

Assented to in His Majesty's name this 30th day of December, 1950.

MILES CLIFFORD,

Governor.

[L.S.]

No. 10



1950.

Colony of the Falkland Islands.

IN THE FIFTEENTH 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 Revised Edition of the Laws Ordinance, 1943, and to make amendments to certain other Ordinances for the purpose of facilitating the preparation of the Revised Edition of the Laws.

[1st January, 1950.]

Date of commencement.

WHEREAS it is provided by section 6 of the Revised Edition of the Laws Ordinance, 1943, that the Commissioner appointed by that Ordinance shall draft a Bill setting forth such alterations or amendments to any Ordinance as could not be made by him in pursuance of his powers under the Revised Edition of the Laws Ordinance:

Preamble.

AND WHEREAS such alterations and amendments have been collected and it is expedient to amend the Revised Edition of the Laws Ordinance, 1943, and the Ordinances specified in the Schedule hereto in manner hereinafter appearing:

BE IT THEREFORE ENACTED by the Governor of the Colony of the Falkland Islands with the advice and consent of the Legislative Council thereof:

Enacting Clause.

1. This Ordinance may be cited as the Revised Edition of the Laws (Amendment) Ordinance, 1950, and shall be read and construed as one with the Revised Edition of the Laws Ordinance, 1943, (hereinafter referred to as the Principal Ordinance), and shall be deemed to have come into force on the 1st January, 1950.

Short title and commencement.

Amendment of
section 2.

2. Section 2 of the Principal Ordinance is amended by deleting the definitions of "revised edition of Ordinances" and "revised edition of subsidiary legislation" and adding the following definitions after the definition of "Commissioner":

"laws" mean Ordinances and subsidiary legislation;

"Revised edition" means the revised edition of the laws of the Colony to be prepared under the authority of this Ordinance.

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

Amendment of
section 3.

3. Section 3 of the Principal Ordinance is amended by the substitution of the word "laws" for the words "Ordinances and a revised edition of subsidiary legislation" in subsection (1).

Amendment of
section 4.

4. Section 4 of the Principal Ordinance is amended—

- (a) by deleting the words "of Ordinances" where they occur before the words "the Commissioner";
- (b) by substituting the word "law" or "laws" for the word "Ordinance" or "Ordinances" wherever they occur in the section;
- (c) by substituting the words "Republic of Ireland or the Republic of India" for the words "Irish Free State" in paragraph 10;
- (d) by replacing the numbers of paragraphs (1) to (12) by the letters (a) to (l), and the letters of subparagraphs (a) to (f) of paragraph (1) by the numbers (i) to (vi).

Amendment of
section 5.

5. Section 5 of the Principal Ordinance is amended—

- (a) by deleting the words "of Ordinances" from subsection (1) and (2) of the section;
- (b) by renumbering subsection (2) of the section as subsection (3);
- (c) by substituting the words "and second schedules" for the word "Schedule" in subsection (3).

Amendment of
section 6.

6. Section 6 of the Principal Ordinance is amended—

- (a) by substituting the word "law" for the word "Ordinance" in subsection (1);
- (b) by substituting the word "enacted" for the words "submitted to the Legislative Council and be dealt with" in subsections (2) and (3).

Amendment of
section 7.

7. Section 7 of the Principal Ordinance is amended by deleting the words "of Ordinances" where they occur in subsections (1) and (2).

Amendment of
section 8.

8. (1) Section 8 (1) of the Principal Ordinance is repealed and replaced by the following—

8. (1) The Governor, being authorized thereto in the case of the Colony by a resolution of the Legislative Council may, by proclamation, order that the revised edition shall come into force on such date as he may think fit.

(2) Section 8 (2) of the Principal Ordinance is amended

- (a) by the deletion of the words "of Ordinances" after the words "revised edition";
- (b) by the substitution of the words "laws in force" for the words "Ordinances in force".

9. Section 9 of the Principal Ordinance is amended by the deletion of the words "of Ordinances" where they occur after the words "revised edition". Amendment of section 9.
10. Section 10 of the Principal Ordinance is repealed. Repeal of section 10.
11. (1) Section 11 (1) of the Principal Ordinance is re-numbered as section 5 (2) and amended by deleting the words "of subsidiary legislation" after the words "revised edition". Amendment of section 11.
- (2) Section 11 (2) of the Principal Ordinance is repealed.
12. Section 12 of the Principal Ordinance is repealed. Repeal of section 12.
13. Section 14 of the Principal Ordinance is amended by deleting the words "of Ordinances or the revised edition of subsidiary legislation". Amendment of section 14.
14. Section 15 of the Principal Ordinance is amended by deleting the words "of Ordinances and the revised edition of subsidiary legislation". Amendment of section 15.
15. Section 18 of the Principal Ordinance is repealed and replaced by the following :- Amendment of section 18.
- "18. The text of this Ordinance, as amended by any subsequent Ordinance, shall be printed at the commencement of the Revised Edition, with such alterations as the Commissioner shall deem fit to make in exercise of the powers conferred upon him by section 4 of this Ordinance."
16. (1) The First Schedule of the Principal Ordinance is amended by the deletion of the words "Enactments to be omitted from the Revised Edition of Ordinances," and the marginal reference. Amendment of the First and Second Schedules.
- (2) The Second Schedule of the Principal Ordinance is amended by the deletion of the words "Enactments to be Omitted from the Revised Edition of Subsidiary Legislation" and the marginal reference.
17. The Ordinances specified in the first column of the Schedule hereto are hereby amended in the manner indicated in the second column thereof, or repealed as indicated therein, and the said amendments shall be incorporated by the Commissioner in the Revised Edition. Amendment of Ordinances specified in Schedule.
18. The said amendments effected hereby and mentioned in the Schedule shall be deemed to have come into force on the respective dates specified in the third column of the Schedule, without prejudice, nevertheless to any act legally done or right acquired since the said respective dates under or by virtue of the sections therein specified or any of them. Commencement of amendments.

