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### 1949.

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JANUARY 1, 1949.

No. 1.

## NEW APPOINTMENTS.

<i>Name</i>	<i>Department</i>	<i>Office</i>	<i>Date</i>	<i>Remarks</i>
Bertrand, Miss N.	Public Works	Clerk, Grade IV.,	11.12.48.	On probation for 6 months.
Jones, W. J.	Police & Prisons	Police Constable	1.1.49.	On probation.
McLeod, Miss H.	Secretariat & Treasury	Temporary Clerk	1.1.49.	—
Shackel, A. P.	Police & Prisons	Police Constable	1.1.49.	On probation.

## CONFIRMATION OF APPOINTMENT.

<i>Department</i>	<i>Office</i>	<i>Date</i>	<i>Remarks</i>
Lellman, E. F.	Treasury Commissioner of Income Tax	1.1.48.	—

## PROMOTION.

<i>Date</i>
Peck, Miss V. T. M. Clerk, Grade V., Educ. Dept. to Clerk, Grade IV., Educ. Dept. 1.1.49.

## NOTICES.

The following Notices etc., are published by command of His Excellency the Governor.

R. WINTER,  
*Acting Colonial Secretary.*

No. 67. 3rd December, 1948.

His Excellency has been pleased to appoint the following gentlemen to constitute a Committee to enquire into and report upon all outstanding W/T requirements and to recommend the best means of meeting them :

Colonial Secretary	<i>Chairman.</i>
F. Kift, Esq.	<i>Deputy „</i>
D. McNaughton, Esq.	<i>Hon. Secretary.</i>
Major K. S. P. Butler, Secretary. F.I.D.S.	
K. A. Cunningham, Esq., Information Officer	
D. Hallett, Esq.	
G. A. Howkins, Esq., Meteorological Officer	
A. Mercer, Esq., Supt. E. & T. Dept.	
V. H. Spencer, Esq.	

M.P. 0439/II.

No. 68. 3rd December, 1948.

His Excellency has been pleased to appoint

## THE REGISTRAR-GENERAL

to be Registrar of Aircraft with effect from the 1st of December, 1948.

M.P. 0270

No. 69. 9th December, 1948.

With reference to Gazette Notice No. 81 of the 31st of December, 1947, the following Practitioner has been added to the List of Medical Practitioners, registered to practise in the Dependencies of the Colony of the Falkland Islands.

Wallis, Roy Walter	M.R.C.S. (Eng.)	1948.
	L.R.C.P. (Lond.)	

M.P. 21/28.

No. 70.

15th December, 1948.

## COST OF LIVING COMMITTEE.

His Excellency the Governor has been pleased to appoint a Committee to consider and report in the light of all relevant circumstances including *e.g.*, the introduction of non-contributory Children's Allowances, upon the figures on which calculations of increased cost of living have been based by the Honourable Mr. D. W. Roberts, O.B.E., J.P., and Mr. S. Luxton, respectively, and upon the conclusions drawn therefrom.

## 2. The Committee is constituted as follows :

The Honourable Mr. R. W. S. Winter, J.P.,  
Legal Secretary. *Chairman.*

The Honourable the Senior Medical Officer.

Mrs. A. Newing

M. J. Luxton, Esq.

M.P. 0743.

No. 71.

16th December, 1948.

The following list of Ministers of Religion who have been registered as Ministers for celebrating marriages, is published in accordance

with the provisions of Section 6 of the Marriage Ordinance, 1902 :—

The Right Reverend Daniel Ivor Evans	Lord Bishop of the Falkland Islands.
The Reverend Roger George Robert Calvert	Senior Chaplain of Christ Church Cathedral.
The Reverend John Kelly	Priest in Charge of St. Mary's Church.
Pastor Walter Forrest McWhan	Minister of the Non-Conformist Church.

M.P. 20/28.

No. 72.

17th December, 1948.

On the following dates in 1949 the Public Offices will be closed :—

New Year's Day ...	Saturday, 1st January.
Good Friday ...	Friday, 15th April.
Easter Monday ...	Monday, 18th April.
Empire Day ...	Tuesday, 24th May.
King's Birthday ...	Thursday, 9th June.
August Bank Holiday	Monday, 1st August.
Anniversary of Falk- land Islands Battle	Thursday, 8th December.
Christmas Holidays ...	Monday, 26th December. Tuesday, 27th December.

M.P. 291/33.

## Order by His Excellency the Governor in Council.

## The Radio Active Minerals Ordinance 1948.

MILES CLIFFORD,

*Governor.*

No. 10 of 1948.

In exercise of the powers vested in him by section 13 of the Radio Active Minerals Ordinance 1948 and with the advice and consent of the Executive Council His Excellency the Governor is pleased to order and it is hereby ordered that the Schedule to the said Ordinance shall be amended to read as follows :

- (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.
- (2) Minerals of the pitchblende group, including pitchblende, uraninite, ulrichite, broeggerite, 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.

Made by the Governor in Executive Council on the 20th day of December, 1948.

L. W. ALDRIDGE,

*Clerk of the Executive Council.*

M.P. 0204.

# Supreme Court.

## Rules of Court.

No. 1 of 1948.

MILES CLIFFORD,  
*Governor.*

1. These Rules may be cited as the Consolidation (Amendment) Rules 1948 and shall be read as one with the Consolidation Rules 1922.

2. Rule 31 of the Consolidation Rules 1922 is hereby rescinded and the following rule substituted therefor :

"Proceedings shall be commenced by delivering to the Registrar a Petition in the Form A set out in the Schedule hereto together with an affidavit by the Petitioner verifying the facts of which he has personal knowledge and deposing as to his belief in the truth of the other facts alleged therein. The Registrar shall thereupon issue the notices to appear in the Form B set out in the Schedule hereto".

### THE SCHEDULE.

#### FORM A.

#### DIVORCE AND MATRIMONIAL CAUSES.

To His Honour the Judge.

The                      day of                      19                      .

The Petition of A.B. of                      , sheweth, —

1. That your petitioner was on the                      day of                      19                      , lawfully married to C.B., then C.D., (Spinster or Widow) at the Parish Church of, &c.

*(Here state where the marriage took place)*

2. That after his said marriage your petitioner lived and cohabited with his said wife at                      and at                      , and that your petitioner and his said wife have had issue of their said marriage                      children to wit :

*(Here state the name and ages of the children of the marriage)*

3. That on the                      day of                      19                      , and on other days between that day and                      , the said C.B., at                      in                      , committed adultery with R.S.

4. *(Here set out in detail in separate paragraphs the alleged matrimonial offences or other ground upon which relief is sought).*

Your petitioner therefore humbly prays, —

That your Honour will be pleased to decree :

*(Here set out the relief sought)*

And that your Petitioner may have such further and other relief in the premises as may seem fit.

(Petitioner's signature).

## FORM B.

In the Supreme Court  
Falkland Islands.

To \_\_\_\_\_ of \_\_\_\_\_

**Take Notice** that you are required within 8 days (30 days if residing outside Stanley) after service hereof upon you, inclusive of the day of service to make answer to this petition (answer) and that in default of your so doing the Court will proceed to hear the petition (answer) and pronounce judgment, your absence notwithstanding.

Dated at Stanley, Falkland Islands the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

.....  
Registrar.

Made by the Governor in Council at a meeting held on the 20th day of December 1948.

L. W. ALDRIDGE,  
*Clerk of the Executive Council.*

M.P. 64/23.

## LEGISLATIVE COUNCIL.

### MINUTES OF MEETING HELD ON THE 30TH DECEMBER, 1948.

1. The minutes of the meeting of the Legislative Council held on the 20th of October, 1948, were confirmed.

2. His Excellency the Governor delivered to the Council the following address :—

Honourable Members.

The Secretary of State has advised me that the Order-in-Council providing for popularly elected representation in the Legislative Council of this Colony was approved by His Majesty on November 26th and was presented to the House of Commons on the same day. You will therefore be invited to consider this morning a Bill to give practical effect to that Order-in-Council in laying down the manner in which elections to the representative seats shall be conducted. There are to be, you will recall, two members representing the East and West Falklands respectively and two representing Stanley and if, in any particular case, no member should present himself for election then authority is vested in the Governor to nominate a member for that constituency – an authority which I, personally, would be most reluctant to employ. I hope, therefore, that electors will exercise with energy and enthusiasm the privilege which they have so long sought. I shall ask for nominations in February; thus voters will have ample time in which to make up their minds as to the person – man or woman – who is most acceptable to them and best capable, in their view, of representing their interests. They should note that the life of the Council is four years; that is to say that once a member is elected he is in for four years so that the electors will be well advised to give very close attention to this matter.

Second in order of importance today will be the consideration of a Bill to which I referred in my Budget address, designed to confer powers on the Town Council; powers which I am confident that they will exercise wisely and to the increasing benefit of the Stanley community. Here, I venture to hope that future elections to this body will occasion more interest than hitherto and, in particular, I would like to see some of the younger generation coming forward to accept responsibility for it is, you will agree, desirable that all shades of opinion should be represented on it if the Council is to serve the community to the best advantage. There is the further and very important consideration that service on the Town Council cannot fail to provide most useful experience for later service to the Colony as a whole in the Legislative Council.

You will be asked also to consider a Bill to amend the Defence Force Ordinance. The object of this Bill is to abolish the Reserve and to provide that a member be posted direct to the Retired List from the Active List. In the main, its effect will be that members may remain on the Active List until they attain the age of 41 years *and* have been returned efficient for 12 years. And they may so remain after that age if the Commanding Officer considers that they are performing efficient service. Regulation 1 of 1946 unfortunately compelled a member to retire on attaining the age of 41, and this I understand caused a good deal of dissatisfaction among

members who were keen to carry on, whilst also seriously depleting the strength of the Force. The offending Regulation is now rescinded. The amendment springs from a recommendation, unanimously adopted, at a recent meeting of the Officers and non-commissioned officers of the Defence Force and as such it has my full support.

My final duty is to inform you that the present Chamber will cease to exist tomorrow, December 31st, by virtue of a Proclamation which will be made by me on 1st January under the new Letters Patent.

In conclusion it will be your wish, I am sure, that we should convey to the Honourable Mr. Vincent Biggs the sympathy of the House in his long illness, our hopes for his early restoration to health and our appreciation of his long services to the Colony.

3. The Honourable the Acting Colonial Secretary, by command, laid on the Table the following papers :-

- (i) Financial Secretary's Report for the year ended the 31st of December, 1947.
- (ii) Departmental Review for 1948.

4. The Honourable the Acting Colonial Secretary moved the *first* reading of the Bill "To provide for the Nomination and Election of Members to the Legislative Council".

The Honourable the Senior Medical Officer seconded the motion.

On further motion made and seconded the Standing Orders were suspended and the Bill was read a *second* time and committed.

Clauses 1 to 52 were agreed to. The Schedule was agreed to. The Enacting Clause and Title were agreed to. The Council resumed. The Bill was then read a *third* time and passed.

5. On the motion of the Honourable the Acting Colonial Secretary seconded by the Honourable Mr. D. W. Roberts, the Bill "To amend the Stanley Town Council Ordinance" was read a *first* time.

On further motion made and seconded the Standing Orders were suspended and the Bill was read a *second* time and committed.

Clauses 1 to 29 were agreed to. The Enacting Clause and Title were agreed to. The Council resumed. The Bill was then read a *third* time and passed.

6. The Honourable the Acting Colonial Secretary moved the *first* reading of the Bill "To provide for the exercise of powers of local government by the Stanley Town Council".

The Honourable Dr. J. E. Hamilton seconded the motion.

On further motion made and seconded the Standing Orders were suspended and the Bill was read a *second* time and committed.

Clauses 1 to 39 were agreed to. The Schedule was agreed to. The Enacting Clause and Title were agreed to. The Council resumed. The Bill was then read a *third* time and passed.

7. On the motion of the Honourable the Acting Colonial Secretary seconded by the Honourable the Senior Medical Officer, the Bill "To amend the Defence Force Ordinance, 1920" was read a *first* time.

On further motion made and seconded the Standing Orders were suspended and the Bill was read a *second* time and committed.

Clauses 1 and 2 were agreed to. The Enacting Clause and Title were agreed to. The Council resumed. The Bill was then read a *third* time and passed.

8. The Honourable the Acting Colonial Secretary moved the *first* reading of the Bill "To provide for the Regulation and Control of Road Traffic".

The Honourable the Senior Medical Officer seconded the motion.

On further motion made and seconded the Standing Orders were suspended and the Bill was read a *second* time and committed.

Clauses 1 to 3 were agreed to.

On motion made consideration of Clause 4 was postponed until after consideration of the Schedule.

Clauses 5 to 19 were agreed to. The Schedule was agreed to. Clause 4 was recommitted and agreed to. The Enacting Clause and Title were agreed to. The Council resumed. The Bill was then read a *third* time and passed.

Assented to in His Majesty's name this 31st day of  
December, 1948.

MILES CLIFFORD,  
*Governor.*

[L.S.]

No. 16



1948.

**Colony of the Falkland Islands and its Dependencies.**

IN THE THIRTEENTH YEAR OF THE REIGN OF

**HIS MAJESTY KING GEORGE VI.**

G. M. CLIFFORD, C.M.G., O.B.E., E.D.,  
*Governor.*

**An Ordinance**

**To provide for the Nomination and Election of Members to the Legislative Council.**

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

**PART I.**

**PRELIMINARY.**

Short title.

1. This Ordinance may be cited as the Legislative Council (Elections) Ordinance, 1948.

Definitions.

2. In this Ordinance where the context so admits :

“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

(a) in respect of the first register, twelve months ending on the 31st day of December 1948, and

(b) in respect of any subsequent register, 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 : Representation of Electorates.

(1) Two members shall be elected for the area of Stanley as defined in the Stanley Town Council Ordinance.

(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 28 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 sub-section (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.

7. The Governor shall appoint one or more registration officers and a returning officer for each electoral area. Appointment of Registration Officers.

8. (1) The registration officer shall upon the expiration of the period of 28 days provided for in Section 5 (1) prepare a register for the electoral area in respect of which he is appointed. Preparation of registers.

(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 14 days from the date of publication of the register in the Gazette to have his name so inserted.

(2) The registration officer shall upon receipt of such application forthwith enquire 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 20 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 20 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.

Register conclusive.

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.

### PART III.

#### ELECTIONS.

Writs of election.

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.

(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.

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.

Notice of election.

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.

Disqualification for candidates.

(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 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 receive 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 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 of the Colony for or on account of the public service and has not published within one month before the day of 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 under this Ordinance by reason of his holding or acting in any office the functions of which involve any responsibility for the compilation of the electoral register, or for, or in connection with the conduct of the election; or
- (j) has not ordinarily resided in the Colony for a period of not less than 12 months; or
- (k) is disqualified under this Ordinance for offences connected with the election of members or for election under the Stanley Town Council Ordinance.

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 candidates.  
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 Twenty-five Pounds 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 sub-sections (1) and (2) of this section or in respect of which a deposit has not been made as required under sub-section (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 candidates  
unopposed.

18. Where no more candidates than the members required for election under section 3 hereof 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 candidates 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.

Death of candidate  
before poll is taken.

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.

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.  
Form C.

(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.

25. (1) Immediately before a ballot paper is delivered to an elector it shall be marked on both sides with an official mark.

Deliverance of ballot paper to elector.

(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.

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.

Manner of voting.

(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.

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.

Spoilt ballot papers.

28. If any elector is unable for any good and valid reason to mark his ballot paper the presiding officer shall

Inability to mark ballot paper.

(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.

Application for ballot paper in name of person who has already voted. Form D.	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.
	(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.
No communication with elector at polling station.	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.
Delivery of ballot boxes etc. to returning officer.	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.
Counting votes.	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.
Rejection of ballot papers.	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.  (2) The returning officer shall endorse every ballot paper which he may reject as invalid with the word "rejected".
Decision of returning officer final.	34. The decision of the returning officer on any question arising in respect of any ballot paper shall be 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.

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.

Disposal of ballot papers.

(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.

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 sub-section 3 of section 16.

Refund or forfeiture of deposit.

(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 14 days after the date of the return made by the returning officer to the Governor of the member to the election of whom the petition relates unless it challenges the election on an allegation of corrupt or illegal practices and specifically a payment of money or some other act to have been made or done since the date of such return by the member, or on his account, or with his privity it shall be presented within 21 days of such payment or other act.

(3) At the time of presentation of an election petition, or within 3 days thereof, the petitioners 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 petitioners 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.

#### PART IV.

#### OFFENCES.

41. (1) Any person who

- (a) registers himself in an electoral area when he is registered in another electoral area, or
- (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

Offences in connection with registration and elections.

- (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 whosoever 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.

#### Personation.

43. (1) Any person who

- (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.

44. Every election officer who

Offences by election officers.

- (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.

45. (1) Every person who

Bribery and treating.

- (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 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.

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## 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.

Nomination Paper for \* Electoral area.

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)

Presiding Officer.

\*Stanley.

East Falkland.

West Falkland.

This printed impression has been carefully compared by me  
 with the Bill which has passed the Legislative Council, and is found  
 by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,  
 Clerk of the Legislative Council.

Assented to in His Majesty's name this 31st day of December, 1948.

MILES CLIFFORD,  
*Governor.*

[L.S.]

No. 17



1948.

**Colony of the Falkland Islands and its Dependencies.**

IN THE THIRTEENTH YEAR OF THE REIGN OF

**HIS MAJESTY KING GEORGE VI.**

G. M. CLIFFORD, C.M.G., O.B.E., E.D.,  
*Governor.*

**An Ordinance  
To amend the Stanley Town Council  
Ordinance.**

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

Short title.

1. This Ordinance may be cited as the Stanley Town Council (Amendment) Ordinance and shall be read and construed as one with the Stanley Town Council Ordinance (hereinafter called the Principal Ordinance).

Amendments  
Section 6.

2. (1) The words "is on the first day of December of the year immediately preceding the year in which the elections lists are" in section 6 (b) of the Principal Ordinance shall be deleted and the words "is resident in Stanley on the 31st day of August in the year in which the register of electors is" shall be substituted therefor.

(2) The following clauses shall be added after section 6 (b) of the Principal Ordinance

"(c) he is a British subject and

(d) he is not subject to any legal incapacity".

(3) The words "in Stanley" shall be substituted for the words "without municipal limits" in line 2 of the first proviso to Section 6 of the Principal Ordinance.

Section 8.

3. (1) The following subsections shall be added after section 8 (2) of the Principal Ordinance :

Notice of poll.

"8. (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.

(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.

(2) The words "at the first meeting of the Council after the vacancy has arisen" after the word "gazette" in the last line of section 8 (2) of the Principal Ordinance shall be deleted.

4. The words "shall perform the duties of returning officer and" after the word "officer" in line 1 of section 9 (1) of the Principal Ordinance shall be deleted and the word "Registration" substituted for "returning" in the marginal note of that section.

Section 9.

5. The following subsection shall be added after section 11 (2) of the Principal Ordinance :

Section 11.

"(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) ceased 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 Secretary to the Council affixed to the Council offices.

Declaration of vacancy.

In such case the provisions of section 8 (2) shall apply."

6. The figures "£10" shall be substituted for the figures "£25" in section 13 (1) of the Principal Ordinance.

Section 13.

7. The word "Returning" shall be substituted for the word "Registration" in line 1 of section 15 of the Principal Ordinance and in the marginal note to that section.

Section 15.

8. The word "Returning" shall be substituted for the word "Registration" in line 3 of section 18 of the Principal Ordinance.

Section 18.

9. The words "Town Clerk" shall be substituted for the words "Secretary of the Council" in line 6 of section 21 of the Principal Ordinance.

Section 21.

10. (1) The following definition shall be substituted for the definition of "presiding officer" given in section 23 (1) of the Principal Ordinance

Section 23.

"Presiding Officer" means the officer appointed by the Returning Officer to preside at a polling station".

(2) The following definition shall be inserted after the definition of "Register" given in section 23 (1) of the Principal Ordinance

"Returning Officer" means the officer appointed by the Town Council, subject to the approval of the Governor, to conduct an election."

11. (1) The word "Returning" shall be substituted for the word "presiding" in line 1 of section 26 (1) of the Principal Ordinance.

Section 26.

(2) The words "in each ward and each polling place" after the word "station" in line 1 of section 26 (2) of the Principal Ordinance shall be deleted and the word "which" substituted in lieu thereof.

- Section 36. 12. The following marginal note shall be added to section 36 of the Principal Ordinance –  
“Mistake in use of ballot paper not to invalidate election”.
- Section 37. 13. The words “person presiding at the polling place” after the word “the” in line 2 of section 37 (1) of the Principal Ordinance shall be deleted and the words “presiding officer” substituted therefor.
- Sections 38, 39, 40 & 41. 14. The words “Returning Officer” shall be substituted for the words “presiding officer” wherever they appear throughout sections 38, 39, 40 and 41 of the Principal Ordinance.
- Section 60. 15. The words “Supreme Court” in section 60 subsections (1) and (2) of the Principal Ordinance shall be deleted and the word “Magistrate” substituted in lieu thereof.
- Section 70. 16. The words “at the next succeeding meeting” shall be added after the word “Chairman” in the last line of section 70 of the Principal Ordinance.
- Section 72. 17. The proviso to section 72 of the Principal Ordinance shall be deleted and the following substituted in lieu thereof :  
“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.”
- Section 73. 18. The words “every question as to which the voices are equal shall be deemed to be passed in the negative” after the word “that” in line 3 of section 73 of the Principal Ordinance shall be deleted and the words “where the voting is equal the motion shall be deemed not passed” shall be substituted therefor.
- Sections 76 & 128. 19. The words “Town Clerk” shall be substituted for the word “Secretary” in sections 76 and 128 of the Principal Ordinance.
- Section 77. 20. The words “Town Clerk” shall be substituted for the words “Secretary to the Council” in line 4 of section 77 of the Principal Ordinance.
- Section 79. 21. The words “motor vehicles” shall be inserted after the word “possess” in line 1 of section 79 of the Principal Ordinance.
- Section 82. 22. Section 82 of the Principal Ordinance shall be deleted and the following shall be substituted :  
“82. (1) Any councillor who has any pecuniary interest, direct or indirect, in any contract or proposed contract or other matter at any meeting of the Council or any committee he shall at the commencement of the consideration thereof immediately declare his interest and he shall be excluded from the meeting during such consideration.  
(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 discussion, 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."

The marginal note to this section shall be deleted and the following substituted therefor :

"Councillor to declare interest in contract with the Council."

23. Section 83 shall be deleted and the following section substituted therefor : Section 83.

"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."

The marginal note to this section shall be deleted and the following substituted :

"Penalty for failure to declare interest in contract."

24. Section 84 of the Principal Ordinance shall be deleted and the following substituted in lieu thereof : Section 84.

"84. The Council shall have powers 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."

25. Section 89 of the Principal Ordinance shall be deleted and the following substituted in lieu thereof : Section 89.

"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."

26. Section 94 of the Principal Ordinance shall be deleted and the following substituted therefor : Section 94.

"94. The Council may with the approval of the Governor appoint a Town Clerk at such remuneration as the Governor may determine."

27. The word "complete" shall be substituted for the word "perfect" in line 3 of section 102 (1) of the Principal Ordinance. Section 102.

28. The word "Magistrate" shall be substituted for the words "Clerk of the Court" in line 2 of sub-paragraph (2) and in line 3 of sub-paragraph (3) of paragraph 9 of the Second Schedule to the Principal Ordinance. Second Schedule paragraph 9.

29. The following clause shall be substituted for clause (b) of the Third Schedule to the Principal Ordinance - Third Schedule.

"I have been resident in Stanley during the past twelve months".

---

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,  
*Clerk of the Legislative Council.*

Assented to in His Majesty's name this 31st day of December, 1948.

MILES CLIFFORD,  
*Governor.*

[L.S.]

No. 18



1948.

**Colony of the Falkland Islands and its Dependencies.**

IN THE THIRTEENTH YEAR OF THE REIGN OF  
**HIS MAJESTY KING GEORGE VI.**

G. M. CLIFFORD, C.M.G., O.B.E., E.D.,  
*Governor.*

**An Ordinance**

To provide for the exercise of powers of local government by the Stanley Town Council.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof as follows —

**Short title.**

1. This Ordinance may be cited as the Stanley Town Council (Powers) Ordinance, 1948.

**Definitions.**

2. In this Ordinance where the context so admits :

“Council” means the Stanley Town Council as constituted under the Stanley Town Council Ordinance.

“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.

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.

Council to control and maintain the Brigade.
4. The Council shall appoint a Committee to supervise all matters in connection with the Brigade.
 

Fire Brigade Committee.
5. The Council shall appoint a Superintendent and such other officers as it may deem necessary.
 

Appointment of Officers.
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.
 

Charge to Shipowners for use of Brigade.
7. All fire insurance companies carrying on business in Stanley shall contribute an annual payment equal to one eighth per centum of the capital insured towards the maintenance of the Brigade.
 

Contribution by Insurance Companies.
8. 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.
 

Measures to prevent spread of fire.
9. 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.

## Offences.

## 10. Any person who :

(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.

## Vesting of Cemetery.

11. 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.

## Cemetery Committee.

12. The Council shall appoint a Committee to supervise all matters connected with the Cemetery.

## Prohibition of dwelling houses near Cemetery.

13. 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.

14. The Council may permit a chapel to be built in the Cemetery for the performance of the burial service.

## Consecrated ground.

15. 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.

## 16. 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.

17. (1) The grant of exclusive right of burial or right of placing a monument, gravestone, enclosure, tablet or other inscription as provided in 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.

18. (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 2/6 for the registration of the assignment of the exclusive right of burial in such register.

19. 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 etc. improperly erected.

20. 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.

21. Any person who shall play at any game or sport or discharge firearms, save at a military funeral 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.

22. 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.

Water mains vested in Council: Council to maintain.

23. The Council shall appoint a Water Committee to supervise all matters relating to the supply of water in Stanley.

Appointment of Water Committee.

24. The Council may by its officials, workmen or agents :

Powers of Council.

(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

- (h) 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.

#### New connections.

25. (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.

(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 in Stanley connect or instal or cause to be connected or installed any fittings without the approval of the Council first obtained shall commit an offence.

#### Repair of defective fittings.

26. 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.

#### Council may perform work on behalf of private persons.

27. 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.

#### Public fountains.

28. No person shall take water from the public fountains for any other than a domestic purpose.

#### Offences.

29. Any person who shall in Stanley :

(1) 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) 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 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.

30. 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.

Payment by Council for water.

#### PART IV.

#### PUBLIC HEALTH.

31. The Council shall be responsible in Stanley for

Responsibility of Council in public health matters.

(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.

32. 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 maintenance by Council.

33. The Council shall appoint a Committee to supervise all matters relating to public health.

Public Health Committee.

34. (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 as 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 re-instating any road so opened at its own cost and 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  
swimming-pool.

35. 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.

36. (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 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 the imposition of fines in connection therewith as it may decide.

(4) The Council shall be responsible for the efficient maintenance and control of the Town Hall (when constructed).

(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.

37. The Council shall exercise all such rights and powers as may from time to time be delegated to it by the Governor in Council.

Repeals No. 3 of 1898,  
No. 4 of 1914, No. 7 of  
1914, No. 3 of 1928,  
No. 10 of 1938, No. 5  
of 1944.

38. The Stanley Fire Brigade Ordinance 1898, The Stanley Cemetery Ordinance 1914, The Stanley Cemetery Incorporation Ordinance 1914, The Stanley Fire Brigade (Amendment) Ordinance 1928, The Petroleum Spirit Ordinance 1938, The Library and Museum Ordinance 1944 are hereby repealed.

Commencement.

39. This Ordinance shall come into force on the 1st day of January, 1949.

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### SCHEDULE.

## FORM A.

By virtue of the Stanley Town Council (Powers) Ordinance, 1948, the Stanley Town Council in consideration of the sum of £                      now paid by  
of                      (the receipt whereof is hereby acknow-  
ledged) hereby GRANTS unto the said                      (the  
exclusive right of burial in the Stanley Cemetery) (the right of placing a monument, grave-  
stone, 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 \_\_\_\_\_,  
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.*

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,  
*Clerk of the Legislative Council.*

Assented to in His Majesty's name this 31st day of December, 1948.

MILES CLIFFORD,  
*Governor.*

[L.S.]

No. 19



1948.

Colony of the Falkland Islands and its Dependencies.

IN THE THIRTEENTH YEAR OF THE REIGN OF

HIS MAJESTY KING GEORGE VI.

G. M. CLIFFORD, C.M.G., O.B.E., E.D.,  
*Governor.*

### An Ordinance

To amend the Defence Force Ordinance,  
1920.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

Short title.

1. This Ordinance may be cited as the Defence Force (Amendment) Ordinance 1948 and shall be read and construed as one with the Defence Force Ordinance 1920.

Repeals Sections 12  
and 13.

2. Sections 12 and 13 of the Defence Force Ordinance 1920 are hereby repealed and the following is substituted for Section 13 thereof :

“13 (1) Any member who 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 apply in writing to the Commanding Officer to be posted to the Retired List
- (b) may at any time thereafter for any reason for 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 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 badges 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.

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This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,  
*Clerk of the Legislative Council.*

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## Regulations made by the Governor in Council under the Defence Force Ordinance, 1920.

MILES CLIFFORD,  
*Governor.*

No. 11 of 1948.

In exercise of the powers vested in him by section 37 of the Defence Force Ordinance, 1920, and with the advice and consent of the Executive Council His Excellency the Governor is pleased to make and hereby makes the following Regulations :

1. These Regulations may be cited as the Defence Force Regulations, 1948.
2. Regulation 3 of the Defence Force Regulations, 1946, is hereby rescinded.

Made by the Governor in Executive Council on the 20th day of December, 1948.

L. W. ALDRIDGE,  
*Clerk of the Executive Council.*

M.P. 601/21.

Assented to in His Majesty's name this 31st day of December, 1948.

MILES CLIFFORD,  
*Governor.*

[L.S.]

No. 20



1948.

Colony of the Falkland Islands and its Dependencies.

IN THE THIRTEENTH YEAR OF THE REIGN OF

HIS MAJESTY KING GEORGE VI.

G. M. CLIFFORD, C.M.G., O.B.E., E.D.,  
*Governor.*

An Ordinance

To provide for the Regulation and  
Control of Road Traffic.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

Short title.

1. This Ordinance may be cited as the Road Traffic Ordinance 1948.

Definitions.

2. In the Ordinance and in any regulations made hereunder unless the context otherwise admits :

“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.

3. (1) Every motor vehicle in the Colony (except that owned or used by the Governor) not already registered shall be registered within 14 days of the date of commencement of the Ordinance. Registration.

(2) Every motor vehicle (except that owned or used by the Governor) brought into the Colony after the commencement of this Ordinance 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 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) On and after the 1st day of January, 1949, there shall be charged, levied and paid in respect of motor vehicles and trailers used on roads, duties at the rates shewn 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.

#### Driver's licences.

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.

(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, 1948. 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 to produce his licence produce the same to the Chief Constable he shall not be convicted of an offence under this sub-section.

(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 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 to a term not exceeding three months or to both such fine and imprisonment.

Third Party  
Insurance.

(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.

7. Any person who shall drive a motor vehicle on a road unless it is fitted with lights, warning instrument, safety glass, wind-screen wipers, a reflecting mirror, a silencer, tyres and adequate brakes as prescribed by the Regulations hereunder shall commit an offence.

Safety precautions.

8. Any person who :

Dangerous driving.

(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;

Excessive speed.

(3) drives a motor vehicle in Stanley at a speed greater than twenty miles per hour shall commit an offence,

Careless driving.

(4) drives a motor vehicle on a road without due care and attention or without reasonable consideration for other persons using the road shall commit an offence, or

(5) contravenes any of the regulations relating to the use of motor vehicles made hereunder shall commit an offence,

Driving on footway or public jetty.

(6) drives a motor vehicle on the pavement or footway of a road or without lawful authority on a 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 sub-section if he satisfies the court that the motor vehicle was driven for the purpose of saving life or extinguishing fire or any like emergency.

Taking vehicle without owner's consent.

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.

Tampering with vehicles.

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.

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 who shall 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 shewing 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 who shall 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 shewing 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.

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. Penalties.

18. The Governor in Council may make regulations for the more effective administration of this Ordinance. Regulations.

19. The Summary Jurisdiction (Amendment) Ordinance, 1931, and the Motor Car Ordinance, 1936, are hereby repealed. Repeals No. 4 of 1931, No. 2 of 1936.

## SCHEDULE.

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### 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.

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This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,  
*Clerk of the Legislative Council.*

# Regulations under the Road Traffic Ordinance, 1948.

No. 12 of 1948.

MILES CLIFFORD,  
*Governor.*

His Excellency the Governor in exercise of the powers vested in him by section 18 of the Road Traffic Ordinance, 1948, and with the advice and consent of the Executive Council is pleased to make and hereby makes the following Regulations.

1. These Regulations may be cited as the Road Traffic Regulations, 1948. Short title.

2. (1) Application for registration shall be made in the applicant's handwriting to the Chief Constable on the form A set out in the Schedule. Registration of Motor Vehicles.

(2) The prescribed identification mark shall be a plate of a size, shape and material approved by the Chief Constable bearing in white on a black background the number assigned to the particular motor vehicle by the Chief Constable.

(3) The prescribed positions shall be :

- (a) on the front and on the back of the vehicle except in the case of a trailer when the identification mark shall be on the back of the vehicle only and except as provided in sub-paragraph (b) hereof be exhibited so that in normal daylight the figures of the front and the rear identification mark shall be easily distinguishable by an observer in front of or behind the vehicle as the case may be at a distance of 60 feet in the case of a motor cycle or invalid carriage and 75 feet in every other case;
- (b) in the case of a motor cycle or an invalid carriage the front identification mark shall be so fixed that from whichever side the vehicle is viewed the figures on one or other face of the plate are easily distinguishable although they may not be distinguishable from the front of the vehicle.

(4) A motor vehicle shall not be registered or used on a road if :

- (a) its nett weight exceeds 8 cwts. and it is incapable of travelling backwards and forwards under its own power.
- (b) its chassis weight exceeds 30 cwts. unless it has been registered prior to the date of these Regulations.

3. (1) Application for a motor vehicle or trailer licence shall be made to the Chief Constable in the form B set out in the Schedule. Motor vehicle or trailer licence.

(2) No trailer which together with its load exceeds 30 cwts. shall be used on a road.

4. (1) Application for a driver's licence shall be made to the Chief Constable in the applicant's handwriting in the form C set out in the Schedule and a fee of 5/- shall be paid with each application. Driver's licence.

(2) Every applicant for a driver's licence shall unless he held a driver's licence on the 1st day of January, 1948, or a licence to drive issued in the United Kingdom be tested by the Chief Constable at the time of application.

(3) Driver's licences shall be renewed and the licence fee of 5/- paid annually on the 1st day of January in every year.

(4) A provisional driver's licence shall be subject to the following conditions :

- (a) in the case of a motor cycle to which a sidecar is not attached the holder shall not carry a passenger other than the holder of a driver's licence for at least two years immediately preceding such carrying or one who has passed the test provided for in section 5 (3) of the Road Traffic Ordinance, 1948;
- (b) in the case of every other motor vehicle the holder shall drive only when under the supervision of the holder of a driver's licence for at least two years immediately preceding such driving or has passed the test provided for in section 5 (3) of the Road Traffic Ordinance, 1948, who shall be present in the vehicle with him.

**Third party insurance.**

5. (1) A policy of insurance shall be one issued by an Insurance Company registered in the United Kingdom and shall insure such persons or classes of persons as may be specified in the policy in respect of any liability which may be incurred by them in respect of the death or of the bodily injury to any person caused by or arising out of the use of the vehicle on a road : Provided that such a policy shall not be required to cover

- (a) liability in respect of the death or of the personal injury to a person in the employment of the person insured arising out of and in the course of his employment; or
- (b) except in the case of a vehicle in which passengers are carried for hire or by reason of or in pursuance of a contract of employment, liability in respect of the death or of the bodily injury to persons being carried in or upon or getting on to or alighting from the vehicle at the time of the occurrence of the event out of which the claim arises; or
- (c) any contractual liability.

(2) The policy of insurance shall provide for the payment to the hospital for treatment of any person who has died or received bodily injury arising out of the use of a motor vehicle on a road the hospital scale of charges in respect thereof.

(3) The policy of insurance shall be produced to the Chief Constable on application for a motor vehicle licence under Regulation 3.

**Warning instrument.**

6. Every vehicle shall be fitted with an instrument capable of giving audible and sufficient warning of its approach or position provided that the Chief Constable may prohibit the use of any instrument which in his opinion might cause annoyance to the public.

**Lights.**

7. (1) Whenever a motor vehicle is on a road between one hour after sunset and one hour before sunrise it shall carry

- (a) a lamp so contrived as to illuminate every figure of the identification mark exhibited on the back of the vehicle or trailer attached thereto and to render them easily distinguishable in the absence of fog by an observer behind the vehicle 50 feet in the case of a motor cycle or invalid carriage and 60 feet in every other case; and
- (b) two lamps fixed on opposite sides of the vehicle each

showing to the front a white light visible from a reasonable distance provided that a motor cycle shall show one such light as aforesaid and that if a sidecar is attached to a motor cycle the sidecar shall carry one lamp on the nearside showing to the front a white light visible from a reasonable distance and

- (c) one lamp showing to the rear a red light visible from a reasonable distance

and every such lamp shall be kept lighted and in an efficient state and shall be attached to the vehicle in the positions required by the Chief Constable.

(2) No vehicle shall carry a lamp showing a red light to the front.

(3) No vehicle shall carry any light other than a red light to the rear.

(4) No light shewn by a vehicle other than a dipping head light shall be moved by swivelling, deflecting or otherwise while the vehicle is in motion.

(5) No lamp showing a light to the front shall be used on any vehicle unless such lamp is so constructed, fitted and maintained that the beam of light therefrom :

- (a) is permanently deflected downwards to such an extent that it is at all times incapable of dazzling any person standing on the same horizontal plane as the vehicle at a greater distance than 25 feet from the lamp whose eyelevel is not less than 3ft. 6ins. above that plane, or
- (b) can be deflected downwards or both downwards and to the left at the will of the driver in such a manner as to render it incapable of dazzling any such person in the circumstances aforesaid, or
- (c) can be extinguished by the operation of a device which at the same time causes beams of light to be emitted from the lamp which complies with sub-paragraph (a) of this Regulation, or
- (d) can be extinguished by the operation of a device which at the same time either deflects the beam of light from another lamp downwards or both downwards and to the left in such manner as to render it incapable of dazzling any such person in the circumstances aforesaid.

(6) Whenever a trailer is on a road between one hour after sunset and one hour before sunrise it shall carry the lamps prescribed in paragraph (1) (a) and (c) of this Regulation and every such lamp shall be kept lighted and in an efficient state and attached to the vehicle in the positions required by the Chief Constable.

Paragraph 5 of this Regulation shall not apply to any lamp fitted with an electric bulb if the power of the bulb does not exceed 7 watts and the lamp is fitted with frosted glass or other material which has the effect of diffusing the light.

8. Every motor vehicle other than a motor cycle, shall be equipped with a reflecting mirror which is to be fitted in such manner that the driver may observe any overtaking traffic.

Mirrors.

9. The glass of wind screens and windows facing to the front of any vehicle shall be safety glass.

Safety glass.

10. An efficient automatic windscreen wiper shall be fitted to

Windscreen wipers.

every motor vehicle which is so constructed that the driver cannot by opening the windscreen or otherwise obtain an adequate view to the front of the vehicle without looking through the windscreen.

Silencers.

11. All motor vehicles shall have efficient silencers fitted for reducing the noise made by the escape of exhaust gases.

Tyres.

12. No motor vehicle or trailer shall be driven on any road unless it is fitted with pneumatic tyres. Provided that in case of particular vehicles, or particular classes of motor vehicles, the Governor may authorise the issue of special permits allowing the use of solid tyres of soft or elastic material. Such tyres shall conform in all respects to such conditions as may be prescribed.

Brakes.

13. (1) Every motor vehicle shall be equipped with two entirely independent braking systems, or with one efficient braking system having two independent means of operation, in each case so designed and constructed that the failure of any single portion of any braking system shall not prevent the brakes on two wheels, or, in the case of a vehicle having less than four wheels, on one wheel, from operating effectively so as to bring the vehicle to rest within a reasonable distance; provided that in the case of a single braking system, the two means of operation shall not be deemed to be otherwise than independent solely by reason of the fact that they are connected either directly or indirectly to the same cross shaft.

(2) In the case of a motor vehicle having more than three wheels and equipped with two independent braking systems, each such system shall be so designed and constructed, that if the brakes thereof act either directly or indirectly on two wheels, they shall act on two wheels on the same axle.

(3) Where, in the case of a single braking system, the means of operation are connected directly or indirectly to the same cross shaft, the brakes applied by one of such means shall act on all of the wheels of the motor vehicle directly and not through the transmission gear.

(4) In all cases the brakes operated by one of the means of operation shall be applied by direct mechanical action without the intervention of any hydraulic, electric, or pneumatic device.

(5) In all cases the brakes operated by one of the means of operation shall act directly upon the wheels and not through the transmission gear.

(6) Every trailer having four or more wheels shall have an efficient braking system the brakes of which act upon

- (a) at least two wheels in the case of a trailer having not more than four wheels, and
- (b) at least four wheels in the case of a trailer having more than four wheels, so constructed that the brakes are capable of being set so as effectually to prevent two at least of the wheels from revolving when the trailer is not being drawn.

(7) In all cases where the braking system on a trailer having four or more wheels cannot be operated from the tractor vehicle, a person shall be carried on the trailer for the purpose of operating the braking system on the trailer.

(8) Except in the case of motor cycles with or without sidecars attached, every motor vehicle shall be equipped with a braking system so designed and constructed that it can be set so as effectually to prevent two at least, or in the case of a vehicle with only three wheels, one of the wheels from revolving when the vehicle is not being driven or is left unattended.

14. (1) The Chief Constable may direct that an inspection and test of any motor vehicle be carried out prior to issuing a licence or during the period when a licence is in force. Such inspection or test shall be carried out at the expense of the owner of the vehicle and if the vehicle is considered by the Inspecting Officer to be dangerous or unfit for use no licence shall issue or a licence if in force shall be suspended until the Inspecting Officer certifies (form E in Schedule) that the vehicle is fit for use. Inspection and tests.

(2) The Executive Engineer or his representative shall be the Inspector for the purpose of the foregoing section and shall be empowered to carry out such inspections or tests of motor vehicles as may be considered necessary for the purpose of these regulations.

(3) The fee to be charged for each inspection or test shall be such sum not exceeding one pound as the Governor may direct.

(4) A motor vehicle licence shall not be issued in respect of any motor vehicle so tested until it has been certified as fit to be licensed and any licence issued in respect thereof shall be suspended until all defects in the vehicle are remedied or such licences may be revoked: Provided that any person aggrieved by any refusal to grant, suspension of or revocation of a licence may appeal to the Magistrate who may make such order as he thinks fit.

15. (1) No person in charge of a motor vehicle shall Duties of Driver.

- (a) cause or permit the vehicle or trailer to stand on a road so as to cause an unnecessary obstruction thereof.
- (b) leave the vehicle without having stopped the engine and set the brake so as effectually to prevent the vehicle from being moved.

(2) A person while actually driving a motor vehicle shall

- (a) when any accident occurs whereby damage or injury is caused to any person, vehicle, bicycle, horse, cattle, ass, mule, sheep, pig, goat or dog, stop and give his name and address, and the name and address of the owner and the identification marks of the vehicle to any person having reasonable grounds for requiring him so to do,
- (b) in the case of an accident as aforesaid if he does not for any reason give his name and address to any person as aforesaid, report the accident to the police station as soon as practicable and in any case within 24 hours of the occurrence thereof,
- (c) comply with every road sign erected by the Government or Stanley Town Council and with any signal by a police officer in uniform,
- (d) not carry a load the weight, position or condition of which would in the opinion of the Chief Constable constitute a danger to other users of a road.

16. The Motor Car Regulations, 1936, the Motor Car (Amendment) Regulations, 1946, the Motor Car (Speed and Weight) Regulations, 1947, and the Motor Car Regulations, 1948, are hereby rescinded. Rescissions.

FALKLAND ISLANDS.

APPLICATION FOR REGISTRATION OF A MOTOR VEHICLE.

1. Full name of owner
2. Address of owner
3. Name of manufacturer
4. Description of vehicle (1)
5. Manufacturer's number of chassis
6. Manufacturer's number of engine
7. Horse-power
8. Type of body (2) :-

Number of seats

15. Purpose for which vehicle will be used :-

- (a) Private use.
- (b) Conveyance of goods. (Load area \_\_\_\_\_ sq. ft.).
- (c) Conveyance of goods and passengers (5)

19

(Signature of applicant.)

- NOTES.
- (1) State whether the vehicle is a motor cycle, etc.
  - (2) In the case of motor cycles, particulars under this head need not be given.
  - (3) Particulars only required in case of motor cycles.
  - (4) "Gross Weight" means the unladen weight plus the weight which the vehicle is carrying when fully laden.
  - (5) Refers to motor vehicles primarily designed for the purpose of carrying goods, but on which it is also desired to carry passengers.

## FORM B.

## APPLICATION FOR A MOTOR VEHICLE / TRAILER LICENCE.

I hereby declare that I am the owner of the motor vehicle / trailer described below, and apply for a licence expiring on 19 .

1. Full name of owner
2. Address of owner
3. Description of vehicle / trailer
4. Identification mark
5. Horse-power
6. (For commercial vehicles) Load area sq. ft.
7. Number of wheels.
8. Description of tyres
9. Amount payable

Dated 19

.....  
(Signature of applicant.)

## FORM C.

## APPLICATION FOR A DRIVER'S LICENCE. (1)

To the Chief Constable at

1. I, (2) of  
hereby apply for a driver's licence to drive (3)

2. I was born at (4) on the (5)

3. I am not suffering from any physical or mental disability which prevents me from driving in a safe and proper manner.

4. I have never before applied for or been granted or refused or disqualified for obtaining a driver's licence, or

4a. I was first granted a driver's licence on at

5. Particulars of any endorsement of any driver's licence held or previously held by me

6. Particulars of any disqualification for obtaining a driver's licence (Court by which, date on which, and period for which such disqualification was imposed)

7. And I hereby declare that the above particulars are true and accurate in every respect.

Dated 19

.....  
(Signature of applicant.)

- 
- (1) Application form to be completed in applicant's own hand-writing.
  - (2) Full name and address.
  - (3) State class of vehicle, i.e. "motor cycle" or any class of "motor vehicle".
  - (4) Place of birth.
  - (5) Date of birth.

## FORM D.

No.....

## DRIVING LICENCE.

(Name)

(Address)

is hereby licensed to drive a motor vehicle/cycle subject to the conditions stated overleaf.

This licence expires on

19 .

Fee 5/- Paid.

Dated

19 .

.....  
Chief Constable.

## FORM E.

## CERTIFICATE OF FITNESS.

Description of Vehicle.

1. Name of owner
2. Address of owner
3. Identification mark
4. Purpose for which to be used

I hereby certify that I have examined the above vehicle, and find that it complies with the provisions of the Road Traffic Ordinance, 1948, and the Regulations made thereunder, and is fit to be licensed as a

(Insert any special conditions necessary in the interests of safety).

or

I hereby certify that I have examined the above vehicle, and find that it is unfit to be licensed  
as a by reasons of the following irremediable defects, viz :-

or

I hereby certify that I have examined the above vehicle, and find that it is unfit to be licensed  
as a by reasons of the following remediable defects, viz :-

Dated

19 .

.....  
(Signature)

The above-mentioned defects have now been remedied to my satisfaction.

Dated

19 .

.....  
(Signature)

# Jury List for the year 1949.

The following list of the persons liable under the provisions of the Jury Ordinance, 1901 to serve as Jurors for the year 1949 is published in accordance with the fourth section of the Ordinance.

Any objection thereto will be heard and determined in the Magistrate's Court on the 28th day January, 1949.

R. W. S. WINTER,  
Magistrate.

1. McAskill, John	67. Anderson, Wm. J. S.	133. Larsen, Richard	199. Harvey, C. James
2. Anderson, Edward B.	68. Jacobsen, A. F. W. C.	134. Middleton, James (1)	200. Bundes, R. J. C.
3. Stewart, Gordon	69. McAskill, Donald W.	135. McPhee, Owen H.	201. King, Vernon T.
4. Thompson, Geo. H.	70. Llamosa, Arthur Jas.	136. Anderson, John	202. Halliday, Stanley S.
5. Rutter, Arthur	71. Tasker, J.	137. Hollen, Henry D.	203. Burridge, Walter
6. Henriksen, Albert J.	72. Lee, Edwin T.	138. Biggs, T. M. V.	204. Smith, Ludwick C.
7. Goodwin, Bert S.	73. Johnson, Fred. W.	139. Betts, Keith C.	205. Binnie, Albert F.
8. Porter, Charles (Sr.)	74. Smith, John C. (Sr.)	140. Clifton, Jas. Henry	206. Smith, Alfred C. E.
9. Pearson, Robert	75. Lee, Alfred F.	141. Skilling, Chas. J.	207. Lellman, Karl V.
10. Stewart, D. W. H.	76. Peck, Aubrey F.	142. Duncan, David John	208. Draycott, D. J.
11. Hardy, Fred J.	77. Simpson, Alex. S.	143. Jaffray, Alexander	209. McLeod, Murdo A.
12. McPhee, Patrick	78. Skilling, Albert G.	144. Roberts, Wm. Edgar	210. Burns, William
13. Betts, Allan Sturdee	79. Jones, H.	145. Biggs, Terence I.	211. Summers, Wm. Alex.
14. Whitney, Frederick E.	80. Hall, George F.	146. McDermid, M.	212. Duncan, William
15. Binnie, James G.	81. Kiddle, William E.	147. Robson, George J.	213. Newman, Silas
16. Cletheroe, William H.	82. Hooley, T. V.	148. Luxton, Markham J.	214. Delaney, C.
17. Blyth, Henry	83. Conner, G. C.	149. Wielding, J. F.	215. Duncan, Peter R.
18. Turner, Leonard McL.	84. McGill, Maurice W.	150. Lyse, Sidney R.	216. Watson, James
19. Goss, Darwin J.	85. Llamosa, George A.	151. Dickson, Ed. T. C.	217. McLaren, Alex. R.
20. Dickson, Chas. J. E. C.	86. Johnson, Peter S.	152. Coutts, John	218. McPhee, K. J. (Sr.)
21. Kivell, William	87. Morrison, D. Ewen	153. Goss, Roderick J.	219. Paulini, H. Wm.
22. Butler, George J. C.	88. Clifton, Hugh E.	154. McMillan, Ian A.	220. Short, J. G. Arch.
23. Summers, Stanley F.	89. Lehen, Maurice	155. Hollen, James J.	221. Holland, G. E.
24. Binnie, William N.	90. Etheridge, Arthur G.	156. Sornsen, Ellis L.	222. Morrison, Douglas R.
25. Hawkins, C.	91. Rowlands, Wm. J.	157. Anderson, S. Allan	223. Flowers, W. H. R.
26. Goodwin, John K.	92. Lee, Wm. H. G. N. J.	158. Butler, Jos. T. J.	224. Pearson, William E.
27. Summers, Victor	93. Davis, Arthur H.	159. Browning, Frederick	225. McLeod, Donald
28. Berntsen, F. G.	94. Llamosa, Wm. J.	160. McGill, G. Stanford	226. Clausen, Fredk J.
29. Carey, Raymond F.	95. Bonner, William	161. Jacobsen, Karl M.	227. Whitney, G. Mark.
30. Perry, Thomas G.	96. Goodwin, Ernest G.	162. McKae, Donald A.	228. Cartmell, William J.
31. Ross, D. J.	97. Watson, T. Darwin	163. Pitaluga, Jas. A.	229. Smith, Eric H. S.
32. Browning, David L.	98. Carey, Anthony M.	164. Buse, Franz J.	230. McPherson, John
33. McKae, F. W. Duncan	99. Blackely, Adam K.	165. Short, George H.	231. Jaffray, William
34. Lang, John S.	100. Alazia, Albert F.	166. Berntsen, Syd. L.	232. Summers, Wm. Ed.
35. Goodwin, Rupert V.	101. Browning, John B.	167. Kiddle, Peter	233. Clement, Wickham
36. Sornsen, Andrew A.	102. Earle, Arthur	168. Yates, Manuel	234. Curran, Joseph
37. White, W. Martell	103. Hooley, Jack C.	169. Anderson, Thos.	235. Curran, Henry
38. McKay, Donald	104. Bennett, Stanley	170. Robson, James T.	236. Bound, H. John L.
39. Jones, Albert H.	105. Larsen, Harold	171. Craigie-Halkett, C. M.	237. Bertrand, C. W.
40. Pettersson, A. R. A.	106. Oliver, Charles	172. Davis, Benjamin C.	238. Hills, Richard W.
41. Blyth, Jas.	107. Skillington, H.	173. Rowlands, Jas. G.	239. McCarthy, Charles
42. Euestrom, Edgar W. R.	108. Sarney, Harry	174. Kendal, George N.	240. Kiddle, A. Stanley
43. Halliday, Andrew J.	109. Middleton, Jas. S.	175. McAtasney, W. Brian	241. McLeod, Donald
44. Berntsen, Lars M.	110. Lyse, George W.	176. Smith, Osmond R.	242. Gleadell, Sidney M.
45. Harrison, Clement	111. Anderson, Alfred	177. Morrison, Doug. D.	243. Glander, William J.
46. McMillan, William	112. Biggs, Horace H.	178. Hall, Albert H.	244. Hubbard, J.
47. Middleton, Stewart (1)	113. Halliday, J. Henry	179. Blyth, Fredk I. K.	245. Morrison, Finlay
48. Hannaford, Robert F.	114. Parrin, William R. B.	180. Perry, James J. (Jr.)	246. Brown, George J.
49. Gilruth, Thomas A.	115. Jones, Richard	181. Hewitt, Robert J. D.	247. Ford, James E.
50. Rumbolds, Robert H.	116. Craig, Peter	182. Hardy, Jack A.	248. Field, P. J.
51. Summers, Philip G.	117. Thompson, Wm. J.	183. Watson, Wm. H.	249. Lee, Sidney S.
52. Malcolm, W.	118. Steen, Robert B.	184. Biggs, Edward John	250. Finlayson, Rod. (Sr.)
53. Reive, Basil	119. Anderson, Richard C.	185. Peck, Percy P.	251. Fraser, D. H.
54. Goodwin, Vincent S.	120. Aldridge, Stephen C.	186. Anderson, Hector C.	252. Biggs, John F.
55. Halliday, John Jas.	121. Newman, L. Wilf. A.	187. Finlayson, Darwin	253. Summers, Keith M.
56. Curran, John	122. Ford, Chas. W.	188. Newman, G. R. Hen.	254. Britton, William F.
57. Sprules, Gilbert E.	123. Browning, Benjamin	189. Hall, Donald John	255. Middleton, Arthur
58. Jennings, Clifford W.	124. Jones, William J.	190. King, James A.	256. Berntsen, Jas. L.
59. Lee, Henry J.	125. Cletheroe, Cyril J.	191. Hewitt, James	257. McMullen, D. J. E. H.
60. Newing, John C.	126. Morrison, Stewart	192. Biggs, Basil W.	258. McKay, James R.
61. Paice, William N.	127. McGill, Gordon A.	193. Lanning, George T.	259. Alazia, George J.
62. Perry, Christopher	128. Grant, Lennard J.	194. Halliday, William J.	260. Howatt, Frank D.
63. Stewart, Alex.	129. Sarney, James A.	195. McAtasney, E. J.	261. Smith, D. Roger
64. Skilling, Thos.	130. McLeod, George H.	196. Hills, Albert H.	262. Kiddle, Donald J.
65. Lang, William A.	131. Cheek, Frederick J.	197. Robson, Robert L.	263. King, Cecil F.
66. Jacobsen, James S.	132. McKenzie, William	198. Reive, Leonard L.	264. Biggs, Malcolm W.

## Jury List continued :—

265. Cartmell, Robert D.	342. White, John W.	419. Finlayson, Chas. J.	496. Perry, A. W.
266. Berntsen, William	343. Anderson, Ludwic R.	420. Middleton, Stewart 2	497. Newing, George L.
267. McCarthy, Wm. G.	344. Stewart, David G.	421. Biggs, Carl P. F.	498. Berntsen, F. E. N. L.
268. Gleadell, Marklin L.	345. Middleton, J. Darwin	422. Halliday, John J. G.	499. Allan, Hector
269. McLeod, Rod. J. D.	346. Alazia, Arthur J.	423. Goss, Richard V.	500. Summers, Herbert V.
270. Morrison, Donald F.	347. Perry, William J.	424. Bonner, Bruce	501. Cletheroe, Alb. R.
271. Barnes, Ernest	348. Barnes, Arthur J.	425. Morrison, Roderick	502. Felton, Anthony T.
272. Jaffray, John	349. Reive, John	426. Stewart, William H.	503. Peck, Andrew R.
273. Williams, Ralph M.	350. Pitaluga, Alex	427. Cletheroe, Stanley W.	504. Sedgwick, Bertrand
274. Stewart, James H.	351. Lyse, Ernest Louis	428. Summers, Walter J.	505. Cartmell, W. J. H.
275. Lee, A. Leslie	352. Fleuret Clovis	429. Ashley, Fred. Albert	506. Atkins, Stanley P.
276. Hirtle, Wallace C. L.	353. Biggs, Clarence G.	430. Jennings, F. G. J.	507. Carey, Chas. L.
277. Alazia, John	354. Ashley, John R.	431. Peck, Jas P.	508. Cletheroe, Leslie J.
278. Berntsen, Stanley G.	355. Butler, Fred. L. E. O.	432. Summers, Leslie F.	509. McCarthy, Archi. H.
279. Aldridge, Francis W.	356. May, Fredk. A. C.	433. Johnson, William G.	510. Atkins, Richard
280. McLaren, Reuben	357. Reive, George	434. Lee, Thomas F. G.	511. Phillips, Charles W.
281. Harvey, William	358. Bender, Chris. P. W.	435. Allan, Percival	512. Clifton, Albert
282. McKay, Richard	359. Osborne, George H.	436. Lee, L. R.	513. Biggs, James K.
283. Phillips, Jesse	360. Reive, Charles T.	437. Porter, Arthur	514. Smith, F. G. Peter
284. McLeod, Archibald	361. Ashley, Alfred G.	438. Betts, William D. N.	515. McGill, Keith W.
285. Middleton, James (2)	362. Peck, Victor H.	439. McMillan, D. Hugh	516. Lindenberg, J. E. T.
286. Smith, John F.	363. Cantlie, William J.	440. Thompson, George	517. Kift, F.
287. Morrison, Murdo	364. Lewis, F. R. M.	441. Fraia, Harry	518. Johnson, Alfred G. R.
288. Goss, Jacob N.	365. Berntsen Alex. J.	442. Braxton, T. N. J.	519. McLeod, Donald J.
289. Clarke, R. J.	366. Kelway, J. George	443. Smith, Francis David	520. Kiddle, Robert
290. Paulini, Ralph	367. Porter, Charles (Jr.)	444. Hutchinson, Robt. T.	521. Hardy, C. Mansell
291. Stacey, David C.	368. Poole, J. B. Charles	445. Mercer, John	522. Sedgwick, H. H. (Jr.)
292. Nicholson, Leslie H.	369. Perry, George	446. Wilson, Edward	523. Barnes, W. F. John
293. Parker, C. F.	370. Smith Andrew C.	447. McKae, Alex B.	524. Lee, Frederick F. J.
294. Lellman, Edward F.	371. Summers, Walter F.	448. Gleadell, Jas R.	525. Betts, Alexander J.
295. Short, George C. (Jr.)	372. Morrison, John M.	449. Anderson, Louis	526. Aldridge, Sidney G.
296. Hirtle, E. R. C.	373. Creece, Martin G.	450. Campbell, J. Mark.	527. McPhee, K. J. (Jr.)
297. Bonner, A. M.	374. Hardy, Herbert H.	451. Finlayson, T. Dennis	528. Reive, Ernest
298. Shorey, William	375. Dearling, Leo. A.	452. Myles, William B.	529. Davis, William J.
299. Hardy, W. S. Bartle	376. Henricksen, Martin	453. Middleton, David J.	530. McKay, Donald Geo.
300. Shackel, Alex.	377. Biggs, Eric G. J.	454. Dettleff, Hansen C.	531. Simpson, Geo H.
301. McLeod, John T. A.	378. Roberts, Wm. Henry	455. Kenny, Norman D.	532. Watson, J. H.
302. Sedgwick, H. H. (Sr.)	379. Kirk, William J.	456. Pole-Evans, A. R.	533. Short, Joseph L.
303. Smith, William J.	380. Watt, Jas.	457. Gleadell, Frank E.	534. Spencer, W. E.
304. Peck, J. Bert H.	381. Morrison, Stewart M.	458. Summers, Sidney R.	535. Goodwin, W. A. Nutt
305. Hannaford, R. H.	382. Miller, Sidney	459. Barnes, S. John	536. Cletheroe, John R.
306. Betts, Frederick C.	383. Watson, Louis James	460. Aldridge, Ernest J.	537. Fleuret, T. C.
307. Evans, Maurice E.	384. Luxton, Henry T.	461. Clifton, Allen Louis	538. Carey, Terence J.
308. Smith, J. T.	385. Felton, Walter A.	462. Conray, J.	539. Binnie, Horace Jas.
309. Smith, John C. (Jr.)	386. Turner, W. John G.	463. Hills, William P.	540. Hennah, T. H. H.
310. Cartmell, Henry G.	387. Ferguson, Robert J.	464. Slade, Harry	541. Goss, William H.
311. Halliday, J. A. Leslie	388. Burns, Robert James	465. Stewart, James Alex.	542. Osborne, John C.
312. Sornsen, George A.	389. Parrin, Norman G.	466. Buse, F. K. E.	543. Morrison, M. John E.
313. Goodwin James	390. Middleton, Dave (Jr.)	467. McKay, David	544. Peck, Desmond D. B.
314. Solis, Denis J.	391. Smith, John W.	468. McCarthy, Philip	545. Grieve, G. W.
315. McKenzie, Alex. (Jr.)	392. Blyth, Alfred John	469. Hutchinson, W. J.	546. Hollen, Thomas
316. Duncan, Howard E.	393. Clifton, Chas	470. Peck, James W.	547. Buse, Ralph
317. Milne, A.	394. Finlayson, Alex. Jas.	471. Stewart, Keith G.	548. Paice, Charles J. B.
318. Harvey, Alfred Sid.	395. Buckley, P. Edward	472. Hutchinson, Keith R.	549. Davis, John
319. McKay, James J.	396. Andreason, S. V. Y.	473. Campbell, Ray	550. Bound, H. Leslie
320. Finlayson, Hugh	397. Kelway, Edward G.	474. Lee, Jas. W. T.	551. Coutts, W. J.
321. Skilling, Basil R.	398. Ford, William J.	475. Kiddle, Alb. S.	552. Henricksen, Norman
322. Biggs, Hubert A.	399. Robson, Edward A.	476. Middleton, George S.	553. Middleton, James (3)
323. Carey, C. William	400. Smith, Percy S.	477. Davis, Frederick S.	554. Browning, Jos.
324. Short, George C. (Sr.)	401. Mackenzie, D. M.	478. Coleman, Fred. A.	555. Bonner, H. J. (Sr.)
325. Morrison, Wm. A.	402. Goodwin, Thos. J. W.	479. Ratcliffe, Jas.	556. May, Alfred M. W.
326. Anderson, A. Peter	403. Reive, Frederick J.	480. Lyse, Reginald S.	557. Clarke, J. H. A.
327. Stewart, H. W. A.	404. Berntsen, Ed. F.	481. Gleadell, William C.	558. Gleadell, Ernest C. S.
328. Johnson, E. Victor	405. Murphy, David John	482. McKae, Farquhar J. D.	559. Goss, James
329. Finlayson, Wm. A.	406. Gallagher, J.	483. Aldridge, Thomas G.	560. Browning, Jas S.
330. Hookings, Alfred	407. Gleadell, Leslie C.	484. Browning, Wm. C.	561. Finlayson, Rod. (Jr.)
331. Minto, L.	408. McMullen, Mathew J.	485. Parrin, George E.	562. Sornsen, C. Edward
332. Morrison, Roderick J.	409. Bundes, Jeff.	486. Blyth, John Jnr.	563. Henricksen, C. W.
333. Reive, Peter	410. Lees, David	487. Alazia, G. R. (Jr.)	564. Smith, William
334. Goodwin, William	411. Pearson, George	488. Harmon, M. T.	565. Biggs, Herbert P.
335. Short, Richard F.	412. Harvey, Donald	489. Smith, David J.	566. Middleton, Stewart 3
336. Whitney, H. Leslie	413. Luxton, Ernest F.	490. Stewart, Geo. A.	567. Felton, A. A.
337. Smith, James Hogan	414. Evans, Evan H.	491. Rowlands, Jas. H.	568. Dixon, Ernest V.
338. Kiddle, Stephen N.	415. Summers, Ernest V.	492. Oliver, J.	569. Porter, George
339. Robson, W. Conrad	416. Burns, Wm. P. T.	493. May, W. A.	570. White, Frank
340. Martin, George A.	417. Kiggins, J.	494. Luxton, Stan. C.	571. Biggs, Arthur L. S.
341. King, Ronald I.	418. Watt, Jas.	495. Sedgwick, F. Aubrey	572. Johnson, Eric Thos.

## Jury List continued :—

573. Bowles, W. John	616. Skilling, C. R.	659. Lehen, Dennis	702. Bonner, Albert
574. McGill, Donald	617. Barnes, Fred W.	660. Biggs, Bernard L.	703. McKenzie, J. T.
575. McKay, Stephen J.	618. Blackley, William	661. Johnson, Howard W.	704. Clausen, F. S.
576. Goodwin, David	619. Bonner, Andrew P.	662. Pauloni, Robert R.	705. Johnston, J. A.
577. Coutts, James	620. Clifton, James	663. Harris, W. C. H. G.	706. Cunningham, K. A.
578. Blyth, John	621. Evans, E. D.	664. Morrison, Wm. D.	707. Ross, R. W.
579. McRae, Roderick D.	622. Dart, R. M.	665. Barnes, Frank E.	708. Clifton, T. S.
580. Halliday, James A.	623. Barnes, Sylvester	666. McRae, R. G. V.	709. Forbes, J.
581. McCullum, John D.	624. Kelway, Fred A.	667. Harvey, Edgar A. J.	710. Boumphrey, R. S.
582. Jones, A. Charles	625. Smith, Francis H. H.	668. Patience, A. G.	711. Gray, P. C.
583. Douglas, G.	626. McRae, Murdo	669. McKay, William R.	712. Craig, R. P.
584. Smith, G. Douglas	627. Ryan, John S.	670. Hansen, George D.	713. Livermore, A. E.
585. Blackley, C. D.	628. Rowlands, T. Conrad	671. Binnie, Terence W.	714. Southerland, J.
586. Duncan, David H.	629. Pedersen, Leonard C.	672. Blyth, Alex. L.	715. Bunting, E. F.
587. Ford, Charles David	630. Peck, Wm. G. E.	673. Morrison, Norman	716. Middleton, M. R.
588. Kirk, W. E.	631. Dettleff, Thomas O.	674. Short, F. George	717. Roach, G. J.
589. Barnes, Ronald	632. Coutts, Alex	675. Porter, Howard	718. Marshall, T.
590. Reive, William J.	633. Biggs, Martin W. H.	676. Clifton, Jos. E.	719. Potter, J. S.
591. Sollis, Leslie H.	634. Meierhoffer, J. Geo.	677. Murphy, Michael J.	720. Bradbury, C. H.
592. Lyse, Markham O.	635. Mercer, Alex.	678. Coutts, Peter T.	721. Wilkinson, R. E.
593. Berntsen, Robert A.	636. Bowles, George E.	679. Morrison, Don. W. J.	722. Tait, M. F.
594. Wallin, W. Richard	637. Robson, J. F. Roy	680. May, James John	723. Campbell, A.
595. Napier, Herbert M.	638. Watson, Wm. H. C.	681. Burns, Frederick J.	724. Smith, T. C. S.
596. Harries, John J.	639. Smith, Jas A.	682. Allan, Frederick	725. Davis, P. E.
597. Reive, Bert	640. Faria, Joseph F.	683. Goodwin, Douglas C.	726. Roberts, G. H.
598. McCarthy, M. (Jr.)	641. Bender, Sidney C.	684. Johnson, Stanley H.	727. Ursell, W. J.
599. Watts, Walter	642. Atkins, Victor H. M.	685. Newman, Silas A. F.	728. Blake, J. L.
600. Aiken, John	643. Reive, Robert	686. Desborough, D. L.	729. Swaine, J.
601. Clasen, Rupert H.	644. McLeod, George A.	687. McLeod, R. J.	730. Malcolm, G.
602. McKay, Thomas	645. Smith, J. Stanley	688. Barnes, Richard	731. Murdoch, W.
603. Sedgwick, L. A.	646. Lellman, F. T.	689. Young, W. H.	732. Lloyd, M.
604. McMullen, William	647. Clement, J.	690. Jones, Ivor	733. Headford, E.
605. Johnson, Henry	648. Cartmell, Robert	691. Biggs, Patrick E.	734. McIntroe, H.
606. Miller, J.	649. Jones, John F. C.	692. White, Fred	735. Walmsley, R. J.
607. Bonner, R. Leslie	650. Womack, H.	693. Dixon, E. S.	
608. Fuhlendorff, V. E.	651. Petterssen, John S. P.	694. McKay, David (Jr.)	
609. Watson, Duncan R.	652. Betts, Arthur J.	695. Cusack, E. R.	
610. Betts, Cyril S.	653. Challoner, D.	696. Clarke, D. J.	
611. Etheridge, Alex S.	654. Sedgwick, Wm. H.	697. Ford, A. H.	
612. Goodwin, Aubrey W.	655. Evans, Griffith O.	698. Heathman, A. S.	
613. Biggs, A. Maxwell	656. King, Fred H.	699. Ross, C.	
614. Wood, G.	657. Summers, Aubrey V.	700. Rutter, S. M.	
615. Paulini, George L.	658. Hennah, Samuel H.	701. Tough, B.	





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No. 2.

