

*Repealed 14/77.*

## CHAPTER 33.

### INTERPRETATION AND GENERAL LAW.

6 of 1949. AN ORDINANCE TO CONSOLIDATE THE LAW RELATING TO  
15 of 1949. INTERPRETATION AND GENERAL LAW.  
10 of 1950.  
1 of 1951.

[1st January, 1949.]

Short title.  
10 of 1950.

1. This Ordinance may be cited as the Interpretation and General Law Ordinance.

Interpreta-  
tion.

2. (1) In this Ordinance and in all Ordinances, Orders in Council, Proclamations, Regulations and Notices now in force or hereafter to be made the following words and expressions shall have the meanings hereby assigned to them respectively, unless such construction is inconsistent with the context or unless it is otherwise expressly provided therein:

“Act” means an Act of Parliament of the United Kingdom in force in the Colony.

10 of 1950.

“The Colony” means the Colony of the Falkland Islands and shall be deemed to include the territorial waters thereof.

“Colonial waters” include territorial waters.

“Commencement” means, with reference to an Ordinance, the time at which the Ordinance comes into operation.

“Common law” means the Common law of England.

10 of 1950.

“Commonwealth” means collectively the United Kingdom, any other part of His Majesty’s dominions, India, any territory under His Majesty’s protection, and any territory administered by the Government of any part of His Majesty’s dominions in accordance with a mandate from the League of Nations or under the trusteeship system of the United Nations.

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

“Contravention” means in relation to any requirement or condition prescribed in any Ordinance or Regulation, or in relation to any permit licence or other authority granted under or in pursuance of any Ordinance or Regulation, a failure to comply with that requirement or condition.

“Daily penalty” means a penalty for each day on which an offence is continued after conviction therefor.

“The Dependencies” mean the Dependencies of the Colony of the Falkland Islands, and shall be deemed to include the territorial waters thereof.

“Dues” means rates, taxes and duties.

10 of 1951.

“Estate” means any estate, right, title, interest, claim or demand in to or upon property.

“Folio” means seventy-two words.

“The *Gazette*” means the Government Gazette of the Colony.

“Gazetted” means published in the *Gazette*.

“Government” means the Government of the Colony.

“Government Notice” or “General Notice” means an announcement not of a legislative character made by or with the authority of the Governor in the *Gazette*.

“Government printer” means any printer authorised by the Government to print the *Gazette* and other documents of the Government.

“Governor” means the person for the time being lawfully administering the Government of the Colony.

“Governor in Council” means the Governor acting with the advice and consent of the Executive Council but not necessarily acting in such Council assembled nor necessarily in accordance with such advice.

“Harbour” means any port declared a harbour by the Governor in Council.

“Immovable property” includes land, benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth.

10 of 1950

“Imperial Order in Council” means any Order of His Majesty in Council applicable to the Colony.

“Justice” or “Justice of the Peace” means a person appointed by the Governor to be a justice of the peace for the Colony.

“Land” means land and any messuages, houses, buildings or other constructions standing thereon.

“Magistrate” means a person appointed by the Governor to be a Magistrate for the Colony.

“Master” means, in relation to a ship, any person having charge, control or command thereof.

“Occupier” means any person who uses, inhabits, possesses, or enjoys the premises in respect of which that word is used otherwise than as a servant or care-taker.

“Owner” means a person receiving the rent of the property in respect of which that word is used either on his own account, or as trustee, agent, or manager, or who would receive the same if such property were let to a tenant.

“Parliament” or “Imperial Parliament” means the Parliament of the United Kingdom.

“Person” includes any corporation, club, society, or other body corporate or unincorporate.

“Proclamation” means a proclamation of the Governor under the Public Seal.

10 of 1950.

“Property” includes money, goods, choses in action, land and every description of property, whether real or personal.

“Public Seal” means the Public Seal of the Colony.

“Registrar” means the Registrar of the Supreme Court.

“Secretary of State” means one of His Majesty’s Principal Secretaries of State. *the First Schedule to the Stanley Rates*

Chapter 68.

