

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 3 of 1943.

I ASSENT,

A. W. CARDINALL.

Governor.

6th December, 1943.

An Ordinance

To make provision for the preparation and publication of a Revised Edition of the Laws of the Colony.

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 Revised Edition of the Laws Ordinance, 1943. Short Title.

2. In this Ordinance—

Definition.

“revised edition of Ordinances” means the revised edition of the Ordinances of the Colony to be prepared under the authority of this Ordinance.

“revised edition of subsidiary legislation” means the revised edition of proclamations, rules, regulations, bye-laws, and other forms of subsidiary legislation of the Colony to be prepared under the authority of this Ordinance.

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

3. (1) Bernard Austin Cathie, Barrister-at-Law, Legal Adviser of the Colony, is hereby appointed Commissioner who shall prepare a revised edition of the Ordinances and a revised edition of subsidiary legislation of the Colony in force on the 30th day of June, 1944 or such later date as the Governor may fix by notification in the Gazette.

Appointment of Commissioner.

(2) In case the Commissioner shall from any cause be unable fully to discharge his commission under this Ordinance, the Governor may appoint some other fit and proper person or persons to be Commissioner or Commissioners in his stead.

(3) If in such case more Commissioners than one be appointed, the term “Commissioner” shall apply to such Commissioners.

4. In the preparation of the revised edition of Ordinances the Commissioner shall have the following powers—

Power of Commissioner.

(1) To omit—

- (a) all Ordinances or parts of Ordinances which have been expressly and specifically repealed or which have expired, or have become spent or have had their effect.
- (b) all repealing enactments contained in Ordinances and also all tables and lists of repealed enactments, whether contained in Schedules or otherwise.
- (c) all preambles to Ordinances where such omissions can in the opinion of the Commissioner conveniently be made.
- (d) all enactments prescribing the date when an Ordinance or part of an Ordinance is to come into operation, where such omission can in the opinion of the Commissioner conveniently be made.
- (e) all amending Ordinances or parts thereof where the amendments effected thereby have been embodied by the Commissioner in the Ordinance to which they relate.
- (f) all enacting clauses.

(2) To consolidate into one Ordinance any two or more Ordinances *in pari materia*, making the alterations thereby rendered necessary and affixing such date thereto as may seem most convenient.

(3) To alter the order of sections in any Ordinances and in all cases where it may be necessary to do so to renumber the sections.

(4) To alter the form or arrangement of any section by transferring words, by combining it in whole or in part with another section or other sections or by dividing it into two or more subsections.

(5) To transfer any enactment contained in an Ordinance from such Ordinance to any other Ordinance to which that enactment more properly belongs.

(6) To divide Ordinances into parts or divisions.

(7) To add a short title to any Ordinance which may require it or to alter the short title of any Ordinance.

(8) To supply or alter marginal notes.

(9) To correct grammatical, typographical, and similar errors in the existing copies of Ordinances, and for that purpose to make verbal additions, omissions, or alterations not affecting the meaning of any Ordinance.

(10) To make such adaptations of or amendments in any laws as may appear to be necessary or proper as a consequence of the establishment of the Irish Free State.

(11) To make such formal alterations as to names, localities, offices and otherwise as may be necessary to bring any Ordinance into conformity with the circumstances of the Colony.

(12) To do all things relating to form and method which may be necessary for the perfecting of the revised edition.

Omission of certain Ordinances from the revised edition.

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

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

(2) At any time before the revised edition of Ordinances is approved in pursuance of section 8, the Governor may by proclamation make any addition to or variation in the First Schedule.

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

Mode of dealing with alteration in substance.

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

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

7. (1) Where in any Ordinance reference is made to any map, chart, or plan annexed to that Ordinance, it shall be lawful for the Commissioner to omit from the revised edition of Ordinances that map, chart, or plan.

Maps, charts and plans to be omitted from the revised edition.

(2) Upon the Governor approving the revised edition of Ordinances in pursuance of section 8, the Governor shall cause a duly authenticated copy of any map, chart, or plan omitted by the Commissioner in pursuance of this section to be deposited in the office of the Registrar General and that deposited copy shall be open during the regular hours of opening of the said office to the inspection of any member of the public without fee, and any member of the public shall be entitled to receive an accurate copy of any such map, chart, or plan upon the payment of such sum not exceeding five shillings as may be prescribed by the Governor. Any map, chart, or plan so deposited shall have the force of law as if it were included in the revised edition of Ordinances.