## Legislative Council Elections Register of Electors

### Stanley Electoral Area

- |                              |                                    |
|------------------------------|------------------------------------|
| 1 Alazia, Agnes              | 29 Bender, Christina               |
| 2 Alazia, Jane               | 30 Bender, Cristophf Peter William |
| 3 Alazia, John Albert        | 31 Bender, Sidney Christopher      |
| 4 Alazia, William Charles    | 32 Bennett, Ruth Margaret          |
| 5 Aldridge, Adeline Ladora   | 33 Bennett, Stanley                |
| 6 Aldridge, Lawrence Walter  | 34 Berntsen, Flora                 |
| 7 Aldridge, Stephen Charles  | 35 Berntsen, Frederick George      |
| 8 Aldridge, Sydney George    | 36 Betts, Eva                      |
| 9 Aldridge, Winifred Irene   | 37 Biggs, Alice Edith              |
| 10 Allan, Hector             | 38 Biggs, Arthur Louis Stanley     |
| 11 Allan, William John       | 39 Biggs, Bernard Claud            |
| 12 Anderson, Alfred          | 40 Biggs, Bernard Noel             |
| 13 Anderson, Alfred Peter    | 41 Biggs, Carl Patrick             |
| 14 Anderson, Ann             | 42 Biggs, Edith Ann                |
| 15 Anderson, Gertrude Maud   | 43 Biggs, Grace Elizabeth          |
| 16 Andreassen, Emily         | 44 Biggs, Horace Harold            |
| 17 Atkins, Iris Beatrice     | 45 Biggs, Irene Mary               |
| 18 Atkins, Stanley Percival  | 46 Biggs, John Falkland            |
| 19 Bain, Alexander           | 47 Biggs, Kathleen Frances         |
| 20 Bain, Christina           | 48 Biggs, Kathleen Mary            |
| 21 Barnes, Ernest            | 49 Biggs, Madge Bridget Frances    |
| 22 Barnes, Ethel             | 50 Biggs, Mary Ann                 |
| 23 Barnes, Euphemia          | 51 Biggs, Miriam Isabella          |
| 24 Barnes, Francis Edward    | 52 Biggs, Moira Leonore            |
| 25 Barnes, Frederick William | 53 Biggs, Terence Ivor             |
| 26 Barnes, John Samuel       | 54 Biggs, Terence Michael Vincent  |
| 27 Barnes, Molly Stella      | 55 Biggs, Vincent Arthur Henry     |
| 28 Bartram, Jessie           | 56 Binnie, Mary                    |

- 57 Binnie, Muriel Denora
- 58 Binnie, Nisbet
- 59 Binnie, Terence William
- 60 Blyth, Alexander Latto
- 61 Blyth, James
- 62 Blyth, Mary Greenhill
- 63 Bonner, Alice Marion
- 64 Bonner, Christina Catherine
- 65 Bonner, Henry John
- 66 Bonner, Richard Leslie
- 67 Bonner, William
- 68 Bonner, William Bruce
- 69 Bounphrey, Naomi Emelita
- 70 Bounphrey, Robert Staveley
- 71 Bound, Henry John Lennard
- 72 Bound, Horace Leslie
- 73 Bound, Mary Ann
- 74 Bowles, Isabella
- 75 Bowles, William John
- 76 Braxton, Flora Sarah
- 77 Browning, John Benjamin
- 78 Browning, Sarah
- 79 Buckley, Eveline Lily
- 80 Bundes, Emily Flora
- 81 Bundes, Jeff Andrearsen
- 82 Bundes, Muriel Gladys
- 83 Burns, Fred John
- 84 Burns, Martha
- 85 Burns, Robert James
- 86 Butler, Isabella Sarah Madline
- 87 Calvert, Margaret Dora
- 88 Calvert, Roger George Robert
- 89 Campbell, Ethel
- 90 Campbell, John Markham
- 91 Campbell, Ray
- 92 Campbell, Sylvia
- 93 Carey, Anthony Michael
- 94 Carey, Charles William
- 95 Carey, Louisa Ann
- 96 Carey, Mary Anne
- 97 Carey, Raymond Falkland
- 98 Carey, Terence James
- 99 Cartmell, Robert
- 100 Cartmell, Sarah Craig
- 101 Cheek, Dorothy Mary Gladys
- 102 Cheek, Frederick John
- 103 Clark, Donald John
- 104 Clarke, Jane
- 105 Cletheroe, Leslie John
- 106 Cletheroe, Lily Catherine
- 107 Clifton, Allen Louise
- 108 Clifton, Charles
- 109 Clifton, Henry
- 110 Clifton, James
- 111 Clifton, Jessie Emily Jane
- 112 Clifton, Orissa
- 113 Coleman, Frederick Albert
- 114 Coutts, Evelyn May
- 115 Coutts, John
- 116 Coutts, William John
- 117 Craigie-Halkett, Ethel
- 118 Creece, Martin George
- 119 Creece, Mary Frances
- 120 Curren, Henry
- 121 Curran, Margaret
- 122 Davis, Agnes Janet Mary
- 123 Davis, Elizabeth Ann
- 124 Davis, Lena
- 125 Davis, Lucy Emma
- 126 Daykin, Kathleen Ruth Elma
- 127 Dearling, Alfred Edward
- 128 Dearling, Harriet Christina
- 129 Dearling, Leo Alexander
- 130 Dettleff, Ruth Stella
- 131 Dettleff, Thomas Oscar
- 132 Dixon, Ellen
- 133 Duffin, Harry
- 134 Duffin, Jane
- 135 Evans, Alice Dale
- 136 Evans, Matilda Letitia
- 137 Evans, Morris Ellis
- 138 Finlayson, Alexander James
- 139 Finlayson, Margaret Emma
- 140 Finlayson, William Alexander
- 141 Fleuret, Bert
- 142 Fleuret, Edna Ruby
- 143 Fleuret, Rose Helen
- 144 Fleuret, Theodore Clovis
- 145 Flowers, William Roy
- 146 Ford, Arthur Henry
- 147 Ford, Doris Mary
- 148 Fuhlendorff, Elizabeth Alice
- 149 Fuhlendorff, Valdemar Ernest
- 150 Gleadell, Agnes Lillian
- 151 Gleadell, Alice Annie
- 152 Gleadell, Charles
- 153 Gleadell, Frank
- 154 Gleadell, James Reginald
- 155 Gleadell, Leslie Charles
- 156 Gleadell, Marklin Lawrence
- 157 Gleadell, Mildred Nessie
- 158 Gleadell, Nellie
- 159 Gleadell, William George
- 160 Goodwin, Dorothy
- 161 Goodwin, John
- 162 Goodwin, Mary Ann
- 163 Goodwin, Sybella
- 164 Goodwin, Thomas James
- 165 Goodwin, William
- 166 Goodwin, William Andrew Nutt
- 167 Goss, Alice Dale
- 168 Goss, James William
- 169 Goss, Richard Victor
- 170 Grant, Millie
- 171 Hall, Albert Henry
- 172 Hallett, Dennis
- 173 Hallett, Julie
- 174 Halliday, Andrew John
- 175 Halliday, Ann Miller Blyth
- 176 Halliday, Beatrice Mary
- 177 Halliday, George
- 178 Halliday, Jane Christina
- 179 Halliday, Janet
- 180 Halliday, Jessie Jane
- 181 Halliday, John Arthur Leslie
- 182 Halliday, John James
- 183 Halliday, Lillian
- 184 Hamilton, James Erik
- 185 Hamilton, Rose
- 186 Hannaford, Alice Madeline
- 187 Hannaford, Robert Frederick
- 188 Hannaford, Robert Henry
- 189 Hansen, George Dedrick
- 190 Hansen, Rachel

- |     |                                      |     |                                     |
|-----|--------------------------------------|-----|-------------------------------------|
| 191 | Hardy, Albert Percy                  | 258 | Lellman, Francis Frederick          |
| 192 | Hardy, Arthur Leslie                 | 259 | Lellman, Francis Theodore           |
| 193 | Hardy, Edith Isabella                | 260 | Lellman, Karl Vernon                |
| 194 | Hardy, Elsie Winifred                | 261 | Lellman, Mary Malvina               |
| 195 | Hardy, Frederick John                | 262 | Lellman, Mildred Gladys             |
| 196 | Hardy, Jack Arthur                   | 263 | Lellman, Winifred Mary              |
| 197 | Hardy, Maggie Briget                 | 264 | Lindsay, Dorothy                    |
| 198 | Harries, Alice Agnes                 | 265 | Luxton, Dorothy Winifred            |
| 199 | Harries, John James                  | 266 | Luxton, Ernest Falkland             |
| 200 | Harrison, Clement                    | 267 | Luxton, Henry Thomas                |
| 201 | Harvey, Edgar Arthur John            | 268 | Luxton, Markham James               |
| 202 | Harvey, Mary Edith                   | 269 | Luxton, Mary                        |
| 203 | Hennah, Joan Theresa                 | 270 | Luxton, Orissa                      |
| 204 | Hennah, Samuel Harrison              | 271 | Luxton, Stanley Charles             |
| 205 | Hennah, Thomas Henry Harrison        | 272 | Luxton, Sybil Grace                 |
| 206 | Hennah, Violet Maude                 | 273 | Marshall, Trevor                    |
| 207 | Henricksen, Agnes                    | 274 | Martin, George Alexander            |
| 208 | Henricksen, Albert James             | 275 | Mercer, Alexander                   |
| 209 | Henricksen, Cyril William            | 276 | Mercer, Winifred Beatrice           |
| 210 | Henricksen, Winnifred Mary Elizabeth | 277 | Middleton, Arthur                   |
| 211 | Hills, Albert Henry                  | 278 | Middleton, David Dawson             |
| 212 | Hills, Heather Margaret              | 279 | Middleton, James Darwin             |
| 213 | Hills, Mary Elizabeth                | 280 | Middleton, Jessie                   |
| 214 | Hills, William Phorsen               | 281 | Middleton, Mary Gladys Susan        |
| 215 | Hirtle, Caroline Ellen               | 282 | Middleton, Violet Margaret          |
| 216 | Hirtle, Mary Ann                     | 283 | Miller, Ethel Mary                  |
| 217 | Hirtle, Wallace                      | 284 | Mills, Florence                     |
| 218 | Hollen, Ann Fraser                   | 285 | Monk, Adrian Bertrand               |
| 219 | Hookey, Gladys Winifred              | 286 | Monk, Margaret                      |
| 220 | Hookey, Trevor Vernon                | 287 | Morrison, Catherine Elizabeth       |
| 221 | Howkins, Gordon Arthur               | 288 | Morrison, Donald Finlay             |
| 222 | Howkins, Olga Annie                  | 289 | Morrison, Douglas Donald            |
| 223 | Hutchinson, Keith Ronald             | 290 | Morrison, Douglas Roy               |
| 224 | Hutchinson, Rica                     | 291 | Morrison, Mary                      |
| 225 | Hutchinson, Sybilla Mary             | 292 | Morrison, Stewart Middleton         |
| 226 | Hutchinson, William John             | 293 | McAskill, Donald William            |
| 227 | Jennings, Ada Catherine              | 294 | McAskill, Susan Blanche             |
| 228 | Jennings, Louisa                     | 295 | McCarthy, Charles                   |
| 229 | Johnson, Blanche                     | 296 | McCarthy, Daisy Edna                |
| 230 | Johnson, Mary Meuron Malvina         | 297 | McCarthy, Michael                   |
| 231 | Jones, Richard                       | 298 | McCarthy, Philip                    |
| 232 | Kelly, John                          | 299 | McCarthy, Rosina Mary               |
| 233 | Kelway, Edward George                | 300 | McCarthy, William George            |
| 234 | Kelway, Elsie                        | 301 | McGill, Hilary Maud                 |
| 235 | King, Ella Malvina                   | 302 | McGill, John Wright                 |
| 236 | King, Frederick Henry                | 303 | McGill, Kenneth Neven               |
| 237 | King, Gladys Evelyn                  | 304 | McGill, Maud                        |
| 238 | King, James Arnold                   | 305 | McGill, William                     |
| 239 | King, Mabel Annie                    | 306 | McKay, James John                   |
| 240 | King, Minnie Isabella                | 307 | McKay, Jane Elizabeth               |
| 241 | King, Ronald Isbell                  | 308 | McKay, John Duro                    |
| 242 | King, Vernon Thomas                  | 309 | McKay, Richard                      |
| 243 | Lang, Dorothy Maud                   | 310 | McKay, Thomas                       |
| 244 | Lanning, George Thomas               | 311 | McKenzie, Alexander                 |
| 245 | Lanning, Margaret                    | 312 | McKenzie, Margaret                  |
| 246 | Lee, Alfred Leslie                   | 313 | McKenzie, William                   |
| 247 | Lee, Christina                       | 314 | McLaren, Celina Helen               |
| 248 | Lee, Gladys Rose                     | 315 | McLaren, Lucy Phyllis               |
| 249 | Lee, Leontina                        | 316 | McLeod, Barbara                     |
| 250 | Lees, David                          | 317 | McLeod, Donald                      |
| 251 | Lees, Harriet Elizabeth Sarah Ann    | 318 | McLeod, Donald                      |
| 252 | Lehen, Annie Elizabeth               | 319 | McLeod, Mary Ann                    |
| 253 | Lehen, Dennis                        | 320 | McMillan, Donald Hugh               |
| 254 | Lehen, Maurice                       | 321 | McMillan, Sheila Peggy              |
| 255 | Lehen, Rosa Florence Mabel           | 322 | McMullen, Edith Margaret Wilhelmina |
| 256 | Lellman, Albert Ferdinand            | 323 | McMullen, Marion                    |
| 257 | Lellman, Edward Francis              | 324 | McNaughton, Donald                  |

- 325 McRae, Donald Alick
- 326 McRae, Lillian May
- 327 McWhan, Nellie
- 328 McWhan, Walter Forrest
- 329 Neilson, Walter Axel
- 330 Newing, Albert
- 331 Newing, Dorothy
- 332 Newing, John Charles
- 333 Newman, Margaret Milne Summers
- 334 Newman, Silas
- 335 Newman, Theresa Mary
- 336 Nicholson, Isabella Alice Theresa
- 337 Nicholson, Leslie Holliday
- 338 Norris, James
- 339 Nunn, Elizabeth Margaret
- 340 Nunn, Henry
- 341 Osborne, Dorothy Mabel
- 342 Osborne, George Henry
- 343 Osborne, John Charles
- 344 Osborne, Mary Ann
- 345 O'Sullivan, Dominic William
- 346 O'Sullivan, Isabella
- 347 Paice, Charles John Bond
- 348 Paice, Faith Ann
- 349 Paice, Nathaniel Thomas
- 350 Paice, Victorena Eneey
- 351 Pallini, Frances
- 352 Pallini, George Louis
- 353 Pallini, Harry
- 354 Pallini, Isabella
- 355 Pallini, Minnie
- 356 Parrin, Janet
- 357 Parrin, Norman
- 358 Pauloni, Helen Braid
- 359 Pauloni, Robert
- 360 Pearson, Rose
- 361 Peck, John Bertram Hogan
- 362 Peck, Mary Louisa Margaret
- 363 Peck, May
- 364 Peck, Percy Philip
- 365 Peck, Viola Theodora May
- 366 Pedersen, Mary Ann
- 367 Perry, Annie Elizabeth
- 368 Perry, George
- 369 Pettersson, Annie Caroline
- 370 Pettersson, Axel Richard August
- 371 Pettersson, Beatrice Ellen
- 372 Pettersson, John Silas Percival
- 373 Pettersson, Mary Ann
- 374 Ratcliffe, James William
- 375 Ratcliffe, John
- 376 Reive, Andrew
- 377 Reive, Charles Thomas
- 378 Reive, Eleanor Maud Ioné
- 379 Reive, Frederick John
- 380 Reive, Irene Rose
- 381 Reive, Isabella
- 382 Reive, Leonard Lawrence
- 383 Relve, William John
- 384 Robson, John Roach
- 385 Robson, Laura Lucy
- 386 Robson, Michael
- 387 Robson, Robert Lionel
- 388 Robson, Violet Malvina Emilie
- 389 Robson, Winifred Maud
- 390 Rothery, Edwin
- 391 Rothery, Phyllis Doreen
- 392 Rowlands, Theodore Conrad
- 393 Rumbolds, Gertrude Maude
- 394 Rumbolds, Iris Malvina
- 395 Rumbolds, Robert Henry
- 396 Rutter, Arthur
- 397 Rutter, Esther Elizabeth
- 398 Ryan, Anne
- 399 Ryan, John Stanley
- 400 Scott, James Mackintosh
- 401 Sedgwick, Bertrand Arthur
- 402 Sedgwick, Caroline
- 403 Sedgwick, Dorothy Margaret
- 404 Sedgwick, Elliott
- 405 Sedgwick, Hazel Joyce
- 406 Sedgwick, Henry Horace (Snr.)
- 407 Sedgwick, Henry Horace (Jnr.)
- 408 Sedgwick, Irene Isabella
- 409 Sedgwick, Lawrence Adrian
- 410 Sedgwick, Malvina Frances
- 411 Sedgwick, Mary Jane
- 412 Sedgwick, Sheila Ellen
- 413 Sedgwick, William Henry
- 414 Shackel, Alexander Percival
- 415 Shackel, Dorothy Ena
- 416 Shorey, Beatrice Mary Malvina Laura
- 417 Shorey, William Percy
- 418 Short, Emily Mary Ellen
- 419 Short, George Henry
- 420 Short, Mary Ann
- 421 Skilling, Charles John
- 422 Skilling, Jessie Jane
- 423 Slade, Harry Edward
- 424 Smith, Edvie Lena
- 425 Smith, Elizabeth
- 426 Smith, Hannah Caroline
- 427 Smith, John Crook Snr.
- 428 Smith, John Crook Jnr.
- 429 Smith, Percy Sadler
- 430 Smith, William John
- 431 Sollis, Denis John
- 432 Sollis, Maude
- 433 Sornsen, Agnes Caroline
- 434 Sornsen, Mary Isabella
- 435 Stacey, David
- 436 Stacey, Lilian
- 437 Steen, Emma Jane
- 438 Steen, Robert Bertram
- 439 Stewart, Alexander
- 440 Stewart, Audrey Orissa
- 441 Stewart, Elizabeth Agnes
- 442 Stewart, Elizabeth Jane
- 443 Stewart, George Alexander
- 444 Stewart, Henry William Alfred
- 445 Stewart, Muriel Olive
- 446 Stewart, William Henry
- 447 Strong, Rose
- 448 Summers, Alice Emily
- 449 Summers, Ann
- 450 Summers, Aubrey Vernon
- 451 Summers, Ellen Celice Wilbelmina
- 452 Summers, Elizabeth Margaret
- 453 Summers, Ernest Victor
- 454 Summers, Leslie Frederick
- 455 Summers, Ola Edith Maud
- 456 Summers, Philip George
- 457 Summers, Sydney Raisbeck
- 458 Thompson, George

- |     |                                     |     |                                |
|-----|-------------------------------------|-----|--------------------------------|
| 459 | Thompson, Hannah Frances            | 473 | White, Frederica May           |
| 460 | Thompson, William John              | 474 | Wilkinson, Raymond Ewart       |
| 461 | Walker, May                         | 475 | Williams, Annie Margaret       |
| 462 | Walker, Thomas Palmer               | 476 | Williams, Charlotte Agnes      |
| 463 | Wallin, William Richard             | 477 | Williams, John Dolan           |
| 464 | Wardle, Catherine Mary              | 478 | Williams, Ralph Michael        |
| 465 | Watson, Duncan Russel               | 479 | Yates, Jessie Hannah           |
| 466 | Watson, James                       |     |                                |
| 467 | Watson, Katherine Wilhelmina Jessie |     | ADDENDA.                       |
| 468 | Watson, Louis James                 |     |                                |
| 469 | Watson, Mary Eleanor                | 480 | Reive, Dorothy                 |
| 470 | Watson, Rica                        | 481 | Aldridge, Ernest John          |
| 471 | Watts, Ada Mabel                    | 482 | Aldridge, Gwendoline Elizabeth |
| 472 | Watts, James                        |     |                                |

### East Falkland Electoral Area

- |    |                                   |    |                               |
|----|-----------------------------------|----|-------------------------------|
| 1  | Alazia, Arthur John               | 49 | Clement, Doreathy Masie       |
| 2  | Alazia, George James              | 50 | Clement, James Turner         |
| 3  | Alazia, George Robert             | 51 | Clifton, Hugh Ernest          |
| 4  | Alazia, Joseph William            | 52 | Clifton, Winnie               |
| 5  | Allan, Percy                      | 53 | Coutts, Alexander             |
| 6  | Anderson, Allen                   | 54 | Craig, Alice                  |
| 7  | Anderson, Celestina Elizabeth     | 55 | Craig, Peter                  |
| 8  | Anderson, Louisa Kathleen         | 56 | Delaney, Christopher          |
| 9  | Anderson, Ludivick Riley          | 57 | Dettleff, Hansen Christopher  |
| 10 | Anderson, Richard Charles         | 58 | Duncan, William               |
| 11 | Andreason, Iris                   | 59 | Finlayson, Charles John       |
| 12 | Andreason, Sturdee                | 60 | Finlayson, Elizabeth          |
| 13 | Ashley, Alfred George             | 61 | Finlayson, Hugh               |
| 14 | Ashley, Nora Phyllis              | 62 | Finlayson, Lily Margaret      |
| 15 | Atkins, Victor Hubert Maxwell     | 63 | Finlayson, Roderick (Jnr.)    |
| 16 | Barnes, Arthur James              | 64 | Finlayson, Roderick (Snr.)    |
| 17 | Barton, Arthur Grenfell           | 65 | Finlayson, Thomas Dennis      |
| 18 | Barton, Dorothy Iowa              | 66 | Finlayson, William Darwin     |
| 19 | Berntsen, Alexander John          | 67 | Fleuret, Clovis               |
| 20 | Berntsen, Frederick George        | 68 | Gilruth, Ella                 |
| 21 | Berntsen, Frederick Nathaniel     | 69 | Gilruth, Thomas Andrew        |
| 22 | Berntsen, Lars Marentius          | 70 | Gleadell, Sydney Markham      |
| 23 | Berntsen, Lavina Maud             | 71 | Goodwin, Ada Margaret         |
| 24 | Berntsen, Mary Charissa Elizabeth | 72 | Goss, Roderick Jacob          |
| 25 | Berntsen, Violet Catherine        | 73 | Hall, Donald John             |
| 26 | Betts, Frederick Charles          | 74 | Hall, Ella                    |
| 27 | Betts, Isabella                   | 75 | Hardy, Charles Mansell        |
| 28 | Biggs, Alexander Maxwell          | 76 | Hewitt, Dorothy Ellen         |
| 29 | Biggs, Herbert Percival           | 77 | Hewitt, James                 |
| 30 | Biggs, Hubert Arthur              | 78 | Hollen, Henry David           |
| 31 | Biggs, Isabella                   | 79 | Hollen, James                 |
| 32 | Blackley, Charles David           | 80 | Hollen, Thomas                |
| 33 | Blyth, Fredrick Isbell King       | 81 | Hubbard, John                 |
| 34 | Blyth, Winifred                   | 82 | Jaffray, John                 |
| 35 | Bonner, Alexander Maurice         | 83 | Jaffray, Rebecca              |
| 36 | Bonner, Edith Victoria Catherine  | 84 | Jaffray, William              |
| 37 | Bonner, John Francis              | 85 | Johnson, Annie Elizabeth Jane |
| 38 | Bonner, Violet                    | 86 | Johnson, Edward Victor        |
| 39 | Britton, William Frederick        | 87 | Johnson, Henry                |
| 40 | Butler, Joseph Thomas             | 88 | Kenny, Norman David           |
| 41 | Cameron, Norman Ewen Keith        | 89 | Kirk, William Edward          |
| 42 | Cameron, Rose Anne                | 90 | Lang, Frank                   |
| 43 | Cartmell, Ada Annie Elizabeth     | 91 | Larsen, Harold                |
| 44 | Cartmell, Henry George            | 92 | Larsen, Margaret Ann          |
| 45 | Cartinell, Maggie                 | 93 | Lee, Edward John              |
| 46 | Cartmell, Sarah Matilda           | 94 | Lewis, Frank Ronald Maurice   |
| 47 | Cartmell, William James Henry     | 95 | Lewis, Helena Joan            |
| 48 | Cartinell, William John           | 96 | Lyse, Francis Mary            |

- |     |                                    |     |                                      |
|-----|------------------------------------|-----|--------------------------------------|
| 97  | Lyse, Reginald Sturdee             | 146 | Perry, Stella Margeory               |
| 98  | May, Frederick Albert Charles      | 147 | Perry, William John                  |
| 99  | McCallum, James                    | 148 | Phillips, Jesse                      |
| 100 | McCallum, John Dickson             | 149 | Phillips, Jessie Catherine           |
| 101 | McCarthy, Archibald Henry          | 150 | Pitaluga, Edith Mary                 |
| 102 | McDermid, Murdo                    | 151 | Pole-Evans, Anthony Reginald         |
| 103 | McGill, Adeline Jane               | 152 | Pole-Evans, Jessie                   |
| 104 | McGill, Gordon Edward              | 153 | Porter, Howard                       |
| 105 | McGill, Keith William              | 154 | Potter, John Shields                 |
| 106 | McGill, Roma Eudora Mary           | 155 | Poulien, Ralph                       |
| 107 | McKay, Clara Mary                  | 156 | Redmond, William                     |
| 108 | McKay, William Robert              | 157 | Reive, John                          |
| 109 | McKenzie, Alexander                | 158 | Reive, Peter                         |
| 110 | McLaren, Alexander Rodger          | 159 | Robson, Walter Conrad                |
| 111 | McLeod, Archie                     | 160 | Rowlands, Agnes Mary                 |
| 112 | McMillan, Ian Alexander            | 161 | Rowlands, James George               |
| 113 | McMillan, Sarah Maggie Rosie       | 162 | Rowlands, James Harold               |
| 114 | McMullen, David James Edward Henry | 163 | Rowlands, Rose                       |
| 115 | McMullen, Maggie Ann               | 164 | Shedden, James Alexander             |
| 116 | McPhee, Owen Horace                | 165 | Shedden, Mary Ellen                  |
| 117 | McRae, Robert George Hector        | 166 | Short, Florence Mary                 |
| 118 | Middleton, James                   | 167 | Short, Richard Francis               |
| 119 | Middleton, Lora                    | 168 | Smith, Agnes Daisy                   |
| 120 | Middleton, Mabel                   | 169 | Smith, Alfred Charles                |
| 121 | Middleton, Stewart                 | 170 | Smith, Alice Mary Teresa             |
| 122 | Milne, Andrew                      | 171 | Smith, Andrew Ludwig Clifford        |
| 123 | Milne, Elizabeth Catherine         | 172 | Smith, Catherine                     |
| 124 | Morrison, Donald Ewen              | 173 | Smith, David Roger                   |
| 125 | Morrison, Elizabeth Margaret Mary  | 174 | Smith, Edith Winifred                |
| 126 | Morrison, John Murdo               | 175 | Smith, James Hogan                   |
| 127 | Morrison, Mabel Regina Maggy       | 176 | Smith, James Stanley                 |
| 128 | Morrison, Marjorie Beatrice        | 177 | Smith, John Frederick                |
| 129 | Morrison, Mary Anne                | 178 | Smith, Thora Verginia                |
| 130 | Morrison, Mary Ellen               | 179 | Smith, William                       |
| 131 | Morrison, Murdo                    | 180 | Sornsen, Andrew Alexander            |
| 132 | Morrison, Roderick                 | 181 | Stewart, David Gordon                |
| 133 | Morrison, William Alfred           | 182 | Stewart, David William Harold (Jnr.) |
| 134 | Morrison, William Dickson          | 183 | Stewart, James Alexander             |
| 135 | Murphy, David John                 | 184 | Stewart, Margaret Hannah Isabella    |
| 136 | Newman, Dorothy Elizabeth          | 185 | Stewart, Mary Anne                   |
| 137 | Newman, George Henry Richard       | 186 | Summers, Stanley Fredrick            |
| 138 | Newman, Jessie Brown               | 187 | Summers, Walter Falkland             |
| 139 | Newman, Wilfred Lawrence           | 188 | Turner, Grace                        |
| 140 | Oliver, Charles                    | 189 | Turner, Leonard McIntosh             |
| 141 | Parrin, William Richard            | 190 | Vinson, Richard George               |
| 142 | Peck, Mary                         | 191 | Watson, Thomas Darwin                |
| 143 | Peck, William George Edmond        | 192 | Watt, James                          |
| 144 | Perry, Agustave Walter             | 193 | Whitney, George Markham              |
| 145 | Perry, James Julien                |     |                                      |
-

## West Falkland Electoral Area

- |    |  |     |                                 |
|----|--|-----|---------------------------------|
| 1  | Alazia, Albert Faulkner                        | 64  | Harding, Beatrice               |
| 2  | Alazia, Thora Lillian                          | 65  | Harding, Hugh Cullen            |
| 3  | Aldridge, Thomas George                        | 66  | Hardy, William Stafford Bartle  |
| 4  | Anderson, Alice Maud                           | 67  | Harvey, Claud James             |
| 5  | Anderson, William John Stephen                 | 68  | Harvey, Donald                  |
| 6  | Ashley, Frederick Albert                       | 69  | Harvey, William                 |
| 7  | Ashley, John Richard                           | 70  | Hawkins, Beatrice Mabel Edith   |
| 8  | Barnes, William Frederick John                 | 71  | Hewitt, Rachel Catherine Orissa |
| 9  | Beaty, Adalaide Rankine                        | 72  | Hewitt, Robert John David       |
| 10 | Beaty, Thomas                                  | 73  | Hutchinson, Robert Thomas       |
| 11 | Berntsen, Edward Francis                       | 74  | Johnson, Alfred George Reginald |
| 12 | Berntsen, James Lars                           | 75  | Johnson, Eric Thomas            |
| 13 | Berntsen, Kathleen Edith Mary<br>Lucy Crawford | 76  | Johnson, Esther Emily           |
| 14 | Berntsen, Sidney Laurence                      | 77  | Johnson, Frederick William      |
| 15 | Bertrand, Catherine Gladys                     | 78  | Johnson, Regina Maud            |
| 16 | Betts, Alan Sturdee                            | 79  | Johnson, Stanley Peter          |
| 17 | Betts, Alexander John                          | 80  | Johnson, Violet Alberta         |
| 18 | Betts, Arthur John                             | 81  | Jones, Albert Charles           |
| 19 | Betts, Daisy Harriet                           | 82  | Jones, Albert Hugh              |
| 20 | Betts, Hyacinth Emily                          | 83  | Jones, Kathleen Annie           |
| 21 | Betts, Keith Clifford                          | 84  | Kiddle, Ethel Adele             |
| 22 | Betts, William David Noah                      | 85  | Kiddle, Peter                   |
| 23 | Binnie, Albert Frederick                       | 86  | Kivell, Harriet Janet           |
| 24 | Binnie, Eileen Malvina                         | 87  | Kivell, William                 |
| 25 | Binnie, James George                           | 88  | Lang, Dorothy Mary Eleanor      |
| 26 | Binnie, Horace James                           | 89  | Lang, William Andrew            |
| 27 | Blake, Dulcie Doreen                           | 90  | Lee, Frederick Francis Jacob    |
| 28 | Blake, William Wedderburn                      | 91  | Lee, James William Thomas       |
| 29 | Butler, Elsie Maud                             | 92  | Lee, Joy Sarah Lucy             |
| 30 | Butler, Frederick Lower Edward Oli             | 93  | Lee, Sidney Simpson             |
| 31 | Butler, George James Coppin                    | 94  | Llamasa, George Alexander       |
| 32 | Butler, Isabella                               | 95  | Luxton, Betty                   |
| 33 | Clement, Viola Mary                            | 96  | Luxton, Keith William           |
| 34 | Clement, Wickham Howard                        | 97  | Lyse, Ernest Lewis              |
| 35 | Curran, John                                   | 98  | Mackay, George                  |
| 36 | Dart, Roderick Morcombe                        | 99  | Mackenzie, John Thomas          |
| 37 | Davis, Ellen Clara                             | 100 | McAskill, Jane Eliza            |
| 38 | Dickson, Edward Thomas Crawford                | 101 | McAskill, John                  |
| 39 | Dickson, Helen                                 | 102 | McKay, David                    |
| 40 | Dickson, John                                  | 103 | McKay, David                    |
| 41 | Duncan Agnes                                   | 104 | McKay, Rosie Louisa             |
| 42 | Duncan, Avis Marion                            | 105 | McRae, Farquhar                 |
| 43 | Duncan, David Henry                            | 106 | May, Alfred Wilfred Manfred     |
| 44 | Duncan, Georgina                               | 107 | May, Theodora Emily             |
| 45 | Duncan, Howard Eric                            | 108 | May, William Albert             |
| 46 | Duncan, James Alexander                        | 109 | Middleton, Mathew Robert        |
| 47 | Etheridge, Arthur George                       | 110 | Miller, Betty Lois              |
| 48 | Felton, Anthony Terence                        | 111 | Miller, Sidney                  |
| 49 | Felton, Isabella Violet                        | 112 | Morrison, Norman                |
| 50 | Felton, Walter Arthur                          | 113 | Morrison, Muriel                |
| 51 | Forbes, James                                  | 114 | Murphy, Bessie                  |
| 52 | Goodwin, Bert Samuel                           | 115 | Murphy, Mitchael                |
| 53 | Goodwin, Ernest Gilbert                        | 116 | Napier, Herbert Milne           |
| 54 | Goodwin, James                                 | 117 | Napier, Lillian Gladys          |
| 55 | Goodwin, John Keneth                           | 118 | Paice, Annie                    |
| 56 | Goodwin, Kathleen Edith Marguerite             | 119 | Paice, William Nathaniel        |
| 57 | Goodwin, Kathleen Margaret                     | 120 | Patience, Arthur Gordon         |
| 58 | Goodwin, Mary Alice Agnes Crawford             | 121 | Pearson, Ellen Elizabeth        |
| 59 | Goodwin, Rupert Valentine                      | 122 | Pearson, Robert                 |
| 60 | Goodwin, Vincent Stanley                       | 123 | Pearson, William Alric          |
| 61 | Gray, Peter Cormack                            | 124 | Peck, Aubrey Frederick          |
| 62 | Halkett, Cecil                                 | 125 | Peck, Sarah                     |
| 63 | Hall, George Francis                           | 126 | Peck, Victor Horace             |
|    |  | 127 | Pedersen, Leonard Christian     |

128	Perring, Beatrice Maud	144	Skilling, Thomas
129	Perry, Christopher	145	Smith, Francis David
130	Pole-Evans, Douglas Markham	146	Smith, Georgina Ellen
131	Pole-Evans, Yvonne Mary	147	Smith, James Archibald
132	Poole, Charlie	148	Sprules, Gilbert Edwin
133	Porter, Charles (Snr.)	149	Sutherland, James
134	Porter, Charles (Jnr.)	150	Steen, Ellen Hannah
135	Porter, George	151	Steen, Ivar Bjarne
136	Robertson, Anne	152	Stewart, Gordon
137	Robertson, Charles Honeyman	153	Stewart, Keith Gordon
138	Short, Daisy Beatrice	154	Summers, Victor Leonard
139	Short, Evelyn Mary Edna	155	Tough, Bruce
140	Short, Fredrick George	156	White, John Wright
141	Short, George Charles	157	White, Kathleen Elizabeth
142	Short, Joe Leslie	158	Whitney Catherine Margaret Rebecca
143	Simpson, George Henry	159	Whitney, Fredrick Eddy

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## NOTICES.

The following Notices etc., are published by command of His Excellency the Governor.

R. WINTER,  
*Acting Colonial Secretary.*

No. 1. 3rd January, 1949.

Under the provisions of the Public Health Ordinance, No. 5 of 1894, as amended by the Public Health (Amendment) Ordinance, No. 7 of 1937, His Excellency the Governor has been pleased to appoint

The Honourable the Senior Medical Officer, <i>President</i>	} <i>Ex-officio members</i>
The Medical Officers	
The Executive Engineer	
The Agricultural Officer	
Mrs. M. Robson	
Captain H. C. Harding, J.P.	
J. Clement, Esq.	
A. H. Hills, Esq.	

to be members of the Board of Health for the Colony of the Falkland Islands for the year 1949.

M.P. 0573.

No. 2. 3rd January, 1949.

His Excellency the Governor hereby declares the paddock in which the W/T remote control station is situated is constituted a Public Pound under section 13 of the Trespass Ordinance No. 5 of 1904.

M.P. 0797/H.

No. 3. 4th January, 1949.

His Excellency the Governor has been pleased to make the following appointments in the Falkland Islands Defence Force, with effect from the 1st of January, 1949 :—

MAJOR K. S. P. BUTLER  
to be Officer in Command, with the rank of Lieutenant-Colonel.

CAPTAIN L. W. ALDRIDGE, M.B.E., E.D., J.P.,  
to be 2nd in Command with the rank of Major.

and

CAPTAIN D. W. WILLIS  
to be Adjutant.

M.P. 0206.

No. 4. 13th January, 1949.

Under Section 7 of the King Edward Memorial Hospital Ordinance, 1916, His Excellency the Governor has been pleased to appoint the following to be the Visiting Committee for the Hospital for the year 1949 :

Mrs. M. Robson (*Chairman*).

Mrs. A. Newing

Mrs. L. A. Sedgwick

M P 596/29.

No. 5.

14th January, 1949.

The following revised list of Magistrates and Justices of the Peace of the Colony and its Dependencies is published for information :—

Name.	Place of Residence.	Date of Appointment.
EAST FALKLAND.		
Major L. W. Aldridge, M.B.E., E.D., J.P.	Stanley	22nd July, 1946.
H. Bennett, Esq., J.P.	"	22nd July, 1946.
V. A. H. Biggs, Esq., J.P.	"	12th May, 1937.
Dr. J. E. Hamilton, I.S.O., D.Sc., J.P.	"	14th November, 1919.
A. L. Hardy, Esq., B.E.M., J.P.	"	22nd July, 1946.
W. H. Luxton, Esq., J.P.	"	1st January, 1913.
A. Newing, Esq., J.P.	"	6th May, 1935.
Hon. Mr. D. W. Roberts, O.B.E., J.P.	"	24th May, 1939.
J. R. Robson, Esq., J.P.	"	14th November, 1934.
M. Robson, Esq., J.P.	"	12th August, 1920.
Hon. Mr. R. W. S. Winter, J.P., Magistrate	"	1st March, 1948.
Hon. Mr. A. G. Barton, J.P.	Teal Inlet	15th July, 1931.
J. F. Bonner, Esq., J.P.	San Carlos	12th May, 1937.
N. K. Cameron, Esq., J.P.	Port San Carlos	6th May, 1935.
WEST FALKLAND.		
Dr. T. J. Gilmore, M.R.C.S., L.R.C.P., J.P.	Fox Bay East	1st March, 1948.
J. Hansen, Esq., J.P.	Carcass Island	7th November, 1938.
H. C. Harding, Esq., J.P.	Hill Cove	27th November, 1939.
K. W. Luxton, Esq., J.P.	Chartres	24th September, 1940.
D. M. Pole-Evans, Esq., J.P.	Port Howard	25th April, 1946.
C. H. Robertson, Esq., J.P.	Fox Bay West	27th November, 1936.
DEPENDENCIES.		
F. K. Elliott, Esq., Magistrate	Grahamland	31st December, 1946.
Major A. I. Fleuret, M.B.E., E.D., J.P., Magistrate	South Georgia	26th September, 1940.

G. P. J. Barry, Esq., Magistrate  
 D. Borland, Esq., Magistrate  
 V. E. Fuchs, Esq., Magistrate  
 W. J. Grierson, Esq., J.P.  
 J. S. R. Huckle, Esq., D.S.C., Magistrate  
 Cmdr. H. Kirkwood, D.S.C., R.N., Magistrate  
 R. M. Laws, Esq., Magistrate  
 T. M. Nicholl, Esq., Magistrate  
 G. F. H. Smith, Esq., Magistrate

Grahamland 30th January, 1948.  
 South Shetlands 25th November, 1948.  
 Grahamland 30th January, 1948.  
 South Georgia 5th April, 1948.  
 Grahamland 9th April, 1947.  
 M.S.S. "John Biscoe" 25th November, 1948.  
 South Orkneys 30th January, 1948.  
 Argentine Islands 30th January, 1948.  
 Grahamland 25th November, 1948.

M.P. 0457.

No. 6. 17th January, 1949.

With reference to Gazette Notice No. 67 of 1948, His Excellency has been pleased to appoint  
 LIEUTENANT-COLONEL K. S. PIERCE BUTLER  
 to be Chairman (vice the Colonial Secretary) of the  
 W/T Committee.

M.P. 0438/II.

No. 7. 22nd January, 1949.

Under the provisions of Ordinance No. 5 of 1898, His Excellency has been pleased to appoint  
 The Hon. Mr. R. W. S. Winter, J.P. *Chairman*  
 The Hon. Mr. D. W. Roberts, O.B.E., J.P., and  
 M. Robson, Esq., J.P.

to be Visiting Justices for the year 1949.

M.P. 0049.

No. 8. 24th January, 1949.

The following list containing the names and qualifications of Medical Practitioners, Midwives and Dentists, registered to practise in the Colony and the Dependencies is published in accordance with Section 3 of the Medical Practitioners, Midwives and Dentists Ordinance, 1914. M.P. 21/28.

A. REGISTERED TO PRACTISE IN THE COLONY AND DEPENDENCIES.

Name.	Qualification.	Date of Qualification
<i>Medical Practitioners</i>		
Slessor, Robert Stewart	M.B., Ch.B. (Aberdeen). L.M. (Dublin).	1935. 1936.
Stafford, John Ingham	M.B., B.Ch., B.A., B.A.O. (Dub. Univ.)	1940.
Gilmore, Terence James	M.R.C.S., L.R.C.P. (Eng.)	1943.
Kotowski, Jaroslaw	M.B., Ch.B., (Edin.)	1944.
Dalglish, David Geoffrey	M.R.C.S., (Eng.) L.R.C.P. (Lond.)	1946.
Sladen, William Joseph Lambart	M.R.C.S. (Eng.), L.R.C.P. (Lond.),	1946.
<i>Midwives.</i>		
Strong, Rose	S.R.N. S.C.M.	1933. 1934.
Lellman, Winifred May	S.R.N. S.C.M. (1)	1944. 1945.
Henricksen, Agnes	S.C.M.	1929.
<i>Dental Surgeon.</i>		
Roberts, Gerald Holgate	B.Ch.D., L.D.S. (Leeds), D.D.S. (Toronto)	1946. 1947.

B. REGISTERED TO PRACTISE IN THE DEPENDENCIES.

Name.	Qualification.	Date of Qualification
<i>Medical Practitioners</i>		
Kendall, John Wilson	M.R.C.S. (Eng.), L.R.C.P. (Lond.)	1926.
Brandt, Erling	M.D. (Oslo).	1933.
Johansen, Paul Ingred	M.D. (Oslo).	1940.
Wallis, Roy Walter	M.B., Ch.B. (Edin.)	1944.

No. 9. 24th January, 1949.

H. BENNETT, ESQ., J.P.,

Clerk, Legal Department, was absent on vacation leave from the 28th of April, 1948, to the 8th of January, 1949, both dates inclusive.

M.P. 14/150.

J. TURNER, ESQ.,

Dental Mechanic, Medical Department, was absent on vacation leave from the 16th of March, 1948, to the 8th of January, 1949, both dates inclusive.

M.P. L/24.

MRS. I. WALLACE,

Assistant Teacher, Education Department, was absent on vacation leave from the 6th of June, 1948, to the 8th of January, 1949, both dates inclusive.

M.P. P/240.

PROBATE.

In the Supreme Court of the Falkland Islands.

*Albert Edward Biggs, of Stanley, Falkland Islands, deceased.*

Whereas Edward John McAtasney, Executor of the above named deceased, has applied for Letters of Administration to administer the Estate of the deceased.

These are therefore to warn the next-of-kin and the creditors that the prayer of the Petitioner will be granted provided no caveat be entered in the Supreme Court within twenty-one days of the date hereof.

R. WINTER,

*Ag. Registrar, Supreme Court.*

16th January, 1949.

L. 33/48.

## ANNUAL STOCK RETURN FOR 1947-1948.

Prepared from information furnished in accordance with Section 13 of the Live Stock Ordinance, 1901.

OWNER.	NAME OF STATION.	RAMS.	WETHERS.	BREEDING EWES.	OTHER EWES.		HOGGETS.	TOTAL.	Total wool clip in 1000 lbs.	EAR MARK
					CAST.	MAIDEN.				
EAST FALKLAND.										
C. Bender.	Moody Valley.	17	387	590	30	70	219	1,313	7	Fork & Back Bit
Estate G. Bonner.	San Carlos.	284	7,440	9,176	320	2,568	5,368	25,156	179	Front Square.
Pitaluga Bros.	Gibraltar.	160	5,284	7,112	—	—	3,015	15,571	95	Fore Bayonet.
Falkland Islands Co., Ltd.	Darwin & Lafonia.	1,973	53,062	57,950	393	15,141	36,728	165,247	1209	Double Swallow.
Smith Bros. " " "	Fitzroy.	380	12,165	12,090	633	3,164	8,655	37,087	256	
J. W. McGill.	Berkeley Sound.	166	4,696	7,016	—	—	3,612	15,490	90	Triangle. "
Mrs. N. S. Browning and J. W. McGill	Peninsula.	3	—	117	—	—	—	120		Back Bayonet.
Mrs. F. O. Yonge.	Mullet Creek.	18	225	900	—	—	300	1,443	5	Back Bayonet.
Estate T. Robson.	Bluff Cove.	57	648	2,096	111	210	660	3,782	22	Double Slit.
The Douglas Stu. Co., Ltd.	Port Louis.	167	3,387	4,418	129	197	2,642	10,940	80	Front Halfpenny.
Port San Carlos Co., Ltd.	Douglas.	474	6,092	13,839	—	—	6,192	26,597	165	Fork.
Estate J. J. Felton.	Port San Carlos.	418	10,057	10,070	—	1,285	6,450	28,280	220	Slit.
Estate H. J. Pitaluga.	Evelyn.	291	7,272	9,357	601	1,557	6,101	25,179	155	Back Square.
	Rincon Grande.	98	2,173	3,150	953	898	2,494	9,766	61	Slit.
		4,506	112,888	137,881	3,170	25,090	82,436	365,971	2,544	

## WEST FALKLAND.

J. L. Waldron, Ltd.	Port Howard.	388	11,145	13,640	200	2,785	7,756	35,914	286	Fork.
Holmstead & Blake.	Hill Cove.	316	10,459	10,252	257	2,238	6,261	29,783	208	Front Bayonet.
Falkland Islands Co., Ltd.	Port Stephens.	363	9,902	11,398	1,300	2,516	6,046	31,525	189	Fork.
Falkland Islands Co., Ltd.	Fox Bay West & Spring Point.	345	8,374	11,914	—	2,487	6,065	28,285	189	Fore Bayonet.
Packe Bros. & Co. Ltd.	Fox Bay East	242	8,821	9,500	175	2,666	6,544	27,948	213	Fore Bit.
Luxton & Anson.	Chartres.	248	6,818	9,745	—	2,043	5,458	24,312	187	Double Swallow.
Bertrand & Felton Ltd.	Roy Cove.	177	4,798	5,529	—	1,404	3,477	15,395	132	Front Square.
		2,079	60,317	71,088	1,932	16,139	41,607	193,162	1,404	

## ISLANDS.

J. Hamilton, Ltd.	Weddell.	62	2,889	766	—	587	1,357	5,661	51	Fork.
" " "	Beaver.	29	52	948	—	—	—	1,029	8	"
" " "	Passage.	3	156	150	—	—	—	309	5	"
" " "	Saunders.	101	3,214	2,590	—	493	1,683	8,081	65	Hole.
J. Davis.	Hummock.	6	90	130	—	—	44	270	9	Fork.
" " "	Jasons.	11	760	520	119	220	600	2,230	20	
Dean Bros.	Pebble & Keppel.	341	8,916	5,350	484	1,557	4,264	20,912	183	Back Bayonet.
J. Hansen.	Carcass.	44	616	673	—	200	646	2,179	23	Fore Bayonet.
G. Scott.	New.	17	771	670	—	176	587	2,221	20	Fork.
W. J. Hutchinson.	Sea Lion.	12	377	604	50	164	506	1,723	15	Slit.
Mrs. Napier.	West Point.	10	957	778	—	292	673	2,710	24	Back Square.
Falkland Islands Co., Ltd.	Speedwell Group.	141	4,039	3,904	533	817	2,735	12,169	175	Double Swallow.
		777	22,837	17,083	1,196	4,506	13,095	59,494	598	

## EAST FALKLAND

## WEST FALKLAND

## ISLANDS

## TOTALS

4,506	112,888	137,881	3,170	25,090	82,436	365,971	2,544
2,079	60,317	71,088	1,932	16,139	41,607	193,162	1,404
777	22,837	17,083	1,196	4,506	13,095	59,494	598
7,362	196,042	226,052	6,298	45,735	147,138	618,627	4,546

## IMPORTATIONS.

FROM UNITED KINGDOM.			NEW ZEALAND.		ARGENTINE.	URUGUAY.				CHILE.	
Rams.	Dogs.	Poultry.	Bull.	Rams.	Bull.	Bull.	Stallion.	Dogs.	Poultry.	Horses.	Stallions.
5	3	14	1	14	1	1	1	4	3	116	3

SUMMARY OF STOCK RETURNS 1943-1948.

SHEEP.

YEAR.	RAMS.	WETHERS.	BREEDING EWES.	OTHER EWES.	HOGGETS.	TOTAL.	SHEEP SHORN.	LAMBS MARKED.	% LAMBS MARKED OF PREVIOUS YEARS' EWES.	% HOGGETS DIPPED OF PREVIOUS YEARS' EWES.	% HOGGETS SHORN FOLLOWING YEAR.
1943-1944.	7,818	200,131	220,926	63,807	135,097	627,779	575,298	151,965	67.79	53.20	60.27
1944-1945.	7,829	199,558	221,496	63,360	127,206	619,449	561,063	139,764	63.26	50.30	57.57
1945-1946.	7,919	196,887	222,001	58,027	126,889	611,723	553,167	147,003	68.06	50.38	57.19
1946-1947.	7,416	199,791	221,377	56,437	119,095	604,136	548,446	133,978	60.35	49.57	53.64
1947-1948.	7,362	196,042	226,052	52,033	147,198	618,027	526,808	149,665	67.58	—	61.93

SHEEP DISPOSED OF.

YEAR.	SOLD LOCALLY FOR BREEDING OR FURTHER USE.	EXPORTED.	SLAUGHTERED.			TOTAL.	UNACCOUNTED FOR (DEATHS) EXCLUDING LANDS.	DEATH RATE %
			MUTTON.	TALLOW.	SKINS.			
1943-1944.	3,236	—	28,841	18,926	38,008	87,011	55,995	8.85
1944-1945.	1,519	118	22,501	16,734	28,959	69,831	67,224	10.71
1945-1946.	2,900	—	23,056	15,534	30,347	78,650	58,313	10.48
1946-1947.	5,342	469	23,960	17,135	31,744	77,789	53,813	8.73
1947-1948.	1,593	—	11,331	18,240	25,287	68,843	54,338	9.78

OTHER STOCK.

YEAR.	HORSES.	CATTLE.	SWINE.
1943-1944.	3,211	11,226	35
1944-1945.	3,227	10,873	22
1945-1946.	3,087	11,205	4
1946-1947.	2,734	11,197	14
1947-1948.	2,810	10,725	10

# Vital Statistics for the year ended 31st December, 1948

## COLONY

### Births

				Male	Female	Total
Stanley	...	...	...	15	15	30
East Falkland	...	...	...	1	—	1
West Falkland	...	...	...	—	—	—
Total	...			16	15	31

BIRTHS 1947 — 35

### Deaths

				Male	Female	Total
Stanley	...	...	...	14	10	24
East Falkland	...	...	...	—	—	—
West Falkland	...	...	...	1	—	1
Total	...			15	10	25

Maternal Mortality —

Infantile „ —

Still Births 2

DEATHS 1947 — 31

### Marriages

			Anglican	Roman Catholic	Non-conformist	Registrar	Total
Stanley	...	...	4	—	4	4	12
East Falkland	...	...	—	—	—	3	3
West Falkland	...	...	—	—	—	4	4
Total	...		4	—	4	11	19

MARRIAGES 1947 — 22

### Arrivals

1948	males 103	females 62	Total 165
1947	„ 128	„ 71	„ 199

### Departures

1948	males 104	females 72	Total 176
1947	„ 107	„ 57	„ 164

## Population

Estimated population of the Falkland Islands 1st January 1948 – 2273

Estimated population 31st December 1948 – 2268, decrease 5, as shown below –

Estimated population	Males	Females	Total
31st December 1947	1239	1034	2273
Add births 1948	16	15	31
	1255	1049	2304
Add arrivals 1948	103	62	165
	1358	1111	2469
Deduct deaths 1948	15	10	25
	1343	1101	2444
Deduct departures 1948	104	72	176
Totals	1239	1029	2268

Birth rate per 1,000	...	13.66
Illegitimate births, actual	...	1
Death rate per 1,000	...	11.02
Population per sq. mile	...	0.49

## DEPENDENCIES

Marriages	Nil	Births	Nil	Deaths	4
Estimated resident population at South Georgia 1346.					
"	"	"	"	other Dependencies 27.	

R. WINTER,

*Acting Registrar General.*

Stanley, Falkland Islands,  
January, 1949.





# The Falkland Islands Gazette Extraordinary

Published by Authority.

Vol. LVIII.

FEBRUARY 25, 1949.

No. 4.

No. 3.

Proclamation

1948.

To appoint a date on which the Falkland Islands Letters Patent 1948 shall come into operation.

IN THE NAME of His Majesty GEORGE VI., by the Grace of God of Great Britain, Ireland and the British Dominions beyond the Seas King, Defender of the Faith, &c., &c.

MILES CLIFFORD — *By His Excellency GEOFFREY MILES CLIFFORD, Esquire, Companion of the Most Distinguished Order of Saint Michael and Saint George, Officer of the Most Excellent Order of the British Empire, upon whom has been conferred the Efficiency Decoration, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies and Vice Admiral thereof.*

[L.S.]

Under and by virtue of the powers vested in me by Article 2 of the Falkland Islands Letters Patent 1948 I hereby proclaim that the Falkland Islands Letters Patent 1948 shall come into operation on the 1st day of January 1949.

**GOD SAVE THE KING.**

Given at Government House, this 31st day of December, 1948.

*By His Excellency's Command,*

R. WINTER.

*Acting Colonial Secretary.*

No. 4.

## Proclamation

1948

To appoint a date on which the Instructions and Additional Instructions under the Royal Sign Manual and Signet issued to the Governor on the 28th day of February, 1920, and the 1st day of February, 1941, respectively are to be revoked.

IN THE NAME of His Majesty GEORGE VI., by the Grace of God of Great Britain, Ireland and the British Dominions beyond the Seas King, Defender of the Faith, &c., &c.

MILES CLIFFORD — *By His Excellency GEOFFREY MILES CLIFFORD, ESQUIRE, Companion of the Most Distinguished Order of Saint Michael and Saint George, Officer of the Most Excellent Order of the British Empire, upon whom has been conferred the Efficiency Decoration, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies and Vice Admiral thereof.*

[L.S.]

Under and by virtue of the powers vested in me by the Instructions passed under the Royal Sign Manual and Signet to the Governor and Commander-in-Chief of the Colony of the Falkland Islands and Dependencies thereof dated the 13th day of December 1948 I hereby proclaim the 31st day of December 1948 as the appointed day for the revocation of the Instructions and Additional Instructions under the Royal Sign Manual and Signet and issued to the Governor on the following dates : that is to say the 28th day of February, 1920, and the 1st day of February, 1941.

GOD SAVE THE KING.

Given at Government House, this 31st day of December, 1948.

*By His Excellency's Command,*

R. WINTER,

*Acting Colonial Secretary.*

M.P. 0068/A.

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STATUTORY INSTRUMENTS

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1948 No. 2573

## BRITISH SETTLEMENTS

The Falkland Islands (Legislative Council)  
Order in Council, 1948

<i>Made</i> - - - -	26th November, 1948
<i>Laid before Parliament</i> -	26th November, 1948
<i>Coming into operation :-</i>	
<i>Sections 29 and 31</i> -	27th November, 1948
<i>Remainder</i> - - -	<i>On a day to be proclaimed in the Falkland Islands Government Gazette in accordance with Article 2.</i>

At the Court at Buckingham Palace, the 26th day of November, 1948.

Present,

The King's Most Excellent Majesty in Council.

Whereas by Letters Patent under the Great Seal dated the 25th day of February, 1892 (hereinafter called "the Letters Patent of 1892"), provision is made for the constitution and powers of the Legislative Council of the Colony of the Falkland Islands :

And Whereas it is expedient to make other provision for the constitution and powers of the said Legislative Council :

Now, therefore, His Majesty by virtue and in exercise of the powers vested in Him by the British Settlements Acts, 1887 and 1945, and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows :—

50 & 51 Vict. c. 54.  
9 & 10 Geo. 6. c. 7.

## PART I.

*Preliminary.*

1.—(1) In this Order, unless the context otherwise requires :

Interpretation.

"the appointed day" means the day appointed under section 2 of this Order;

"the Colony" means the Colony of the Falkland Islands;

"the Council" means the Legislative Council of the Colony of the Falkland Islands constituted by this Order;

"the Dependencies" means the Dependencies of the Falkland Islands as defined in Letters Patent passed under the Great Seal dated the 28th day of March, 1917;

"the Executive Council" means the Executive Council for the time being of the Colony;

"the Gazette" means the Falkland Islands Government Gazette;

"the Governor" means the Governor and Commander-in-Chief of the Colony and the Dependencies, and includes any Officer for the time being administering the Government and, to the extent to which a Deputy for the Governor is authorised to act, that Deputy;

"the Governor in Council" means the Governor acting with the advice of the Executive Council, but not necessarily in accordance with that advice nor necessarily in such Council assembled;

"meeting" means any sitting or sittings of the Council commencing when the Council first meets after being summoned at any time and terminating when the Council is adjourned sine die or at the conclusion of a session;

"the Public Seal" means the Public Seal of the Colony;

"Secretary of State" means one of His Majesty's Principal Secretaries of State;

"session" means the meetings of the Council commencing when the Council first meets after being constituted under this Order, or after its prorogation or dissolution at any time, and terminating when the Council is prorogued or is dissolved without having been prorogued;

"sitting" means a period during which the Council is sitting continuously without adjournment, and includes any period during which the Council is in Committee.

(2) The rules set out in the Schedule to this Order shall apply for the interpretation of the expression "ordinarily resided" in paragraph (g) of section 11 of this Order.

(3) For the purposes of this Order, any reference to any public officer by the term designating his office means the person for the time being lawfully discharging the functions of that office.

(4) For the purposes of this Order, a person shall not be deemed to hold an office of emolument under the Crown in the Colony by reason only that he is in receipt of a pension or other like allowance in respect of service under the Crown; and if it shall be declared by any law for the time being in force in the Colony that an office shall not be an office of emolument under the Crown in the Colony for all or any of the purposes of this Order, this Order shall have effect accordingly as if such law were enacted therein.

52 & 53 Vict. c. 63.

(5) The Interpretation Act, 1889, shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Short title and commencement.

2. This Order may be cited as the Falkland Islands (Legislative Council) Order in Council, 1948. It shall be published in the Gazette and, save as otherwise expressly provided in this Order, shall come into operation on a day to be appointed by the Governor by Proclamation in the Gazette, which day shall not be earlier than the day after the day on which this Order shall have been laid before both Houses of Parliament.

## PART II.

### *The Legislative Council.*

Establishment of Legislative Council.

3. There shall be a Legislative Council in and for the Colony constituted in accordance with the provisions of this Order.

Composition of Legislative Council.

4. The Council shall consist of —

- (a) the Governor, as President;
- (b) three *Ex-officio* Members;
- (c) three Nominated Official Members;
- (d) two Nominated Unofficial Members; and
- (e) four Elected Members.

*Ex-officio* Members.

5. The *Ex-officio* Members shall be the Colonial Secretary, the Senior Medical Officer and the Agricultural Officer.

Nominated Official and Nominated Unofficial Members.

6.—(1) The Nominated Official Members shall be persons holding office of emolument under the Crown in the Colony and shall be appointed by the Governor by Instrument under the Public Seal in pursuance of His Majesty's instructions through a Secretary of State.

(2) The Nominated Unofficial Members shall be persons not holding any office of emolument under the Crown in the Colony and shall be appointed by the Governor by Instrument under the Public Seal in pursuance of His Majesty's instructions through a Secretary of State.

7. The Elected Members shall be persons qualified in accordance with the provisions of this Order and elected in the manner provided by any law for the time being in force in the Colony.

Elected Members.

8. The Governor may summon any person to any meeting of the Council, notwithstanding that such person may not be a member of the Council when, in the opinion of the Governor, the business before the Council renders the presence of such person desirable. Any person so summoned shall be entitled to take part in the proceedings of the Council relating to the business in respect of which he is summoned as if he were a Member of the Council, except that he shall not have the right to vote in the Council.

Extraordinary Members.

9.—(1) Subject to the provisions of this Order, every Nominated Member of the Council shall hold his seat in the Council during His Majesty's pleasure.

Tenure of Nominated and Elected Members.

(2) Every Nominated or Elected Member shall in any case cease to be a Member at the next dissolution of the Council after his appointment or election, or previously thereto if his seat shall become vacant under the provisions of this Order, but, if qualified, shall be eligible for reappointment or reelection from time to time.

(3) The Governor may, by Instrument under the Public Seal, declare any Nominated Member to be incapable of discharging his functions as a Member, and thereupon such Member shall not sit or vote in the Council until he is declared, in manner aforesaid, again to be capable of discharging his said functions.

(4) The Governor may, by Instrument under the Public Seal, suspend any Nominated Member from the exercise of his functions as a Member. Every such suspension shall forthwith be reported by the Governor to His Majesty through a Secretary of State, and shall remain in force until it shall be removed by the Governor by Instrument under the Public Seal or by His Majesty through a Secretary of State, or the person suspended ceases to be a Member.

10. Subject to the provisions of section 11 of this Order, any person who is a British subject of the age of twenty-one years or upwards shall be qualified to be a Nominated Member or an Elected Member of the Council, and no other persons shall be qualified to be appointed or elected thereto or, having been so appointed or elected, shall sit or vote in the Council or in any Committee thereof.

Qualifications for Nominated and Elected Membership.

11. No person shall be qualified to be appointed as a Nominated Member or elected as an Elected Member or, having been so appointed or elected, shall sit or vote in the Council, who at the time of appointment or election —

Disqualifications for Nominated and Elected Membership.

- (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 (by whatever name called) for a term exceeding six months, and has not either suffered the punishment to which he was sentenced or such other punish-

- ment 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) (i) in the case of a Nominated Unofficial Member, is a party to, or a partner in a firm, or a director or a manager of a company, which is a party to, any subsisting contract with the Government of the Colony for or on account of the public service and has not disclosed to the Governor the nature of such contract and his interest, or the interest of such firm or company, therein; or
- (ii) in the case of an Elected Member, 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 of the Colony for or on account of the public service and has not published within one month before the day of 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) in the case of an Elected Member —
- (i) is not qualified to be registered as an elector under the provisions of any law for the time being in force in the Colony or, being so qualified, is not so registered; or
- (ii) 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 —
- (a) any responsibility for, or in connection with, the conduct of any election, or
- (b) any responsibility for the compilation or revision of any electoral register, or
- (iii) has not ordinarily resided in the Colony for a period of not less than twelve months; or
- (h) 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.

#### Vacation of seats.

12.—(1) The seat of a Nominated Member or of an Elected Member of the Council shall become vacant —

- (a) upon his death; or
- (b) if he shall be absent from two consecutive meetings of the Council without having obtained from the Governor, before the termination of either of such meetings, permission to be or to remain absent therefrom; or
- (c) if he shall do, concur in or adopt any act done with the intention that he shall become a subject or citizen of any foreign Power or State; or
- (d) if he shall, by writing under his hand directed to the Governor, resign his seat in the Council and, in the case of a Nominated Official Member, his resignation shall be accepted by the Governor; or
- (e) if, being an Elected Member, he shall be appointed to any office of emolument under the Crown; or
- (f) if, being a Nominated Unofficial Member, he shall be appointed permanently to any office of emolument under the Crown in the Colony; or
- (g) if, being a Nominated Unofficial Member, he shall become an Elected Member; or
- (h) if he shall become disqualified from being registered as an elector under the provisions of any law of the Colony in that

behalf, or, not being so disqualified, shall cease to be registered as such; or

- (i) if he shall otherwise cease to be qualified for election or appointment under the provisions of this Order.

(2) If any Nominated Unofficial Member shall be appointed temporarily to, or to act in, any office of emolument under the Crown in the Colony, he shall not sit or vote in the Council by virtue of his appointment as a Nominated Unofficial Member so long as he continues to hold, or to act in, that office.

(3) Subject to the provisions of this Order, all questions which may arise as to the right of any person to be or remain an Elected Member shall be determined by the Supreme Court of the Colony in accordance with the provisions of any law for the time being in force in the Colony.

(4) All questions which may arise as to the right of any person to be or remain a Nominated Member shall be referred to and decided by the Governor in Council.

13.—(1) Whenever there shall be a vacancy in the number of persons sitting as Ex-officio or Nominated Members of the Council by reason of the fact that —

Temporary Members.

- (a) an Ex-Officio or Nominated Official Member is administering the Government of the Colony; or
- (b) one person is lawfully discharging the functions of more than one of the offices referred to in section 5 of this Order; or
- (c) no person is lawfully discharging the functions of one of those offices; or
- (d) any such office has ceased to exist; or
- (e) a Nominated Member is unable to sit or vote in the Council in consequence of a declaration by the Governor, as provided in this Order, that he is incapable of discharging his functions as a Member; or
- (f) a Nominated Member is suspended, as provided in this Order, from the exercise of his functions as a Member; or
- (g) a Member is absent from the Colony; or
- (h) a Nominated Unofficial Member is temporarily appointed to, or to act in, an office of emolument under the Crown in the Colony; or
- (i) the seat of a Nominated Unofficial Member is vacant for any cause other than the dissolution of the Council,

the Governor may by Instrument under the Public Seal appoint a person to be a temporary Member for the period of such vacancy.

(2) If the vacancy is in the number of persons sitting in the Council as Ex-officio or Nominated Official Members, the person appointed shall be a person holding office of emolument under the Crown in the Colony; and if the vacancy is in the number of persons sitting in the Council as Nominated Unofficial Members, the person appointed shall be a person qualified for appointment as a Nominated Unofficial Member.

(3) If a person is appointed under the provisions of this section to be a temporary Member to fill a vacancy in the number of persons sitting in the Council as Ex-officio or Nominated Official Members, then, so long as his appointment shall subsist, the provisions of this Order shall, subject to the provisions of this section, apply to him as if he were a Nominated Official Member.

(4) If a person is appointed under the provisions of this section to be a temporary Member to fill a vacancy in the number of persons sitting in the Council as Nominated Unofficial Members, then, so long as his appointment shall subsist, he shall be to all intents and purposes a Nominated Unofficial Member and, subject to the provisions of this section, the provisions of sections 9 and 12 of this Order shall have effect accordingly.

(5) The Governor shall forthwith report every temporary appointment made under this section to His Majesty through a Secretary of State and such appointment may (without prejudice to anything done by virtue thereof) be revoked by the Governor by Instrument under the Public Seal.

(6) A temporary appointment made under this section shall cease to have effect on notification by the Governor to the person appointed of revocation by the Governor, or on supersession of the appointment by the definitive appointment of a person to fill the vacancy, or when the vacancy shall otherwise cease to exist.

Presiding in Legislative Council.

14. The Governor, if present, shall preside at meetings of the Council, and in his absence such Member as the Governor may from time to time appoint in writing, or in the absence of the Member so appointed or if no Member be so appointed, the Member present who stands first in order of precedence shall preside.

Precedence of Members.

15.—(1) After the Governor, the Members of the Council shall take precedence among themselves as His Majesty may specially assign, and in default thereof as follows :—

First, the Ex-officio Members in the order in which their offices are referred to in section 5 of this Order;

Secondly, the Nominated Official Members in such order as the Governor may direct;

Thirdly, the Nominated Unofficial Members and the Elected Members, according to the length of time during which they have been continuously Members of the Council. Members appointed or elected at the same time taking precedence amongst themselves in such order as the Governor may direct.

(2) For the purposes of this section—

(a) Members appointed and Members elected to the Council as first constituted under this Order shall be deemed to have been appointed or elected on the date on which the report of the return of the first successful candidate for election is made to the Governor; and

(b) in ascertaining the period during which a person has continuously been a Member of the Council—

(i) no account shall be taken of any interval between the vacation by that person of his seat in the Council in consequence of the expiration of his tenure of office, or a dissolution of the Council and the date of his reappointment or reelection to fill a vacancy in the Council caused by that expiration of tenure or that dissolution; and

(ii) if any person having been, for any period immediately before the appointed day, a Member of the Legislative Council constituted by the Letters Patent of 1892, is appointed or elected as a Member by virtue of the first appointments or elections to the Council after the appointed day, he shall be deemed to have been a Member of the Council so constituted for that period; and no account shall be taken of any interval between the day preceding the appointed day and the date upon which he is first appointed or elected to the Council, or of any interval in his membership of the Legislative Council constituted by the Letters Patent of 1892 between the expiration of his tenure of office and his appointment or election to fill the vacancy thereby caused.

Filling of Vacancies.

16.—(1) Whenever the seat of an Elected Member becomes vacant, a fresh election shall be held to fill the vacancy in accordance with the provisions of this Order.

(2) Whenever the seat of a Nominated Member becomes vacant,

the vacancy shall be filled by appointment by the Governor in accordance with the provisions of this Order.

### PART III.

#### *Legislation and Procedure of Legislature.*

17. Subject to the provisions of this Order, it shall be lawful for the Governor, with the advice and consent of the Council, to make laws for the peace, order and good government of the Colony.

Power to make laws.

18. Subject to the provisions of this Order and of the Standing Rules and Orders of the Council, any Member may introduce any Bill or propose any motion for debate in, or may present any petition to, the Council, and the same shall be debated and disposed of according to the Standing Rules and Orders :

Introduction of Bills.  
etc.

Provided that, except with the recommendation or consent of the Governor signified thereto, the Council shall not proceed upon any Bill, amendment, motion or petition which, in the opinion of the Governor or other Presiding Member, would —

- (a) dispose of or charge any public revenue or public funds of the Colony or revoke or alter any disposition thereof or charge thereon, or impose, alter or repeal any rate, tax or duty;
- (b) suspend the Standing Rules and Orders of the Council or any of them.

19.—(1) All questions proposed for decision in the Council shall be determined by a majority of the votes of the Members present and voting.

Voting.

(2) The Governor shall not have an original vote, but if upon any question the votes shall be equally divided, he shall have a casting vote.

(3) In the absence of the Governor, the Presiding Member shall have an original vote and, if upon any question the votes shall be equally divided, shall also have a casting vote.

20.—(1) The Council shall not be disqualified for the transaction of business by reason of any vacancy among the Members; and any proceedings therein shall be valid notwithstanding that some person who was not entitled to do so sat or voted in the Council or otherwise took part in the proceedings.

Vacancies and  
Quorum.

(2) No business except that of adjournment shall be transacted if objection is taken by any Member present that there are less than six Members present besides the Governor or other Presiding Member.

21. Subject to the provisions of this Order the Governor and the Council shall, in the transaction of business and the making of laws, conform as nearly as may be to the directions contained in any Instructions under His Majesty's Sign Manual and Signet which may from time to time be addressed to the Governor in that behalf.

Royal Instructions.

22.—(1) No Bill shall become a law until either the Governor shall have assented thereto in His Majesty's name and on His Majesty's behalf and shall have signed the same in token of such assent, or His Majesty shall have given His assent thereto through a Secretary of State.

Assent to Bills.

(2) When a Bill is presented to the Governor for his assent, he shall, according to his discretion, but subject to the provisions of this Order and of any Instructions addressed to him under His Majesty's Sign Manual and Signet or through a Secretary of State, declare that he assents, or refuses his assent, thereto, or that he reserves the Bill for the signification of His Majesty's pleasure.

(3) A law assented to by the Governor shall come into operation on the date on which such assent shall be given or, if it shall be

enacted, either in the law or in some other enactment (including any enactment in force on the appointed day), that it shall come into operation on some other date, on that date.

(4) A Bill reserved for the signification of His Majesty's pleasure shall become a law so soon as His Majesty shall have given His assent thereto, through a Secretary of State, and the Governor shall have signified such assent by Proclamation in the Gazette. Every such law shall come into operation on the date of such Proclamation or, if it shall be enacted, either in the law or in some other enactment (including any enactment in force on the appointed day), that it shall come into operation on some other date, on that date.

Disallowance of laws.

**23.—**(1) Any law to which the Governor shall have given his assent may be disallowed by His Majesty through a Secretary of State.

(2) Whenever any law has been disallowed by His Majesty, the Governor shall cause notice of such disallowance to be published in the Gazette.

52 & 53 Vict. c. 63.

(3) Every law so disallowed shall cease to have effect as soon as notice of such disallowance shall be published as aforesaid; and thereupon any enactment repealed or amended by, or in pursuance of, the law disallowed shall have effect as if such law had not been made. Subject as aforesaid, the provisions of subsection (2) of section 38 of the Interpretation Act, 1889, shall apply to such disallowance as they apply to the repeal of an Act of Parliament.

Sittings and Sessions.

**24.—**(1) The sittings of the Council shall be held at such times and places as the Governor shall from time to time appoint by Proclamation published in the Gazette.

(2) There shall be a Session of the Council once at least in every year, so that a period of twelve months shall not intervene between the last sitting in one Session and the first sitting in the next Session.

Standing Rules and Orders.

**25.—**(1) Subject to the provisions of this Order and of any Instructions under His Majesty's Sign Manual and Signet, the Council may from time to time make, amend and revoke Standing Rules and Orders for the regulation and orderly conduct of their proceedings and the despatch of business, to provide for the giving of notice of the provisions of Bills and for the presentation thereof to the Governor for assent; but no such Rules or Orders shall have effect until they shall have been approved by the Governor.

(2) Until other provision is made under this Section, the Standing Rules and Orders of the Legislative Council constituted under the Letters Patent of 1892, as in force immediately before the appointed day, shall, with the necessary modifications and adaptations, be the Standing Rules and Orders of the Council; and the said Standing Rules and Orders may be amended or revoked by Standing Rules and Orders made under the preceding subsection.

Prorogation and dissolution.

**26.—**(1) The Governor may at any time by Proclamation published in the Gazette, prorogue or dissolve the Council.

(2) On dissolution, all Members shall vacate their seats, and the Council shall be reconstituted by election and appointment in accordance with the provisions of this Order at such time, within three months of every dissolution, as the Governor shall by Proclamation published in the Gazette appoint.

(3) The Governor shall dissolve the Council at the expiration of four years from the date of the report to him of the return of the first successful candidate at the last preceding General Election, if it shall not have been sooner dissolved.

Oath of Allegiance.

**27.** Except for the purpose of enabling this section to be complied with, no Member of the Council shall sit or vote therein or in any Committee thereof until he shall have taken and subscribed before

the Governor, or some person authorised by the Governor in that behalf, the following oath :—

“I, A.B., do swear that I will be faithful and bear true allegiance to His Majesty King George the Sixth, His Heirs and Successors according to law. So help me God.”

Provided that every person authorised by law to make an affirmation instead of taking an oath in legal proceedings may make such affirmation in like terms instead of the said oath.

#### PART IV.

##### *Miscellaneous.*

28. Provision may be made, by or in pursuance of any law enacted under this Order, for the election of Elected Members of the Council, including (without prejudice to the generality of the foregoing power but subject to the provisions of this Order) the following matters, that is to say :—

Laws as to Elections.

- (a) the delimitation of electoral areas;
- (b) the qualifications and disqualifications of voters;
- (c) the ascertainment of the qualifications of voters;
- (d) the registration of voters;
- (e) the holding of elections;
- (f) the determination of all questions which may arise as to the right of any person to be or remain an Elected Member;
- (g) the definition and trial of offences in relation to elections and the imposition of penalties therefor, including disqualification for Membership of the Council, or for registration as a voter, or for voting of any persons concerned in any such offence;
- (h) the filling by appointment by the Governor or otherwise of any vacancy in the number of persons sitting in the Council as Elected Members by reason of the fact that no person has been nominated for election to fill the vacancy.

29.—(1) Provision may be made at any time before the appointed day by laws made under the Letters Patent of 1892, and at any time after the appointed day and before the first sitting of the Council under this Order by Proclamation by the Governor published in the Gazette, in respect of all or any of the matters specified in section 28 of this Order.

Transitional  
Provisions as to  
Elections.

(2) The expression “any law for the time being in force in the Colony”, wherever it occurs in this Order, shall include any law or Proclamation made under this section.

(3) It shall not be necessary for any law enacted in accordance with the provisions of this section to be reserved for the signification of his Majesty’s pleasure.

(4) Every Proclamation made under subsection (1) of this section shall have the force of law and may be amended, added to or revoked by further Proclamations within the period specified in that subsection.

(5) This section shall come into operation on the day after the day upon which this Order shall have been laid before both Houses of Parliament.

30.—(1) Any person who—

Penalty for unqualified person sitting or voting.

- (a) having been elected or appointed a Member of the Council, but not having been at the time of such election or appointment qualified to be so elected or appointed, shall sit or vote in the Council; or
- (b) shall sit or vote in the Council after his seat thereon has become vacant or he has become disqualified from sitting or voting therein,

knowing or having reasonable grounds for knowing, that he was so disqualified or that his seat has become vacant, as the case may be, shall be liable to a penalty not exceeding twenty pounds for every day upon which he so sits or votes.

(2) The said penalty shall be recoverable by action in the Supreme Court of the Colony at the suit of the Colonial Secretary.

Removal of  
difficulties.

**31.**—(1) If any difficulty shall arise in bringing into operation any of the provisions of this Order or in giving effect to the purposes thereof, a Secretary of State may, by Order, make such provision as seems to him necessary or expedient for the purpose of removing the difficulty and may by such Order amend or add to any provision of this Order :

Provided that no Order shall be made under this section later than the first day of January, 1950.

(2) Any Order made under this section may be amended, added to, or revoked by a further Order, and may be given retrospective effect to a day not earlier than the date of this Order.

(3) This section shall come into operation on the day after the day upon which this Order shall have been laid before both Houses of Parliament.

Powers reserved to  
His Majesty.

**32.**—(1) His Majesty hereby reserves to Himself, His Heirs and Successors, power, with the advice of His or Their Privy Council, to revoke, add to or amend this Order, as to Him or Them shall seem fit.

(2) Nothing in this Order shall affect the powers of His Majesty in Council to make laws from time to time for the peace, order and good government of the Colony.

E. C. E. LEADBITTER.

## THE SCHEDULE.

1. Subject to the provisions of rules 2, 3, 4 and 5 of this Schedule, the question of whether a person is or was ordinarily resident at any material time or during any material period shall be determined by reference to all the facts of the case.

