Causes Ordinances.
  45. Medical Practitioners, Midwives and Dentists Ordinance.
  46. Mental Treatment Ordinance.
  47. Merchandise Marks Ordinance.
  48. Mining Ordinance.
  49. Pensions Ordinance.
  50. Plant Disease Regulation Ordinance.
  51. Police and Prison Ordinance.
  52. Post Office Ordinance.
  53. Publications (Import Prohibition) Ordinance.
  54. Public Health Ordinance (except Part V).
  55. Radio-active Minerals Ordinance.
  56. Reciprocal Enforcement of Judgments Ordinance.

## Chapter.

- 57. Registration Ordinance.
- 58. Registration of United Kingdom Patents Ordinance.
- 59. Registration of United Kingdom Trade Marks Ordinance.
- 62. Seal Fishery Ordinance.
- 63. Seditious Offences Ordinance.
- 64. Shipworkers' Protection Ordinance.
- 66. Stamp Duty Ordinance.
- 71. Telegraphy Ordinance.
- 72. Trade Disputes (Arbitration) Ordinance.
- 73. Trade Unions and Trade Disputes Ordinance.
- 74. Trespass Ordinance.
- 75. United Kingdom Designs Ordinance.
- 76. Whale Fishery Ordinance.
- 77. Wild Animals and Birds Protection Ordinance.
- 78. Wireless Telegraphy Ordinance.
- 79. Workmen's Compensation Ordinance.

# INDEX



# Index.

	SECTION	PAGE
ADMINISTRATION OF ESTATES. CHAPTER 1		1
Absence of personal representative	8	
Advertisements	4, 19	
Application for Probate or Letters of Administration	3	
Balances, claims for	20	
Bonds	5	
Caveats	6	
Definitions	2	
Kindred, advertising for	19	
Official Administrator	13-19	
Procedure	9	
Records	11	
Resealing probate, etc.	21	
Rules	22	
Savings Bank, payments into	17	
Service of citations, etc.	10	
Solemn form, proof in	7	
Witnesses	12	
ADMINISTRATION OF ESTATES BY CONSULAR OFFICERS.		
CHAPTER 2		6
ADMINISTRATION OF JUSTICE. CHAPTER 3		8
Absconding defendant	49	
Appeals	53	
" to Privy Council	54-68	
Appointment of Judge	8	
" justices and magistrates	3	
" registrar	42	
Assessors	6, 7, 10	
Burial, order for	39	
Civil cases, jurisdiction of magistrate	4	
" summons in	48	
Death, information of	30	
Definitions	2	
Complaint, time for	47	
Coroner	32-39	
Errors in procedure...	45	
Exhumation	40	
Form, want of	46	
Judgment	50	
Jurisdiction of justices	5	
" magistrate	4	
" Supreme Court	9	
Juror, absence of	23	
Juror's Book	16, 17	
Jury	11, 13-28	
Limitation, in summary cases	47	
Notary Public	43	
Procedure	44	
Rules	69	
Sentences	51	
Summons in civil cases	48	
Supreme Court, appeal to	53	
" jurisdiction of	9	
" sittings of	12	
ALIENS. CHAPTER 4		24
Company, alien control of	14	
Definitions	2, 10	
Deportation	3, 4, 6	
Discovery	18	
Forfeiture of lands or mortgage	11, 13	
Licence to hold land, etc.	12, 16	
Master of ship, to provide passage	5	
Offences	7	
Procedure	17	



