



ORDINANCES

of the

COLONY

of the

FALKLAND ISLANDS

enacted during the year

1933

together with the

Rules, Regulations etc., etc.,

made during that year.

PART I.

ORDINANCES.

Printed at the Government Printing Office, Stanley, Falkland Islands.

PRICE 2/-. To be purchased from the Colonial Secretary, Stanley, and from the Crown Agents for the Colonies, 4, Millbank, London, S.W. 1.

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[L.S.]



FALKLAND ISLANDS.

Ordinance No. 1 of 1933.

I ASSENT,

JAMES O'GRADY,

Governor.

5th May, 1933.

An Ordinance

To legalize certain payments made in the year One thousand Nine hundred and Thirty-two in excess of the Expenditure sanctioned by Ordinance No. 9 of 1931.

WHEREAS it is expedient to make further provision for the service of the Colony for the year 1932. Preamble.

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:— Enacting Clause.

1. This Ordinance may be cited for all purposes as the Supplementary Appropriation (1932) Ordinance, 1933. Short Title.

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 Thirty-two, 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. Appropriation of excess of Expenditure for the year 1932.

Passed by the Legislative Council this 2nd day of May, 1933.

A. I. FLEURET,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 5th day of May, 1933.

J. M. ELLIS,

Colonial Secretary.

SCHEDULE.

Schedule.

Number.	Head of Service.	Amount.		
		£	s.	d.
FALKLAND ISLANDS.				
I.	Pensions	6	17	5
VI.	Post Office	970	5	3
X.	Legal	28	13	3
XIII.	Education	169	12	11
XVIII.	Miscellaneous	90	12	8
	Total Ordinary Expenditure	1266	1	6
XXI.	Public Works Extraordinary ...	2979	19	10
	Total Falklands	4246	1	4
DEPENDENCIES.				
I.	Ordinary Expenditure	245	13	2
	Total	4491	14	6



[L.S.]

FALKLAND ISLANDS.

Ordinance No. 2 of 1933.

I ASSENT,

JAMES O'GRADY,

Governor.

5th May, 1933.

An Ordinance

To amend the Savings Bank Ordinance, 1888.

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 as the Savings Bank (Amendment) Ordinance, 1933, and shall be read and construed as one with the Savings Bank Ordinance, 1888, hereinafter referred to as the Principal Ordinance. Short Title.

2. It shall be lawful for the Governor at the end of each year to direct the transfer to the general revenues of the Colony of any moneys which are surplus after defraying the interest due to depositors and all expenses incurred in the execution of the Principal Ordinance and after bringing the market value of the investments made under section 10 of the Principal Ordinance up to one hundred and ten per centum of the moneys deposited. Appropriation of Surplus moneys.

Passed by the Legislative Council this 2nd day of May, 1933.

A. I. FLEURET,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 5th day of May, 1933.

J. M. ELLIS,

Colonial Secretary.

FALKLAND ISLANDS :

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Printed at the Government Printing Office by C. G. Allan.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 3 of 1933.

I ASSENT,

JAMES O'GRADY,

Governor.

5th May, 1933.

An Ordinance

To amend the Whale Fishery 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 :—

Enacting Clause.

1. This Ordinance may be cited as the "Whale Fishery (Amendment) Ordinance, 1933", and shall be read and construed as one with the Whale Fishery Ordinance, 1908, hereinafter referred to as the Principal Ordinance, as amended by the Whale Fishery (Amendment) Ordinances, 1915 and 1923.

Short Title.

2. Sub-section (3) of section 2 of the Whale Fishery Ordinance, 1908, is hereby repealed and replaced by the following:—

Repeal and replacement of section 2 sub-section (3) of Ordinance No. 5 of 1908.

Power to grant floating factory licences.

(3) The Colonial Secretary or other officer appointed by the Governor for the purpose may grant a licence in the form of the schedule to this Ordinance for the use of a floating factory and not more than two whale catchers and may grant also licences for the use of additional whale catchers in conjunction with such floating factory on payment of the following fees :—

- (i) For a floating factory and not more than two whale catchers . . . £200.
- (ii) For every additional whale catcher £100.