2. The place of ordinary residence of a person is, generally, that place which is the place of his habitation or home, whereto, when away therefrom, he intends to return. In particular when a person usually sleeps in one place and has his meals or is employed in another place, the place of his ordinary residence is where he sleeps.

3. Generally, a person's place of ordinary residence is where his family is, if he is living apart from his family, with the intent to remain so apart from it in another place, the place of ordinary residence of such person is such other place. Temporary absence from a place of ordinary residence does not cause a loss or change of place of ordinary residence.

4. Any person who has more than one place of ordinary residence may elect in respect of which place he desires to be registered.

5. Any person, who at any time is serving in the armed forces of the Crown, shall be deemed to be ordinarily resident during the period of such service in the place in which he so resided immediately before he entered on such service, unless he has thereafter established some other ordinary residence elsewhere.

## EXPLANATORY NOTE.

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order in Council provides for the establishment of a reformed Legislative Council which will legislate for the Colony of the Falkland Islands. It will be presided over by the Governor, and will consist of six official Members and six unofficial Members of whom four will be elected by popular vote.

## FALKLAND ISLANDS

**Letters Patent passed under the Great Seal of the Realm constituting the Office of Governor and Commander-in-Chief of the Colony of the Falkland Islands, and making provision for the Government thereof.**

*Dated 13th December, 1948.*

GEORGE THE SIXTH, by the Grace of God of Great Britain, Ireland and the British Dominions beyond the Seas King, Defender of the Faith. To all to whom these Presents shall come, Greeting !

Whereas by Letters Patent under the Great Seal dated the 25th day of February, 1892 (as amended by like Letters Patent dated the 19th day of September, 1914) (hereinafter together called "The Letters Patent of 1892 and 1914") the Office of Governor and Commander-in-Chief in and over Our Colony of the Falkland Islands and its Dependencies is constituted, and provision is made for the Government thereof :

And Whereas by further Letters Patent under the Great Seal dated the 21st day of July, 1908, it was declared that the groups of islands known as South Georgia, the South Orkneys, the South Shetlands and the Sandwich Islands and the Territory known as Graham's Land (as therein defined) should become Dependencies of Our said Colony, and that the Governor and Commander-in-Chief of Our said Colony, should be the Governor and Commander-in-Chief of such Dependencies, with all such powers of government and legislation in respect thereof as are from time to time vested in him in respect of Our said Colony :

And Whereas by like Letters Patent dated the 28th day of March, 1917 (hereinafter called "The Letters Patent of 1917") it was declared that the Dependencies of Our said Colony should be deemed to include all such islands and territories as were therein defined :

And Whereas We are minded to make other provision for the matters aforesaid :

Now know Ye that We, by virtue and in exercise of the powers in that behalf by the British Settlements Acts, 1887 and 1945, and otherwise in Us vested, do declare Our will and pleasure as follows :—

1.—(1) In these Letters Patent, unless the context otherwise requires :— Interpretation.

"the appointed day" means the day appointed under Article 2 of these Letters Patent;

"the Colony" means Our Colony of the Falkland Islands;

"the Dependencies" mean the Dependencies of Our Colony of the Falkland Islands as defined in the Letters Patent of 1917;

"the Executive Council" means the Executive Council constituted by these Letters Patent;

"the Gazette" means the Falkland Islands Government Gazette;

"the Governor" means the Governor and Commander-in-Chief of the Colony and the Dependencies, and includes the Officer for the time being administering the Government and, to the extent to which a Deputy for the Governor is authorised to act, that Deputy;

"the Public Seal" means the Public Seal of the Colony;

"Secretary of State" means one of Our Principal Secretaries of State.

52 & 53 Vict. c. 63.	(2) Save as is in these Letters Patent otherwise provided or required by the context, the Interpretation Act, 1889, shall apply for the interpretation of these Letters Patent as it applies for the interpretation of an Act of Parliament.
Short title and commencement.	2. These Letters Patent may be cited as the Falkland Islands Letters Patent, 1948, and shall come into operation on a date to be appointed by the Governor by Proclamation published in the Gazette.
Revocation of Letters Patent of 1892 and 1914.	3. The Letters Patent of 1892 and 1914 are hereby revoked, but without prejudice to any appointment lawfully made, or to any other thing lawfully done thereunder.
Office of Governor and Commander-in-Chief constituted.	4. There shall be a Governor and Commander-in-Chief in and over the Colony and the Dependencies, and appointments to the said Office shall be made by Commission under Our Sign Manual and Signet.
Governor's Authority.	5. We do hereby authorise, empower and command the Governor to do all things belonging to his Office in accordance with these Letters Patent, such Commission as aforesaid, such Instructions as may from time to time be given to him by Us under Our Sign Manual and Signet or through a Secretary of State, and such Orders in Our Privy Council and other laws as may from time to time be in force.
Publication of Governor's Commission and taking of oaths.	6. Every person appointed to fill the Office of Governor shall, with all due solemnity, before entering on any of the duties of his Office, cause the Commission appointing him to be Governor to be read and published in the presence of such members of the Executive Council as shall be in attendance, which being done, he shall then and there take before them the Oath of Allegiance and the Oath for the due execution of the Office of Governor in the forms set out in the Schedule to these Letters Patent, which Oaths the senior Member of the Executive Council there present is hereby required to administer.
Succession to Government.	7.—(1) Whenever the Office of Governor is vacant, or the Governor is absent from the Colony or is from any cause prevented from, or incapable of, acting in the duties of his Office, then such other person as We may appoint under Our Sign Manual and Signet, or if there is no such person in the Colony so appointed and capable of discharging the duties of the administration, the Senior Member of the Executive Council then in the Colony and so capable, shall, during Our pleasure, administer the Government of the Colony.  (2) Before assuming the administration of the Government any such person shall in the form and manner prescribed in Article 6 of these Letters Patent, take the Oaths therein directed to be taken by the Governor: which being done, We do hereby authorise, empower and command such person, subject if he is appointed as aforesaid under Our Sign Manual and Signet, to the terms of his appointment, during Our pleasure, to do all things that belong to the Office of Governor as provided in these Letters Patent.  (3) Any such person as aforesaid shall not continue to administer the Government after the Governor or some other person having a prior right to administer the same has notified that he is about to assume the administration.  (4) The Governor or any other person as aforesaid shall not be regarded as absent from the Colony or prevented from, or incapable of, acting in the duties of his Office for the purposes of this Article during his passage either from one part of the Colony to another, or from the Colony to the Dependencies, or when there is a subsisting appointment of a Deputy under the next succeeding Article of these Letters Patent.
Appointment of Deputy to Governor.	8.—(1) Whenever the Governor has occasion to be absent from the seat of Government but not from the Colony, or to be absent from the Colony for a period which he has reason to believe will be

of short duration, or whenever by reason of illness which he has reason to believe will be of short duration he considers it desirable so to do, he may, by Instrument under the Public Seal, appoint any person in the Colony to be his Deputy during such absence or illness, and in that capacity to exercise and perform for and on behalf of the Governor during such absence or illness all such powers and functions vested in the Governor as shall be specified in such Instrument.

(2) By the appointment of a Deputy as aforesaid the power and authority of the Governor shall not be in any way affected otherwise than as We may at any time hereafter think proper to direct; and every such Deputy shall conform to and observe all such instructions as the Governor shall from time to time address to him for his guidance.

(3) Any appointment under this Article may at any time be revoked by the Governor or by a Secretary of State, and, in the case of absence as aforesaid, shall cease and determine upon the return of the Governor to the seat of Government or to the Colony, as the case may be.

9.—(1) There shall be an Executive Council in and for the Colony and for the Dependencies, and the said Council shall consist of such persons, appointed in such manner, as We shall direct by Instructions under Our Sign Manual and Signet.

Executive Council.

(2) The Members of the Executive Council shall hold their places in the Council during Our pleasure and, subject thereto, for such period and upon such conditions as may be specified in such Instructions as aforesaid.

(3) The Executive Council shall not be disqualified for the transaction of business by reason of any vacancy among the Members thereof; and any proceedings therein shall be valid notwithstanding that some person attended the Council or took part in the proceedings thereof who was not entitled to do so.

10.—(1) Subject to the provisions of these Letters Patent, it shall be lawful for the Governor to make laws for the peace, order and good government of the Dependencies.

Governor's power to make laws for the Dependencies.

(2) Every such law shall come into operation on the date on which it is enacted, or, if it shall be provided, either in the law or in some other enactment, that it shall come into operation on some other date, on that date.

11. Subject to the provisions of these Letters Patent the Governor shall, in the making of laws for the Dependencies, conform as nearly as may be to the directions contained in any Instructions under Our Sign Manual and Signet which may from time to time be addressed to the Governor in that behalf.

Royal Instructions.

12.—(1) Any law made by the Governor under the provisions of Article 11 of these Letters Patent may be disallowed by Us through a Secretary of State.

Disallowance of Laws.

(2) Whenever any law has been disallowed by Us, the Governor shall cause notice of disallowance to be published in the Gazette.

(3) Every law so disallowed shall cease to have effect as soon as notice of such disallowance shall be published as aforesaid; and thereupon any enactment repealed or amended by, or in pursuance of, the law so disallowed shall have effect as if such law had not been made. Subject as aforesaid, the provisions of subsection (2) of section 38 of the Interpretation Act, 1889, shall apply to such disallowance as they apply to the repeal of an Act of Parliament.

52 & 53 Vict. c. 63.

13. The Governor may constitute and appoint in Our name and on Our behalf all such Judges and other Officers as may lawfully be constituted or appointed by Us, all of whom, unless otherwise provided by law, shall hold their offices during Our pleasure.

Appointment of Officers.

**Discipline.**

14. Subject to the provisions of any law for the time being in force and to such Instructions as may from time to time be given to him by Us through a Secretary of State, the Governor may, for cause shown to his satisfaction, dismiss or suspend from the exercise of his office any person holding any public office in the Colony or the Dependencies or take such other disciplinary action as may seem to him desirable.

**Grant of Pardon.**

15. When any offence has been committed for which the offender may be tried in the Colony or the Dependencies, the Governor may, as he shall see fit, in Our name and on Our behalf, grant a pardon to any accomplice in such offence who shall give such information as shall lead to the conviction of the principal offender, or of any one of such principal offenders if more than one; and may grant to any offender convicted of any such offence in any Court within the Colony or the Dependencies, a pardon, either free or subject to lawful conditions, or any respite, either indefinite or for such period as the Governor may think fit, of the execution of any sentence passed on such offender and may remit the whole or any part of such sentence or of any penalties or forfeitures otherwise due to Us.

**Disposal of Lands.**

16. Subject to any law for the time being in force and to any Instructions given to him by Us under Our Sign Manual and Signet or through a Secretary of State, the Governor may, in Our name and on Our behalf, make and execute, under the Public Seal, grants and dispositions of any lands or other immovable property within the Colony or the Dependencies which may be lawfully granted or disposed of by Us.

**Public Seal.**

17. The Governor shall keep and use the Public Seal for sealing all things whatsoever that shall pass the said Seal.

**Officers and others to obey the Governor.**

18. We do hereby require and command all Our Officers, Civil and Military, and all the other inhabitants of the Colony and the Dependencies to be obedient, aiding and assisting unto the Governor.

**Reservation of power to amend or revoke Letters Patent.**

19. We do hereby reserve to Ourselves, Our Heirs and Successors full power and authority to revoke, add to or amend these Letters Patent as to Us or Them shall seem fit.

In Witness whereof We have caused these Our Letters to be made Patent. Witness Ourselves at Westminster this Thirteenth day of December, in the 13th year of Our reign,

By Warrant under the King's Sign Manual.

NAPIER.

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THE SCHEDULE

**Articles 6 & 7.****OATH OF ALLEGIANCE**

I, ....., do swear that I will be faithful and bear true allegiance to His Majesty King George VI, His Heirs and Successors, according to law. So help me God.

**OATH FOR THE DUE EXECUTION OF THE OFFICE OF GOVERNOR**

I, ....., do swear that I will well and truly serve His Majesty King George VI, His Heirs and Successors, in the Office of Governor. So help me God.

A Bill for  
An Ordinance

To amend and consolidate the law  
relating to the Administration of Justice.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

PART I.

PRELIMINARY.

1. This Ordinance may be cited as the Administration of Justice Ordinance 1949. Short title.

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

“Appeal” means an appeal to His Majesty in Council.

“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.

## PART II.

### COURT OF SUMMARY JURISDICTION.

Appointment and Powers etc., of Magistrate and Justices.

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 limits be so specified he shall have jurisdiction throughout the Colony.

(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.

Powers of Magistrate.

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

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

(2) to enquire 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.

Jurisdiction of Court when Magistrate not present.

5. The Jurisdiction of the Court when no Magistrate is present shall be

(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;

(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 contravention of 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.

8. (1) The Judge shall be nominated by the Secretary of State and appointed by the Governor under the Public Seal. Appointment of Judge.

(2) No person shall be appointed to be a Judge unless:

- (a) he is qualified to practise in a Court in the United Kingdom or some part of the British Commonwealth having unlimited jurisdiction either in civil or criminal matters, and
- (b) he has been qualified for not less than five years to practise as an advocate or solicitor in such court:

Provided that whenever the office of Judge is vacant or if the Judge become incapable or be suspended or be absent from the Colony then the Governor may act as Judge or may appoint some fit and proper person to act as Judge until the vacancy be filled by a new appointment or the Judge return to the Colony.

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

(1) all the power, jurisdiction and authority expressly or implicitly 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. 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 of 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).

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

- (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 licenced pilots and Customs Officers when not on actual duty.

**Jurors Book.**

16. (1) It shall be the duty of the registration officer under the Legislative Council (Elections) Ordinance, 1948 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 7 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 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 thereon as prescribed the applicant may within seven days of the notification of refusal to comply, on 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 14 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 shall be liable on summary conviction to a fine not exceeding £100.

**Persons in Jurors' Book.**

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 by reason of some disqualification or exemption to claim that he ought not to be marked in the electors' list as a juror:

Provided that any such person shall be excused from attendance on a jury on the grounds of illness or, if a woman, for medical reasons.

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

**Number.**

18. (1) Every case in which the prisoner is arraigned on a capital charge shall be tried by a jury of 12 persons and unless otherwise ordered by the Judge 24 persons shall be summoned.

(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 ordered by the Judge fourteen persons shall be summoned.

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

**Summons.**

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.

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 a challenge mentioned in section 22 not being upheld, be sworn and form the jury: Ballot.

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

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

(1) a peremptory challenge without cause shall only be exercised by a prisoner charged with treason or felony, and shall be limited to 6 challenges.

(2) The prosecution or prisoner and a party to a civil action may challenge for cause without limitation.

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. Absence of Juror.

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 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.

24. The Judge may when he shall deem it expedient make an order for the jury to view together with two persons named by him, one being appointed by each party. Viewing.

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

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

(2) The verdict shall be given in the Court in the presence of them all and in the cases of treason and felony in the presence of the defendant.

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 3 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 any such party shall pay daily in advance to the Registrar a further sum of five shillings for each juror so serving.

28. (1) Any person who attempts to corrupt or influence a juror by any means other than evidence and argument in open court at the trial, or Offences.

(2) gives money to a juror after the verdict, or

(3) 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

(4) induces a juror not to appear and any juror consenting to any offence contained in this section

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

#### PART V.

#### CORONERS.

Magistrate to be  
Coroner.

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.

Information of death.

30. Any person who shall have knowledge of death, other than from natural causes, who wilfully fails to inform the coroner or the nearest Justice or Police Officer thereof shall be liable on summary conviction to a fine not exceeding £10.

Inquest by Justice of  
the Peace.

31. Whenever a Justice shall receive information of any such death 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 information of such death 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 in cases of murder, manslaughter or infanticide 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.

Summons to Jury.

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.

Failure to attend.

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.

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

38. The Coroner may if the jury fails to agree on a verdict 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 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.

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". Notary Public.

#### PART VII.

##### PROCEDURE.

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 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. English procedure to be followed.

45. (1) Textual or technical errors in any process or proceeding shall not invalidate such process or proceeding provided that the opposite party is not deceived or misled. Errors in proceedings.

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

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. Want of form not to invalidate.

47. All complaints in respect of any offence, 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. Complaints.

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

(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 Justice shall issue a summons under his hand and seal accordingly.

Abscinding defendants.

49. 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 leave of the Court.

(2) 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 and the security given shall be to the effect that any sum recovered against the defendant in the action shall be paid or that the defendant shall be committed to prison.

(3) 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.

Reasons for Judgment to be given.

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.

Sentences.

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

(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.

## PART VIII.

### APPEALS TO PRIVY COUNCIL.

When an appeal lies.

52. Subject to the provisions of this Ordinance an appeal 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.

53. An application for leave to appeal shall be made by motion or petition to the Supreme Court within 21 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.

54. 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, on the giving of security in respect thereof, or as to compliance with an order of the Supreme Court as that Court may deem fit.

55. 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.

56. 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 conditional leave may be rescinded.

57. 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.

When order for final leave may be deferred.

58. 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.

Withdrawal of appeal before despatch of record to England.

59. 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.

Prosecution of appeal.

60. 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.

When an appeal shall be dismissed for non-prosecution.

**Consolidation of  
appeals.**

61. Where there are two or more applications for leave to appeal arising out of the same course 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.**

62. 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.

**Preparation of the  
record.**

63. 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.

**Execution of order  
of His Majesty in  
Council.**

64. 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.

**Taxation of Costs.**

65. 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.

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

66. 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.

**PART IX.**

**GENERAL.**

**Rules.**

67. 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.

**Repeals.**

6 of 1898.  
3 of 1900 (part).  
4 of 1901.  
5 of 1901.  
5 of 1902.  
5 of 1909.  
2 of 1932.  
6 of 1935.  
17 of 1938.

68. The Coroners Ordinance 1898, the sections in the Interpretation and General Law Ordinance 1900 not already repealed, the Administration of Justice Act 1901, the Jury Ordinance 1901, the Summary Jurisdiction Ordinance 1902, the Privy Council Appeals Ordinance 1909, the Summary Jurisdiction (Amendment) Ordinance 1932, the Administration of Justice (Amendment) Ordinance 1935, the Administration of Justice (Amendment) Ordinance 1938, are hereby repealed.

**Operation and  
commencement.**

69. This Ordinance shall apply to the Dependencies and shall come into force on the 1st day of July 1949.



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MARCH 1, 1949.

No. 5.

## NEW APPOINTMENTS.

<i>Name</i>	<i>Department</i>	<i>Office</i>	<i>Date</i>	<i>Remarks</i>
Bennett, H.	Judicial	Registrar	1.1.49.	On probation for 1 year.
Sadler-Smith, P.	Govt. House	Orderly & Caretaker	1.1.49.	—
Kotowski, J. M.B., Ch.B., P.S.M.	Medical	Medical Officer	9.1.49.	—
Browning, F.	Harbour	Leading Hand, m.v. "Philomel"	1.2.49.	On probation for 6 months.
Sarney, J.	Harbour	Engineer, m.v. "Philomel"	1.2.49.	On probation for 6 months.
Reive, Miss D.	Elec. & Tels.	Telephone Operator	1.2.49.	On probation for 6 months.

## TERMINATION OF APPOINTMENTS.

	<i>Department</i>	<i>Office</i>	<i>Date</i>	<i>Reason</i>
Peck, Dempsey	Messenger	Post Office	17.1.49.	Dismissed.
Gleadell, Mrs. M.	Elec. & Tels.	Telephone Operator	31.1.49.	Resigned.
Davis, Miss S.	Medical.	Staff Nurse, K.E.M.H.	20.2.49.	Resigned.

## LEAVE.

	<i>Department</i>	<i>Office</i>	<i>Date</i>	<i>Period</i>	<i>Remarks</i>
Fleuret, D.	Police & Prisons	Police Constable	12.2.49.	180 days	—
Gleadell, L. C.	Audit	Clerk, Grade II.	12.2.49.	—	Training leave.

## NOTICES.

The following Notices etc., are published by command of His Excellency the Governor.

R. WINTER,

*Acting Colonial Secretary.*

No. 10. 8th February, 1949.

EXCHANGE CONTROL INSTRUCTIONS.

IMPORT AND EXPORT OF STERLING NOTES.

Imports :-

Travellers are permitted to bring into the Colony up to £10 in sterling notes; any amount in excess of £10 is liable to seizure and forfeiture.

Exports :-

Travellers to the United Kingdom via Montevideo are permitted to take up to £10 in sterling out of the Colony or Dependencies but, in so doing are warned as follows :-

- i. They should not take with them more sterling notes than they need within the permitted limit of £10.
- ii. Any such notes in excess of £5 per person taken to the United Kingdom are liable to seizure and forfeiture.
- iii. Sterling notes must not be bought from any source en route.
- iv. Sterling notes must not be spent on foreign vessels or exchanged anywhere outside the United Kingdom.

2. Paragraphs 1 and 2 of Public Notice, Finance Control, Imports and Exports of Currency, are hereby cancelled.

M.P. 0078/A.

No. 11. 11th February, 1949.

His Excellency the Governor has been pleased to make the following appointment :-

D. M. HONEYMAN, ESQUIRE,

to be Officer-in-Charge, Education Department, with effect from the 9th of January, 1949.

M.P. P/434.

No. 12. 11th February, 1949.

With reference to Gazette Notice No. 48 of the 25th of August, 1948, it is hereby notified that

H. SKILLINGTON, ESQUIRE,

acted as Officer-in-Charge, Education Department, from the 22nd of August, 1948, to the 8th of January, 1949.

M.P. P/418.

No. 13. 21st February, 1949.

On the recommendation of the Selection Committee, under the Chairmanship of the Honourable the Colonial Secretary, His Excellency the Governor selected the following candidate for the scholarship to the British School in Montevideo in 1949

SALLY BERNTSEN of Stanley

but as she withdrew her name from the list of applicants for a scholarship, His Excellency the Governor has been pleased to make the award to

COLLEEN ROWLANDS of Stanley

the next candidate recommended by the Selection Committee.

Falkland Prizes are awarded to:-

1. SALLY BERNTSEN.
2. INGRID PETTERSSON.
3. RICHARD ANDERSON.

M.P. 0808.

No. 14. 25th February, 1949.

CONSTITUTION OF LEGISLATIVE COUNCIL.

His Excellency the Governor directs the publication of the Constitution of the Legislative Council under the provisions of the Falkland Islands (Legislative Council) Order-in-Council, 1948, as follows:-

President.

His Excellency the Governor.

Ex-Officio.

The Honourable the Colonial Secretary.

" " " Senior Medical Officer.

" " " Agricultural Officer.

Elected Members.

FOR THE EAST FALKLAND

Arthur Grenfell Barton, Esquire, J.P.

FOR THE WEST FALKLAND

Keith William Luxton, Esquire, J.P.

FOR THE TOWN OF STANLEY

Stanley Charles Luxton, Esquire.

Arthur Leslie Hardy, Esquire, B.E.M., J.P.

Nominated Unofficial Members.

David William Roberts, Esquire, O.B.E., J.P.

William John Hutchinson, Esquire.

Nominated Official Members.

Eric Francis Bunting, Esquire.

Bernard Noel Biggs, Esquire.

David Masterton Honeyman, Esquire.

M.P. 0068/II.

PROBATE.

In the Supreme Court of the Falkland Islands.

*Gerard Stanley Clifton of Stanley, Falkland Islands, deceased.*

Whereas Thomas Stanley Clifton, father of the above named deceased, has applied for Letters of Administration to administer the Estate of the deceased.

These are therefore to warn the next-of-kin and the creditors that the prayer of the Petitioner will be granted provided no caveat be entered in the Supreme Court within twenty-one days of the date hereof.

H. BENNETT,

*Registrar, Supreme Court.*

27th January, 1949.

L. 4/49.

STANLEY TOWN COUNCIL.

ABSTRACT OF CASH RECEIPTS & PAYMENTS 1948.

RECEIPTS.				PAYMENTS.			
	£	s.	d.		£	s.	d.
Government Grant ...	3,000	0	0	Salary, Town Clerk ...	197	13	4
Miscellaneous sales ...		14	0	Office Rent ...	24	0	0
Interest, Savings Bank ...	2	19	1	Water, payment to Government	416	13	4
				Street lighting ...	500	0	0
				Fire Brigade, payment to ...	208	6	8
				Cemetery Board, payment to	41	13	4
				Scavenging ...	697	19	11
				Charitable Relief ...	562	9	11
				Gymnasium & Baths ...	177	4	0
				Stationery, cleaning, etc. ...	94	7	3
					2,920	7	9
Candidates' deposits ...	3,003	13	1	Deposits refunded ...	30	0	0
	30	0	0		2,950	7	9
				Balance in Bank £46 : 5 : 9			
				„ „ cash 36 : 19 : 7			
					83	5	4
					£3,033	13	1
	3,033	13	1				

Examined and found correct,  
(Sgd.) R. S. BOUMPHREY,  
Town Council Auditor,  
10/2/49.

(Sgd.) KARL V. LELLMAN,  
Town Clerk,  
7/2/49.

A Bill for  
An Ordinance

To consolidate the law relating to  
Dangerous Drugs.

BE IT ENACTED by the Governor of the Colony of the  
Falkland Islands, with the advice and consent of the Legislative  
Council thereof as follows—

1. This Ordinance may be cited as the Dangerous Drugs Ordinance, 1949. Short title.
2. In this Ordinance unless the context otherwise requires— Interpretation.  
“dangerous drugs” includes all those several substances men-  
tioned 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 in the Colony of the Falkland Islands.

Governor in Council  
may add to the  
Schedule.

3. If it appears to the Governor in Council that any new drug or drugs not previously specified may be productive, if improperly used, of ill effects, then the Governor in Council may by Proclamation declare the said drugs to be "dangerous drugs" within the meaning of this Ordinance.

Restriction of imports  
or sale or distribution  
of dangerous drugs.

4. Any person who cultivates, imports, manufactures, exports, supplies, procures, sells, or gives away any dangerous drugs or their derivatives in the Colony, save under licence or authorisation of the Senior Medical Officer in the manner 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 Officer, 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.

Import of dangerous  
drugs.

5. (1) An import authorisation permitting the importation of any dangerous drug specified therein may be granted by the Senior Medical Officer of the Colony, 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.

(2) Where an import authorisation is issued in pursuance of sub-section (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.

Sale of dangerous  
drugs to be entered  
in a book.

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.

(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 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 dangerous  
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.

## 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 inquire of such purchases; 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.

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.

Rules to be observed in the sale of poisons.

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 known 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 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 at any time or times within one month from the date of the warrant to enter, if necessary by force the premises named in the warrant and to search the premises 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.

15. The Governor in Council may make regulations governing—

Governor in Council may make regulations.

- (a) the export of dangerous drugs from the Colony;

- (b) dangerous drugs in transit;
- (c) supply and distribution within the Colony under the supervision of Medical Practitioners registered under the Medical Practitioners, Midwives, and Dentists Ordinance, 1914;
- (d) generally the effective administration of this Ordinance.

**Exemptions to Ordinance.**

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 medicine;
- (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.

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.

**Offences.**

18. Any person who :

- (a) acts in contravention of or fails to comply with any regulations 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, 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.

**Penalties.**

19. Every person guilty of an offence against this Ordinance shall in respect of each offence be liable -

- (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.

20. This Ordinance shall be in force in the Dependencies as well as in the Colony.

21. The Poisons Ordinance, 1914; the Dangerous Drugs Ordinance, 1925; the Dangerous Drugs (Amendment) Ordinance, 1932; the Dangerous Drugs (Amendment) Ordinance, 1934; the Dangerous Drugs (Amendment) Ordinance, 1935, and the Dangerous Drugs Ordinance, 1944 are hereby repealed.

Application of  
Ordinance.

Repeals :

6 of 1914.  
8 of 1925.  
9 of 1932.  
10 of 1934.  
2 of 1935.  
3 of 1944.

## 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. Dihydrohydroxycodeinone, dihydrocodeinone, 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 diounin) 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. Actyldihydrocodeinone (acedicone) and its salts and any preparation, admixture, extract or other substance containing any proportion of acetyldihydrocodeinone.
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.

## A Bill for An Ordinance

To provide for the maintenance of a  
Central Registry and the regulation of all  
matters to be registered therein.

BE IT ENACTED by the Governor of the Colony of the  
Falkland Islands, with the advice and consent of the Legislative  
Council thereof as follows —

Short title.

1. This Ordinance may be cited as the Registration Ordinance 1949.

Definitions.

2. Where the context so admits in this Ordinance and any Regulations made thereunder

“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.

4. (1) The Registrar General shall be responsible for the proper registration of all matters required to be registered under section 3 hereof. Registrar General.

(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.

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. Records etc. to form Central Registry.

6. (1) The father or mother of every child born alive in the Colony and its Dependencies, or in the case of the death, illness or 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 particulars 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 the deceased present at the death or in attendance during the last illness, or in default 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 body if such death or finding occurred in Stanley or within 14 days if it occurred elsewhere and shall sign the register. Information as to death.

(2) Any person whose duty it is to register a death who shall fail within twelve months of the date of death of 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.

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 Ministers to keep registers of baptisms and burials.

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 etc. 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 all registers, records, books, papers, maps, safes keys and other documents 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.

Regulations.

12. The Governor in Council may make Regulations for the administration of this Ordinance and impose penalties for any breach thereof.

Repeals. 12 of 1853  
7 of 1938.

13. The Registration Ordinance 1853 and the Registration (Amendment) Ordinance 1938 are hereby repealed.

Operation.

14. This Ordinance shall apply to the Dependencies.

## A Bill for

## An Ordinance

To provide for the grant of Probate and the Administration of Estates.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

1. This Ordinance may be cited as the Administration of Estates Ordinance, 1949. Short title.

2. In this Ordinance where the context so admits: 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 Applications for Probate and Letters of Administration.

(1) in the case of a will, state the date of death of the testator, that the document produced is believed to be his last will and testament, that the petitioner is the person named as the executor and that to the best of the petitioner’s knowledge and belief there is no later will of the testator;

(2) in the case of an intestacy state the date of death of the intestate and the grounds on which the petitioner applies for letters of administration;

(3) in the case of a petition for letters of administration with the will annexed state that either no executors were appointed

or that they are dead or have renounced probate and the capacity in which the petitioner is entitled.

Letters of Administration 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 on 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 a petition verified by affidavit in Court praying that such will be proved in solemn form and such petition shall be dealt with as other petitions to the Court.

Substitution of administrator for absentee personal representative.

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 of the executor or administrator having 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.

(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.

Proceedings.

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

Service of citations etc.

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.

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 interrogatives 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 Administrator.
14. The Official Administrator shall on becoming aware of an unrepresented estate : When Official Administrator may act.
- (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.
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. Notice of Order.
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* now or performed prior to the revocation of such order shall be valid and effectual. Order may be revoked.
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. Moneys to be paid into Savings Bank.
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 : Distribution of estate.
- (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.

Kindred to be advertised for.

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.

Claims for balances of unrepresented estates.

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.

Resealing probates etc. granted outside the Colony.

21. (1) When a Court of Probate in any part of the British Commonwealth of Nations has granted probate or letter of administration in respect of the estate of a deceased person the probate or letters may on being produced to, and a copy thereof deposited with the Court, 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.

(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 correct by or under the authority to the Court granting the same, shall have the same effect as the original.

Rules of Court.

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

Repeals.

9 of 1901  
4 of 1936  
6 of 1936  
11 of 1944.

23. The Probate and Unrepresented Estates Ordinance 1901, the Probate and Unrepresented Estates (Amendment) Ordinance, 1936, the Administration of Intestate Estates Ordinance, 1936, and the Probate and Unrepresented Estates (Amendment) Ordinance, 1944 are hereby repealed.

Application.

24. This Ordinance shall apply to the Dependencies.

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A Bill for  
An Ordinance  
To amend the Interpretation and General  
Law Ordinance, 1900.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof as follows—

1. This Ordinance may be cited as the Interpretation and General Law Ordinance, 1949. Short title.
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 : Interpretation.
  - “Act” means an Act of Parliament of the United Kingdom in force in the Colony.
  - “British Empire” means His Majesty’s dominions, British protectorates and protected States and territories 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.

"the Colony" means the Colony of the Falkland Islands and its Dependencies.

"Colonial waters or territorial waters" means the sea surrounding the Colony over which His Majesty has or may have jurisdiction.

"commencement" means, with reference to an Ordinance, the time at which the Ordinance comes into operation.

"Common law" means the Common law of England.

"contravention" means in relation to any requirement or condition prescribed in any Ordinance, 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.

"dues" means rates taxes and duties.

"estate" means any estate, right, title, interest, claim or demand in to or upon property.

"folio" means 72 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.

"Imperial Order-in-Council" means any prerogative 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.

"Law" means the common law, rules of equity, and general statutes in England, so far as they may be applicable to the Colony, and any Ordinance, Proclamation, Order in Council, Regulation or bye-law in force for the time being.

"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 other than as a servant or caretaker.

"owner" means a person receiving the rent of 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" means any corporation, club, society, or other body or one or more persons of any age and either of the male or female sex.

"Proclamation" means a proclamation of the Governor under the Public Seal.

"property" means any land or personal chattels in which a right of ownership exists or may exist.

"Public Seal" means the Public Seal of the Colony.

"Registrar" means the Registrar of the Supreme Court.

"The Secretary of State" means His Majesty's Principal Secretary of State for the Colonies.

"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 16 of this Ordinance.

"United Kingdom" means Great Britain and Northern Ireland.

"vessel" means 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 board in Stanley for one week before its introduction, unless the Governor in

Publication of draft Ordinances.

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.

Disallowance.

5. An intimation of the disallowance by His Majesty of any Ordinance shall be published in the Gazette.

When Ordinances 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 evidence.

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, Regulations etc.

10. 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.

Appointments.

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.

Under Act.

(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.

Officer acting.

(3) Any reference to a public officer shall include the person for the time being lawfully exercising the duties and functions of such officer.

Power to fill vacancies.

(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 during temporary absence.

(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.

Dismissal etc.

(6) Where a power of appointment is conferred by any Ordinance the power shall also be implied to remove, dismiss, suspend, re-appoint, or re-instate, any person appointed in exercise of the power unless the contrary intention is expressed in the Ordinance.

(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.

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.

Disposal of fines 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.

Commissions, Boards etc.

(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.

14. The common law, rules of equity, and the general statutes in force in England on the 1st day of January, 1948 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.

Law of England in force.

15. The Governor in Council may, when it is considered convenient for the more efficient operation of any Ordinance or any other purpose, divide, sub-divide, and re-divide the Colony into districts, or alter the boundaries of any such districts.

Division of Colony into districts.

16. 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.

17. This Ordinance shall apply to the Dependencies.

Operation.

18. The following sections of the Interpretation and General Law Ordinance 1900 are hereby repealed:—

Repeal part of No. 3 of 1900.

Sections 1 to 12 (inclusive); 15 to 21 (inclusive); 26, 28, 29, 30 (a) and 31.





# The Falkland Islands Gazette

Published by Authority.

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APRIL 1, 1949.

No. 6.

## NEW APPOINTMENTS.

<i>Name</i>	<i>Department</i>	<i>Office</i>	<i>Date</i>	<i>Remarks</i>
Aiken, Miss M.	Secretariat	Clerk, "Weekly News"	1.4.49.	—
Tough, B.	Electrical & Telegraphs	W/T Operator	17.2.49.	On probation for 3 months.

## TERMINATION OF APPOINTMENTS.

	<i>Department</i>	<i>Office</i>	<i>Date</i>	<i>Reason</i>
Barnes, Miss I.	Medical	Staff Nurse, K.E.M.H.	10.3.49.	Resigned.
Browning, F.	Harbour	Leading Hand, m.v. "Philomel"	16.3.49.	—
Sarney, J.	Harbour	Engineer, m.v. "Philomel"	16.3.49.	—

## LEAVE.

	<i>Department</i>	<i>Office</i>	<i>Date</i>	<i>Period</i>
Bound, J.	Secretariat	Clerk, Grade II.	7.3.49.	180 days from date of departure.
Fleuret, B.	Agricultural	Common Ranger	7.3.49.	180 " " " " "
Hooley, T.	Elec. & Tels.	Wireless Operator	7.3.49.	180 " " " " "
Mercer, A.	"	Supervisor	7.3.49.	180 " " " " "
Skilling, C. J.	Medical	Sanitary Carter	7.3.49.	180 " " " " "

## NOTICES.

The following Notices etc., are published by command of His Excellency the Governor.

R. WINTER,  
*Acting Colonial Secretary.*

No. 15. 7th March, 1949.

Government clocks will be put back one hour at midnight, Saturday/Sunday, the 26th/27th of March, 1949, reverting to local mean time.

M.P. 0064.

No. 16. 9th March, 1949.

His Excellency the Governor has been pleased to appoint

MR. C. W. HENRICKSEN, B.E.M.

to act as Quartermaster, Falkland Islands Defence Force, during the absence on leave of Lieutenant J. Bound, with effect from the 7th of March, 1949.

M.P. P/338.

No. 17. 9th March, 1949.

His Excellency the Governor has been pleased to appoint

MR. CHARLES CLIFTON

to act as Common Ranger and Poundkeeper during the absence on leave of Mr. B. Fleuret, with effect from the 7th of March, 1949.

M.P. 0689.

No. 19. 9th March, 1949.

His Excellency the Governor has been pleased to appoint

MR. H. E. SLADE

to be Officer-in-Charge, Electrical and Telegraphs Department, during the absence on leave of Mr. A. Mercer, with effect from the 7th of March, 1949.

M.P. P/79.

No. 20. 9th March, 1949.

Intimation has been received from the Right Honourable the Secretary of State for the Colonies to the effect that His Majesty will not be advised to exercise his power of disallowance in respect of the following Ordinances of the Legislature of the Falkland Islands:—

Ordinance No. 8 of 1948 entitled "An Ordinance to provide for an Ordinance to Control Lotteries".

M.P. 0329.

Ordinance No. 10 of 1948 entitled "An Ordinance to amend and consolidate the law as to Firearms".

M.P. 216/30

Ordinance No. 11 of 1948 entitled "An Ordinance to Legalise certain payments made in the year One thousand Nine hundred and Forty-seven in excess of the Expenditure sanctioned by Ordinance No. 6 of 1946".

M.P. 0558/II.

Ordinance No. 14 of 1948 entitled "An Ordinance to regulate and control prospecting and mining for radio-active minerals and the export thereof and for purposes connected therewith".

M.P. 0204.

No. 21. 21st March, 1949.

THE HONOURABLE MR R. W. S. WINTER, J.P., acted as Registrar during the absence on leave of the Registrar from the 1st January to 8th January, 1949, both dates inclusive.

M.P. P/392.

No. 22. 29th March, 1949.

Intimation has been received from the Right Honourable the Secretary of State for the Colonies to the effect that His Majesty will not be advised to exercise his power of disallowance in respect of the following Ordinance of the Legislature of the Falkland Islands:—

Ordinance No. 6 of 1948, entitled "An Ordinance to provide for the Repeal of the Dependencies Research and Development Fund Ordinance, 1924, and the Dependencies Research and Development Fund (Amendment) Ordinance, 1936".

M.P. 0537.

## REGISTRAR.

*Marriage Ordinance No. 8 of 1902, para 2.*

Hugh Cullen Harding, Esq., J.P., is hereby appointed to be a Registrar for the purpose of celebrating the marriage of Thomas George Aldridge, bachelor, and Olive Elizabeth Goodwin, spinster, at Hill Cove, West Falkland.

H. BENNETT.

*Registrar General.*

23rd March, 1949.

L. 1/49.

Instrument under the Public Seal of the Colony of the Falkland Islands appointing RICHARD WILLIAM SAMUEL WINTER, ESQUIRE, to be the Deputy for the Governor of the said Colony.

MILES CLIFFORD — *By His Excellency GEOFFREY MILES CLIFFORD, ESQUIRE, Companion of the Most Distinguished Order of Saint Michael and Saint George, Officer of the Most Excellent Order of the British Empire, upon whom has been conferred the Efficiency Decoration, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies and Vice Admiral thereof.*

[L.S.]

WHEREAS by certain Letters Patent passed under the Great Seal of the United Kingdom, bearing date the 13th day of December, 1948, it is provided that in the event of the Governor of the Colony of the Falkland Islands and its Dependencies having occasion at any time to be temporarily absent for a short period from the seat of Government, or to leave the Colony for the purpose of visiting any Dependency thereof, he may, by an Instrument under the Public Seal of the Colony, appoint any person to be his deputy during such temporary absence, and in that capacity to exercise, perform, and execute for and on behalf of the Governor during such temporary absence, but no longer, all such powers and authorities by the said Letters Patent or otherwise vested in the Governor as shall in and by such Instrument be specified and limited, but no others;

AND WHEREAS I shall have occasion to leave Stanley on the 7th day of March, 1949, for the purpose of visiting the Dependencies;

NOW, THEREFORE, I, GEOFFREY MILES CLIFFORD, Companion of the Most Distinguished Order of Saint Michael and Saint George, Officer of the Most Excellent Order of the British Empire, upon whom has been conferred the Efficiency Decoration, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, do hereby appoint you RICHARD WILLIAM SAMUEL WINTER, Acting Colonial Secretary of the said Colony, to be my deputy within the said Colony during my temporary absence from Stanley as aforesaid and in that capacity to exercise, perform and

execute for me and on my behalf during such temporary absence, all such powers and authorities by the above recited Letters Patent or otherwise vested in me, but subject always to the provisions of the said Letters Patent and to such instructions as you shall receive from me from time to time for your guidance.

Given under my hand and the Public Seal of the Colony this 7th day of March, 1949.

*By His Excellency's Command,*  
R. WINTER,  
*Acting Colonial Secretary.*

## LEGISLATIVE COUNCIL.

### MINUTES OF MEETING HELD ON THE 4TH MARCH, 1949.

1. The following Honourable Members, after taking the prescribed Oath, assumed their seats in Council:—

Mr. J. P. Oliver, Mr. E. F. Bunting, Mr. B. N. Biggs, Mr. D. M. Honeyman,  
Mr. W. J. Hutchinson, Mr. S. C. Luxton, Mr. A. L. Hardy, B.E.M., J.P.

2. The minutes of the meeting of the Legislative Council held on the 30th of December, 1948, were confirmed.

3. His Excellency the Governor delivered to the Council the following address:—  
Honourable Members,

We must, I suppose, all feel this morning that we are participating in an historic occasion, marked as it is by a special message of personal good wishes from the Right Honourable the Secretary of State for the Colonies which it is my honour and privilege to convey to you. The message reads as follows:—

"On the occasion of the inauguration of the new Legislative Council I send my personal good wishes to the people of the Falkland Islands. It is right that you should now be more closely associated with your own Government and share its responsibilities. It is for this purpose that a representative Legislative Council has been instituted so that you may play a greater part in all matters pertaining to the Administration and development of the Colony. I shall follow the proceedings in your Council with keen interest, confident that you will cherish and uphold those fine traditions of public service which British people have carried with them to so many distant lands and that by their advice your representatives will contribute greatly to the framing of wise laws and the promotion of welfare and prosperity of the Islands."

Today, then, we are assembled to launch upon its way the Colony's new Constitution in which, for the first time in its history, unofficial members—four out of a total of six—are the direct representatives of the people, so chosen by their own free will. Let us pause for a moment to examine the composition of this new Council and to consider its functions. It comprises the three senior officials in the Administration, namely the Colonial Secretary, the Senior Medical Officer and the Agricultural Officer who hold their seats by virtue of office; four popularly elected members representing the Camp and Stanley, two nominated unofficial members selected by me in token of their knowledge of local affairs and the help they can bring to the Council's deliberations and, finally, three nominated official members, Heads of the more important Departments in the Government. We have, thus, an evenly balanced Chamber with the President exercising a casting vote—a step which I hope it will seldom be necessary for him to take; to this I would add that whenever I am satisfied that the public interest will not be thereby embarrassed I shall permit official members to vote on the merits of the measure before them.

On such another occasion some years ago, Honourable Members, one of the ablest and most distinguished of Colonial Governors—the late Sir Hugh Clifford—said this:

"There is a great difference between a Legislative Council and a House of Parliament. In the latter you have a Government in contradistinction to an Opposition and if the Opposition is strong enough it can turn the Government out and take its place. In a Legislative Council, on the other hand, in no circumstances whatever can the unofficial members displace the official members and take over their duties from them. There is no such thing in such an Assembly as a Government and an Opposition—instead" he continued "we have to realise that we form a single, corporate body all of whose members are working equally for the attainment of a single end..." by which of course he meant the prosperity and wellbeing of the Colony and its people.

Now these words deserve to be carefully pondered for they are as pertinent here, today, as when they were spoken. The term "opposition" in our assembly is an utterly wrong concept although one to which colour has perhaps been lent in the past by the order of seating; unofficials on one side, officials on the other—the sheep and the goats. That practice, as you will have remarked, has today been abandoned. Let us look upon ourselves, rather, as members of one family gathered round the table and concerned only with the fortunes of this family; criticising as freely as we will the policies submitted for our consideration and giving, each to the best of his

ability, his own contribution to the family counsels so that in the end we may arrive at prudent and profitable decisions.

At this point I must urge the public to exercise patience and not to expect too much, too soon, of this new departure. Administration for which you, Honourable Members, are now jointly responsible with your colleagues in the Government is, as you will find, no easy task in these times and we have all of us much to learn. We are perhaps a little prone to look inwards – at what we lack and others have; it would do no harm – it would indeed be salutary – were we occasionally to look outwards, at what we have and others lack. So far as remediable defects and deficiencies are concerned the Administration is doing its best and needs no apologist in regard either to its intentions or its achievements during the past two years and I commend to your notice the draft Development Programme which will be laid on the Table. But it must be remembered, as I have frequently reminded Honourable Members, that our difficulties of material and man-power are formidable; and more especially so as concerning overseas staff on whom we must to some extent rely, since the face value of salaries which we can afford to offer compares so unfavourably with what can be obtained elsewhere. Nevertheless, given patience – I repeat patience – and good-will and a fair market for our produce we shall move slowly and steadily forward to better times; of that I am entirely convinced.

Two words now on procedure and I will have done. First as regards Questions. These are of two kinds; those requiring a written reply which must be submitted to the Clerk not less than two weeks before the advertised date of a meeting and those seeking an oral reply – when they must so be marked – which should be handed in not less than two days before. In the case of the former both Question and Answer will be printed and laid on the table and no supplementary question may be put during the Debate; in the case of the latter, a supplementary question may be asked arising out of the reply from the Government spokesman.

Second, as regards Finance. The Estimates for the year will be referred on the second reading of the Supply Bill, to a select Committee comprising the unofficial members of Council sitting with the Colonial Secretary as Chairman; Departmental Officers will attend in turn to answer any question or to give any information which may be desired and the debate on the Budget will not take place until the Committee has completed its task of scrutiny. There will be, in addition, a Standing Finance Committee to deal with the day to day requirements of the Administration and this will be convened as necessary.

In conclusion while I customarily refrain from quoting myself I make no apology for repeating today the advice which I offered in the course of my address last October; to the Electors, then, this message "You have chosen your representatives. Now make your wishes and criticisms known through them – they are your mouthpieces and cannot discharge their duty to you effectively unless you give them your full support." And to you, Honourable Members, chosen of the people, allow me to repeat "Do all in your power to make this House a real forum of public opinion responsibly expressed; let your criticisms be constructive and your only aim the public good."

4. On the motion of the Honourable the Acting Colonial Secretary, seconded by the Honourable Mr. K. W. Luxton, the Council unanimously agreed that the following telegram should be despatched to the Right Honourable the Secretary of State for the Colonies in reply to his message:—

"Members of the Legislative Council of the Falkland Islands assembled to inaugurate the new constitution much appreciate your kind message and welcoming this opportunity of closer participation in the affairs of Government are determined to spare no effort on their part in promoting the prosperity and well-being of the people of these Islands. They warmly reciprocate your good wishes."

5. The Honourable the Acting Colonial Secretary, by command, laid on the Table the following papers:—

Development Programme for the Colony of the Falkland Islands.

6. The Honourable the Acting Colonial Secretary moved and the Honourable the Senior Medical Officer seconded the adoption of the following Resolution:—

"WHEREAS supplementary provision is required for the service of the Colony and its Dependencies for the year ended the 31st of December, 1947, for the period 1st January to 31st December.

"BE IT RESOLVED —

"This Council hereby sanctions the expenditure from public funds of the sum of SEVENTY-ONE THOUSAND AND FIFTY-THREE POUNDS SEVENTEEN SHILLINGS (£71,053 : 17 : 0) to meet the several charges itemized in the accompanying Schedule."

The Resolution was adopted.

7. The Honourable the Acting Colonial Secretary moved the *first* reading of the Bill "To amend and consolidate the law relating to the Administration of Justice."

The Honourable the Senior Medical Officer seconded the motion.

On further motion made and seconded the Standing Orders were suspended and the Bill was read a *second* time and committed.

Clauses 1 to 69 were agreed to. The Enacting Clause and Title were agreed to. The Council resumed. The Bill was then read a *third* time and passed.

The Council adjourned *sine die*.

Assented to in His Majesty's name this 5th day of March, 1949.

MILES CLIFFORD,  
*Governor.*

[L.S.]

No. 1



1949.

**Colony of the Falkland Islands and its Dependencies.**

IN THE THIRTEENTH YEAR OF THE REIGN OF  
**HIS MAJESTY KING GEORGE VI.**

G. M. CLIFFORD, C.M.G., O.B.E., E.D.,  
*Governor.*

**An Ordinance**

**To amend and consolidate the law  
relating to the Administration of Justice.**

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

**PART I.**

**PRELIMINARY.**

1. This Ordinance may be cited as the Administration of Justice Ordinance 1949. Short title.

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

“Appeal” means an appeal to His Majesty in Council.

“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.

## PART II.

### COURT OF SUMMARY JURISDICTION.

Appointment and Powers etc., of Magistrate and Justices.

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 limits be so specified he shall have jurisdiction throughout the Colony.

(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.

Powers of Magistrate.

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

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

(2) to enquire 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.

Jurisdiction of Court when Magistrate not present.

5. The Jurisdiction of the Court when no Magistrate is present shall be

(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;

(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 contravention of 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.

8. (1) The Judge shall be nominated by the Secretary of State and appointed by the Governor under the Public Seal. Appointment of Judge.

(2) No person shall be appointed to be a Judge unless:

(a) he is qualified to practise in a Court in the United Kingdom or some part of the British Commonwealth having unlimited jurisdiction either in civil or criminal matters, and

(b) he has been qualified for not less than five years to practise as an advocate or solicitor in such court:

Provided that whenever the office of Judge is vacant or if the Judge become incapable or be suspended or be absent from the Colony then the Governor may act as Judge or may appoint some fit and proper person to act as Judge until the vacancy be filled by a new appointment or the Judge return to the Colony.

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

(1) all the power, jurisdiction and authority expressly or implicitly 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. 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 of 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).

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

(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 licenced pilots and Customs Officers when not on actual duty.

**Jurors Book.**

16. (1) It shall be the duty of the registration officer under the Legislative Council (Elections) Ordinance, 1948 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 7 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 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 thereon as prescribed the applicant may within seven days of the notification of refusal to comply, on 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 14 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 shall be liable on summary conviction to a fine not exceeding £100.

**Persons in Jurors' Book.**

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 by reason of some disqualification or exemption to claim that he ought not to be marked in the electors' list as a juror:

Provided that any such person shall be excused from attendance on a jury on the grounds of illness or, if a woman, for medical reasons.

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

**Number.**

18. (1) Every case in which the prisoner is arraigned on a capital charge shall be tried by a jury of 12 persons and unless otherwise ordered by the Judge 24 persons shall be summoned.

(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 ordered by the Judge fourteen persons shall be summoned.

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

**Summones.**

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.

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 a challenge mentioned in section 22 not being upheld, be sworn and form the jury: Ballot.

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

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

(1) a peremptory challenge without cause shall only be exercised by a prisoner charged with treason or felony, and shall be limited to 6 challenges.

(2) The prosecution or prisoner and a party to a civil action may challenge for cause without limitation.

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. Absence of Juror.

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 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.

24. The Judge may when he shall deem it expedient make an order for the jury to view together with two persons named by him, one being appointed by each party. Viewing.

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

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

(2) The verdict shall be given in the Court in the presence of them all and in the cases of treason and felony in the presence of the defendant.

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 3 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 any such party shall pay daily in advance to the Registrar a further sum of five shillings for each juror so serving.

28. (1) Any person who attempts to corrupt or influence a juror by any means other than evidence and argument in open court at the trial, or Offences.

(2) gives money to a juror after the verdict, or

(3) 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

(4) induces a juror not to appear and any juror consenting to any offence contained in this section

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

## PART V.

### CORONERS.

Magistrate to be Coroner.

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.

Information of death.

30. Any person who shall have knowledge of death, other than from natural causes, who wilfully fails to inform the coroner or the nearest Justice or Police Officer thereof shall be liable on summary conviction to a fine not exceeding £10.

Inquest by Justice of the Peace.

31. Whenever a Justice shall receive information of any such death 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 information of such death 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 in cases of murder, manslaughter or infanticide 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.

Summons to Jury.

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.

Failure to attend.

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.

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

38. The Coroner may if the jury fails to agree on a verdict 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 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.

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". Notary Public.

#### PART VII.

##### PROCEDURE.

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 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. English procedure to be followed.

45. (1) Textual or technical errors in any process or proceeding shall not invalidate such process or proceeding provided that the opposite party is not deceived or misled. Errors in proceedings.

(2) The Court trying the case shall decide whether any such textual or technical error is calculated to deceive or mislead and shall amend such errors or make such order in respect thereof as it may deem fit. Amended 10/50

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. Want of form not to invalidate.

47. All complaints in respect of any offence, 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. Complaints.

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

(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 Justice shall issue a summons under his hand and seal accordingly.

Abseonding defendants.

49. 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 leave of the Court.

(2) 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 and the security given shall be to the effect that any sum recovered against the defendant in the action shall be paid or that the defendant shall be committed to prison.

(3) 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.

Reasons for Judgment to be given.

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.

Sentences.

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

(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.

## PART VIII.

### APPEALS TO PRIVY COUNCIL.

When an appeal lies.

52. Subject to the provisions of this Ordinance an appeal 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.

53. An application for leave to appeal shall be made by motion or petition to the Supreme Court within 21 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.

54. 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, on the giving of security in respect thereof, or as to compliance with an order of the Supreme Court as that Court may deem fit.

55. 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.

56. 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 conditional leave may be rescinded.

57. 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.

When order for final leave may be deferred.

58. 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.

Withdrawal of appeal before despatch of record to England.

59. 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.

Prosecution of appeal.

60. 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.

When an appeal shall be dismissed for non-prosecution.

Consolidation of  
appeals.

61. Where there are two or more applications for leave to appeal arising out of the same course 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.

62. 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.

Preparation of the  
record.

63. 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.

Execution of order  
of His Majesty in  
Council.

64. 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.

## Taxation of Costs.

65. 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.

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

66. 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.

## PART IX.

## GENERAL.

## Rules.

67. 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.

## Repeals.

6 of 1898.  
3 of 1900 (part).  
4 of 1901.  
5 of 1901.  
5 of 1902.  
5 of 1909.  
2 of 1932.  
6 of 1935.  
17 of 1938.

68. The Coroners Ordinance 1898, the sections in the Interpretation and General Law Ordinance 1900 not already repealed, the Administration of Justice Act 1901, the Jury Ordinance 1901, the Summary Jurisdiction Ordinance 1902, the Privy Council Appeals Ordinance 1909, the Summary Jurisdiction (Amendment) Ordinance 1932, the Administration of Justice (Amendment) Ordinance 1935, the Administration of Justice (Amendment) Ordinance 1938, are hereby repealed.

Operation and  
commencement.

69. This Ordinance shall apply to the Dependencies and shall come into force on the 1st day of July 1949.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,

*Clerk of the Legislative Council.*

## A Bill for An Ordinance To amend the Income Tax Ordinance, 1939.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows :—

1. This Ordinance may be cited as the Income Tax (Amendment) Ordinance 1949 and shall be read and construed as one with the Income Tax Ordinance 1939 (hereinafter referred to as the Principal Ordinance).

Short title.

2. Section 5 of the Principal Ordinance shall be amended by substituting the words "accruing in or derived from the Colony or elsewhere and whether received in the Colony or not" for the words "accruing in, derived from or received in the Colony in respect of" in lines 5 and 6 thereof and by the addition of the following proviso at the end of that section:

Amendments to Principal Ordinance.

Section 5.

"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".

3. Section 22 of the Principal Ordinance shall be amended as follows—

Section 22.

- (a) in sub-section (1) thereof by substituting the words "double taxation relief being let out of account" for the words "as reduced by any relief granted under sections 19, 46 and 47 of this Ordinance" in lines 3 and 4 thereof.

- (b) In subsection (2) by the addition of the following words at the end thereof :

“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 relief into account”.

- (c) by the addition of the following subsection at the end thereof :

Double taxation  
relief : definition.

“(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 47A 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”.

Section 24.

4. Section 24 of the Principal Ordinance shall be amended by deleting the words “and received therein” and by substituting the word “to” for “by” in line 2 thereof.

5. The Principal Ordinance shall be amended by the addition of the following sections after section 47 thereof :

Section 47A.  
Double taxation  
relief:  
Order in Council.

47A. (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.

(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 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 except in so far as the arrangements otherwise provide.

(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 or 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.

Section 47B.  
Amount of relief.

47B. The provisions of this section shall have effect where, under arrangements having effect under section 47A 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.

(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 47A 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 preceding 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 47A 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 47A 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 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.

**Section 47C.**  
**Relief for companies.**

47C. (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 54 of this Ordinance, in respect of the tax deductible from any dividend paid by the company shall be reduced as follows :

- (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.

6. This Ordinance shall come into force on the 1st day of January, 1949. Operation.

## A Bill for An Ordinance

To make provision as to the immunities, privileges and capacities of international organizations of which His Majesty's Government in the United Kingdom and foreign governments are members and for purposes connected therewith.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

1. This Ordinance may be cited as the Diplomatic Privileges (Extension) Ordinance 1949. Short title.

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. Privileges, immunities and capacities of certain international organisations and their staffs.

(2) The Governor may by Order in Council :—

- (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 1 of the Schedule to this Ordinance and shall also have the legal capacities of a body corporate;

Schedule Part I.

## 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;

## Schedule Part III.

- (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 IV.

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 sub-section, except in so far as the operation of the said Part IV is excluded by the Order conferring the immunities and privileges.

(3) Where immunities and privileges are conferred on any persons by an Order in Council made under the last foregoing sub-section, the Governor –

- (a) shall compile a list of the persons entitled to immunities and privileges conferred under paragraph (b) of that sub-section, and may compile a list of the persons entitled to immunities and privileges conferred under paragraph (c) of that sub-section;
- (b) shall cause any list compiled under this sub-section 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 sub-section 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 representatives 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 sub-section 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.

4. This Ordinance shall, in its application to the United Nations, have effect subject to the following modifications –

Application to United Nations.

- (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 sub-section (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.

6. This Ordinance shall apply to the Dependencies.

Application.

7. The United Nations Privileges Ordinance 1948 is hereby repealed.

Repeal  
No. 15 of 1948.

## 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.

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A Bill for  
An Ordinance  
To amend the Administration of Justice  
Ordinance 1949.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

1. This Ordinance may be cited as the Administration of Justice (Amendment) Ordinance 1949 and shall be read and construed as one with the Administration of Justice Ordinance 1949.

2. The Administration of Justice Ordinance 1949 shall be amended by the addition of the following section after section 51 thereof :

“51A. (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.”

A Bill for  
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.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

1. This Ordinance may be cited as the Trade Disputes (Arbitration) Ordinance 1949. Short title.

2. (1) In this Ordinance where the context so admits — 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. Application.

Trade disputes may be reported to the Governor.

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.

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.

(3) 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.

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 sub-section (2) hereof was first obtained.

Award of Board not to conflict with any law.

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.

Publication of the award.

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.

Interpretation 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.

Evidence.

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 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.

9. It shall be in the discretion of a Board to permit any interested person to appear by counsel or solicitor on any proceedings before such Board. Appearance of Counsel or Solicitor.

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. Sitting may be public or private.

(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 proceeding 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.

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. Rules of procedure.

12. (1) 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. Expenses.

(2) Any expenses incurred in the operation of this Ordinance and approved of by the Governor shall be paid out of the general revenues of the Colony.

## A Bill for An Ordinance

### To provide for the maintenance of a Police Force and Prison.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council, thereof, as follows —

1. This Ordinance may be cited as the Police and Prison Ordinance, 1949. Short title.

2. In this Ordinance and any Regulations made thereunder where the context so admits Definitions.

“constable” means the Chief Constable and any other police officer appointed under this Ordinance.

### PART I — POLICE.

3. (1) The Governor may for any period he may think fit appoint any person to be a constable. Appointment of Constables.

(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 -

"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."

Powers and duties  
of a constable.

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.

(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.

Offences by constable.

6. Any constable who shall

- (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.

Personation of  
constable.

7. Any person who for any unlawful purpose or without the authority of the Governor puts on the dress, accoutrements or takes the name, designation or character of a constable shall be liable on summary conviction to a fine not exceeding £10.

## PART II - 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.

10. Any person may be permitted to visit any prisoner on the order in writing of a Visiting Justice. Visitors.

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 6 months or to a fine not exceeding £20 or both such fine and imprisonment and if the offender be a prison officer he shall be dismissed the service. Forbidden articles.

(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.

12. The period during which any prisoner has been unlawfully absent from prison shall be added to his sentence. Unlawful absence.

13. A prisoner shall be removed from prison to the hospital on a certificate signed by the Senior Medical Officer stating the nature of the illness and that the removal is necessary for his restoration to health, 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 may, by writing under his hand, appoint. Burial of body of executed prisoner.

### PART III - 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.

17. The Gaols Ordinance 1898 and sections 10 to 15 (inclusive) of the Summary Jurisdiction Ordinance 1902 are hereby repealed. Repeals: 5 of 1898.  
5 of 1902 (part)

18. This Ordinance shall apply to the Dependencies. Operation.

A Bill for  
An Ordinance  
To amend and consolidate the law as to  
Estate Duty.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands with the advice and consent of the Legislative Council thereof, as follows—

Short title.

1. This Ordinance may be cited as the Estate Duty Ordinance, 1949.

Definitions.

2. In this Ordinance unless the context otherwise admits :

“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 monies 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;

“Colony” means the Colony of the Falkland Islands including its Dependencies;

“Treasurer” means the Treasurer for the time being of the Colony and any person appointed by the Governor under section 3 of this Ordinance.

3. This Ordinance shall be administered and estate duty shall be collected by the Treasurer on behalf of the Government: 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.

Administration.

4. (1) On and after the date of this Ordinance, estate duty at the graduated rates shewn 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.

Instructions as to estate duty.

(4) For the purposes of this section the situation of any property shall be determined in accordance with the law of England.

5. (1) Simple interest at the rate of five 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.

Interest.

(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.

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 :—

Relief in respect of quick successions.

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 shewn 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 shewn 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 shewn 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.

Value of estate :  
affidavit.

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.

(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.

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 shewn in the original estate duty affidavit and shall be payable by the personal representative on delivery of that affidavit.

Payment of duty.

(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.

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 personal representative.

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.

Liability of beneficiaries, trustees, purchasers etc.

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.

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.

When estate duty in arrears.

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.

Postponement of payment.

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 of 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 any 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.

Valuation by  
Treasurer.

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 as approved for the purpose of that valuation.

(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  
Treasurer.

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 shewn 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 shewn 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 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 of 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.

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 and composition for and in full discharge of all claims for estate duty in respect of that property and issue a certificate of discharge accordingly.

Power to accept composition.

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 certificate 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.

Penalty for administering or accepting assets while duty unpaid.

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,

- (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 the Ordinance.

Notices.

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 on if sent by registered post to such place of abode or business.

Regulations.

28. The Governor of the Colony may make regulations for carrying this Ordinance into effect and in particular without prejudice to the general power prescribing

- (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.

Penalties.

29. (1) Any person who willfully 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.

(2) Any person guilty of an offence against this Ordinance shall be liable to a fine not exceeding Two hundred pounds or to a term of imprisonment not exceeding one year or both such fine and imprisonment.

Repeal.

30. Section 22 of the Probate and Unrepresented Estates Ordinance 1901 is hereby repealed.

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SCHEDULE

RATE OF ESTATE DUTY.

								Rate of Duty.
Not exceeding	£100							Nil.
Exceeding	£100 but not exceeding			£300				£1 : 10 : 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 " "





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MAY 1, 1949.

No. 7.

## NEW APPOINTMENTS.

<i>Name</i>	<i>Department</i>	<i>Office</i>	<i>Date</i>	<i>Remarks</i>
Conlts, F.	Post Office	Messenger	19.4.49.	On probation for 6 months.
Lee, Miss H.	Electrical & Telegraphs	Telephone Operator	16.4.49.	On probation for 6 months.
Maddocks, C.	"	W/T Operator	17.4.49.	—
Mason, P.	"	W/T Operator, Grade II.	1.4.49.	—
Middleton, Miss M.	Medical	Nurse Probationer	15.2.49.	On probation for 6 months.
Peck, Miss N. W.	Electrical & Telegraphs	Messenger	20.4.49.	On probation for 6 months.
Roberts, Miss W. M.	Secretariat	Temporary Clerk	1.5.49.	—
Shackel, Miss S. M.	Secretariat & Treasury	Messenger	25.4.49.	On probation for 6 months.

## TERMINATION OF APPOINTMENTS.

	<i>Department</i>	<i>Office</i>	<i>Date</i>	<i>Reason</i>
Campbell, I.	Electrical & Telegraphs	Messenger	11.4.49.	Resigned.
Smith, Mrs. J	"	Telephone Operator	30.4.49.	"

## NOTICES.

The following Notices etc., are published by command of His Excellency the Governor.

R. WINTER.

*Acting Colonial Secretary.*

No. 23. 1st May, 1949.

It is hereby notified for public information that

M. R. RAYMER, ESQUIRE,  
has been selected by the Right Honourable the Secretary of State for the Colonies to be Colonial Secretary, Falkland Islands.

M.P. P/459.

No. 24. 1st May, 1949.

### PURCHASE OF URANIUM AND THORIUM BY MINISTRY OF SUPPLY.

1. The United Kingdom Ministry of Supply offers to buy all uranium ores and concentrates produced in the Colonial Empire during the period of ten years from the date of this announcement at a minimum price of 13s. 9d. per

lb. of contained uranium oxide delivered f.o.b. ocean port.

2. This offer is subject only to the reservations that the Ministry does not guarantee to purchase ore or concentrate containing less than ten per cent uranium oxide, nor does it guarantee to purchase lots of less than ten tons ore or concentrate. Ore or concentrate containing less than ten per cent uranium oxide may, however, be purchased on terms to be agreed with the vendor in circumstances where the ore cannot readily be beneficiated overseas to a higher uranium content and where important tonnages are available.

3. The price quoted in paragraph 1 is a minimum price for small lots. Higher prices may be established by negotiation where costs of production, including any reward payable by operating company to prospector, are shown to be

greater. The Ministry will also take into account the presence of other valuable constituents (if any) of the ore having regard to the cost of recovery. The Ministry would be glad to discuss actual terms with any person operating or about to operate a deposit likely to yield substantially more than the minimum tonnage.

4. Where the concentrates potentially available from a deposit being worked, or proposed to be worked, are adequate to justify the outlay, the Ministry would be willing to provide the capital required for the installation of concentrating plants.

5. As a further incentive to the discovery and exploitation of uranium deposits, the Ministry will consider paying a lump sum in aid of mine development to any person who produces and delivers on the above terms not less than 20 tons of ore or concentrate containing not less than 10 per cent uranium oxide from a concession or mining lease situated in the British Colonies and not previously worked for uranium.

6. No specific offer is made for thorium-containing minerals; but the Ministry will be very ready to discuss terms for purchase from any would-be vendor.

7. Persons having ores or concentrates for sale are invited to communicate with the Ministry of Supply, Division of Atomic Energy, Shell Mex House, London, W.C. 2, through the Colonial Secretary.

M.P. 0204.

## PROBATE.

In the Supreme Court of the Falkland Islands.

*James Coutts, of Stanley, Falkland Islands, deceased.*

Whereas John Coutts, brother of the above named deceased, has applied for Letters of Administration to administer the Estate of the deceased.

These are therefore to warn the next-of-kin and the creditors that the prayer of the Petitioner will be granted provided no caveat be entered in the Supreme Court within twenty-one days of the date hereof.

19th April, 1949.

L. 10/49.

In the Supreme Court of the Falkland Islands.

*Maggie Ann Coutts, of Stanley, Falkland Islands, deceased.*

Whereas John Coutts, husband of the above named deceased, has applied for Letters of Administration to administer the Estate of the deceased.

These are therefore to warn the next-of-kin and the creditors that the prayer of the Petitioner will be granted provided no caveat be entered in the Supreme Court within twenty-one days of the date hereof.

19th April, 1949.

L. 11/49.

H. BENNETT.

*Registrar, Supreme Court.*

## Administration of Justice Ordinance, 1949.

### Rules made by His Excellency the Governor in Council.

No. 1 of 1949.

MILES CLIFFORD,

*Governor.*

Short title.

1. These Rules may be cited as the Court Fees (Civil Cases) Rules 1949.

Supreme Court.

2. The fees prescribed in the First Schedule to these Rules are payable in all civil actions and matters (other than Probate actions) commenced in the Supreme Court.

Court of Summary Jurisdiction.

3. The fees prescribed in the Second Schedule to these Rules are payable in all civil actions and matters commenced in a Court of Summary Jurisdiction.

Notarial.

4. The fees prescribed in the Third Schedule are payable on the specified notarial acts performed by a notary public.

When fees are payable.

5. All fees shall be paid before the pleading is entered or the process prepared or issued.

Calculation of fees.

6. For the purpose of calculation of poundage for fees a part of a £ shall be considered to be £1.

Made by the Governor in Executive Council at a meeting held on the 23rd day of April, 1949.

L. W. ALDRIDGE,

*Clerk of the Executive Council.*

M.P. 0831.

## FIRST SCHEDULE.

		£	s.	d.
Fee 1	On sealing writ ... ..	15	0	
2	On filing a divorce petition ... ..	10	0	
3	„ „ an amended writ ... ..	2	6	
4	„ „ an amended divorce petition ... ..	2	6	
5	For Citation, first (divorce) ... ..	12	0	
6	For Citation, second and subsequent ... ..	8	0	
7	On entering reply (divorce) ... ..	8	0	
8	For certifying copy of divorce petition ... ..	4	0	
9	On filing affidavit ... ..	2	0	
10	For each witness summons ... ..	4	0	
11	On entering defence in action ... ..	5	0	
12	On entering reply in action ... ..	5	0	
13	On setting down case for trial ... ..	1	0	0
14	On entering or sealing a judgment decree or order ... ..	1	0	0
	If the trial or hearing occupies more than five hours for each additional complete hour a further fee of ... ..	5	0	
	<i>Note.</i> —This fee is payable where a judgment decree or order is made by consent. Where this fee is paid on a decree nisi in a matrimonial cause no fee is payable on the decree absolute.			
15	On filing a notice of appeal to the Supreme Court ... ..	1	0	0
16	On application for leave to issue a third party notice ... ..	5	0	
17	On application for leave to issue execution ... ..	1	0	for every £ of the first £100 of the Judgment Order and 6d. for every additional £.
18	On the issue of a warrant of execution ... ..	1	0	for every £ of the first £100 and 6d. for every additional £ for which the warrant issues.
19	On the issue of a warrant for possession			
	(1) not for the recovery of a sum of money ... ..	10	0	
	(2) for the recovery of a sum of money in addition to possession ... ..	10	0	in addition to 1/- for every £ of the first £100 and 6d. for each additional £ for which the warrant issues.
20	On the issue of a warrant of delivery ... ..	1	0	for every £ of the first £100 and 6d. for each additional £ of the value of the goods to be delivered and costs and damages.
21	For an office copy of the Judge's note ... ..	1	0	for each folio of 72 words.
22	For leave to appeal to the Privy Council including recognisance and sealing ... ..	20	0	0
23	Taxing costs ... ..	1	0	for every £4 or part thereof allowed.
24	Reviewing costs ... ..	1	0	0
25	Warrant for absconding debtors ... ..	1	0	0
26	Power of attorney under Seal of the Colony ... ..	1	0	0

## SECOND SCHEDULE.

	£	s.	d.
Fee 1 On entering a complaint :			
(1) for the recovery of a sum of money not exceeding £2	2	0	
exceeding £ 2 not exceeding £ 5 ... ..	3	0	
"        5 "        "        10 ... ..	5	0	
"        10 "        "        15 ... ..	7	0	
"        15 "        "        20 ... ..	9	0	
"        20 "        "        25 ... ..	10	0	
"        25 "        "        30 ... ..	13	0	
"        30 "        "        35 ... ..	15	0	
"        35 "        "        40 ... ..	17	0	
"        40 "        "        50 ... ..	19	0	
"        50 ... ..	1	1	0
(2) for recovery of land :			
(a) on expiration of term or notice to quit ... ..	5	0	
(b) on forfeiture for non payment of rent ... ..			fee 1 (1) calculated on rent in arrear.
(3) for delivery of goods ... ..			fee 1 (1) calculated on value of goods.
(4) for any other remedy or relief ... ..	1	0	0
Fee 2 On filing a counterclaim ... ..	The difference between the fee which would have been payable had the counterclaim been an original claim and the fee paid by the plaintiff.		
Fee 3 On application for leave to issue a third party notice ... ..	2s.	6d.	
<i>Note.</i> —The above fees include preparation and service of summons etc.			
Fee 4 (1) on the hearing of a trial or action ... ..	An amount equal to that paid under Fee 1.		
(2) If the amount claimed and fees are paid into Court more than 2 days before the hearing ... ..	One quarter of Fee 4 (1)		
(3) if the defendant does not appear or consents to judgment for the plaintiff. in Court ... ..	One half of Fee 4 (1).		
Fee 5 On the trial or hearing of a counterclaim ... ..	The fee payable under Fee 2.		
Fee 6 On application for an order for the attendance of a judgment debtor ... ..	2s.	6d.	
Fee 7 On application for leave to issue execution ... ..	6d. for every £1 of the Judgment Order. Maximum 5/-.		
Fee 8 On the issue of a warrant of execution ... ..	6d. for every £ for which the warrant issues. Maximum 10/6.		
Fee 9 On the issue of a warrant of possession			
(1) not for the recovery of a sum of money ... ..	Fee 2 (a), (b) or (c) whichever is applicable. Maximum 10/6.		
(2) for the recovery of a sum of money in addition to possession ... ..	Fee 9 (1) in addition to 6d. for every £ for which the warrant issues. Maximum 15/-.		
Fee 10 On the issue of a warrant of delivery			
(1) not for the recovery of damages or costs ... ..	6d. for every £ of the value of the goods to be delivered. Maximum 10/-.		
(2) for recovery of damages or costs in addition to delivery	Fee 10 (1) in addition to 6d. in every £ for which the warrant issues. Maximum 15/-.		
Fee 11 On issue of a judgment summons ... ..	6d. for every £2 or part thereof for which the summons issues.		
Fee 12 On hearing of a judgment summons ... ..	Fee 11.		

