

Assented to in Her Majesty's name this 19th day of April, 1962.

E. P. ARROWSMITH,
Governor.

LS

No. 4



1962

Colony of the Falkland Islands.

IN THE ELEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II.
SIR EDWIN ARROWSMITH, K.C.M.G.,
Governor.

An Ordinance

To apply certain Acts of Parliament to the Colony. Title.

ENACTED by the Legislature of the Colony of the Falkland Islands, as follows — Enacting Clause.

1. This Ordinance may be cited as the Application of Enactments Ordinance, 1962. Short title.

2. The enactments specified in the Schedule to this Ordinance are applied to the Colony to the extent and with the variations and modifications mentioned in the Schedule, and with the further modifications that any reference in any of the said enactments to "the date of passing of this Act" or any similar expression, shall be construed as a reference to the date of this Ordinance, any reference to the "High Court" shall be construed as a reference to the "Supreme Court" and any reference to the "Attorney General" or "Solicitor General" or "Director of Public Prosecutions" shall be construed as a reference to the "Colonial Secretary". Application of certain Acts of Parliament.

3. The Schedule to the Application of Enactments Ordinance, 1954, is amended by the deletion therefrom of enactments Numbers 6, 10, 25, 35, 54, 60 and 61. Amendment of the Application of Enactments Ordinance, 1954.

SCHEDULE

Enactment.

Extent, Variations and Modifications.

1. Sexual Offences Act,
1956. 4 & 5 E.2, c.69.

- (i) The whole Act except sections 49, 50 and 54;
- (ii) references to the "United Kingdom" shall be construed as references to the Colony;
- (iii) in subsection (3) of section 6 the words "for England and Wales" shall be deemed to be omitted;
- (iv) the reference in subsection (1) of section 8 to "the Mental Deficiency Act, 1913" shall be construed as a reference to the Mental Treatment Ordinance (Cap. 46);
- (v) in paragraph (a) of subsection (4) of section 28 the figures "1958" shall be substituted for the figures "1950";
- (vi) paragraph (b) of subsection (7) of section 37 shall be construed as if it read as follows—
 - "(b) of sections 4 and 5 of the Administration of Justice Ordinance (Cap. 3) (which limits the punishment which may be imposed by a court of summary jurisdiction); or";
- (vii) in paragraph (a) of subsection (1) of section 45 the words and figures "for the purpose of section fifty-seven of the Education Act, 1944," shall be deemed to be omitted;
- (viii) paragraph 5 of the First Schedule shall be deemed to be omitted;
- (ix) in the second column of the Second Schedule the words "not triable at quarter sessions" shall be deemed to be omitted, wherever those words occur;
- (x) in the second column of the Second Schedule opposite offences 16(a) and 16(b) the words and figures from "triable at" to the end of the paragraph shall be deemed to be omitted;
- (xi) in the second column of the Second Schedule opposite offences 14(a), 14(b), 15(a) and 15(b) the word "section" shall be substituted for the words "sections thirteen and" wherever those words occur;
- (xii) in the fourth column of the Second Schedule opposite offence 26 the whole paragraph shall be deemed to be omitted;
- (xiii) in the fourth column of the Second Schedule opposite offences 33, 34, 35 and 36 the words "England and Wales" shall be deemed to be omitted wherever those words occur;
- (xiv) the references in the Third Schedule to "the Firearms Act, 1937," and "the Administration of Justice (Miscellaneous Provisions) Act, 1938," shall be deemed to be omitted.

2. Adoption Act, 1958
7 & 8 E.2, c.5.

- (i) The whole Act except sections 4(3) (b), 4(3) (c), 6(5), 9(4), 9(8), 10(2), 11, 12, 14, 15(4), 15(5), 18, 20(5) (b), 21(3), 22, 23, 24(4), 24(5), 24(7), 27, 35, 36, 50(3), 52(3), 52(4), 54, 60(2) and Parts II and IV and the Third and Fourth Schedules;
 - (ii) the words "the Colony" shall be substituted for the words "England" and "the United Kingdom" and "Great Britain" and "the British Islands" except in the expressions "executed in England" and "executed outside the United Kingdom" in subsection (3) of section 6 and in the expression "citizen of the United Kingdom and Colonies" in subsection (1) of section 19;
- There shall be deemed to be omitted:
- (iii) in subsection (1) of section 1 and subsection (1) of section 53 the words "or Scotland";
 - (iv) in subsection (5) of section 1 and in subsection (1) of section 4 the words from "and shall not be made" to the end of the subsection;
 - (v) in paragraph (a) of subsection (3) of section 4 the words following the words "Children and Young Persons Act, 1933";
 - (vi) in subsection (1) of section 9 the words "county court or";
 - (vii) in subsection (2) of section 9 the words from "or made by virtue of this section" to the end of the subsection;
 - (viii) in subsection (1) of section 13 the words in parenthesis;
 - (ix) in subsection (3) of section 15 the words "or the Children and Young Persons (Scotland) Act, 1937,";
 - (x) in the marginal note to section 16 the word "English";
 - (xi) in paragraph (b) of subsection (2) of section 21 the words from "then, if it appears" to the words "and in any other case";
 - (xii) in paragraph (b) of subsection (1) of section 24 the words "or subsection (4) or subsection (5) of section twenty-three";