3. The Governor may remit the whole or part of any payment or fee prescribed in respect of any Whaling Licence by this

Remission of whole or part of fees for whaling licences.

Ordinance or by the Principal Ordinance or by the Regulations made thereunder.

Passed by the Legislative Council this 2nd day of May, 1933.

A. I. FLEURET,
Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 5th day of May, 1933.

J. M. ELLIS,
Colonial Secretary.

SCHEDULE.

FALKLAND ISLANDS.



(Consolidation) 1933
The Whale Fishery Ordinance, 1908, and the Whale Fishery (Amendment) Ordinances, 1915, 1923 and 1933.

L I C E N C E .

No....., 19.....

WHALING SEASON..... *(Consolidation) 1933*

Subject to the provisions of the Whale Fishery Ordinance, 1908, as amended by the Whale Fishery (Amendment) Ordinances, 1915, 1923 and 1933, and the regulations made from time to time thereunder, a Licence is hereby granted to the..... of..... to take whales in the territorial waters of..... and to render, boil down, treat or manufacture whale carcasses or any part thereof by means of a floating factory.

The period during which whales may be taken shall be.....

Vessels to be employed under this Licence.

- Floating factory
- Whale catcher
- do -

Colonial Secretary

FALKLAND ISLANDS :

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[L.S.]



FALKLAND ISLANDS.

Ordinance No. 4 of 1933.

I ASSENT,
JAMES O'GRADY,
Governor.

5th May, 1933.

An Ordinance

To amend the Customs Ordinance, 1903.

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 as the Customs (Amendment) Ordinance, 1933, and shall be read and construed as one with the Customs Ordinance, 1903. Short Title.

2. Section 64 of the Customs Ordinance, 1903, is hereby repealed and replaced by the following:- Repeal and replacement of Section 64 of Ordinance No. 6 of 1903.

(i) The Governor by proclamation may prohibit from time to time absolutely and unconditionally the exportation of arms and ammunition to any country or to any place therein.

(ii) The Governor by proclamation may prohibit from time to time the carrying coastwise of arms and ammunition.

(iii) The Governor by proclamation may prohibit from time to time the carrying coastwise or the exportation to any country or to any place therein of military and naval stores and of any article which in the opinion of the Governor is capable of being converted into or made useful in increasing the quantity of arms, ammunition or military or naval stores.

(iv) A proclamation may be made under sub-section 2 or 3 of this section whenever in the opinion of the Governor it is expedient in order to prevent the articles specified therein being used against His Majesty's subjects or forces or against any forces engaged or which may be engaged in military or naval operations in co-operation with His Majesty's forces.

(v) Without in any way limiting the nature or description of the articles which may be specified in any proclamation made under sub-section 2 or 3 of this section the articles set forth in the Second Schedule hereto may be so specified.

(vi) Proceedings under this section shall be taken and heard before a Magistrate.

Passed by the Legislative Council this 2nd day of May, 1933.

A. I. FLEURET,
Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 5th day of May, 1933.

J. M. ELLIS,
Colonial Secretary.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 5 of 1933.

I ASSENT,
JAMES O'GRADY,
Governor.
5th May, 1933.

An Ordinance
To amend the Auctioneers Ordinance, 1853.

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 as the Auctioneers (Amendment Ordinance, 1933, and shall be read and construed as one with the Auctioneers Ordinance, 1853. Short Title.

2. It shall be lawful for the Governor, or any person duly authorised by the Governor, to grant to any person or company an occasional licence to conduct a sale by auction upon payment of the sum of one pound. Power to grant occasional licences.

3. This Ordinance shall be regarded as having effect from and after the first day of April, 1933. Date of effect.

Passed by the Legislative Council this 2nd day of May, 1933.

A. I. FLEURET,
Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 5th day of May, 1933.

J. M. ELLIS,
Colonial Secretary.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 6 of 1933.

I ASSENT,

M. CRAIGIE-HALKETT,

Acting Governor.

4th November, 1933.

An Ordinance

To amend the Tariff Ordinance, 1900, as amended by the Tariff (Import Duties) Amendment Ordinances, 1929 and 1931.