Fee 13	On issue of an order for commitment made on a judgment summons	...	...	6d. for every £ for which the order issues. Maximum 10/6.
Fee 14	On entering garnishee proceedings	...	...	Fee 1 (1).
Fee 15	On hearing garnishee proceedings	...	...	Fee 4.
Fee 16	On the issue of a witness summons	...	...	1s. 0d.
Fee 17	For an office copy of a Magistrate's note	...	...	6d. for each folio of 72 words.

### THIRD SCHEDULE.

	£	s.	d.
1 Power of Attorney	...	10	0
2 Noting a Protest	...	1	1 0
3 Extending a Protest	...	2	2 0
4 For each copy of Protest	...	1	1 0
5 Protesting Bill of Exchange, Promissory Note	...	15	0

## Administration of Justice Ordinance, 1949.

Rules made by His Excellency the Governor in Council under Section 67 of the Administration of Justice Ordinance, 1949.

MILES CLIFFORD,  
*Governor.*

No. 2 of 1949.

### APPEALS TO HIS MAJESTY IN COUNCIL.

1. These Rules may be cited as the Privy Council Appeals Rules, 1949. Short title.

2. The preparation of records and cases in appeals to His Majesty in Council shall be in accordance with these Rules.

3. The Registrar, as well as the parties and their legal agents, shall endeavour to exclude from the record all documents (more particularly such as are merely formal) that are not relevant to the subject-matter of the appeal, and, generally, to reduce the bulk of the record as far as practicable, taking special care to avoid the duplication of documents and the unnecessary repetition of headings and other merely formal parts of documents; but the documents omitted to be copied or printed shall be enumerated in a list to be placed after the index or at the end of the record. Irrelevant documents to be excluded from the record.

4. Where in the course of the preparation of a record one party objects to the inclusion of a document on the ground that it is unnecessary or irrelevant, and the other party insists upon its being included, the record, as finally printed shall, with a view to the subsequent adjustments of the costs of and incidental to such document, indicate in the index of papers, or otherwise, the fact that, and the party by whom, the inclusion of the document was objected to. Cases in which there is a conflict between parties as to the relevancy of a document.

5. The record shall be printed in accordance with the rules set forth in the Schedule hereto. It may be so printed either in the Falkland Islands or in England. The record to be printed.

Duty of the Registrar when the record is to be printed in England.

6. Where the record is to be printed in England, the Registrar shall, at the expense of the appellant, transmit to the Registrar of the Privy Council one certified copy of such record, together with an index of all the papers and exhibits in the case. No other certified copies of the record shall be transmitted to the agents in England by or on behalf of the parties to the appeal.

Duty of Registrar when the record is not printed in England.

7. When the record is not printed in England the Registrar shall, at the expense of the appellant, transmit to the Registrar of the Privy Council forty copies of such record, one of which copies he shall certify to be correct by signing his name on, or initialling, every eighth page thereof and by affixing thereto the seal of the Supreme Court.

When part of the record is printed in England and part out of England.

8. When part of the record is printed outside England and part of the record is to be printed in England Rules 6 and 7 above shall, as far as practicable apply to such parts respectively.

Case of each party to be printed.

9. The case of each party to the appeal shall be printed in accordance with the rules set forth in the Schedule hereto, every tenth line thereof being numbered in the margin, and shall be signed by at least one of the counsel who attends at the hearing of the appeal, or by the party himself if he conducts his appeal in person.

Preparation of the case.

10. The case shall consist of paragraphs numbered consecutively and shall state, as concisely as possible, the circumstances out of which the appeal arises, the contentions to be urged by the party lodging the same, and the reasons of appeal. References by page and line to the relevant portions of the record as printed shall, as far as practicable, be printed in the margin, and care shall be taken to avoid, as far as possible, reprinting long extracts from the record.

#### SCHEDULE

1. Records and cases shall be printed in the form known as demy quarto (i.e. 54 ems in length and 42 in width).

2. The size of the paper used shall be such that the sheet, when folded and trimmed, will be 11 inches in height and  $8\frac{1}{2}$  inches in width.

3. The type to be used in the text shall be Pica type, but Long Primer shall be used in printing accounts, tabular matter and notes.

4. The number of lines in each page of Pica type shall be 47 or thereabouts, and every tenth shall be numbered in the margin.

Made by the Governor in Executive Council at a meeting held on the 23rd day of April, 1949.

L. W. ALDRIDGE,

*Clerk of the Executive Council.*

M.P. 0831.

## Administration of Justice Ordinance, 1949.

### Rules of the Supreme Court made by His Excellency the Governor in Council.

No. 3 of 1949.

MILES CLIFFORD,  
*Governor.*

1. These Rules may be cited as the Rules of the Supreme Court. Short title.

#### PART I. CIVIL CASES (OTHER THAN MATRIMONIAL)

2. (1) Every matter, other than an action, shall be brought before the Supreme Court by Petition delivered to the Registrar and if approved by the Judge shall be heard on the appointed day by him. Procedure on Petition.

(2) Except where an injunction is sought a Petition shall not be heard less than seven days after a copy thereof has been served on every person in the Colony affected thereby.

3. The Judge may order that a Petition or any pleading be amended or struck out on the ground that it discloses no reasonable cause of action, that it is frivolous, vexatious or scandalous. Judge may order amendment of Petition or any pleading or that it be struck out.

4. Any person directly affected by any matter before the Supreme Court may at any time before hearing apply on motion to the Supreme Court for the postponement of the hearing thereof and the Judge may make such order thereon and as to costs and security as he may deem fit. Postponement of Hearing.

5. A writ shall be in the form A set out in the Schedule hereto and shall be served on the defendant by or on behalf of the Plaintiff. Writ.

6. A defendant shall within eight days if resident in Stanley or sixty days if resident outside Stanley after service of the writ, inclusive of the day of the service, deliver to the Registrar and serve or cause to be served on the plaintiff his defence to the action. Defence.

7. The plaintiff may within eight days if resident within Stanley or sixty days if resident outside Stanley after service of the defence, including the day of service deliver to the Registrar and serve or cause to be served on the defendant his reply to the defence. Reply.

8. If no defence is delivered and served within the time specified in Rule 7 the Plaintiff shall be at liberty after filing an affidavit of Service, to apply to the Judge to sign final judgment and the Judge may make such order as to judgment as he may deem just. Judgment on default of defence.

9. Either party may after delivery of the reply or after the time provided therefor under Rule 8 has elapsed apply to the Registrar for the case to be set down for hearing and the Registrar shall notify both parties of the date fixed by the Judge provided that either party may apply for a postponement thereof subject to such terms as the Judge may impose. Setting down for trial.

10. (1) Where the plaintiff fails to attend the hearing the defendant shall be entitled to final judgment. Trial.

(2) Where the defendant fails to attend the plaintiff shall on proving his case be entitled to final judgment. Non-attendance of parties.

Retrial. 11. Where the plaintiff or defendant fails to appear at the hearing he shall be at liberty within six days of the date thereof to apply that the judgment be set aside and the Judge make an order for retrial or otherwise on such terms and conditions as he may deem fit.

Signing Judgment. 12. The successful party in an action shall be entitled to sign judgment and issue execution six days after the trial unless application shall have been made for a re-trial, or stay of execution.

Sale by Sheriff. 13. (1) The Sheriff shall, when he cannot effect a sale of any property seized by him without a sacrifice of the reasonable value thereof apply to the Judge for directions and for an order for delay and for enlarging the time for returning the writ.

(2) The Sheriff shall cause a notice giving the time, place and particulars of sale of goods seized under execution to be fixed on the public notice board at Stanley and at such other places as he may decide.

## PART II. MATRIMONIAL CASES.

Petition. 14. Proceedings shall be commenced by delivering to the Registrar a Petition in the Form B set out in the Schedule hereto together with an affidavit by the Petitioner verifying the facts of which he has personal knowledge and deposing as to his belief in the truth of the other facts alleged therein. The Registrar shall thereupon issue the notices to appear in the Form C set out in the Schedule hereto.

Service of Petition, etc.. 15. The Petitioner shall serve or cause to be served personally on the respondent and every co-respondent named in the petition, notice to appear, together with a copy of the petition certified by the Registrar and shall within seven days of service in Stanley or thirty days of such service in any other part of the Colony file with the Registrar an affidavit of service.

Answer. 16. A respondent, co-respondent or any person named in a petition may within fourteen days of the service of such petition if served in Stanley, or sixty days if served in any other part of the Colony file with the Registrar an answer to the petition and shall with every answer which contains matter other than a simple denial of the facts stated in the petition, file an affidavit verifying such other matter so far as he has personal knowledge and deposing to his belief in the truth of the rest of such other matters and shall serve on the petitioner forthwith a copy of such answer and affidavit and a notice to appear.

Reply. 17. (1) No reply shall be filed without leave of the Judge except where relief is claimed in the answer in which case a reply may be filed with the Registrar and the Petitioner shall within fourteen days of the delivery of the answer forthwith serve a copy of such reply on the respondent.

(2) No subsequent pleading shall be filed without leave of the Judge.

Powers to allow intervention. 18. When a person is charged with adultery with any party to a case in which the Judge may consider, in the interest of any person not already a party to the suit, that that person should be made a party the Judge may allow that person to intervene upon such terms, if any, as he may deem just.

Setting down for trial. 19. Any party may after delivery of the reply or the expiration of the time provided therefor under Rule 17 (1) apply to the Registrar for the case to be set down for hearing and the Registrar shall notify all parties of the date fixed by the Judge provided that any party may apply for a postponement thereof subject to such terms as the Judge may impose.

20. An application for retrial shall be made by petition stating the grounds on which it is based, filed with the Registrar within three weeks after Judgment and served forthwith on the other parties to the suit.

Retrial.

21. (1) Any person desiring to shew cause against making absolute a *decree nisi* shall file with the Registrar an affidavit setting forth the facts upon which he relies and forthwith serve a copy thereof on the party in whose favour the decree has been pronounced.

Intervention against making absolute a *decree nisi*.

(2) The party in whose favour the decree has been pronounced may within fourteen days after delivery of the said affidavit file with the Registrar an affidavit in answer and forthwith serve a copy thereof on the person showing cause and the person showing cause may within fourteen days of such service file and serve as aforesaid an affidavit in reply.

22. An application to make absolute a *decree nisi* for dissolution of marriage shall be made in writing to the Registrar. The decree shall be pronounced in open Court.

Decree absolute.

### PART III. ENFORCEMENT OF MAINTENANCE ORDERS.

23. The prescribed officer for the enforcement of maintenance orders shall be :—

Prescribed Officer.

- (a) if the order be made in the Supreme Court, the Registrar, or
- (b) if the order be made in a Court of Summary Jurisdiction, the Magistrate.

24. The copy of a provisional order made by a Court in any part of His Majesty's Dominions outside the United Kingdom to which the Maintenance Orders (Facilities for Enforcement) Ordinance (in this Part called "the Ordinance") applies shall be sent to the Magistrate with the accompanying documents and a requisition for a summons.

Provisional orders.

25. The Magistrate shall notify the Governor and the Court issuing the order his decision on a provisional order made outside the Colony.

Notice of decision.

26. When an order has been registered in the Court of Summary Jurisdiction at Stanley or a provisional order has been confirmed by that Court under the Ordinance all payments under the order shall be made to the prescribed officer.

Payments into Court under Order.

27. All monies collected under an order as provided by Rule 25 shall be paid to the Treasury for transmission through the Crown Agents for the Colonies to the officer specified by the Court issuing the order.

Transmission of monies collected.

28. When a provisional order made in the Colony under the Ordinance has been remitted to the Court of Summary Jurisdiction making the order for the purpose of taking further evidence the Magistrate or Justice shall notify the person on whose behalf the order was made the particulars of the further evidence required and the time and place fixed for taking it.

When further evidence required.

### PART IV. RECIPROCAL ENFORCEMENT OF JUDGMENTS.

29. In this Part the expression "the Ordinance" means the Reciprocal Enforcement of Judgments Ordinance and the definitions contained in section 5 of the Ordinance shall apply to this Part of these Rules.

Definition.

- Application.** 30. An application under the Ordinance for leave to have a Judgment obtained in a superior Court in any part of His Majesty's Dominions outside the United Kingdom to which the Ordinance applies registered in the Supreme Court shall be made *ex parte* or by summons to the Judge. If the application is made *ex parte* the Judge may direct a summons to be issued.
- The affidavit.** 31. The application shall be supported by an affidavit of the facts exhibiting the judgment or a verified or certified or otherwise duly authenticated copy thereof and stating that to the best of the information and belief of the deponent the judgment creditor is entitled to enforce the judgment and the judgment does not fall within any of the cases in which under the Ordinance a judgment cannot properly be ordered to be registered. The affidavit must also, so far as the deponent can, give full name, title, trade or business and usual or last known place of abode or business of the judgment creditor and judgment debtor respectively.
- Title of affidavit and summons.** 32. The affidavit and the summons (if any) shall be intitled "In the Matter of the Reciprocal Enforcement of Judgments Ordinance, 1922, and in the matter of a Judgment of the..... (describing the Court) obtained in ..... (describing the cause or matter) and dated the.....day of.....19....".
- Service of summons.** 33. The Summons (if any) for leave to register shall be an originating summons and (unless otherwise ordered by the Judge) shall be served in the same manner as a writ of summons is required to be served. The judgment debtor shall not be required to enter any appearance thereto.
- The Order.** 34. Any Order giving leave to register shall be drawn up by or on behalf of the judgment creditor and when the order is made on a summons the order shall be served on the judgment debtor but where the order is made on an *ex parte* application no service of the order on the judgment debtor shall be required.
- Form of Order.** 35. The order giving leave to register the judgment shall state the time within which the judgment debtor is to be entitled to apply to set aside the registration. Such time where the judgment debtor is, or is ordinarily resident in the Colony shall ordinarily be sixty days and when the judgment debtor is or is ordinarily resident out of the Colony shall depend on the distance from the Colony of the place where the judgment debtor resides and the postal facilities between the Colony and that place and shall ordinarily be the same time as is limited for entering appearance after service out of the jurisdiction of a writ of summons or notice thereof.
- The Register.** 36. The register of judgments ordered to be registered under the Ordinance shall be kept by the Registrar. The judgment shall be registered therein in accordance with the order giving leave to register it.
- Form of Register.** 37. There shall be entered in the register the date of the order for registration and of the registration, the name, title, trade or business and usual or last known place of abode or business of the judgment debtor and judgment creditor and the amount for which the judgment is signed and any special directions in the order for registration as to such registration and/or execution thereon and the particulars of any execution issued thereon.
- Notice of Registration.** 38. Notice in writing of the registration of the judgment must be served on the judgment debtor within a reasonable time after such registration. Such notice shall (in the absence of an order by the Judge as to the mode of service thereof) be served on the judgment debtor by personal service (with power to order substituted service or service out of the jurisdiction or both) as in the case of a writ of summons, but the Judge may at any stage of the proceedings

authorise or direct some other mode of service and if he does so the service shall be effected in accordance with such authority or direction.

39. The notice of registration shall contain full particulars of the judgment registered and of the order for such registration and shall state the name and address of the judgment creditor on whom and at which service of any summons issued by the judgment debtor may be served. The notice shall state that the defendant is entitled, if he has grounds for doing so, to apply to set aside the registration and shall also state the number of days for applying to set aside the registration limited by the order giving leave to register.

Form of Notice.

40. The party serving the notice shall, within three days at most after such service, endorse on the notice or a copy or duplicate thereof the day of the month and week of the service thereof, otherwise the judgment creditor shall not be at liberty to issue execution on the judgment; and every affidavit of service of such notice shall mention the day on which such indorsement was made. This rule shall apply to substituted as well as other service. The three days limited by this rule may under special circumstances be extended by order of the Judge.

Indorsement of service.

41. The judgment debtor may at any time within the time limited by the order giving leave to register after service on him of the notice of the registration of the judgment apply by summons to the Judge to set aside the registration or to suspend execution on the judgment and the Judge on such application if satisfied that the case comes within one of the cases in which under section 2 (2) of the Ordinance no judgment can be ordered to be registered or that it is not just or convenient that the judgment should be enforced in the Colony or other sufficient reason may order that the registration be set aside or execution on the judgment suspended either unconditionally or on such terms as he thinks fit and either altogether or until such time as he shall direct: Provided that the Judge may allow the application to be made at any time after the expiration of the time herein mentioned.

Application to set aside registration.

42. The summons referred to in Rule 41 shall be an ordinary summons intitled in the same manner as the affidavit referred to in Rule 32.

Summons to set aside.

43. No execution shall issue on a judgment registered under the Ordinance until, after the expiration of the time limited by the order giving leave to register after service on the judgment debtor of notice of the registration thereof: Provided that the Judge may at any time order that execution shall be suspended for a longer time.

Execution.

44. Any party desirous of issuing execution on a judgment registered under the Ordinance must produce to the proper officer an affidavit of the service of the notice of registration.

Affidavit of service.

45. A writ of execution on a judgment registered under the Ordinance may be thus varied: instead of "which said sum of money and interest were lately before us in the Supreme Court" &c, insert "which said sum of money and interest were lately in . . . (describing the Court in which the judgment was obtained)" &c, "and which judgment has been duly registered in our Supreme Court pursuant to the Reciprocal Enforcement of Judgments Ordinance, 1922".

Form of Writ of Execution.

46. Any application under section 3 of the Ordinance for a certified copy of a judgment obtained in the Supreme Court shall be made *ex parte* to the Registrar on an affidavit made by the judgment creditor giving the particulars of the judgment and shewing that the judgment debtor is resident in some (state what) part of His Majesty's Dominions outside the Colony to which the Ordinance extends and stating to the best of his information and belief the title, trade, business or occupation of the judgment creditor and judgment debtor respectively and their respective usual or last known places of abode or business.

Certified copy of Judgment.

47. The certified copy of the judgment shall be an office copy and shall be sealed with the seal of the Supreme Court and shall be certified by the Registrar as follows:

"I certify that the above copy of the judgment is a true copy of a judgment obtained in the Supreme Court in the Falkland Islands and this copy is issued in accordance with section 3 of the Reciprocal Enforcements of Judgments Ordinance 1922".

(Signed).....

Registrar of the Supreme Court  
in the Falkland Islands.

## PART V. GENERAL.

### Office Hours.

48. The offices of the Supreme Court shall be open daily (Sundays and public holidays excepted) from 9 a.m. to 12.30 p.m. and 2 p.m. to 4.30 p.m. except Saturdays when the hours shall be from 9 a.m. to 1 p.m.

### Action Book.

49. The Registrar shall enter in the Action Book all writs, petitions and other proceedings in all actions and other matters commenced or referred to the Supreme Court.

### Substituted service.

50. Any plaintiff or petitioner who is unable to serve or cause to be served a writ or petition upon any defendant or correspondent personally may apply to the Judge for an order for substituted or other service and shall file in support of the application an affidavit setting forth the grounds on which it is made.

### Extended time for service etc. when party resident outside the Colony.

51. The Judge shall, where the party to any proceedings is, or is ordinarily resident out of the Colony, state the time within which such party shall be served and file proceedings, as the case may be, regard being had to the distance from the Colony of the place where the party is or resides and the postal facilities between the Colony and that place.

### Procedure on trial.

52. The plaintiff shall state his case to the Court and call his witnesses who shall be subject to cross-examination and re-examination, then the defendant shall state his case and call his witnesses, who shall be subject as aforesaid. The plaintiff shall have the final address except when the defendant does not call any witnesses, other than give evidence himself when he shall have the final address after the plaintiff.

### Evidence of persons leaving Colony.

53. When it is probable that a person who would be a witness in a case pending in the Supreme Court may leave the Colony before the case can be brought to trial the party requiring him may apply to the Registrar to have the evidence of that person taken before the Judge and shall forthwith give notice of such application to the opposite party, and the Registrar shall notify both parties of the day fixed by the Judge to hear such evidence. No such evidence shall be used unless the opposite party has had an opportunity of cross-examining the witness.

### Evidence by affidavit.

54. Evidence may be given by affidavit in the case of witnesses absent from the Colony but the Judge may on the application of any party or at his own discretion direct that any such witness shall be examined by commission.

### New Trial.

55. (1) An application for a new trial may be made on the day of the trial if both parties are present or within twelve days from the day of the trial.

(2) Except where the application is made on the day of the trial the applicant shall, not less than six clear days before the

hearing of the application, file with the Registrar and give to the opposite party notice in writing of the application stating the grounds thereof.

(3) The notice shall not operate as a stay of proceedings unless the Court otherwise orders.

(4) On receipt of the notice the Registrar shall unless otherwise ordered, retain any money in court until the application has been heard.

(5) An order for a new trial shall be in Form D in the Schedule.

56. The Registrar shall fix a date for the taxation of costs and shall tax the same but no costs shall be taxed unless the bill of costs has been delivered to the opposite party more than forty-eight hours before the date fixed for taxation. Taxation of costs.

57. Any person may with the consent of the Judge sue or defend as a poor person (without paying fees): Provided he satisfies the Judge: Suing or defending as a poor person.

- (a) he is not worth a sum exceeding £50 (excluding wearing apparel, tools of trade and the subject matter of such proceedings); and
- (b) his usual income from all sources does not exceed £2 a week; and
- (c) in matrimonial cases, where the wife is the poor person in addition to (a) and (b) that the poor person and her husband are not worth the amount specified in (a) and their joint income does not exceed the amount specified in (b); and
- (d) he has reasonable grounds for taking or defending or being a party to proceedings in the Supreme Court.

58. In all matters of practice and procedure not repugnant to, or provided for in these Rules, the practice and procedure of the High Court of Justice in England, shall, as far as possible, be adopted. Other practice etc. of High Court of Justice to apply.

59. The Consolidated Rules 1922, the Maintenance Orders (Facilities for Enforcement) Rules 1922 and the Rules of the Supreme Court (Reciprocal Enforcement of Judgments) Ordinance 1922 are hereby rescinded. Rescissions.

Made by the Governor in Executive Council at a meeting held on the 23rd day of April, 1949.

L. W. ALDRIDGE,  
*Clerk of the Executive Council.*

FORM A.

WRIT

GEORGE VI. BY THE GRACE OF GOD OF THE UNITED KINGDOM OF GREAT BRITAIN, AND IRELAND  
AND OF THE BRITISH DOMINIONS BEYOND THE SEAS KING, DEFENDER OF THE FAITH.

To..... of..... in the Colony of the Falkland Islands.  
  
WE command you that within eight days (sixty days if residing outside Stanley) after the service of this writ on you, inclusive of the day of such service you do enter or cause to be entered a defence to the complaint of ..... and take notice, that in default of your so doing the Plaintiff may proceed to Judgment and Execution.

The complaint set forth is

On all writs for debt or damages the following shall be endorsed  
  
Plaintiff claims £ ..... and  
£ ..... for costs.

If these amounts be paid into Court within seven days further proceedings will be stayed, but the defendant may apply to have the costs taxed and if more than one-sixth be disallowed the Plaintiff shall pay his own costs. If the Defendant pays into Court three days at least before trial a sum less than that claimed but equal to or greater than the amount for which judgment is thereafter given he shall be entitled to recover his costs from the Plaintiff as from the date of such payment.

Witness His Honour..... Judge of the Falkland Islands, this..... day of..... 19.....

This writ must be served within twelve months from the date hereof.

.....  
Registrar.

## FORM B.

## DIVORCE AND MATRIMONIAL CAUSES.

To His Honour the Judge.

The                      day of                      19                      .

The Petition of A.B. of                      , sheweth, —

1. That your petitioner was on the                      day of                      19                      , lawfully married to C.B., then C.D., [Spinster or Widow] at the *Parish Church of, &c.*  
[ *Here state where the marriage took place* ]
2. That after his said marriage your petitioner lived and cohabited with his said wife at                      and at                      , and that your petitioner and his said wife have had issue of their said marriage                      children to wit :  
[ *Here state the names and ages of the children of the marriage* ]
3. That on the                      day of                      19                      , and on other days between that day and                      , the said C.B., at                      in                      committed adultery with R.S.
4. [ *Here set out in detail in separate paragraphs the alleged matrimonial offences or other ground upon which relief is sought* ].

Your petitioner therefore humbly prays, —

That your Honour will be pleased to decree :

[ *Here set out the relief sought* ].

And that your Petitioner may have such further and other relief in the premises as may seem fit.

[ *Petitioner's signature.* ]

## FORM C.

In the Supreme Court

Falkland Islands

To..... of.....

TAKE NOTICE that you are required within eight days (thirty days if residing outside Stanley) after service hereof upon you, inclusive of the day of service to make answer to this petition (answer) and that in default of your so doing the Court will proceed to hear the petition (answer) and pronounce judgment, your absence notwithstanding.

Dated at Stanley, Falkland Islands the ..... day of ..... 19.....

.....  
*Registrar.*

## FORM D.

## ORDER FOR NEW TRIAL.

[ *Title* ]

On the application of the

IT IS ORDERED that upon

[ *Here set out the terms and conditions on which the order is made.* ]

the Judgment in this Action, and all subsequent proceedings thereon be set aside and  
a New Trial had between the parties on the            day of            19    at the  
hour of            in the            noon.

Dated this            day of            19

*Registrar.*



# The Falkland Islands Gazette

Published by Authority.

VOL. LVIII.

JUNE 1, 1949.

No. 8.

## PROMOTIONS.

<i>Name</i>	<i>From</i>	<i>To</i>	<i>Date</i>
Gleadell, L. C.	Clerk, Gr. III., Audit	Clerk, Gr. II., Audit	1.1.48.
Bowles, G. W. J.	Assistant Customs Officer, Gr. IV., Customs	Assistant Customs Officer, Gr. III., Customs	1.1.48.
Slade, H. E.	Electrician, Gr. II., Electrical & Telegraphs	Electrician, Gr. I., Electrical & Telegraphs	1.1.48.
Blyth, A. J.	Engineman, Power House, Gr. III., Electrical & Telegraphs	Asst. to Supt. Power House, Gr. II., Electrical & Telegraphs	1.1.48.
Reive, C. T.	Electrician, Gr. III., Electrical & Telegraphs	Electrician, Gr. II., Electrical & Telegraphs	1.1.48.
Norris, J.	Police Sergeant, Gr. II., Police & Prisons	Police Sergeant, Gr. I., Police & Prisons	1.1.48.
O'Sullivan, D. W.	Police Constable, Gr. III., Police & Prisons	Police Constable, Gr. II., Police & Prisons	1.1.48.
Williams, J. D.	Police Constable, Gr. IV., Police & Prisons	Police Constable, Gr. III., Police & Prisons	1.1.48.
Bound, J.	Clerk, Gr. III., Secretariat & Treasury	Clerk, Gr. I., Secretariat & Treasury	1.1.48.
Bound, H. L.	Clerk, Gr. IV., Secretariat & Treasury	Clerk, Gr. II., Secretariat & Treasury	1.1.48.
Hirtle, W.	Clerk, Gr. III., Secretariat & Treasury	Clerk, Gr. II., Secretariat & Treasury	1.1.48.
Morrison, D. R.	Clerk, Gr. IV., Secretariat & Treasury	Clerk, Gr. III., Secretariat & Treasury	1.1.48.
Sedgwick, Miss D.	Clerk, Gr. IV., Secretariat & Treasury	Clerk, Gr. III., Secretariat & Treasury	1.1.48.
Halliday, L. J.	Clerk, Gr. V., Secretariat & Treasury	Clerk, Gr. III., Secretariat & Treasury	1.1.48.
Pettersson, Miss V.	Clerk, Gr. V., Secretariat & Treasury	Clerk, Gr. IV., Secretariat & Treasury	1.1.48.
Biggs, Miss J.	Clerk, Gr. V., Secretariat & Treasury	Clerk, Gr. IV., Secretariat & Treasury	1.1.48.

## TERMINATION OF APPOINTMENT.

<i>Name</i>	<i>Department</i>	<i>Office</i>	<i>Date</i>	<i>Reason</i>
Newman, Miss F.	Education	Travelling Teacher	31.5.49.	Resigned.

## LEAVE.

<i>Department</i>	<i>Office</i>	<i>Period</i>	<i>Date</i>
Mercer, J., B.E.M.	Electrical & Telegraphs	Wireless Operator, 1st Class	96 days from date of sailing
			18.4.49.

## NOTICES.

The following Notices etc., are published by command of His Excellency the Governor.

R. WINTER.

*Acting Colonial Secretary.*

No. 25. 6th May, 1949.

CENTRAL LAND BOARD.

This announcement is intended for any person who on the 1st of July, 1948, owned or leased property in England, Wales or Scotland.

If he has land which could be made more valuable by being built on (for example an un-built-on housing plot) or a building which could be made more valuable by being extended or put to some different use, he ought to consider claiming on a fund of £300,000,000 which the Government has set aside under the Town and Country Planning Act, 1947, to compensate owners for loss of the development value in their land. This value now belongs to the State.

If he is affected he should tell his representative in Great Britain to consider putting in a claim at the local office of the Central Land Board. It is advisable to have professional advice.

**This must be done at once. No claims can be accepted after the 30th of June, 1949.**

No. 26. 3rd May, 1949.

THE STANLEY TOWN COUNCIL ORDINANCE  
No. 1 of 1947.

Consequent on the death of Mr. A. Pettersson a casual vacancy exists in the West Ward of the Town Electoral Area.

Ordinance with section 8 (2) of the Stanley Town Council Ordinance, His Excellency the Governor has directed that Friday, the 27th of May, 1949, shall be the day of the election to fill the vacancy caused.

9th May, 1949.

has been received from the Right Honourable Secretary of State for the Colonies that His Majesty will not be advised to exercise his power of disallowance in respect of the following Ordinance of the Legislature of the Cook Islands :-

Ordinance No. 12 of 1948, entitled "An Ordinance to provide for the service of the year 1949".

M.P. 0284/II.

No. 28. 17th May, 1949.

Consequent on the report from the Cost of Living Committee and with the approval of the Secretary of State, the following increases will be paid :-

- (a) COST OF LIVING BONUS from 2d. to 3d. per hour or 3/9 per week with effect from the 1st of November, 1948. This is an aggregate of 6d. per hour or 22/6 per week.
- (b) BASIC WAGE from 1/2 to 1/4 per hour or from £2. 12s. 6d. to £3. 0s. 0d. per week with effect from the 1st of March, 1949. This increase will be deducted from the Cost of Living Bonus, thereby leaving 4d. per hour or 15/- per week as Cost of Living Bonus.

M.Ps. 0704/A & 0768.

No. 29. 19th May, 1949.

On the occasion of the official celebration of His Majesty's Birthday on Thursday the 9th of June, 1949, a Royal Salute of 21 guns will be fired from the Saluting Gun on Victory Green at 11 o'clock.

M.P. 0191.

No. 30. 20th May, 1949.

His Excellency the Governor has been pleased to appoint

LIEUTENANT-COLONEL K. S. PIERCE-BUTLER

to be Controller of Civil Aviation with effect from the 1st of June, 1949.

M.P. 0270.

No. 31. 25th May, 1949.

His Excellency the Governor has been pleased to grant to

THE HONOURABLE MR. N. K. CAMERON, J.P.,

leave of absence from his duties as a member of the Executive Council with effect from the 11th of May, 1949.

M.P. C/0001.

No. 32. 26th May, 1949.

His Excellency the Governor has been pleased to appoint the following to constitute a Committee to deal with times and contents of broadcast programmes :-

Dr. J. I. Stafford, M.B., B.Ch., B.A., B.A.O.

(Chairman).

The Hon. Mr. D. M. Honeyman

Mr. H. Bennett, J.P.

Miss J. Biggs

Mr. K. A. Cunningham

Mr. D. McNaughton

Mrs. D. W. Roberts

Mr. H. E. Slade

Mrs. E. S. Smith

Mrs. F. White.

M.P. 0001.

STOCK.

28th April, 1949.

STOCK BRANDS & EARMARKS.

Notice is hereby given that under the provisions of section 14 of the Live Stock Ordinance 1901, the undermentioned Stock Earmark and Brand has been approved and registered on behalf of Mr. J. W. Miller of Moody Valley Farm :-

(a) Earmark — Fork & Back bit

(b) Brand — J

J. P. OLIVER,

*Agricultural Officer.*

## PROBATE.

In the Supreme Court of the Falkland Islands.

*Margaret Ann Kiddle, of Stanley, Falkland Islands, deceased.*

Whereas Robert Kiddle, son of the above named deceased, has applied for Letters of Administration to administer the Estate of the deceased.

These are therefore to warn the next-of-kin and the creditors that the prayer of the Petitioner will be granted provided no caveat be entered in the Supreme Court within twenty-one days of the date hereof.

9th May, 1949.

L. 14/49.

In the Supreme Court of the Falkland Islands.

*Mary Elizabeth Biggs, of Stanley, Falkland Islands, deceased.*

Whereas Madge Bridget Frances Biggs, Executrix and Arthur Louis Stanley Biggs, Executor, of the above named deceased, have applied for Letters of Administration to administer the Estate of the deceased.

These are therefore to warn the next-of-kin and the creditors that the prayer of the Petitioners will be granted provided no caveat be entered in the Supreme Court within twenty-one days of the date hereof.

9th May, 1949.

L. 15/49.

In the Supreme Court of the Falkland Islands.

*Mary Catherine Hardy, of Stanley, Falkland Islands, deceased.*

Whereas Robert Henry Hannaford, Executor of the above named deceased, has applied for Letters of Administration to administer the Estate of the deceased.

These are therefore to warn the next-of-kin and the creditors that the prayer of the Petitioner

will be granted provided no caveat be entered in the Supreme Court within twenty-one days of the date hereof.

11th May, 1949.

L. 13/49.

In the Supreme Court of the Falkland Islands.

*Clifford Fitzroy Parker, of Stanley, Falkland Islands, deceased.*

Whereas Alexander Stanley Etheridge, step-father of the above named deceased, has applied for Letters of Administration to administer the Estate of the deceased.

These are therefore to warn the next-of-kin and the creditors that the prayer of the Petitioner will be granted provided no caveat be entered in the Supreme Court within twenty-one days of the date hereof.

26th May, 1949.

L. 17/49.

In the Supreme Court of the Falkland Islands.

*Henriette Josephine Ricketts, of Sea Lion Island, Falkland Islands, deceased.*

Whereas Ernesto Guillermo Rowe, Attorney for Monsieur Jean Marie Orriere, Madame Clemence Victoire Dugas and Madame Jeanne Victorine Delcourt, who reside in France, has applied for Letters of Administration to administer the Estate of the deceased.

These are therefore to warn the creditors that Letters of Administration *de bonis non*, will be granted provided no caveat be entered in the Supreme Court within twenty-one days of the date hereof.

27th May, 1949.

L. 8/49.

H. BENNETT,

*Registrar, Supreme Court.*

Stanley, Falkland Islands.

Instrument under the Public Seal of the Colony of the Falkland Islands appointing NORMAN KEITH CAMERON, ESQUIRE, J.P., to be a Member of the Executive Council.

MILES CLIFFORD — *By His Excellency GEOFFREY MILES CLIFFORD, Esquire, Companion of the Most Distinguished Order of Saint Michael and Saint George, Officer of the Most Excellent Order of the British Empire, upon whom has been conferred the Efficiency Decoration, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies and Vice Admiral thereof.*

[L.S.]

WHEREAS by certain Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster the 13th day of December, 1948, constituting the office of Governor and Commander-in-Chief in and over the Colony of the Falkland Islands, it is amongst other things declared that there shall be an Executive Council in and for the said Colony which shall consist of such persons as may be directed under the Royal Sign Manual and Signet.

AND WHEREAS by instructions under the Royal Sign Manual and Signet, bearing date the 13th day of December, 1948, it is declared that the Governor in pursuance of instructions from His Majesty the King through one of his Principal Secretaries of State, may, from time to time, appoint persons other than *ex-officio* Members to be Members of the Executive Council of the Colony,

NOW THEREFORE, I, GEOFFREY MILES CLIFFORD, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, having received such instructions from the Right Honourable the Secretary of State for the Colonies, do hereby appoint

NORMAN KEITH CAMERON, ESQUIRE, J.P.,

to be a Member of my Executive Council.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony at Government House, Stanley, this 3rd day of May, in the Year of our Lord One thousand Nine hundred and Forty-nine.

*By His Excellency's Command,*

R. WINTER,

*Acting Colonial Secretary.*

Assented to in His Majesty's name this 26th day of May, 1949.

MILES CLIFFORD,  
*Governor.*

[L.S.]

No. 2



1949.

**Colony of the Falkland Islands and its Dependencies.**

IN THE THIRTEENTH YEAR OF THE REIGN OF  
**HIS MAJESTY KING GEORGE VI.**

G. M. CLIFFORD, C.M.G., O.B.E., E.D.,  
*Governor.*

**An Ordinance**

**To consolidate the law relating to  
Dangerous Drugs.**

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof as follows—

1. This Ordinance may be cited as the Dangerous Drugs Short title.  
Ordinance, 1949.
2. In this Ordinance unless the context otherwise requires— Interpretation.  

“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 in the Colony of the Falkland Islands.

Governor in Council  
may add to the  
Schedule.

3. If it appears to the Governor in Council that any new drug or drugs not previously specified may be productive, if improperly used, of ill effects, then the Governor in Council may by Proclamation declare the said drugs to be "dangerous drugs" within the meaning of this Ordinance.

Restriction of imports  
or sale or distribution  
of dangerous drugs.

4. Any person who cultivates, imports, manufactures, exports, supplies, procures, sells, or gives away any dangerous drugs or their derivatives in the Colony, save under licence or authorisation of the Senior Medical Officer in the manner 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 Officer, 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.

Import of dangerous  
drugs.

5. (1) An import authorisation permitting the importation of any dangerous drug specified therein may be granted by the Senior Medical Officer of the Colony, 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.

(2) Where an import authorisation is issued in pursuance of sub-section (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.

Sale of dangerous  
drugs to be entered  
in a book.

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.

(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 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 dangerous  
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.

## 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 inquire of such purchases; 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.

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.

Rules to be observed in the sale of poisons.

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 known 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 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 at any time or times within one month from the date of the warrant to enter, if necessary by force the premises named in the warrant and to search the premises 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.

15. The Governor in Council may make regulations governing—

Governor in Council may make regulations.

- (a) the export of dangerous drugs from the Colony;

- (b) dangerous drugs in transit;
- (c) supply and distribution within the Colony under the supervision of Medical Practitioners registered under the Medical Practitioners, Midwives, and Dentists Ordinance, 1914;
- (d) generally the effective administration of this Ordinance.

**Exemptions to Ordinance.**

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 medicine;
- (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.

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.

**Offences.**

18. Any person who :

- (a) acts in contravention of or fails to comply with any regulations 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, 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.

**Penalties.**

19. Every person guilty of an offence against this Ordinance shall in respect of each offence be liable -

- (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.

20. This Ordinance shall be in force in the Dependencies as well as in the Colony. Application of Ordinance.

21. The Poisons Ordinance, 1914; the Dangerous Drugs Ordinance, 1925; the Dangerous Drugs (Amendment) Ordinance, 1932; the Dangerous Drugs (Amendment) Ordinance, 1934; the Dangerous Drugs (Amendment) Ordinance, 1935, and the Dangerous Drugs Ordinance, 1944 are hereby repealed. Repeals:

6 of 1914.  
8 of 1925.  
9 of 1932.  
10 of 1934.  
2 of 1935.  
3 of 1944.

## 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. Dihydrohydroxycodone, dihydrocodeinone, 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. Acetyldihydrocodeinone (acedicone) and its salts and any preparation, admixture, extract or other substance containing any proportion of acetyldihydrocodeinone.
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.

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## 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.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,  
*Clerk of the Legislative Council.*

Assented to in His Majesty's name this 26th day of May, 1949.

MILES CLIFFORD,  
*Governor.*

[L.S.]

No. 3



1949.

Colony of the Falkland Islands and its Dependencies.

IN THE THIRTEENTH YEAR OF THE REIGN OF  
**HIS MAJESTY KING GEORGE VI.**

G. M. CLIFFORD, C.M.G., O.B.E., E.D.,  
*Governor.*

**An Ordinance**

**To provide for the grant of Probate  
and the Administration of Estates.**

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

1. This Ordinance may be cited as the Administration of Estates Ordinance, 1949. Short title.

2. In this Ordinance where the context so admits : 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 Applications for Probate and Letters of Administration.

(1) in the case of a will, state the date of death of the testator, that the document produced is believed to be his last will and testament, that the petitioner is the person named as the executor and that to the best of the petitioner's knowledge and belief there is no later will of the testator;

(2) in the case of an intestacy state the date of death of the intestate and the grounds on which the petitioner applies for letters of administration;

(3) in the case of a petition for letters of administration with the will annexed state that either no executors were appointed

or that they are dead or have renounced probate and the capacity in which the petitioner is entitled.

Letters of Administration 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 on 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 shew 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 a petition verified by affidavit in Court praying that such will be proved in solemn form and such petition shall be dealt with as other petitions to the Court.

Substitution of administrator for absentee personal representative.

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 of the executor or administrator having 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.

(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.

Proceedings.

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

Service of citations etc.

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.

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 interrogatives 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 Administrator.

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

(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.

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. Notice of Order.

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* now or performed prior to the revocation of such order shall be valid and effectual. Order may be revoked.

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. Moneys to be paid into Savings Bank.

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 : Distribution of estate.

(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.

Kindred to be advertised for.

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.

Claims for balances of unrepresented estates.

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.

Resealing probates etc. granted outside the Colony.

21. (1) When a Court of Probate in any part of the British Empire has granted probate or letters of administration in respect of the estate of a deceased person the probate or letters may on being produced to, and a copy thereof deposited with the Court, 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.

(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 correct by or under the authority to the Court granting the same, shall have the same effect as the original.

Rules of Court.

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

Repeals.

9 of 1901  
4 of 1936  
6 of 1936  
11 of 1944.

23. The Probate and Unrepresented Estates Ordinance 1901, the Probate and Unrepresented Estates (Amendment) Ordinance, 1936, the Administration of Intestate Estates Ordinance, 1936, and the Probate and Unrepresented Estates (Amendment) Ordinance, 1944 are hereby repealed.

Application.

24. This Ordinance shall apply to the Dependencies.

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This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,  
*Clerk of the Legislative Council.*

Assented to in His Majesty's name this 26th day of May, 1949.

MILES CLIFFORD,  
*Governor.*

[L.S.]

No. 4



1949.

**Colony of the Falkland Islands and its Dependencies.**

IN THE THIRTEENTH YEAR OF THE REIGN OF  
**HIS MAJESTY KING GEORGE VI.**

G. M. CLIFFORD, C.M.G., O.B.E., E.D.,  
*Governor.*

**An Ordinance**

**To amend and consolidate the law as to  
Estate Duty.**

BE IT ENACTED by the Governor of the Colony of the Falkland Islands with the advice and consent of the Legislative Council thereof, as follows—

1. This Ordinance may be cited as the Estate Duty Ordinance, 1949. Short title
2. In this Ordinance unless the context otherwise admits : Definitions.
  - “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 monies 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;
  - “Colony” means the Colony of the Falkland Islands including its Dependencies;
  - “Treasurer” means the Treasurer for the time being of the Colony and any person appointed by the Governor under section 3 of this Ordinance.

## Administration.

3. This Ordinance shall be administered and estate duty shall be collected by the Treasurer on behalf of the Government: 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.

## Charge of estate duty.

4. (1) On and after the date of this Ordinance, estate duty at the graduated rates shewn 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").

(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.

## Instructions as to estate duty.

(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 five 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.

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 shewn in the Schedule to this Ordinance.

Principles for computing estate duty.

(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 shewn 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 difference of 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 shewn 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 shewn 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.

Postponement 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.

Power to raise duty by sale of mortgage.

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.

Estate duty to be borne rateably.

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.

Personal representative etc. to produce documents and attend examination.

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 -

- (a) make and deliver to the Treasurer an affidavit giving to the best of his knowledge and belief answers to any 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 as approved 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.

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.

Assessment by  
Treasurer.

(2) The Treasurer may at any time revoke or reduce an assessment when it is shewn to his satisfaction to be erroneous or excessive and may make a further assessment in respect of the same property.

19. The Treasurer shall refund any excess estate duty when it is shewn to his satisfaction that too much duty has been paid.

Refund of overpaid  
duty.

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.

Appeals against  
assessment etc.

(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.

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.

Recovery of estate  
duty.

(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 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.

Estate duty a charge on deceased's estate.

22. (1) The whole estate duty shall be a first charge on the estate of the deceased.

(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.

Certificate of discharge.

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.

(2) A person liable for estate duty, other than a personal representative may after two years of 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 and 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.

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.

No grant to probate without certificate of Treasurer.

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 the 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 on if sent by registered post to such place of abode or business.

Notices.

28. The Governor of the Colony 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. (1) 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.

Penalties.

(2) Any person guilty of an offence against this Ordinance shall be liable to a fine not exceeding Two hundred pounds or to a term of imprisonment not exceeding one year or both such fine and imprisonment.

30. Section 22 of the Probate and Unrepresented Estates Ordinance 1901 is hereby repealed.

Repeal.

SCHEDULE

RATE OF ESTATE DUTY.

								Rate of Duty.	
Not exceeding	£100	...	...	...	...	...	...	Nil.	
Exceeding	£100 but not exceeding	£300	...	...	...	...	...	£1 : 10 : 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 .. "	

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,  
*Clerk of the Legislative Council.*

Assented to in His Majesty's name this 26th day of May, 1949.

MILES CLIFFORD.

*Governor.*

[L.S.]

No. 5



1949.

**Colony of the Falkland Islands and its Dependencies.**

IN THE THIRTEENTH YEAR OF THE REIGN OF

**HIS MAJESTY KING GEORGE VI.**

G. M. CLIFFORD, C.M.G., O.B.E., E.D.,

*Governor.*

**An Ordinance**

To make provision as to the immunities, privileges and capacities of international organizations of which His Majesty's Government in the United Kingdom and foreign governments are members and for purposes connected therewith.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

1. This Ordinance may be cited as the Diplomatic Privileges (Extension) Ordinance 1949. Short title.

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. Privileges, immunities and capacities of certain international organisations and their staffs.

(2) The Governor may by Order in Council :—

(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 I.

## 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;

## Schedule Part III.

- (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 IV.

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 sub-section, except in so far as the operation of the said Part IV is excluded by the Order conferring the immunities and privileges.

(3) Where immunities and privileges are conferred on any persons by an Order in Council made under the last foregoing sub-section, the Governor –

- (a) shall compile a list of the persons entitled to immunities and privileges conferred under paragraph (b) of that sub-section, and may compile a list of the persons entitled to immunities and privileges conferred under paragraph (c) of that sub-section;
- (b) shall cause any list compiled under this sub-section 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 sub-section 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 representatives 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 sub-section 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.

4. This Ordinance shall, in its application to the United Nations, have effect subject to the following modifications –

Application to United Nations.

- (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 sub-section (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.

6. This Ordinance shall apply to the Dependencies.

Application.

7. The United Nations Privileges Ordinance 1948 is hereby repealed.

Repeal  
No. 15 of 1948.

## 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.

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This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,

*Clerk of the Legislative Council.*

Assented to in His Majesty's name this 26th day of May, 1949.

MILES CLIFFORD,  
*Governor.*

[L.S.]

No. 6



1949.

**Colony of the Falkland Islands and its Dependencies.**

IN THE THIRTEENTH YEAR OF THE REIGN OF

**HIS MAJESTY KING GEORGE VI.**

G. M. CLIFFORD, C.M.G., O.B.E., E.D.,  
*Governor.*

**An Ordinance**

**To amend the Interpretation and General Law Ordinance, 1900.**

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof as follows—

1. This Ordinance may be cited as the Interpretation and General Law Ordinance, 1949. Short title.

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 : Interpretation.

“Act” means an Act of Parliament of the United Kingdom in force in the Colony.

“British Empire” means His Majesty's dominions, British protectorates and protected States and territories 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.

"the Colony" means the Colony of the Falkland Islands and its Dependencies.

"Colonial waters or territorial waters" means the sea surrounding the Colony over which His Majesty has or may have jurisdiction.

"commencement" means, with reference to an Ordinance, the time at which the Ordinance comes into operation.

"Common law" means the Common law of England.

"contravention" means in relation to any requirement or condition prescribed in any Ordinance, 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.

"dues" means rates taxes and duties.

"estate" means any estate, right, title, interest, claim or demand in to or upon property.

"folio" means 72 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.

"Imperial Order-in-Council" means any prerogative 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.

"Law" means the common law, rules of equity, and general statutes in England, so far as they may be applicable to the Colony, and any Ordinance, Proclamation, Order in Council, Regulation or bye-law in force for the time being.

"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 other than as a servant or caretaker.

"owner" means a person receiving the rent of 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" means any corporation, club, society, or other body or one or more persons of any age and either of the male or female sex.

"Proclamation" means a proclamation of the Governor under the Public Seal.

"property" means any land or personal chattels in which a right of ownership exists or may exist.

"Public Seal" means the Public Seal of the Colony.

"Registrar" means the Registrar of the Supreme Court.

"The Secretary of State" means His Majesty's Principal Secretary of State for the Colonies.

"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 16 of this Ordinance.

"United Kingdom" means Great Britain and Northern Ireland.

"vessel" means 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 board in Stanley for one week before its introduction, unless the Governor in Publication of draft Ordinances.

- 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.
- Disallowance. 5. An intimation of the disallowance by His Majesty of any Ordinance shall be published in the Gazette.
- When Ordinances 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 evidence. 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, Regulations etc. 10. 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.
- Appointments. 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.
- Under Act. (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.
- Officer acting. (3) Any reference to a public officer shall include the person for the time being lawfully exercising the duties and functions of such officer.
- Power to fill vacancies. (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 during temporary absence. (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.
- Dismissal etc. (6) Where a power of appointment is conferred by any Ordinance the power shall also be implied to remove, dismiss, suspend, re-appoint, or re-instate, any person appointed in exercise of the power unless the contrary intention is expressed in the Ordinance.

(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.

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.

Disposal of fines 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.

Commissions, Boards etc.

(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.

14. The common law, rules of equity, and the general statutes in force in England on the 1st day of January, 1948 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.

Law of England in force.

15. The Governor in Council may, when it is considered convenient for the more efficient operation of any Ordinance or any other purpose, divide, sub-divide, and re-divide the Colony into districts, or alter the boundaries of any such districts.

Division of Colony into districts.

16. 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.

17. This Ordinance shall apply to the Dependencies.

Operation.

18. The following sections of the Interpretation and General Law Ordinance 1900 are hereby repealed :—

Repeal part of No. 3 of 1900.

Sections 1 to 12 (inclusive); 15 to 21 (inclusive); 26, 28, 29, 30 (a) and 31.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,

*Clerk of the Legislative Council.*

Assented to in His Majesty's name this 26th day of May, 1949.

MILES CLIFFORD,  
*Governor.*

[L.S.]

No. 7



1949.

**Colony of the Falkland Islands and its Dependencies.**

IN THE THIRTEENTH YEAR OF THE REIGN OF  
**HIS MAJESTY KING GEORGE VI.**

G. M. CLIFFORD, C.M.G., O.B.E., E.D.,  
*Governor.*

**An Ordinance**

**To amend the Administration of Justice Ordinance 1949.**

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

Short title.

1. This Ordinance may be cited as the Administration of Justice (Amendment) Ordinance 1949 and shall be read and construed as one with the Administration of Justice Ordinance 1949.

Rehearing.

2. The Administration of Justice Ordinance 1949 shall be amended by the addition of the following section after section 51 thereof :

“51A. (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.”

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,  
*Clerk of the Legislative Council.*

Assented to in His Majesty's name this 26th day of May, 1949.

MILES CLIFFORD,

*Governor.*

[L.S.]

No. 8



1949.

## Colony of the Falkland Islands and its Dependencies.

IN THE THIRTEENTH YEAR OF THE REIGN OF

HIS MAJESTY KING GEORGE VI.

G. M. CLIFFORD, C.M.G., O.B.E., E.D.,

*Governor.*

### An Ordinance

### To amend the Income Tax Ordinance, 1939.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as the Income Tax (Amendment) Ordinance 1949 and shall be read and construed as one with the Income Tax Ordinance 1939 (hereinafter referred to as the Principal Ordinance).

Short title.

2. Section 5 of the Principal Ordinance shall be amended by substituting the words "accruing in or derived from the Colony or elsewhere and whether received in the Colony or not" for the words "accruing in, derived from or received in the Colony in respect of" in lines 5 and 6 thereof and by the addition of the following proviso at the end of that section:

Amendments to Principal Ordinance.

Section 5.

"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".

3. Section 22 of the Principal Ordinance shall be amended as follows—

Section 22.

(a) in sub-section (1) thereof by substituting the words "double taxation relief being let out of account" for the words "as reduced by any relief granted under sections 19, 46 and 47 of this Ordinance" in lines 3 and 4 thereof.

- (b) In subsection (2) by the addition of the following words at the end thereof :

“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 relief into account”.

- (c) by the addition of the following subsection at the end thereof :

Double taxation  
relief : definition.

“(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 47A 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”.

Section 24.

4. Section 24 of the Principal Ordinance shall be amended by deleting the words “and received therein” and by substituting the word “to” for “by” in line 2 thereof.

5. The Principal Ordinance shall be amended by the addition of the following sections after section 47 thereof :

Section 47A.  
Double taxation  
relief:  
Order in Council.

47A. (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.

(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 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 except in so far as the arrangements otherwise provide.

(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 or 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.

Section 47B.  
Amount of relief.

47B. The provisions of this section shall have effect where, under arrangements having effect under section 47A 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.

(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 47A 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 preceding 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 47A 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 47A 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 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.

**Section 47C.**  
**Relief for companies.**

47C. (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 54 of this Ordinance, in respect of the tax deductible from any dividend paid by the company shall be reduced as follows :

- (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.

6. This Ordinance shall come into force on the 1st day of Operation.  
January, 1949.

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This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,

*Clerk of the Legislative Council.*

Assented to in His Majesty's name this 26th day of May, 1949.

MILES CLIFFORD,  
*Governor.*

[L.S.]

No. 9



1949.

# Colony of the Falkland Islands and its Dependencies.

IN THE THIRTEENTH YEAR OF THE REIGN OF  
HIS MAJESTY KING GEORGE VI.

G. M. CLIFFORD, C.M.G., O.B.E., E.D.,  
*Governor.*

## An Ordinance

To provide for the maintenance of a Central Registry and the regulation of all matters to be registered therein.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof as follows—

Short title.

1. This Ordinance may be cited as the Registration Ordinance 1949.

Definitions.

2. Where the context so admits in this Ordinance and any Regulations made thereunder

“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.

4. (1) The Registrar General shall be responsible for the proper registration of all matters required to be registered under section 3 hereof.

Registrar General.

(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.

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.

Records etc. to form Central Registry.

6. (1) The father or mother of every child born alive in the Colony and its Dependencies, or in the case of the death, illness or 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 particulars 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 the deceased present at the death or in attendance during the last illness, or in default 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 body if such death or finding occurred in Stanley or within 14 days if it occurred elsewhere and shall sign the register.

Information as to death.

(2) Any person whose duty it is to register a death who shall fail within twelve months of the date of death of 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.

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

Ministers to keep registers of baptisms and burials.

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 etc. 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 all registers, records, books, papers, maps, safes keys and other documents 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.

Regulations.

12. The Governor in Council may make Regulations for the administration of this Ordinance and impose penalties for any breach thereof.

Repeals. 12 of 1853  
7 of 1938.

13. The Registration Ordinance 1853 and the Registration (Amendment) Ordinance 1938 are hereby repealed.

Operation.

14. This Ordinance shall apply to the Dependencies.

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This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,

*Clerk of the Legislative Council.*

Assented to in His Majesty's name this 26th day of May, 1949.

MILES CLIFFORD,  
*Governor.*

[L.S.]

No. 10



1949.

# Colony of the Falkland Islands and its Dependencies.

IN THE THIRTEENTH YEAR OF THE REIGN OF

HIS MAJESTY KING GEORGE VI.

G. M. CLIFFORD, C.M.G., O.B.E., E.D.,  
*Governor.*

## 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.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

1. This Ordinance may be cited as the Trade Disputes (Arbitration) Ordinance 1949. Short title.

2. (1) In this Ordinance where the context so admits — 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. Application.

Trade disputes may be reported to the Governor.

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.

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.

(3) 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.

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 sub-section (2) hereof was first obtained.

Award of Board not to conflict with any law.

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.

Publication of the award.

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.

Interpretation 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.

Evidence.

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 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.

9. It shall be in the discretion of a Board to permit any interested person to appear by counsel or solicitor on any proceedings before such Board. Appearance of Counsel or Solicitor.

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. Sitting may be public or private.

(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 proceeding 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.

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. Rules of procedure.

12. (1) 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. Expenses.

(2) Any expenses incurred in the operation of this Ordinance and approved of by the Governor shall be paid out of the general revenues of the Colony.

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This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,  
*Clerk of the Legislative Council.*

Assented to in His Majesty's name this 26th day of May, 1949.

MILES CLIFFORD,  
*Governor.*

[L.S.]

No. 11



1949.

**Colony of the Falkland Islands and its Dependencies.**

IN THE THIRTEENTH YEAR OF THE REIGN OF  
**HIS MAJESTY KING GEORGE VI.**

G. M. CLIFFORD, C.M.G., O.B.E., E.D.,  
*Governor.*

**An Ordinance**

**To provide for the maintenance of a  
Police Force and Prison.**

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council, thereof, as follows —

**Short title.**

1. This Ordinance may be cited as the Police and Prison Ordinance, 1949.

**Definitions.**

2. In this Ordinance and any Regulations made thereunder where the context so admits

“constable” means the Chief Constable and any other police officer appointed under this Ordinance.

**PART I — POLICE.**

**Appointment 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.

4. On appointment a constable shall take the following oath before a Justice – Oath.

"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, 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 II – PRISONS.

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. Governor may appoint any place to be a prison.

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. Visiting Justices.

(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 6 months or to a fine not exceeding £20 or 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.

Illness.

13. A prisoner shall be removed from prison to the hospital on a certificate signed by the Senior Medical Officer stating the nature of the illness and that the removal is necessary for his restoration to health, countersigned by the Magistrate, and delivered to the Chief Constable.

Coroner to be informed of death.

14. The Chief Constable shall give immediate notice of the death of any prisoner to the Coroner.

Burial of body of executed prisoner.

15. The body of every offender executed shall be buried in such place as the Governor may, by writing under his hand, appoint.

### PART III - GENERAL.

Regulations.

16. The Governor in Council may make regulations as to—

- (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.

Repeals: 5 of 1898,  
5 of 1902 (part)

17. The Gaols Ordinance 1898 and sections 10 to 15 (inclusive) of the Summary Jurisdiction Ordinance 1902 are hereby repealed.

Operation.

18. This Ordinance shall apply to the Dependencies.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE.

*Clerk of the Legislative Council.*





# The Falkland Islands Gazette Extraordinary

Published by Authority.

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VOL. LVIII.

JUNE 10, 1949.

No. 9.

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## NOTICES.

The following Notices etc., are published by command of the Officer Administering the Government.

R. WINTER,  
*Acting Colonial Secretary.*

No. 33.

8th June, 1949.

**Departure from the Colony of His Excellency the Governor on leave of absence.**

It is hereby notified, for general information, that His Excellency Geoffrey Miles Clifford, Esquire, C.M.G., O.B.E., E.D., Governor and Commander-in-Chief, left the Colony this day for the United Kingdom on leave of absence.

M.P. P/363/III.

No. 35.

9th June, 1949.

### King's Birthday Honours.

His Majesty the King has been graciously pleased to approve the following appointments :—

*To the Most Excellent Order of the British Empire*

HIS EXCELLENCY GEOFFREY MILES CLIFFORD, ESQUIRE,

Companion of the Most Distinguished Order of Saint Michael and Saint George, Officer of the Most Excellent Order of the British Empire, upon whom has been conferred the Efficiency Decoration, to be a Knight Commander or K.B.E.

MISS MADGE BRIDGET FRANCES BIGGS

to be a Member of the Fifth Class (Civil) or M.B.E.

M.P. 0107/C.

No. 1.

## Proclamation

1949

IN THE NAME of His Majesty GEORGE VI., by the Grace of God of Great Britain, Ireland and the British Dominions beyond the Seas King, Defender of the Faith, &c., &c.

M. R. RAYMER — *By the Honourable MICHAEL ROBERT RAYMER, Esquire, Officer Administering the Government of the Colony of the Falkland Islands and its Dependencies, &c., &c.*  
[L.S.]

WHEREAS by the seventh clause of the Letters Patent passed under the Great Seal of the United Kingdom, dated the 13th December, 1948, constituting the office of Governor and Commander-in-Chief of the Colony of the Falkland Islands and its Dependencies, it is provided that "whenever the Office of Governor is vacant, or the Governor is absent from the Colony or is from any cause prevented from, or incapable of, acting in the duties of his Office, then such other person as We may appoint under Our Sign Manual and Signet, or if there is no such person in the Colony so appointed and capable of discharging the duties of the administration, the Senior Member of the Executive Council then in the Colony and so capable, shall, during Our pleasure, administer the Government of the Colony".

AND WHEREAS His Excellency GEOFFREY MILES CLIFFORD, Esquire, Companion of the Most Distinguished Order of Saint Michael and Saint George, Officer of the Most Excellent Order of the British Empire, upon whom has been conferred the Efficiency Decoration, has this day left the Colony on leave of absence:

AND WHEREAS no person has been appointed under the Royal Sign Manual and Signet to administer the Government of this Colony in the absence of the Governor:

NOW, THEREFORE, I, MICHAEL ROBERT RAYMER, Colonial Secretary of the Falkland Islands, the Senior Member of the Executive Council aforesaid, do hereby proclaim and make known that, in pursuance of the said clause of the said Royal Letters Patent and having taken the oaths prescribed by law, I have this day assumed the Administration of the Government of this Colony and its Dependencies.

GOD SAVE THE KING.

Given at Government House, Stanley, this 8th day of June, in the Year of Our Lord. One thousand Nine hundred and Forty-nine.

*By Command of the*  
*Officer Administering the Government,*  
R. WINTER,  
*Acting Colonial Secretary.*

M.P. P/459.



# The Falkland Islands Gazette

Published by Authority.

Vol. LVIII.

JULY 1, 1949.

No. 10.

## NEW APPOINTMENT.

<i>Name</i>	<i>Department</i>	<i>Office</i>	<i>Date</i>	<i>Remarks</i>
Redmond, Miss K. M.	Education	Assistant Mistress	29.5.49.	—

## PROMOTION.

	<i>From</i>	<i>To</i>	<i>Date</i>
King, V. T.	Assistant Printer, Grade III. Old conditions of Service.	Assistant Printer, Grade II.	1.3.49.

## NOTICES.

The following Notices etc., are published by command of the Officer Administering the Government.

R. WINTER.

*Acting Colonial Secretary.*

No. 34.

8th June, 1949.

Intimation has been received from the Right Honourable the Secretary of State for the Colonies to the effect that His Majesty will not be advised to exercise his power of disallowance in respect of the following Ordinance of the Legislature of the Falkland Islands:—

Ordinance No. 20 of 1948, entitled "Road Traffic Ordinance 1948".

M.P. 0705.

No. 36.

The following Schedule of cost of living Index figures shewing the cost of articles during the years 1938 and 1948 for the Falkland Islands is published for general information:—

## SCHEDULE.

## GROUP 1. FOODSTUFFS.

380 POINTS.

COMMODITY	1938			1948			Percentage increase	Weight	Factor
	£	s.	d.	£	s.	d.			
Bread ... ..	1	:	0	1	:	2	16.7	5	83.5
Flour, cakes ... ..	1	:	7	1	:	12	16.5	55	907.5
Meat, beef, fresh ... ..			3½			3½	Nil	90	—
Milk, fresh ... ..			4			4	Nil	30	—
Milk, tinned ... ..	5	:	9	15	:	6	169.6	20	3392.0
Butter ... ..	1	:	6	2	:	6	66.6	25	1665.0
Eggs (average) ... ..	2	:	6	2	:	6	Nil	15	—
Tea, coffee ... ..	2	:	0	3	:	0	50.0	15	750.0
Sugar ... ..			2			6	200.0	10	2000.0
Syrup, Jams ... ..			11	1	:	9	191.0	15	2865.0
Beans, dried ... ..			5	1	:	2	180.0	5	900.0
Vegetables, fresh ... ..			2½			2½	Nil	5	—
Fruit, fresh ... ..	2	:	6	2	:	6	Nil	10	—
Sauces and Pickles ... ..	1	:	4	2	:	3	69.0	10	690.0
Miscellaneous ... ..			—			—	70.0	70	4900.0
							47.77		18153.0

## GROUP 2. CLOTHING.

110 POINTS.

	1938			1948			Percentage increase	Weight 22	Factor
	£	s.	d.	£	s.	d.			
<b>MEN'S OUTER WEAR</b>									
Overcoat ... ..	1	17	6	6	11	0	259.3		
Trousers ... ..		10	6	1	12	0	203.7		
Maori Coat ... ..	2	0	0	4	12	6	131.2		
Cap ... ..		5	0		8	9	75.0		
Overalls ... ..		6	6		10	0	53.8		
Suit ... ..	3	0	0	8	0	0	166.6		
							172.25		3789.5
<b>MEN'S UNDER WEAR.</b>									
Shirt, working ... ..		3	9		5	0	33.3	9	
Shirt, tunic ... ..		7	0		17	6	150.0		
Vest ... ..		2	6		4	6	80.0		
Pants ... ..		2	6		5	0	100.0		
Socks ... ..		1	9		4	0	128.5		
							105.7		951.3
<b>MEN'S FOOTWEAR</b>									
Boots, work ... ..		10	0		15	0	50.0	9	
Shoes ... ..		15	0	1	15	0	133.3		
Boots, rubber ... ..		13	0	1	7	3	109.5		
							103.3		929.7
<b>WOMEN'S OUTER CLOTHING</b>									
Costume ... ..	2	5	0	5	2	6	127.7	24	
Overcoat ... ..	2	3	0	6	5	0	190.9		
Blouse ... ..		7	0		18	9	167.4		
Dress, light ... ..		18	9	3	10	0	272.7		
Dress, woollen ... ..	1	4	0	4	10	0	275.0		
Hat ... ..		3	6		13	9	294.2		
Gloves ... ..		3	9		12	6	234.4		
							198.27		4758.5
<b>WOMEN'S UNDER CLOTHING</b>									
Slip ... ..		7	3		8	0	10.3	9	
Knickers ... ..		3	0		5	0	66.6		
Vest ... ..		1	10		3	6	90.9		
Corsets ... ..		7	0	1	0	0	185.7		
Hose, Rayon ... ..		2	6		5	0	100.0		
.. Lisle ... ..		2	6		5	0	100.0		
Sanitary Towels ... ..		1	6		3	6	133.3		
							95.4		858.6
<b>WOMEN'S FOOTWEAR</b>									
Shoes, walking ... ..		13	0	1	8	0	115.3	10	
Shoes, fashion ... ..		14	0	1	8	0	100.0		
Slippers ... ..		4	0		6	0	50.0		
							100.0		1000.0
<b>CHILDREN'S UNDER CLOTHING</b>									
Shirt, boy's ... ..		3	9		7	6	100.0	4	
Vest, boy's ... ..		2	0		5	6	175.0		
Socks, boy's ... ..		2	6		5	6	120.0		
Knickers, girl's ... ..		2	3		4	6	100.0		
Ankle Socks, girl's ... ..		1	3		2	6	100.0		
Gown, infant's ... ..		5	0		10	0	100.0		
Diapers, infant's ... ..		1	0		4	0	300.0		
							122.5		490.0
<b>CHILDREN'S OUTER CLOTHING</b>									
Suit, boy's ... ..		18	6	1	17	0	100.0	9	
Jersey ... ..		4	6		8	6	88.8		
Raincoat ... ..		17	6	2	10	0	185.8		
Gym Tunic ... ..		10	0	1	2	6	125.0		
Dress, cotton ... ..		3	11		12	0	208.2		
Coat, girl's ... ..	1	6	0	3	10	0	169.2		
Gloves ... ..		1	9		3	0	71.4		
							147.06		1323.5
<b>CHILDREN'S FOOTWEAR</b>									
Shoes or boy's Rubbers		6	3	1	1	0	236.2	7	
Shoes, strong, girl's ... ..		5	0		15	6	209.0		
Plimsolls or child's Sandals		2	6		7	6	200.0		
Rubbers, child's ... ..		3	6		13	9	113.8		
							200.0		1400.0

	1938	1948	Percentage increase	Weight 7	Factor
<b>CLOTHING MATERIALS</b>					
Dress material, rayon cotton print ...	5 : 0	13 : 0	160.0		
Coating ...	8 : 6	1 : 0 : 0	135.3		
Knitting Wool, baby ordinary ...	10 9	1 : 6 1 : 3	80.0 66.6		
Flannelette ...	2 : 0	4 : 0	100.0		
			132.7		928.9
<b>SUMMARY OF CLOTHING</b>					
Men's Outer Wear ...			172.25	22	3789.5
.. Under Wear ...			105.70	9	951.3
.. Footwear ...			103.30	9	929.7
Women's Outer Wear ...			198.27	24	4758.5
.. Under Wear ...			95.40	9	858.6
.. Footwear ...			100.0	10	1000.0
Children's Outer Wear ...			147.06	9	1323.5
.. Under Wear ...			122.50	4	490.0
.. Footwear ...			200.0	7	1400.0
Clothing Materials ...			132.70	7	928.9
			149.36		16430.0
<b>GROUP 3. FUEL AND LIGHT.</b>					
				75 POINTS.	
ARTICLE	£ s. d.	£ s. d.			
Peat carting (Average)	8 : 0	9 : 9	21.5	35	752.5
Electricity ...		9	Nil	30	—
Paraffin ...	2 : 0	2 : 6	25.0	10	250.0
			13.4		1002.5
<b>GROUP 4. HOUSEHOLD DURABLE GOODS.</b>					
				85 POINTS.	
FURNITURE	£ s. d.	£ s. d.		22	
Mattress, single ...	2 : 15 : 0	5 : 4 : 0	89.0		
Bedstead, iron ...	1 : 10 : 6	2 : 11 : 0	67.1		
			81.3		1788.6
APPLIANCES				28	
Radio set ...	13 : 0 : 0	23 : 0 : 0	77.0		
Cycle ...	5 : 0 : 0	10 : 0 : 0	100.0		
Sewing Machine ...	5 : 10 : 0	13 : 13 : 6	148.6		
Perambulator ...	4 : 5 : 0	12 : 16 : 6	201.7		
Clock, alarm ...		5 : 0	320.0		
Wringer ...	2 : 10 : 0	4 : 13 : 0	86.0		
Records, gramophone	2 : 0	3 : 3	62.5		
			113.6		3180.8
FLOOR COVERINGS				12	
Linoleum ...	5 : 3	15 : 0	185.5		
Hearthrug ...	15 : 0	3 : 0 : 0	300.0		
Carpet, stair ...	4 : 6	1 : 2 : 3	395.5		
			292.9		3514.8
DRAPERY AND SOFT FURNISHINGS				12	
Sheets, double pr. ...	16 : 0	3 : 0 : 0	275.0		
Blankets, each ...	15 : 0	2 : 16 : 0	273.3		
Curtain net, yd. ...	1 : 6	5 : 0	233.3		
Casement cloth ...	2 : 6	15 : 0	500.0		
Towel ...	1 : 9	7 : 0	300.0		
Towel, tea ...		2 : 6	200.0		
			287.1		3445.2
HARDWARE, POTTERY, GLASS				11	
Bucket ...	2 : 3	9 : 0	300.0		
Kettle & Saucepan ...	5 : 9	14 : 0	143.4		
Wash Bowl ...	4 : 0	9 : 0	125.0		
Fork, garden ...	5 : 0	10 : 9	115.0		
Distemper ...	5 : 0	17 : 6	240.0		
Scrub brush & Broom	4 : 8	10 : 3	119.6		
Paint brush ...	8 : 0	1 : 2 : 3	178.0		
Cup, teapot & tumbler	3 : 8	11 : 5	211.3		
Bulb, electric light ...	1 : 6	1 : 6	Nil		
Table lamp & lampglass	4 : 4	13 : 0	200.0		
Washboard ...	2 : 6	6 : 3	150.0		
			166.6		1832.6

	1938	1948	Percentage increase	Weight	Factor
SUMMARY OF GROUP 4					
Furniture ...	...	...	81.3	22	1788.6
Appliances ...	...	...	113.6	28	3180.8
Floor Coverings ...	...	...	292.9	12	3514.8
Drapery, etc. ...	...	...	287.1	12	3445.2
Hardware, etc. ...	...	...	166.6	11	1832.6
			161.9		13762.0
GROUP 5. MISCELLANEOUS GOODS.				50 POINTS.	
SOAPS, ETC.				14	
Soap, toilet ...	...	...	100.0		
.. hard ...	1 : 1	3 : 0	176.9		
.. powder ...	6	7	16.6		
.. flakes ...	6	1 : 0	100.0		
			117.2		1640.8
MISCELLANEOUS HOUSEHOLD GOODS				15	
Soda ...	3	4	33.3		
Polish, boot ...	6	7	16.6		
.. floor ...	9	1 : 0	33.3		
.. metal ...	1 : 8	2 : 8	60.0		
Vim ...	8	1 : 3	87.5		
Matches ...	8	2 : 0	200.0		
			74.1		1111.5
MEDICINES AND TOILET REQUISITES				11	
Fruit Salts ...	3 : 6	4 : 5	26.2		
MacLean's Powder ...	2 : 3	2 : 4	3.7		
Milk of Magnesia ...	2 : 3	3 : 8	62.9		
Aspirin ...	5	5	Nil		
Tooth Paste ...	10	1 : 1	30.0		
Razor Blades ...	1 : 3	1 : 3	Nil		
Powder ...	1 : 6	3 : 3	116.6		
Hair Cream ...	1 : 4	2 : 7	93.7		
			42.5		467.5
NEWSPAPERS, STATIONERY, ETC.				10	
Books ("Penguins") ...	1 : 0	1 : 6	50.0		
Writing Pad ...	1 : 6	2 : 9	83.3		
Envelopes ...	6	8	33.3		
			63.9		639.0
SUMMARY OF GROUP 5					
Soaps, etc. ...	...	...	117.2	14	1640.8
Miscellaneous Household Goods ...	...	...	74.1	15	1111.5
Medicines, etc. ...	...	...	42.5	11	467.5
Books, etc. ...	...	...	63.9	10	639.0
			77.2		3858.8
GROUP 6. DRINKS.				55 POINTS.	
Whisky "Red" Label ...	7 : 11	19 : 2	170.6		
Gin ...	6 : 3	16 : 0	155.7		
Rum, draught ...	6 : 0	9 : 0	50.0		
			119.0		6545.0
GROUP 7. TOBACCO.				80 POINTS.	
Tobacco ...	12 : 0	17 : 6	45.6		
Cigarettes, Woodbine ...	1 : 8	3 : 0	80.0		
.. Craven "A" ...	1 : 11	3 : 4	73.9		
			52.9		4252.0
GROUP 8. RENT AND RATES				Nil	
GROUP 9. SERVICES				Nil	
GENERAL SUMMARY.					
			Percentage increase	Weight	Factor
Group 1. Foodstuffs ...	...	...	47.77	380	18153.0
2. Clothing ...	...	...	149.36	110	16430.0
3. Fuel and Light ...	...	...	13.4	75	1002.5
4. Household Durable Goods ...	...	...	161.9	85	13762.0
5. Miscellaneous Goods ...	...	...	77.2	50	3858.8
6. Drinks ...	...	...	119.0	55	6545.0
7. Tobacco ...	...	...	52.9	80	4232.0
8. Rent and Rates ...	...	...	Nil	110	—
9. Services ...	...	...	Nil	55	—
			63.98	1000	63983.3

No. 37.