THE SCHEDULE.

<i>Ordinance to be amended.</i>	<i>Detail of amendment or repeal.</i>	<i>Date of coming in force of amendment or repeal.</i>
Administration of Estates Ordinance, 3 of 1949.	<p>Section 3 is repealed and replaced by the following :-</p> <p>"3. Applications for Probate and Letters of Administration shall be made by petition on oath to the Judge and shall state,</p> <p>(1) in the case of an application for Probate or Letters of Administration with the Will annexed, the date of death of the testator, that the document produced is to the best of the petitioner's knowledge and belief the last Will and Testament of the testator, and that (in the case of an application for Probate) the petitioner is the person named as executor, or (in the case of an application for Letters of Administration with the Will annexed) that either no executors were appointed, or that they are dead, or have renounced their right to Probate, and the capacity in which the petitioner is entitled;</p> <p>(2) in the case of an application for Letters of Administration, the date of death of the deceased, that to the best of the petitioner's knowledge and belief he died intestate, and the grounds on which the petitioner applies for Letters of Administration."</p> <p>Section 24 is repealed.</p>	1st June, 1949.
Administration of Justice Ordinance, 1 of 1949.	<p>Section 2. The definition of "Appeal" is deleted.</p> <p>Section 5 (1). After the figure "£5" the words "or imprisonment exceeding one month;" are added.</p> <p>Section 8 is repealed and replaced by the following :-</p> <p>"8. The Judge of the Supreme Court</p> <p>(a) shall be appointed by Letters Patent under the Public Seal issued by the Governor in pursuance of a warrant under His Majesty's Signet and Sign Manual, or of instructions received through the Secretary of State, and shall hold office during His Majesty's pleasure, and shall not be removed from office except in accordance with His Majesty's pleasure signified under His Sign Manual;</p> <p>Provided that the Governor may, with the advice of the Council, for good cause suspend the Judge from executing his office until His Majesty's pleasure is known;</p> <p>(b) shall be a member of the Bar of England, Ireland or Scotland, or of some other Commonwealth country, of at least five years standing: Provided that, whenever the office of Judge is vacant, or the holder thereof is suspended, or is incapable of performing his duties by reason of illness, absence from the Colony or otherwise, the Governor may act as Judge, or may appoint a fit person to act as Judge until His Majesty's pleasure be known, or until the Judge becomes capable of resuming his duties."</p> <p>Section 17. The words "by reason of some disqualification or exemption", are deleted and the words "on the grounds of illness or, if a woman, for medical reasons" are deleted and replaced by the words "on production of a certificate signed by a registered medical practitioner stating that he is unfit to attend."</p> <p>Section 22. Clause (1) is repealed and replaced by the following :-</p> <p>"(1) an accused charged with treason or felony shall be entitled to challenge six jurors peremptorily."</p>	1st April, 1949.

*Ordinance to be amended.**Detail of amendment or repeal.**Date of coming into force of amendment or repeal.*

and the following clause is added:—

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

Section 24 is amended by the deletion of the words "to view" and by the addition after the word "party" of the words "to view the place in which any transaction material to the trial is alleged to have occurred."

Section 25. Subsection (2) is repealed and replaced by the following:—

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

Section 27 is amended by the addition of the following subsection as subsection (3):—

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

Section 28 is repealed and replaced by the following:—

"28. Any person who (a) attempts to corrupt or influence a juror by any means other than evidence and argument in open Court at the trial; or (b) gives money to a juror in consideration of his giving, or having given, a verdict favourable to one of the parties; or (c) by improper means procures himself or others to be sworn upon a jury for the purpose of giving a verdict favourable to one of the parties; or (d) induces a juror not to appear, and any juror who consents to or assists in the commission of any of the acts mentioned in paragraphs (a), (b), (c) or (d) hereof shall be guilty of a misdemeanour and shall be liable on conviction or indictment to a fine not exceeding £100, or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment."

Section 30 is repealed and replaced by the following:—

"30. Any person who shall know that a person has died from other than natural causes shall forthwith inform the coroner, or the nearest justice or police officer thereof, and any such person who, not having reasonable grounds for believing that information has already been given, wilfully fails to give such information, shall be liable on summary conviction to a fine not exceeding £10."

Section 44 is amended by the addition between the words "in a Court" and the words "and the practice" of the words and comma "sitting to hear and determine a criminal case."