# Index.

	SECTION	PAGE
<b>ALIENS. CHAPTER 4—continued.</b>		
Regulations ...	8,	20
Trusts in favour of alien ...		15
<b>ARBITRATION (FOREIGN AWARDS). CHAPTER 5</b>		31
Application ...		2
Convention ...	Schedule	
Evidence ...		5
Final award ...		6
Foreign award ...	3,	4
Saving ...		7
Staying proceedings ...		8
<b>BAPTISMS AND BURIALS, registers of ...</b>		522
<b>BIRTHS AND DEATHS, registration of ...</b>		521
<b>BOARD OF HEALTH...</b>		482, 559
<b>BRITISH NATIONALITY. CHAPTER 6</b>		39
<b>CARRIAGE OF GOODS BY SEA. CHAPTER 7</b>		41
<b>CEMETERY</b>		631
<b>CENSUS. CHAPTER 8</b>		47
<b>CHRIST CHURCH TRUST. CHAPTER 9</b>		49
<b>CINEMATOGRAPH. CHAPTER 10</b>		50
<b>CIVIL PROCEDURE (EXECUTION). CHAPTER 11</b>		52
Attachment, property liable to ...		11
Court, determination of questions by ...		6
„ jurisdiction of ...		4
Distribution of proceeds... ..		13
Dwelling house, seizure in ...		12
Execution, barred, when ...		7
„ modes of ...		9
„ resistance to ...		14
Orders, execution of ...		5
Personal representative, against ...		8, 10
Savings ...		3
<b>CLOSE SEASON</b>		670, 672
<b>COMMISSIONS OF INQUIRY. CHAPTER 12</b>		59
<b>COMPANIES AND PARTNERSHIP. CHAPTER 13</b>		64
Absence of partner, effect ...		91
Acceptance of firm for debt of partner ...		43
Accounts ...		55-57
„ action for... ..		83
Actions by and against ...		30, 31, 79
Arbitration, dissolution may be awarded ...		93
„ one partner may not refer ...		41
Articles of Partnership ...	25, 26, 58, 59, 60-71, 73-78,	86, 117
„ „ Abstract of ...		118, 119
Assignment by partner, effect ...		95
Bankruptcy ...		103-114, 133
Benefit and Provident Societies excepted ...		134
Borrowing by one partner ...		44, 45
Capital ...	23-25, 32-34, 73	
Companies Act, 1948, applied ...		2
Companies incorporated outside Colony ...		5, 6
Contract by one partner, effect of ...		42
Death of partner, effect of ...		66, 67
Debts... ..		35, 47, 48, 81

# Index.

	SECTION	PAGE
COMPANIES AND PARTNERSHIP. CHAPTER 13—continued.		
Dissolution ...	84-98, 100, 102	
Dormant partner ...	28	
Existing partnerships ...	26	
Fees ...	4, 120, Schedule A	
Fraud ...	10, 49, 89	
Infant, may be partner ...	12	
Limited liability partnership ...	115-133	
Liquidation ...	101	
Loan to one partner ...	46	
Lunacy of partner ...	13, 90	
Married woman ...	14, 94	
New partner ...	8, 48	
Notice of dissolution ...	102	
" at retirement of partner ...	48	
Number of partners ...	11	
Partner, account to...	55	
" actions by and against ...	79, 82, 83	
" bankruptcy of ...	97	
" conviction for treason or felony ...	93	
" death of ...	66-70	
" liability to firm ...	50-53, 55	
" loans to firm by ...	36	
" power to bind firm ...	38-45	
" private debts of ...	80	
" private profit ...	53, 54	
" retirement of ...	48, 77, 102	
" rights of may be limited... ..	19, 27	
" widow and children of ...	68	
Partnership, actions by and against ...	30, 31	
" articles of ...	25	
" commencement of ...	64	
" conduct of business of ...	71	
" continuance of ...	81	
" definition ...	7	
" dissolution ...	84-98, 102	
" existing ...	26	
" limited liability ...	115-133	
" proof of ...	21	
Profit and loss, participation in ...	16, 20, 22, 74	
Property of ...	29, 35-37	
Registration of companies ...	3	
Retirement of partner ...	48, 77, 102	
Rules ...	4	
Secret process ...	72	
Sub-partner ...	9	
Torts, liability for ...	49	
Trustee in bankruptcy, powers ...	108	
Winding up ...	99-101, 111	
CONSULAR CONVENTIONS. CHAPTER 14		87
CURRENCY NOTES. CHAPTER 15		90
CUSTOMS. CHAPTER 16		96
Abandoned aircraft or ship ...	62	
" goods, remission of duty ...	202	
Air Navigation Acts ...	229	
Arrest, power of ...	211, 212	
Arrival and report of aircraft and ships ...	46-62	
Assistance, writs of ...	174	
Ballast, clearance in ...	139, 140	
Beer ...	26	
Bond for export ...	129-132	
Breaking bulk ...	60	
British Preferential Tariff ...	9	
Bullion and coin ...	67	