16th June, 1949.

Notice is hereby given that in accordance with Section 84 of the Stanley Town Council Ordinance His Excellency the Governor has approved the following :

The Stanley Town Council (Public Health) By-laws made the 18th day of March, 1949.

The Petrol Storage By-laws made the 18th day of March, 1949.

and the Schedule of Licence Fees and Petrol Licence Conditions attached.

M.P. 0039/F.

No. 38.

20th June, 1949.

The following Universal Declaration of Human Rights, approved by the General Assembly of the United Nations, is published for general information.

M.P. 0367/II.

### Universal Declaration of Human Rights approved by the General Assembly of the United Nations.

Paris, 10th December, 1948.

#### PREAMBLE.

WHEREAS recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

WHEREAS disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people.

WHEREAS it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

WHEREAS it is essential to promote the development of friendly relations between nations,

WHEREAS the peoples of the United Nations have in the Charter<sup>o</sup> reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom.

WHEREAS Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

WHEREAS a common understanding of these rights and freedoms is of the greatest importance for the full realisation of this pledge,

NOW, THEREFORE,

THE GENERAL ASSEMBLY,

PROCLAIMS this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

#### ARTICLE 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

#### ARTICLE 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

#### ARTICLE 3

Everyone has the right to life, liberty and the security of person.

#### ARTICLE 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

#### ARTICLE 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

#### ARTICLE 6

Everyone has the right to recognition everywhere as a person before the law.

\* "Treaty Series No. 67 (1946)," Cmd. 7015.

## ARTICLE 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

## ARTICLE 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

## ARTICLE 9

No one shall be subjected to arbitrary arrest, detention or exile.

## ARTICLE 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

## ARTICLE 11

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

## ARTICLE 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

## ARTICLE 13

1. Everyone has the right to freedom of movement and residence within the borders of each State.

2. Everyone has the right to leave any country, including his own, and to return to his country.

## ARTICLE 14

1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.

2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

## ARTICLE 15

1. Everyone has the right to a nationality.

2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

## ARTICLE 16

1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

2. Marriage shall be entered into only with the free and full consent of the intending spouses.

3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

## ARTICLE 17

1. Everyone has the right to own property alone as well as in association with others.

2. No one shall be arbitrarily deprived of his property.

## ARTICLE 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

## ARTICLE 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

## ARTICLE 20

1. Everyone has the right to freedom of peaceful assembly and association.

2. No one may be compelled to belong to an association.

## ARTICLE 21

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

2. Everyone has the right of equal access to public service in his country.

3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

## ARTICLE 22

Everyone, as a member of society, has the right to social security and is entitled to the realisation, through national effort and international co-operation and in accordance with the organisation and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

## ARTICLE 23

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
2. Everyone, without any discrimination, has the right to equal pay for equal work.
3. Everyone who works has the right to just and favourable remuneration insuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
4. Everyone has the right to form and to join trade unions for the protection of his interests.

## ARTICLE 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

## ARTICLE 25

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

## ARTICLE 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
3. Parents have a prior right to choose the kind of education that shall be given to their children.

## ARTICLE 27

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

## ARTICLE 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realised.

## ARTICLE 29

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.
2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitation as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.
3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

## ARTICLE 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

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No. 39.

23rd June, 1949.

His Honour the Officer Administering the Government has been pleased to approve the following promotion and appointments in the Falkland Islands Defence Force with effect from the 21st of June, 1949 :-

*Promotion.*

LIEUTENANT D. W. O'SULLIVAN

to be CAPTAIN.

*Appointments.*

COLOUR-SERGEANT W. J. JONES

to be SECOND-LIEUTENANT.

PRIVATE T. MARSHALL

to be SECOND-LIEUTENANT.

M.P. 0206.

**REGISTRAR.***Marriage Ordinance No. 8 of 1902. para. 2.*

The Honourable Mr. Arthur Grenfell Barton, J.P., is hereby appointed to be a Registrar for the purpose of celebrating the marriage of George Robert Alazia, bachelor, and Dorothy Fay Newman, spinster, at Teal Inlet, East Falkland.

H. BENNETT,

*Registrar General.*

6th June, 1949.

L. 1/49.

**PROBATE.**

In the Supreme Court of the Falkland Islands.

*Albert John Stephen Kiddle, of Port Louis South, Falkland Islands, deceased.*

Whereas Ernest Vine Dixon, Administrator of the above estate has renounced all right and title to Letters of Administration, and the beneficiaries under the Will of the above named deceased have applied for the appointment of Morris Ellis Evans, as Administrator to administer the estate.

These are therefore to warn the creditors that Letters of Administration *de bonis non*, will be granted provided no caveat be entered in the Supreme Court within twenty-one days of the date hereof.

24th June, 1949.

L. 19/46.

In the Supreme Court of the Falkland Islands.

*Axel Richard August Pettersson, of Stanley, Falkland Islands, deceased.*

Whereas Harold Bennett and Edward Francis Lellman, Executors of the above named deceased, have applied for Letters of Administration to administer the Estate of the deceased.

These are therefore to warn the next-of-kin and the creditors that the prayer of the Petitioners will be granted provided no caveat be entered in the Supreme Court within twenty-one days of the date hereof.

17th June, 1949.

L. 16/49.

H. BENNETT,

*Registrar, Supreme Court.***Order by His Excellency the Governor in Council.**

No. 1 of 1949.

MILES CLIFFORD,

*Governor.*

In exercise of the powers vested in him by the Income Tax Ordinance, 1939, as amended by the Income Tax (Amendment) Ordinance, 1949, and with the advice of the Executive Council, His Excellency the Governor is pleased to order and it is hereby ordered:

That under and by virtue of the Double Taxation Relief (Taxes on Income) (Falkland Islands) Order, 1948, arrangements have been made with His Majesty's Government 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 the United Kingdom and that those arrangements shall have effect from the 1st day of January, 1949.

Made by the Governor in Executive Council on the 2nd day of June, 1949.

*See p. 81 Gazettes 6/67  
for schedule.*

M.P. 0527.

By Command,

R. WINTER,

*Acting Colonial Secretary.*

# LEGISLATIVE COUNCIL.

## MINUTES OF MEETING HELD ON THE 25TH MAY, 1949.

Present: His Excellency the Governor.

The Honourable Mr. R. W. S. Winter, J.P., Acting Colonial Secretary.

The Honourable the Senior Medical Officer.

The Honourable the Agricultural Officer.

The Honourable Mr. E. F. Bunting, Executive Engineer.

The Honourable Mr. D. W. Roberts, O.B.E., J.P.

The Honourable Mr. W. J. Hutchinson.

The Honourable Mr. S. C. Luxton.

The Honourable Mr. A. L. Hardy, B.E.M., J.P.

The Honourable Mr. A. G. Barton, J.P.

The Honourable Mr. K. W. Luxton, J.P.

The Honourable Mr. R. S. Bounphrey, Auditor.

The Honourable Mr. D. M. Honeyman, Officer in Charge, Education Department.

1. The Honourable Mr. R. S. Bounphrey, after taking the prescribed Oath, assumed his seat in Council:—

2. The minutes of the meeting of the Legislative Council held on the 4th of March, 1949, were confirmed.

3. His Excellency the Governor delivered to the Council the following address:—  
Honourable Members of Council.

In just a fortnight from now I shall be taking my departure from the Colony on leave of absence and as this will also mark the half-way point in my term of office it is, perhaps, an appropriate moment to assess such progress as has been achieved during that period.

Turning first to constitutional affairs, we find that Stanley has now its own Town Council with an unofficial majority, appointing its Chairman from the popularly elected members; it can thus be said that the fortunes of the Town have passed in a very real degree into the hands of its citizens which is precisely as it should be. The Council is in its first year of full operation and will, I trust, go from strength to strength; it may count always on the good will and assistance of the Administration in the teething troubles which may be expected to beset it. The important thing is that the towns-people should themselves give it their unqualified support.

A reformed Legislative Council with four of its six Unofficial Members chosen by the people came into being on the 1st January; from this innovation too I look for an ever-increasing participation by the people in their own Government and a growing sense of responsibility.

These are, you will agree Honourable Members, the two most important landmarks in the history of the Colony.

Urgent communications between the Islands which have hitherto presented a vexatious and difficult problem, as well as creating a great sense of isolation, have been greatly improved; first by the acquisition last year of the Motor Fishing Vessel "Philomel" and secondly by the introduction this year of an experimental air service. The "Philomel" has already amply justified her purchase and her value to the Colony is greatly enhanced by the departure of the Company's ship "Lafonia" and by the tragic loss in quick succession of the "Paloma" and the "Porvenir". "Philomel" has been worked pretty hard since she sailed from England eighteen months ago and is in need of minor repairs which should not, however, take long to carry out; as soon as her repairs are completed she will sail on a regular, advertised schedule dovetailing in, so far as may be possible, with the itineraries of the "Fitzroy".

The experimental air service saved a young life within a week of the assembly of the first plane and has accelerated delivery of mail to the Camp in a quite sensational way; the purchase of these two second-hand aircraft has demonstrated at small cost that the light aeroplane is in fact the solution to this particular problem. It requires now only the active and effective co-operation of the farmers and a regular, scheduled service will come into being and will be expanded just as fast as satisfactory landing fields are prepared. The possibility of an air service to the Coast is still under examination and will be further pursued while I am at home.

As regards the other aspect of Communications, a new Wireless Station with powerful, modern equipment has been erected at Stanley and another at South Georgia; both installations were improvised at very low cost and both are giving highly efficient service. Provision has been made for early replacement of the antiquated equipment at Fox Bay and, in the process, it will be possible for me to supply electric light to that Settlement.

The introduction of Radio transceiving sets to the Camp, listed for 1949/50, has been subject to some delay owing to supply difficulties but according to recent advice the sets should be here by the end of the year. It will then be for the farmers to complete their side of the bargain by arranging satisfactory communications between the Settlements and their "outside" houses; this done, the whole communications situation in the Colony will have been completely revolutionised. There will, indeed, be little left to do apart from the steady improvement of the services to which I have referred, for as I have before remarked, roads are quite out of the question.

I will turn now to social services, social betterment and social amenities. Plans for the modernisation of the King Edward VII. Memorial Hospital have been re-drafted and approved and a free grant of £35,000 has been made from the Colonial Development and Welfare Fund for carrying them into effect; on completion the Colony will possess a Hospital which will compare favourably with that of many a larger community and one which will meet all needs for as far as we can see into the future. New accommodation for the domestic staff is almost ready for occupation and work on the foundations for the new block will commence immediately.

The educational system, highly inadequate and unsatisfactory where it concerns the Camp, has been completely overhauled and my new proposals which were unanimously endorsed by a representative local committee have been approved by the Secretary of State and only await the necessary staff to begin putting them into effect. A free grant of £23,000 has been made towards the implementation of this scheme which may take anything up to seven years to get into full operation. Teacher training which is the first and most important step will begin this year.

As regards social betterment, following an interim award on the 1st November the cost of living bonus has been doubled and of the increase twopence per hour has been consolidated in the basic wage with effect from the 1st March. The minimum earnings of unskilled labour have been increased thereby from £2 12s. 6d. per week before the war to £3 15s. 0d. today. To this we must add the non-contributory scheme of Children's Allowances which was introduced on the 1st January. These measures should together be of real assistance to the worker and they represent as much as the Colony can afford.

Social amenities. Substantial progress has been made with the building of the new Town Hall despite a long tale of frustrations due to the non-arrival of essential materials ordered some two years ago but the Executive Engineer is still hoping to complete the job by the end of the year as originally forecast. This should make a vast difference to the social life of the community and it is safe to predict that the new building will be a better, as it will also be a safer one, than the old. In addition to the Dance Hall, Stage and Restaurant on the upper floor there is accommodation below for a Council Chamber, Supreme Court, Town Council offices, a commodious Post Office where telegraph business will also be transacted, a Public Library and Reading Room and a Museum. I have already received a gift of £100 from the British Council towards new books for the Library and if any member of the public should have anything of interest for the Museum I do hope that he or she will bring it forward when the building is ready for occupation as all the former exhibits were destroyed in the Town Hall fire.

Both Hospital and Town Hall, as well as a hundred and one other things, depend on efficient light and power and we have been fortunate in obtaining on most favourable terms three new 150 kw Blackstone diesel generators with spares. This plant should meet all foreseeable future requirements but there is provision for expansion of the service at need. Work on the new Power House will commence at once.

The problem of improving our Broadcasting system so that it will give optimum reception to listeners in all parts of the Camp as well as in the Dependencies has been referred to the B.B.C. for expert advice and I have no doubt that the present difficulties will be overcome.

A 16 mm 'talkie' Cinema with portable generator has been obtained free of cost thanks once again to the generosity of the British Council and Mr. Jones, engineer-designate of the "Philomel", is being trained to operate the equipment so that displays can be given whenever the ship goes to the Camp; a supply of films has been arranged.

A Henschreiber tele-news printer has also been received on free loan and a daily bulletin of headline news is contemplated.

New conditions of pay and service have been devised for the clerical and technical employees of the Government and these have been approved by the Secretary of State. They provide a more stable and satisfactory career for new entrants to the Service as well as for those on the present establishment who have elected to take them: negotiations are proceeding for participation in a Widows and Orphans Pension Scheme. I have fostered and approved the setting up of a Civil Servants Association which will be recognised as the official channel for the submission of the views of the Service as a whole, though not of course for the consideration of individual grievances.

At this point I think it well to reiterate, although it should not be necessary, that it is the policy of the Government to fill vacancies as they occur by local rather than by overseas recruitment whenever this is possible and in the public interest: this implies, however, that the local candidate must possess both the ability and the character which will fit him to discharge the duties of the post. If he has the character but not the technical ability then to qualify for consideration he must have the education and intelligence which will enable him so to profit from a course of instruction that he will be able to discharge the duties of the post efficiently. Lacking this or should character fall short of requirements the Government must look elsewhere.

Rapid progress has been made with the revision of the Laws and the Legal Secretary expects to finish his task, as far as it is possible to do this locally, early next year; proof reading, indexing and printing will be carried out in England. As the present volume takes us only to 1915 the completion of this work will be a great convenience to all of us. About a year of Mr. Winter's contract will have been occupied in performing the duties of Colonial Secretary in addition to his own job and I have no doubt that Honourable Members will share my appreciation of the zealous and expeditious manner in which this exacting task has been tackled.

The economic outlook is distinctly hopeful for whilst we have suffered a disappointment over the British American Kelp Company, a sealing venture has been established under the auspices of the Colonial Development Corporation and is expected to commence operations next season. This will bring in some modest but welcome revenue to the Colony and provide one more avenue of employment. I have not yet given up hope of a resumption of whaling and reports point to a considerable increase in the number of whales around our coasts. I shall go further into this matter when I am in London.

The Corporation has also, at my suggestion, sent out an expert to investigate the possibilities of setting up a Freezer; while the decision rests in their hands it can at least be said that the investigator's findings are highly encouraging. The advantages of a dual economy, wool *and* meat, where for so long we have had all our eggs in one basket are self-evident. Meanwhile the farmers are enjoying excellent prices for their wool and I felicitate them most cordially while venturing to hope that they will impress upon their Directors and Shareholders the desirability of ploughing back some part of this prosperity into improvements, including better accommodation for their workers.

I obtained last year the Secretary of State's approval for an experimental Fishery scheme and a grant to carry it out; an expert fisherman from Thurso was engaged and a boat and gear acquired. On the advice of the Economy Committee the project was abandoned but while I appreciate the considerations which dictated their advice I nevertheless lament the jettisoning of this scheme if only on dietary grounds. With the loss of its only wholetime fisherman in the tragedy at Easter, Stanley is going to be hard put to it for a fish supply and we may live to regret that decision. I have meanwhile granted an exploratory licence to a South African firm which is interested, however, only in commercial exploitation which I had never seriously considered. A large number of fingerlings have been distributed to streams and rivers in the Camp from the Trout Hatchery at Moody Valley and the experiment should soon begin to bear fruit.

The seeds of what promises to develop into a flourishing little home industry have been sown by the inauguration of a Spinning and Knitting Guild and I take this opportunity to congratulate Mrs. Roberts and her co-workers on their enterprise; so good is the quality of the work that I have been able to give the Guild the entire order for knitted woollen wear for the Falkland Islands Dependencies Survey and the "John Biscoe", while I hope also to arrange for specimen garments to be put on display during the Festival of Britain. If interest is maintained at the present level I shall resuscitate my earlier proposal to bring out a skilled weaver from Harris.

I have drawn up a ten year Development Plan which was laid before the House at its last meeting and will be discussed in the House on my return; I hope that Honourable Members will study it carefully during my absence so that I may have the benefit of their criticisms, suggestions, and advice.

His Majesty has been pleased to approve a new Coat of Arms for the Colony and this will shortly appear in a new stamp issue.

Looking over the field which has been covered during the past two and a half years Honourable Members may incline to the view that some progress has been made while it is also gratifying to record that despite the additional burdens imposed by wage improvement and Children's Allowances the Budget which revealed a most formidable deficit on my arrival in November, 1946, is now balanced. This agreeable state of affairs has been brought about in part by new but by no means onerous taxation, in part by the prosperous state of the wool market and by an increased contribution from the Dependencies and in part by economies.

Let us then take comfort and encouragement from these conclusions but let there be no complacency, I beg you, for there is yet much to do and it will require the combined energies and good will of all of us – and a new sense of Citizenship – if the Colony is to reap the full benefit.

Of the ten Bills to be presented for your consideration this morning none appears to be contentious or to call for any special remark from me.

A Resolution will be tabled to give effect to the intention which I announced at the last meeting of Council in regard to the setting up of a Standing Finance Committee to deal with the day to day requirements of the Administration. It will be a very great relief to me to place these responsibilities in the hands of the Honourable the Unofficial Members.

I have received a message from the Secretary of State asking me to convey to you the thanks of His Majesty's Government for the gift of two silver ashtrays which the Colony has presented to the new House of Commons. I am sure you will be glad to think that we have been associated even in this small way with the Mother of Parliaments.

I must ask your indulgence for putting the Budget Session back from October to November as it is unlikely that I shall be able to return in time for an October meeting.

In conclusion I will offer on your behalf, and in advance, a word of welcome to our new Colonial Secretary Mr. Raymer who arrives the day after tomorrow and who will administer the Government during my absence.

4. The Honourable the Acting Colonial Secretary, by command, laid on the Table the following written Questions together with replies thereto :-

By the HONOURABLE MR. A. L. HARDY.

Question I. In the event of a freezer being established in the Colony, have we the assurance of the Government that

- (a) The retail price of mutton will remain the same as now charged in Stanley?
- (b) That adequate supplies will always be available?

Reply (a) Government cannot of course give any assurance that the retail price of mutton will remain the same as that at present charged in Stanley.

(b) While it is a reasonable assumption that adequate supplies of mutton will always be available, Government cannot give any guarantee.

- Question II. A rumour circulating in Stanley is to the effect that a member of the Falkland Islands Dependencies Survey is to be sent to United Kingdom for training at Colony's expense in order to take over the new power station.
- (a) If this rumour is correct would it not have been better and cheaper to employ a qualified man?
  - (b) What is the salary of the new employee to be?

Reply. (a) The individual concerned has received training in one of the most modern power houses in England. On completion of his course with Blackstones he will be adequately qualified for the post of Superintendent of the Power House, Stanley. It would not have been cheaper to appoint a more highly qualified man.

(b) the appointment will be in the Special Grade.

By the HONOURABLE Mr. S. C. LUXTON.

Question III. To ask why a locally appointed teacher could not be sent to the United Kingdom for training instead of one who, appointed in the United Kingdom without a certificate, has after eight years shown no outstanding capabilities and whose usefulness is open to question?

Reply. The person nominated for training has had teaching experience in the United Kingdom, holds a matriculation certificate which is a pre-requisite for admission to a teachers' training college and is, therefore, more suitable than a locally appointed teacher.

Questions IV. To ask if locally appointed teachers have been offered facilities for further training in the United Kingdom?

Reply. The Government is at present endeavouring to arrange for a locally appointed teacher to receive training in the United Kingdom.

Question V. To ask why an unqualified teacher should receive salary on a par with a certificated teacher, in view of the fact that it has been found necessary to send the unqualified teacher in question to the United Kingdom for further training?

Reply. No unqualified teacher is receiving a salary on a par with a certificated teacher: the question does not therefore arise.

Question VI. To ask what plans have the Government in mind to improve the quality and the quantity of the Stanley water supply?

Reply. Provision has been made for improvement of the Stanley water supply both as to quality and quantity in the Colony's Development plan but it is unlikely that the work can be undertaken before 1951.

Question VII. Is there any possibility of the removal of restrictions on exporting goods from the Falklands to United Kingdom with particular reference to gift parcels? The sending of gifts to the United Kingdom is being encouraged in Canada by a reduction in postal rates on gift parcels.

Reply. The general removal of restrictions on exporting goods from the Falkland Islands to the United Kingdom which have either been imported from the United Kingdom or from hard currency sources would contravene the financial policy of His Majesty's Government, but advice will be sought on the admissibility of lifting this restriction in respect of particular articles.

5. The Honourable the Acting Colonial Secretary moved and the Honourable the Senior Medical Officer seconded the adoption of the following Resolution :—

"WHEREAS additional provision is required for the service of the Colony and its Dependencies for the year ended the 31st of December, 1948, for the period 1st July to 30th September.

"BE IT RESOLVED —

"This Council hereby sanctions the expenditure from public funds of the sum of "NINE THOUSAND FIVE HUNDRED AND SIXTY-SEVEN POUNDS ELEVEN "SHILLINGS AND ONE PENNY (£9,567 : 11 : 1) to meet the several charges itemized "in the accompanying Schedule".

The Resolution was adopted.

6. The Honourable the Acting Colonial Secretary moved the adoption of the following Resolution :—

"WHEREAS additional provision is required for the service of the Colony and its Dependencies for the year ended the 31st of December, 1948, for the period 1st October to 31st December.

"BE IT RESOLVED —

"This Council hereby sanctions the expenditure from public funds of the sum of "NINE THOUSAND ONE HUNDRED AND THIRTY-FOUR POUNDS TWELVE "SHILLINGS AND NINE PENCE (£9,134 : 12 : 9) to meet the several charges itemized "in the accompanying Schedule".

The Honourable the Senior Medical Officer seconded the motion and the Resolution was adopted.

7. The Honourable the Acting Colonial Secretary moved and the Honourable the Senior Medical

Officer seconded the adoption of the following Resolution :—

**"BE IT RESOLVED -**

**"This Council moves that a Standing Finance Committee (as distinct from the Select Committee for the consideration of the Estimates) consisting of all nominated unofficial and representative members of this Council under the Chairmanship of the Colonial Secretary, should be appointed to examine and recommend for His Excellency's approval or otherwise all financial matters which he shall from time to time so direct".**

The Resolution was adopted.

8. The Honourable the Acting Colonial Secretary moved the *first* reading of the Bill "To amend the Income Tax Ordinance, 1939."

The Honourable Mr. E. F. Bunting seconded the motion.

On further motion made and seconded the Standing Orders were suspended and the Bill was read a *second* time and committed.

In opposing the Bill - which renders investments overseas liable to Falkland Islands Income Tax - the Honourable Mr. A. G. Barton said that while he had not the ability of his learned friend (the Honourable the Acting Colonial Secretary) to decipher the true meaning of the Bill, he realised that it would entail another mass of forms to fill up. He also wondered if those people with investments in certain foreign countries such as Chile and Argentina would have to declare their income from such investments, as they were prevented from getting money out of those countries.

In reply the Honourable the Acting Colonial Secretary explained that the Bill was designed to give relief to income tax payers in the Colony in respect of income received by them from abroad in that on their paying income tax in the Colony they could claim a rebate from the country in which they had paid tax provided an agreement had been entered into with that country. Such an agreement did exist with the United Kingdom and the Bill provided the means for other agreements. The Bill did not mean a mass of forms - merely a claim for rebate as in the United Kingdom. All income should be declared in the Colony.

The Bill was then committed.

Clauses 1 to 6 were agreed to. The Enacting Clause and Title were agreed to. The Council resumed. The Bill was then read a *third* time and passed.

9. On the motion of the Honourable the Acting Colonial Secretary seconded by the Honourable Mr. W. J. Hutchinson, the Bill "To amend the Interpretation and General Law Ordinance, 1900" was read a *first* time.

On further motion made and seconded the Standing Orders were suspended and the Bill was read a *second* time.

The Honourable Mr. A. G. Barton asked for further information on the powers of the "Governor in Council" and expressed himself as not being satisfied with the definition of the term as given in the Bill. He pointed out that the words to which he took exception did not appear in the previous Ordinance, No. 3 of 1900.

In reply the Honourable the Acting Colonial Secretary stated that the definition was as drafted by His Majesty's Legal Advisers and referred to the relevant paragraph on page 23 of "The Colonial Service" by Sir Anton Bertram.

The Bill was then committed.

Clauses 1 to 18 were agreed to. The Enacting Clause and Title were agreed to. The Council resumed. The Bill was then read a *third* time and passed.

10. The Honourable the Acting Colonial Secretary moved the *first* reading of the Bill "To provide for the grant of Probate and the Administration of Estates".

The Honourable Mr. D. M. Honeyman seconded the motion.

On further motion made and seconded the Standing Orders were suspended and the Bill was read a *second* time and committed.

Clauses 1 to 24 were agreed to. The Enacting Clause and Title were agreed to. The Council resumed. The Bill was then read a *third* time and passed.

11. On the motion of the Honourable the Acting Colonial Secretary seconded by the Honourable Mr. D. W. Roberts, the Bill "To provide for the maintenance of a Central Registry and the regulation of all matters to be registered therein" was read a *first* time.

On further motion made and seconded the Standing Orders were suspended and the Bill was read a *second* time and committed.

Clauses 1 to 14 were agreed to. The Enacting Clause and Title were agreed to. The Council resumed. The Bill was then read a *third* time and passed.

12. The Honourable the Acting Colonial Secretary moved the *first* reading of the Bill "To amend and consolidate the law as to Estate Duty.

The Honourable the Agricultural Officer seconded the motion.

On further motion made and seconded the Standing Orders were suspended and the Bill was read a *second* time and committed.

Clauses 1 to 3 were agreed to. On motion made consideration of Clause 4 was postponed until after consideration of the Schedule. The Honourable Mr. A. G. Barton moved that Clause 5 (1) of the Bill which imposed interest at the rate of 5% per annum on estate duty from the date of death of the deceased be amended to read "No interest shall be charged on estate duty if the duty be paid within twelve months of the date of death". The amendment was put to vote and defeated by a division of 6 ayes to 6 noes, His Excellency exercising his casting vote in favour of the clause as it stood. Clauses 6 to 30 were agreed to. The Schedule was agreed to. Clause 4 was recommitted and agreed to. The Enacting Clause and Title were agreed to. The Council resumed. The Bill was then read a *third* time and passed by a division of 6 ayes to 6 noes, His Excellency exercising his casting vote in favour of the Bill.

13. On the motion of the Honourable the Acting Colonial Secretary seconded by the Honourable Mr. S. C. Luxton, the Bill "To provide for the establishment of an Arbitration Board in connection with Trade Disputes, and to make provision for the settlement of such disputes" was read a *first* time.

On further motion made and seconded the Standing Orders were suspended and the Bill was read a *second* time and committed. Clauses 1 to 12 were agreed to. The Enacting Clause and Title were agreed to. The Council resumed. The Bill was then read a *third* time and passed.

14. The Honourable the Acting Colonial Secretary moved the *first* reading of the Bill "To provide for the maintenance of a Police Force and Prison".

The Honourable Mr. A. L. Hardy seconded the motion.

On further motion made and seconded the Standing Orders were suspended and the Bill was read a *second* time and committed.

Clauses 1 to 18 were agreed to. The Enacting Clause and Title were agreed to. The Council resumed. The Bill was then read a *third* time and passed.

15. On the motion of the Honourable the Acting Colonial Secretary seconded by the Honourable the Senior Medical Officer, the Bill "To consolidate the law relating to Dangerous Drugs" was read a *first* time.

On further motion made and seconded the Standing Orders were suspended and the Bill was read a *second* time and committed.

Clauses 1 to 21 were agreed to. The First and Second Schedules were agreed to. The Enacting Clause and Title were agreed to. The Council resumed. The Bill was then read a *third* time and passed.

16. The Honourable the Acting Colonial Secretary moved the *first* reading of the Bill "To make provision as to the immunities privileges and capacities of international organizations of which His Majesty's Government in the United Kingdom and foreign governments are members and for purposes connected therewith".

The Honourable Mr. K. W. Luxton seconded the motion.

On further motion made and seconded the Standing Orders were suspended and the Bill was read a *second* time and committed.

Clauses 1 to 7 were agreed to. The Schedule was agreed to. The Enacting Clause and Title were agreed to. The Council resumed. The Bill was then read a *third* time and passed.

17. On the motion of the Honourable the Acting Colonial Secretary seconded by the Honourable Mr. A. G. Barton, the Bill "To amend the Administration of Justice Ordinance, 1949" was read a *first* time.

On further motion made and seconded the Standing Orders were suspended and the Bill was read a *second* time and committed.

Clauses 1 and 2 were agreed to. The Enacting Clause and Title were agreed to. The Council resumed. The Bill was then read a *third* time and passed.

The Council adjourned *sine die*.

## Annual Report of the Agricultural Department for the year ending 31st December, 1948.

After the departure of Dr. Gibbs, Director of Agriculture, in 1946, the Department was carried on under a care and maintenance basis pending the arrival of a successor.

Mr. J. P. Oliver was appointed as Agricultural Officer on the 30th June 1948.

### Finance.

The approved Expenditure for the year ending 31st Dec. was £7,821 of which £5,887 was actually expended.

Revenue collected amounted to £2,286.

### Tours.

The Agricultural Officer spent 132 days on tour, during which he visited all sheep stations.

### Stock.

The winter was very severe, ground being frozen almost continuously for eight weeks and from the spring to the end of the year the weather was cold and wet.

Lambing losses before marking appeared high and marking percentages were on an average 10 to 12 per cent below last year's figures.

All sheep seen were in moderate to poor condition at the end of the winter but picked up considerably before shearing commenced.

Shearing before Christmas appeared to be well in hand, quite a large proportion of wool being shipped by s. s. "Lafonia" in December.

The year's clip appeared on the whole to be fine in quality though lower in weight than 1947. No lice or scab were seen on any sheep examined but ticks or keds were fairly common; greater care in dipping and clean gathering is required.

Mr. T. Beaty, Manager of Port Stephens, carried out interesting experiments with cobalt copper sulphate drenches on cull ewes and hogs reducing his losses in the latter and enabling him to obtain an extra crop of lambs from the former.

With the advent of aircraft in the Colony, experimentation in the spraying of pastures with cobalt in solution might be pursued to the benefit of the sheep industry.

*Horses.* The high proportion of old horses was very apparent due to cessation of shipment from the Coast during the war years.

Signs of round worm infestation were noticed at almost every station and this undoubtedly contributes to the general poor condition of horses although malnutrition during the winter and spring is a contributory factor.

*Cattle.* Most of the cattle seen were found to be in moderate to poor condition, especially dairy cows almost all of which were spring calvers and showed the strain of having to carry a calf through the severe winter without supplementary feed.

Cattle put out to graze on the Tussock Islands and other small Islands were fat; on killing the fat was seen to be of a soft yellowish type.

However the Colony has great potentialities for cattle raising though at present there is no incentive to do so an animal being worth the price of its hide only less freight to the United Kingdom.

*Improvements.* Mechanical ditching equipment was used by the F. I. Co. to drain a considerable sized lake one of the many which are features of the Falkland Island countryside; the level of another was considerably lowered by flood water cutting a channel through the sand bar which contained it.

The present muddy flats sown with English grass will produce areas of grazing superior to that of the surrounding Native Grass, though care must be exercised that where sandy bottoms are revealed they are not allowed to dry out before the grass is firmly established because of the great possibility of it being blown by the high and persistent winds prevailing in the Colony. An adequate warning of this was given in the recent filling up of the North Arm of Fox Bay Harbour.

During the year several tractors all of track-laying type were imported, these being in bogs and roadless moorlands infinitely superior to wheeled ones.

A step towards mechanisation of farms has been assisted by the sales of ex-army Bren-Gun Carriers to farms thus reducing the demand where these are employed on horse and men.

The importation of workers from Great Britain and some displaced persons also helped the labour situation.

Rams and Hogs were imported from New Zealand to improve the sheep which have suffered from lack of new blood during the period of hostilities.

*Agricultural Department statistics.* Economy Committee appointed by H. E. the Governor recommended the cessation of the Department's activities in the production of vegetables, milk and oaten hay. The labour force was accordingly reduced and all cultivated lands previously used for vegetable production etc. were sown to oats and undersown with grass seeds. The Dairy Herd was disposed of and the Agricultural Station was rented for use as a dairy. The effect of this arrangement was to increase the number of cattle grazing on the Common and to counter-balance this the Government threw half of the land in the Peninsula into the Common.

On behalf of the Sheep Owners Association the Department imported 25 tons of seed oats from Great Britain to replace those usually obtained from South America which have been of low quality and full of spurry.

The Department provided horses and guides for the Medical, Police and other Departments, throughout the year.

J. P. OLIVER,  
*Agricultural Officer.*



# The Falkland Islands Gazette

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AUGUST 2, 1949.

No. 11.

## NEW APPOINTMENTS.

<i>Name</i>	<i>Department</i>	<i>Office</i>	<i>Date</i>	<i>Remarks</i>
Biggs, Miss Joan	Public Works	Clerk, Grade IV. (New Conditions)	1.7.49.	On probation for 6 months.
Kidd, J. M.	"	Bricklayer (Development Programme)	26.6.49.	—
Mayhead, R.	"	Bricklayer (Development Programme)	17.4.49.	—

## CONFIRMATION OF APPOINTMENTS.

(New Conditions of Service)

	<i>Department</i>	<i>Office</i>	<i>Date</i>	<i>Remarks</i>
Bertrand, Miss N.	Public Works	Clerk, Grade IV.	11.12.48.	—
Morrison, Miss E.	Post Office	Clerk, Grade IV.	1.1.49.	—

## TERMINATION OF APPOINTMENT.

	<i>Department</i>	<i>Office</i>	<i>Date</i>	<i>Reason</i>
Draycott, Mrs. A. R.	Education	Assistant Teacher	13.7.49.	Resigned.

## PROMOTIONS.

(Old conditions of Service)

	<i>From</i>	<i>To</i>	<i>Date</i>
Biggs, T. M.	Electrician, Grade III.	Electrician, Grade II.	1.3.49.
Carey, T. J.	Asst. Engineman, Grade IV.	Asst. Engineman, Grade III.	1.3.49.
Fuhlendorff, V. E.	Electrician, Grade III.	Electrician, Grade II.	1.3.49.
Goss, B. G.	Constable, Grade IV.	Constable, Grade III.	5.7.49.
Roberts, W.	W/T Operator, Grade IV.	W/T Operator, Grade III.	1.1.48.
Sollis, D. J., B.E.M.	Coxswain, Grade III.	Coxswain, Grade II.	1.1.49.

(New Conditions of Service)

			<i>Date</i>
Harvey, E.	Met. Observer, Grade III.	Met. Observer, Grade II.	1.1.48.
Newing, J. C.	Met. Observer, Grade IV.	Met. Observer, Grade III.	1.1.48.
McLaren, J.	Met. Observer, Grade V.	Met. Observer, Grade III.	1.1.48.
Osborne, D.	Met. Cadet, Grade V.	Met. Cadet, Grade III.	1.1.48.

## LEAVE.

	<i>Department</i>	<i>Office</i>	<i>Period</i>	<i>Date</i>	<i>Remarks</i>
Draycott, D. J.	Education	2nd Asst. Master	15 months	21.7.49.	Vacation and study leave.

## NOTICES.

The following Notices etc., are published by command of the Officer Administering the Government.

R. WINTER.

*Acting Colonial Secretary.*

No. 40.

16th July, 1949.

**DEFENCE (FINANCE) REGULATIONS, 1947.**

Public attention is particularly drawn to Regulation 3 (c) as follows :

- (c) export from the Colony or import into the Colony sterling notes, provided that travellers may take out or bring in such notes, not exceeding ten pounds in value, which shall be produced to a Customs Officer.

**2. The penalties for this offence are :**

- (a) on conviction in a Court of Summary Jurisdiction to imprisonment for not more than three months or to a fine not exceeding five hundred pounds or to both such fine and imprisonment;
- (b) on conviction on indictment to imprisonment for not more than two years or to a fine not exceeding one thousand pounds or to both such fine and imprisonment;

and where the offence is concerned with any currency, security, gold, goods or other property the Court may order that such currency, security, gold, goods or other property be forfeited to the Crown.

M.P. 0078/A.

No. 41.

30th July, 1949.

Notice is hereby given that the following Orders in Council, copies of which can be seen in the Secretariat, are in force in the Colony and its Dependencies :

Air Navigation (Colonies, Protectorates and Mandated Territories) Orders 1927 to 1938.

Colonial Air Navigation (Application of Acts) Orders 1937 to 1947, as amended by the Air Navigation (Amendment) (Ministry of Civil Aviation Order) 1945.

M.P. 0142.

**REGISTRAR.**

*Marriage Ordinance No. 8 of 1902, para. 2.*

Douglas Markham Pole-Evans, Esquire, J.P., is hereby appointed to be a Registrar for the purpose of celebrating the marriage of Victor Summers, bachelor, and Iris Blanche Johnson, spinster, at Port Howard, West Falkland.

H. BENNETT,

*Registrar General.*

2nd August, 1949.

L. 1/49.

**PROBATE.**

In the Supreme Court of the Falkland Islands.

*Francis George Perring, of Port Howard, Falkland Islands, deceased.*

Whereas Beatrice Maud Perring, wife of the above named deceased, has applied for Letters of Administration to administer the Estate of the deceased.

These are therefore to warn the next-of-kin and the creditors that the prayer of the Petitioner will be granted provided no caveat be entered in the Supreme Court within twenty-one days of the date hereof.

5th June, 1949.

L. 9/49.

In the Supreme Court of the Falkland Islands.

*Caroline Wilson, of Stanley, Falkland Islands, deceased.*

Whereas Edward Wilson, husband of the above named deceased, has applied for Letters of Administration to administer the Estate of the deceased.

These are therefore to warn the next-of-kin and the creditors that the prayer of the Petitioner will be granted provided no caveat be entered in the Supreme Court within twenty-one days of the date hereof.

28th July, 1949.

L. 21/49.

In the Supreme Court of the Falkland Islands.

*John Crook Smith, Sur., of Stanley, Falkland Islands, deceased.*

Whereas Rose Emily Smith, wife of the above named deceased, has applied for Letters of Administration to administer the Estate of the deceased.

These are therefore to warn the next-of-kin and the creditors that the prayer of the Petitioner will be granted provided no caveat be entered in the Supreme Court within twenty-one days of the date hereof.

2nd August, 1949.

L. 23/49.

H. BENNETT,

*Registrar, Supreme Court.*

Regulations made by the Governor in Council under Section 5 of the Air Navigation Act, 1936, as applied to the Colony and its Dependencies Colonial Air Navigation (Application of Acts) Orders 1937 to 1947.

No. 13 of 1948.

MILES CLIFFORD,  
*Governor.*

PART I. - PRELIMINARY.

1. These Regulations may be cited as the Air Transport (Licensing of Air Services) Regulations, 1948. Short title.
2. In these Regulations and the Schedules thereto, unless the context otherwise requires - Interpretation.
  - "air service" means any service performed by any aircraft for hire or reward :
    - Provided that a member of a club carried in an aircraft belonging to the club for the purpose of instruction shall not, if the instructor is also a member of the club, be deemed to be carried for hire or reward, notwithstanding that payment is made for such instruction or carriage;
  - "the Colony" means the Colony of the Falkland Islands and its Dependencies;
  - "the Convention on International Civil Aviation" and "the International Air Services Transit Agreement" mean respectively, the Convention and the Agreement so styled which were signed at Chicago on behalf of the Government of the United Kingdom on the 7th December, 1944;
  - "licence" means a licence granted under Regulation 5 of these Regulations;
  - "permit" means a permit granted under Regulation 18 of these Regulations;
  - "scheduled journey" means one of a series of journeys which are undertaken between the same two places and which together amount to a systematic service operated in such a manner that the benefits thereof are available to members of the public from time to time seeking to take advantage of them;
  - "the three Corporations" means the British Overseas Airways Corporation established in pursuance of the British Overseas Airways Act, 1939, and the British European Airways Corporation and the British South American Airways Corporation established in pursuance of the Civil Aviation Act, 1946.

PART II. - LICENCES FOR SCHEDULED JOURNEYS.

3. This part of these Regulations shall not apply to the carriage of passengers, mail or cargo by air for hire or reward upon journeys other than scheduled. Application of Part II.
4. (1) Subject to the provisions of these Regulations, it shall not be lawful for any person to use any aircraft for the carriage in the Colony of passengers, mail or cargo for hire or reward upon any scheduled journey between the two places, of which at least one is in the Colony except under, and in accordance with the provisions of, a licence granted by the Governor in Council. Flying without licence an offence.
- (2) Any person who uses any aircraft in contravention of the provisions of this Regulation shall be liable on conviction in the case of a first offence to a fine not exceeding five hundred pounds or to imprisonment for a term not exceeding three months or to both

such fine and such imprisonment, and in the case of a second or subsequent offence to a fine not exceeding five thousand pounds or to imprisonment for a term not exceeding two years or to both such fine and such imprisonment.

(3) The provisions of this Regulation shall not apply in respect of the aircraft of any State, which is a party to the International Air Services Transit Agreement, which fly across the Colony without landing, or land in the Colony in accordance with the provisions of that Agreement.

Grant of Licence by  
Governor in Council.

5. (1) The Governor in Council may grant to any person applying therefor a licence to carry passengers, mail or cargo by air for hire or reward on such scheduled journeys, and subject to such conditions, as may be specified in the licence.

(2) The Governor in Council may attach such conditions to any licence as he may think fit having regard to the nature and circumstances of the application therefor.

(3) It shall be a condition of every licence that

- (a) the holder of the licence and any person having a financial interest in the business of the holder of the licence shall refrain from stipulating that any other person shall
  - (i) refuse booking facilities to any other holder of a licence;
  - (ii) grant such facilities to any other holder only on onerous terms; and
- (b) the holder of the licence shall perform all such reasonable services as the Postmaster may from time to time require in regard to the conveyance of mails (and of any persons who may be in charge thereof) upon journeys made under the licence. The remuneration for any such service shall be such as may be from time to time determined by agreement between the Postmaster and the holder of the licence.
- (c) In the event of any dispute between the Postmaster and the holder of a licence as to the remuneration for any services performed under paragraph 5 (b) of this Regulation the matter shall be referred to arbitration in accordance with the provisions of the Arbitration Act, 1889, and any act replacing or amending that Act.

Form of application  
for Licence.

6. Applications for licences shall be made in the form and manner, and shall contain the particulars prescribed in the Schedule hereto. Every applicant shall furnish to the Governor in Council such further information as he may require in relation to the application.

Enquiry may be held.

7. The Governor in Council may, if he thinks fit, for the purposes of determining applications for licences, order that a public or private enquiry be held.

Licence conditions.

8. In exercising his discretion to grant, or to refuse, a licence and his discretion to attach conditions to any licence the Governor in Council will have regard to the co-ordination and development of air services generally with the object of ensuring the most effective service to the public while avoiding uneconomical overlapping and generally to the interests of the public, including those of persons requiring or likely to require facilities for air transport, as well as those of persons providing such facilities. In particular the Governor in Council will have regard to the following matters :

- (a) the existence of other air services in the area through which the proposed services are to be operated;

- (b) the demand for air transport in that area;
- (c) the degree of efficiency and regularity of the air services, if any, already provided in that area, whether by the applicant or by other operators;
- (d) the period for which such services have been operated by the applicant or by other operators;
- (e) the extent to which it is probable that the applicant will be able to provide a satisfactory service in respect of safety, continuity, regularity of operation, frequency, punctuality, reasonableness of charges, and general efficiency;
- (f) the financial resources of the applicant;
- (g) the type of aircraft proposed to be used;
- (h) the remuneration and general conditions of employment of aircrew and other personnel employed by the applicant.

9. The Governor in Council may grant licences to remain in force for such period, not exceeding five years, as he may in each case determine, commencing on the date on which the licence is expressed to take effect:

Period of Licence.

Provided that if, on the date of the expiration of a licence, an application to the Governor in Council is pending for the grant of a new licence in substitution for an existing licence held by the applicant, the existing licence shall continue in force until the application is granted or refused.

10. The Governor in Council may if he thinks fit, pending the determination of an application for a licence, grant to the applicant a provisional licence which shall remain in force until the application is determined.

Provisional Licence.

11. The decisions of the Governor in Council on applications for licences and on revocation or suspension of licences will be published in the Gazette.

Publication of decisions of Governor in Council.

12. (1) Subject to the provisions of paragraph (2) of this Regulation, the Governor in Council may revoke or suspend a licence if —

Revocation and suspension of Licence.

- (a) the holder of the licence has, since the licence was granted, been convicted of an offence against Regulations 4 or 17 of these Regulations; or
- (b) where the holder of the licence is a body corporate has, since the licence was granted, been convicted, in his capacity as such officer, of an offence against Regulations 4 or 17 of these Regulations; or
- (c) the holder of the licence has failed to comply with any condition subject to which the licence was granted.

(2) Before revoking or suspending any licence under sub-paragraph (c) paragraph (1) of this Regulation, the Governor in Council will give to the holder of the licence such notice specifying the grounds upon which it is proposed to revoke or suspend the licence, and will not revoke or suspend the licence, unless he is satisfied, after a public enquiry if the holder of the licence so requires that, owing to the frequency of the failure on the part of the holder to comply with conditions or to the failure having been wilful, the licence should be revoked or suspended.

(3) The expression "officer" in sub-paragraph (b) of paragraph (1) of this Regulation means a Director, General Manager, Secretary or other similar officer and includes any persons, who with the authority of the body corporate, acts as such officer.

**Surrender of Licence.**

13. A licence may at any time be surrendered by the holder to the Governor in Council for cancellation. If, during the currency of a licence, the holder applies to the Governor in Council for a new licence in substitution for the current licence, he shall, if a new licence is granted, surrender the current licence for cancellation on the date from which the new licence is expressed to take effect.

**Licence Fees.**

14. (1) There shall be paid to the Colonial Treasurer in respect of every licence a fee of ten pounds in respect of each year or part of a year of the term for which the licence is expressed to remain in force.

(2) There shall be paid to the Colonial Treasurer in respect of any provisional licence granted under Regulation 10 of these Regulations a fee of two pounds.

(3) No refund of any fee paid in respect of the grant of a licence shall be made, whether on the surrender of the licence or otherwise, save where a licence is surrendered before its normal date of expiry upon the grant of a new licence authorising a service over the same route, in which case there shall be refunded the sum of ten pounds for each full year of the unexpired period of the licence but the holder shall in addition to the normal fee for the new licence pay the special additional fee of two pounds.

**Returns by Licence Holders.**

15. Every holder of a licence shall make a return in writing to the Colonial Secretary giving, in respect of the month to which the return relates, the particulars set out in the Schedule hereto with regard to all air services authorised by the licence.

Such return shall be sent to the Colonial Secretary not later than two months after the expiration of the month to which the return relates.

**PART III.****PERMITS FOR JOURNEYS OTHER THAN SCHEDULED JOURNEYS.****Application of Part III.**

16. This part of these Regulations shall not apply to the carriage of passengers, mail or cargo by air for hire or reward on scheduled journeys.

**Flying without permit an offence.**

17. (1) Subject to the provisions of these Regulations, it shall not be lawful for any person to use any aircraft for the provision of any air service in the Colony except under, and in accordance with the conditions of, a permit granted by the Governor in Council.

(2) Any person who uses any aircraft in contravention of the provisions of this Regulation shall be liable on conviction in the case of the first offence to a fine not exceeding two hundred and fifty pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment and in the case of a second or subsequent offence to a fine not exceeding two thousand pounds or to imprisonment for a term not exceeding two years or to both such fine and such imprisonment.

(3) The provisions of this Regulation shall not apply in respect of the aircraft of any State, which is a party to the Convention on International Civil Aviation, which fly across the Colony without landing or land in the Colony for non-traffic purposes only.

**Grant of permit by Governor in Council.**

18. (1) The Governor in Council may grant to any person applying therefor a permit to use aircraft for the provision in the Colony of such air services (other than such a service as is referred to in paragraph (1) of Regulation 4 of these Regulations) for such period and on such conditions as may be specified in the permit.

(2) The Governor in Council may attach such conditions to any permit as he may think fit having regard to the nature and circumstances of the application therefor.

19. Applications for permits shall be made in such form, and shall contain such information as the Governor in Council may require.

Form of application for permit.

20. (1) The Governor in Council may revoke or suspend any permit if—

Revocation and suspension of permit.

- (a) the holder of the permit has, since the permit was granted, been convicted of an offence against Regulation 4 or 17 of these Regulations; or
- (b) where the holder of the permit is a body corporate, any officer of that body corporate has, since the permit was granted, been convicted, in his capacity as such officer, of an offence against Regulation 4 or 17 of these Regulations; or
- (c) the holder of the permit has failed to comply with any condition subject to which the permit was granted.

(2) The expression "officer" in paragraph (1) of this Regulation means a Director, General Manager, Secretary or other similar officer and includes any person who, with the authority of the body corporate, acts as such officer.

#### PART IV. — GENERAL PROVISIONS.

21. It shall be a condition of every licence or permit that the requirements of any law or instrument having the force of law, for the time being in force in the Colony, relating to air navigation or air transport shall be complied with at all times during the currency of the licence or permit in connection with all journeys made under the licence or permit.

Licensee shall comply with law of air navigation and air transport.

22. A licence or permit shall not be capable of being transferred or assigned :

Licence not transferable.

Provided that in the event of the death, incapacity, bankruptcy, sequestration or liquidation of the holder of a licence or permit, or of the appointment of a receiver or manager or trustee in relation to the business of the holder of a licence or permit the person for the time being carrying on that business shall, if within fourteen days of his commencing so to do, he makes application to the Governor in Council for a new licence or permit, be entitled to provide the air services authorised by the existing licence or permit subject to the conditions thereof, until the application is determined.

23. Nothing in these Regulations shall require the disclosure by any applicant for a licence or permit to any person other than the Governor in Council of information as to the financial resources of the applicant.

Financial resources to be disclosed to Governor in Council only.

24. Nothing in these Regulations shall confer upon the holder of a licence or permit or upon any other person any right to the continuance of any benefits arising from the provisions of these Regulations or from any licence or permit granted thereunder or from any conditions attached to any such licence or permit.

Benefit under Regulations shall not continue.

25. (1) Proceedings for an offence against these Regulations shall not be instituted except with the consent of the Governor.

Proceedings.

(2) Where an offence against these Regulations has been committed by a body corporate, every person who, at the time of the commission of the offence was a Director, General Manager, Secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence, unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard

to the nature of his functions in that capacity and to all the circumstances.

#### PART V. — EXEMPTIONS.

Non-applicability of Regulations.

26. Nothing in these Regulations shall apply to —

- (a) any of the three Corporations in respect of such journeys, on such routes, as the Governor may from time to time specify;
- (b) any air transport operator, whose principal place of business is in a country other than
  - (i) the United Kingdom; or
  - (ii) a territory for whose foreign relations His Majesty's Government in the United Kingdom is responsible;

in respect of journeys performed by such operator in accordance with the provisions of any agreement for the time being in force between His Majesty's Government in the United Kingdom and that Government of that country.

Made by the Governor in Executive Council at a meeting held on the 19th day of October, 1948.

L. W. ALDRIDGE,

*Clerk of the Executive Council.*

#### SCHEDULE.

1. Particulars required on application for licences under Regulation 6.

- (1) Full name, address, occupation, nationality and age of applicant and types of aircraft flown with flying hours.
- (2) Full details of aircraft to be flown in Colony : type, manufacture, engines, horsepower, load and passenger capacity, fuel load, hours flown, safety devices, etc.
- (3) Schedule of proposed routes, flying times, fares, etc.
- (4) Any other particulars.

2. Particulars required with regard to air services under Regulation 15.

- (1) Routes with sketch map.
- (2) Schedule of flights.
- (3) Passengers and fares.
- (4) Cargo and rates.
- (5) Any other particulars.

## Regulations made by the Governor in Council under Section 16 of the Police and Prisons Ordinance, 1949.

No. 1 of 1949.

MICHAEL R. RAYMER,

*Officer Administering the Government.*

1. These Regulations may be cited as the Prison Regulations      Short title.  
1949.
2. The Gaoler shall keep –      Prison books.
  - (a) an Admissions Book in which he shall enter the name of every person on admission to prison;
  - (b) a Conduct Book giving particulars of the conduct of each prisoner;
  - (c) a Property Book in which shall be entered all property taken from a prisoner on his admission;
  - (d) an Official Visitors' Book which is to be signed by all official visitors to the prison who may make such remarks and suggestions therein as they may deem fit.
3. All prisoners shall be searched on admission, and subsequently when necessary, and deprived of all articles and civil apparel except in the cases of a prisoner committed in respect of a civil debt or charge or one awaiting execution who shall be permitted to wear his civil clothing.      Search.
4. Each prisoner shall be supplied with a palliasse, panakin, fork and spoon and sufficient blankets on his admission.      Bedding etc.
5. (1) Two prisoners only shall not at any time be kept in a cell.      Cells.
- (2) Prisoners convicted of felony shall not, if practicable, be kept in the same cell as other prisoners.
6. (1) The diet of prisoners shall be in accordance with that prescribed by the Senior Medical Officer. A copy of the diet table shall be hung in the Prison day room.      Diet.
- (2) Prisoners committed for trial or for debt may purchase food for their own use and not more than one pint of beer or wine a day for consumption by each prisoner so committed. Spirits shall not be purchased.
- (3) Spirits and tobacco shall not be conveyed into a prison except for the use of a prisoner on the written order of the Senior Medical Officer.
7. Prisoners shall rise at 6 a.m. and shall be locked in their cells at 8 p.m.      Hours.
8. Prisoners shall carry out work as directed by the Colonial Secretary and shall comply with the following time table –      Work.
  - (a) They will rise and dress, sweep out and tidy their cells and perform such other work as directed until breakfast.
  - (b) After breakfast until 12 noon work in or out of doors.
  - (c) From 12 to 12.30 p.m. dinner. From 12.30 to 1 p.m. clean day room and gaol.
  - (d) From 1 p.m. to 4.30 p.m. work in or out of doors.

- (e) From 4.30 p.m. to 8 p.m. carry peat, supper and recreation.
- (f) On Saturday afternoon clean the gaol, wash their clothes and such other work as may be directed.
- Exercise.** 9. (1) Prisoners at work in the cells, and those not on hard labour or in solitary confinement shall exercise for one hour daily in the prison yard, weather permitting.
- (2) All prisoners other than those in solitary confinement shall exercise in the prison yard for one hour on Sunday, weather permitting.
- Offences.** 10. (1) In every case of an offence against good order and prison discipline the Gaoler shall take such steps as may be necessary to enforce discipline and report the matter to the Magistrate forthwith.
- (2) One Member of the Board of Visiting Justices may adjudicate upon minor offences but serious offences shall be dealt with by the full Board.
- Solitary confinement.** 11. Prisoners sentenced to solitary confinement shall be locked up in separate cells which they shall not leave except in the custody of a prison officer. Their meals shall be taken in their cells.
- Female prisoners.** 12. Female prisoners shall be kept separate from male prisoners at all times except during the performance of divine service when they shall be under the charge of the prison matron.
- Letters.** 13. A prisoner shall not be allowed to write more than one letter or to receive more than one letter a month. All such letters shall be censored by the Gaoler.
- Visitors.** 14. Good conduct prisoners only will be allowed not more than one visitor a month with the permission of the Gaoler. Visits will only be made on Saturday between 1 p.m. and 2 p.m., and shall be limited to 15 minutes, except in cases of extreme urgency when the Gaoler may, at his discretion, vary the day and hour of the visit.
- Medical inspection.** 15. The Senior Medical Officer shall carry out a medical inspection of the prison and all prisoners once a week.
- Official visitors.** 16. The Colonial Secretary, Senior Medical Officer and every Justice shall have free access to the prison and all prisoners therein at all times.
- Remission.** 17. A prisoner with a sentence of more than one month may earn by good conduct and industry a remission of 4 days in each month.
- Discharge.** 18. Prisoners shall be discharged at noon on the day of their release.
- Rescission.** 19. The Gaol Regulations passed by the Governor in Council on the 25th day of May 1892 are hereby rescinded.

Made by the Governor in Executive Council at a Meeting held on the 14th day of July 1949.

L. W. ALDRIDGE,  
*Clerk of the Executive Council.*

M.P. 0836.

## Registration Ordinance 1949.

### Regulations made by the Governor in Council under Section 12 of the Registration Ordinance, 1949.

No. 2 of 1949.

MICHAEL R. RAYMER,

*Officer Administering the Government.*

1. These Regulations may be cited as the Registration Regulations 1949. Short title.

2. (1) The Registrar General shall maintain –

(a) General Index Books which shall contain a complete record of all instruments relating to grants of Crown land numbered consecutively in the order they are presented for registration. Each entry shall be signed by the party registering the instrument.

General Index Books.  
Records, Registers etc.

(b) Record Books which shall contain complete copies of all registered instruments entered and numbered consecutively in the order in which they are received in the Central Registry.

(2) The name of every party to each instrument shall be entered in the index to the General Index Book and the Record Book containing the registration thereof.

(3) The Registrar General shall certify on each instrument the date of registration thereof and such certificate shall be admissible in evidence.

3. The Registrar General shall also maintain separate registers of births, stillbirths, deaths and marriages numbered consecutively in the forms A, B, C and D as set out in the First Schedule and indexed alphabetically in the name of the person whose birth, marriage or death is registered.

4. The person procuring the name given in baptism to a child whose birth has been registered, may within six months of registration, register that the child was baptised with such name provided that he delivers to the Registrar General or Registrar with whom the birth was registered a certificate of baptism in the form E set out in the First Schedule signed by the minister performing the rite within seven days thereof and pays the appropriate fees set out in the Second Schedule hereto and provided also that there shall be no erasure in the original registration.

Baptised name may  
be added to Register  
within six months.

5. In the case of death of any person who has been attended by a medical practitioner that practitioner shall (except when an inquest is held on the body) sign a certificate stating to the best of his knowledge and belief the cause of death and hand the same to the person responsible for giving information concerning the death who shall upon giving such information deliver that certificate to the Registrar General or nearest Registrar and the cause of death stated in that certificate shall be entered in the register together with the name of the certifying medical practitioner.

Medical certificate in  
case of death.

6. On or before the 15th day of January in each year every Registrar appointed under the Registration Ordinance shall forward to the Registrar General a true copy of all entries made in the registers of births and deaths during the preceding year and the Registrar General shall on or before that date lay before the Governor an abstract of the number of births, deaths and marriages registered during such year.

Annual registration  
returns.

Searches and fees.

7. (1) The Registrar General shall permit any person to search the indexes of all certified copies of the registers of births, stillbirths, marriages and deaths and have a certified copy of any entry in the said certified copy during the usual office hours upon payment of the appropriate fee set out in the Second Schedule hereto.

(2) A Minister of Religion or Registrar shall permit any person to search a register during reasonable hours and to have a copy certified under his hand of any entry upon payment of the appropriate fee set out in the Second Schedule hereto.

(3) All fees received by the Registrar General or any Registrar shall be paid to the Colonial Treasury.

Made by the Governor in Executive Council at a Meeting held on the 14th day of July, 1949.

L. W. ALDRIDGE,  
*Clerk of the Executive Council.*

M.P. 0833.

FIRST SCHEDULE.

Registry of Birth. FORM A.

No.	When Born.	Name (if any)	Sex.	Name and Surname of Father.	Name and Maiden Name of Mother.	Rank or Profession of Father.	Signature, Description, and Residence of informant.	When Registered.	Signature of Registrar.	Baptismal name if added after Registration of Birth.

.....  
*Registrar General.*

*Stanley*.....19.....



Registry of Death.

FORM C.

No.	When died.	Name and Surname.	Sex.	Age.	Rank or Profession and Country.	Cause of death.	Signature, description, and residence of informant.	When registered.	Signature of Registrar.

Stanley.....19.....

.....  
Registrar General.

# Marriage Certificate.

FORM D.

No.	When married.	Christian and Surname 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 Surname in full.	Father's Rank or Profession.	Where Married.

*This Marriage was solemnized between us*

*In the presence of us* { *Witness.*  
*Witness.*

*Married by me*

*Signature*

*Title*

## FORM E.

I do hereby certify that I have baptised  
 by the name of a child produced by  
 as the of and and declared  
 by the said to have been born at  
 on the day of

Witness my hand this day of

---

## SECOND SCHEDULE.

## REGISTRAR GENERAL'S AND REGISTRAR'S FEES.

- |  |     |     |     |
|--|-----|-----|-----|
| 1. Searching register of births, deaths, and marriages for each name in each register within 10 years    | ... | 1s. | 0d. |
| Searching register of births, deaths, and marriages for each name in each register every additional year | ... |     | 6d. |
| 2. For a certified copy of each entry in the said registers  |     | 2s. | 6d. |

## CLERGYMAN'S FEES.

- |   |     |     |     |
|---|-----|-----|-----|
| 1. Searching the registers of baptisms and burials for each name in each register within 10 years | ... | 1s. | 0d. |
| For each name in each register every additional year  |     |     | 6d. |
| 2. For a certified copy of each entry in the said registers                                       |     | 2s. | 6d. |
-

Administration of Estates Ordinance, 1949.

Rules made by the Governor in Council under Section 22 of the Administration of Estates Ordinance, 1949.

No. 4 of 1949.

MICHAEL R. RAYMER,  
*Officer Administering the Government.*

- |  |              |
|--|--------------|
| 1. These rules may be cited as the Administration of Estate Rules, 1949. | Short title. |
|--|--------------|

2. The forms of Petition, Estate Duty Affidavit, Administration Bond, Affidavit verifying Administrators Account, and Grant set out in the First Schedule hereto with such variations as the circumstances may require shall be used in all cases of application for, and upon grant of, Probate or Letters of Administration.

3. The fees set out in the Second Schedule shall be paid in connection with the application for, grant of, or resealing Probate or Letters of Administration. These fees will include all work done in the office of the Supreme Court in connection with the application, grant or resealing. No grant shall be made until these fees have been paid.

Made by the Governor in Executive Council at a Meeting held on the 14th day of July, 1949.

L. W. ALDRIDGE,  
*Clerk of the Executive Council.*

M.P. 0783.

FIRST SCHEDULE.

## PETITION.

To His Honour the Judge.  
The Supreme Court of the Falkland Islands.

THE HUMBLE PETITION of

Showeth

1. (hereinafter called the deceased)  
of Falkland Islands died at on the day of 19  
leaving a Will dated 19  
intestate leaving no Will

2. There <sup>is</sup><sub>are</sub> a widow, children, sons, and daughters, surviving the deceased.

3. Your Petitioner is the (sole) Executor(s) under the said Will  
are  
or

4. The deceased did not appoint an executor of his said Will  
or

5. The executor(s) of the said Will did not survive the deceased, or have renounced probate.

6. Your Petitioner is the \_\_\_\_\_ of the deceased.

7. Your Petitioner therefore prays that

Probate of the said Will of the deceased	} may be
Letters of Administration	
Letters of Administration with the said Will annexed	

granted to him to administer the estate of the deceased, and your Petitioner will ever pray.

8. I swear that if \_\_\_\_\_  
 Probate of the said Will of the deceased  
 Letters of Administration  
 Letters of Administration with the said Will annexed

are granted to me I will well and faithfully administer the said estate according to law.

.....  
*Petitioner.*

Sworn before me this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_  
 at \_\_\_\_\_

.....  
*A Justice of the Peace.*

## Administration Bond.

KNOW ALL MEN by these presents, that I,  
 of \_\_\_\_\_ Falkland Islands, am held and firmly bound unto the Judge of the  
 Supreme Court of this Colony in the sum of : \_\_\_\_\_ pounds  
 of lawful money of this Colony to be paid by me, my heirs, executors and administrators,  
 firmly by these presents, sealed with my seal, and signed with my hand this  
 day of \_\_\_\_\_ 19 \_\_\_\_\_

WHEREAS \_\_\_\_\_ hath been appointed Administrator of the  
 estate of \_\_\_\_\_ who died at \_\_\_\_\_ Falkland Islands,  
 on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

NOW THEREFORE the conditions of this obligation are such that if the said  
 \_\_\_\_\_ shall duly administer the estate aforesaid according to law  
 and render to the Judge of the Supreme Court a true and complete inventory of all and  
 singular the Estate and effects of the said  
 within six months from the date hereof and swear to and render to the Judge of the Supreme  
 Court a true and just account of the Administration of the estate on or before the \_\_\_\_\_ day of  
 \_\_\_\_\_ 19 \_\_\_\_\_ that is within one year of the date hereof then this obligation  
 shall become void and of no effect, or otherwise be and remain in full force, and virtue.

IN WITNESS WHEREOF THE SAID

has hereunto set his hand and seal at \_\_\_\_\_ Falkland Islands,  
her  
 the date first above written.

Signed sealed and delivered  
 in the presence of

.....  
*A Justice of the Peace.*

In the Supreme Court of the Falkland Islands.  
Estate Duty Affidavit.

In the Estate of \_\_\_\_\_ (hereinafter called the deceased)  
of \_\_\_\_\_ Falkland Islands, who died at \_\_\_\_\_ on the  
day of \_\_\_\_\_ 19\_\_\_\_

I \_\_\_\_\_ of \_\_\_\_\_  
\*(Executor of the Will of the deceased). \*(Administrator of the Estate of the deceased).  
make oath and say as follows :

1. That the particulars and value thereof shewn in the Exhibits A and B annexed hereto and signed by me are those of the estate of the said deceased so far as I have been able to trace and are true to the best of my knowledge and belief.

2. That to the best of my knowledge and belief there is no other property forming part of the estate of the said \_\_\_\_\_ deceased.

Sworn at \_\_\_\_\_ Falkland Islands the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Before me \_\_\_\_\_

.....  
*A Justice of the Peace.*

<sup>o</sup>Delete as required.

A.

In the Estate of \_\_\_\_\_ deceased.  
Exhibit A to the affidavit of \_\_\_\_\_

	£	s.	d.		£	s.	d.
Cash in hand				†Debts owing by deceased			
Cash in bank				Funeral expenses			
Furniture, implements of trade, etc.				(with receipted bill)			
Clothing and personal effects							
†Debts owing to the deceased							
†Shares, etc.							
†Money advanced on mortgage, etc.							
†Provident Fund, etc.							
†Life Insurance							
†Leasehold lands and houses							
†Horses, sheep, cattle							
†Motor cars, etc.							
†Stock in trade							
†Good will of business							
†Any other personal property							

† Give full particulars.

B.

In the estate of \_\_\_\_\_ deceased.  
Exhibit B to the affidavit of \_\_\_\_\_

REAL ESTATE.

	£	s.	d.		£	s.	d.
Houses (giving particulars)				Mortgages or other incumbrances			
				(giving particulars)			
Freehold lands (giving particulars)							

## Affidavit verifying Administrator's Account.

In the Supreme Court of the Falkland Islands. (PROBATE)

In the estate of \_\_\_\_\_ deceased.

I, \_\_\_\_\_ the administrator of the estate of the said deceased, make oath and say as follows:

1. The account marked A exhibited to this affidavit is my account of the estate of the intestate and contains a true account of all and every sum of money received by me or any other person to my order up to and including the date hereof.

2. The several sums of money mentioned in the said account as having been paid and allowed have been actually and truly paid and allowed for the several purposes mentioned in the said account.

3. The said account is just and true in all and every the items and particulars therein contained, according to the best of my knowledge and belief.

Sworn by the said

at

the \_\_\_\_\_ day of \_\_\_\_\_ 19

Before me

.....  
*A Justice of the Peace.*

In the Supreme Court of the Falkland Islands.

Grant of

\* Probate

\* Letters of Administration

\* <sup>is</sup>/<sub>are</sub> hereby granted to

†

to administer the estate of

who died on the \_\_\_\_\_ day of \_\_\_\_\_ 19

Oath having been made by the person to whom <sup>Probate is</sup>/<sub>these Letters are</sub> granted that the value of the estate does not exceed £ \_\_\_\_\_ and that the estate will be administered according to law and that a full and complete inventory of the estate will be filed in the Supreme Court within six months from the date hereof and that a complete account of the administration of the estate will be filed in the Supreme Court within one year from the date hereof.

.....19.....

.....  
*Judge.*

\* Delete as required.

† "Sole Executor" or "with the Will annexed the Executor having <sup>died</sup>/<sub>refused to act</sub>" or "one of the Executors power being reserved of making the like grant to ..... the other Executor".

## SECOND SCHEDULE.

## I. GRANT OF PROBATE OR LETTERS OF ADMINISTRATION.

(Non-contentious) and Resealing under Section 21 of the Administration of Estates Ordinance, 1949.

								£	s.	d.
When the net estate is under the value of	£100	...	...	...	...	...	...		10	: 0
Exceeding	£100 but not exceeding	£300	...	...	...	...	...	1	: 0	: 0
"	£300	"	"	"	£500	...	...	1	: 10	: 0
"	£500	"	"	"	£1,000	...	...	2	: 10	: 0
"	£1,000	"	"	"	£3,000	...	...	5	: 0	: 0
"	£3,000	"	"	"	£5,000	...	...	6	: 0	: 0
"	£5,000	"	"	"	£7,500	...	...	6	: 15	: 0
"	£7,500	"	"	"	£10,000	...	...	7	: 10	: 0
"	£10,000	"	"	"	£12,500	...	...	8	: 0	: 0
"	£12,500	"	"	"	£15,000	...	...	8	: 5	: 0
"	£15,000	"	"	"	£20,000	...	...	9	: 10	: 0
"	£20,000	"	"	"	£25,000	...	...	10	: 0	: 0
"	£25,000	"	"	"	£30,000	...	...	10	: 10	: 0
"	£30,000	"	"	"	£35,000	...	...	11	: 10	: 0
"	£35,000	"	"	"	£40,000	...	...	12	: 10	: 0
"	£40,000	"	"	"	£45,000	...	...	13	: 10	: 0
"	£45,000	"	"	"	£50,000	...	...	14	: 10	: 0
"	£50,000	"	"	"	£60,000	...	...	16	: 0	: 0
"	£60,000	"	"	"	£75,000	...	...	18	: 0	: 0
"	£75,000	"	"	"	£100,000	...	...	24	: 0	: 0
for each £50,000 or part thereof of the net estate above £100,000						...	...	10	: 0	: 0

## II. GRANT OF PROBATE OR LETTERS OF ADMINISTRATION.

(Contentious).

								£	s.	d.
1.	On entering caveat	...	...	...	...	...	...		1	: 0
2.	On settling a citation	...	...	...	...	...	...		10	: 0
3.	On application for summons	...	...	...	...	...	...		2	: 0
4.	Service of citation, writ, summons or order, in Stanley	...	...	...	...	...	...		2	: 6
5.	" " " " " " " " outside Stanley	...	...	...	...	...	...		5	: 0
6.	On filing petition under Sections 7, 8, or 20 of the Administration of Estates Ordinance (when disputed)	...	...	...	...	...	...		10	: 0
7.	On filing affidavit of service of citation or summons	...	...	...	...	...	...		2	: 0
8.	On entering an appearance, each person	...	...	...	...	...	...		2	: 6
9.	On setting down a case for hearing	...	...	...	...	...	...		10	: 0
10.	Hearing fee	...	...	...	...	...	...		1	: 0 : 0
	If the hearing occupies more than five hours for each additional hour								5	: 0

In addition to the fees shewn in this Schedule there shall be paid 5/- the cost of each notice appearing in the Gazette.

ANNUAL METEOROLOGICAL TABLE

Position of Station - 51° 42' S. 57° 52' W.