Section 45 (1). The words "the opposite party is not deceived or misled" are deleted and replaced by the words "no party is deceived, misled or prejudiced thereby."

Section 45 (2). The words "deceive or mislead" are deleted and replaced by the words "deceive, mislead or prejudice a party".

Section 47 is amended by the addition after the words "of any offence" of the words "punishable summarily".

Section 48 is amended by the substitution of the word "magistrate" for the word "Justice" wherever it occurs.

Section 49 is amended:

(1) by the addition of the figure "(1)" after the figure "49" and by substituting a colon for the full stop after the words "the leave of the Court";

(2) by the deletion of the figure and word "(2) Where" and the substitution of the words "Provided that where";

(3) by putting a full stop after the words "prosecution of his action" and the deletion of the remainder of the subsection;

*Ordinance to be amended.**Detail of amendment or repeal.**Date of coming in force of amendment or repeal.*

- (4) by renumbering subsection (3) as subsection (2).

The Ordinance is amended by the addition of the following section as section 51A:

"51A. An appeal to the Supreme Court shall lie -

- (a) in a civil case from every decision of a Court;
- (b) in a Criminal case from every decision of a Court by which an accused person has been convicted and sentenced to imprisonment for a term exceeding one month or to a fine exceeding £2: Provided that where the accused shall have pleaded guilty an appeal shall not lie save as to the amount or legality of the sentence.

Section 69 is amended by deleting the words "shall apply to the Dependencies and"

Aliens Ordinance,
22 of 1949.

Section 2 is repealed and replaced by the following :-

31st December, 1949.

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

"Alien" means a person who is neither a British subject, a British protected person, a citizen of India, nor a citizen of the Republic of Ireland;

"Deportation order" means an order made pursuant to section 5 of this Ordinance."

Sections 3 and 4 are repealed.

Section 5 is renumbered as section 5 (1); clause (1) of section 5 is renumbered (a), and the following is added as clause (b) :-

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

Clause (2) is renumbered (c); and the following is added as subsection (2) :-

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

Section 6 is repealed and replaced by the following :-

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

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

Section 10 is renumbered as Section 10 (1) and the following is added as subsection (2) :-

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

Aliens (Landholding
Regulation) Ordinance,
3 of 1925.

Section 2. The definition of "alien" is amended by adding after the words "British subject" the words "a British protected person, a citizen of India nor a citizen of the Republic of Ireland".

1st January, 1950.

Census Ordinance,
1 of 1901

Section 8 is amended by the deletion of the words "from which a defective schedule has been received"

1st January, 1950.

<i>Ordinance to be amended.</i>	<i>Detail of amendment or repeal.</i>	<i>Date of coming in force of amendment or repeal.</i>
Companies and Private Partnership Ordinance, 7 of 1922.	<p>and the substitution therefor of the words "and shall collect all schedules left to be filled up".</p> <p>Section 14 is repealed and replaced by the following :- "14. A married woman may enter into a contract of partnership and shall be entitled to act as a <i>feme sole</i> with regard to the partnership."</p> <p>Section 18 is repealed and replaced by the following :- "18. Partners shall bear any loss mutually; but a partner may stipulate as between himself and the other partners that he shall not be liable to contribute to the loss."</p> <p>Section 18 is repealed.</p> <p>Section 50 is repealed.</p> <p>Section 51 is renumbered as section 51 (1) and the following subsections (2), (3) and (4) are added :- "(2) A person who is admitted as a partner into an existing partnership does not thereby become liable to the creditors of the partnership for debts or obligations incurred before he became a partner. (3) A partner who retires from a partnership does not thereby cease to be liable for partnership debts or obligations incurred before his retirement. (4) A retiring partner may be discharged from any debts or obligations of the partnership existing at the time of his retirement by an agreement to that effect between himself and the members of the partnership as newly constituted and the creditors, and such agreement may be either express or implied as fact from the course of dealing between the creditors and the partnership as newly constituted."</p> <p>Section 52. Subsection (1) is amended by the substitution of a comma for the full stop after the word "business" and the addition of the words "or if the act has been endorsed and accepted by the firm."</p> <p>Subsection (6) is repealed.</p> <p>Section 62 is repealed.</p> <p>Section 97 is repealed and replaced by the following :- "97. The conviction of a partner for treason or felony operates as a dissolution of the partnership."</p> <p>Section 129 is repealed.</p>	1st January, 1950.
Dairy Produce Ordinance, 2 of 1938.	<p>The Ordinance is amended by the addition of the following section after section 2 thereof :- "2A. Every dairy shall be registered as prescribed under this Ordinance, and no person shall supply, sell or offer for sale any dairy produce unless he is duly licensed in that behalf."</p> <p>Section 15. Subsection (1) is amended by the addition after the words "certificate of registration" of the words "or licence granted to such person pursuant to any regulation made under section 16 of this Ordinance."</p> <p>Subsection (2) is amended by the deletion of the words "so to do or during the period of suspension of his licence" and the substitution of the words "or licensed to do so pursuant to any regulation made under section 16 of this Ordinance, or during the period of suspension of any certificate of registration or licence suspended pursuant to subsection (1) of this section."</p>	1st January, 1950.
Dairy Produce (Amendment) Ordinance, 42 of 1949.	Section 3 is amended by deleting the figure "5".	31st December, 1949.
Dangerous Drugs Ordinance, 2 of 1949.	Section 29 is repealed.	1st June, 1949.