- (xiii) in subsection (2) of section 24 and subsection (2) of section 26 the words "or, in Scotland, the clerk of the court" and the words "or, as the case may be, the Registrar General for Scotland" and the words in parenthesis in paragraph (b) of the same subsection;
- (xiv) in subsection (2) of section 53 the words from "or the county court" to the end of the subsection;
- (xv) in subsection (6) of section 53 the words in parenthesis;
- (xvi) in subsection (1) of section 57 the expressions "adoption society", "body of persons", "charitable association", "England", "place of safety", "registered adoption society", and "Registrar General for Scotland", and in the expression "relative" the words in parenthesis;
- (xvii) in subsection (1) of section 58 the words in parenthesis;
- (xviii) in sub-paragraph (2) of paragraph 6 of the Fifth Schedule the words "or, as the case may be, section twenty-three", and the words "or subsection (2) of the said section twenty-three";
- (xix) in subsection (1) of section 1 and in line 2 of subsection (1) of section 53 for the word "domiciled" there shall be substituted the words "ordinarily resident";
- (xx) in the marginal note to section 3 for the words "local authority" and in subsection (2) of the same section for the words "local authority within whose area he was then resident" there shall be substituted the words "Superintendent of Police";
- (xxi) in subsection (3) of section 6 after the words "attested by either" there shall be inserted the words "a magistrate or";
- (xxii) in subsection (3) of section 9 for "the Lord Chancellor" there shall be substituted "the Governor in Council";
- (xxiii) in section 20 for the words "General Register Office" there shall be substituted the words "Central Registry" and in subsection (3) of the same section for the words "the Births and Deaths Registration Act, 1953, and the Registration Service Act, 1953" there shall be substituted the words "the Registration Regulations";
- (xxiv) in subsection (6) of section 20 and in subsection (3) of section 26 for the words "petty sessions area" there shall be substituted the word "district";
- (xxv) section 56 shall be construed as if it read as follows —

"56. Any power to make rules or regulations conferred by this Act shall be exercisable by the Governor in Council.";
- (xxvi) in subsection (1) of section 57 the expression "compulsory school age" shall be construed as if it read as follows —

" "compulsory school age" has the same meaning as in the Education Ordinance;";
- (xxvii) in the expression "guardian" in subsection (1) of section 57 for the words "Guardianship of Infants Acts, 1886 and 1925" there shall be substituted "Guardianship of Infants Ordinance, 1958";
- (xxviii) for subsection (2) of section 58 there shall be substituted —

"(2) Any reference in any enactment to an adopted child or an adopter within the meaning of the Adoption of Children Act, 1926, shall be construed as including a reference to an infant adopted under this Act, or the Adoption Act, 1950, or to the person by whom an infant has been so adopted, as the case may be."

- (i) The whole Act except section 3 (5);
- (ii) the expression "benefit" in subsection (2) of section 2 shall be construed as if it read as follows —

" "benefit" means benefit under any policy of insurance and any payment by a friendly society or trade union for the relief or maintenance of a member's dependants;";

3. Fatal Accidents Act,
1959. 7 & 8 E.2, c.65.

- (i) The whole Act except the proviso to section 1(3) and section 5(3);
- (ii) in subsection (1) of section 3 the words "in the petty sessions area for which he acts" and the words "in that area" shall be deemed to be omitted;
- (iii) in subsection (3) of section 3 the words "acting for the same petty sessions area as the justice who issued the warrant" and the words "for that petty sessions area" shall be deemed to be omitted;
- (iv) for subsection (5) of section 3 there shall be substituted —

"(5) Where an order is made under this section for the forfeiture of any articles, any person who appeared, or was entitled to appear, to show cause against the making of the order may appeal to the

4. Obscene Publications
Act, 1959. 7 & 8 E.2, c.66.

Supreme Court within fourteen days after the day on which the order is made and no such order shall take effect until the expiration of the time hereby limited for appeal, or until the determination of the appeal, whichever shall be later."

5. Legitimacy Act, 1959.
7 & 8 E.2, c.73.

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- (i) The whole Act except sections 2(6), 3(2), 3(3), 4 and 6(1);
 - (ii) references to "England" shall be construed as references to the Colony.
 - (iii) subsection (1) of section 5 shall be construed as if it read as follows –
 “(1) The proceedings which are domestic proceedings within the meaning of section 56 of the Magistrates' Courts Act, 1952 (which defines "domestic proceedings") shall have effect accordingly.”.

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.

H. L. BOUND,
Clerk of the Legislative Council.