*Ordinance 1973* “Stanley” means the area defined in ~~section 138 of the Stanley Town Council Ordinance and the schedule thereto.~~

“Suburban land” or “suburbs” means (1) land outside Stanley bounded on the north by the Murrel River and Port William, on the south and east by Port Harriet and the sea and on the west by a line drawn from a point on the Murrel River commonly known as

“Furze Bush” to the summit of Mount Harriet and thence along the eastern boundary of No. 1 Section to the west of Port Harriet, and (2) land outside the limit or boundary of any place declared to be a town but not more than six miles from the centre of such town.

“Town” means Stanley or land within the limits of any place declared to be a Town under section 17 of this Ordinance.

“United Kingdom” means Great Britain and Northern Ireland.

“Vessel” includes every description of ship, boat, lighter, or floating water tank.

“Writing” and expressions referring to writing mean printing, lithography, typewriting, photography and other modes of representing or producing words or figures in visible form.

(2) Words importing the masculine gender shall include the feminine, words in the singular shall include the plural, and words in the plural shall include the singular.

Gender and number.

(3) When forms are prescribed slight deviations therefrom not affecting the substance nor calculated to mislead shall not invalidate them.

Forms.

(4) When any expression of time occurs the time referred to shall, unless it is otherwise expressly provided, be held to signify the standard time adopted for the Colony by order of the Governor.

Time.

(5) When no time is prescribed or allowed within which anything shall be done such thing shall be done with all convenient speed and as often as the prescribed occasion arises.

When no time prescribed.

(6) The measurement of distance shall, unless the contrary intention appears, be in a straight line on a horizontal plane.

Distances.

3. The printing by the Government printer of any duly enacted Ordinance, or of any official document countersigned by the Colonial Secretary or by any person duly authorised by the Governor, shall be a sufficient publication and promulgation thereof.

Government publications.

4. (1) The draft of every Ordinance shall be published in the *Gazette* and a copy thereof affixed to the public notice

Publication of draft Ordinances.

board in Stanley for one week before its introduction, unless the Governor in Council decides that for reasons of urgency it is necessary to dispense with such publication and public notification.

Copies may  
be bought.

(2) Copies of every draft published as aforesaid may be purchased from the Government printer for such sum as the Governor may from time to time direct and the purchaser of such draft may on demand within six months of the date of such purchase be supplied with a copy of the Ordinance as passed without further payment.

Dis-  
allowance.

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

When Ord-  
inances, etc.,  
take effect.

6. Ordinances and subsidiary legislation shall be published in the *Gazette* and unless it is otherwise provided therein shall take effect and come into operation as law on the date of such publication.

Inspection of  
Ordinances.

7. A copy of any Ordinance shall be available for inspection during office hours at any place appointed by the Governor.

Admission of  
Ordinances,  
etc. in evi-  
dence.

8. A copy of any Ordinance, Order in Council, Regulation or Notice printed by the Government Printer shall be admissible in evidence without further proof thereof.

Repeals do  
not revive.

9. Where any Ordinance repealing in whole or in part any former enactment is itself repealed, the enactment or part before repealed shall not be revived unless express words to that effect are contained in the last repealing enactment.

Rules, Regu-  
lations, etc.

10. (1) All orders, rules, regulations, by-laws made, and all scales of fees, charges or fines prescribed under or by virtue of any Ordinance shall come into force on publication thereof unless the contrary intention is expressed and shall be binding in the same manner and to the same extent as if they formed part of such Ordinance.

10 of 1950.

(2) All orders, rules, regulations, by-laws and scales of fees, charges or fines made or prescribed under any Act or Ordinance prior to its repeal, shall, if the repealing Ordinance provides for making orders, rules, regulations or by-laws, or prescribing scales of fees, charges or fines, remain in force after such repeal until they are revoked or superseded by

orders, rules, regulations, by-laws, or scales of fees, charges or fines made or prescribed under and by virtue of the repealing Ordinance, and they may be read with such verbal alterations as may be required to make them applicable to the requirements of the repealing Ordinance.

11. (1) The Governor may appoint such persons as may be required to carry out the duties imposed by any Ordinance and such appointment shall be during pleasure only.