<i>Ordinance to be amended.</i>	<i>Detail of amendment or repeal.</i>	<i>Date of coming in force of amendment or repeal.</i>
Defence Force Ordinance, 7 of 1920.	Section 13 (1) is amended by the substitution of the word "forty-one" for the word "forty" and by the deletion of clause (a) and the substitution thereof of the following :- "(a) may at any time thereafter, on application in writing to the Commanding Officer, be posted to the Retired List and his name shall thereupon be removed from the Active List."	1st January, 1950.
Diplomatic Privileges (Extension) Ordinance, 5 of 1949.	Section 6 is repealed.	1st June, 1949.
Estate Duty Ordinance, 4 of 1949.	Section 2. The definition of "Colony" is amended by the deletion of the words "including its Dependencies."	1st June, 1949.
Immigration (Restriction) Ordinance, 54 of 1949.	Section 2 is amended by adding the following definition :- " 'Alien' means a person who is neither a British subject, a British protected person, a citizen of India nor a citizen of the Republic of Ireland." The Ordinance is amended by adding the following as section 5A :- "5A. Every alien immigrant over the age of 16 years shall within seven days of his landing in the Colony register with the Chief Constable and furnish him with such particulars as he may require and if he shall fail without reasonable excuse to comply with the provisions of this section he shall commit an offence."	31st December, 1949.
Interpretation and General Law Ordinance, 6 of 1949.	Section 1 is amended by deleting the full stop and adding the words :- "and shall be deemed to have come into force on the 1st January, 1949." Section 2 is amended :- (1) by deleting the definition "British Empire"; (2) by repealing the definition of "Colony" and replacing it by the following :- " 'The Colony' in any Ordinance which is expressed to apply to the Colony means the Colony of the Falkland Islands, and shall be deemed to include territorial waters; in any Ordinance which is expressed to apply to the Colony and the Dependencies, or is or has been applied to the Dependencies, it includes the Dependencies and the territorial waters thereof." (3) by repealing the definition of "Colonial waters" and replacing it by the following :- " 'Colonial waters' include territorial waters." (4) by the addition of the following definitions after the definition of "Common law" :- " 'Commonwealth' means collectively the United Kingdom, any other part of His Majesty's Dominions, India, and 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 Trusteeship of the United Nations." After the definition of "Daily penalty" :- " 'the Dependencies' mean the Dependencies of the Colony of the Falkland Islands, that is to say, all islands and territories between the 20th degree of West longitude and the 50th degree of West longitude that are situated south of the 50th parallel of South latitude and all islands and territories between the 50th degree of West longitude and the 80th degree of West longitude that are situated south of the 58th parallel of South latitude."	1st January, 1949.

*Ordinance to be amended.**Detail of amendment or repeal.**Date of coming in force of amendment or repeal.*

After the definition of "Harbour" :-

"'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."

(5) by repealing the definition of "Law".

(6) by repealing the definition of "Person" and replacing it by the following :-

"'Person' includes any corporation, club, society or other body corporate or unincorporate."

(7) by repealing the definition of "Property" and replacing it by the following :-

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

Section 10 is amended by being re-numbered as section 10. (1) and by the addition of the following as subsection 10. (2):

"10. (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."

Section 14 (as amended by Ordinance 15 of 1949) is amended by being re-numbered as Section 14 (1) and by the substitution of the words and figures "22nd May, 1950" for the words and figures "1st January 1949".

The Ordinance is amended by the addition of the following as Section 14 (2) -

"(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."

and by the addition of the following Schedule -

"Schedule."

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."

Section 17 is repealed and replaced by the following :-

"17. Whenever by any Order of the King in Council or Ordinance any Act is extended or applied to the Colony, such 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."