MONTHS.	MEAN PRESSURE IN MILLIBARS AT M. S. L.	AIR TEMPERATURE (°F.).								PRECIPITATION IN MILLIMETRES.			VAPOUR PRESSURE IN MILLIBARS.	RELATIVE HUMIDITY (%)	SUNSHINE.			CLOUDINESS TENTHS.		
		DRY BULB.	WET BULB.	MEANS OF		ABSOLUTE MAX. AND MIN.				TOTAL.	GREATEST FALL.	DATE.			TOTAL NUMBER OF HOURS.	% OF ACTUAL AGAINST POSSIBLE.	MEAN (hours and tenths.)	Occasions of		MEAN.
				MAX.	MIN.	MAX.	DATE.	MIN.	DATE.									CLEAR SKY. 0-1	OVERCAST. .9-1.0	
Jan.	994.4	46.0	42.8	52.0	39.1	62	5th	32	8th	75.5	12.2	18th	7.8	75	150.0	30	4.8	0	22	8.4
Feb.	998.4	48.0	45.5	54.3	41.4	68	15th	35	26th	66.7	10.7	16th	9.3	82	139.8	34	5.0	3	14	6.1
Mar.	1006.3	45.0	43.3	50.5	40.5	61	1st	33	5th	60.5	11.8	19th	8.8	86	122.5	32	3.9	4	22	7.6
April	1000.3	42.5	41.1	50.4	37.3	56	6th 17th	32	8th 9th	35.1	10.2	28th	8.3	89	92.1	29	3.1	0	21	8.3
May	1000.8	36.7	35.5	41.5	33.0	49	3rd	26	15th 19th	86.1	17.1	7th	6.6	87	61.3	23	2.0	0	20	7.5
June	1004.8	35.6	34.6	39.9	31.4	45	7th 16th	25	29th	36.2	5.8	12th	6.4	89	37.6	16	1.3	1	20	8.4
July	1007.6	35.8	34.5	39.2	33.1	44	17th 20th 21st	28	24th 30th	28.8	4.5	4th	6.2	89	52.4	20	1.7	1	20	7.9
Aug.	1004.1	36.8	35.9	43.0	33.5	51	25th 26th	26	17th	21.2	5.8	22nd	6.6	90	115.1	38	3.7	4	18	7.0
Sept.	1002.7	38.9	37.2	45.7	33.1	53	19th	24	10th	23.4	3.8	2nd	6.8	83	147.4	42	4.9	5	15	6.5
Oct.	1004.3	43.7	42.1	51.6	37.9	60	13th 26th 27th	31	1st 18th	25.2	7.3	28th	8.5	87	167.8	40	5.4	1	24	8.2
Nov.	1004.6	47.9	45.5	55.2	39.7	66	17th	32	21st	33.2	6.8	3rd	9.3	82	212.3	46	7.1	1	16	7.3
Dec.	996.0	47.7	43.9	54.4	38.9	69	24th	30	10th	70.3	10.7	11th	8.2	71	154.3	30	5.0	0	15	7.6
Totals	12024.3	504.6	481.9	577.7	438.9	684	—	354	—	562.2	106.7	—	92.8	1010	1452.6	380	47.9	20	227	90.8
Means	1002.0	42.1	40.2	48.1	36.6	57.0	—	29.5	—	46.9	8.9	—	7.7	84	121.1	32	4.0	2	19	7.6

NOTES. — 1. The table is based on observations made at 12 G.M.T. daily. (but see notes 3 and 4.)  
2. A day of precipitation is a day with total precipitation greater than 0.1 mms.

STANLEY, FALKLAND ISLANDS, 1947.

Height above M.S.L. - 163 ft.

Month.	WEATHER. Number of days of			WIND DIRECTION. Number of Observations of at 12 G.M.T.																	WIND FORCE.				
	PRECIPITATION.	SNOW OR SLEET.	GALE.	N.	N.N.E.	N.E.	E.N.E.	E.	E.S.E.	S.E.	S.S.E.	S.	S.S.W.	S.W.	W.S.W.	W.	W.N.W.	N.W.	N.N.W.	CALM.	No. of observations. at 12 G.M.T.				MEAN (M.P.H.) 12 G.M.T.
																					1-3	4-5	6-7	8 or more	
Jan.	21	3	6	2	3	1	1	1	0	1	0	1	5	4	0	3	2	4	3	0	7	18	5	1	18
Feb.	22	0	5	2	0	0	0	0	0	0	0	0	5	2	4	2	6	2	5	0	5	16	5	2	21
Mar.	15	0	6	3	0	2	1	2	0	0	0	2	3	3	4	2	1	6	2	0	7	15	7	2	20
April	18	2	1	1	0	0	0	0	0	0	0	0	2	4	3	0	7	10	3	0	9	14	7	0	18
May	25	7	2	1	2	1	0	0	0	2	0	3	1	3	6	2	4	3	3	0	10	13	8	0	14
June	16	9	0	3	1	0	0	1	0	0	1	0	2	3	7	2	5	1	4	0	12	16	2	0	15
July	17	6	1	2	0	1	0	0	2	1	2	1	4	3	4	0	2	5	4	0	8	10	12	1	21
Aug.	12	4	4	2	2	1	0	0	0	0	0	1	3	0	6	1	5	8	2	0	13	12	5	1	17
Sept.	12	6	3	1	0	0	0	0	0	0	0	1	2	3	4	3	4	8	3	0	11	15	4	0	19
Oct.	10	3	4	1	0	0	0	0	0	0	0	1	2	6	2	2	3	10	4	0	6	15	10	0	20
Nov.	13	2	10	2	0	0	0	1	0	0	0	1	2	3	4	1	2	10	4	0	5	15	9	1	19
Dec.	20	12	6	0	1	0	0	0	1	1	0	1	5	5	5	1	5	4	2	0	5	17	9	0	21
Totals	201	54	48	20	9	6	2	5	3	5	3	12	36	39	49	19	46	71	39	0	98	176	83	8	223
Means	17	5	4	1.7	0.7	0.5	0.2	0.4	0.3	0.4	0.3	1.0	3.0	3.3	4.1	1.6	3.8	5.9	3.3	0	8.2	14.7	6.9	0.7	19

3. A day of snow or sleet is a day on which snow or sleet occurs at any time during the day whatever the amount.
4. A day of gale is a day on which the mean wind (not the extreme wind in gusts) reaches or exceeds beaufort force eight at any time.

METEOROLOGICAL OFFICE,  
FALKLAND ISLANDS.

## Public Health By-laws made by the Stanley Town Council and approved by the Governor in Council.

### Short title.

1. These By-laws may be cited as the Stanley Town Council (Public Health) By-laws.

### Definitions.

2. In these By-laws unless the context otherwise requires –
- “Ashpit” means any receptacle whether movable or fixed, for the deposit of house refuse, dust, ashes or rubbish.
- “Council” means the Stanley Town Council.
- “Inspector” means any person appointed by the Council with the approval of the Governor to carry out the provisions of these By-laws.
- “Occupier” means, in the case of any premises or part of any premises, the person in occupation or having the management or control thereof either on his own account or as agent for some other person.
- “Pail” includes any receptacle in which night soil is deposited.
- “Public water main, drain or sewer” means any water main, drain or sewer maintained by the Council.
- “Premises” means any property in Stanley owned or occupied by any person, firm or company.

### NUISANCES.

#### Powers of Inspector.

3. An Inspector shall, for the purposes of these By-laws –
- (1) enter and inspect at all reasonable hours any premises in which he has reason to believe a nuisance is being committed and require the abatement of such nuisance;
  - (2) enter and inspect all bakehouses, slaughterhouses and premises wherein food for sale or distribution for human consumption is manufactured or prepared in Stanley;
  - (3) cause to be removed any noxious matter from all public drains, water courses, gutters, ditches, streets, roads or lanes;
  - (4) enter and inspect between sunrise and sunset once in every two months the yards and outbuildings of all premises and forthwith report any nuisance to the Town Clerk.

### BUILDINGS.

4. If any building or house used or intended to be used for human habitation or any part thereof is unfit for human habitation as being injurious or likely to be injurious to the health of any person inhabiting the same, the Council shall issue an order prohibiting the use for human habitation of such building or house or part thereof.

Provided that if any such building or house or part thereof is subsequently rendered fit for human habitation the Council may revoke such order.

#### Permission for new building.

5. No person shall erect or begin to erect any building until he has –
- (1) applied to the Council for permission so to do;
  - (2) furnished the Council with
    - (a) drawings, showing elevations, sections, and plans of

every floor of the intended building drawn to a scale of not less than one inch to every eight feet;

- (b) a block plan showing the position of the intended building and of the buildings already existing if any on the proposed site, the boundaries of the proposed site, and the position of any buildings immediately adjoining the proposed site as well as the name of the owner of such building. The block plan shall also show the proposed lines of the water supply and the drainage of the intended building and the lines of any public water main or sewer with which it is intended to connect the water supply and the drainage of the intended building; and
- (c) a description in writing of the materials with which it is proposed to erect the intended building and to construct the water supply and drainage of the intended building.

(3) obtained a permit to build signed by the Town Clerk.

6. Every document specified in the foregoing By-law shall be forwarded to the Council in duplicate and one copy of every such drawing or document shall be retained by the Council and shall become the property of the Council. Every such drawing or document or duplicate copy thereof shall be signed by the person who furnished the same or by his duly appointed agent.

7. (1) Any official duly authorised in writing by the Chairman of the Council shall have power to enter any building or premises in the course of erection for the purpose specified at reasonable times between the hours of sunrise and sunset after having given due notice to the occupier thereof.

Power of entry.

(2) Any person wilfully obstructing any such authorised person shall commit an offence against these By-laws.

8. If any person

- (a) erects or begins to erect any building without having obtained a permit to build under By-law 5 ; or
- (b) having obtained such permit contravenes any of the provisions of these By-laws or fails to erect such building according to the plans and particulars approved by the Council or fails to comply with any written notice signed by the Town Clerk requiring him within the time specified in the notice to make such alterations as may be necessary to ensure compliance with the provisions of these By-laws

Erection without or contrary to permit.

the Council may by notice signed by the Town Clerk require him to demolish and remove the building or any part thereof within the time specified in the notice and should he fail to comply therewith the Council will by its servants, agents and workmen carry out such demolition, removal or alteration and the Council is hereby empowered to recover from such person all costs and expenses in connection therewith.

9. The Council may when it decides that a building will not be completed within a reasonable time give notice signed by the Town Clerk to the person to whom the permit to build has been granted requiring him to complete the building on or before the date specified in the notice otherwise the Council will withdraw the permit : Provided that nothing in this By-law shall prevent any person from making a fresh application for a permit to build.

Building to be erected within reasonable time.

10. No person shall occupy or permit to be occupied any new building until it has been certified by the Council to be fit for

Occupation of new buildings.

occupation and in the case of a dwelling house fit for human habitation.

**Preparation of site.**

11. The site of a building in respect of which a building permit has been granted under these By-laws shall be prepared by removing all animal or vegetable matter and shall be dug out to such depth as the Council may consider necessary.

**Footings.**

12. Every wall of a building shall be constructed so as to rest upon proper footings.

**Concrete.**

13. All concrete used in the erection of a building shall be composed of clean gravel, broken hard brick, broken stone or other hard material approved by the Council and shall be well mixed with freshly burned lime or good cement in the proportion of at least one to six.

**Air space under floors.**

14. The underside of any floor joist or plate of a building shall be at least six inches above the surface of the underlying gravel and shall be efficiently ventilated by the insertion of air bricks, gratings or two inch slots left in the concrete foundations of outer and sleeper walls.

**Stability of materials.**

15. The timbers and materials of a timber framed building shall be of such size and strength as the Council may consider necessary to secure due stability.

**Damp courses.**

16. Any stone or brick building erected for use as a dwelling house shall be constructed with a damp proof course of durable material impervious to moisture. The damp proof course may consist of sheet lead, asphalt three quarters of an inch in thickness, neat cement three quarters of an inch in thickness, slabs embedded in the cement or such other materials as the Council may approve.

**Stove piping.**

17. A pipe for the purpose of conveying smoke or other products of combustion shall not be fixed in any building unless it is fixed at a distance of at least eight inches from any combustible substance and such combustible substance is protected with asbestos sheeting or steel plate so as to leave an air space at least of half an inch between such combustible substance and the said asbestos sheeting or steel plate.

**Chimneys.**

18. Where a chimney is built against a wooden building the back of the chimney shall be built of brickwork not less than nine inches in thickness from the floor level to the height of one foot above the arch bar and the remaining portion of the back and the other sides of the chimney shall be built of brickwork not less than four and a half inches in thickness.

**Flues to be rendered  
pargetted or lined.**

19. The inside of every brick smoke flue in any building shall throughout the whole extent thereof be rendered, pargetted or lined with lime mortar.

**Flues against wood-  
work similarly to be  
treated.**

20. Where any brick smoke flue in any building passes through any floor or roof or behind or against any woodwork the outside of such brick flue shall be rendered, pargetted or lined with lime mortar or cement.

**Floors under ovens,  
stoves etc.**

21. The floor under every oven, copper, steam boiler, or stove for the combustion of solid fuel in any building, and the floor around the same shall for a space of one foot and three inches be formed of materials of an incombustible and non-heat conducting nature.

**Hearths.**

22. A slab of stone, tiles, bricks or other incombustible substance for half the width at the least of the chimney breast jamb on either side of such opening and one foot four inches at the least wide

at the breast thereof shall be laid level with the floor before the opening of every chimney in any building.

23. In any building erected under these By-laws for domestic use the backyard thereof shall be provided with a pathway extending along and adjacent to the back of the premises and such pathway shall be constructed of concrete, flat bricks or rubble bedded in cement and sand or other approved materials and the width of such pathway shall not be less than two feet six inches and shall slope half an inch to the foot from the building and shall be drained so as to discharge into the nearest public drain.

Backyard pavings.

24. Any building shall be provided with gutters and down pipes which shall be of cast iron, steel, zinc or wood and in every case shall be efficiently jointed with red lead or other suitable composition and shall be laid with a true and even fall of at least one inch in ten feet towards the outlet at the head of the down pipe. The gutters shall be supported at intervals of not more than four feet on strong brackets which shall be securely fastened. Every outlet for waste water shall be connected to the nearest public drain in such manner as may be directed by the Council.

Gutters and down pipes.

25. Every water closet shall be so constructed so as to comply with the following requirements where applicable—

Water closets.

- (1) the floor shall be a smooth and consolidated surface;
- (2) if the water closet is within a building, one of its sides at least shall be an external wall;
- (3) if the water closet has no external door it shall be provided with a window of an area not less than one and a half square feet exclusive of the frame set in an exterior wall;
- (4) if the water closet has an external door it shall be provided with a sufficient opening for light and ventilation as near to the top of the door or external wall as practicable;
- (5) it shall be provided with a separate cistern or flushing box of adequate capacity;
- (6) no part of the water closet apparatus other than the cistern or flushing box shall be directly connected with any pipe leading from a public water main;
- (7) it shall be provided with a pan, basin or other suitable receptacle of non-absorbent material so constructed as to receive and retain a sufficient quantity of water adequately to seal or to trap such pan, basin or other receptacle and to allow any filth to fall free from the sides directly into the water;
- (8) it shall be provided with suitable apparatus for the effectual application of the water in the cistern or flushing box to the pan, basin or other receptacle and for the prompt and effectual flushing and cleansing of the pan;
- (9) no container or similar fitting shall be fitted under the pan, basin or other receptacle;
- (10) water closets built in a house shall not open directly out of any main room.

26. Any room intended to be used as a living room shall not be less than seven feet from floor to ceiling and shall have a clear superficial floor area of not less than one hundred square feet and any room intended to be used as a sleeping room shall have a clear superficial floor area of not less than sixty square feet for every person sleeping therein subject to a total floor area of not less than

Height and area of rooms.

one hundred square feet. For the purpose of this By-law two children under twelve years of age shall be reckoned as one person.

**Light and ventilation.**

27. Any room intended to be used as a living or sleeping room shall be ventilated and lighted to the satisfaction of the Council, by means of a window or windows in an external wall. The area of such window or windows clear of the frame or frames shall equal at the least one-tenth of the superficial floor area. One half of every such window shall open and the opening shall extend to the top. Any room without a fireplace and flue which is intended to be used as a living or sleeping room shall have a special ventilation opening in size at the least one hundred square inches.

**Drains.**

28. (1) Any drain for the drainage of any building whether erected under these By-laws or already existing shall be constructed of good sound pipes formed of glazed stoneware, cast iron or other suitable material to the satisfaction of the Council. Such drain shall be of adequate size in the opinion of the Council and if constructed or adapted for the purpose of the conveyance of sewage shall have an external diameter of not less than four inches and shall be laid with a sufficient fall in the opinion of the Council and with socketted or otherwise watertight joints. No such drain shall be so constructed as to pass under any building or part of a building except in a case where no other mode of construction is practicable and if any such drain shall be constructed so as to pass under any building or part of a building such drain shall be so laid in the ground that there shall be a distance at the least to the full diameter thereof between the top of such drain and the surface of the ground under the building or part of the building aforesaid. No such drain shall be constructed in a manner so as to allow any inlet to be made to such drain within the building except any inlet which may be necessary from the apparatus of any water closet or slop sink constructed to be used within the building for the reception of solid or liquid filth.

(2) No drain shall be covered up until it has been approved by the Council to whom at least three days' notice in writing shall have been given of intention to cover up.

**Waste and overflow pipes.**

29. Any waste pipe from any bath or lavatory basin or any other pipe for the conveyance of foul or wash water in any building, whether erected under these By-laws or already existing shall be trapped and taken through an external wall and shall discharge in the open air over a trapped gully with proper grating to the satisfaction of the Council, and any overflow pipe from any cistern or water closet in the manner constructed shall be taken through an external wall and shall discharge in the open air.

**Stables.**

30. No stable, cowshed, fowl house, fowl coop, pigsty or any building in which any animal or bird is intended to be kept shall be erected within a distance of thirty feet from any dwelling house or in any position where in the opinion of the Council it is or is likely to become, a nuisance or injurious to the public health.

**Tanks.**

31. Any barrel, cistern or tank intended to hold water for drinking or domestic purposes shall be provided with a good and sufficient cover to the satisfaction of the Council and where any barrel, cistern or tank is constructed for the storage of water for drinking purposes it shall not be connected directly with any water closet.

**Demolition of ruinous buildings.**

32. Where it is shown to the satisfaction of the Council that any house, building or other structure of any kind is so ruinous as to be dangerous to the public safety the Council may serve upon the owner of such house, building or structure, a notice in writing requiring him to begin to shore up, secure or otherwise make safe such house, building or structure to the satisfaction of the Council or to begin to demolish and remove such house, building or structure within seven days of the receipt of the said notice, and to continue so to

shore up, secure or otherwise make safe or to demolish or remove without intermission until the requirements of the Council are finally completed, and to complete finally the requirements of the Council within a time to be specified in the notice and, if after the lapse of seven days from the receipt of the said notice or of the time specified the owner of such building or structure fails in due manner to comply with the requirements of the Council, the Council may thereupon carry out the work of demolition and removal prescribed and may recover from the owner of such house, building or structure the cost properly incurred in connection with the work of demolition or removal.

33. Where any house, building or structure in the opinion of the Council is in a dangerous condition or is endangered by the condition of any other building the Council may require the occupier of such house, building or structure to vacate it and if a requirement of the Council to vacate any house, building or structure under this By-law is not forthwith complied with the Council may bring the matter before a Court of Summary Jurisdiction and upon sufficient cause being shown may obtain from the Court an order for the ejection from any house, building or structure of the occupier thereof.

Vacation of dangerous buildings.

#### SANITATION.

34. No horse, cow, sheep, pig, fowl, duck, goose or other similar domesticated animal or bird shall be kept within a distance of thirty feet from any dwelling house or in any other place if in the opinion of the Council it is or is likely to become a nuisance or injurious to the public health.

Animals.

35. If the premises at the rear of any house or building or any passage leading thereto is in a dirty or insanitary condition or improperly drained or of such construction as to cause a dirty or insanitary condition the Council may serve upon the owner or occupier of the premises or passage a notice in writing requiring him to remedy the said condition or defect in drainage or construction within a time to be specified in the notice and if the owner or occupier as aforesaid fails to comply with the notice or with any part thereof he shall be guilty of an offence against these By-laws.

36. Night soil shall be removed and deposited in a manner approved by the Council and any person who fails to comply with the requirements of the Council or allows any night soil, urine or filth of a similar description to escape from any latrine, closet or urinal or to be deposited or flow on any yard, plot, street, footpath or public place or into any drain not constructed for the reception of night soil, urine, or filth of a similar description shall be guilty of an offence against these By-laws.

Night soil etc.

37. The occupier of any premises to which is attached any closet or closets not flushed with water shall —

Requirements in respect of earth closets.

- (1) Provide every such closet with a movable metal pail for the deposit of night soil of a capacity sufficient in the opinion of the Council to satisfy the requirements of the household.
- (2) Cause the seat or sides of every such closet to be so constructed as to admit of the convenient removal of such pail.
- (3) Provide every seat with a close fitting lid which shall be kept shut.
- (4) Cause every such closet to be provided with sufficient peat coom, dry earth or other deodorant and with suitable means for the effectual application of such material to the contents of the pail used in such closet.

- (5) Afford proper facilities to the servants of the Council engaged in removing night soil for gaining access to the premises.

**Garbage.**

38. Any occupier of any premises who fails to sort his garbage or waste material in a manner approved by the Council or to place the same in a location and in a receptacle satisfactory to the Council shall commit an offence against these By-laws.

**Disposal of refuse prohibited.**

39. Any person who throws or deposits or causes to be thrown or deposited any accumulation of dust, garbage or decaying animal, vegetable or other noxious matter in or upon any street, footpath or other public place shall be guilty of an offence against these By-laws. Any such accumulation in the immediate vicinity of any building or premises shall be *prima facie* evidence that it has been thrown or deposited by the occupier of such building or premises.

**Quarries and excavations.**

40. Any person who makes any quarry, excavation or hole in the ground of such description likely to be injurious or dangerous to the public health or safety without the permission of the Council in writing shall be guilty of an offence against these By-laws. Where the permission of the Council is given as aforesaid such quarry, excavation or hole in the ground shall be made subject to any condition with regard to the fencing, lighting, filling up or otherwise making secure thereof which the Council may consider necessary in the interest of the public health and safety.

**GENERAL.**

**Premises to be kept free from rats and mice.**

41. The owner or occupier of any premises shall take such steps as may from time to time be necessary and reasonably practicable to keep such premises free from rats and mice.

42. The owner or occupier of any premises who shall not –

- (1) keep in a thorough state of cleanliness and repair all water-courses, open ditches or gutters upon his premises and prevent the accumulation of noxious matter by the removal thereof to any place of deposit which the Council may order ;
- (2) protect the water supply attached to such premises in such a way as may be considered necessary by the Council to secure the utmost purity ;

shall commit an offence against these By-laws.

43. Any person who shall –

- (1) discharge or deposit in or on any public road or street or in any water-course, drain or ditch, any stones, earth, weed, sweepings, filth, paper, rags or rubbish of any kind ; or
- (2) drive or lead or take horses, cattle, or vehicles over open drains, or to tether horses or cattle in the vicinity of such drains ; or
- (3) carry on any noxious or offensive trade which in the opinion of the Council may be injurious to public health without the permission of the Council in writing first obtained or neglects, fails or omits to observe or comply with the terms and conditions of such permission ; or
- (4) holds any market without permission of the Council in writing first obtained or neglects, fails or omits to observe or comply with the terms and conditions of such permission ; or
- (5) store any manure or other waste material for sale or any other purpose (except for the personal use of

the owner or occupier) and any such owner or occupier who shall store any manure or waste material other than in a manner approved by the Council ;

shall commit an offence against these By-laws.

44. Any person who contravenes or evades or attempts to contravene or evade any By-law for which no penalty is provided or who aids or abets any contravention or evasion or attempted contravention shall be liable on summary conviction to a penalty not exceeding £2 and in a case of a continuous offence to a penalty not exceeding 5/- for each day on which such offence continues after written notice of the said offence or order from the Council has been served upon him.

Made by the Town Council this 18th day of March, 1949.

The Seal of the Town Council was affixed in the presence of

A. L. HARDY,  
*Chairman.*

K. V. LELLMAN,  
*Town Clerk.*

## By-laws made by the Stanley Town Council and approved by the Governor in Council.

- |   |                         |
|---|-------------------------|
| 1. These By-laws may be cited as the Petrol Storage By-laws.  | Short title.            |
| 2. In these By-laws where the context so admits —<br>“Licensed Warehouse” means a warehouse licensed by the Council for the storage of petrol.<br>“Petrol” means petroleum which when tested gives off an inflammable vapour at a temperature of less than 73 degrees Fahrenheit.   | Definitions.            |
| 3. All petrol landed at Stanley shall immediately be stored in a licensed warehouse at the expense of the importer.   | Storage on landing.     |
| 4. No person shall smoke or shall have a naked light within 30 yards of any place where petrol is being landed or stored.   | Prohibition of smoking. |
| 5. No person shall store petrol without a licence first obtained from the Council. Every such licence shall be in respect of the premises or tank in which the petrol is stored. No petrol shall be stored other than in a licensed warehouse or tank. This By-law shall not apply where the amount of petrol kept does not exceed four imperial gallons. | Licence to store.       |
| 6. No person shall deal in or sell petrol without a licence first obtained from the Council.  | Licence to sell.        |

Breach of licence conditions.

7. The Council may impose such licence fees and such licence conditions as it may think fit as a precaution against fire and any licensee neglecting or failing to comply therewith shall commit an offence and upon conviction therefor the Council may forthwith rescind the licence granted to him.

Pumps.

8. No person shall erect any pump for the storage or supply of petrol until the site thereof has been approved by the Chief Constable, Stanley, and the construction and operation thereof have been approved by the Council.

Power to inspect.

9. The Council may by its officials, servants or agents, at all reasonable hours inspect any place or receptacle in which petrol is stored. Any person who shall obstruct, hinder, or delay them in so doing shall commit an offence.

Made by the Town Council this 18th day of March, 1949.

The seal of the Town Council was affixed in the presence of

A. L. HARDY,  
*Chairman.*

K. V. LELLMAN,  
*Town Clerk.*

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### SCHEDULE OF LICENCE FEES.

#### PETROL STORAGE BY-LAWS.

Licence to import petrol from any source into the Town of Stanley	£5 0 0.
Licence to store petrol in a warehouse approved by the Council	nil.
Licence to store petrol in a fixed pump	nil.
Licence to deal in or sell petrol	nil.

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### PETROL LICENCE CONDITIONS.

1. No person shall in any licensed warehouse
  - (a) have any matches or any implements for producing flame or fire;
  - (b) bring or use any artificial light of any description except a light incapable of igniting an inflammable vapour outside of the lamp itself;
2. An adequate quantity of sand in suitable receptacles to the satisfaction of the Council shall be maintained in every licensed warehouse.
3. All petrol stored in tins or drums shall be kept and stored in a non-inflammable room fitted with a non-inflammable door approved by the Council.
4. Any tin or drum found to be in a leaking or damaged condition shall immediately be removed to a place of safety in the open air.



# The Falkland Islands Gazette

Published by Authority.

Vol. LVIII.

SEPTEMBER 1, 1949.

No. 12.

## NEW APPOINTMENTS.

<i>Name</i>	<i>Department</i>	<i>Office</i>	<i>Date</i>	<i>Remarks</i>
Walker, H.	Public Works	Painter	4.8.49	Development Programme.
Simpson, J. G.	" "	Carpenter	4.8.49	" "
Saunders, J. J.	Education	Teacher	4.8.49	" "
Emerson, N.	" "	"	28.8.49	" "

## CONFIRMATION OF APPOINTMENTS.

	<i>Department</i>	<i>Office</i>	<i>Date</i>	<i>Remarks</i>
Biggs, Miss T.	Education	Pupil Teacher	9.2.48	New Conditions.
Luxton, Miss A. I.	"	" "	9.2.48	" "
Luxton, Miss J.	"	" "	25.5.48	" "
Reive, Miss D.	Electrical & Telegraphs	Telephone Operator	1.2.49	" "
Williams, Miss V.	Education	Pupil Teacher	1.11.47	Old Conditions.

## TERMINATION OF APPOINTMENTS.

	<i>Department</i>	<i>Office</i>	<i>Date</i>	<i>Reason</i>
Roberts, Miss W. M.	Secretariat	Temporary Clerk	31.8.49	Resigned.
Wallace, Mrs. I.	Education	Assistant Teacher	31.8.49	Resigned.

## NOTICES.

The following Notices etc., are published by command of the Officer Administering the Government.

R. WINTER.

*Acting Colonial Secretary.*

No. 42.

8th August, 1949.

Intimation has been received from the Right Honourable the Secretary of State for the Colonies to the effect that His Majesty will not be advised to exercise his power of disallowance in respect of the following Ordinances of the Legislature of the Falkland Islands :-

Ordinance No. 7 of 1948, entitled "An Ordinance to amend the Income Tax Ordinance, 1939".

Ordinance No. 9 of 1948, entitled "An Ordinance to authorise the Levy of a General Rate and a Water Rate in Stanley".

Ordinance No. 13 of 1948, entitled "An Ordinance to amend the Workmen's Compensation Ordinance, 1938".

Ordinance No. 15 of 1948, entitled "The United Nations Privileges Ordinance, 1948".

Ordinance No. 16 of 1948, entitled "An Ordinance to provide for the Nomination and Election of Members to the Legislative Council".

Ordinance No. 17 of 1948, entitled "An Ordinance to amend the Stanley Town Council Ordinance".

Ordinance No. 18 of 1948, entitled "The Stanley Town Council (Powers) Ordinance, 1948".

Ordinance No. 1 of 1949, entitled "Administration of Justice Ordinance, 1949".

M.P.s. 0747, 0653, 0038/II, 85/46.

0068/A, 0039/III, 0039/E & 0831.

No. 43.

15th August, 1949.

ROYAL AIR FORCE.  
CADETSHIPS AND APPRENTICESHIPS.

The Air Council of the Royal Air Force has decided to make provision for the nomination each year of a limited number of candidates from the Colonies for Cadetships at the Royal Air Force College at Cranwell, and for Royal Air Force Apprenticeships.

Persons interested may obtain further details from the Colonial Secretary's Office.

M.P. P/392.

No. 44.

16th August, 1949.

With reference to the Instrument under the Public Seal of the Colony dated the 8th of August, 1949, His Honour the Officer Administering the Government returned on the 15th of August, 1949.

M.P. 1088.

No. 45.

24th August, 1949.

The attention of all boat owners is drawn to Sections 2 and 3 of the Government Wharves Ordinance, 1911, which provide that any person who shall take any vessel alongside a Government wharf without the permission of the Harbour Master or who shall not pay the wharfage dues to the Harbour Master shall be liable to a fine not exceeding £10 for each offence.

M.P. 1108.

No. 46.

27th August, 1949.

His Honour the Officer Administering the Government has regretfully accepted the resignation of Jason Hansen, Esquire, from the office of Justice of the Peace on the grounds of ill health.

M.P. 0457.

No. 47.

31st August, 1949.

The undermentioned officers were absent on vacation leave from the 7th of March, 1949, to the 27th of August, 1949 both dates inclusive :-

MR. A. MERCER  
MR. B. FLEURET  
MR. T. HOOLEY.

M.Ps. L/118, L/200, L/18.

NOTIFICATION.

REGISTRATION OF UNITED KINGDOM TRADE  
MARKS ORDINANCE, 1938.

It is hereby notified for public information that Ordinance No. 16 of 1938, entitled "The Registration of United Kingdom Trade Marks Ordinance, 1938" becomes operative with effect from the date hereof.

18th August, 1949.

Order by the Officer Administering the Government  
varying the Schedule to the Administration of Estates by  
Consular Officers Ordinance, 1940.

MICHAEL R. RAYMER,

*Officer Administering the Government.*

No. 2 of 1949.

By virtue of the powers vested in him by Section 3 of the Administration of Estates by Consular Officers Ordinance, 1940, His Honour the Officer Administering the Government is pleased to order that the States of Estonia and Japan shall be deleted from the Schedule to that Ordinance.

Dated this 2nd day of August, 1949.

*By Command,*

R. WINTER,

*Acting Colonial Secretary.*

M.P. 38/40.

Instrument under the Public Seal of the Colony of the Falkland Islands appointing RICHARD WILLIAM SAMUEL WINTER, ESQUIRE, to be the Deputy for the Officer Administering the Government of the said Colony.

MICHAEL R. RAYMER - *By the Honourable MICHAEL ROBERT RAYMER, ESQUIRE, Officer Administering the Government of the Colony of the Falkland Islands and its Dependencies, &c., &c.*

WHEREAS by certain Letters Patent passed under the Great Seal of the United Kingdom, bearing date the 13th day of December, 1948, it is provided that in the event of the Governor of the Colony of the Falkland Islands and its Dependencies having occasion at any time to be temporarily absent for a short period from the seat of Government, or to leave the Colony for the purpose of visiting any Dependency thereof, he may, by an Instrument under the Public Seal of the Colony, appoint any person to be his deputy during such temporary absence, and in that capacity to exercise, perform, and execute for and on behalf of the Governor during such temporary absence, but no longer, all such powers and authorities by the said Letters Patent or otherwise vested in the Governor as shall in and by such Instrument be specified and limited, but no others;

AND WHEREAS I shall have occasion to leave Stanley on the 8th day of August, 1949, for the purpose of visiting certain places on the East and West Falkland Islands;

NOW, THEREFORE, I, MICHAEL ROBERT RAYMER, Officer Administering the Government of the Colony of the Falkland Islands and its Dependencies, do hereby appoint you RICHARD WILLIAM SAMUEL WINTER, Acting Colonial Secretary of the said Colony, to be my deputy within the said Colony during my temporary absence from Stanley as aforesaid and in that capacity to exercise, perform and execute for me and on my behalf during such temporary absence, all such powers and authorities by the above recited Letters Patent or otherwise vested in me, but subject always to the provisions of the said Letters Patent and to such instructions as you shall receive from me from time to time for your guidance.

Given under my hand and the Public Seal of the Colony this 8th day of August, 1949.

*By Command of the*  
*Officer Administering the Government,*  
R. WINTER,  
*Acting Colonial Secretary.*

## The Post Office Ordinance, 1898.

### Telephone and Telegraph Rules.

MICHAEL R. RAYMER,

*Officer Administering the Government.*

Wires under supervision of Supervisor E. & T. Dept.

1. Every telephone and telegraph line or wire erected shall be subject to the control of the Supervisor of the Electrical and Telegraph Department (hereinafter called "the Supervisor").

No private line without approval of Governor.

2. Any person who shall erect any telephone or telegraph or electrical line or wire without the approval of the Governor first obtained shall commit an offence and shall be liable to a fine not exceeding £25 and the Court may order that such line or wire shall be forfeited.

Applications for telephone.

3. Every application for a telephone shall be made to the Supervisor and upon the application being approved the applicant shall enter into an agreement to pay rent for a period not less than one year.

Telephone rentals.

4. (1) The rentals for subscribers on the Stanley Telephone Circuit shall be –

- (a) if on a single line – £5 : 5 : 0 per annum for each instrument;
- (b) if on a party line serving two instruments – £3 : 10 : 0 per annum for each instrument;
- (c) if on a party line serving three instruments – £3 : 0 : 0 per annum for each instrument;
- (d) if on a party line serving four or more instruments – £2 : 10 : 0 per annum for each instrument.

(2) Rentals shall be paid in advance.

Power of Governor to reduce or remit in individual cases.

5. The Governor may reduce or remit the rentals in Rule 4 in any individual case as he may deem fit.

Rental for extensions.

6. (1) The rentals for each extension to other premises occupied by the subscriber operated by switch, in Stanley, shall be –

- (a) when not more than 110 yards from the original instrument – £1 : 10 : 0 per annum;
- (b) when not more than 440 yards from the original instrument – £2 : 10 : 0 per annum.

(2) No extension shall be granted in respect of any premises more than 440 yards from the original instrument nor to premises not in the occupation of the subscriber.

(3) The rentals shall be paid in advance.

Rental includes maintenance.

7. The rental shall include (except in the case of Camp and private lines) fixing and maintaining the necessary wire and instruments and all calls.

Call Box rate.

8. Calls may be originated and received at the Public Call Box at the Exchange Stanley on prepayment to the operator of 3d. for each service not exceeding five minutes and 3d. for each succeeding five minutes or part thereof.

9. A subscriber shall be responsible to the Government for the proper care of the telephone receiver and all other telephone equipment installed on the premises occupied by him and shall be liable for any damage thereto unless caused by circumstances beyond his control.

Damage to telephone equipment.

10. (1) Any private long distance line on East Falkland, may, with the permission of the Governor and at the expense of the owner, be connected with the Telephone Exchange, Stanley.

Private telephone lines.

(2) The subscription for such connection shall be £5 : 5 : 0 per annum for each separate Camp Station, whether connected to the Exchange, Stanley, by direct private line, or by an extended line. The subscription shall be paid in advance, and will include any farm cottage belonging to the Camp Station, connected with the private line.

(3) Every telephone instrument on a private long distance line connected with the Telephone Exchange, Stanley, shall be fitted with an inter-through switch, and the nearest instrument in actual circuit along the line from the Exchange shall be the instrument for the call.

(4) The Government, and, subject to any objection on the part of the owner, any subscriber to the Telephone Exchange, Stanley, may use free of charge, any private long distance line connected with the Telephone Exchange.

11. All instruments, wire and accessories on any private line or any private long distance line shall be supplied at the cost of the owner of the line, and the line instruments etc., shall be erected and maintained by the owner at his entire cost.

Maintenance of private lines.

12. Any person other than a Government employee who shall make any alteration to or connection with a Government wire or instrument shall commit an offence and shall be liable, in addition to the cost of reinstatement of such wire or instrument, to a fine not exceeding £5.

Non-interference with Government equipment.

13. No call except for medical or police services shall be made between the hours of 10 p.m. and 8 a.m.

Urgent Calls.

14. Government will maintain the telephone circuit in Stanley but shall not be held responsible for a breakdown in the service owing to any cause whatsoever nor shall any subscriber be entitled to claim rebate in the rental in respect thereof.

Maintenance of service.

15. Subscribers shall report any complaints and irregularities to the Supervisor.

Complaints.

16. (1) In the event of any subscriber not paying the relative rentals provided for under these Rules within one month of the due date of payment his wire shall, without further notice to him, be disconnected and shall not be reconnected until he has paid the said rent and a reconnection fee of 5/-.

Non-payment of rent.

(2) Should any subscriber not pay the said rent within three months of the said date of payment the Government will remove his instrument and all telephone wires in connection therewith and the instrument shall not be reinstalled until the said rent and all costs of reinstatement have been paid.

(3) In addition to such disconnection or removal Government may claim a proportionate part of the rent of the instrument for the period during which it has been installed on a subscribers premises.

## Interpretation.

17. In these Rules where the context so admits :

“subscriber” means the person who is responsible to Government for the telephone rental under these Rules.

“Private Long Distance Line” means a telephone line extending beyond Stanley erected and maintained by the owner at his entire cost.

## Rescission.

18. The Telephone and Telegraph Rules made on the 2nd day of January 1918 are hereby rescinded.

Made by the Governor in Council under the provisions of the Post Office Ordinance, 1898, this 19th day of August, 1949.

L. W. ALDRIDGE,

*Clerk of the Executive Council.*



# The Falkland Islands Gazette Extraordinary

Published by Authority.

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VOL. LVIII.

SEPTEMBER 30, 1949.

No. 13.

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## A Bill for An Ordinance

To consolidate and amend the law as  
to Licensing.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows—

### PART I. — PRELIMINARY.

1. This Ordinance may be cited as the Licensing Ordinance, 1949. Short title.
2. In this Ordinance where the context so admits— Interpretation.
  - “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 and/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;

"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 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.

#### Kinds of licences.

3. (1) The licensing authority may, subject as hereinafter mentioned, grant the following licences upon payment of the fees respectively set out against them :

#### Fees.

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							
15 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.

#### Duration.

(2) (a) Packet, wholesale, tobaccoist's, club, and auctioneer's (other than an occasional licence) licences 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 licensed premises and licensed persons holding, or 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.

5. Nothing in this Ordinance shall apply to any person selling any spirituous or distilled perfume, *bona-fide* as perfumery, nor to the prescription or administration of any liquor simply as medicine, or for medicinal purposes by or under the direction of any registered medical practitioner, nor to any person who holds a licence as auctioneer, selling liquor at public auction in quantities of not less than two gallons at any one time.

Ordinance not to apply in certain cases.

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 liquor without a licence authorising such sale shall commit an offence and be liable to forfeit all liquor and the containers in his possession.

No liquor to be sold without licence.

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 21 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 21 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 21 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.

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.

Appeals.

(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 mid-day and mid-night, each and any hour or part of an hour, five shillings, and
- (b) after mid-night, 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 liquors 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.

## Name of licensed person to be affixed to premises.

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.

## Retail dealers not to keep a store.

15. Any person licensed to sell 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.

## Samples of liquor may be taken for test purposes.

16. Any constable may enter upon any premises where 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.

## Sanitary precautions.

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.

## Dancing etc. on licensed premises.

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 sub-section (2) hereof shall commit an offence and shall be liable to forfeit his licence.

(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 thereto (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.

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 to 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 liquor either by wholesale or retail on the same premises.

Liability to revocation of licence on conviction.

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.

Penalty for paying wages in licensed premises.

21. No licensed person shall recover any debt or demand on account of any 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 liquor supplied in moderate quantity with meals to any person *bona fide* lodging in his house.

No debts for liquor recoverable.

22. (1) Any licensed person who shall receive in payment or as a pledge for any 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.

Liquor to be sold for money only.

(2) No licensed person shall receive payment in advance for any liquor to be supplied; and any payment so made in advance may be recovered notwithstanding that any 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 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.

Penalty for harbouring constable.

Supply of liquor to drunkards prohibited.

26. Where it shall appear to a court that any person by excessive drinking of 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 liquor for a period not exceeding one year, and such Magistrate or Justices or any other two Justices may, at the same time or any other time, in like manner, prohibit the selling of any such liquor to the said drunkard by any such licensed persons of any other district to which such drunkard shall or may be likely to resort for the same.

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 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 liquor be 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 procure 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 liquor; or
- (b) be found in possession of any liquor; or
- (c) be found drunk in Stanley,

he shall commit an offence.

Sales by auction forbidden 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.

Forfeiture of licence for permitting house to be a brothel.

32. Any licensed person who permits his premises to be used as a brothel shall commit an offence and he shall forfeit his licence and be disqualified for any period from holding any licence for the sale of liquors.

33. Any licensed person may refuse to admit to and may turn out of the premises in respect of which his licence be 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, agent or his 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 :

On week-days from 11 a.m. until 1 p.m. and from 5.30 p.m. until 10 p.m.

On Sundays, Christmas Day & Good Friday from 12 noon until 2 p.m.

Provided that it shall be lawful for the Governor by Order-in-Council to vary the said hours.

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 liquor, or opens, or keeps open such premises for the sale of liquors, or allows any liquors although purchased before the hours of closing, to be consumed on such premises, or during such aforesaid time allows any one whomsoever 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 liquor or play any game as aforesaid during such time shall commit an offence.

Penalty for sale of liquor at unauthorised times.

37. The occupier of any unlicensed premises on which any liquor is sold, 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.

Occupier of unlicensed premises liable for the sale of liquor.

38. (1) If any purchaser of any 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.

Seller liable for drinking on premises contrary to licence.

(2) For the purposes of this section the expression "premises where the same is sold" shall include the premises adjoining, or near the premises where the liquor is sold, if belonging to the seller or under his control, or used by his premises.

39. (1) If any person having a licence to sell liquors, not to be drunk on the premises, himself takes or carries, or employs or suffers any other person to take or carry any 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 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.

Evasion of law as to drinking on premises contrary to licence.

(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.

Penalty on internal communication with unlicensed premises.

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.

(2) Any holder of a licence convicted under this section shall in addition to a penalty, be liable to forfeit his licence.

No bars beyond the number licensed to be used.

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.

(2) Any person who shall open or use any additional bar for the sale of 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 five pounds per annum for each additional bar, shall be deemed to have been guilty of selling without a licence.

Club not to sell liquor without 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 liquor on any premises occupied by a club, whether permanently or temporarily, without first obtaining a club licence shall commit an offence.

43. In any proceedings relative to an offence under this Ordinance it shall not be necessary, when the sale or consumption of 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 any consumption of liquor was about to take place, and proof of consumption or intended consumption of 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 liquor provable by purchaser thereof.

44. The evidence of any person shall be admitted in proof of unlawful sale of liquor, although he may have himself purchased the same, and such evidence shall be sufficient to support a conviction for such offence.

Persons deemed unlicensed if not producing licence.

45. (1) In all proceedings against any person for selling or allowing to be sold any 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 any liquor, or that any is sold or served therein, or of there being on such premises more liquor than is reasonably required for the use of the persons residing therein, shall be *prima facie* evidence of the unlawful sale of 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 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.

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.

Protection of property of guests.

(2) If any such goods or chattels shall be distrained or seized for rent, or in any other manner contrary to the provisions hereof the Magistrate, or any two Justices may inquire into any complaint made in such respect 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 or to a greater amount than £30 unless

- (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;
- (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. No claim for money lent or goods sold to any lodger or customer shall be recoverable by any publican before any court.

Money lent to lodgers or customers not recoverable by law.

50. Every licensed publican who fails to provide suitable accommodation, with bed and board, for at least one traveller shall commit an offence.

To provide accommodation for at least one traveller.

51. (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.

52. (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

Removal and alteration of premises.

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.

53. 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.

54. 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.

55. 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.

56. 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.

Searching unlicensed premises.

57. Upon reasonable cause of suspicion that any liquor is in or upon any house, premises, vessel or boat, which has been illegally sold, or is there for the purpose of illegal sale, or that any person is there illegally purchasing liquor, it shall be lawful for any constable or constables, to enter and search any such house, premises, vessel or boat, or any part thereof at any hour; and it shall be lawful for any Justice to grant a warrant to search any such house, premises, vessel or boat, and any constable or constables or such person to whom such warrant may be addressed may and shall seize and remove to the police office all such liquor, together with the casks or bottles, and packages containing the same as shall be found there, and may arrest any person found there illegally purchasing or selling liquor; and the Magistrate or any two Justices before whom the case shall be heard may, in addition to any penalty which he may impose, declare such liquor, together with the casks or bottles and packages containing the same, to be, and the same shall thereupon be forfeited to the use of His Majesty, unless the defendant shall prove that such liquor was not illegally sold, or there for the purpose of illegal sale.

Constables may stop any person removing liquor.

58. Any person who shall knowingly remove or convey any 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 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.

59. 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.

Forfeiture of licence for felony etc.

60. 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.

No licensed person to act as a Justice.

61. Any licensed person who shall mix, or suffer to be mixed with any liquor any unwholesome ingredient, or shall receive or have in his possession any unwholesome ingredient, with intent to mix the same with any liquor, shall commit an offence and be liable to forfeit his licence, and all such unwholesome liquor and ingredients.

Adulterating liquor.

62. 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.

Continuance of forfeited licence to owners of premises in certain cases.

63. Any licensed person who shall sell by wholesale or retail any spirits of less strength than 30 underproof shall commit an offence.

64. Any owner, lessee, manager, or agent in charge of station may, without a licence, sell 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 liquor to other than his own employees shall commit an offence.

Supply of liquor without licence by owner of stations to their employees under certain conditions.

65. (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 permission.

(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 enquiry 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.

66. 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.

67. 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 all liquor therein, and may demand, select, and obtain any samples of liquor which may be in such house or premises, and on paying, or tendering payment for such samples of liquor may remove the same for the purpose

Inspectors may enter premises and search for adulterated drink.

- of analysis or otherwise. If any licensed or other person in charge of any 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.
- Penalty for obstructing inspector.**
- Commencement of prosecutions.** 68. All prosecutions under this Ordinance shall be commenced within six calendar months after the alleged offence.
- Application of fines, penalties etc.** 69. 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.** 70. (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 twenty pounds or to imprisonment for a period not exceeding three months; and
  - (b) for a second offence, to a fine not exceeding fifty pounds 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.** 71. 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.
- Special billiard licence.** 72. 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:—
- In respect of a licence authorising premises to be kept open during any period not specified in the licence—
- (a) between mid-day and mid-night, any hour or part of an hour, two shillings and
  - (b) after mid-night, any hour or part of an hour, four shillings.
- Penalty for unlawful hire of billiard table.** 73. 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 70.

### PART IV. — AUCTIONEERS.

- Grant of licence.** 74. (1) No person shall carry on the business of an auctioneer before he has applied and been granted a licence so to do by the licensing authority.
- (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.

75. 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 74 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.

76. (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% 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.

Payment of 2½% of goods proceeds of sale into 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.

77. 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.

Auctioneer to furnish Colonial Secretary with information as to sale.

78. 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.

No auction on board vessel without permission.

79. 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.

This Part not applicable to Govt. officials or person acting under Order of Court.

#### PART V. - TOBACCO LICENCES.

80. 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.

Penalty on sale without licence.

81. 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 two shillings and sixpence a day in respect of such licence.

Occasional licence.

82. (1) If any person sells to a person apparently under the age of sixteen 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 two pounds, and in the case of a second offence to a fine not exceeding five pounds, and in the case of a third or subsequent offence to a fine not exceeding ten pounds.

Penalty for selling tobacco to children and young persons.

(2) A constable shall seize any cigarette or cigarette papers in the possession of any person apparently under the age of sixteen 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

Forfeiture of tobacco.

Search.

authorised to search any boy found smoking. Any girl found smoking may be conducted to and searched by the Gaol Matron.

Provision as to automatic machines for the sale of tobacco.

83. (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.

(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 five pounds, and to a further fine not exceeding one pound for each day during which the offence continues.

#### PART VI. — GENERAL.

Powers of Governor in Council to make regulations.

84. 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.

Application to Dependencies.

85. This Ordinance shall apply to the Dependencies.

Repeals :

5 of 1853, 5 of 1911,  
4 of 1944, 9 of 1944,  
1 of 1946, 3 of 1948,  
4 of 1948.

86. The Auctioneer's Ordinance 1853, the Licensing Ordinance (South Georgia) 1911, the Licensing Ordinance 1944, the Licensing (Amendment) Ordinance 1946, the Licensing (Amendment) Ordinance 1948, the Tobacco Ordinance 1944 and the Tobacco (Amendment) Ordinance 1948 are hereby repealed.

M.P. 1092.

## A Bill for An Ordinance To amend the Penguins Preservation Ordinance, 1914.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

Short title.

1. This Ordinance may be cited as the Penguins Preservation (Amendment) Ordinance, 1949, and shall be read and construed as one with the Penguins Preservation Ordinance, 1914, (hereinafter referred to as the Principal Ordinance).

Amendments :  
Sections 2 and 6.

2. Sections 2 and 6 of the Principal Ordinance shall be deleted and the following substituted therefor:

“2. 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.

M.P. 1113.

# A Bill for An Ordinance To amend the Seditious Offences (Penalties) Ordinance, 1938.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

- |  |                                |
|--|--------------------------------|
| <p>1. This Ordinance may be cited as the Seditious Offences (Amendment) Ordinance, 1949, and shall be read and construed as one with the Seditious Offences (Penalties) Ordinance, 1938, (hereinafter referred to as the Principal Ordinance).</p> | <p>Short title.</p>            |
| <p>2. The word "Penalties" shall be deleted from the title of the Principal Ordinance.</p>   | <p>Amendments :<br/>Title.</p> |
| <p>3. The words "Officer acting as legal adviser to the Governor" shall be substituted for the words "Colonial Secretary" in the last line of section 5 (2) of the Principal Ordinance.</p>  | <p>Section 5 (2).</p>          |

M.P. C/8/38.

# A Bill for An Ordinance To consolidate the law as to Land.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

- |   |                        |
|---|------------------------|
| <p>1. This Ordinance may be cited as the Land Ordinance, 1949.</p>  | <p>Short title.</p>    |
| <p>2. In this Ordinance unless the context otherwise admits :<br/>"Deed" means any instrument affecting land in the Colony.<br/>"Land" means land and any messuages, tenements and buildings thereon and any estate or interest therein but does not include Crown land or minerals.<br/>"Court" means the Supreme Court of the Colony.<br/>"Registrar General" means the Registrar General at Stanley.<br/>"Crown land" means any land not already granted in fee simple and any land acquired by the Crown.<br/>"Reserve" means the land specified in section 21 and any land declared a reserve under that section.<br/>"Chief Constable" means the chief officer of Police at Stanley.<br/>"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.</p> | <p>Interpretation.</p> |

"Country land" means land more than six miles from the Cathedral in Stanley or from the centre of any town.

"Town land" means land in Stanley as defined in section 138 of the Stanley Town Council Ordinance and land not more than two miles from the centre of any town.

"Vendor" "Owner" "Mortgagor" "Mortgagee" "Lessor"

"Lessee" "Transferor" "Transferee" includes 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.

#### Conveyances.

3. (1) Every deed conveying the fee simple in land shall be in the form set out in Form 1 in the First Schedule hereto.

(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 incumbrances (except as therein described) 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 tenant for life or under an order of the Court that he has the right to convey free from incumbrances except as therein specified limited to things done or suffered by the person so conveying or to which he has been party.

#### Mortgages.

4. (1) Every deed being the mortgage of land shall be in the form set out in Form 2 in the First Schedule.

(2) The following covenants shall be implied in every mortgage

- (a) on the part of the mortgagor the covenants contained in section 3 (2) (a) or (b) as the case may be;
- (b) 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 incumbrances.

(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.

5. Every deed being transfer of mortgage shall 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.

Transfer of Mortgage.

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.

Reconveyance.

(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) shall be in the form set out in Form 5 in the First Schedule.

Lease.

(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 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 :

Execution of Deeds.

- (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

in the presence of a Justice of the Peace, or in a foreign country a Notary Public, except in the case of a limited company when the common seal of the company shall be 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 Crown Grant or lease of agreement 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.

Registration.

(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.

10. A copy of any registered deed certified by the Registrar General shall be admissible in evidence.

Certified copy of deed.

11. (1) Any person who considers himself lawfully entitled to be registered as the owner in fee simple in any land may petition the Court to be so registered.

Fresh title.

(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 shewn 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.

Penalty.

(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 sub-section (1) of this section.

(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.

Cancellation.

14. Every stamp affixed to a deed shall be cancelled by the Registrar General by impressing his seal thereon.

Penalties.

15. Any person who

- (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 on 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 :

*Deed described in the Third Schedule.*

*Person liable for duty.*

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.

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.

Assessment of duty.

(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.

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 Crown lands.

19. The Governor in Council may dispose of Crown lands required for public purposes.

Disposal of land for public use.

20. The Governor in Council may refuse a lessee of any Crown lands the right of purchasing the freehold thereof.

Power of refusal to sell freehold.

21. (1) The following land shall continue to be reserves —

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 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.

Lease of reserved 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.

Renewal of lease.

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

Country land (not being a reserve) exceed the term of 21 years.

Suburban land or a reserve exceed the term of 3 years.

Town land exceed the term of 60 years.

(2) Where the Governor shall decline to renew a lease the Government shall pay the lessee the value of all improvements 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 termination 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 the Governor in Council 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 improvements.

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.

Determination of lease.

27. When a lessee fails to observe and 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 the said lease shall forthwith determine and 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.

Reservations, restrictions and conditions.

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.

(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.

To effect a transfer the lessee shall endorse and sign on the lease in the presence of a Justice of the Peace or in a foreign country a Notary Public except in the case of a limited company when the Common Seal of the company shall be affixed in accordance with the articles of association of the company as follows :

"I hereby transfer to  
all my right title and interest in this lease.  
Dated the       day of       19       ."

The transferee shall within 30 days if the lessee is resident in the Colony or within six months if he is not resident forward the lease to the Registrar General for registration otherwise the transfer shall not be effective.

- (b) Country and suburban lands shall be used for pastoral purposes only. Country and suburban lands for pastoral purposes.
- (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. Government may take stones etc.
- (d) All minerals are reserved to the Government of the Falkland Islands 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. Minerals reserved to Government.
- (e) Rent shall be paid yearly in advance. Rent.
- (f) 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. Right of entry.
- (g) All rates, taxes and assessments shall be paid in respect of the land. Rates etc.
- (h) 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. Fences.

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 both such fine and imprisonment. Damage to fences etc.

#### 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 Warrant for acquisition.

acquired for a public purpose and such warrant shall be published in the Gazette.

**Notices.**

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 or their duly appointed attorneys of the land specified in the warrant, or if they cannot be found

- (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.

**Entry and possession.**

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.

**Registration.**

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.

**Proceedings where possession refused.**

35. (1) When the owner or occupier of any land to be 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 direct 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 lands 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 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 will purchase such land rendered useless accordingly.

**Part of building 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 will take the whole house or building.

**Compensation.**

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
  - (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.

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.

False evidence to be perjury.

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.

Time for award.

(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.

42. Every such award shall specify the amount awarded

Publication of award.

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 shewn 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.

Resumption of land under Crown Grants not to give claim for compensation.

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.

## PART V.

### GENERAL.

Protection of persons acting under Ordinance.

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.

(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.

Cutting peat on Crown lands.

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 forty shillings for each day peat is so cut.

Searches and certified copies of documents.

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.

Governor in Council may make regulations.

48. The Governor in Council may make Regulations for the effective administration of this Ordinance.

Repeals :

12 of 1853 (part).  
1 of 1902.  
9 of 1903.  
6 of 1904.  
3 of 1934.

49. That part of the Second Schedule entitled "Registrar's fees - Land" to the Registration Ordinance 1853, the Public Lands Ordinance 1902, the Land Ordinance 1903, the Titles to Land Ordinance 1904, the Land (Amendment) Ordinance 1934 are hereby repealed.

Commencement.

50. This Ordinance shall come into force on the 1st day of January, 1950.

# FIRST SCHEDULE.

## Form 1.

THIS CONVEYANCE is made the            day of            one thousand  
nine hundred and            in pursuance of the Land Ordinance 1949.

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 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 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 is made the            day of            one thousand  
nine hundred and            in pursuance of the Land Ordinance 1949.

Where one  
prior charge.

BETWEEN            of  
(hereinafter called "the Mortgagor") of the one part and  
of            (hereinafter called "the Mortgagee") of the other part.

Where more  
than one prior  
charge.

Delete recitals  
when not  
applicable.

WHEREAS by a Mortgage dated the            day of  
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.

WHEREAS by the mortgages more particularly set out in the Schedule  
hereto the land hereinafter described and intended to be hereby conveyed was  
conveyed to the respective mortgagees subject to the rights of redemption  
respectively herein contained.

WITNESSETH that in consideration of the sum of  
now paid by the Mortgagee to the Mortgagor (the receipt whereof is hereby

acknowledged) 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 is made the \_\_\_\_\_ day of \_\_\_\_\_ one thousand nine hundred and \_\_\_\_\_ in pursuance of the Land Ordinance 1949.

BETWEEN \_\_\_\_\_ of \_\_\_\_\_ (hereinafter 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 acknowledged) 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 is made the            day of            one thousand nine hundred and            in pursuance of the Land Ordinance 1949.

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 incumbrances.

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 is made the            day of            one thousand nine hundred and            in pursuance of the Land Ordinance 1949.

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            and the            day of            in every year the first payment to be made on the            day of            and 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            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 1949.

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 shewn 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 etc.

subject etc.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

*Judge.*

Registered the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

*Registrar.*

## 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.
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.

1/- 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.

2/6 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 shewn in this Schedule.

### FOURTH SCHEDULE.

#### Form A.

(Section 31)

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 1949.

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) 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.*

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## 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.*

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# A Bill for An Ordinance

## To amend the Wild Animals and Birds Protection (Amendment) Ordinance, 1913.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

1. This Ordinance may be cited as the Wild Animals and Birds Protection (Amendment) Ordinance, 1949, and shall be read and construed as one with the Wild Animals and Birds Protection (Amendment) Ordinance, 1913, (hereinafter referred to as the Principal Ordinance).

Short title.

2. Section 2 of the Principal Ordinance shall be amended by the deletion of the remainder of the section after the word "animal" in line 19 thereof.

Amendments :  
Section 2.

3. Section 9 of the Principal Ordinance shall be deleted.

Section 9.

M.P. 1099.

# A Bill for An Ordinance

## To amend the Public Health Ordinance 1894.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

1. This Ordinance may be cited as the Public Health (Amendment) Ordinance, 1949, and shall be read and construed as one with the Public Health Ordinance, 1894, (hereinafter referred to as the Principal Ordinance).

Short title.

2. Sections 5 and 6 of the Principal Ordinance shall be deleted and the following substituted therefor :

"5. 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 therefor.

Cleanliness of premises and utensils used in connection with the sale etc. of food.

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.

3. The Principal Ordinance shall be amended by the addition of the following sections after section 6 thereof :

Prevention of food being exposed to infection etc.

"6A. 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.

Power of Board to prohibit importation of food.

"6B. (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.

(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 consumption.

"6C. (1) If it shall appear to a medical officer or an inspector that any article of food or drink intended for human consumption is 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.

Court may order destruction of food unfit for human consumption.

(2) 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.

"6D. 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, or

(b) sells such food as pure and unadulterated 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 three months or 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.

Burden of proof.

"6E. 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".

Section 7.

4. Section 7 of the Principal Ordinance shall be deleted and the following substituted therefor :

"7. 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.

5. Section 8 of the Principal Ordinance shall be amended by the addition of the following at the end thereof

Section 8.

"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".

6. Section 10 of the Principal Ordinance shall be amended by the deletion of the words "On receipt of information from an Inspector of Nuisances or any two inhabitant freeholders of any nuisances" in lines 1, 2 and 3 thereof.

Section 10.

7. Sections 9, 11, 16 and 17 of the Principal Ordinance shall be deleted.

Sections 9, 11, 16 & 17.

8. Sections 12, 13, 14 and 15 of the Principal Ordinance shall be deleted and the following substituted therefor

Sections 12, 13, 14 & 15.

"12. (1) If a court is satisfied that a nuisance exists or may recur on the same premises it may make an order :

Court orders as to nuisances.

(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.

(2) 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.

"13. Any person who fails to comply with an order of the Court to abate a nuisance or knowingly and wilfully acting contrary to an order of prohibition shall, unless he satisfies the Court that he has used all diligence to carry out such order, 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.

"14. (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.

(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 failing to comply with an order under this section shall be subject to the penalties provided for in section 13 hereof.

9. The words "with the approval of the Governor in Council" shall be inserted after the word "may" in line 1 of section 18 of the Principal Ordinance.

Section 18.

## Section 19.

10. Section 19 of the Principal Ordinance shall be deleted and the following shall be added to section 18 in substitution thereof:

(xvii.) 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.

## Section 21.

11. Section 21 of the Principal Ordinance shall be deleted and the following substituted therefor :

"21. 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.

12. The Principal Ordinance shall be amended by the addition of the following section :

## Section 22.

"22. In this Ordinance and any by-law made thereunder where the context so admits :

## Interpretation.

"The Board" means the Board of Health appointed under section 1 hereof.

"Inspector" means an inspector appointed under section 7 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.

## A Bill for An Ordinance

### To amend the Interpretation and General Law Ordinance, 1949.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

1. This Ordinance may be cited as the Interpretation and General Law (Amendment) Ordinance, 1949, and shall be read and construed as one with the Interpretation and General Law Ordinance, 1949. Short title.

2. Section 14 of the Interpretation and General Law Ordinance, 1949, shall be amended by substituting "1949" for "1948" in line 2 thereof. Amendment :  
Section 14.

## A Bill for 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 of the Falkland Islands.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

1. This Ordinance may be cited as the Pensions Ordinance, 1949. 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 — Interpretation.

“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" –

- (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 does not include such an addition if it is granted subject to the condition that it shall not be pensionable.

"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 territory under British Mandate or of the Anglo-Egyptian Sudan, or under the High Commissioner for Transport in Kenya and Uganda, and service which is pensionable under the Teachers (Superannuation) Act, 1925, or any Act amending or replacing the same, and any such other service as the Secretary of State may determine to be "public service" for the purpose of any provisions 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.

#### Pension regulations.

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.

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 the Regulations to this Ordinance, and the expression "this Ordinance" shall, wherever it occurs in this Ordinance, 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. 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.

(1) on or after attaining the age of 60 years or, in special cases with the approval of the Governor in Council, 55 years;

(2) 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;

(3) on the abolition of his office;

(4) on compulsory retirement for the purpose of facilitating improvement in the organization of the department to which he belongs, by which greater efficiency or economy may be effected;

(5) 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;

(6) in the case of removal on the ground of inefficiency as provided in this Ordinance;

(7) 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, &c.) Acts, 1911 to 1936, or any Act amending or replacing those Acts.

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.

Retirement for inefficiency.

8. (1) It shall be lawful for the Governor in Council to require an officer to retire from the service of the Colony at any time after he attains the age of 55 years.

Compulsory and voluntary retirement.

(2) An officer may with the approval of the Governor in Council retire at any time after he attains the age of 55 years.

## Maximum pension.

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.

(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, in lieu of his pension, 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 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 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 direct, cease as from such date as the Secretary of State or the Governor, as the case may be, determines.

Pensions, etc., may  
cease on conviction.

(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 appointments.

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.

Gratuity where an  
officer dies in the  
service.

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.

(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.

Pensions to depend-  
ants when an officer  
is killed on duty.

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,

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 fifteen pounds 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-seventy seconds and one sixth respectively.

(5) 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 1937, or any Ordinance amending or replacing that Ordinance, are entitled to compensation under that Ordinance.

18. (1) The provisions of this Ordinance shall apply —

- (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

Application of Ordinance.

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 12 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 Ordinances and Regulations referred to in section 19 of this Ordinance 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 recomputed.

Repeals :

5 of 1937.  
13 of 1940.  
4 of 1941.  
2 of 1946.

19. The Pensions Ordinance, 1937, the Pensions (Amendment) Ordinance, 1940, the Pensions (Amendment) Ordinance, 1941, and the Pensions (Amendment) Ordinance, 1946, are hereby repealed and all Regulations made thereunder are hereby revoked.

M.P. 0829.

## A Bill for An Ordinance To amend the Quarantine Ordinance, 1908.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

Short title.

1. This Ordinance may be cited as the Quarantine (Amendment) Ordinance, 1949, and shall be read and construed as one with the Quarantine Ordinance, 1908, (hereinafter referred to as the Principal Ordinance).

Amendments :  
Section 1.

2. Section 1 of the Principal Ordinance shall be amended by the addition of the words "other than by 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 Ordinance" at the end thereof.

Section 9.

3. Section 9 of the Principal Ordinance shall be amended by

- (a) the deletion of the words between the word "person" in line 1 and the word "obstructs" in line 5 thereof;
- (b) the deletion of the words "Inspector or other" in line 7 thereof;
- (c) the insertion of the words "may be apprehended without warrant and" after the word "he" in line 9 thereof.

4. Section 10, subsections (2), (3) and (4) of section 12, and section 16 of the Principal Ordinance shall be deleted.

Section 10.  
Section 12 (2), (3) &  
(4). Section 16.

5. Subsection (1) of section 12 of the Principal Ordinance shall be amended by the deletion of the words "Inspector or other" in line 5 thereof.

Section 12 (1).

6. (a) The definition "infectious or contagious disease" in Regulation No. 2 in the Schedule to the Principal Ordinance shall be amended by the deletion of the remainder of the definition after "small pox" in line 2 thereof.

Schedule.

(b) Regulation No. 25 (d) in the Schedule to the Principal Ordinance shall be amended by the substitution of the word "three" for the word "ten" in line 3 thereof.

M.P. 1085.

## A Bill for An Ordinance

To amend and consolidate the law as  
to marriage.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

1. This Ordinance may be cited as the Marriage Ordinance, 1949.

Short title.

2. In this Ordinance where the context so admits —

Interpretation.

"Registrar General" means the person holding that office under the Registration Ordinance 1949.

"Minor" or "Infant" means a person under the age of 21 years and 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.

3. Every marriage

Valid Marriages.

(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.

Appointment of Registrars.

4. The Governor may appoint Registrars for the purposes of this Ordinance.

Registered ministers.

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 :

Provided that the Governor may refuse any such application and may remove the name of any person from the register.

Places registered for celebration of marriages.

6. (1) Christ Church Cathedral, the Roman Catholic Church and the Nonconformist Tabernacle shall be deemed to be places registered for celebrating 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.

When and where a marriage may be solemnised.

By minister.

7. (1) A minister may at any time within three months after declaration made under section 8 and 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 :

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.

By Registrar.

(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.

Declaration of intended marriage.

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.

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 2nd 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 as 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.

12. No person shall except as provided in section 13, solemnise any marriage –

Conditions as to marriage.

- (1) until a marriage licence has been issued and 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 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.

## Neglect.

22. Any person who shall offend against or fail to comply with any of the provisions of this Ordinance for the breach of which no penalty is provided, shall be liable on summary conviction to a fine not exceeding £50.

## Marriages under the Foreign Marriages Acts 1892 to 1947. Notice.

23. A party to a marriage intended to be solemnised under the Foreign Marriages 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.

## Posting of notice.

24. 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.

## Certificate of notice.

25. 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.

26. The fees specified in the Third Schedule hereto shall be paid for the services therein specified.

27. This Ordinance shall apply to the Dependencies.

## Repeal : 8 of 1902.

28. The Marriage Ordinance, 1902, is hereby repealed.

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. <i>(If either party be under the age of 21, the father or guardian must write here "I Consent" and sign his name.</i>	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 \_\_\_\_\_  
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.

# 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, 1949, 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.

Form 3.

FALKLAND ISLANDS.  
Marriage Certificate.

No. \_\_\_\_\_ in the Registrar-General's Office.

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 solemnized between us*

\_\_\_\_\_

*In the presence of us*

{

*Witness.*

*Married by me*

*Signature*

*Title*

*Witness.*

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.
		£    s.    d.
The Governor	Special Licence ... ..	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 . Falkland Islands this day of 19

(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

A Bill for  
An Ordinance  
To amend the Trade Unions and Trade  
Disputes Ordinance.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

Short title.

1. This Ordinance may be cited as the Trade Unions and Trade Disputes (Amendment) Ordinance, 1949, and shall be read and construed as one with the Trade Unions and Trade Disputes Ordinance.

Amendments :  
Sections 17, 21 & 22.

2. The definitions to "intimidate" and "injury" in subsection (1) of section 17, subsection (2) of section 21 and subsection (2) of section 22 of the Trade Unions and Trade Disputes Ordinance shall be deleted.

M.P. C/17/30.

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A Bill for  
An Ordinance  
To provide for the maintenance of  
Waterworks at Stanley.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

Short title.

1. This Ordinance may be cited as the Stanley Waterworks Ordinance, 1949.

Definition.

2. "Waterworks" mean 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;

- (b) after 21 days' notice in writing to the owner or occupier thereof lay pipes and other appliances on or through such land.

(5) 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 caused by drought or other unavoidable circumstance.

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) 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 for the administration of this Ordinance.

Regulations.

6. The Stanley Water Supply Ordinance, 1927, is hereby repealed.

Repeal: No. 4 of 1927.

M.P. 30/26.

## A Bill for An Ordinance

To make provision for the care of persons of unsound mind.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows—

1. This Ordinance may be cited as the Mental Treatment Ordinance, 1949.

Short title.

2. In this Ordinance unless the context otherwise requires—

Interpretation.

“person of unsound mind” means an idiot or a person who is suffering from mental derangement.

3. (1) Any Justice may, 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 be of unsound mind and a proper subject to be placed under care and treatment, 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 power 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.

(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.

4. (1) The Justices making an inquiry under section 3 hereof shall direct the Senior Medical Officer or another registered medical practitioner to examine the person suspected of being of unsound mind and thereupon such practitioner shall, if he considers that the facts warrant it, sign a certificate that in his opinion the suspected person is of unsound mind and specifying in full detail the facts upon which he founds his 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 and upon the said registered medical practitioner having certified that any person is of unsound mind and a proper subject to be placed under care and treatment 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 24 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.

#### Duration of reception orders.

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.

(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.

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 desire is for the benefit and interest of the person of unsound mind.

Maintenance may be charged to estate of person of unsound mind.

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 patient if fit.

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.

Discharge of person on undertaking of relative etc. for proper care.

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 and surveillance, and sureties (if any) as the Senior Medical Officer may deem fit.

Release of patient on trial.

(2) In the case of any breach of an undertaking or condition imposed under this section or if a person does not return to an 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 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.

Magistrate may order person to be brought before him for examination.

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 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 an approved place and the Senior Medical Officer shall discharge such person accordingly.

(2) An examination under this section shall be conducted in private.

Removal of a person of unsound mind to the United Kingdom.

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.

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 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 after every such visit.

(3) The said visitors shall submit a joint report to the Governor in December in each year 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, and shall submit such reports upon any matter connected with an approved place as and when the Governor may specially direct.

Protection of persons enforcing Ordinance.

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 purporting to be a report, application or certificate or has done anything in pursuance to 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 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 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 prescribed 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.

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 shall on conviction on indictment be liable for a term of imprisonment not exceeding two years.

Abuse of female of unsound mind.

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 in an approved place.

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.

Ill-treating patients released on trial and obstructing officer.

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

Selling etc. articles to persons in approved place.

liable to a penalty not exceeding £20 or to imprisonment for a term not exceeding six months.

Trespassing on premises of an approved 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.

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.

31. This Ordinance shall apply to the Dependencies.

Repeal No. 4 of 1894.

32. The Lunacy Ordinance, 1894, is hereby repealed.

M.P. 1107.

## A Bill for An Ordinance To amend the Live Stock Ordinance, 1901.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

Short title.

1. This Ordinance may be cited as the Live Stock (Amendment) Ordinance, 1949, and shall be read and construed as one with the Live Stock Ordinance, 1901, as amended by the Live Stock (Amendment) Ordinances (hereinafter referred to as the Principal Ordinance).

Section 1.

2. The definition "stray sheep" shall be deleted and the following substituted therefor :

"stray sheep" means any sheep, not being a travelling sheep, upon land not in the occupation of the owner of the sheep.

The definition "Inspector" shall be deleted and the following substituted therefor :

"Inspector" means an inspector appointed under section 2 of this Ordinance.

Sections 13 & 14.

3. The words "Agricultural Officer" shall be substituted for the words "Chief Inspector" in Sections 13 and 14 of the Principal Ordinance.

Sections 17 & 41.

4. The words "or two Justices" shall be inserted after the word "Magistrate" in sections 17 and 41 of the Principal Ordinance.

5. Sections 25, 26 and 27 of the Principal Ordinance shall be deleted. Sections 25, 26 & 27.

6. Section 28 of the Principal Ordinance shall be amended by inserting the following after the proviso thereto :- Section 28.

“Provided also that the Agricultural Officer may exempt the owner of 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.”

7. The words “and cattle” shall be inserted after the word “sheep” wherever it shall appear in Sections 35, 36 and 37 of the Principal Ordinance with the exception of subsection (3) of section 37. Sections 35, 36 & 37.

8. Section 41 of the Principal Ordinance shall be amended by deleting the words “all penalties or moiety penalties, when the half is payable to an informer,” in lines 4 and 5 thereof. Section 41.

9. (1) The words “or to carry out any lawful order given” in lines 4 and 5 of section 46 of the Principal Ordinance shall be deleted. Section 46.

10. Form 5 in the Schedule to the Principal Ordinance shall be deleted and the form shewn in the Schedule hereto shall be substituted therefor. Schedule.

M.P. 1093.

SCHEDULE.

Ag. 4. FALKLAND ISLANDS.  
LIVE STOCK ORDINANCE, NO. 6 OF 1901.

Annual Return 19.....

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.....			
Sold locally for Breeding					Purpose.	Country of origin or Station where bought.	Sex.	Total.
" " " Mutton								
" " " Boiling down								
" " " Other reasons								
Exported								
Killed on Station and only skinned								
Boiled down on Station								
Killed for Mutton								
Total								

Number of Sheep shorn between 1st June, 19..... and 31st May, 19.....