# Index.

## CUSTOMS. CHAPTER 16—continued.

	SECTION	PAGE
Cargo book ...	154-156,	158-161
Clearance ...	...	137-141
Coasting trade ...	...	146-164
Coastwise carriage ...	...	120
"    of passengers ...	...	164
Collector, powers ...	123, 162, 167, 193,	233
Conditions of import, breach of ...	...	28-30
Contract price, adjustment of ...	...	34
Copyright Act, 1911, application of ...	...	232
Customs duties, different rates ...	...	9
"    imposition of ...	...	5, 6, 7
"    obligation to pay ...	...	11
"    proportionate to quantity or value ...	...	20
"    remission of ...	...	8
Damaged goods, abatement of duty ...	...	21-25
"    King's warehouse, in ...	...	82
"    private warehouse, in ...	...	86
Declaration, etc., false ...	...	181
Definitions ...	...	2
Departure and clearance ...	...	137-145
Deposit of duty ...	13, 69, 72	73
"    goods ...	...	51
Discharge of goods, unlawful ...	...	13
Dispute, duty to be deposited ...	...	195-198
Documents ...	...	226
"    copies admissible ...	...	40-44
Drawbacks ...	203, 204	68
"    goods lost or abandoned ...	...	111
Entry, absence of documents, in ...	...	77
"    exportation, for ...	...	112
"    goods, of, by shipowner ...	...	69
"    outwards ...	...	10, 78
"    provisional ...	...	223-228
"    time of ...	...	235
Evidence ...	121-131	35, 121
Excise Officers ...	...	188
Export ...	13 (3)	6, 7
"    prohibition of ...	...	8
Forfeiture, general provision ...	...	192
Governor in Council, determination of dispute by ...	...	73, 74
"    interim orders by ...	...	213-222
"    power to remit or refund ...	...	214
"    power to mitigate or remit ...	...	19
King's Warehouse, deposit in ...	...	112-136
Legal proceedings ...	...	114-119
"    limitation for ...	...	53
Liquids, packages containing, standard contents ...	...	208
Loading and exportation ...	...	61
Loading licence ...	...	59
Master of ship, arrest of ...	...	56
"    attend before Collector, to ...	...	4
"    clearance, to deliver ...	...	48, 79
"    questions to answer ...	...	235
Officers, accommodation of in ship ...	...	185-187
"    act for Collector ...	...	3
"    board ship, may ...	...	48, 49, 52, 53, 176-178
"    Excise Officers, are ...	...	145
"    offences by ...	...	223
"    Police, have powers of ...	...	200
"    powers of ...	...	136
"    set down, to be ...	...	164
Onus of proof on defendant ...	...	80
Owner, goods to be handled by ...	...	...
Passengers, baggage of, loading ...	...	...
"    coastwise carriage ...	...	...
"    disembarkation of ...	...	...

# Index.

	SECTION	PAGE
CUSTOMS. CHAPTER 16—continued.		
Penalty, general ...	179-183, 191, 193	9
Preferential tariff ...		128
Prohibited goods, attempt to ship ...		35-39
Prohibition of import or export ...		223-228
Proofs in proceedings ...		184
Purchase by Collector ...		20
Quantity, duty proportionate to ...		17
"  reputed, duty on ...		19
"  standard ...		45
Refund, duty paid in error ...		7
"  interim order, under ...		14, 40, 54, 230
Regulations ...		12
Reimported goods, duty on ...		57-59
Report by master of aircraft or ship ...		194
Rewards ...		104
Re-warehousing goods ...		113
Rummage certificate ...		74, 75
Sale, goods warehoused ...		199, 201
Samples ...		52, 175
Searches ...		188-190, 221, 222
Seizure ...		190
"  disposal of ...		189, 192
"  procedure ...		77
Shipowner, entry of goods by ...		54, 55
Small craft ...		165-178
Smuggling, prevention of ...		210
Special packages ...		28-33
Special purpose or person, goods imported for ...		26, 27, 36, 37
Spirits ...		19
Standard contents of packages containing liquids ...		142-144
Stores, deficiency in ...		38
"  importation of ...		134
"  shipment of ...		9
Tariffs ...		31-33
Temporary use, import for ...		78
Time, computation of ...		10
"  entry, of, to govern duty payable... ..		209
"  importation or exportation, of ...		36, 37
Tobacco, importation of ...		62
Tonnage dues ...		38
Transit goods, importation of ...		64-67
Unloading, etc., of goods ...		14-16
Value, ascertainment of ...		20
"  duty proportionate to ...		73, 74, 76, 81-110
Warehoused goods ...		84-110, 234
Warehouses ...		18
Weight, gross, duty on ...		26
Wine ...		207
Witnessing documents ...		174
Writ of assistance ...		
DAIRY PRODUCE. CHAPTER 17 ...		172
Definitions ...		2
Inspectors ...		4-6, 10
Isolation of persons and stock ...		7, 8
Medical examination ...		9
Milk, conditions for supplying ...		12, 13
Nuisances ...		11
Penalties ...		14
Registration and licensing ...		3
Regulations ...		15
DANGEROUS DRUGS. CHAPTER 18 ...		178
Arrest ...		13
Books to be kept ...		6
"  inspection of... ..		11