<i>Ordinance to be amended.</i>	<i>Detail of amendment or repeal.</i>	<i>Date of coming in force of amendment or repeal.</i>
Land Ordinance, 28 of 1949.	<p>Section 2 is amended by repealing the definition of "Land" and replacing it by the following :-</p> <p>"Land" includes any messuages, tenements and buildings thereon, and any estate or interest therein, but does not include minerals."</p> <p>Section 3 (1) is amended by the substitution of the word "may" for the word "shall".</p> <p>Section 3 (2) (b) is amended by the addition after the word "defective" of a comma and the words "or as".</p> <p>Section 4 (1) is amended by the substitution of the word "may" for the word "shall".</p> <p>Section 4 (2) is amended</p> <p>(1) by repealing clause (a) and substituting therefor the following :-</p> <p>"(a) on the part of a mortgagor conveying as beneficial owner, for the right to convey free from incumbrances (except as therein mentioned); that upon default in payment of the money thereby secured, or any part thereof, or any interest thereon, contrary to any provision therein contained, the mortgagee may enter into possession and quietly enjoy the mortgaged land; and for further assurance;"</p> <p>(2) by the addition of the following as clause (b):-</p> <p>"(b) on the part of a mortgagor conveying as trustee, personal representative of a deceased person, committee of a person of unsound mind, receiver of the income of a person of unsound mind or of a defective, or as tenant for life, or under an order of the Court, the covenants contained in section 3 (2) (b) ;"</p> <p>(3) by renumbering clause (b) as clause (c).</p> <p>Section 5 is amended by the substitution of the word "may" for the word "shall" after the word "mortgage".</p> <p>Section 7 (1) is amended by the substitution of the word "may" for the word "shall".</p> <p>Section 7 (3) is amended by the addition after the word "power" of a comma and the words "subject to the provisions contained in the proviso to section 27 (1) and in section 27 (2) of this Ordinance with the substitution of "the lessor" for "the Governor."."</p> <p>Section 8 (1) is amended by the addition after clause (c) of the following :-</p> <p>"(d) an assignment of a lease by the assigner and assignee;"</p> <p>Section 9 (1) is amended by the substitution for the words "of agreement for an assignment for a lease" of the words "or an agreement for a lease or for an assignment of a lease."</p> <p>Section 16 is amended by the addition after the words "Lease. The lessee" of the words "Assignment of lease. The assignee".</p> <p>Section 27 is amended by being renumbered as section 27 (1) and by the addition of the following Proviso and subsection (2) :-</p> <p>"Provided that the right of re-entry or forfeiture for a breach of any covenant or condition in a lease shall not be enforceable unless and until there shall be served on the lessee a notice -</p> <p>(a) specifying the breach complained of; and</p> <p>(b) if the breach is capable of remedy, requiring the lessee to remedy the breach; and</p> <p>(c) in any case requiring the lessee to make compensation in money for the breach;</p> <p>and the lessee fails within a reasonable time thereafter</p>	31st December, 1949.

<i>Ordinance to be amended.</i>	<i>Detail of amendment or repeal.</i>	<i>Date of coming into force of amendment or repeal.</i>
	<p>to remedy the breach and to make compensation in money, to the satisfaction of the Governor, for the breach.</p> <p>The foregoing proviso shall not extend :-</p> <ol style="list-style-type: none"> (i) to a covenant or condition against assigning, underletting or disposing of the land leased; or (ii) to a condition for forfeiture on the bankruptcy of the lessee, or on taking in execution of his interest. <p>(2) Where it is proposed to enforce such a right of re-entry or forfeiture the lessee may apply to the Court for relief; and the Court may grant or refuse relief as the Court, having regard to all the circumstances, thinks fit; and may grant relief on such terms as to costs, expenses, damages, compensation or otherwise as the Court in the circumstances of each case thinks fit."</p> <p>Section 28 is amended by adding the following clause as clause (i) :-</p> <p>"(i) The right to hunt, kill and take seals is reserved to the Government and such persons as are duly licensed by the Government."</p>	
Law Revision (Hepell) Ordinance, 26 of 1949.	<p>The Schedule is amended by deleting therefrom "Ordinance 4 of 1893, the Christ Church Ordinance," and "Ordinance 4 of 1938, the Civil Procedure Ordinance."</p> <p>and by adding thereto "Ordinance No. 3 of 1900, the Alien Ordinance" and "Ordinance No. 6 of 1928, the Alien (Amendment) Ordinance".</p>	31st December, 1949.
Licensing Ordinance, 12 of 1949.	<p>The word "intoxicating" is added before the word "liquor" throughout the Ordinance, except where it already precedes the word "liquor".</p> <p>Section 26 is amended by repealing the words following the words "exceeding one year".</p> <p>Section 32 is amended by substituting the words "and upon conviction shall forfeit his licence and be disqualified for all time" for the words "and he shall forfeit his licence and be disqualified for any period", and by the addition of the following proviso :-</p> <p>"Provided that the Governor-in-Council if he considers for special reasons Justice so requires, may direct that the person convicted shall not be so disqualified or that disqualification shall cease to have effect at the expiration of such period as the Governor-in-Council shall specify".</p> <p>Section 36 is repealed and replaced by the following :-</p> <p>"36. Any person who, during the time at which licensed premises are directed to be closed by or in pursuance of this Ordinance sells or exposes for sale on such premises any intoxicating liquor, or opens or keeps open such premises for the sale of intoxicating liquor, or allows any intoxicating liquor, although purchased before the hours of closing, to be consumed on such premises by any person other than are <i>bona fide</i> lodging therein, or during such time allows anyone other than as aforesaid, to play at billiards or bagatelle or any other game on such premises, and any persons, other than are <i>bona fide</i> lodging in such premises, who shall consume any intoxicating liquor or play any game as aforesaid during such time, shall commit an offence."</p> <p>Section 39 (1) is amended by the addition of the word "such" after the words "take or carry away".</p> <p>Section 48 is amended by the addition of the word "or" at the end of clause (b).</p> <p>Section 49 is repealed.</p>	31st December, 1949.