Percentage Lambs Marked at First Marking on last year's Dipping Tally.....%

Total Wool Clip.....lbs.      Average Wool clipped per sheep.....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.	Oxen.	Cows.	All under 2 years old.	Total.

Swine.

Boars.	Breeding Sows & Gilts.	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.

## A Bill for An Ordinance

### To amend the King Edward VII. Memorial Hospital Ordinance, 1916.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows—

1. This Ordinance may be cited as the King Edward VII. Memorial Hospital (Amendment) Ordinance, 1949, and shall be read and construed as one with the King Edward VII. Memorial Hospital Ordinance, 1916.

Short title.

2. The definition "Company" in section 2, and sections 3 and 4 of and the Schedule to, the King Edward VII. Memorial Hospital Ordinance, 1916, shall be deleted.

Amendments :  
Sections 2, 3, 4 and  
the Schedule.

M.P. 1112.

## A Bill for An Ordinance

### To amend the Vaccination Ordinance, 1868.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows—

1. This Ordinance may be cited as the Vaccination (Amendment) Ordinance, 1949, and shall be read and construed as one with the Vaccination Ordinance, 1868, (hereinafter referred to as the Principal Ordinance).

Short title.

2. Section 1 of the Principal Ordinance shall be deleted and the following substituted therefor :

Amendments :  
Section 1.

"1. Every medical practitioner registered under the Medical Practitioners, Midwives and Dentists Ordinance 1914 or any Ordinance amending or replacing it shall be a public vaccinator for the purposes 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."

3. Section 2 of the Principal Ordinance shall be amended—

Section 2.

(a) by the deletion of the words "the Public Vaccinator of the district" in line 9 thereof and the substitution of the words "registered medical practitioner" therefor;

(b) by the deletion of the remainder of the section after the word "vaccinated" in line 10 thereof.

4. Section 4 of the Principal Ordinance shall be amended—

Section 4.

(a) by the deletion of the words "following week when the operation shall have been performed by the Public Vaccinator, such" in lines 1, 2 and 3 thereof and the words "week following the vaccination the" substituted therefor;

- (b) by the substitution of the words "registered medical practitioner" for the word "him" in line 5 thereof.

Section 5.

5. Section 5 of the Principal Ordinance shall be amended by the substitution of the word "registered" for the words "Public Vaccinator or other qualified" in lines 2 and 3 thereof.

Sections 6, 7, 11 & 12.

6. The word "registered" shall be substituted for the words "Public Vaccinator or" whenever they appear in sections 6, 7, 11 and 12 of the Principal Ordinance.

Sections 8, 13, 14, 17 & 18.

7. Sections 8, 13, 14, 17 and 18 of the Principal Ordinance shall be deleted.

Section 15.

8. Section 15 of the Principal Ordinance shall be deleted and the following shall be substituted therefor :

"15. Court may order that any child under the age of 14 years who has not been successfully vaccinated or who 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.

Application.

9. The Principal Ordinance shall be amended by the addition of the following section :

"19. This Ordinance shall apply to South Georgia in the Dependencies".

Schedule.

10. The Schedule to the Principal Ordinance shall be amended by the word "Registered" being substituted for the words "Public Vaccinator or" and "Public Vaccinator of the District or" wherever they appear.

M.P. 1087.

## A Bill for An Ordinance

### To declare the law as to Aliens.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

Short title.

1. This Ordinance may be cited as the Aliens Ordinance, 1949.

Definitions.

2. In this Ordinance or any regulations made thereunder where the context so admits :

"An alien" means any person who according to the laws in force or that may come into force in the United Kingdom is not a British subject, British protected person or who is a citizen of the Republic of Ireland.

Admission of aliens.

3. (1) No alien who is a lunatic, idiot or mentally deficient or who has been certified by a medical officer in the service of the Government of the Colony as undesirable for medical reasons, or who has been sentenced for a crime which would be a ground for extradition from the Colony or who has been prohibited from landing by order of the Governor, shall land in the Colony.

(2) Any alien who shall land in the Colony without the permission of the Governor unless :

- (a) he is in possession of a valid passport issued to him by or on behalf of the Government of which he is a national or some other document with a photograph attached satisfactorily establishing his nationality or identity to the satisfaction of and, except where he is a national of one of those countries with which an agreement has been entered into by His Majesty's Government for the abolition of visas and such agreement has been extended to the Colony, he has been granted a visa to enter the Colony by or on behalf of His Majesty's Government,
- (b) he is in a position to support himself and his dependents,

shall commit an offence.

4. Every alien who shall within seven days of his landing in the Colony fail to register with the Chief Constable and furnish him with such particulars as he may require or shall fail to notify the Chief Constable within seven days of any change of residence, shall commit an offence.

Registration.

5. The Governor in Council may make a deportation order subject to such conditions as he may think fit in respect of any alien when

Deportation Orders.

(1) 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;

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

6. An alien in respect of whom a deportation order has been made may be detained in legal custody until he be placed on a ship leaving the Colony.

Detention pending deportation.

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

Master of ship.

8. 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.

9. Any person who commits an offence under 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.

10. The Governor in Council may make regulations for the administration of this Ordinance.

Regulations.

11. The Passports Ordinance, 1921, the Passports (Amendment) Ordinance, 1925, and the Aliens' Ordinance, 1929, are hereby repealed.

Repeals.

# A Bill for An Ordinance To amend the Workmen's Compensation Ordinance, 1939.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

Short title.

1. This Ordinance may be cited as the Workmen's Compensation (Amendment) Ordinance, 1949, and shall be read and construed as one with the Workmen's Compensation Ordinance, 1939, (hereinafter referred to as the Principal Ordinance).

Amendments :  
Section 2.

2. Section 2 (1) of the Principal Ordinance shall be amended by substituting the word "eighteen" for the word "seventeen" in line 3 thereof.

Section 4.

3. (1) Section 4 (1) (a) (i) of the Principal Ordinance shall be amended by inserting the word "six" after the word "thirty" in line 3 thereof.

(2) Section 4 (1) (b) (ii) of the Principal Ordinance shall be amended by substituting the words "ninety six" for the words "eighty four" in lines 1 and 2 thereof.

(3) Section 4 (1) (d) of the Principal Ordinance shall be amended by the addition of the following proviso :

"Provided that in no case shall compensation be payable at a rate exceeding six pounds per month".

Section 5.

4. (1) Section 5 (1) (b) of the Principal Ordinance shall be amended by inserting the word "six" after the word "thirty" in the first line thereof.

(2) Section 5 (1) of the Principal Ordinance shall be amended by the deletion of the proviso thereto.

Section 8.

5. Section 8 (5) of the Principal Ordinance shall be amended by substituting the word "fifteen" for the word "eight" in line 3 thereof.

Section 14.

6. Section 14 (3) of the Principal Ordinance shall be amended by substituting the words "section thirty-three of the Bankruptcy Act 1914" for the words "the Preferential Payments in Bankruptcy Act 1888" in lines 2 and 3 thereof.

Sections 31 and 32.

7. Sections 31 and 32 of the Principal Ordinance shall be amended by substituting the word "Judge" for "Chief Justice" wherever these words appear in these sections.

Section 32.

8. Section 32 (2) of the Principal Ordinance shall be amended by deleting the words "two successive issues of" in line 3 thereof.

Section 34.

9. Section 34 of the Principal Ordinance shall be amended by substituting the words "the British Empire" for the words "His Majesty's Dominions" wherever these words appear in this section and by deleting subsection (2) of this section.

# A Bill for An Ordinance To amend the Publications (Importation Prohibition) Ordinance, 1938.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

1. This Ordinance may be cited as the Publications (Importation Prohibition) (Amendment) Ordinance, 1949, and shall be read and construed as one with the Publications (Importation Prohibition) Ordinance, 1938, (hereinafter referred to as the Principal Ordinance). Short title.

2. Clauses (a) (b) and (c) of subsection (1) of section 6 of the Principal Ordinance shall be deleted and the following substituted in lieu thereof :

- “(a) the Postmaster
- (b) the Collector of Customs
- (c) the Chief Constable”.

M.P. C/8/38.

# A Bill for An Ordinance To impose restriction on Immigration and for purposes connected therewith.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

1. This Ordinance may be cited as the Immigration (Restriction) Ordinance, 1949. Short title.

2. In this Ordinance or any Regulation made thereunder where the context so admits : Definitions.

“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 immigration of such person has been obtained.

Prohibition of and conditions on landing any prohibited immigrant.

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

- (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 landing 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 respect of prohibited 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.

Seamen not to be discharged without consent of Shipping Master.

6. (1) No seaman shall be discharged from any ship in the Colony except with the consent of the Shipping Master which consent shall not be given unless the master, owner or agent shall have made arrangements to the satisfaction of the Shipping Master to ensure that the seaman shall not become a charge on the Colony.

(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.

Liability of employers bringing persons into Colony.

7. 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.

Offences.

8. Any person who

- (1) aids and assists any prohibited immigrant to land in the Colony in contravention of this Ordinance, or
- (2) 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

- (3) wilfully disobeys or disregards any obligation imposed by this Ordinance

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.

9. This Ordinance shall not apply to persons in the Service of the Government of the Colony or to natives of the Colony or persons permanently domiciled therein. Exemptions.

10. The Immigration (Restriction) Ordinance, 1936, and the Immigration (Restriction) Amendment Ordinance, 1939, are hereby repealed. Repeals: 3 of 1936 and 11 of 1939.

M.P. 0560.

## A Bill for An Ordinance

### To amend the Trespass Ordinance, 1904.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

1. This Ordinance may be cited as the Trespass (Amendment) Ordinance, 1949, and shall be read and construed as one with the Trespass Ordinance, 1904, (hereinafter referred to as the Principal Ordinance). Short title.
2. The word "waste" in lines 2 and 3 of section 2 of the Principal Ordinance shall be deleted. Amendments :  
Section 2.
3. The words "three" in line 2 and "one shilling" in lines 3 and 4 of section 4 of the Principal Ordinance shall be deleted and the words "five" and "two shillings and sixpence" substituted therefor respectively. Section 4.
4. Sections 7, 8, 9 and 11 of the Principal Ordinance are hereby repealed. Sections 7, 8, 9 and 11.
5. Section 13 of the Principal Ordinance shall be amended by the deletion of the remainder thereof after the word "thereof" in line 7. Section 13.
6. Section 14 of the Principal Ordinance shall be deleted and the following substituted in lieu thereof :  
"The Governor in Council may make regulations for the more effective administration of this Ordinance". Section 14.

M.P. 1078.

## A Bill for An Ordinance To amend the Falkland Islands Slaughtering and Inspection Ordinance, 1939.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

Short title.

1. This Ordinance may be cited as the Falkland Islands Slaughtering and Inspection (Amendment) Ordinance, 1949, and shall be read and construed as one with the Falkland Islands Slaughtering and Inspection Ordinance, 1939, (hereinafter referred to as the Principal Ordinance).

Amendments :  
Section 2.

2. The word "human" shall be substituted for the word "local" in line 4 of section 2 of the Principal Ordinance.

Section 4.

3. Section 4 of the Principal Ordinance shall be deleted and the following shall be substituted in lieu thereof as a proviso to section 3 of the Principal Ordinance :

"Provided that :

- (a) no diseased stock shall be slaughtered for human consumption;
- (b) that a complete record of all stock slaughtered for human consumption is kept shewing the persons to whom it is bartered or sold and that such record is open to inspection by an inspector at all reasonable times."

Section 10.

4. The words "and other officers for the purpose of this Ordinance and may define their duties, functions and powers" in lines 3 and 4 of section 10 of the Principal Ordinance shall be deleted and the words "under this Ordinance" substituted therefor.

Sections 16 & 17.

5. The word "justice" in the last line of section 16 and the words "or justice" in the lines 1 and 4 of section 17 of the Principal Ordinance shall be deleted.

Section 19.

6. The words "or any justice" in line 9 of section 19 of the Principal Ordinance shall be deleted.

Section 23.

7. Section 23 of the Principal Ordinance shall be deleted.

M.P. 1077.

## A Bill for An Ordinance To amend the Dogs Ordinance, 1944.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

Short title.

1. This Ordinance may be cited as the Dogs (Amendment) Ordinance, 1949, and shall be read and construed as one with the Dogs Ordinance, 1944, (hereinafter referred to as the Principal Ordinance).

Amendments.

2. Section 5 and the words "Such permission shall not be unreasonably withheld" in section 10 of the Principal Ordinance shall be deleted.

M.P. 160/43.

# A Bill for An Ordinance To amend the Post Office Ordinance, 1898.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows—

1. This Ordinance may be cited as the Post Office (Amendment) Ordinance, 1949, and shall be read and construed as one with the Post Office Ordinance, 1898, (hereinafter referred to as the Principal Ordinance). Short title.
2. The words "and regulations for the time being in force" in lines 2 and 3 of section 2 of the Principal Ordinance shall be deleted and the words "as provided by the Interpretation and General Law Ordinance, 1949, and any regulations made under such laws" shall be inserted after the word "Kingdom" in line 4 of the said section. Amendments :  
Section 2.
3. The words "1d. for every letter and  $\frac{1}{2}$ d. for every other postal packet contained in any mail" in lines 3 and 4 of section 7 shall be deleted and the words "two shillings and sixpence for every mail bag containing letters and papers and five shillings for every mail bag containing parcels" shall be substituted therefor. Section 7.
4. The Principal Ordinance shall be amended by the addition of the following section : Application.  
"9A. This Ordinance shall apply to South Georgia in the Dependencies."

M.P. 1083.

# A Bill for An Ordinance To amend the Defence Force Ordinance, 1920.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows—

1. This Ordinance may be cited as the Defence Force (Amendment) Ordinance, 1949, and shall be read and construed as one with the Defence Force Ordinance, 1920, (hereinafter referred to as the Principal Ordinance). Short title.
2. The definition "Company" in section 2 of the Principal Ordinance shall be deleted and the following substituted therefor : Amendments :  
Section 2.  
" 'Unit' means unit forming part of the Force".
3. Section 3 of the Principal Ordinance shall be amended by the addition of the following subsection : Section 3.  
"(3) The Governor may appoint such honorary members as he may deem fit".
4. The words "Companies of Garrison Artillery, Mounted Infantry and Infantry" in section 4 of the Principal Ordinance shall be deleted and the word "Units" substituted therefor. Section 4.

## Section 9.

5. Section 9 of the Principal Ordinance shall be deleted and the following substituted therefor :

“(1) Members, other than officers, shall wear such uniform as the Governor shall direct which shall be supplied to them on their enrolment and renewed at the public expense as the Commandant shall decide.

(2) Officers shall provide and maintain at their own expense such uniform as the Governor shall direct : Provided that the Governor may grant an allowance to each officer in respect thereof.”

## Section 11.

6. Section 11 of the Principal Ordinance shall be amended by

- (a) the substitution of the word “one” for the word “three” in line 5;
- (b) the addition of the words “Provided that the Commandant may in his discretion dispense with such notice” after the word “force” in line 6; and
- (c) by the deletion of the last paragraph thereof.

## Section 13.

7. Section 13 of the Principal Ordinance shall be amended by

- (a) inserting the words “for at least fifteen years or has been returned with efficiency” after the word “efficiency” in line 2 thereof, and
- (b) by adding the following subsection :

“(4) He may enjoy the privileges of the Defence Force Club as though he were an active member of the Force”.

## Sections 14, 22 (2), 23 (6) and 25.

8. Section 14, subsection (2) of section 22, subsection (6) of section 23, and section 25 of the Principal Ordinance shall be deleted.

## Section 17.

9. Section 17 of the Principal Ordinance shall be amended by deleting the words “or of any company detachment or party thereof” and inserting the words “motor vehicles” after the word “impress”.

## Section 21.

10. Section 21 of the Principal Ordinance shall be deleted and the following substituted therefor :

“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 18, 19 and 20 hereof when he may deem it in the interest of the Colony so to do.”

## Section 23.

11. Subsections (3) and (4) of section 23 of the Principal Ordinance shall be deleted and the following substituted therefor :

“(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.”

## General.

12. The word “unit” shall be substituted for the word “company” wherever it shall appear in the Principal Ordinance.

## Schedule C.

13. Schedule C to the Principal Ordinance shall be amended by :

- (a) deleting the first eleven and the 16th, 17th and 18th offences enumerated therein; and
- (b) substituting £1 0s. 0d. for 1s. 0d. as the limit of the fine for the offence “Loading a rifle contrary to orders”.

# A Bill for An Ordinance To amend the Harbour Ordinance, 1902.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

1. This Ordinance may be cited as the Harbour (Amendment) Ordinance, 1949, and shall be read and construed as one with the Harbour Ordinance, 1902, (hereinafter referred to as the Principal Ordinance). Short title.
2. Section 6 of the Principal Ordinance shall be amended by the insertion of the word "unauthorised" before the word "person" in line 3 thereof. Amendments :  
Section 6.
3. Section 15 of the Principal Ordinance shall be amended by substituting "Harbour Master" for the words "Receiver of Wrecks". Section 15.
4. Section 22 of the Principal Ordinance shall be amended by inserting the words "or any public jetty" after the word "beach" in line 2 thereof. Section 22.
5. The Principal Ordinance shall be amended by the addition of the following sections :  

"22A. 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.  
22B. 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."

M.P. 1084.

# A Bill for An Ordinance To provide for the imposition of penalties and fees in connection with the grant of Certificates and other matters under the British Nationality Act, 1948.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

1. This Ordinance may be cited as the British Nationality Ordinance, 1949. Short title.
2. (1) Any person who for the purpose of procuring anything 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. Penalties.

(2) Any person who fails to comply with any requirement 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.

**Fees.**

3. (1) Subject to subsection (2) hereof the fees specified 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.

**Repeal.**

4. The British Nationality and Status of Aliens (Fees) Ordinance, 1921, is hereby repealed.

M.P. 1022.

## SCHEDULE.

### TABLE OF FEES.

Matter in which fee may be taken.	Amount of fee.		
	£	s.	d.
Registration as a citizen under Section 6 or (in the case of a person of full age) Section 12 (6) of the British Nationality Act, 1948		10	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 Eire 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		10	0.
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.			
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.
Grant of a certificate of citizenship in case of doubt	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.
Registration of a declaration of intention to resume British nationality or of renunciation of citizenship.		10	0.
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.

# A Bill for An Ordinance To amend the Merchandise Marks Ordinance, 1889.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

1. This Ordinance may be cited as the Merchandise Marks (Amendment) Ordinance, 1949, and shall be read and construed as one with the Merchandise Marks Ordinance, 1889, (hereinafter referred to as the Principal Ordinance).

Short title.

2. Subsections (4), (5), (6) and (7) of section 2, subsection (1) of section 9, sections 10, 12, subsections (2), (6) and (8) of section 14 and section 18 of the Principal Ordinance shall be deleted.

Amendments :  
Section 2 (4) (5) (6) & (7),  
section 9 (1), sections 10,  
12, section 14 (2) (6) & (8),  
section 18.

3. Section 14 of the Principal Ordinance shall be amended by

Section 14.

(a) the deletion of the words "Whereas it is expedient to make further provision for prohibiting the importation of goods which if sold would be liable to forfeiture under this Ordinance: Be it therefore enacted as follows:—" in the first six lines thereof and

(b) by the deletion of the words "All such goods" in line 6 and the substitution of the words "All goods which, if sold would be liable to forfeiture under this Ordinance" therefor.

M.P. 1098.

# A Bill for An Ordinance To facilitate the preparation of a Revised Edition of the Laws by the Repeal of Certain Enactments.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows :

1. This Ordinance may be cited as the Law Revision (Repeal) Ordinance, 1949.

Short title.

2. The Ordinances set out in the Schedule to this Ordinance are hereby repealed.

Ordinances repealed.

3. All Rules, Regulations, Orders in Council, Proclamations and Orders made under or by virtue of the Ordinances set out in the Schedule to this Ordinance are hereby revoked.

Subsidiary legislation  
revoked.

M.P. 0681.

## SCHEDULE.

Number and year of Ordinance.	Short title.
1 of 1865.	The Clergymen's Ordinance. 1865.
4 of 1867.	The Naval Stores Ordinance, 1867.
2 of 1871.	The Escheat Ordinance, 1871.
1 of 1875.	The Mortgages Ordinance, 1875.
2 of 1875.	The Ships Ordinance, 1875.
3 of 1889.	The Criminal Law Amendment Ordinance. 1889.
4 of 1889.	The Married Women's Property Ordinance, 1889.
3 of 1890.	The Foreign Jurisdiction Act (Expenses) Ordinance, 1890.
4 of 1893.	The Christ Church Ordinance, 1893.
7 of 1895.	The Uniforms Ordinance, 1895.
2 of 1896.	The Conspiracy Ordinance, 1896.
3 of 1899.	The Wrecks Ordinance, 1899.
6 of 1902.	The Pilots Ordinance, 1902.
1 of 1904.	The Flogging Regulation Ordinance, 1904.
3 of 1909.	The Deceased Wife's Sister's Marriage Ordinance, 1909.
9 of 1909.	The Merchant Shipping Ordinance, 1909.
4 of 1911.	The Council's Validity Ordinance, 1911.
10 of 1912.	The Children Ordinance, 1912.
5 of 1914.	The Validity Ordinance. 1914.
5 of 1915.	The Whale Fishery Regulation Ordinance, 1915.
4 of 1917.	The Transport Discipline Ordinance. 1917.
3 of 1924.	The Criminal Law Amendment Ordinance, 1924.
4 of 1925.	The Criminal Law Amendment (Amendment) Ordinance. 1925.
6 of 1925.	The Administration of Justice (Amendment) Ordinance. 1925.
5 of 1926.	The Retiring Allowance to Nurses Ordinance, 1926.
4 of 1929.	The Local Naturalisation Ordinance, 1929.
6 of 1929.	The Prevention of Cruelty to Animals Ordinance, 1929.
11 of 1929.	The Prevention of Cruelty to Animals (Amendment) Ordinance, 1929.
3 of 1930.	The Merchant Shipping (Amendment) Ordinance, 1930.
8 of 1934.	Sentence of Death (Expectant Mothers) Ordinance, 1934.
11 of 1934.	Importation of Textiles (Quotas) Ordinance, 1934.
4 of 1935.	Senior Medical Officer (Designation) Ordinance, 1935.
5 of 1936.	Stanley Common Cattle Branding Ordinance, 1936.
10 of 1936.	The Counterfeit Currency (Convention) Ordinance, 1936.
1 of 1937.	Discovery Ordinance, 1937.
9 of 1937.	The Forgery Ordinance, 1937.
4 of 1938.	The Civil Procedure Ordinance, 1938.
2 of 1939.	The Infanticide Ordinance, 1939.
2 of 1940.	The Children and Young Persons Ordinance, 1940.
5 of 1940.	The Public Officers (Change of Designation) Ordinance, 1940.
1 of 1942.	The Death Sentence Expectant Mothers (Amendment) Ordinance, 1942.
10 of 1942.	The Conspiracy (Amendment) Ordinance, 1942.

# A Bill for An Ordinance To amend the Companies and Private Partnership Ordinance, 1922.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

1. This Ordinance may be cited as the Companies and Private Partnership (Amendment) Ordinance, 1949, and shall be read and construed as one with the Companies and Private Partnership Ordinance, 1922, (hereinafter referred to as the Principal Ordinance).

Short title.

2. Section 3 of the Principal Ordinance shall be deleted and the following substituted therefor :

Amendments :  
Section 3  
Registration.

“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.”

3. Section 51 of the Principal Ordinance shall be deleted and the following substituted therefor :

Section 51.

“Notice of the retirement of a partner shall be given publicly as in section 106 hereof and privately to all creditors of the partnership. A creditor shall not be bound to accept such notice as discharging the retiring partner from his responsibility for the partnership debt but may consent to the transfer thereof to the remaining parties”.

4. Schedule A to the Principal Ordinance shall be amended by deletion of the words :

Schedule A.

“For registration of a Company ... £5 : 0 : 0”

and the substitution therefor of the following :

“For the registration of a company whose nominal share capital does not exceed £5,000 ... £5, and 5/- for every £1,000 or part thereof of the nominal share capital after the first £5,000.

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.

M.P. 129/22.

# A Bill for An Ordinance To amend the Dairy Produce Ordinance, 1938.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

1. This Ordinance may be cited as the Dairy Produce (Amendment) Ordinance, 1949, and shall be read and construed as one with the Dairy Produce Ordinance, 1938, (hereinafter referred to as the Principal Ordinance).

Short title.

Amendments :  
Section 2.

2. The definition "Dairy" in section 2 of the Principal Ordinance shall be deleted and the following substituted therefor :

" '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."

Sections 5, 7, 11, 14  
and 16 (e).

3. Sections 5, 7, 11 and 14 and subsection (e) of section 16 of the Principal Ordinance shall be deleted.

Section 8.

4. Section 8 of the Principal Ordinance shall be deleted and the following substituted therefor :

"Where stock suspected  
of being diseased."

8. 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 24 hours of any disease or suspected disease in his stock.

Isolation of persons  
suffering from con-  
tagious or infectious  
disease.

8A. 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.

Medical examination  
of persons engaged in  
dairy.

8B. 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".

Section 10.

5. Section 10 of the Principal Ordinance shall be deleted and the following substituted therefor :

"Nuisances.

10. 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 cowshed or the open water supply thereof shall commit an offence."

Section 15.

6. Section 15 of the Principal Ordinance shall be deleted and the following substituted therefor :

"15. (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 his certificate of registration be cancelled or suspended for such period as the Court may deem fit.

(2) Any person who shall supply, sell or offer for sale any dairy produce for human consumption without being registered so to do or during the period of suspension of his licence 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 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".

## A Bill for An Ordinance

### To amend the Medical Practitioners, Midwives and Dentists Ordinance, 1914.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

1. This Ordinance may be cited as the Medical Practitioners, Midwives and Dentists (Amendment) Ordinance, 1949, and shall be read and construed as one with the Medical Practitioners, Midwives and Dentists Ordinance, 1914, (hereinafter referred to as the Principal Ordinance). Short title.

2. Subsection (2) of section 5 of the Principal Ordinance shall be amended by the deletion of the remainder of the subsection after the word "institution". Amendments :  
Section 5.

3. Section 13 of the Principal Ordinance shall be deleted and the following substituted therefor : Section 13.

"13. 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 both such fine and imprisonment.

Provided that a person who attends a woman in child birth 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."

4. The Medical Practitioners, Midwives and Dentists (Amendment) Ordinance, 1938, is hereby repealed. Repeal of 9 of 1938.

M.P. 46/38.





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No. 14.

## NEW APPOINTMENTS.

<i>Name</i>	<i>Department</i>	<i>Office</i>	<i>Date</i>	<i>Remarks</i>
Hargreaves, Miss A.	Education	Teacher	17.9.49	Development Programme.
Jenkins, D. E.	"	"	17.9.49	" "
McLeod, Miss P.	Medical	Staff Nurse	1.10.49	On probation for 6 months.
Osborne, C.	Elect. & Telegraphs	Apprentice	1.9.49	On probation for 6 months.
O'Sullivan, Capt. D. W.	Military	Adjutant	1.9.49	—

## TERMINATION OF APPOINTMENTS.

	<i>Department</i>	<i>Office</i>	<i>Date</i>	<i>Reason</i>
Roberts, R. M.	Public Works	Carpenter (Development Programme)	5.9.49	Ill-health.
Short, G. F.	Medical	Caretaker, M.O's Quarters, Fox Bay	31.8.49	Resigned.
Countts, F.	Post Office	Messenger	30.9.49	"

## NOTICES.

The following Notices etc., are published by command of the Officer Administering the Government.

R. WINTER,

*Acting Colonial Secretary.*

No. 48. 6th September, 1949.

The undermentioned officers acted in the following posts during the period 7th March, 1949, to 27th August, 1949 :—

MR. H. E. SLADE — Officer-in-Charge, Electrical & Telegraphs Dept.  
MR. C. CLIFTON — Common Ranger & Poundkeeper.

M.Ps. P/79 & 0689.

No. 49.

9th September, 1949.

His Honour the Officer Administering the Government has accepted with regret the resignation of the Honourable Mr. D. W. Roberts, O.B.E., J.P., from the Executive and Legislative Councils on his leaving the Colony.

M.Ps. C/0001 & 0456.

No. 50. 9th September, 1949.

The Plot of Land south of Town Lots 2 and 3. Section 3, bounded on the

NORTH by 30 feet right of way (Crown Land) starting in a line with the east fence of the west Plot of Town Lot 2 and running eastward to the east fence of the west Plot of Town Lot 3 for a distance of 259 links:

SOUTH by the Common Fence measuring at an angle of 90° 259 links:

EAST by Crown Land 339 links;

WEST by Crown Land 361;

is offered on a 5 year Lease.

It contains 1 acre more or less, and was previously leased to Estate Louis Williams.

The upset annual rental shall be £4. Rent shall be paid in advance.

RESERVATIONS. That the land shall be used solely for providing accommodation for horses and/or cows, and be subject to the conditions contained in the Land Ordinance, 1903, and any Ordinance amending or replacing it.

The Owners or Lessees of the lands adjacent are :

1. To the east - Estate A. Pettersson.
2. To the south - The Government.
3. To the west - W. McCarthy.

The Public Auction will be held at the Court House on the 10th of December, 1949, at 2.00 p.m.

M.P. 177/33.

No. 51. 20th September, 1949.

Government clocks will be advanced one hour at midnight, Saturday/Sunday, the 1st/2nd of October, 1949.

M.P. 0064.

No. 52. 24th September, 1949.

The undermentioned officers were absent on vacation leave for the periods shewn, both dates inclusive :

MR. D. FLEURET,

(12th February, 1949, to 16th September, 1949.)

MR. C. J. SKILLING,

(7th March, 1949, to 16th September, 1949.)

M.P. L/180 & L/238.

### PROBATE.

In the Supreme Court of the Falkland Islands.

*Alan Louis Clifton, of Stanley, Falkland Islands, deceased.*

Whereas Henry Clifton, father of the above named deceased, has applied for Letters of Administration to administer the Estate of the deceased.

These are therefore to warn the next-of-kin and the creditors that the prayer of the Petitioner will be granted provided no caveat be entered in the Supreme Court within twenty-one days of the date hereof.

19th August, 1949.

L. 24/49.

H. BENNETT,

*Registrar, Supreme Court.*

## The Registration of United Kingdom Trade Marks Ordinance, No. 16 of 1938.

### Scale of fees prescribed under section 13.

	£	s.	d.
For Registration of a Trade Mark and Issue of Certificate ... ..	1	0	0.
For Entry in the Register of an Assignment or a Transmission of a Trade Mark ... ..	1	0	0.
For Renewal of a Trade Mark ... ..	1	0	0.
For Cancellation of the Registration of a Trade Mark ... ..	5	0	0.
For a Correction in connection with a Registration of a Trade Mark, or for an Entry in the Register of a change in the name or address of a person registered as the proprietor of a Trade Mark ... ..	5	0	0.

H. BENNETT,

*Registrar General.*

Stanley, Falkland Islands.

15th September, 1949.



# The Falkland Islands Gazette

Published by Authority.

VOL. LVIII.

NOVEMBER 1, 1949.

No. 15.

## CONFIRMATION OF APPOINTMENT.

<i>Name</i>	<i>Department</i>	<i>Office</i>	<i>Date</i>	<i>Remarks</i>
Peck, Miss N. W.	Electrical & Telegraphs	Messenger	20.4.49	—

## TERMINATION OF APPOINTMENT.

<i>Office</i>	<i>Date</i>	<i>Reason</i>
Cunnington, K. A. Information Officer	30.9.49	Appointment terminated.

## LEAVE.

	<i>Department</i>	<i>Office</i>	<i>Period</i>	<i>Date</i>	<i>Remarks</i>
Lellman, E. F.	Secretariat & Treasury	Asst. Treasurer	180 days	9.10.49	Inclusive of time taken on voyages.
Lellman, Mrs. W. M.	Medical	Nursing Sister	180 days	9.10.49	Exclusive of time taken on voyage to the U.K.
Biggs, B. N.	Customs	Collector of Customs	7.3.49 to	21.10.49	Both dates inclusive.

## NOTICES.

The following Notices etc., are published by command of the Officer Administering the Government.

R. WINTER.

*Acting Colonial Secretary.*

No. 53. 12th October, 1949.

His Honour the Officer Administering the Government has been pleased to appoint

MR. R. S. BOUMPHREY, M.A.,

to act as Officer-in-Charge, Treasury, in addition to carrying out the duties of his substantive post as Auditor, during the absence on leave of the Assistant Treasurer, with effect from the 10th of October, 1949.

M.P. P/383.

No. 54. 26th October, 1949.

Intimation has been received from the Right Honourable the Secretary of State for the Colonies to the effect that His Majesty will not be advised to exercise his power of disallowance in respect

of the following Ordinances of the Legislature of the Falkland Islands—

ORDINANCE.	TITLE.	M.P.
2 of 49.	The Dangerous Drugs Ordinance, 1949.	166/43
3 of 49.	The Administration of Estates Ordinance, 1949.	0783
4 of 49.	The Estate Duty Ordinance, 1949.	0635
6 of 49.	The Interpretation and General Law Ordinance, 1949.	31/44
7 of 49.	The Administration of Justice (Amendment) Ordinance, 1949.	0831
8 of 49.	The Income Tax (Amendment) Ordinance, 1949.	0572
9 of 49.	The Registration Ordinance, 1949.	0833
10 of 49.	The Trade Disputes (Arbitration) Ordinance, 1949.	0953
11 of 49.	The Police and Prisons Ordinance, 1949.	0836

No. 55.

27th October, 1949.

With reference to Gazette Notice No. 8 of 1949, the following name is hereby added to the List of Medical Practitioners, Midwives and Dentists registered to practise in the Dependencies in accordance with Section 3 of the Medical Practitioners, Midwives and Dentists Ordinance, 1914.

Name.	Qualification.	Date of Qualification
Smith, Peter Hugh Eccles	M.B., Ch.B. (Bir.)	1944.
	F.R.C.S.	1948.

M.P. 21/28.

Notice is hereby given that JAROSLAW KOTOWSKI of Fox Bay, Falkland Islands, is applying to the Home Secretary for naturalisation, and that any person who knows any reason why naturalisation should not be granted should send a written signed statement of the facts to the Colonial Secretary, Stanley, Falkland Islands, for transmission to the Under Secretary of State, Home Office, London.

**STOCK.****THE LIVE STOCK ORDINANCE, 1901.**

The Chief Inspector of Stock approves the use of the Fork Ear Mark to replace the previously Registered Punch Hole Ear Mark of Saunders Island as from the 1st October, 1949.

J. P. OLIVER,

*Chief Inspector of Stock.***PROBATE.**

In the Supreme Court of the Falkland Islands.

*Robert Peter McPherson, of Stanley, Falkland Islands, deceased.*

Whereas Stella Maud McPherson, wife of the above named deceased has applied for Letters of Administration to administer the Estate of the deceased.

These are therefore to warn the next-of-kin and the creditors that the prayer of the Petitioner will be granted provided no caveat be entered in the Supreme Court within twenty-one days of the date hereof.

6th October, 1949.

L. 30/49.

H. BENNETT.

*Registrar, Supreme Court.*

## Regulations made by the Governor in Council under the Dairy Produce Ordinance, 1938.

No. 3 of 1949.

MICHAEL R. RAYMER,

*Officer Administering the Government.*

By virtue of the powers vested in him by section 16 of the Dairy Produce Ordinance, 1938, and with the advice and consent of the Executive Council, His Excellency the Governor is pleased to make and hereby makes the following Regulations —

Short title.

1. These Regulations may be cited as the Dairy Produce Inspection (Amendment) Regulations, 1949, and shall be read and construed as one with the Dairy Produce Inspection Regulations, 1938, (hereinafter referred to as the Regulations).

Amendments: Regs. 2, 8, 9 (g) to (k) 20, 21, 22, 23, 24 and 27.

2. Regulations 2, 8, 9 (g) (h) (i) (j) (k), 20, 21, 22, 23, 24 and 27 of the Regulations shall be rescinded.

Reg. 9 (d).

3. Regulation 9 (d) shall be amended by substituting "one year" for "three months".

Reg. 9 (e).

4. Regulation 9 (e) shall be amended by substituting "before" for "after" in line 4 thereof.

Made by the Governor in Executive Council at a meeting held on the 13th day of October, 1949.

L. W. ALDRIDGE,

*Clerk of the Executive Council.*

M.P. 51/38.

## Regulations made by the Governor in Council under the King Edward VII. Memorial Hospital Ordinance, 1916.

No. 4 of 1949.

MICHAEL R. RAYMER,  
*Officer Administering the Government.*

By virtue of the powers vested in him by Section 8 of the King Edward VII. Memorial Hospital Ordinance, 1916, and with the advice and consent of the Executive Council, His Excellency the Governor is pleased to make and hereby makes the following Regulations —

1. These Regulations may be cited as the Medical Fees (Amendment) Regulations, 1949. Short title.

2. The Medical Fees Regulations, 1947, shall be amended by :

- (a) the deletion of the words "and who is a contributor to the Provident Fund" in the definition "Government Employee" in Regulation 2 thereof;
- (b) substituting "emergency" for "urgency" in paragraph (5) of Schedule A;
- (c) inserting "injured while on duty with the Force, except as a result of their own misconduct" after the word "Force" in the last sentence of paragraph (7) of Schedule F.

Made by the Governor in Executive Council at a meeting held on the 13th day of October, 1949.

L. W. ALDRIDGE,  
*Clerk of the Executive Council.*

M.P. 0135.

## Regulations made by the Governor in Council under the King Edward VII. Memorial Hospital Ordinance, 1916.

No. 5 of 1949.

MICHAEL R. RAYMER,  
*Officer Administering the Government.*

By virtue of the powers vested in him by section 8 of the King Edward VII. Memorial Hospital Ordinance, 1916, and with the advice and consent of the Executive Council, His Excellency the Governor is pleased to make and hereby makes the following Regulations —

1. These Regulations may be cited as the Nurse Probationer (Rescission) Regulations, 1949. Short title.

2. The Nurse Probationers Regulations, 1938, are hereby rescinded.

Made by the Governor in Executive Council at a meeting held on the 13th day of October, 1949.

L. W. ALDRIDGE,  
*Clerk of the Executive Council.*

M.P. 0065/A.

# Regulations made by the Governor in Council under the Wireless Telegraphy Ordinance, 1925.

No. 6 of 1949.

MICHAEL R. RAYMER,

*Officer Administering the Government.*

By virtue of the powers vested in him by section 4 of the Wireless Telegraphy Ordinance, 1925, and with the advice and consent of the Executive Council, His Excellency the Governor is pleased to make and hereby makes the following Regulations—

Short title.

1. These Regulations may be cited as the Wireless Telegraphy (Amendment) Regulations, 1949, and shall be read and construed as one with the Wireless Telegraphy Regulations, 1926 (hereinafter referred to as the Regulations).

International Telecommunications Convention.

2. The Regulations shall be amended by inserting the following Regulation after Regulation 3 :

“3A. In these Regulations the term “convention” shall mean The International Telecommunication Convention (Atlantic City 1947).

Regulation 10.

3. Regulation 10 (v) of the Regulations shall be amended by substituting the word “shall” for the word “should”.

Amendment of Schedule 2 paragraph (1)(d) of Regulations.

4. Sub-paragraph (d) of the proviso to paragraph (1) of Schedule 2 to the Regulations shall be amended to read :

“The licensed apparatus shall be so constructed as to be capable of using any of the wave lengths specified for mobile services in Article 28 of the Radio Regulations annexed to the Convention.

General Conditions paragraph IV, V & XII.

5. The General Conditions annexed to Schedule 2 of the Regulations shall be amended by :

- (a) substituting the words “Convention and of the Radio Regulations annexed thereto” for the words “Madrid International Telecommunication Convention 1932 and the Telegraph and Radiocommunication Regulations (General and Additional Regulations) annexed thereto” in paragraph IV ;
- (b) substituting the words “Radio Regulations annexed to the Convention” for the words “Telecommunications Convention of Madrid 1932” in paragraph V ;
- (c) substituting the words “Radio Regulations and additional Regulations annexed to the Convention” for the words “General and additional Radiocommunication Regulations 1932” in paragraph XII.

Rescission.

6. Regulations 2 and 3 of the Wireless Telegraphy (Amendment) (No. 2.) Regulations, 1935, are hereby rescinded.

Made by the Governor in Executive Council at a meeting held on the 13th day of October, 1949.

L. W. ALDRIDGE,

*Clerk of the Executive Council.*

M.P. 1125.

# Rules made by the Governor in Council under section 14 of the Dogs Ordinance, 1944.

No. 5 of 1949.

MICHAEL R. RAYMER,  
*Officer Administering the Government.*

In exercise of the powers vested in him by section 14 of the Dogs Ordinance, 1944, and with the advice and consent of the Executive Council, His Excellency the Governor is pleased to make and hereby makes the following Rules —

- |   |              |
|---|--------------|
| 1. These Rules may be cited as the Dogs Rules, 1949.  | Short title. |
| 2. Each licence shall state the number of dogs for which licence fees have been paid. One licence shall cover any number of dogs. | Licences.    |
| 3. The following fees shall be payable :  | Fees.        |
| Annual licence for each dog or bitch      8s. 0d.   |              |
| Inspection of register by a member<br>of the public      ...      ...      1s. 0d.  |              |
| 4. These Rules shall come into force on the 1st day of January, 1950.   | Operation.   |
| 5. The Dogs Rules, 1944, are hereby rescinded.  | Rescission.  |

Made by the Governor in Executive Council at a meeting held on the 13th day of October, 1949.

L. W. ALDRIDGE,  
*Clerk of the Executive Council.*

M.P. 160/43.

## A Bill for An Ordinance To amend the Legislative Council (Elections) Ordinance, 1948.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

- |   |                              |
|---|------------------------------|
| 1. This Ordinance may be cited as the Legislative Council (Elections) (Amendment) Ordinance, 1949, and shall be read and construed as one with the Legislative Council (Elections) Ordinance, 1948, (hereinafter referred to as the Principal Ordinance). | Short title.                 |
| 2. Section 15 of the Principal Ordinance shall be amended by  | Amendments<br>Section 15 (2) |
| (a) inserting the words "having been declared a bankrupt" after the word "bankrupt" in subsection 2 (b) thereof;  |                              |
| (b) deleting subsection 2 (h) and substituting the following therefor :   |                              |
| "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 —

- (a) any responsibility for, or in connection with, the conduct of any election, or
- (b) any responsibility for the compilation or revision of any electoral register."
- (c) deleting subsection 2 (k) and substituting the following therefor :

"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."

Section 40 (2)

3. Subsection (2) (b) of section 40 of the Principal Ordinance shall be deleted and the following shall be substituted therefor :

"be presented within 14 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 21 days after the date of the alleged payment or promise".

M.P. 0068/A.

## A Bill for An Ordinance To revise the law relating to Education.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

Short title.

1. This Ordinance may be cited as the Education Ordinance, 1949.

Definitions.

2. In this Ordinance and any Regulation thereunder where the context so admits :

"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.

"a recognised school" means a school approved by the Governor as suitable for giving efficient education.

"a recognised teacher" means a teacher approved by the Governor.

"Superintendent of Education" means the officer in charge of education in the Colony.

Duty of parent to have child educated.

3. It shall be the duty of the parent of every child to cause that child to receive efficient education by attending regularly either

- (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 7 days if the parent resides in Stanley, or 30 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.

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.

Duty of parent to secure regular attendance of registered pupils.

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.

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.

Medical inspection.

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.

Inspection of Schools.

(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 3 months or both such fine and imprisonment.

(3) The religious instructions 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.

## Penalties.

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 both such fine and imprisonment.

## Regulations.

10. The Governor in Council may make regulations for the effective administration 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.

## Repeal.

11. The Public Education Ordinance, 1909, is hereby repealed.

## Commencement.

12 This Ordinance shall come into force on the 1st day of January, 1950.

M.P. 24/44.

## A Bill for An Ordinance To amend the Income Tax Ordinance, 1939, as amended by the Income Tax (Amendment) Ordinance, 1949.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows—

## Short title.

1. This Ordinance may be cited as the Income Tax (Amendment No. 2) Ordinance, 1949, and shall be read and construed as one with the Income Tax Ordinance, 1939, as amended by the Income Tax (Amendment) Ordinance, 1949, (hereinafter referred to as the Principal Ordinance).

Amendments :  
Section 24.

2. The Principal Ordinance shall be amended by :

- (a) inserting the words "which accrues" before the word "to" in line 2 of section 24.
- (b) inserting the words "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" after the word "effect" in line 3 of section 47A (2) and after the word "territory" in line 5 of section 47A (3) ;
- (c) inserting the words "to which the adjustment gives rise, being an assessment of claim" after the word "claim" in line 6 of section 47B (10).

M.P. 0527.



# The Falkland Islands Gazette Extraordinary

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NOVEMBER 22, 1949.

No. 16.

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Order by His Excellency the Governor in Council.

Under the Customs Ordinance, 1943, as amended by the Customs (Amendment) Ordinance, 1946.

MILES CLIFFORD,  
*Governor.*

No. 4 of 1949.

In exercise of the powers vested in him by the Customs Ordinance, 1943, as amended by the Customs Ordinance, 1946 and with the advice and consent of the Executive Council His Excellency the Governor is pleased to order and it is hereby ordered that—

1. This Order may be cited as the Customs Order, 1949. Short title.
2. From and after the date of publication of this Order the New Export duty.  
following export duty shall be payable:

On live sheep, two shillings per sheep.

Made by the Governor in Executive Council at a meeting held on the 22nd day of November, 1949.

L. W. ALDRIDGE,  
*Clerk of the Executive Council.*

M.P. 0466.

## A Bill for An Ordinance

To legalise certain payments made in the year One thousand Nine hundred and Forty-eight in excess of the Expenditure sanctioned by Ordinance No. 5 of 1947.

Preamble.

WHEREAS it is expedient to make further provision for the service of the Colony for the year 1948.

Enacting Clause.

BE IT THEREFORE ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

Short Title.

1. This Ordinance may be cited for all purposes as the Supplementary Appropriation (1948) Ordinance, 1949.

Appropriation of excess expenditure for the year 1948.

2. The sums of money set forth in the Schedule hereto having been expended for the services therein mentioned beyond the amounts granted for those services by the Ordinance providing for the service of the year One thousand Nine hundred and Forty-eight, the same are hereby declared to have been duly laid out and expended for the service of the Colony in that year, and are hereby approved, allowed and granted in addition to the sums mentioned for those services in the said Ordinance.

Schedule.

### SCHEDULE.

Number.	Head of Service.	Amount.		
		£	s.	d.
FALKLAND ISLANDS.				
I.	The Governor ... ..	353	13	3
III.	Audit ... ..	12	5	11
IV.	Colonial Development & Welfare ...	7810	7	2
V.	Customs ... ..	143	9	3
VIII.	Electrical & Telegraphs ... ..	272	13	6
IX.	Harbour ... ..	987	4	9
X.	Judicial ... ..	166	8	11
XIII.	Meteorological ... ..	37	15	4
XV.	Miscellaneous ... ..	11875	17	9
XVII.	Pensions ... ..	889	6	4
XVIII.	Police & Prisons ... ..	185	11	9
XIX.	Post Office ... ..	4048	19	11
XXII.	Public Works Recurrent ... ..	8102	6	5
XXIII.	Secretariat & Treasury ... ..	1802	7	10
XXIV.	War Expenditure ... ..	496	12	3
XXV.	Communications ... ..	83	12	1
	£	37268	12	5

# A Bill for An Ordinance To provide for the service of the year 1950.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows— Enacting Clause.

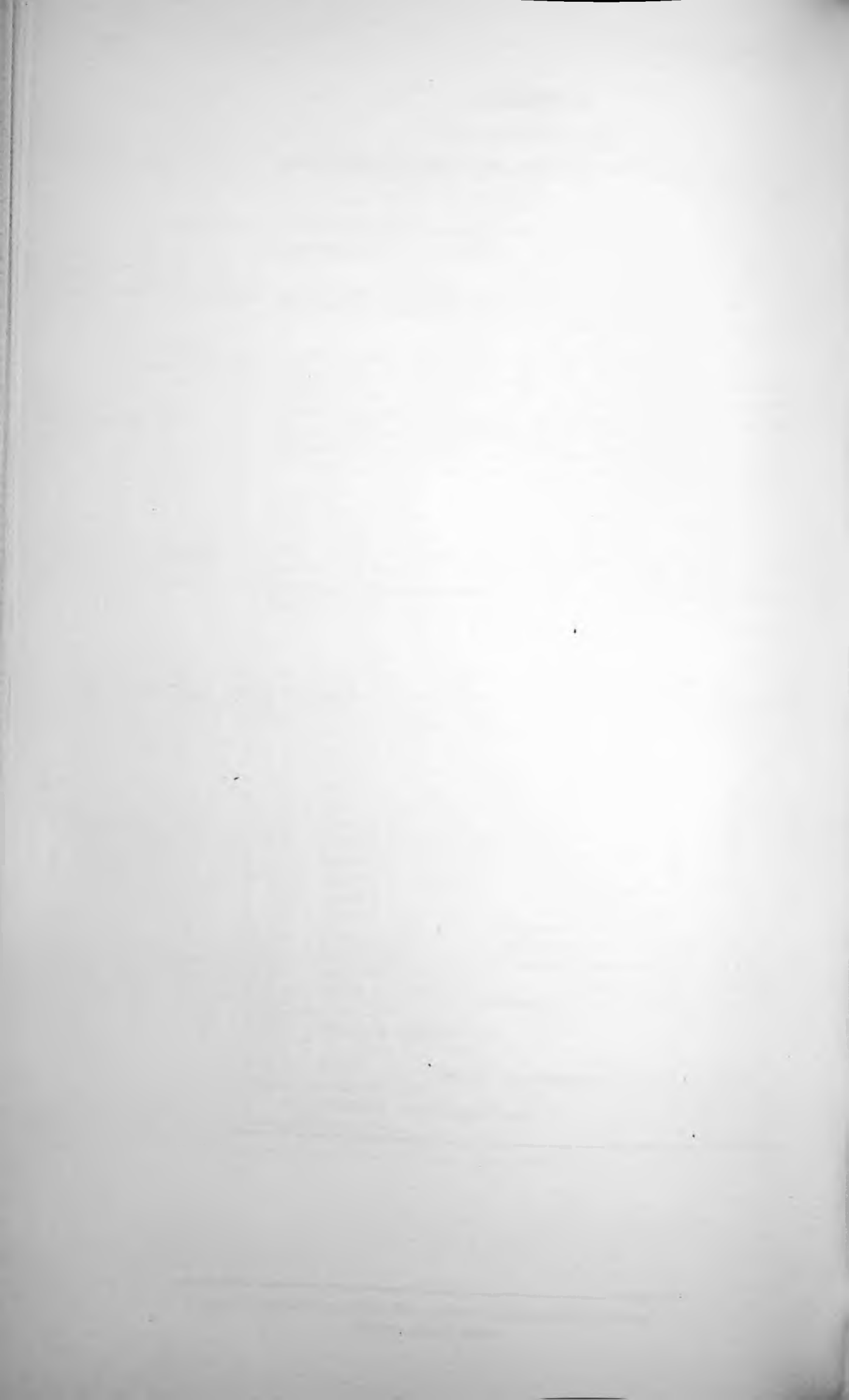
1. This Ordinance may be cited for all purposes as the Appropriation (1950) Ordinance, 1949. Short Title.

2. The Governor may cause to be issued out of the Public Revenue and other funds of the Colony and applied to the service of the year ending the 31st December, 1950, a sum not exceeding One hundred and eighty-six thousand and ninety-nine pounds which sum is granted and shall be appropriated for the purposes and to defray the charges of the several services expressed and particularly mentioned in the Schedule hereto which will come in course of payment during the year 1950. Appropriation of  
£186,099 for service  
of year 1950.

## SCHEDULE.

Schedule.

Number.	Head of Service.	Amount.		
		£	s.	d.
I.	The Governor ... ..	3470	0	0
II.	Agriculture ... ..	2433	0	0
III.	Audit ... ..	1274	0	0
IV.	Communications ... ..	7438	0	0
V.	Customs ... ..	1582	0	0
VI.	Education ... ..	10832	0	0
VII.	Medical ... ..	11890	0	0
VIII.	Meteorological ... ..	421	0	0
IX.	Military ... ..	869	0	0
X.	Miscellaneous ... ..	14036	0	0
XI.	Pensions ... ..	5500	0	0
XII.	Police and Prisons ... ..	2450	0	0
XIII.	Posts & Telegraphs ... ..	15591	0	0
XIV.	Public Works Department ... ..	9254	0	0
XV.	Public Works Recurrent ... ..	9470	0	0
XVI.	Secretariat & Treasury ... ..	8039	0	0
XVII.	Supreme Court ... ..	588	0	0
XVIII.	Extraordinary Expenditure ... ..	36264	0	0
	Total	£141401	0	0
XIX.	Colonial Development & Welfare ... ..	44698	0	0
	Total Expenditure	£186099	0	0





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DECEMBER 1, 1949.

No. 17.

## NEW APPOINTMENTS.

	<i>Department</i>	<i>Office</i>	<i>Date</i>	<i>Remarks</i>
Raymer, M. R.	Secretariat	Colonial Secretary	30.4.49.	Seconded from Nigeria.
Smith, M.	Communications, B. Air	Ground Engineer, (Air Service)	14.11.49.	—

## ACTING APPOINTMENT.

<i>Name</i>	<i>Department</i>	<i>Office</i>	<i>Date</i>	<i>Remarks</i>
Blyth, A. J.	Electrical & Telegraphs	Acting Supt. of Power House	1.11.49.	Pending arrival of substantive holder of post.

## TRANSFER.

	<i>From</i>	<i>To</i>	<i>Date</i>
Luxton, H. T.	Clerk, Grade IV., Post Office	Asst. Customs Officer, Grade III.	26.11.49.

## NOTICES.

The following Notices etc., are published by command of His Excellency the Governor.

M. R. RAYMER,  
*Colonial Secretary.*

No. 56. 8th November, 1949.

It is with deep regret that His Honour the Officer Administering the Government announces the death on the 8th of November, 1949, of Miss Valerie Williams, Pupil Teacher in the Government School, Stanley.

M.P. P/395.

No. 57. 16th November, 1949.

### Return to the Colony of His Excellency the Governor from leave of absence.

With reference to Gazette Notice No. 33/49 it is notified, for general information, that His Excellency Sir Miles Clifford, K.B.E., C.M.G., E.D., returned from leave of absence on 14th of November, 1949.

M.P. P/363.

No. 58. 16th November, 1949.

The Honourable Mr. M. R. Raymer, Colonial Secretary, Administered the Government from the 9th of June, 1949, to the 13th of November, 1949, both dates inclusive.

M.P. P/459.

No. 59. 16th November, 1949.

The Honourable Mr. R. W. S. Winter acted as Colonial Secretary from the 24th of December, 1948, to the 13th of November, 1949, both dates inclusive.

M.P. P/392.

No. 60. 28th November, 1949.

His Excellency the Governor has been pleased to appoint

THE HONOURABLE MR. R. W. S. WINTER, J.P., to be a Member of the Legislative Council under Clause 6 (1) of the Falkland Islands (Legislative Council) Order-in-Council, 1948, with effect from the 22nd of November, 1949.

M.P. P/392.

Notice is hereby given that JAROSLAW KOTOWSKI of Fox Bay, Falkland Islands, is applying to the Home Secretary for naturalisation, and that any person who knows any reason why naturalisation should not be granted should send a written signed statement of the facts to the Colonial Secretary, Stanley, Falkland Islands, for transmission to the Under Secretary of State, Home Office, London.

## PROBATE.

In the Supreme Court of the Falkland Islands.  
*Hilda Britton, of Stanley, Falkland Islands,*  
*deceased.*

Whereas Wallace Hirtle, uncle of the above named deceased has applied for Letters of Administration to administer the Estate of the deceased.

These are therefore to warn the next-of-kin and the creditors that the prayer of the Petitioner will be granted provided no caveat be entered in the Supreme Court within twenty-one days of the date hereof.

11th November, 1949.

L. 26/49.

In the Supreme Court of the Falkland Islands.  
*William George Clifton of Stanley, Falkland Islands, deceased.*

Whereas James Henry Clifton, eldest son of the above named deceased, has applied for Letters of Administration to administer the Estate of the deceased.

These are therefore to warn the next-of-kin and the creditors that the prayer of the Petitioner will be granted provided no caveat be entered in the Supreme Court within twenty-one days of the date hereof.

25th November, 1949.

L. 36/49.

H. BENNETT.

*Registrar, Supreme Court.*

## Order by His Excellency the Governor in Council.

No. 3 of 1949.

MICHAEL R. RAYMER,

*Officer Administering the Government.*

In exercise of the powers vested in him by the Post Office Ordinance and with the advice and consent of the Executive Council His Excellency the Governor is pleased to order and it is hereby ordered that —

Short title.

1. This Order may be cited as the Post Office Order, 1949.

Rules, rates of postage and fees.

2. From and after the date of publication of this Order the following rules, rates of postage and fees shall be in force :

Rates of postage letters.

(a) On inland postal packets the rate shall be 1d. per ounce or part of an ounce. On postal packets sent from any place within the Colony and its Dependencies to the United Kingdom or to any part of the British Empire the rate shall be two and a half pennies per ounce or part of an ounce. To other parts of the world the rate shall be 3d. for the first ounce and 2d. for each additional ounce or part of an ounce.

Post Cards and Letter Cards.

(b) On post cards and letter cards to the United Kingdom or to any part of the British Commonwealth the rate shall be 1d. ; reply post card 2d. To other parts of the world the rate shall be 2d. ; reply post cards 4d.

Books and Newspapers.

(c) To all parts of the world :  
 Newspapers, private papers, and books, per 2 ozs.  $\frac{1}{2}$ d.  
 Commercial papers (with minimum of 3d.) per 2 ozs.  $\frac{1}{2}$ d.  
 Patterns and samples (with minimum of 1d.) per 2 ozs.  $\frac{1}{2}$ d.  
 Blind Literature, per 2 lb.  $\frac{1}{2}$ d.  
 The inland rate shall be 1d. for the first 4 ounces and  $\frac{1}{2}$ d. for each additional 2 ounces or part thereof up to 2 lb.

Small packets.

(d) On packets not exceeding 2 lb. weight and dimensions not exceeding 18" by 8" by 4" or if in roll form 18" in length by 6" in diameter the rate shall be 1d. for each two ounces or part thereof with a minimum charge of 5d. The charge for clearance in case of dutiable goods shall be 6d. per packet.

Insured boxes.

(e) On insured boxes which shall not exceed 2 lb. in weight or 12" by 8" by 4" in dimension the rate shall be 3d. for each 2 ounces or part thereof with a minimum charge of 1/-.

## (f) Parcel Post rates :

## Parcel Post.

## To the United Kingdom –

Not over 3 lb. ...	2/3.
” ” 7 ” ...	3/9.
” ” 11 ” ...	5/6.
” ” 22 ” ...	9/–.

## Inland Parcel Post rates –

Not over 2 lb. ...	9d.
” ” 5 ” ...	1/–.
” ” 8 ” ...	1/3.
” ” 11 ” ...	1/6.
” ” 22 ” ...	3/–.

- (g) There shall be a charge of 4d. for each parcel delivered in Stanley and the United Kingdom. There shall also be a special fee calculated on the trade charge at the rate of 4½d. for the first £ of the trade charge and 2½d. for each succeeding £ or part thereof of the trade charge up to a maximum amount of £40 trade charge. This fee will also be charged in the United Kingdom on parcels for delivery in Stanley. Cash on delivery service.
- (h) The fee shall be 9d. for each £12 of declared value or part thereof with a maximum declared value of £50. Insurance.
- (i) The fees for registration shall be : Registration.
- |  |     |
|--|-----|
| To all parts of the world (including Inland) ...   | 3d. |
| Advice of delivery of registered or insured articles, applied for at time of posting ...                 | 5d. |
| Enquiry for a postal packet, and advice of delivery of registered articles applied for after posting ... | 6d. |
- (j) The maximum limit of compensation for the loss of a registered article is £2. Registration in the international service does not give any title to compensation for loss or damage of the contents of any registered letter or packet as distinct from the loss of the entire packet. Under an exceptional arrangement, however, with the General Post Office, London, compensation may, as an act of grace, be paid up to a maximum of £2 in cases where the contents of a registered letter or packet, posted to an address in the United Kingdom, are lost. Compensation.
- (k) The rate of poundage on International and foreign money orders shall be 6d. for each £ or part thereof of the first £3 of the order and 3d. for each additional £ or part thereof up to a maximum amount of £40 on each order. The fee for an Advice of Payment is 3d. International and foreign money orders.
- (l) The rate of poundage on British Postal Orders shall be : British Postal Orders.
- |  |
|--|
| 2d. for an order not exceeding 1/–.            |
| 3d. for an order not exceeding 5/–.            |
| 4d. for an order not exceeding 21/– (maximum). |

The value of a Postal Order may be increased by affixing Falkland Islands postage stamps, in number not more than the number of spaces provided on the face of the order, by an amount not exceeding 5d. (excluding fractions of a penny) on Postal Orders of denominations up to and including 5/–, and to an amount not exceeding 11d. on Postal Orders of higher value. Stamps perforated with initials or marks, or embossed or impressed stamps cut out of envelopes, postcards, etc., will not be accepted for this purpose.

## Air Letters.

- (m) Air Letters will only be accepted when written on the authorised form and addressed to the United Kingdom or any part of the British Commonwealth. The fee including postage rate shall be 6d.

If two or more postage stamps are affixed to, or an enclosure is placed in the letter, it will be forwarded by surface mail.

## Air mail.

- (n) Postal matter for onward transmission by air from Montevideo to any destination for which air mail services may be available shall be accepted at Stanley, Fox Bay and South Georgia post offices.

The fees for air mail matter shall be the sterling equivalent at the current rate of exchange of those from time to time in force from Montevideo to the nearest 1d. in addition to the rates of postage provided for in paragraph 2 of this Order.

## Rescissions.

3. The Post Office (Rates of Postage and Fees) Order, 1940, the Post Office (Air Mail Fees) Order, 1944, the Post Office (Air Letter Fees) Order, 1945, the Post Office (Air Letter Fees) (Amendment) Order, 1945, and the Post Office Order, 1948, are hereby rescinded.

Made by the Governor in Executive Council at a meeting held on the 13th day of October, 1949.

L. W. ALDRIDGE,

*Clerk of the Executive Council.*

M.P. 0183.



# The Falkland Islands Gazette Extraordinary

Published by Authority.

VOL. LVIII.

DECEMBER 10, 1949.

No. 18.

Order by His Excellency the Governor in Council.

Under the Customs Ordinance, 1943, as amended by the Customs (Amendment) Ordinance, 1946.

MILES CLIFFORD,  
*Governor.*

No. 5 of 1949.

In exercise of the powers vested in him by the Customs Ordinance, 1943, as amended by the Customs Ordinance, 1946 and with the advice and consent of the Executive Council His Excellency the Governor is pleased to order and it is hereby ordered that—

1. This Order may be cited as the Customs Order, 1949. Short title.
2. From and after the date of publication of this Order the following export duty shall be payable : New Export duty.

On live sheep, two shillings per sheep.
3. The Customs Order (No. 4 of 1949) is hereby rescinded. Rescission.

Made by the Governor in Executive Council on the 9th day of December, 1949.

L. W. ALDRIDGE,  
*Clerk of the Executive Council.*



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The  
Falkland Islands Gazette  
Extraordinary

Published by Authority.

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VOL. LVIII.

DECEMBER 31, 1949.

No. 19.

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Assented to in His Majesty's name this 29th day of December, 1949.

MILES CLIFFORD,  
*Governor.*

[L.S.]

No. 12



1949.

# Colony of the Falkland Islands and its Dependencies.

IN THE FOURTEENTH YEAR OF THE REIGN OF

HIS MAJESTY KING GEORGE VI.

SIR MILES CLIFFORD, K.B.E., C.M.G., E.D.,  
*Governor.*

## An Ordinance

To consolidate and amend the law as to Licensing.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

### PART I. — PRELIMINARY.

1. This Ordinance may be cited as the Licensing Ordinance, 1949. Short title.

2. In this Ordinance where the context so admits —

Interpretation.

“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 and/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;

"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 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.

#### Kinds of licences.

3. (1) The licensing authority may, subject as hereinafter mentioned, grant the following licences upon payment of the fees respectively set out against them :

Fees.	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		
	15 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.

#### Duration.

(2) (a) Packet, wholesale, tobacconist's, club, and auctioneer's (other than an occasional licence) licences 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 licensed premises and licensed persons holding, or 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.

5. Nothing in this Ordinance shall apply to any person selling any spirituous or distilled perfume, *bona-fide* as perfumery, nor to the prescription or administration of any liquor simply as medicine, or for medicinal purposes by or under the direction of any registered medical practitioner, nor to any person who holds a licence as auctioneer, selling liquor at public auction in quantities of not less than two gallons at any one time.

Ordinance not to apply in certain cases.

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 liquor without a licence authorising such sale shall commit an offence and be liable to forfeit all liquor and the containers in his possession.

No liquor to be sold without licence.

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 21 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 21 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 21 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.

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.

Appeals.

(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 mid-day and mid-night, each and any hour or part of an hour, five shillings, and
- (b) after mid-night, 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 liquors 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.

## Name of licensed person to be affixed to premises.

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.

## Retail dealers not to keep a store.

15. Any person licensed to sell 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.

## Samples of liquor may be taken for test purposes.

16. Any constable may enter upon any premises where 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.

## Sanitary precautions.

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.

## Dancing etc. on licensed premises.

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 sub-section (2) hereof shall commit an offence and shall be liable to forfeit his licence.

(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 thereto (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.

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 to 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 liquor either by wholesale or retail on the same premises.

Liability to revocation of licence on conviction.

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.

Penalty for paying wages in licensed premises.

21. No licensed person shall recover any debt or demand on account of any 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 liquor supplied in moderate quantity with meals to any person *bona fide* lodging in his house.

No debts for liquor recoverable.

22. (1) Any licensed person who shall receive in payment or as a pledge for any 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.

Liquor to be sold for money only.

(2) No licensed person shall receive payment in advance for any liquor to be supplied; and any payment so made in advance may be recovered notwithstanding that any 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 in 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 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.

Penalty for harbouring constable.

Supply of liquor to  
drunkards prohibited.

26. Where it shall appear to a court that any person by excessive drinking of 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 liquor for a period not exceeding one year, and such Magistrate or Justices or any other two Justices may, at the same time or any other time, in like manner, prohibit the selling of any such liquor to the said drunkard by any such licensed persons of any other district to which such drunkard shall or may be likely to resort for the same.

Prohibition renew-  
able.

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 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 liquor be 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  
procure 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 liquor; or
- (b) be found in possession of any 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.

Forfeiture of licence  
for permitting house  
to be a brothel.

32. Any licensed person who permits his premises to be used as a brothel shall commit an offence and he shall forfeit his licence and be disqualified for any period from holding any licence for the sale of liquors.

33. Any licensed person may refuse to admit to and may turn out of the premises in respect of which his licence be 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, agent or his 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 :

On week-days from 10 a.m. until 1 p.m. and from 5.30 p.m. until 10 p.m.

On Sundays, Christmas Day & 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.

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 liquor, or opens, or keeps open such premises for the sale of liquors, or allows any liquors although purchased before the hours of closing, to be consumed on such premises, or during such aforesaid time allows any one whomsoever 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 liquor or play any game as aforesaid during such time shall commit an offence.

Penalty for sale of liquor at unauthorised times.

37. The occupier of any unlicensed premises on which any liquor is sold, 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.

Occupier of unlicensed premises liable for the sale of liquor.

38. (1) If any purchaser of any 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.

Seller liable for drinking on premises contrary to licence.

(2) For the purposes of this section the expression "premises where the same is sold" shall include the premises adjoining, or near the premises where the liquor is sold, if belonging to the seller or under his control, or used by his premises.

39. (1) If any person having a licence to sell liquors, not to be drunk on the premises, himself takes or carries, or employs or suffers any other person to take or carry any 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 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.

Evasion of law as to drinking on premises contrary to licence.

(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.

Penalty on internal communication with unlicensed premises.

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.

(2) Any holder of a licence convicted under this section shall in addition to a penalty, be liable to forfeit his licence.

No bars beyond the number licensed to be used.

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.

(2) Any person who shall open or use any additional bar for the sale of 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 five pounds per annum for each additional bar, shall be deemed to have been guilty of selling without a licence.

Club not to sell liquor without 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 liquor on any premises occupied by a club, whether permanently or temporarily, without first obtaining a club licence shall commit an offence.

43. In any proceedings relative to an offence under this Ordinance it shall not be necessary, when the sale or consumption of 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 any consumption of liquor was about to take place, and proof of consumption or intended consumption of 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 liquor provable by purchaser thereof.

44. The evidence of any person shall be admitted in proof of unlawful sale of liquor, although he may have himself purchased the same, and such evidence shall be sufficient to support a conviction for such offence.

Persons deemed unlicensed if not producing licence.

45. (1) In all proceedings against any person for selling or allowing to be sold any 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 any liquor, or that any is sold or served therein, or of there being on such premises more liquor than is reasonably required for the use of the persons residing therein, shall be *prima facie* evidence of the unlawful sale of 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 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.

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.

Protection of property of guests.

(2) If any such goods or chattels shall be distrained or seized for rent, or in any other manner contrary to the provisions hereof the Magistrate, or any two Justices may inquire into any complaint made in such respect 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 or to a greater amount than £30 unless

- (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;
- (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. No claim for money lent or goods sold to any lodger or customer shall be recoverable by any publican before any court.

Money lent to lodgers or customers not recoverable by law.

50. Every licensed publican who fails to provide suitable accommodation, with bed and board, for at least one traveller shall commit an offence.

To provide accommodation for at least one traveller.

51. (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.

52. (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

Removal and alteration of premises.

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.

53. 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.

54. 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.

55. 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.

56. 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.

Searching unlicensed premises.

57. Upon reasonable cause of suspicion that any liquor is in or upon any house, premises, vessel or boat, which has been illegally sold, or is there for the purpose of illegal sale, or that any person is there illegally purchasing liquor, it shall be lawful for any constable or constables, to enter and search any such house, premises, vessel or boat, or any part thereof at any hour; and it shall be lawful for any Justice to grant a warrant to search any such house, premises, vessel or boat, and any constable or constables or such person to whom such warrant may be addressed may and shall seize and remove to the police office all such liquor, together with the casks or bottles, and packages containing the same as shall be found there, and may arrest any person found there illegally purchasing or selling liquor; and the Magistrate or any two Justices before whom the case shall be heard may, in addition to any penalty which he may impose, declare such liquor, together with the casks or bottles and packages containing the same, to be, and the same shall thereupon be forfeited to the use of His Majesty, unless the defendant shall prove that such liquor was not illegally sold, or there for the purpose of illegal sale.

Constables may stop any person removing liquor.

58. Any person who shall knowingly remove or convey any 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 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.

59. 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.

Forfeiture of licence for felony etc.

60. 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.

No licensed person to act as a Justice.

61. Any licensed person who shall mix, or suffer to be mixed with any liquor any unwholesome ingredient, or shall receive or have in his possession any unwholesome ingredient, with intent to mix the same with any liquor, shall commit an offence and be liable to forfeit his licence, and all such unwholesome liquor and ingredients.

Adulterating liquor.

62. 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.

Continuance of forfeited licence to owners of premises in certain cases.

63. Any licensed person who shall sell by wholesale or retail any spirits of less strength than 30 underproof shall commit an offence.

64. Any owner, lessee, manager, or agent in charge of station may, without a licence, sell 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 liquor to other than his own employees shall commit an offence.

Supply of liquor without licence by owner of stations to their employees under certain conditions.

65. (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 permission.

(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 enquiry 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.

66. 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.

67. 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 all liquor therein, and may demand, select, and obtain any samples of liquor which may be in such house or premises, and on paying, or tendering payment for such samples of liquor may remove the same for the purpose

Inspectors may enter premises and search for adulterated drink.

of analysis or otherwise. If any licensed or other person in charge of any 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. 68. All prosecutions under this Ordinance shall be commenced within six calendar months after the alleged offence.

Application of fines, penalties etc. 69. 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. 70. (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 twenty pounds or to imprisonment for a period not exceeding three months; and
- (b) for a second offence, to a fine not exceeding fifty pounds 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. 71. 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.

Special billiard licence. 72. 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:—

In respect of a licence authorising premises to be kept open during any period not specified in the licence —

- (a) between mid-day and mid-night, any hour or part of an hour, two shillings and
- (b) after mid-night, any hour or part of an hour, four shillings.

Penalty for unlawful hire of billiard table. 73. 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 70.

### PART IV. — AUCTIONEERS.

Grant of licence. 74. (1) No person shall carry on the business of an auctioneer before he has applied and been granted a licence so to do by the licensing authority.

(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.

75. 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 74 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.

76. (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  $2\frac{1}{2}\%$  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.

Payment of  $2\frac{1}{2}\%$  of goods proceeds of sale into 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.

77. 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.

Auctioneer to furnish Colonial Secretary with information as to sale.

78. 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.

No auction on board vessel without permission.

79. 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.

This Part not applicable to Govt. officials or person acting under Order of Court.

#### PART V. - TOBACCO LICENCES.

80. 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.

Penalty on sale without licence.

81. 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 two shillings and sixpence a day in respect of such licence.

Occasional licence.

82. (1) If any person sells to a person apparently under the age of sixteen 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 two pounds, and in the case of a second offence to a fine not exceeding five pounds, and in the case of a third or subsequent offence to a fine not exceeding ten pounds.

Penalty for selling tobacco to children and young persons.

(2) A constable shall seize any cigarette or cigarette papers in the possession of any person apparently under the age of sixteen 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

Forfeiture of tobacco.

**Search.**

authorised to search any boy found smoking. Any girl found smoking may be conducted to and searched by the Gaol Matron.

**Provision as to automatic machines for the sale of tobacco.**

83. (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.

(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 five pounds, and to a further fine not exceeding one pound for each day during which the offence continues.

**PART VI. — GENERAL.****Powers of Governor in Council to make regulations.**

84. 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.

**Repeals :**

5 of 1853, 5 of 1911,  
4 of 1944, 9 of 1944,  
1 of 1946, 3 of 1948,  
4 of 1948.

85. The Auctioneer's Ordinance 1853, the Licensing Ordinance (South Georgia) 1911, the Licensing Ordinance 1944, the Licensing (Amendment) Ordinance 1946, the Licensing (Amendment) Ordinance 1948, the Tobacco Ordinance 1944 and the Tobacco (Amendment) Ordinance 1948 are hereby repealed.