# Index.

	SECTION	PAGE
<b>DANGEROUS DRUGS CHAPTER 18—continued.</b>		
Exemptions ...	16	
Importation ...	4, 5	
Interpretation ...	2, Schedule	
Licences ...	17	
Offences ...	18	
Penalties ...	19	
Poisons ...	10, 12	
Regulations ...	15	
Sale ...	4, 6-10	
<b>DEFENCE FORCE. CHAPTER 19 ...</b>		
Active service ...	34-46	185
Appeal ...	15	
Arms, ammunition, appointments	10	
"    "    detention, sale of	29	
Capitation grant ...	20	
Commandant ...	7	
"    "    appearance before Court	31	
Committee ...	22, 23	
Composition of Force	3, 4	
Court of Inquiry	25	
"    "    contempt of	25-27	
Damage to property	28	
Disbandment	5	
Expulsion ...	15	
Fines ...	16, 17, 24	
Funds ...	21	
Immunities ...	19	
Inspections ...	18	
Interpretation	2	
Liability to serve	12, 36, 39	
Limitation of actions	19 (2)	
Muster roll ...	5	
Non-commissioned officers	8	
Offences ...	13, 16, 30	
Officers ...	7	
Pay and allowances	41	
Penalties, application of	32	
Pensions ...	43	
Regulations ...	33	
Retirement ...	11, 14	
Uniforms ...	9	
<b>DIPLOMATIC PRIVILEGES (EXTENSION). CHAPTER 20 ...</b>		
		200
<b>DOGS. CHAPTER 21 ...</b>		
		205
Dangerous ...	10	
Fatal Accidents Act, application ...	12	
Liability of owner ...	8	
Licences ...	3, 4, 5	
Sheep station, not to be taken through ...	9	
Stray, finding, notice of	7	
"    "    seizure of	6	
<b>EDUCATION. CHAPTER 22 ...</b>		
		209
<b>ELECTRICITY SUPPLY. CHAPTER 23 ...</b>		
		212
<b>EMPLOYMENT OF CHILDREN. CHAPTER 24 ...</b>		
		215
<b>ESTATE DUTY. CHAPTER 25 ...</b>		
		216
Administration ...	3	
Appeals ...	20	
Arrears ...	12	
Assessment ...	18	
Beneficiary, liability of	11	

# Index.

	SECTION	PAGE
<b>ESTATE DUTY. CHAPTER 25—continued.</b>		
Certificate of discharge ...	23	
Composition, acceptance of ...	24	
Computation, manner of ...	7	
Definitions ...	2	
Estate Duty, Affidavit ...	8	
"    borne rateably	15	
"    rates of ...	Schedule	
Interest ...	5	
Notices ...	27	
Payment of duty ...	9	
"    postponement of ...	13	
Penalties ...	26, 29	
Personal representative, liability of ...	10, 16	
Probate, grant of ...	25	
Property liable to ...	4	
Quick successions, relief ...	6	
Recovery of ...	21, 22	
Refund of ...	19	
Regulations ...	28	
Sale, mortgage, power of ...	14	
Trustee, liability of ...	11	
Value ...	7, 8	
 <b>FIREARMS. CHAPTER 26</b>		
Appeal ...	4 (8), 8 (4), 10, 12 (4)	227
Arrest ...	6 (3), 23 (2)	
Auctioneer ...	7 (1)	
Certificate, firearm ...	3, 4, 6	
"    cancellation of ...	22	
Definitions ...	2	
Drunk or insane persons ...	17	
Exemptions ...	5, 13	
Export, prohibition of ...	25	
False statements ...	4 (10), 7 (2), 8 (5)	
Firearms dealers ...	8-10	
"    unlawful use of ...	19	
Forfeiture ...	22	
Gun, discharging in public place ...	21	
"    shortening ...	20	
Injure, intent to ...	18	
Licences, gun ...	11-14	
Manufacture and sale ...	7	
Prohibited firearms and ammunition ...	15	
Register ...	9	
Registration ...	3-10	
Regulations ...	25	
Search warrants ...	23	
Summary proceedings, limitation of ...	24	
Young persons ...	16	
 <b>FISHERIES. CHAPTER 27</b>		
		237
 <b>FOOD, sale of</b>		
		483
 <b>GOVERNMENT EMPLOYEES' PROVIDENT FUND.</b>		
 <b>CHAPTER 28</b>		
Bonuses ...	9	239
Closing account ...	16	
Death ...	17, 20	
Deposits, compulsory ...	7	
"    not assignable	13	
"    repayment of	15	
"    withdrawal of	14	
"    voluntary ...	8	
Depositors ...	5, 6	
"    information to ...	11	