Appoint-ments.

(2) The powers and duties conferred and imposed by any Act upon the holder of any office which does not exist in the Colony shall be exercised and performed by any person duly authorised by the Governor in that behalf.

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

Officer acting.

(4) Where powers and duties are conferred or imposed upon any person by an Ordinance and such elections or appointments have not been made as required, or the persons elected or appointed have declined to act, or a vacancy is caused by death, the Governor may appoint some person to exercise such powers and discharge such duties until some person who is willing to act has been duly elected or appointed.

Power to fill vacancies.

(5) When any powers or duties are conferred or imposed upon a public officer by any Ordinance, the Governor may direct that during any period of absence of such public officer, owing to illness or any other cause, such powers and duties shall be exercised and performed by a person nominated by the Governor, subject to such conditions, exceptions and qualifications as the Governor may direct.

Power to fill vacancies during temporary absence.

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

Dismissal, etc.

(7) When any change in the title of a public office occurs the Governor may, by notice in the *Gazette*, declare that such change in title shall take effect from the date specified in such notice, and any reference in any Ordinance to the former title of such office shall be read and construed as a reference to that office by the new title declared by the Governor in such notice.

Change of title of public office.

Disposal of  
fines, etc.

12. Subject to the express provisions of any Ordinance all dues, fees, fines, penalties or forfeitures, or proceeds thereof upon sale, shall be paid into the general revenues of the Colony, but the Governor may direct payment to the Stanley Town Council, or to any aggrieved person of such proportion of the fine or penalty as he may think fit.

Commis-  
sions, Boards  
etc.

13. (1) The precedence of members of any Commission or Board shall, unless specially determined, be by date of appointment, or when they are appointed on the same day by the order in which their names appear in the *Gazette* or instrument appointing them, and unless specially provided the senior member shall be the chairman.

(2) When the quorum of any Commission or Board is not prescribed the majority thereof shall constitute a quorum.

(3) The Chairman shall have only an equal vote with other members, except in case of an equality of votes when he shall have a second or casting vote.

Law of  
England in  
force.

14. (1) The common law, rules of equity and the general statutes in force in England on the 22nd day of May, 1900, shall be in force in the Colony in so far as the circumstances of the Colony permit, and provided they are not inconsistent with, or repugnant to, any Ordinance or Order in Council, in which case the Ordinance or Order in Council shall prevail.

10 of 1950.

(2) So much of the enactments specified in the Schedule hereto as is not already in force in the Colony, and is capable of being applied therein by Ordinance, shall apply therein with such modifications as the circumstances of the Colony require.

Acts of  
Parliament  
to be read  
with  
necessary  
modifica-  
tions.  
10 of 1950.

15. Every Act shall be read with such formal alterations as to names, localities, courts, officers, persons, moneys, penalties and otherwise as may be necessary to make it applicable to the circumstances of the Colony.

Division of  
Colony into  
districts.

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

17. The Governor in Council may, with the approval of the Secretary of State, declare any place to be a town, and define the extent, limits, and boundaries of such town and of its suburbs, and vary or alter such extent, limits and boundaries: Declaration  
of town.

Provided that no part of the boundaries of the town shall be more than two miles, nor the suburbs more than six miles from the centre of the town.

## SCHEDULE

## Section 14 (2)

The Merchant Shipping Acts, 1894-1948.  
The Married Women's Property Act, 1907.  
The Protection of Animals Act, 1911.  
The Forgery Act, 1913.  
The Criminal Law Amendment Act, 1924.  
The Trustee Act, 1925.  
The Criminal Law Amendment Act, 1928.  
The Marriage (Prohibited Degrees of Relationship) Act, 1931.  
The Sentence of Death (Expectant Mothers) Act, 1931.  
The Children and Young Persons Act, 1933, sections 1 and 53.  
The Counterfeit Currency (Convention) Act, 1935.  
The Law Reform (Married Women and Tortfeasors) Act, 1935.  
The Infanticide Act, 1938.  
The Criminal Justice Act, 1948, section 2.