*Ordinance to be amended.**Detail of amendment or repeal.**Date of coming in force of amendment or repeal.*

Section 57 is repealed and replaced by the following :-

"57. (1) If upon information given on oath it appears to any Justice that there is reasonable cause for suspecting that any intoxicating liquor is kept for the purpose of sale or is being or has been sold by any person not duly licensed in that behalf or by any person in any house building vessel or boat not specified in his licence or in any manner not authorized by his licence, such Justice may by warrant under his hand directed to any constable or constables or other officer of police authorize such officer to enter and search such premises, and by the said warrant may, if he thinks fit, specially authorize such officer to enter and search such premises at any time of the day or night, and moreover if he thinks fit, may specially authorize such officer, with or without assistance, to break open or otherwise use force in order to effect an entry to such premises.

(2) If, upon search under this section, any intoxicating liquor or any vessels used for holding or measuring the same is found, it shall be lawful for the officer executing the warrant to take possession of and secure such liquor or vessel: and he may apprehend and bring before a Magistrate or any two Justices not only the person in whose premises the same are found, but also every other person found in such premises who appears to have been employed or to have assisted in the selling of such liquor, and unless it be made to appear to such Magistrate or Justices that such liquor was not on the premises for the purpose of being illegally sold and was not illegally sold the person in whose premises such liquor is found and every person so appearing to have been employed or to have assisted in the selling thereof in such premises shall be guilty of an offence.

(3) Any intoxicating liquor found on any search under this section, together with any vessels used for holding or measuring the same, shall, upon any conviction in respect thereof, be forfeited to the use of His Majesty.

(4) Every warrant issued under this section shall remain in force for one month from the day of the date thereof, and it shall be no defence to any charge under subsection (1) that the intoxicating liquor found on the premises was deposited or brought thereon after the issue of the warrant.

Marriage Ordinance,
16 of 1949.

Section 12 is amended by substituting the word "or" for the word "and" where it occurs in paragraph (1).

31st December, 1949.

Section 22 is repealed.

Mental Treatment
Ordinance, 20 of 1949.

Section 4 is amended by deleting the words "the Senior Medical Officer or another registered medical practitioner to examine the person suspected of being of unsound mind" and substituting therefor "that the person suspected of being of unsound mind be examined by two registered medical practitioners", and by substituting the words "they shall, if they consider" for the words "such practitioner shall, if he considers" and the words "in their opinion" for the words "in his opinion" and the words "they found their opinion" for the words "he found his opinion".

31st December, 1949.

Section 17 is amended by substituting a full stop for the comma after the word "therein" in subsection (3) and deleting the remaining words of the subsection, and by the addition of the following subsection as subsection (4) :-

"(4) In addition to the annual report the visitors, or any of them shall at any time make such reports upon any matter connected with an approved place as they shall see fit, or as may be specially directed by the Governor."

<i>Ordinance to be amended.</i>	<i>Detail of amendment or repeal.</i>	<i>Date of coming in force of amendment or repeal.</i>
Pensions Ordinance, 13 of 1949.	<p>Section 2. The definition of "Personal Allowance" is amended by the deletion of the word "does" and the substitution of the words "pensionable emoluments do"; and the definition of "Public Service" is amended by the deletion of the words "territory under British Mandate" and the substitution therefor of the words "mandated or trust territory administered by the Government of any part of His Majesty's dominions or of the New Hebrides", and by the deletion of the words "under the High Commissioner for Transport in Kenya and Uganda", and by the addition after the words "Act amending or replacing the same," of the words "or under the Colonial Superannuation Scheme, or in a Colonial University College, or pensionable employment under a local authority in the United Kingdom or in".</p> <p>Section 6 is amended by being renumbered as section 6 (1) and by the addition of the following as subsection (2) :-</p> <p>"(2) Any pension or gratuity granted under this Ordinance shall be computed in accordance with the provisions in force at the actual date of an officer's retirement."</p> <p>Section 10 (1) is amended by the deletion of the words "in lieu of his pension."</p> <p>Section 13 (1) is amended by the addition of the word "competent" before "Court".</p> <p>Section 17 is amended by the substitution of the words "fifteen-sixtieths" for the words "fifteen seventy-seconds" in subsection (4), by renumbering subsection (5) as subsection (6), and by the addition of the following as subsection (5) :-</p> <p>"(5) If an officer proceeding by a route approved by the Governor to or from the Colony at the commencement or termination of his service therein, or of a period of leave therefrom, dies as a result of damage to the vessel or vehicle in which he is travelling, or of any act of violence directed against such vessel or vehicle, and the Governor is satisfied that such damage or act is attributable to circumstances arising out of war in which His Majesty may be engaged, such officer shall be deemed, for the purposes of this section, to have died in the circumstances described in subsection (1) of this section."</p>	31st December, 1949.
Police and Prisons Ordinance, 11 of 1949.	Section 18 is repealed.	1st June, 1949.
Public Health Ordinance, 5 of 1924.	<p>Section 60 (1) is amended by the deletion of the words from "If it shall appear" up to "for human consumption is", both inclusive, and the substitution therefor of the following :-</p> <p>"(1) A medical officer or an inspector may at all times examine any article of food or drink intended for human consumption, which has been sold, or is offered or exposed for sale, and if it appears to him to be".</p> <p>Section 60 is further amended by the addition of the following subsection as subsection (2) :-</p> <p>"(2) An officer who seizes any article of food or drink under the preceding subsection shall inform the person in whose possession it was found of his intention to have it dealt with by a Court, and any person who might be liable to a prosecution in respect thereof shall, if he attends before the Court upon the application for its condemnation, be entitled to be heard and to call witnesses".</p> <p>Section 60 (2) is renumbered as section 60 (3).</p>	31st December, 1949.