# Index.

	SECTION	PAGE
GOVERNMENT EMPLOYEES' PROVIDENT FUND. CHAPTER 28—continued.		
Fund, establishment and management ...	4	
Government, sums due to ...	21	
Interest ...	10	
Interpretation ...	2	
Offices to which it applies ...	3, Schedule	
Regulations ...	22	
Resignation or dismissal ...	18	
Service, previous ...	12	
„ termination of ...	17	
Transfer ...	19	
GOVERNMENT WHARVES. CHAPTER 29 ... 247		
HARBOURS. CHAPTER 30 ... 251		
Anchor, cable, etc., lost ...	12-14	
Ballast, etc. ...	20, 21	
Boat, taking without permission ...	23	
Cannon, firing ...	18	
Explosives ...	15-17, 22	
False declaration ...	6	
Harbour Master ...	4, 5, 8	
Interpretation ...	2	
Legal process, impeding ...	10	
Moorings, damaging ...	9	
Pratique, boarding before ...	7	
Regulations ...	3, 24	
Sand, etc., removal of ...	19	
Search warrants ...	17	
Wreck, removal of ...	11	
HOSPITAL ... 497		
IMMIGRATION. CHAPTER 31 ... 257		
INCOME TAX. CHAPTER 32 ... 261		
Assessment ...	6, 7, 38-45	
„ additional ...	39	
„ appeal against... ...	43	
„ List ...	40	
Children ...	16	
Collection and repayment ...	53-59	
„ , appeal pending ...	53, 56	
Commissioner ...	3	
„ , agent in U.K. ...	41	
„ general powers ...	33-37	
Company, dividends, tax on ...	22, 23	
„ double taxation relief ...	51	
„ income of ...	19	
„ „ tax on ...	21 (2)	
Conditions of sale ...	72	
Corporate bodies ...	29	
Deceased persons ...	31	
Deductions ...	10-17	
Distress ...	66-68	
Double taxation relief ...	22, 46-52	
Earned income ...	14	
Employers, return by ...	34	
Exemptions ...	8	
„ from distress ...	67	
Forms ...	Schedule	
Fugitive taxpayers ...	59	
Government loans ...	9	
Income ...	5	
Indemnity to representative ...	30	
Insurance companies ...	18	
„ premiums, allowance for ...	17	
Interpretation ...	2	

# Index.

	SECTION	PAGE
INCOME TAX. CHAPTER 32—continued.		
Judgment-debtor process ...	63-65	
Lands or houses, execution against	69-75	
Limitation for prosecutions	83	
Mortgages	32	
Non-residents	26	
Notices and returns...	33, 36, 37	
Partnerships	35	
Payment, time for ...	54-56	
Penalties	55, 84-87	
Privy Council, appeal to ...	43 (10)	
Proceedings for recovery of tax	57, 60-75	
Proof, burden of	82	
Rates of tax	21	
Remit, power to	90	
Repayment ...	58	
Rules	89	
Sale of land ...	61, 69-75	
Seasonal work	21	
Secrecy	4, 34, 52	
Security for payment of tax	59, 77	
Shipowners	18	
Temporary residents	24	
Third parties, claims by	76-83	
Transfer to evade tax	88	
Trustees, etc.	25, 27, 28, 31	
Wife ...	15, 20	
INTERPRETATION AND GENERAL LAW. CHAPTER 33		310
LABOUR (ADVISORY BOARD). CHAPTER 34		318
LABOUR (MINIMUM WAGE). CHAPTER 35		319
LAND. CHAPTER 36		322
Actions, limitation of	45	
Arbitration ...	39-43	
Compulsory acquisition and compensation	30-44	
Covenants, implied ...	3, 4, 7	
Crown lands	18-28	
Deeds	3-10	
Fees ...	Schedule	
Fences, damage to	29	
Forfeiture for breach of covenant	7, 27	
Forms	Schedule	
Improvements	23, 26	
Interpretation	2	
Leases	7	
„ Crown lands, of	23-28	
„ forfeiture	7, 27	
Mortgages	4	
„ transfer of	5	
Peat cutting	46	
Penalties	15	
Public purpose, acquisition for	30-44	
Reconveyance	6	
Registration	9, 11, 34	
Regulations ...	48	
Reservations in Crown leases	28	
Reserves	21, 22	
Searches	47	
Stamp duties	12-17	
LEGISLATIVE COUNCIL (ELECTIONS). CHAPTER 37		344
Appeals	11	
Ballot boxes	23, 31	
„ papers	24, 25, 28, 38	
„ „ spoilt...	27	