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 "Tariff (Import Duties) Amendment Ordinance, 1933" and shall be read and construed as one with the Tariff Ordinance, 1900, as amended by the Tariff (Import Duties) Amendment Ordinances, 1929 and 1931.

Short Title.

2. In this Ordinance:—

Definition.

"The British Empire" means the United Kingdom of Great Britain and Northern Ireland, the Dominions, India, the territories administered by His Majesty's Governments in the Dominions under Mandate or otherwise, the British Colonies, the British Protectorates and protected States, and the Mandated Territories of Tanganyika, the Cameroons under British Mandate and Togoland under British Mandate.

3. The First Schedule to the Tariff Ordinance, 1900, as amended by the Tariff (Import Duties) Amendment Ordinances, 1929 and 1931, is hereby amended by the addition thereto of the following words:—

Proviso to First Schedule of Tariff Ordinance, 1900, as amended by the Tariff (Import Duties) Amendment Ordinances 1929 and 1931.

Provided that the aforesaid tariff of import duties shall not apply to matches which are manufactured in and consigned from any part of the British Empire: and

Provided also that the tariff of import duties on cigars and on cigarettes, cut and manufactured tobacco and snuff shall be at nine-tenths of the aforesaid tariff where such cigars, cigarettes, cut and manufactured tobacco and snuff are manufactured in any part of the British Empire from tobacco which is the produce of any part of the British Empire.

Repeal of Ordinance,
No. 4 of 1932.

4. The Tariff (Import Duties) Amendment Ordinance, 1932, is hereby repealed.

Passed by the Legislative Council this 2nd day of November, 1933.

A. I. FLEURET,
Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 4th day of November, 1933.

A. I. FLEURET,
for Colonial Secretary.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 7 of 1933.

I ASSENT,
M. CRAIGIE-HALKETT,
Acting Governor.
4th November, 1933.

An Ordinance

To provide for the Service of the Year, 1934.

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 (1934) Ordinance, 1933. 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 of December, 1934, a sum not exceeding Sixty-nine thousand, Nine hundred and Twelve 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 1934. Appropriation of £69,912 for service of year 1934.

Passed by the Legislative Council this 2nd day of November, 1933.

A. I. FLEURET,
Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 4th day of November, 1933.

A. I. FLEURET,
for Colonial Secretary.

SCHEDULE.

Number.	Head of Service.	Amount.		
		£	s.	d.
FALKLAND ISLANDS.				
I.	Pensions	1763	0	0
II.	The Governor	2396	0	0
III.	Colonial Secretary	2461	0	0
IV.	Treasury and Customs	1653	0	0
V.	Audit	127	0	0
VI.	Post Office	1897	0	0
VII.	Wireless Telegraph	1378	0	0
VIII.	Electrical	1721	0	0
IX.	Harbour	750	0	0
X.	Legal	80	0	0
XI.	Police and Prisons	948	0	0
XII.	Medical	5071	0	0
XIII.	Education	2829	0	0
XIV.	Ecclesiastical	289	0	0
XV.	Naturalist	55	0	0
XVI.	Military	1158	0	0
XVII.	Stock	379	0	0
XVIII.	Miscellaneous	3538	0	0
XIX.	Public Works	3569	0	0
XX.	Public Works Recurrent	5230	0	0
	Total Ordinary Expenditure	£ 37292	0	0
XXI.	Public Works Extraordinary	14640	0	0
		£ 51932	0	0
DEPENDENCIES.				
I.	Ordinary Expenditure	17980	0	0
	Total	£ 69912	0	0

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 8 of 1933.

I ASSENT,

M. CRAIGIE-HALKETT,

Acting Governor.

4th November, 1933.

An Ordinance

To amend the Falkland Islands Currency Notes Ordinance, 1930.

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 Falkland Islands Currency Notes (Amendment) Ordinance, 1933", and shall be read and construed as one with the Falkland Islands Currency Notes Ordinance, 1930.

Short Title.

2. Sub-section (1) of section 14 of the Falkland Islands Currency Notes Ordinance, 1930, is hereby amended to read as follows:

Amendment of Section 14, sub-section (1) of Ordinance No. 11 of 1930.