M.P. 1092.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,

*Clerk of the Legislative Council.*

Assented to in His Majesty's name this 29th day of December, 1949.

MILES CLIFFORD,  
*Governor.*

[L.S.]

No. 13



1949.

# Colony of the Falkland Islands and its Dependencies.

IN THE FOURTEENTH YEAR OF THE REIGN OF  
**HIS MAJESTY KING GEORGE VI.**

SIR MILES CLIFFORD, K.B.E., C.M.G., K.D.,  
*Governor.*

## 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 of the Falkland Islands.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

1. This Ordinance may be cited as the Pensions Ordinance, Short title.  
1949.
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 — Interpretation.

“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” –

- (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 does not include such an addition if it is granted subject to the condition that it shall not be pensionable.

“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 territory under British Mandate or of the Anglo-Egyptian Sudan, or under the High Commissioner for Transport in Kenya and Uganda, and service which is pensionable under the Teachers (Superannuation) Act, 1925, or any Act amending or replacing the same, and any such other service as the Secretary of State may determine to be “public service” for the purpose of any provisions 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.

#### Pension regulations.

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.

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 the Regulations to this Ordinance, and the expression “this Ordinance” shall, wherever it occurs in this Ordinance, 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. 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.

(1) on attaining the age of 60 years or with the approval of the Governor in Council on or after attaining the age of 55 years, or in special cases, with the approval of the Secretary of State, on or after attaining the age of 50 years;

(2) 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;

(3) on the abolition of his office;

(4) on compulsory retirement for the purpose of facilitating improvement in the organization of the department to which he belongs, by which greater efficiency or economy may be effected;

(5) 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;

(6) in the case of removal on the ground of inefficiency as provided in this Ordinance;

(7) 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, &c.) 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.

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.

Retirement for inefficiency.

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 voluntary retirement.

(a) at any time after he attains the age of 55 years, or

(b) in special cases, with the approval of the Secretary of State, at any time after he attains the age of 50 years.

(2) An officer may with the approval of the Governor in Council retire at any time after he attains the age of 55 years.

Maximum pension.

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.

(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, in lieu of his pension, 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.

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 Court, then such pension or allowance shall forthwith cease.

Pensions etc., to cease on bankruptcy.

(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 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 direct, cease as from such date as the Secretary of State or the Governor, as the case may be, determines.

Pensions. etc., may cease on conviction.

(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 appointments.

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.

Gratuity where an  
officer dies in the  
service.

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.

(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.

Pensions to depend-  
ants when an officer  
is killed on duty.

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,

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 fifteen pounds 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-seventy seconds and one sixth respectively.

(5) 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 1937, or any Ordinance amending or replacing that Ordinance, are entitled to compensation under that Ordinance.

18. (1) The provisions of this Ordinance shall apply —

Application of  
Ordinance.

- (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 12 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 Ordinances and Regulations referred to in section 19 of this Ordinance 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 recomputed.

Repeals :

5 of 1937.  
13 of 1940.  
4 of 1941.  
2 of 1946.

19. The Pensions Ordinance, 1937, the Pensions (Amendment) Ordinance, 1940, the Pensions (Amendment) Ordinance, 1941, and the Pensions (Amendment) Ordinance, 1946, are hereby repealed and all Regulations made thereunder are hereby revoked.

M.P. 0829.

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This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,  
*Clerk of the Legislative Council.*

Assented to in His Majesty's name this 29th day of December, 1949.

MILES CLIFFORD,  
*Governor.*

[L.S.]

No. 14



1949.

# Colony of the Falkland Islands and its Dependencies.

IN THE FOURTEENTH YEAR OF THE REIGN OF

HIS MAJESTY KING GEORGE VI.

SIR MILES CLIFFORD, K.B.E., C.M.G., E.D.,  
*Governor.*

## An Ordinance

### To amend the Seditious Offences (Penalties) Ordinance, 1938.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

- |  |                                |
|--|--------------------------------|
| <p>1. This Ordinance may be cited as the Seditious Offences (Amendment) Ordinance, 1949, and shall be read and construed as one with the Seditious Offences (Penalties) Ordinance, 1938, (hereinafter referred to as the Principal Ordinance).</p> | <p>Short title.</p>            |
| <p>2. The word "Penalties" shall be deleted from the title of the Principal Ordinance.</p>   | <p>Amendments :<br/>Title.</p> |
| <p>3. The words "Officer acting as legal adviser to the Governor" shall be substituted for the words "Colonial Secretary" in the last line of section 5 (2) of the Principal Ordinance.</p>  | <p>Section 5 (2).</p>          |

M.P. C/8/38.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,  
*Clerk of the Legislative Council.*

Assented to in His Majesty's name this 29th day of December, 1949.

MILES CLIFFORD,  
*Governor.*

[L.S.]

No. 15



1949.

**Colony of the Falkland Islands and its Dependencies.**

IN THE FOURTEENTH YEAR OF THE REIGN OF  
**HIS MAJESTY KING GEORGE VI.**

SIR MILES CLIFFORD, K.B.E., C.M.G., E.D.,  
*Governor.*

**An Ordinance**

**To amend the Interpretation and General Law Ordinance, 1949.**

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

Short title.

1. This Ordinance may be cited as the Interpretation and General Law (Amendment) Ordinance, 1949, and shall be read and construed as one with the Interpretation and General Law Ordinance, 1949.

Amendment :  
Section 14.

2. Section 14 of the Interpretation and General Law Ordinance, 1949, shall be amended by substituting "1949" for "1948" in line 2 thereof.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,  
*Clerk of the Legislative Council.*

Assented to in His Majesty's name this 29th day of December, 1949.

MILES CLIFFORD,  
*Governor.*

[L.S.]

No. 16



1949.

**Colony of the Falkland Islands and its Dependencies.**

IN THE FOURTEENTH YEAR OF THE REIGN OF  
**HIS MAJESTY KING GEORGE VI.**

SIR MILES CLIFFORD, K.B.E., C.M.G., E.D.,  
*Governor.*

**An Ordinance**

**To amend and consolidate the law as to marriage.**

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows—

1. This Ordinance may be cited as the Marriage Ordinance, 1949. Short title.
2. In this Ordinance where the context so admits— Interpretation.
  - “Registrar General” means the person holding that office under the Registration Ordinance 1949.
  - “Minor” or “Infant” means a person under the age of 21 years and 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.
3. Every marriage Valid Marriages.
  - (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.

**Appointment of Registrars.**

4. The Governor may appoint Registrars for the purposes of this Ordinance.

**Registered ministers.**

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 :

Provided that the Governor may refuse any such application and may remove the name of any person from the register.

**Places registered for celebration of marriages.**

6. (1) Christ Church Cathedral, the Roman Catholic Church and the Nonconformist Tabernacle shall be deemed to be places registered for celebrating 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.

**When and where a marriage may be solemnised.**

**By minister.**

7. (1) A minister may at any time within three months after declaration made under section 8 and 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 :

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.

**By Registrar.**

(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.

**Declaration of intended marriage.**

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.

**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 2nd 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 as 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.

12. No person shall except as provided in section 13, solemnise any marriage —

Conditions as to marriage.

- (1) until a marriage licence has been issued and 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 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.

## Neglect.

22. Any person who shall offend against or fail to comply with any of the provisions of this Ordinance for the breach of which no penalty is provided, shall be liable on summary conviction to a fine not exceeding £50.

## Marriages under the Foreign Marriages Acts 1892 to 1947. Notice.

23. A party to a marriage intended to be solemnised under the Foreign Marriages 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.

## Posting of notice.

24. 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.

## Certificate of notice.

25. 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.

26. The fees specified in the Third Schedule hereto shall be paid for the services therein specified.

## Repeal: § of 1902.

27. The Marriage Ordinance, 1902, is hereby repealed.

# Notice of Marriage.

No.	Christian and Surnames in full.	"Under" or "above" the age of 21.	Condition : Bachelor, Spinster, Widower or Widowed.	Rank or Profession.	Residence.	Father's Christian and Surnames in full. <i>(If either party be under the age of 21, the father or guardian must write here "I Consent" and sign his name.</i>	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, 1949, 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.

Form 3.

Marriage Certificate.

No. \_\_\_\_\_ in the Registrar-General's Office.

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 solemnized between us*

\_\_\_\_\_

*In the presence of us* { *Witness.*

*Married by me* { *Witness.*

*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.		
			£	s.	d.
The Governor	Special Licence	...	3	0	0
The Minister	Marriage by Governor's licence	...	2	0	0
The Clerk	The same	...	10	0	0
The Minister	Marriage after banns or on Registrar-General's licence	...	10	0	0
The Clerk	The same	...	5	0	0
The Minister	Publication of banns of marriage	...	2	6	0
" "	Who performs a marriage elsewhere than in Stanley for travelling expenses for every mile beyond Stanley	...	3	6	0
The Treasury	Entry of notice of marriage	...	2	6	0
" "	Registrar-General's licence	...	5	0	0
" "	Entering caveat	...	5	0	0
" "	Marriage by Registrar	...	10	0	0
" "	Notice under Foreign Marriage Act	...	1	0	0
" "	Certificate under Foreign Marriage Act	...	2	0	0
The Minister	Copy certified by Minister of entry in registry kept by Minister	...	2	6	0

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 . Falkland Islands this day of 19

(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

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,  
Clerk of the Legislative Council.

Assented to in His Majesty's name this 29th day of December, 1949.

MILES CLIFFORD,  
*Governor.*

[L.S.]

No. 17



1949.

**Colony of the Falkland Islands and its Dependencies.**

IN THE FOURTEENTH YEAR OF THE REIGN OF  
**HIS MAJESTY KING GEORGE VI.**

SIR MILES CLIFFORD, K.B.E., C.M.G., E.D.,  
*Governor.*

**An Ordinance  
To amend the Quarantine Ordinance, 1908.**

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows—

Short title.

1. This Ordinance may be cited as the Quarantine (Amendment) Ordinance, 1949, and shall be read and construed as one with the Quarantine Ordinance, 1908, (hereinafter referred to as the Principal Ordinance).

Amendments :  
Section 1.

2. Section 1 of the Principal Ordinance shall be amended by the addition of the words "other than by 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 Ordinance" at the end thereof.

Section 9.

3. Section 9 of the Principal Ordinance shall be amended by
- (a) the deletion of the words between the word "person" in line 1 and the word "obstructs" in line 5 thereof;
  - (b) the deletion of the words "Inspector or other" in line 7 thereof;
  - (c) the insertion of the words "may be apprehended without warrant and" after the word "he" in line 9 thereof.

4. Section 10, subsections (2), (3) and (4) of section 12, and section 16 of the Principal Ordinance shall be deleted.

Section 10.  
Section 12 (2), (3) &  
(4). Section 16.

5. Subsection (1) of section 12 of the Principal Ordinance shall be amended by the deletion of the words "Inspector or other" in line 5 thereof.

Section 12 (1).

6. (a) The definition "infectious or contagious disease" in Regulation No. 2 in the Schedule to the Principal Ordinance shall be amended by the deletion of the remainder of the definition after "small pox" in line 2 thereof.

Schedule.

(b) Regulation No. 25 (d) in the Schedule to the Principal Ordinance shall be amended by the substitution of the word "three" for the word "ten" in line 3 thereof.

M.P. 1085.

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This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,  
*Clerk of the Legislative Council.*

Assented to in His Majesty's name this 29th day of December, 1949.

MILES CLIFFORD,  
*Governor.*

[L.S.]

No. 18



1949.

Colony of the Falkland Islands and its Dependencies.

IN THE FOURTEENTH YEAR OF THE REIGN OF  
HIS MAJESTY KING GEORGE VI.

SIR MILES CLIFFORD, K.B.E., C.M.G., E.D.,  
*Governor.*

An Ordinance

To amend the Trade Unions and Trade  
Disputes Ordinance.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows—

Short title.

1. This Ordinance may be cited as the Trade Unions and Trade Disputes (Amendment) Ordinance, 1949, and shall be read and construed as one with the Trade Unions and Trade Disputes Ordinance.

Amendments :  
Sections 17, 21 & 22.

2. The definitions to "intimidate" and "injury" in subsection (1) of section 17, subsection (2) of section 21 and subsection (2) of section 22 of the Trade Unions and Trade Disputes Ordinance shall be deleted.

M.P. C/17/30.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,  
*Clerk of the Legislative Council.*

Assented to in His Majesty's name this 29th day of December, 1949.

MILES CLIFFORD,  
*Governor.*

[L.S.]

No. 19



1949.

**Colony of the Falkland Islands and its Dependencies.**

IN THE FOURTEENTH YEAR OF THE REIGN OF

**HIS MAJESTY KING GEORGE VI.**

SIR MILES CLIFFORD, K.B.E., C.M.G., E.D.,  
*Governor.*

**An Ordinance**

**To provide for the maintenance of  
Waterworks at Stanley.**

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Colony thereof, as follows—

1. This Ordinance may be cited as the Stanley Waterworks Ordinance, 1949. Short title.

2. "Waterworks" mean 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. Definition.

3. (1) The Governor may appoint any person to be Water Authority. Water Authority.

(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. Duties and Powers.

(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;

- (b) after 21 days' notice in writing to the owner or occupier thereof lay pipes and other appliances on or through such land.

(5) 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 caused by drought or other unavoidable circumstance.

Offences.

4. Any person who

- (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) 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.

Regulations.

5. The Governor in Council may make regulations for the administration of this Ordinance.

Repeal: No. 4 of 1927.

6. The Stanley Water Supply Ordinance, 1927, is hereby repealed.

M.P. 30/26.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,

*Clerk of the Legislative Council.*

Assented to in His Majesty's name this 29th day of December, 1949.

MILES CLIFFORD,  
*Governor.*

[L.S.]

No. 20



1949.

**Colony of the Falkland Islands and its Dependencies.**

IN THE FOURTEENTH YEAR OF THE REIGN OF

**HIS MAJESTY KING GEORGE VI.**

SIR MILES CLIFFORD, K.B.E., C.M.G., E.D.,  
*Governor.*

**An Ordinance**

**To make provision for the care of persons of unsound mind.**

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows—

1. This Ordinance may be cited as the Mental Treatment Ordinance, 1949. Short title.
2. In this Ordinance unless the context otherwise requires— Interpretation.  
 “person of unsound mind” means an idiot or a person who is suffering from mental derangement.
3. (1) Any Justice may, 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 be of unsound mind and a proper subject to be placed under care and treatment, 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 power 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.

(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.

4. (1) The Justices making an inquiry under section 3 hereof shall direct the Senior Medical Officer or another registered medical practitioner to examine the person suspected of being of unsound mind and thereupon such practitioner shall, if he considers that the facts warrant it, sign a certificate that in his opinion the suspected person is of unsound mind and specifying in full detail the facts upon which he founds his 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 and upon the said registered medical practitioner having certified that any person is of unsound mind and a proper subject to be placed under care and treatment 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 24 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.

#### Duration of reception orders.

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.

(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.

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 desire is for the benefit and interest of the person of unsound mind.

Maintenance may be charged to estate of person of unsound mind.

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 patient if fit.

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.

Discharge of person on undertaking of relative etc. for proper care.

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 and surveillance, and sureties (if any) as the Senior Medical Officer may deem fit.

Release of patient on trial.

(2) In the case of any breach of an undertaking or condition imposed under this section or if a person does not return to an 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 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.

Magistrate may order person to be brought before him for examination.

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 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 an approved place and the Senior Medical Officer shall discharge such person accordingly.

(2) An examination under this section shall be conducted in private.

Removal of a person of unsound mind to the United Kingdom.

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.

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 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 after every such visit.

(3) The said visitors shall submit a joint report to the Governor in December in each year 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, and shall submit such reports upon any matter connected with an approved place as and when the Governor may specially direct.

Protection of persons enforcing Ordinance.

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 purporting to be a report, application or certificate or has done anything in pursuance to 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 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 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 prescribed 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.

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 shall on conviction on indictment be liable for a term of imprisonment not exceeding two years.

Abuse of female of unsound mind.

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 in an approved place.

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.

Ill-treating patients released on trial and obstructing officer.

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

Selling etc. articles to persons in approved place.

liable to a penalty not exceeding £20 or to imprisonment for a term not exceeding six months.

Trespassing on premises of an approved 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.

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.

Repeal No. 4 of 1894.

31. The Lunacy Ordinance, 1894, is hereby repealed.

M.P. 1107.

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This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,  
*Clerk of the Legislative Council.*

Assented to in His Majesty's name this 29th day of December, 1949.

MILES CLIFFORD,  
*Governor.*

[L.S.]

No. 21



1949.

Colony of the Falkland Islands and its Dependencies.

IN THE FOURTEENTH YEAR OF THE REIGN OF

HIS MAJESTY KING GEORGE VI.

SIR MILES CLIFFORD, K.B.E., C.M.G., E.D.,  
*Governor.*

### An Ordinance

### To amend the Vaccination Ordinance, 1868.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

1. This Ordinance may be cited as the Vaccination (Amendment) Ordinance, 1949, and shall be read and construed as one with the Vaccination Ordinance, 1868, (hereinafter referred to as the Principal Ordinance).

Short title.

2. Section 1 of the Principal Ordinance shall be deleted and the following substituted therefor :

Amendments :  
Section 1.

"1. Every medical practitioner registered under the Medical Practitioners, Midwives and Dentists Ordinance 1914 or any Ordinance amending or replacing it shall be a public vaccinator for the purposes 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."

3. Section 2 of the Principal Ordinance shall be amended —

Section 2.

(a) by the deletion of the words "the Public Vaccinator of the district" in line 9 thereof and the substitution of the words "registered medical practitioner" therefor;

(b) by the deletion of the remainder of the section after the word "vaccinated" in line 10 thereof.

## Section 4.

4. Section 4 of the Principal Ordinance shall be amended –

- (a) by the deletion of the words “following week when the operation shall have been performed by the Public Vaccinator, such” in lines 1, 2 and 3 thereof and the words “week following the vaccination the” substituted therefor;
- (b) by the substitution of the words “registered medical practitioner” for the word “him” in line 5 thereof.

## Section 5.

5. Section 5 of the Principal Ordinance shall be amended by the substitution of the word “registered” for the words “Public Vaccinator or other qualified” in lines 2 and 3 thereof.

## Sections 6, 7, 11 &amp; 12.

6. The word “registered” shall be substituted for the words “Public Vaccinator or” whenever they appear in sections 6, 7, 11 and 12 of the Principal Ordinance.

## Sections 8, 13, 14, 17 &amp; 18.

7. Sections 8, 13, 14, 17 and 18 of the Principal Ordinance shall be deleted.

## Section 15.

8. Section 15 of the Principal Ordinance shall be deleted and the following shall be substituted therefor :

“15. Court may order that any child under the age of 14 years who has not been successfully vaccinated or who 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.

## Application.

9. The Principal Ordinance shall be amended by the addition of the following section :

“19. This Ordinance shall apply to South Georgia in the Dependencies”.

## Schedule.

10. The Schedule to the Principal Ordinance shall be amended by the word “Registered” being substituted for the words “Public Vaccinator or” and “Public Vaccinator of the District or” wherever they appear.

M.P. 1087.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,

*Clerk of the Legislative Council.*

Assented to in His Majesty's name this 29th day of December, 1949.

MILES CLIFFORD,  
*Governor.*

[L.S.]

No. 22



1949.

**Colony of the Falkland Islands and its Dependencies.**

IN THE FOURTEENTH YEAR OF THE REIGN OF  
**HIS MAJESTY KING GEORGE VI.**

SIR MILES CLIFFORD, K.B.E., C.M.G., E.D.,  
*Governor.*

**An Ordinance**

**To declare the law as to Aliens.**

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

1. This Ordinance may be cited as the Aliens Ordinance, Short title.  
1949.

2. In this Ordinance or any regulations made thereunder Definitions.  
where the context so admits :

“An alien” means any person who according to the laws in force or that may come into force in the United Kingdom is not a British subject, British protected person or who is a citizen of the Republic of Ireland.

3. (1) No alien who is a lunatic, idiot or mentally deficient Admission of aliens.  
or who has been certified by a medical officer in the service of the Government of the Colony as undesirable for medical reasons, or who has been sentenced for a crime which would be a ground for extradition from the Colony or who has been prohibited from landing by order of the Governor, shall land in the Colony.

(2) Any alien who shall land in the Colony without the permission of the Governor unless :

(a) he is in possession of a valid passport issued to him by or on behalf of the Government of which he is a national or some other document with a photograph attached satisfactorily establishing his nationality or identity to the satisfaction of and, except where he is a national of one of those countries with which an

agreement has been entered into by His Majesty's Government for the abolition of visas and such agreement has been extended to the Colony, he has been granted a visa to enter the Colony by or on behalf of His Majesty's Government,

- (b) he is in a position to support himself and his dependents,

shall commit an offence.

**Registration.**

4. Every alien who shall within seven days of his landing in the Colony fail to register with the Chief Constable and furnish him with such particulars as he may require or shall fail to notify the Chief Constable within seven days of any change of residence, shall commit an offence.

**Deportation Orders.**

5. The Governor in Council may make a deportation order subject to such conditions as he may think fit in respect of any alien when

(1) 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;

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

**Detention pending deportation.**

6. An alien in respect of whom a deportation order has been made may be detained in legal custody until he be placed on a ship leaving the Colony.

**Master of ship.**

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

**Expenses of deportation.**

8. 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.

**Offences.**

9. Any person who commits an offence under 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.

**Regulations.**

10. The Governor in Council may make regulations for the administration of this Ordinance.

**Repeals.**

11. The Peace Preservation South Georgia (Aliens) Ordinance, 1919, the Passports Ordinance, 1921, the Passports (Amendment) Ordinance, 1925, and the Aliens' Ordinance, 1929, are hereby repealed.

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This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,  
*Clerk of the Legislative Council.*

Assented to in His Majesty's name this 29th day of December, 1949.

MILES CLIFFORD,  
*Governor.*

[L.S.]

No. 23



1949.

**Colony of the Falkland Islands and its Dependencies.**

IN THE FOURTEENTH YEAR OF THE REIGN OF

**HIS MAJESTY KING GEORGE VI.**

SIR MILES CLIFFORD, K.B.E., C.M.G., E.D.,  
*Governor.*

**An Ordinance**

**To amend the Workmen's Compensation Ordinance, 1937.**

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

1. This Ordinance may be cited as the Workmen's Compensation (Amendment) Ordinance, 1949, and shall be read and construed as one with the Workmen's Compensation Ordinance, 1937, (hereinafter referred to as the Principal Ordinance).

Short title.

2. Section 2 (1) of the Principal Ordinance shall be amended by substituting the word "eighteen" for the word "seventeen" in line 3 thereof.

Amendments :  
Section 2.

3. (1) Section 4 (1) (a) (i) of the Principal Ordinance shall be amended by inserting the word "six" after the word "thirty" in line 3 thereof.

Section 4.

(2) Section 4 (1) (b) (ii) of the Principal Ordinance shall be amended by substituting the words "ninety six" for the words "eighty four" in lines 1 and 2 thereof.

4. Section 5 (1) (b) of the Principal Ordinance shall be amended by inserting the word "six" after the word "thirty" in the first line thereof.

Section 5.

- Section 8.                   5. Section 8 (5) of the Principal Ordinance shall be amended by substituting the word "fifteen" for the word "eight" in line 3 thereof.
- Section 14.                 6. Section 14 (3) of the Principal Ordinance shall be amended by substituting the words "section thirty-three of the Bankruptcy Act 1914" for the words "the Preferential Payments in Bankruptcy Act 1888" in lines 2 and 3 thereof.
- Sections 31 and 32.       7. Sections 31 and 32 of the Principal Ordinance shall be amended by substituting the word "Judge" for "Chief Justice" wherever these words appear in these sections.
- Section 32.               8. Section 32 (2) of the Principal Ordinance shall be amended by deleting the words "two successive issues of" in line 3 thereof.
- Section 34.               9. Section 34 of the Principal Ordinance shall be amended by substituting the words "the British Empire" for the words "His Majesty's Dominions" wherever these words appear in this section and by deleting subsection (2) of this section.

M.P. 0038/II.

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This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,  
*Clerk of the Legislative Council.*

Assented to in His Majesty's name this 29th day of December, 1949.

MILES CLIFFORD,  
*Governor.*

[L.S.]

No. 24



1949.

Colony of the Falkland Islands and its Dependencies.

IN THE FOURTEENTH YEAR OF THE REIGN OF

HIS MAJESTY KING GEORGE VI.

SIR MILES CLIFFORD, K.B.E., C.M.G., E.D.,  
*Governor.*

An Ordinance

To amend the Post Office Ordinance, 1898.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows—

1. This Ordinance may be cited as the Post Office (Amendment) Ordinance, 1949, and shall be read and construed as one with the Post Office Ordinance, 1898, (hereinafter referred to as the Principal Ordinance).

Short title.

2. The words "and regulations for the time being in force" in lines 2 and 3 of section 2 of the Principal Ordinance shall be deleted and the words "as provided by the Interpretation and General Law Ordinance, 1949, and any regulations made under such laws" shall be inserted after the word "Kingdom" in line 4 of the said section.

Amendments :  
Section 2.

3. The words "1d. for every letter and  $\frac{1}{4}$ d. for every other postal packet contained in any mail" in lines 3 and 4 of section 7 shall be deleted and the words "two shillings and sixpence for every mail bag containing letters and papers and five shillings for every mail bag containing parcels" shall be substituted therefor.

Section 7.

M.P. 1083.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,  
*Clerk of the Legislative Council.*

Assented to in His Majesty's name this 29th day of December, 1949.

MILES CLIFFORD,  
*Governor.*

[L.S.]

No. 25



1949.

# Colony of the Falkland Islands and its Dependencies.

IN THE FOURTEENTH YEAR OF THE REIGN OF

HIS MAJESTY KING GEORGE VI.

SIR MILES CLIFFORD, K.B.E., C.M.G., E.D.,  
*Governor.*

## An Ordinance

To provide for the imposition of penalties and fees in connection with the grant of Certificates and other matters under the British Nationality Act, 1948.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows—

Short title.

1. This Ordinance may be cited as the British Nationality Ordinance, 1949.

Penalties.

2. (1) Any person who for the purpose of procuring anything 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 requirement 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.

Fees.

3. (1) Subject to subsection (2) hereof the fees specified 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.

4. The British Nationality and Status of Aliens (Fees) Repeal Ordinance, 1921, is hereby repealed.

M.P. 1022.

## SCHEDULE.

### TABLE OF FEES.

Matter in which fee may be taken.	Amount of fee.		
	£	s.	d.
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 Eire 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		10	0.
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.			
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.
Grant of a certificate of citizenship in case of doubt	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.	
Registration of a declaration of intention to resume British nationality or of renunciation of citizenship.	10	0.	
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.	

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,

*Clerk of the Legislative Council.*

Assented to in His Majesty's name this 29th day of December, 1949.

MILES CLIFFORD,  
*Governor.*

[L.S.]

No. 26



1949.

Colony of the Falkland Islands and its Dependencies.

IN THE FOURTEENTH YEAR OF THE REIGN OF  
HIS MAJESTY KING GEORGE VI.

SIR MILES CLIFFORD, K.B.E., C.M.G., E.D.,  
*Governor.*

An Ordinance

To facilitate the preparation of a Revised Edition of the Laws by the Repeal of Certain Enactments.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows :

Short title.

1. This Ordinance may be cited as the Law Revision (Repeal) Ordinance, 1949.

Ordinances repealed.

2. The Ordinances set out in the Schedule to this Ordinance are hereby repealed.

Subsidiary legislation revoked.

3. All Rules, Regulations, Orders in Council, Proclamations and Orders made under or by virtue of the Ordinances set out in the Schedule to this Ordinance are hereby revoked.

## SCHEDULE.

Number and year of Ordinance.	Short title.
1 of 1865.	The Clergymen's Ordinance, 1865.
4 of 1867.	The Naval Stores Ordinance, 1867.
2 of 1871.	The Escheat Ordinance, 1871.
1 of 1875.	The Mortgages Ordinance, 1875.
2 of 1875.	The Ships Ordinance, 1875.
3 of 1889.	The Criminal Law Amendment Ordinance, 1889.
4 of 1889.	The Married Women's Property Ordinance, 1889.
3 of 1890.	The Foreign Jurisdiction Act (Expenses) Ordinance, 1890.
4 of 1893.	The Christ Church Ordinance, 1893.
7 of 1895.	The Uniforms Ordinance, 1895.
2 of 1896.	The Conspiracy Ordinance, 1896.
3 of 1899.	The Wrecks Ordinance, 1899.
6 of 1902.	The Pilots Ordinance, 1902.
1 of 1904.	The Flogging Regulation Ordinance, 1904.
3 of 1909.	The Deceased Wife's Sister's Marriage Ordinance, 1909.
9 of 1909.	The Merchant Shipping Ordinance, 1909.
4 of 1911.	The Council's Validity Ordinance, 1911.
10 of 1912.	The Children Ordinance, 1912.
5 of 1914.	The Validity Ordinance, 1914.
5 of 1915.	The Whale Fishery Regulation Ordinance, 1915.
4 of 1917.	The Transport Discipline Ordinance, 1917.
3 of 1924.	The Criminal Law Amendment Ordinance, 1924.
4 of 1925.	The Criminal Law Amendment (Amendment) Ordinance, 1925.
6 of 1925.	The Administration of Justice (Amendment) Ordinance, 1925.
5 of 1926.	The Retiring Allowance to Nurses Ordinance, 1926.
4 of 1929.	The Local Naturalisation Ordinance, 1929.
6 of 1929.	The Prevention of Cruelty to Animals Ordinance, 1929.
11 of 1929.	The Prevention of Cruelty to Animals (Amendment) Ordinance, 1929.
10 of 1930.	The Merchant Shipping (Amendment) Ordinance, 1930.
8 of 1934.	Sentence of Death (Expectant Mothers) Ordinance, 1934.
11 of 1934.	Importation of Textiles (Quotas) Ordinance, 1934.
1 of 1935.	The Death Sentence Expectant Mothers (Amendment) Ordinance, 1935.
4 of 1935.	Senior Medical Officer (Designation) Ordinance, 1935.
5 of 1936.	Stanley Common Cattle Branding Ordinance, 1936.
10 of 1936.	The Counterfeit Currency (Convention) Ordinance, 1936.
1 of 1937.	Discovery Ordinance, 1937.
9 of 1937.	The Forgery Ordinance, 1937.
4 of 1938.	The Civil Procedure Ordinance, 1938.
2 of 1939.	The Infanticide Ordinance, 1939.
2 of 1940.	The Children and Young Persons Ordinance, 1940.
5 of 1940.	The Public Officers (Change of Designation) Ordinance, 1940.
10 of 1942.	The Conspiracy (Amendment) Ordinance, 1942.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,  
*Clerk of the Legislative Council.*

Assented to in His Majesty's name this 29th day of December, 1949.

MILES CLIFFORD,  
*Governor.*

[L.S.]

No. 27



1949.

**Colony of the Falkland Islands and its Dependencies.**

IN THE FOURTEENTH YEAR OF THE REIGN OF  
**HIS MAJESTY KING GEORGE VI.**

SIR MILES CLIFFORD, K.B.E., C.M.G., E.D.,  
*Governor.*

**An Ordinance  
To amend the Penguins Preservation  
Ordinance, 1914.**

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows—

Short title.

1. This Ordinance may be cited as the Penguins Preservation (Amendment) Ordinance, 1949, and shall be read and construed as one with the Penguins Preservation Ordinance, 1914, (hereinafter referred to as the Principal Ordinance).

Amendments :  
Sections 2 and 6.

2. Sections 2 and 6 of the Principal Ordinance shall be deleted and the following substituted therefor:

"2. 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.

M.P. 1113.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,  
*Clerk of the Legislative Council.*

Assented to in His Majesty's name this 29th day of December, 1949.

MILES CLIFFORD,  
*Governor.*

[L.S.]

No. 28



1949.

## Colony of the Falkland Islands and its Dependencies.

IN THE FOURTEENTH YEAR OF THE REIGN OF

HIS MAJESTY KING GEORGE VI.

SIR MILES CLIFFORD, K.B.E., C.M.G., E.D.,  
*Governor.*

### An Ordinance

### To consolidate the law as to Land.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

1. This Ordinance may be cited as the Land Ordinance, 1949. Short title.
2. In this Ordinance unless the context otherwise admits : Interpretation.
  - "Deed" means any instrument affecting land in the Colony.
  - "Land" means land and any messuages, tenements and buildings thereon and any estate or interest therein but does not include Crown land or 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 town.

"Town land" means land in Stanley as defined in section 138 of the Stanley Town Council Ordinance and land not more than two miles from the centre of any town.

"Vendor" "Owner" "Mortgagor" "Mortgagee" "Lessor"

"Lessee" "Transferor" "Transferee" includes 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.

#### Conveyances.

3. (1) Every deed conveying the fee simple in land shall be in the form set out in Form 1 in the First Schedule hereto.

(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 incumbrances (except as therein described) 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 tenant for life or under an order of the Court that he has the right to convey free from incumbrances except as therein specified limited to things done or suffered by the person so conveying or to which he has been party.

#### Mortgages.

4. (1) Every deed being the mortgage of land shall be in the form set out in Form 2 in the First Schedule.

(2) The following covenants shall be implied in every mortgage

- (a) on the part of the mortgagor the covenants contained in section 3 (2) (a) or (b) as the case may be;
- (b) 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 incumbrances.

(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.

5. Every deed being transfer of mortgage shall 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. **Transfer of Mortgage.**

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. **Reconveyance.**

(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) shall be in the form set out in Form 5 in the First Schedule. **Lease.**

(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 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 : **Execution of Deeds.**

- (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

in the presence of a Justice of the Peace, or in a foreign country a Notary Public, except in the case of a limited company when the common seal of the company shall be 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 Crown Grant or lease of agreement 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. **Registration.**

(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.

10. A copy of any registered deed certified by the Registrar General shall be admissible in evidence. **Certified copy of deed.**

11. (1) Any person who considers himself lawfully entitled to be registered as the owner in fee simple in any land may petition the Court to be so registered. **Fresh title.**

(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 shewn 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.

Penalty.

(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 sub-section (1) of this section.

(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.

Cancellation.

14. Every stamp affixed to a deed shall be cancelled by the Registrar General by impressing his seal thereon.

Penalties.

15. Any person who

- (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 on 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 :

*Deed described in the  
Third Schedule.*

*Person liable for duty.*

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.

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.

Assessment of duty.

(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.

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 Crown lands.

19. The Governor in Council may dispose of Crown lands required for public purposes.

Disposal of land for public use.

20. The Governor in Council may refuse a lessee of any Crown lands the right of purchasing the freehold thereof.

Power of refusal to sell freehold.

21. (1) The following land shall continue to be reserves -

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 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.

Lease of reserved 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.

Renewal of lease.

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

Country land (not being a reserve) exceed the term of 21 years.

Suburban land or a reserve exceed the term of 3 years.

Town land exceed the term of 60 years.

(2) Where the Governor shall decline to renew a lease the Government shall pay the lessee the value of all improvements 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 termination 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 the Governor in Council 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 improvements.

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.

Determination of lease.

27. When a lessee fails to observe and 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 the said lease shall forthwith determine and 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.

Reservations, restrictions and conditions.

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.

(2) Every grant or lease of Crown lands shall be subject to the following reservations, restrictions and conditions unless they



acquired for a public purpose and such warrant shall be published in the Gazette.

**Notices.**

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

- (a) by leaving the notice with a responsible person at their last known places 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.

**Entry and possession.**

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.

**Registration.**

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.

**Proceedings where possession refused.**

35. (1) When the owner or occupier of any land to be 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 direct 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 lands 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 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 will purchase such land rendered useless accordingly.

**Part of building 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 will take the whole house or building.

**Compensation.**

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.

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.

False evidence to be perjury.

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.

Time for award.

(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.

42. Every such award shall specify the amount awarded

Publication of award.

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 shewn 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.

Resumption of land under Crown Grants not to give claim for compensation.

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.

## PART V.

### GENERAL.

Protection of persons acting under Ordinance.

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.

(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.

Cutting peat on Crown lands.

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 forty shillings for each day peat is so cut.

Searches and certified copies of documents.

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.

Governor in Council may make regulations.

48. The Governor in Council may make Regulations for the effective administration of this Ordinance.

Repeals :  
12 of 1853 (part).  
1 of 1902.  
9 of 1903.  
6 of 1904.  
3 of 1934.

49. That part of the Second Schedule entitled "Registrar's fees - Land" to the Registration Ordinance 1853, the Public Lands Ordinance 1902, the Land Ordinance 1903, the Titles to Land Ordinance 1904, the Land (Amendment) Ordinance 1934 are hereby repealed.

Commencement.

50. This Ordinance shall come into force on the 1st day of January, 1950.

FIRST SCHEDULE.

Form 1.

THIS CONVEYANCE is made the            day of            one thousand  
nine hundred and            in pursuance of the Land Ordinance 1949.

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 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 is made the            day of            one thousand  
nine hundred and            in pursuance of the Land Ordinance 1949.

Where one  
prior charge.

BETWEEN            of  
(hereinafter called "the Mortgagor") of the one part and  
of            (hereinafter called "the Mortgagee") of the other part.

Where more  
than one prior  
charge.

Delete recitals  
when not  
applicable.

WHEREAS by a Mortgage dated the            day of  
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.

WHEREAS by the mortgages more particularly set out in the Schedule  
hereto the land hereinafter described and intended to be hereby conveyed was  
conveyed to the respective mortgagees subject to the rights of redemption  
respectively herein contained.

WITNESSETH that in consideration of the sum of  
now paid by the Mortgagee to the Mortgagor (the receipt whereof is hereby

acknowledged) 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 is made the \_\_\_\_\_ day of \_\_\_\_\_ one thousand nine hundred and \_\_\_\_\_ in pursuance of the Land Ordinance 1949.

BETWEEN \_\_\_\_\_ of \_\_\_\_\_ (hereinafter 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 acknowledged) 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 is made the            day of            one thousand nine hundred and            in pursuance of the Land Ordinance 1949.

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 incumbrances.

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 is made the            day of            one thousand nine hundred and            in pursuance of the Land Ordinance 1949.

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            and the            day of            in every year the first payment to be made on the            day of            and 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            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 1949.

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 shewn 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 etc.

subject etc.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

*Judge.*

Registered the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

*Registrar.*

## 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.
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.

1/- 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.

2/6 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 shewn in this Schedule.

## FOURTH SCHEDULE.

## Form A.

(Section 31)

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 1949.

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) 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.*

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,

*Clerk of the Legislative Council.*

Assented to in His Majesty's name this 29th day of December, 1949.

MILES CLIFFORD,  
*Governor.*

[L.S.]

No. 29



1949.

**Colony of the Falkland Islands and its Dependencies.**

IN THE FOURTEENTH YEAR OF THE REIGN OF

**HIS MAJESTY KING GEORGE VI.**

SIR MILES CLIFFORD, K.B.E., C.M.G., E.D.,  
*Governor.*

**An Ordinance**

**To amend the Wild Animals and Birds Protection (Amendment) Ordinance, 1913.**

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

1. This Ordinance may be cited as the Wild Animals and Birds Protection (Amendment) Ordinance, 1949, and shall be read and construed as one with the Wild Animals and Birds Protection (Amendment) Ordinance, 1913, (hereinafter referred to as the Principal Ordinance).

Short title.

2. Section 2 of the Principal Ordinance shall be amended by the deletion of the remainder of the section after the word "animal" in line 19 thereof and the substitution of the words "or bird or part of an animal or bird".

Amendments :  
Section 2.

3. Section 9 of the Principal Ordinance shall be deleted.

Section 9.

M.P. 1099.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,  
*Clerk of the Legislative Council.*

Assented to in His Majesty's name this 29th day of December, 1949.

MILES CLIFFORD,  
*Governor.*

[L.S.]

No. 30



1949.

# Colony of the Falkland Islands and its Dependencies.

IN THE FOURTEENTH YEAR OF THE REIGN OF  
**HIS MAJESTY KING GEORGE VI.**

SIR MILES CLIFFORD, K.B.E., C.M.G., E.D.,  
*Governor.*

## An Ordinance

### To amend the Public Health Ordinance 1894.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows—

Short title.

1. This Ordinance may be cited as the Public Health (Amendment) Ordinance, 1949, and shall be read and construed as one with the Public Health Ordinance, 1894, (hereinafter referred to as the Principal Ordinance).

2. Sections 5 and 6 of the Principal Ordinance shall be deleted and the following substituted therefor :

Cleanliness of premises and utensils used in connection with the sale etc. of food.

"5. 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 therefor.

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.

3. The Principal Ordinance shall be amended by the addition of the following sections after section 6 thereof :

"6A. 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.

"6B. (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.

(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.

"6C. (1) If it shall appear to a medical officer or an inspector that any article of food or drink intended for human consumption is 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.

Power to seize food unfit for human consumption.

(2) 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.

Court may order destruction of food unfit for human consumption.

"6D. 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, or

(b) sells such food as pure and unadulterated 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 three months or 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.

"6E. 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.

4. Section 7 of the Principal Ordinance shall be deleted and the following substituted therefor :

Section 7.

"7. 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.

## Section 8.

5. Section 8 of the Principal Ordinance shall be amended by the addition of the following at the end thereof

"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".

## Section 10.

6. Section 10 of the Principal Ordinance shall be amended by the deletion of the words "On receipt of information from an Inspector of Nuisances or any two inhabitant freeholders of any nuisances" in lines 1. 2 and 3 thereof.

## Sections 9, 11, 16 &amp; 17.

7. Sections 9, 11, 16 and 17 of the Principal Ordinance shall be deleted.

## Sections 12, 13, 14 &amp; 15.

8. Sections 12, 13, 14 and 15 of the Principal Ordinance shall be deleted and the following substituted therefor

## Court orders as to nuisances.

"12. (1) 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.

(2) 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.

## Failure to comply with Court order.

"13. Any person who fails to comply with an order of the Court to abate a nuisance or knowingly and wilfully acting contrary to an order of prohibition shall, unless he satisfies the Court that he has used all diligence to carry out such order, commit an offence and shall be liable to a fine not exceeding £5 for each day during his default.

## Houses unfit for human habitation etc.

"14. (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.

(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 failing to comply with an order under this section shall be subject to the penalties provided for in section 13 hereof.

## Section 18.

9. The words "with the approval of the Governor in Council" shall be inserted after the word "may" in line 1 of section 18 of the Principal Ordinance.

10. Section 19 of the Principal Ordinance shall be deleted and the following shall be added to section 18 in substitution thereof: Section 19.

(xvii.) 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.

11. Section 21 of the Principal Ordinance shall be deleted and the following substituted therefor: Section 21.

"21. 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.

12. The Principal Ordinance shall be amended by the addition of the following section:

"22. In this Ordinance and any by-law made thereunder where the context so admits: Section 22.

"The Board" means the Board of Health appointed under section 1 hereof. Interpretation.

"Inspector" means an inspector appointed under section 7 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.

M.P. 1100.

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This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,  
*Clerk of the Legislative Council.*

Assented to in His Majesty's name this 29th day of  
December, 1949.

MILES CLIFFORD,  
*Governor.*

[L.S.]

No. 31



1949.

## Colony of the Falkland Islands and its Dependencies.

IN THE FOURTEENTH YEAR OF THE REIGN OF

HIS MAJESTY KING GEORGE VI.

SIR MILES CLIFFORD, K.B.E., C.M.G., E.D.,  
*Governor.*

### An Ordinance

### To amend the Live Stock Ordinance, 1901.

BE IT ENACTED by the Governor of the Colony of the  
Falkland Islands, with the advice and consent of the Legislative  
Council thereof, as follows —

Short title.

1. This Ordinance may be cited as the Live Stock (Amendment) Ordinance, 1949, and shall be read and construed as one with the Live Stock Ordinance, 1901, as amended by the Live Stock (Amendment) Ordinances (hereinafter referred to as the Principal Ordinance).

Section 1.

2. The definition "stray sheep" shall be deleted and the following substituted therefor :

"stray sheep" means any sheep, not being a travelling sheep, upon land not in the occupation of the owner of the sheep.

The definition "Inspector" shall be deleted and the following substituted therefor :

"Inspector" means an inspector appointed under section 2 of this Ordinance.

Sections 13 & 14.

3. The words "Agricultural Officer" shall be substituted for the words "Chief Inspector" in Sections 13 and 14 of the Principal Ordinance.

Sections 17 & 41.

4. The words "or two Justices" shall be inserted after the word "Magistrate" in sections 17 and 41 of the Principal Ordinance.

5. Sections 25, 26 and 27 of the Principal Ordinance shall be deleted. Sections 25, 26 & 27.

6. Section 28 of the Principal Ordinance shall be amended by inserting the following after the proviso thereto :- Section 28.

“Provided also that the Agricultural Officer may exempt the owner of 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.”

7. The words “and cattle” shall be inserted after the word “sheep” wherever it shall appear in Sections 35, 36 and 37 of the Principal Ordinance with the exception of subsection (3) of section 37. Sections 35, 36 & 37.

8. Section 41 of the Principal Ordinance shall be amended by deleting the words “all penalties or moiety penalties, when the half is payable to an informer,” in lines 4 and 5 thereof. Section 41.

9. (1) The words “or to carry out any lawful order given” in lines 4 and 5 of section 46 of the Principal Ordinance shall be deleted. Section 46.

10. Form 5 in the Schedule to the Principal Ordinance shall be deleted and the form shewn in the Schedule hereto shall be substituted therefor. Schedule.

M.P. 1093.

SCHEDULE.

Ag. 4. FALKLAND ISLANDS.  
LIVE STOCK ORDINANCE, No. 6 OF 1901.

Annual Return for the year ending 31st May, 19.....

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..... nett lbs.      Average Wool clipped per sheep..... nett 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.	All other Oxen.	Total.

Swine.

Boars.	Breeding Sows & Gilts.	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.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,  
 Clerk of the Legislative Council.

Assented to in His Majesty's name this 29th day of December, 1949.

MILES CLIFFORD,  
*Governor.*

[L.S.]

No. 32



1949.

**Colony of the Falkland Islands and its Dependencies.**

IN THE FOURTEENTH YEAR OF THE REIGN OF

**HIS MAJESTY KING GEORGE VI.**

SIR MILES CLIFFORD, K.B.E., C.M.G., E.D.,  
*Governor.*

**An Ordinance**

**To amend the King Edward VII. Memorial Hospital Ordinance, 1916.**

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows—

1. This Ordinance may be cited as the King Edward VII. Memorial Hospital (Amendment) Ordinance, 1949, and shall be read and construed as one with the King Edward VII. Memorial Hospital Ordinance, 1916. Short title.

2. The definition "Company" in section 2, and sections 3 and 4 of and the Schedule to, the King Edward VII. Memorial Hospital Ordinance, 1916, shall be deleted. Amendments :  
Sections 2, 3, 4 and  
the Schedule.

M.P. 1112.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,  
*Clerk of the Legislative Council.*

Assented to in His Majesty's name this 29th day of December, 1949.

MILES CLIFFORD,  
*Governor.*

[L.S.]

No. 33



1949.

**Colony of the Falkland Islands and its Dependencies.**

IN THE FOURTEENTH YEAR OF THE REIGN OF  
**HIS MAJESTY KING GEORGE VI.**

SIR MILES CLIFFORD, K.B.E., C.M.G., E.D.,  
*Governor.*

**An Ordinance**

**To amend the Publications (Importation Prohibition) Ordinance, 1938.**

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

Short title.

1. This Ordinance may be cited as the Publications (Importation Prohibition) (Amendment) Ordinance, 1949, and shall be read and construed as one with the Publications (Importation Prohibition) Ordinance, 1938, (hereinafter referred to as the Principal Ordinance).

2. Clauses (a) (b) and (c) of subsection (1) of section 6 of the Principal Ordinance shall be deleted and the following substituted in lieu thereof :

- “(a) the Postmaster
- (b) the Collector of Customs
- (c) the Chief Constable”.

M.P. C/8/38.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,  
*Clerk of the Legislative Council.*

Assented to in His Majesty's name this 29th day of December, 1949.

MILES CLIFFORD,  
*Governor.*

[L.S.]

No. 34



1949.

# Colony of the Falkland Islands and its Dependencies.

IN THE FOURTEENTH YEAR OF THE REIGN OF

HIS MAJESTY KING GEORGE VI.

SIR MILES CLIFFORD, K.B.E., C.M.G., E.D.,  
*Governor.*

## An Ordinance

To impose restriction on Immigration  
and for purposes connected therewith.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows—

1. This Ordinance may be cited as the Immigration (Restriction) Ordinance, 1949. Short title.

2. In this Ordinance or any Regulation made thereunder where the context so admits: Definitions.

“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 immigration of such person has been obtained.

Prohibition of and conditions on landing any prohibited immigrant.

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

- (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 landing 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 respect of prohibited 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.

Seamen not to be discharged without consent of Shipping Master.

6. (1) No seaman shall be discharged from any ship in the Colony except with the consent of the Shipping Master which consent shall not be given unless the master, owner or agent shall have made arrangements to the satisfaction of the Shipping Master to ensure that the seaman shall not become a charge on the Colony.

(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.

Liability of employers bringing persons into Colony.

7. 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.

Offences.

8. Any person who

- (1) aids and assists any prohibited immigrant to land in the Colony in contravention of this Ordinance, or
- (2) 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

- (3) wilfully disobeys or disregards any obligation imposed by this Ordinance

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.

9. This Ordinance shall not apply to persons in the Service of the Government of the Colony or to natives of the Colony or persons permanently domiciled therein. Exemptions.

10. The Immigration (Restriction) Ordinance, 1936, and the Immigration (Restriction) Amendment Ordinance, 1939, are hereby repealed. Repeals: 3 of 1936 and 11 of 1939.

M.P. 0560.

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This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,  
*Clerk of the Legislative Council.*

Assented to in His Majesty's name this 29th day of December, 1949.

MILES CLIFFORD,  
*Governor.*

[L.S.]

No. 35



1949.

# Colony of the Falkland Islands and its Dependencies.

IN THE FOURTEENTH YEAR OF THE REIGN OF

HIS MAJESTY KING GEORGE VI.

SIR MILES CLIFFORD, K.B.E., C.M.G., E.D.,  
*Governor.*

## An Ordinance

### To amend the Trespass Ordinance, 1904

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

Short title.

1. This Ordinance may be cited as the Trespass (Amendment) Ordinance, 1949, and shall be read and construed as one with the Trespass Ordinance, 1904, (hereinafter referred to as the Principal Ordinance).

Amendments:  
Section 2.

2. The word "waste" in lines 2 and 3 of section 2 of the Principal Ordinance shall be deleted.

Section 4.

3. The words "three" in line 2 and "one shilling" in lines 3 and 4 of section 4 of the Principal Ordinance shall be deleted and the words "five" and "two shillings and sixpence" substituted therefor respectively.

Sections 7, 8, 9 and 11.

4. Sections 7, 8, 9 and 11 of the Principal Ordinance are hereby repealed.

5. Section 13 of the Principal Ordinance shall be amended by the deletion of the remainder thereof after the word "thereof" in line 7. Section 13.

6. Section 14 of the Principal Ordinance shall be deleted and the following substituted in lieu thereof : Section 14.

"The Governor in Council may make regulations for the more effective administration of this Ordinance".

M.P. 1078.

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This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,  
*Clerk of the Legislative Council.*

Assented to in His Majesty's name this 29th day of December, 1949.

MILES CLIFFORD,  
*Governor.*

[L.S.]

No. 36



1949.

**Colony of the Falkland Islands and its Dependencies.**

IN THE FOURTEENTH YEAR OF THE REIGN OF  
**HIS MAJESTY KING GEORGE VI.**

SIR MILES CLIFFORD, K.B.E., C.M.G., E.D.,  
*Governor.*

**An Ordinance**

**To amend the Falkland Islands Slaughtering and Inspection Ordinance, 1939.**

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

Short title.

1. This Ordinance may be cited as the Falkland Islands Slaughtering and Inspection (Amendment) Ordinance, 1949, and shall be read and construed as one with the Falkland Islands Slaughtering and Inspection Ordinance, 1939, (hereinafter referred to as the Principal Ordinance).

Amendments:  
Section 2.

2. The word "human" shall be substituted for the word "local" in line 4 of section 2 of the Principal Ordinance.

Section 4.

3. Section 4 of the Principal Ordinance shall be deleted, and the following shall be substituted in lieu thereof as a proviso to section 3 of the Principal Ordinance:

"Provided that:

- (a) no diseased stock shall be slaughtered for human consumption;
- (b) that a complete record of all stock slaughtered for human consumption is kept shewing 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. The words "and other officers for the purpose of this Ordinance and may define their duties, functions and powers" in lines 3 and 4 of section 10 of the Principal Ordinance shall be deleted and the words "under this Ordinance" substituted therefor. Section 10.
5. The word "justice" in the last line of section 16 and the words "or justice" in the lines 1 and 4 of section 17 of the Principal Ordinance shall be deleted. Sections 16 & 17.
6. The words "or any justice" in line 9 of section 19 of the Principal Ordinance shall be deleted. Section 19.
7. Section 23 of the Principal Ordinance shall be deleted. Section 23.

M.P. 1077.

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This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,  
*Clerk of the Legislative Council.*

Assented to in His Majesty's name this 29th day of  
December, 1949.

MILES CLIFFORD,  
*Governor.*

[L.S.]

No. 37



1949.

**Colony of the Falkland Islands and its Dependencies.**

IN THE FOURTEENTH YEAR OF THE REIGN OF

**HIS MAJESTY KING GEORGE VI.**

SIR MILES CLIFFORD, K.B.E., C.M.G., E.D.,  
*Governor.*

**An Ordinance**

**To amend the Dogs Ordinance, 1944.**

BE IT ENACTED by the Governor of the Colony of the  
Falkland Islands, with the advice and consent of the Legislative  
Council thereof, as follows —

**Short title.**

1. This Ordinance may be cited as the Dogs (Amendment)  
Ordinance, 1949, and shall be read and construed as one with the  
Dogs Ordinance, 1944, (hereinafter referred to as the Principal  
Ordinance).

**Amendments.**

2. Section 5 and the words "Such permission shall not be  
unreasonably withheld" in section 10 of the Principal Ordinance  
shall be deleted.

M.P. 160/43.

This printed impression has been carefully compared by me  
with the Bill which has passed the Legislative Council, and is found  
by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,  
*Clerk of the Legislative Council.*

Assented to in His Majesty's name this 29th day of  
December, 1949.

MILES CLIFFORD,  
*Governor.*

[L.S.]

No. 38



1949.

## Colony of the Falkland Islands and its Dependencies.

IN THE FOURTEENTH YEAR OF THE REIGN OF  
**HIS MAJESTY KING GEORGE VI.**

SIR MILES CLIFFORD, K.B.E., C.M.G., E.D.,  
*Governor.*

### An Ordinance

To amend the Defence Force Ordinance,  
1920.

BE IT ENACTED by the Governor of the Colony of the  
Falkland Islands, with the advice and consent of the Legislative  
Council thereof, as follows —

1. This Ordinance may be cited as the Defence Force (Amendment) Ordinance, 1949, and shall be read and construed as one with the Defence Force Ordinance, 1920, (hereinafter referred to as the Principal Ordinance). Short title.
2. The definition "Company" in section 2 of the Principal Ordinance shall be deleted and the following substituted therefor : Amendments :  
Section 2.  

" 'Unit' means unit forming part of the Force".
3. Section 3 of the Principal Ordinance shall be amended by the addition of the following subsection : Section 3.  

"(3) The Governor may appoint such honorary members as he may deem fit".
4. The words "Companies of Garrison Artillery, Mounted Infantry and Infantry" in section 4 of the Principal Ordinance shall be deleted and the word "Units" substituted therefor. Section 4.
5. Section 9 of the Principal Ordinance shall be deleted and the following substituted therefor : Section 9.  

"(1) Members, other than officers, shall wear such uniform as the Governor shall direct which shall be supplied to them on their enrolment and renewed at the public expense as the Commandant shall decide.

(2) Officers shall provide and maintain at their own expense such uniform as the Governor shall direct : Provided that the Governor may grant an allowance to each officer in respect thereof."

## Section 11.

6. Section 11 of the Principal Ordinance shall be amended by
- (a) the substitution of the word "one" for the word "three" in line 5;
  - (b) the addition of the words "Provided that the Commandant may in his discretion dispense with such notice" after the word "force" in line 6; and
  - (c) by the deletion of the last paragraph thereof.

## Section 13.

7. Section 13 of the Principal Ordinance shall be amended by
- (a) inserting the words "for at least fifteen years or has been returned with efficiency" after the word "efficiency" in line 2 thereof, and
  - (b) by adding the following subsection :

"(4) He may enjoy the privileges of the Defence Force Club as though he were an active member of the Force".

## Sections 14, 22 (2), 23 (6) and 25.

8. Section 14, subsection (2) of section 22, subsection (6) of section 23, and section 25 of the Principal Ordinance shall be deleted.

## Section 17.

9. Section 17 of the Principal Ordinance shall be amended by deleting the words "or of any company detachment or party thereof" and inserting the words "motor vehicles" after the word "impress".

## Section 21.

10. Section 21 of the Principal Ordinance shall be deleted and the following substituted therefor :

"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 18, 19 and 20 hereof when he may deem it in the interest of the Colony so to do."

## Section 23.

11. Subsections (3) and (4) of section 23 of the Principal Ordinance shall be deleted and the following substituted therefor :

"(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."

## General.

12. The word "unit" shall be substituted for the word "company" wherever it shall appear in the Principal Ordinance.

## Schedule C.

13. Schedule C to the Principal Ordinance shall be amended by :

- (a) deleting the first eleven and the 16th, 17th and 18th offences enumerated therein; and
- (b) substituting £1 0s. 0d. for 1s. 0d. as the limit of the fine for the offence "Loading a rifle contrary to orders".

M.P. 601/21.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,

*Clerk of the Legislative Council.*

Assented to in His Majesty's name this 29th day of December, 1949.

MILES CLIFFORD,  
*Governor.*

[L.S.]

No. 39



1949.

# Colony of the Falkland Islands and its Dependencies.

IN THE FOURTEENTH YEAR OF THE REIGN OF  
**HIS MAJESTY KING GEORGE VI.**

SIR MILES CLIFFORD, K.B.E., C.M.G., E.D.,  
*Governor.*

## An Ordinance

### To amend the Harbour Ordinance, 1902.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows—

1. This Ordinance may be cited as the Harbour (Amendment) Ordinance, 1949, and shall be read and construed as one with the Harbour Ordinance, 1902, (hereinafter referred to as the Principal Ordinance). Short title.
2. Section 6 of the Principal Ordinance shall be amended by the insertion of the word "unauthorised" before the word "person" in line 3 thereof. Amendments :  
Section 6.
3. Section 15 of the Principal Ordinance shall be amended by substituting "Harbour Master" for the words "Receiver of Wrecks". Section 15.
4. Section 22 of the Principal Ordinance shall be amended by inserting the words "or any public jetty" after the word "beach" in line 2 thereof. Section 22.

5. 'The Principal Ordinance shall be amended by the addition of the following sections :

"22A. 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.

22B. 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."

M.P. 1084.

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This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,

*Clerk of the Legislative Council.*

Assented to in His Majesty's name this 29th day of December, 1949.

MILES CLIFFORD,  
*Governor.*

[L.S.]

No. 40



1949.

**Colony of the Falkland Islands and its Dependencies.**

IN THE FOURTEENTH YEAR OF THE REIGN OF  
**HIS MAJESTY KING GEORGE VI.**

SIR MILES CLIFFORD, K.B.E., C.M.G., E.D.,  
*Governor.*

**An Ordinance**

**To amend the Merchandise Marks Ordinance, 1889.**

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows—

1. This Ordinance may be cited as the Merchandise Marks (Amendment) Ordinance, 1949, and shall be read and construed as one with the Merchandise Marks Ordinance, 1889, (hereinafter referred to as the Principal Ordinance).

Short title.

2. Subsections (4), (5), (6) and (7) of section 2, subsection (1) of section 9, sections 10, 12, subsections (2), (6) and (8) of section 14 and section 18 of the Principal Ordinance shall be deleted.

Amendments :

Section 2 (4) (5) (6) & (7).  
section 9 (1), sections 10,  
12, section 14 (2) (6) & (8).  
section 18.

3. Section 14 of the Principal Ordinance shall be amended by

Section 14.

(a) the deletion of the words "Whereas it is expedient to make further provision for prohibiting the importation of goods which if sold would be liable to forfeiture under this Ordinance: Be it therefore enacted as follows:—" in the first six lines thereof and

(b) by the deletion of the words "All such goods" in line 6 and the substitution of the words "All goods which, if sold would be liable to forfeiture under this Ordinance" therefor.

M.P. 1098.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,  
*Clerk of the Legislative Council.*

Assented to in His Majesty's name this 29th day of  
December, 1949.

MILES CLIFFORD,  
*Governor.*

[L.S.]

No. 41



1949.

## Colony of the Falkland Islands and its Dependencies.

IN THE FOURTEENTH YEAR OF THE REIGN OF  
**HIS MAJESTY KING GEORGE VI.**

SIR MILES CLIFFORD, K.B.E., C.M.G., E.D.,  
*Governor.*

### An Ordinance

### To amend the Companies and Private Partnership Ordinance, 1922.

BE IT ENACTED by the Governor of the Colony of the  
Falkland Islands, with the advice and consent of the Legislative  
Council thereof, as follows —

Short title.

1. This Ordinance may be cited as the Companies and Private  
Partnership (Amendment) Ordinance, 1949, and shall be read and  
construed as one with the Companies and Private Partnership Ordin-  
ance, 1922, (hereinafter referred to as the Principal Ordinance).

Amendments :  
Section 3  
Registration.

2. Section 3 of the Principal Ordinance shall be deleted and  
the following substituted therefor :

“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.”

Section 51.

3. Section 51 of the Principal Ordinance shall be deleted and  
the following substituted therefor :

“Notice of the retirement of a partner shall be given  
publicly as in section 106 hereof and privately to all creditors  
of the partnership. A creditor shall not be bound to accept such  
notice as discharging the retiring partner from his responsibility  
for the partnership debt but may consent to the transfer thereof  
to the remaining parties”.

4. Schedule A to the Principal Ordinance shall be amended Schedule A.  
by deletion of the words :

“For registration of a Company ... £5 : 0 : 0”  
and the substitution therefor of the following :

“For the registration of a company whose nominal share capital does not exceed £5,000 ... £5, and 5/- for every £1,000 or part thereof of the nominal share capital after the first £5,000.

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.

M.P. 129/22.

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This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,  
*Clerk of the Legislative Council.*

Assented to in His Majesty's name this 29th day of December, 1949.

MILES CLIFFORD,  
*Governor.*

[L.S.]

No. 42



1949.

**Colony of the Falkland Islands and its Dependencies.**

IN THE FOURTEENTH YEAR OF THE REIGN OF  
**HIS MAJESTY KING GEORGE VI.**

SIR MILES CLIFFORD, K.B.E., C.M.G., E.D.,  
*Governor.*

**An Ordinance  
To amend the Dairy Produce Ordinance,  
1938.**

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

Short title.

1. This Ordinance may be cited as the Dairy Produce (Amendment) Ordinance, 1949, and shall be read and construed as one with the Dairy Produce Ordinance, 1938, (hereinafter referred to as the Principal Ordinance.)

Amendments :  
Section 2.

2. The definition "Dairy" in section 2 of the Principal Ordinance shall be deleted and the following substituted therefor :

" '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."

Sections 5, 7, 11, 14  
and 16 (e).

3. Sections 5, 7, 11 and 14 and subsection (e) of section 16 of the Principal Ordinance shall be deleted.

Section 8.

4. Section 8 of the Principal Ordinance shall be deleted and the following substituted therefor :

"8. 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 24 hours of any disease or suspected disease in his stock.

"Where stock suspected of being diseased.

8A. 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.

8B. 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."

5. Section 10 of the Principal Ordinance shall be deleted and the following substituted therefor:

Section 10.

"10. 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 cowshed or the open water supply thereof shall commit an offence."

"Nuisances."

6. Section 15 of the Principal Ordinance shall be deleted and the following substituted therefor:

Section 15.

"15. (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 his certificate of registration be cancelled or suspended for such period as the Court may deem fit.

(2) Any person who shall supply, sell or offer for sale any dairy produce for human consumption without being registered so to do or during the period of suspension of his licence 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 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".

M.P. 51/38.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,  
*Clerk of the Legislative Council.*

Assented to in His Majesty's name this 29th day of December, 1949.

MILES CLIFFORD,  
*Governor.*

[L.S.]

No. 43



1949.

**Colony of the Falkland Islands and its Dependencies.**

IN THE FOURTEENTH YEAR OF THE REIGN OF  
**HIS MAJESTY KING GEORGE VI.**

SIR MILES CLIFFORD, K.B.E., C.M.G., E.D.,  
*Governor.*

**An Ordinance  
To amend the Medical Practitioners,  
Midwives and Dentists Ordinance, 1914.**

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

Short title.

1. This Ordinance may be cited as the Medical Practitioners, Midwives and Dentists (Amendment) Ordinance, 1949, and shall be read and construed as one with the Medical Practitioners, Midwives and Dentists Ordinance, 1914, (hereinafter referred to as the Principal Ordinance).

Amendments :  
Section 5.

2. Subsection (2) of section 5 of the Principal Ordinance shall be amended by the deletion of the remainder of the subsection after the word "institution".

Section 13.

3. Section 13 of the Principal Ordinance shall be deleted and the following substituted therefor :

"13. 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 both such fine and imprisonment.

Provided that a person who attends a woman in child birth 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."

4. The Medical Practitioners, Midwives and Dentists (Amendment) Ordinance, 1938, is hereby repealed. Repeal of 9 of 1938.

M.P. 46/38.

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This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,  
*Clerk of the Legislative Council.*

Assented to in His Majesty's name this 29th day of December, 1949.

MILES CLIFFORD,  
*Governor.*

[L.S.]

No. 44



1949.

# Colony of the Falkland Islands and its Dependencies.

IN THE FOURTEENTH YEAR OF THE REIGN OF

HIS MAJESTY KING GEORGE VI.

SIR MILES CLIFFORD, K.B.E., C.M.G., E.D.,  
*Governor.*

## An Ordinance

### To amend the Legislative Council (Elections) Ordinance, 1948.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

Short title.

1. This Ordinance may be cited as the Legislative Council (Elections) (Amendment) Ordinance, 1949, and shall be read and construed as one with the Legislative Council (Elections) Ordinance, 1948, (hereinafter referred to as the Principal Ordinance).

Amendments  
Section 15 (2)

2. Section 15 of the Principal Ordinance shall be amended by

(a) inserting the words "having been declared a bankrupt" after the word "bankrupt" in subsection 2 (b) thereof;

(b) deleting subsection 2 (h) and substituting the following therefor :

"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—

- (a) any responsibility for, or in connection with, the conduct of any election, or
- (b) any responsibility for the compilation or revision of any electoral register."
- (c) deleting subsection 2 (k) and substituting the following therefor :

"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."

3. Subsection (2) (b) of section 40 of the Principal Ordinance shall be deleted and the following shall be substituted therefor : Section 40 (2)

"be presented within 14 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 21 days after the date of the alleged payment or promise".

M.P. 0068/A.

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This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,  
*Clerk of the Legislative Council.*

Assented to in His Majesty's name this 29th day of December, 1949.

MILES CLIFFORD,  
*Governor.*

[L.S.]

No. 45



1949.

## Colony of the Falkland Islands and its Dependencies.

IN THE FOURTEENTH YEAR OF THE REIGN OF  
**HIS MAJESTY KING GEORGE VI.**

SIR MILES CLIFFORD, K.B.E., C.M.G., E.D.,  
*Governor.*

### An Ordinance

### To revise the law relating to Education.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

Short title.

1. This Ordinance may be cited as the Education Ordinance, 1949.

Definitions.

2. In this Ordinance and any Regulation thereunder where the context so admits :

“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.

“a recognised school” means a school approved by the Governor as suitable for giving efficient education.

“a recognised teacher” means a teacher approved by the Governor.

“Superintendent of Education” means the officer in charge of education in the Colony.

Duty of parent to have child educated.

3. It shall be the duty of the parent of every child to cause that child to receive efficient education by attending regularly either

(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 7 days if the parent resides in Stanley, or 30 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.

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.

Duty of parent to secure regular attendance of registered pupils.

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.

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.

Medical inspection.

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.

Inspection of Schools.

(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 3 months or both such fine and imprisonment.

(3) The religious instructions 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.

## Penalties.

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 both such fine and imprisonment.

## Regulations.

10. The Governor in Council may make regulations for the effective administration 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.

## Repeal.

11. The Public Education Ordinance, 1909, is hereby repealed.

## Commencement.

12 This Ordinance shall come into force on the 1st day of January, 1950.

M.P. 24/44.

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This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,

*Clerk of the Legislative Council.*

Assented to in His Majesty's name this 29th day of December, 1949.

MILES CLIFFORD,  
*Governor.*

[L.S.]

No. 46



1949.

**Colony of the Falkland Islands and its Dependencies.**

IN THE FOURTEENTH YEAR OF THE REIGN OF  
**HIS MAJESTY KING GEORGE VI.**

SIR MILES CLIFFORD, K.B.E., C.M.G., E.D.,  
*Governor.*

**An Ordinance**

**To amend the Income Tax Ordinance, 1939, as amended by the Income Tax (Amendment) Ordinance, 1949.**

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows—

1. This Ordinance may be cited as the Income Tax (Amendment No. 2) Ordinance, 1949, and shall be read and construed as one with the Income Tax Ordinance, 1939, as amended by the Income Tax (Amendment) Ordinance, 1949, (hereinafter referred to as the Principal Ordinance).

Short title.

2. The Principal Ordinance shall be amended by :

Amendments :  
Section 24.

- (a) inserting the words "which accrues" before the word "to" in line 2 of section 24.
- (b) inserting the words "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" after the word "effect" in line 3 of section 47A (2) and after the word "territory" in line 5 of section 47A (3) ;
- (c) inserting the words "to which the adjustment gives rise, being an assessment of claim" after the word "claim" in line 6 of section 47B (10).

M.P. 0527.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,  
*Clerk of the Legislative Council.*

Assented to in His Majesty's name this 29th day of December, 1949.

MILES CLIFFORD,  
*Governor.*

[L.S.]

No. 47



1949.

**Colony of the Falkland Islands and its Dependencies.**

IN THE FOURTEENTH YEAR OF THE REIGN OF  
**HIS MAJESTY KING GEORGE VI.**

SIR MILES CLIFFORD, K.B.E., C.M.G., E.D.,  
*Governor.*

**An Ordinance**

To legalise certain payments made in the year One thousand Nine hundred and Forty-eight in excess of the Expenditure sanctioned by Ordinance No. 5 of 1947.

**Preamble.**

WHEREAS it is expedient to make further provision for the service of the Colony for the year 1948.

**Enacting Clause.**

BE IT THEREFORE ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

**Short Title.**

1. This Ordinance may be cited for all purposes as the Supplementary Appropriation (1948) Ordinance, 1949.

**Appropriation of excess expenditure for the year 1948.**

2. The sums of money set forth in the Schedule hereto having been expended for the services therein mentioned beyond the amounts granted for those services by the Ordinance providing for the service of the year One thousand Nine hundred and Forty-eight, the same are hereby declared to have been duly laid out and expended for the service of the Colony in that year, and are hereby approved, allowed and granted in addition to the sums mentioned for those services in the said Ordinance.

SCHEDULE.

Schedule.

Number.	Head of Service.	Amount.		
		£	s.	d.
	FALKLAND ISLANDS.			
I.	The Governor ... ..	353	13	3
III.	Audit ... ..	12	5	11
IV.	Colonial Development & Welfare ...	7810	7	2
V.	Customs ... ..	143	9	3
VIII.	Electrical & Telegraphs ... ..	272	13	6
IX.	Harbour ... ..	987	4	9
X.	Judicial ... ..	166	8	11
XIII.	Meteorological ... ..	37	15	4
XV.	Miscellaneous ... ..	11875	17	9
XVII.	Pensions ... ..	889	6	4
XVIII.	Police & Prisons ... ..	185	11	9
XIX.	Post Office ... ..	4048	19	11
XXII.	Public Works Recurrent ... ..	8102	6	5
XXIII.	Secretariat & Treasury ... ..	1802	7	10
XXIV.	War Expenditure ... ..	496	12	3
XXV.	Communications ... ..	83	12	1
		£ 37268	12	5

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,  
*Clerk of the Legislative Council.*

Assented to in His Majesty's name this 20th day of December, 1949.

MILES CLIFFORD,  
*Governor.*

[L.S.]

No. 48



1949.

**Colony of the Falkland Islands and its Dependencies.**

IN THE FOURTEENTH YEAR OF THE REIGN OF  
**HIS MAJESTY KING GEORGE VI.**

SIR MILES CLIFFORD, K.B.E., C.M.G., E.D.,  
*Governor.*

**An Ordinance**  
**To provide for the service of the year**  
**1950.**

**Enacting Clause.**

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

**Short Title.**

1. This Ordinance may be cited for all purposes as the Appropriation (1950) Ordinance, 1949.

**Appropriation of  
£186,734 for service  
of year 1950.**

2. The Governor may cause to be issued out of the Public Revenue and other funds of the Colony and applied to the service of the year ending the 31st December, 1950, a sum not exceeding One hundred and eighty-six thousand seven hundred and thirty-four pounds which sum is granted and shall be appropriated for the purposes and to defray the charges of the several services expressed and particularly mentioned in the Schedule hereto which will come in course of payment during the year 1950.

## SCHEDULE.

Schedule.

Number.	Head of Service.	Amount.		
		£	s.	d.
I.	The Governor ... ..	3470	0	0
II.	Agriculture ... ..	2433	0	0
III.	Audit ... ..	1284	0	0
IV.	Communications ... ..	7828	0	0
V.	Customs ... ..	1502	0	0
VI.	Education ... ..	10832	0	0
VII.	Medical ... ..	11890	0	0
VIII.	Meteorological ... ..	421	0	0
IX.	Military ... ..	769	0	0
X.	Miscellaneous ... ..	14436	0	0
XI.	Pensions ... ..	5500	0	0
XII.	Police and Prisons ... ..	2450	0	0
XIII.	Posts & Telegraphs ... ..	15621	0	0
XIV.	Public Works Department ... ..	9254	0	0
XV.	Public Works Recurrent ... ..	9470	0	0
XVI.	Secretariat & Treasury ... ..	8039	0	0
XVII.	Supreme Court ... ..	588	0	0
XVIII.	Extraordinary Expenditure ... ..	36764	0	0
	Total	£142551	0	0
XIX.	Colonial Development & Welfare ... ..	44183	0	0
	Total Expenditure	£186734	0	0

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,  
*Clerk of the Legislative Council.*