# Index.

	SECTION	PAGE
LEGISLATIVE COUNCIL. (ELECTIONS). CHAPTER 37—continued.		
Ballot papers, tendered	29, 35	
Bribery	45 (1)	
Claim to be registered	5, 10	
Corrupt practices	43-48	
Counting votes	32-34	
Dates, power to vary	52	
Death of candidate	20	
Declaration of poll	36	
Definitions	2	
Deposit	16, 39	
Disqualification of candidate	15	
Elections	13-40	
"    , invalidation	48	
Electoral areas	3	
Equality of votes	37	
Expenses	50	
Forms	Schedule	
Nomination	16-18	
Notice of election	14	
Offences	41-47	
Penalties	47	
Personation	43	
Petition, Election	40	
Poll	19, 21, 22, 30, 36	
Presiding officer	21, 28, 30, 31	
Qualification, candidate, of	15	
"    elector, of	6	
Recount	36	
Register	8, 9, 12	
Registration officer	7	
Regulations	51	
Returning officer	7, 32-38	
Secrecy	42	
Tendered ballot paper	29, 35	
Treating	45 (2)	
Undue influence	46	
Votes, counting	32-34	
"    equality of	37	
Voting	26, 28	
Withdrawal of candidate	17	
Writ of election	13	
LIBRARY AND MUSEUM		638
LICENSING. CHAPTER 38		364
Accommodation for traveller	49	
Adulteration	60	
Alteration of premises	51	
Appeals	10	
Auction on licensed premises forbidden	30	
Auctioneer's licence	3, 73-78	
Automatic machines	82	
Bars, number permitted	41	
Closing licensed premises, order for	55	
Club licence	3, 42	
Communication, internal	40	
Constable, harbouring or serving	25	
Dancing on licensed premises	18	
Death of licensee	54	
Debts, irrecoverable	21	
Description of premises to be furnished	50	
Drunkards	26-29	
Drunkenness, permitting	46	
Exclude or eject from premises, power to	33, 34	
Exemptions	5	
Fees	3, 12, 13, 18, 71, 80	

# Index.

	SECTION	PAGE
LICENSING. CHAPTER 38— <i>continued.</i>		
Forfeitures, disposal of	68	
Gaming, etc....	31	
Guests, property of	47, 48	
Hours, permitted	35, 36	
Inspectors	65, 66	
Internal communication	40	
Interpretation	2	
Justice, licensed person not to act as	59	
Licences, application for	7, 50	
" auctioneer's	3, 73-78	
" billiard table	3, 70-72	
" duration of	3 (2)	
" forfeiture of	15, 18, 19, 23, 25, 32, 40, 51, 58, 60	
" grant and renewal of	9, 11, 50	
" liquor	4-69	
" objections	8, 9	
" occasional	13, 71, 80	
" " off licence," evasion of	39	
" revocation of	19	
" special	12	
" tobacco	3, 79-82	
" transfer of	52	
Manager or agent, approval of	53	
Name, etc., to be affixed to licensed premises	14	
Owner, right on forfeiture of tenant's licence	61	
Payment in advance forbidden	22	
Penalties	69	
Percentage of auction price to Government	75	
Pledge for liquor void	22	
Proofs in proceedings	43-45	
Prosecutions, limitation in...	67	
Regulations	83	
Samples, taking	16, 66	
Sanitary requirements	17	
Search of licensed premises	56	
Seller or occupier, liability of	37, 38	
Spirits, strength of	62	
Stations, supply of drink on	63	
Still	64	
Store not to be kept on licensed premises	15	
Wages, not to be paid on licensed premises	20	
Young persons	23, 24, 81	
LIGHTING CONTROL. CHAPTER 39		387
LIVE STOCK. CHAPTER 40		388
Clean certificate	23	
Certificate of inspector	35	
Destruction, expense of	32	
Dipping	11-13, 21, 22	
False declaration	36	
Forms	Schedule	
Gathering, notice of	34	
Importation, prohibition of	42	
Infected animals	16-20, 25-33	
Inspectors	3-7	
Interpretation	2	
Lice, sheep affected with	14, 15	
Marking	8-10	
Penalties	37-39	
Quarantine	19, 20	
Regulations	43	
Return, annual	40	
Rules	44	
Travelling sheep	24	
LOTTERIES. CHAPTER 41		401

# Index.

	SECTION	PAGE
MAILS		477
.. Quarantine Regulations regarding		504
MAINTENANCE ORDERS (FACILITIES FOR ENFORCING)		
CHAPTER 42		404
MARRIAGE. CHAPTER 43		410
Banns		7
Caveats		15
Celebration, places and times of	6, 7, 12, 16	
.. wrongful		20
Certificates		17, 19
Conditions for celebration of marriage		12, 13
Consents		11
Declaration of intended marriage		8
.. false		21
Fees	Schedule	
Forbidding marriage		14
Foreign Marriage Acts, marriage under		22-24
Form of words required		16
Forms	Schedule	
Interpretation		2
Licence, marriage		10
.. special		13
Ministers, registered		5
Notices	9, 22-24	
Places, registered		6
Registrar		4
.. marriage by		7
Registration		18
Valid marriages		3
MATRIMONIAL CAUSES. CHAPTER 44		422
Absolute, Decree		13
Alimony	16 (2), 18, 19	
Camera, sittings in		22
Children, custody of		20
Co-respondent, costs against		8
.. dismissal from proceedings		9
Damages		7
Death, presumption of		14
Dissolution of marriage	3-10	
Divorce Court, duty of		6
.. grounds for		4
.. not within 3 years of marriage		3
Insanity	4, 5	
Judicial separation	15-17	
Jurisdiction		2
Nullity	11, 12	
Procedure	21, 22	
Respondent, relief to		10
MEDICAL PRACTITIONERS, MIDWIVES AND DENTISTS.		
CHAPTER 45		430
MENTAL TREATMENT. CHAPTER 46		435
Adjudication of insanity		5
Appeals		29
Approved place	5, 8, 26, 27	
Criminal lunatics	12, 15, 30	
Discharge		11-13
Escape, assisting or permitting		21, 22
Escaped patient, retaking		14
Examination of person confined as insane		15
Female, abuse of		23
Ill-treatment of patients	24, 25	