*Ordinance to be amended.**Detail of amendment or repeal.**Date of coming in force of amendment or repeal.*

Section 12 is amended by the addition of the following as subsection (1) :-

"(1) If the person upon whom a notice to abate a nuisance has been served makes default in complying therewith, or if the nuisance, although abated since the service of the notice, is in the opinion of the Board likely to recur on the same premises, the Board shall cause a complaint to be made to a Justice, and the Justice shall thereupon issue a summons requiring such person to appear before a court of summary jurisdiction.

Section 12 (1) is renumbered as section 12 (2).

Section 13 is amended by being renumbered as section 13 (1) and by the addition after the word "fails" of the words "without reasonable excuse".

Section 13 is further amended by the addition of the following subsection as subsection (2) :-

"(2) Without prejudice to the provisions of subsection (1) of this section, where an order to abate a nuisance has not been complied with the Board may abate the nuisance and recover the cost of so doing from the person in default".

Section 14 (4) is amended by the deletion of the word "failing" and the substitution of the words "who fails without reasonable excuse".

Quarantine Ordinance,
7 of 1908.

Section 2 as amended by the Quarantine (Amendment) Ordinance, 1949, is amended by the deletion of the words "may be apprehended without warrant and",

31st December, 1949.

Regulation 2 is amended by substituting for the definitions of "Infected ship", "Suspected ship" and "Healthy ship" the following :-

"Infected ship" means (a) one on board of which a case of human plague is present or broke out more than six days after embarkation, or on which plague infested rats are found; or

(b) one on board of which there is, or has been during the five days previous to the ship's arrival, a case of cholera; or

(c) one on board of which there is, or was at the time of its departure or during the voyage, a case of yellow fever; or

(d) one on board of which there is, or has been during the voyage, a case of small-pox.

"Suspected ship" means (a) one on board of which a case of human plague broke out in the first six days after embarkation, or in which investigations have shown an unusual and unexplained mortality among rats; or

(b) one on board of which there has been a case of cholera at the time of departure or during the voyage, but no fresh case in the five days previous to arrival; or

(c) one which arrives after a voyage of less than six days from an infected port or a port in close relation with an endemic centre of yellow fever or arrives after a voyage of more than six days and there is reason to believe that it may transport adult *steomyia (aedes) aegypti* emanating from the said port; or

(d) one on board of which there has been during the voyage a case of small-pox but no fresh case in the twelve days previous to arrival."

"Healthy ship" means a ship which, although having come from an infected place, has had on board no case of any infectious or contagious disease nor any rat plague either at the time of departure or during the voyage or on arrival, and the investiga-

<i>Ordinance to be amended.</i>	<i>Detail of amendment or repeal.</i>	<i>Date of coming in force of amendment or repeal.</i>
Registration Ordinance, 9 of 1949.	tions regarding rats have not shown an unusual mortality, or if, on arriving after a voyage of more than six days from a place infected with yellow fever, it has no case of yellow fever on board, and either there is no reason to believe that it transports adult <i>steomyia</i> , or it is proved to the satisfaction of the Health Officer that the ship, during its stay in the infected place, was moored at a distance of at least 200 metres from the inhabited shore and at such a distance from harbour vessels as to make the access of <i>steomyia</i> improbable, or that the ship, at the time of departure, was effectively fumigated in order to destroy mosquitoes."	
	Regulation 16 (b) (i) is amended by substituting "six days" for "five days".	
	Regulation 16 (b) (iv) is amended by substituting "fourteen days" for "twelve days".	
	Regulation 16 (e) is amended by substituting "twenty-four hours" for "forty-eight hours".	
	Regulation 16 (f) is amended by adding at the end thereof, "or the ship shall be moored at least 200 metres from the inhabited shore and at such a distance from the harbour boats as will render the access of <i>steomyia</i> improbable;"	
Stanley Town Council Ordinance, 1 of 1947.	Regulation 16 (g) is deleted and replaced by the following:-	
	(g) In the case of cholera (i) when the drinking water is suspected it shall be emptied out after disinfection, and replaced, after disinfection of the tanks, by a fresh supply of wholesome water;	
	(ii) the bilge water after disinfection shall be pumped out;	
	(iii) the emptying or discharge into the waters of the port of human dejecta as well as of the waste waters of the ship may be forbidden unless they have been previously disinfected."	
	Regulation 16 is amended by the addition of the following clause:-	
	(h) in the case of plague or cholera unloading shall be carried out under the supervision of the Health Officer and the persons engaged therein shall be subjected to observation or surveillance for a period of five days from the time when they cease unloading."	
	Regulation 18 (a) (iv) is amended by substituting "fourteen days" for "twelve days".	
	Section 14 is repealed.	1st June, 1949.
	Section 3 (4) is repealed.	1st January, 1949.
	Section 8 (1) is repealed and replaced by the following:- "8. (1) Elections shall be held biennially on the second Wednesday in the month of December. At each biennial election the more recently elected councillor in each ward shall remain in office and the other shall retire automatically and shall be eligible to be a candidate at any subsequent election, other than that at which he retires or an election to fill a casual vacancy held before the next biennial election. Provided that a councillor elected to fill a casual vacancy shall hold office until the date upon which the person in whose place he is elected would regularly have retired, and he shall then retire".	
	Section 66 is amended by the deletion of the words "of the Supreme Court" and the substitution of the words "upon the trial of".	