(1) The Governor of the Colony may, subject to the approval of the Secretary of State, make rules

- (a) for fixing the rates of commission to be charged under Section 6 of this Ordinance,
- (b) for the calling in and demonetisation of notes issued under the Falkland Islands Currency Notes Order, 1899, and
- (c) generally for the better carrying into effect the provisions of this Ordinance.

Passed by the Legislative Council this 2nd day of November, 1933.

A. I. FLEURET,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 4th day of November, 1933.

A. I. FLEURET,

for Colonial Secretary.

PART II.

RULES, REGULATIONS, ETC.

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- Rules made under the Falkland Islands Currency Notes Ordinance, 1930, as amended by the Falkland Islands Currency Notes (Amendment) Ordinance, 1933.
- The Government Schools (Amendment) Regulations, 1933.

No. 1.

Proclamation.

1933.

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

MONTAGU CECIL
CRAIGIE-HALKETT.

By His Excellency MONTAGU CECIL CRAIGIE-HALKETT, ESQUIRE, Acting Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, &c., &c., &c.

[L.S.]

WHEREAS by the fourteenth clause of the Letters Patent passed under the Great Seal of the United Kingdom, dated the 25th February, 1892, 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 if the Governor become incapable or be absent from the Colony, Our Lieutenant Governor of the Colony, or "if there be no such Officer therein, then such person or persons as We may appoint under "Our Sign Manual and Signet, and in default of any such appointment the Senior Member "for the time being of the Executive Council of the Colony, shall, during Our pleasure, "administer the Government of the Colony, first taking the Oaths hereinbefore directed to be "taken by the Governor and in the manner herein prescribed; which being done, We do hereby "authorize, empower, and command Our Lieutenant Governor or any other such Administrator "as aforesaid to do and execute during Our pleasure all things that belong to the office of "Governor and Commander-in-Chief, according to the tenour of these Our Letters Patent, "and according to Our Instructions as aforesaid, and the Laws of the Colony".

AND WHEREAS His Excellency CAPTAIN SIR JAMES O'GRADY, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, has this day left the Colony for the United Kingdom on leave of absence;

AND WHEREAS there is no such officer as Lieutenant Governor in this Colony and 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, MONTAGU CECIL CRAIGIE-HALKETT, Acting 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 July, in the Year of our Lord, One thousand Nine hundred and Thirty-three.

By His Excellency's Command,

A. I. FLEURET,

for Colonial Secretary.

FALKLAND ISLANDS.

No. 2.

Proclamation.

1933.

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

MONTAGU CECIL
CRAIGIE-HALKETT.

By His Excellency MONTAGU CECIL CRAIGIE-HALKETT, ESQUIRE, *Acting Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, &c., &c., &c.*

[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 25th day of February, 1892, constituting the office of Governor and Commander-in-Chief in and over the Colony of the Falkland Islands, it was amongst other things declared that there should be an Executive Council in and for the said Colony which should consist of such persons as should be directed under the Royal Sign Manual and Signet,

AND WHEREAS by Instructions under the Royal Sign Manual and Signet, bearing date the 28th day of February, 1920, it was declared that if in the opinion of the Governor the number of members of the Executive Council available for business may at any time be likely to prove insufficient, the Governor may, by an Instrument under the Public Seal, appoint some fit person to be provisionally a member of the said Council for such period as shall be specified in such Instrument:

NOW, THEREFORE, I, being of opinion that the number of members of the Executive Council available for business is likely to prove insufficient, do hereby provisionally appoint

GEORGE ROBERTS, ESQUIRE,

to be a member of the Executive Council during such present period as I, the senior ex-officio member of the Executive Council, may be administering the Government of the Colony.

GOD SAVE THE KING.

Given at Government House, Stanley, this 19th day of July, in the Year of our Lord, One thousand Nine hundred and Thirty-three.

By His Excellency's Command,

A. I. FLEURET,

for Colonial Secretary.

FALKLAND ISLANDS.