# Index.

	SECTION	PAGE
Inquiry ... ..	3	
Legal proceedings, protection from ... ..	18	
Maintenance of insane person ... ..	9, 10	
Medical certificate ... ..	4	
"    false ... ..	20	
Reception order ... ..	5, 7	
Removal from Colony of insane person ... ..	16	
Rules ... ..	28	
Trespass on approved place ... ..	27	
Urgent cases ... ..	6	
Visitors ... ..	17	
 MERCHANDISE MARKS. CHAPTER 47 ... ..		444
Applying marks and descriptions ... ..	5	
Costs ... ..	10 (3)	
Definitions ... ..	3	
Evidence ... ..	9	
Exemptions ... ..	6	
False description, when permissible ... ..	14	
Forgery ... ..	4	
Importation, prohibition of ... ..	12	
Limitation of prosecutions... ..	11	
Offences and penalties ... ..	2	
Pleadings ... ..	8	
Regulations ... ..	16	
Savings ... ..	15	
Search warrants ... ..	10	
Warranty, implied on sale ... ..	13	
Watches, application to ... ..	7	
 MINING. CHAPTER 48 ... ..		453
Appeal ... ..	6	
Application ... ..	3	
Arbitration ... ..	6	
Compensation ... ..	5	
Forfeiture of minerals ... ..	11	
Leases and licences ... ..	4, 5	
"    "    application for ... ..	8	
"    "    form ... ..	7	
"    "    protection of holder ... ..	9	
" Minerals " ... ..	2	
Penalties ... ..	13	
Prospecting licence, implied condition ... ..	10	
Regulations ... ..	12	
Royalties ... ..	12 (2)	
 PENGUINS ... ..		672-4
 PENSIONS. CHAPTER 49 ... ..		457
Application ... ..	18	
Appointments, effect of ... ..	15	
Bankruptcy ... ..	13	
Conviction ... ..	14	
Death of officer in the service ... ..	16, 17	
Dependants, rights of ... ..	17	
Further employment, pensioner may be called on to take ... ..	10	
Interpretation ... ..	2	
Pensions, assignable, not ... ..	12	
"    cessation of ... ..	13-15	
"    charged on revenues ... ..	4	
"    granted, when ... ..	6	
"    maximum ... ..	9	
"    not of right ... ..	5	
"    suspension on re-employment ... ..	11	
Regulations ... ..	3	
Retirement of officer ... ..	7, 8	

# *Index.*

	SECTION	PAGE
PLANT DISEASE REGULATION. CHAPTER 50	...	469
POLICE AND PRISONS. CHAPTER 51	...	472
POST OFFICE. CHAPTER 52	...	476
PUBLICATIONS (IMPORT PROHIBITION). CHAPTER 53	...	479
PUBLIC HEALTH. CHAPTER 54	...	482
Contagious and infectious diseases	20, Schedule II	
Hospital	51-55	
Houses, unfit for habitation	17	
Nuisances	13	
Quarantine	33-47	
Regulations	Schedule II	
Sale of food, provisions regarding	6-11	
Vaccination	21-32	
Venereal disease	48-50	
QUARANTINE	...	492
Regulations	...	498
RADIO-ACTIVE MINERALS. CHAPTER 55	...	510
RECIPROCAL ENFORCEMENT OF JUDGMENTS.		
CHAPTER 56	...	516
REGISTRATION. CHAPTER 57	...	520
REGISTRATION OF U.K. PATENTS. CHAPTER 58	...	524
REGISTRATION OF U.K. TRADE MARKS. CHAPTER 59	...	527
REVISED EDITION OF THE LAWS	...	xii
ROAD TRAFFIC. CHAPTER 60	...	531
Animals on roads	15	
Bicycles, pedal	13	
Carts and carriages	14	
Dangerous driving	8	
Insurance, Third Party	6	
Motor vehicles, licences	4, 5	
registration of	3	
taking without owner's consent	9	
Roads, closing	16	
SAVINGS BANK. CHAPTER 61	...	541
SEAL FISHERY CHAPTER 62	...	547
SEDITIONOUS OFFENCES. CHAPTER 63	...	553
SHIPWORKERS' PROTECTION. CHAPTER 64	...	556
SLAUGHTERING AND INSPECTION. CHAPTER 65	...	557
STAMP DUTY. CHAPTER 66	...	565
STAMPS, POSTAGE, counterfeit	...	477
STANLEY RATES. CHAPTER 67	...	567
STANLEY TOWN COUNCIL. CHAPTER 68	...	578
Accounts	125-131	
Audit	132-134	
Ballot paper, rejected	38	
spoilt	33	
tendered	32	
Bribery	48, 49	
By-laws	84-90	
Chairman	19	