<i>Ordinance to be amended.</i>	<i>Detail of amendment or repeal.</i>	<i>Date of coming in force of amendment or repeal.</i>
	<p>Section 67 is amended by the deletion of the word "Supreme".</p> <p>Section 68 is amended by the deletion of the words "of the Supreme Court" and the substitution of the words "upon the trial of".</p> <p>Section 74 (4) is amended by the addition of the word "general" before the words "authority of the Council" and by the deletion of the words "as provided in subsection (3)".</p> <p>Section 82 (1) is amended by the addition after the words "other matter" of the words "and is present" and by the addition after the word "committee" of the words "at which the contract or other matter is under consideration".</p> <p>The Ordinance is amended by the addition of the following section as section 119A:-</p> <p>"119A. The Council shall have power to make and levy rates in order to provide such moneys as may from time to time be required by the Council to enable them to perform the duties which by this or any other Ordinance they may be authorised or required to perform".</p>	
Stanley Town Council (Powers) Ordinance, 18 of 1948.	<p>Section 7 is repealed.</p> <p>Section 29 (1). The words "without the authority or consent of the Council" are added before the word "put".</p> <p>Section 29 (3). The words "without the authority or consent of the Council" are added before the word "open".</p>	31st December, 1948.
Stanley Waterworks Ordinance, 19 of 1949.	<p>Section 3 (4) (b) is amended by adding after the words "occupier thereof" the words "enter on any land and", and by replacing the full stop after the word "land" by a comma and adding "making compensation to the owner or occupier for all damages sustained by him or them by reason of the exercise of the said powers; such compensation, in the absence of agreement, to be determined by arbitration as provided by the Land Ordinance, save that in the application thereof to this Ordinance section 39 thereof shall be read as if the words "Water Authority" were substituted for the word "Governor".</p> <p>Section 3 (5) is repealed and replaced by the following:-</p> <p>"(5) The Water Authority or any person acting under his directions may diminish, withhold, suspend or divert the supply of water through the waterworks either wholly or in part whenever it may be expedient or necessary for the purpose of conserving the supply of water, or for extending, altering or repairing the waterworks, and the Water Authority shall not be liable to any claim for compensation on account of any interruption in or insufficiency of the supply of water resulting from the exercise of any of the powers aforesaid, or caused by drought or other unavoidable circumstances."</p> <p>Section 4 (3) is amended by adding before the words "opens or closes" the words "without the consent of the Water Authority."</p> <p>Section 5 is repealed and replaced by the following:-</p> <p>"5. The Governor in Council may make regulations prescribing the size, make and materials of the pipes and other appliances to be used, the manner of laying the same, the conditions of the supply of water to the Town Council of Stanley and the amount of such supply, and generally for carrying out the provisions of this Ordinance."</p>	31st December, 1949.

<i>Ordinance to be amended.</i>	<i>Detail of amendment or repeal.</i>	<i>Date of coming in force of amendment or repeal.</i>
Trade Disputes (Arbitration) Ordinance, 10 of 1949.	<p>Section 3. The following subsection is added as sub-section (3) :-</p> <p>"If there are existing in any trade or industry any arrangements for settlement by conciliation or arbitration of disputes in such trade or industry, or any branch thereof, made in pursuance of an agreement between organisations of employers and organisations of workmen representative respectively of substantial proportions of the employers and workmen engaged in that trade or industry, the Governor shall not, unless with the consent of both parties to the dispute, and unless and until there has been a failure to obtain a settlement by means of those arrangements, refer the matter for settlement, in accordance with the foregoing provisions of this section."</p> <p>Subsection (3) is renumbered as sub-section (4).</p> <p>Section 12. The following subsection is added as sub-section (1) :-</p> <p>"(1) The Governor may pay to any arbitrator or assessor appointed under this Ordinance such remuneration as the Governor shall think fit."</p> <p>Subsections (1) and (2) are renumbered as subsections (2) and (3) respectively.</p>	1st June, 1949.
Trespass Ordinance, 5 of 1904.	<p>Section 1. The definitions of "Lawful Occupier" and "Fenced land" are deleted.</p> <p>Section 14 is repealed and replaced by the following :-</p> <p>"The Governor in Council may make regulations modifying the amounts of pound fees and commonage fees and providing for the issue of licences hereunder and the form thereof, and otherwise for carrying out the provisions of this Ordinance."</p>	1st January, 1950.

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.