Rules made in amendment of the Rules dated the 31st of August, 1932, relative to the granting of Patents for Inventions made by Civil Servants in the Colony of the Falkland Islands and Dependencies.

1. The following paragraph (e) is added to Rule 3 of the Rules dated the 31st of August, 1932:—

(e) A reservation to the Government of user of the invention free of royalty under paragraph (b) of this rule may include a like reservation to His Majesty's Government in the United Kingdom, or the Government of any British Colony or Protectorate or any territory in respect of which His Majesty's Government in the United Kingdom exercises a mandate.

2. Rule 11 of the Rules dated the 31st of August, 1932, is amended so as to read as follows:-

(a) Any reasonable expenses to which an officer may have been put in connection with his inventions shall be taken into account.

(b) The reservation of a right of user free of royalty to His Majesty's Government in the United Kingdom or the Government of any other territory mentioned in Rule 3 (e) shall not be taken into account, but if and when such right shall be exercised by any such Government, a material change shall, for the purpose of Rule 5, be deemed to have taken place.

Made at Government House, Stanley, on the 31st day of March, 1933.

JAMES O'GRADY,
Governor.

FALKLAND ISLANDS.

Rules made under the Falkland Islands Currency Notes Ordinance, 1930, as amended by the Falkland Islands Currency Notes (Amendment) Ordinance, 1933.

M. CRAIGIE-HALKETT,
Acting Governor.

In exercise of the powers vested in him by section 14 of the Falkland Islands Currency Notes Ordinance, 1930, as amended by the Falkland Islands Currency Notes (Amendment) Ordinance, 1933, and with the approval of the Secretary of State, His Excellency the Governor is pleased to make and hereby makes the following Rules :-

1. These Rules may be cited as the Falkland Islands Currency Notes (Amendment) Rules, 1933.

2. Rule 9 of the Falkland Islands Currency Notes Rules, 1931, is hereby amended by the addition of the following proviso :-

Provided such demand shall be made on or before the thirty-first day of December, 1934, after which date currency notes of the "A" and "B" series shall cease to be redeemable and to have any value.

Made by the Governor in Executive Council at a meeting held on the 19th day of December, 1933.

A. I. FLEURET,
Clerk of the Executive Council.

M.P. 433/29.

FALKLAND ISLANDS.

THE EDUCATION ORDINANCE, 1909.

The Government Schools (Amendment) Regulations, 1933.

M. CRAIGIE-HALKETT,
Acting Governor.

In pursuance of the powers vested in him by section 4 of the Education Ordinance, 1909, and otherwise, the Governor is pleased with the advice and consent of the Executive Council, to make the following regulations:-

1. These Regulations may be cited as the "Government Schools (Amendment) Regulations, 1933." Short Title.
2. Section 18 of the Regulations for Government Schools, 1909, is hereby repealed and replaced by the following:- Repeal and replacement of section 18 of Regulations for Government Schools, 1909.
 18. The parent or guardian of any child attending a Government School shall pay to the Government Schoolmaster the undermentioned fees:-
 - (a) In the case of children in the Continuation Class a fee of one shilling each weekly.
 - (b) In the case of children in the Standards below the Continuation Class and above Standard I, a fee of sixpence each weekly.
 - (c) In the case of children below Standard II, a fee of three-pence each weekly.

Provided that the total fees payable in respect of the children of any one family shall not exceed the rate of one shilling weekly.

All fees received by the Government Schoolmaster shall be paid weekly to the Colonial Treasurer.

3. These Regulations shall come into operation on the first day of January, 1934. Date of operation.

Made by the Governor in Executive Council at a meeting held on the 31st day of October, 1933.

A. I. FLEURET,
Clerk of the Executive Council.



ORDINANCES
of the
COLONY
of the
FALKLAND ISLANDS
enacted during the year
1934
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Rules, Regulations etc., etc.,
made during that year.

PART I.

ORDINANCES.

Printed at the Government Printing Office, Stanley, Falkland Islands.

PRICE 2/-. To be purchased from the Colonial Secretary, Stanley, and from the Crown Agents for the Colonies, 4, Millbank, London, S.W. 1.

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[L.S.]



FALKLAND ISLANDS.