# *Index.*

	SECTION	PAGE
STANLEY TOWN COUNCIL. CHAPTER 68— <i>continued.</i>		
Corrupt practices ... ..	45, 48-54	
"    exoneration of candidate ... ..	63	
Council, powers and duties ... ..	69-96	
Councillor, qualification and disqualification ... ..	10, 11, 65	
Counting of votes ... ..	37	
Death of candidate ... ..	8 (4)	
Deposit ... ..	13, 14	
Election ... ..	23-44	
"    expenses, limit of... ..	56	
"    offences ... ..	45-68	
"    Petitions ... ..	59-62	
Electors, blind and illiterate ... ..	31	
"    qualification and disqualification ... ..	6, 65-68	
"    Register of, preparation ... ..	Schedule II	
Entertainment, public ... ..	124	
Equality of votes ... ..	37 (4)	
Estimates ... ..	129	
Expenses of candidates ... ..	55, 56, 58	
Financial provisions ... ..	119-124	
Illegal practices ... ..	55-57	
"    exoneration of candidate ... ..	63, 64	
Maintenance of relatives ... ..	74 (4)	
Offences ... ..	46-57	
Officers, appointment and duties ... ..	91-104	
Offices ... ..	116-118	
Pecuniary interest in contract ... ..	82, 83	
Personation ... ..	53	
Public Assistance Committee ... ..	74	
Public Works ... ..	105-118	
Rates, power to levy ... ..	120	
Resignation of Councillor ... ..	21	
Secrecy of poll ... ..	25, 35, 40-43	
"    infringement of ... ..	47	
Treating ... ..	50	
Undue influence ... ..	51	
Vacancy, declaration of ... ..	11 (3)	
Votes, counting, equality of ... ..	37	
STANLEY TOWN COUNCIL (POWERS). CHAPTER 69		629
Cemetery ... ..	10-20	
Fire Brigade ... ..	3-9	
Library and Museum ... ..	35	
Public Health ... ..	30-32, 34	
Street lighting ... ..	33	
Water supply ... ..	21-29	
STANLEY WATERWORKS. CHAPTER 70		640
STREET LIGHTING ... ..		637
TELEGRAPHY. CHAPTER 71		642
TRADE DISPUTES (ARBITRATION). CHAPTER 72		643
TRADE UNIONS AND TRADE DISPUTES. CHAPTER 73		647
TRESPASS. CHAPTER 74		656
U.K. DESIGNS PROTECTION. CHAPTER 75		659
VACCINATION ... ..		489
VENEREAL DISEASE ... ..		496
WHALE FISHERY. CHAPTER 76		660
WHARFAGE CHARGES ... ..		247, 249

# *Index.*

	SECTION	PAGE
WILD ANIMALS AND BIRDS. CHAPTER 77		670
WIRELESS TELEGRAPHY. CHAPTER 78		675
WORKMEN'S COMPENSATION. CHAPTER 79		678
Agreement, Memorandum of	28-30	
Appeals	31	
Application to Commissioner	22	
Bankruptcy of employer	14	
Commissioners	19, 20	
Compensation, amount of	4	
" assignable or attachable, not	9	
" death, distribution on	8	
" review of	6	
" transfer of	34	
Contracting out forbidden	16	
Costs	26, 28	
" no lien on compensation for	8 (8)	
Crown, workmen in employment of	17	
Disability, workman under	8 (6)	
Disease, when compensation payable	3 (2)	
Local Authority, workmen of	18	
Medical examination	11	
Misconduct	3 (1)	
Negligence, injury caused by	3 (3), 13	
Notice and claim	10	
Sub-contracting	12	
Variation of order	6, 8 (7)	
Venue of proceedings and transfer	21	
Wages, how calculated	5	