8. (1) Upon the passing of a resolution of the Legislative Council authorizing him so to do, the Governor may, by proclamation, order that the revised edition of Ordinances shall come into force on such date as he may think fit.

Bringing of revised edition of Ordinances into force.

(2) From the date named in the said proclamation the revised edition of Ordinances shall be deemed to be and shall be without any question whatsoever in all Courts of Justice and for all purposes whatsoever the sole and only proper Statute Book of the Colony in respect of Ordinances in force on the 30th day of June, 1944, or such later date as may have been fixed by the Governor in pursuance of Section 3.

Starting of existing subsidiary legislation.

9. All proclamations, rules, regulations, by-laws, and other forms of subsidiary legislation made under any law included in the revised edition of Ordinances, and in force at the date when that revised edition comes into force, shall continue in force until otherwise provided; and any reference in any such proclamation, rule, regulation, by-law, or other form of subsidiary legislation, to the law under which it is made, or to any part thereof, or to any other enactment, shall, where necessary and practicable, be construed as a reference to the corresponding provision in the revised edition of Ordinances.

Subsidiary legislation.

10. In the preparation of the revised edition of subsidiary legislation, the Commissioner shall have the like powers to do all things as are conferred upon him by this Ordinance in respect of the revised edition of Ordinances.

Omission of certain subsidiary legislation from the revised edition.

11. (1) The Commissioner shall omit from the revised edition of subsidiary legislation, all subsidiary legislation enacted under the Ordinances mentioned in the First Schedule to this Ordinance, and the subsidiary legislation mentioned in the Second Schedule to this Ordinance :

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

(2) At any time before the revised edition of subsidiary legislation is approved in pursuance of the next succeeding section, the Governor may by proclamation make any addition to or variation in the Second Schedule to this Ordinance.

12. (1) The Governor may, by proclamation, order that the revised edition of subsidiary legislation shall come into force on such date as he may think fit.

(2) From the date named in the said proclamation, the revised edition of subsidiary legislation shall be deemed to be and shall be without any question whatsoever in all Courts of Justice and for all purposes whatsoever the sole and only Statute Book of the colony in respect of subsidiary legislation in force on the 30th day of June, 1943 or such later date as may have been fixed by the Governor in pursuance of Section 3.

13. The revised edition may also contain a reprint of such Imperial Statutes, Orders in Council, Letters Patent, Royal Instructions, and other instruments, as the Commissioner may think desirable.

14. Whenever in any enactment or in any document of whatever kind, any reference is made to any enactment affected by or under the operation of this Ordinance, the reference shall, where necessary and practicable, be construed as a reference to the corresponding enactment in the revised edition of Ordinances or the revised edition of subsidiary legislation.

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

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

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

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

18. This Ordinance shall be printed at the commencement of the revised edition.

Passed by the Legislative Council this 2nd day of December, 1943.

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

Assented to by the Governor and given under the Public Seal of the Colony this 6th day of December, 1943.

KENNETH BRADLEY,
Colonial Secretary.

Bringing revised edition of subsidiary legislation into force.

Complementary matter in revised edition.

Construction of references to repealed or amended enactments.

Copies to be signed and deposited.

Distribution of copies of revised edition.

Expenses of preparation and publication.

Place of this Ordinance in the new edition.

FIRST SCHEDULE

ENACTMENTS TO BE OMITTED FROM THE REVISED EDITION OF ORDINANCES.

Number (or date) of Ordinance.	Short title or subject matter
No. 4 of 1928.	The Baseley Pension Addition Ordinance, 1928.
" 17 " 1939.	The Exports & Imports (Emergency Powers) Ordinance, 1939.
" 18 " 1939.	The Trading with the Enemy Ordinance, 1939 & all amending ordinances.
" 5 " 1942.	The Compensation (Defence) Ordinance, 1942.
" — " —	Current Appropriation Ordinances.

SECOND SCHEDULE

ENACTMENTS TO BE OMITTED FROM THE REVISED EDITION OF SUBSIDIARY LEGISLATION.

Date of Gazette.	Short title or subject matter
—	All subsidiary legislation enacted under the Ordinances mentioned in the First Schedule.
—	All Regulations made under the authority of the Emergency Powers (Defence) Act of the United Kingdom, 1939.