Ordinance No. 1 of 1934.

I ASSENT,

J. M. ELLIS,

Acting Governor.

16th May, 1934.

An Ordinance

To amend the Whale Fishery 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 :—

Enacting Clause.

1. This Ordinance may be cited as the "Whale Fishery (Amendment) Ordinance, 1934", and shall be read and construed as one with the Whale Fishery Ordinance, 1908, hereinafter referred to as the Principal Ordinance, as amended by the Whale Fishery (Amendment) Ordinances, 1915, 1923 and 1933.

Short Title.

2. For removing doubts it is hereby declared that where a licence is, or has been at any time before the passing of this Ordinance, granted to any person under the Principal Ordinance, nothing in that Ordinance shall prevent or shall be deemed to have prevented the granting to such person of a further licence or further licences, in order to permit such person to use vessels in addition to those authorised by the original licence, or otherwise.

Licences granted under Principal Ordinance.

3. The following section shall be inserted in the Principal Ordinance as section 2 (A) :—

Insertion of new Section.

Security for granting of whaling licences.

2.(A). The Governor may give to any person to whom a lease of land within the Colony for whaling purposes is or has been granted an undertaking (which shall be subject to the provisions of this section) that the lessee will be granted a licence or licences annually, for such period not exceeding the duration of the lease and upon such terms and conditions consistent with the provisions of this Ordinance, as the Governor may think fit: and where any such undertaking has been given, then so long as the terms and conditions contained in the lease and licence or licences are duly complied with, such licence or licences shall be granted in accordance with the undertaking.

Amendment of
Section 3 of Ordinance
No. 5 of 1908.

4. Section 3 of the Principal Ordinance is hereby amended
by the addition thereto of the following sub-section :

(ee) For authorising the maintenance of
spare whale catchers, regulating the use thereof,
and prescribing fees in respect thereof.

For removing doubts it is hereby declared that the Governor
in Council shall be deemed always to have had power to make
regulations as authorized by this Section, and accordingly Regulation
2 of the Whaling Regulations, 1923, shall be deemed to be and
always to have been valid.

Passed by the Legislative Council this 15th day of
May, 1934.

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

Assented to by the Governor and given under the Public
Seal of the Colony this 16th day of May, 1934.

M. CRAIGIE-HALKETT,
Acting Colonial Secretary.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 2 of 1934.

I ASSENT,

J. M. ELLIS,

Acting Governor.

16th May, 1934.

An Ordinance

To legalize certain payments made in
the year One thousand Nine hundred and
Thirty-three in excess of the Expenditure
sanctioned by Ordinance No. 5 of 1932.

WHEREAS it is expedient to make further provision for the
service of the Colony for the year 1933. Preamble.

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 :— Enacting Clause.

1. This Ordinance may be cited for all purposes as the
Supplementary Appropriation (1933) Ordinance, 1934. Short Title.

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 Thirty-three,
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. Appropriation of
excess of expenditure
for the year 1933.

Passed by the Legislative Council this 15th day of
May, 1934.

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

Assented to by the Governor and given under the Public
Seal of the Colony this 16th day of May, 1934.

M. CRAIGIE-HALKETT,
Acting Colonial Secretary.

SCHEDULE.

Schedule.

Number.	Head of Service.	Amount.		
		£	s.	d.
FALKLAND ISLANDS.				
II.	The Governor	84	15	10
VI.	Post Office	262	11	9
VII.	Wireless Telegraphs	6	5	10
XII.	Medical	153	8	9
XIII.	Education	26	16	7
XVI.	Military	62	0	0
Total Ordinary Expenditure		595	18	9



[L.S.]

FALKLAND ISLANDS.

Ordinance No. 3 of 1934.

I ASSENT,

J. M. ELLIS,

Acting Governor.

16th May, 1934.

An Ordinance

To amend the Land Ordinance, 1903.

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 as the Land (Amendment) Ordinance, 1934, and shall be read and construed as one with the Land Ordinance, 1903. Short Title.

2. (i) The first proviso to section 14 of the Land Ordinance, 1903, shall be amended by the insertion between the words "shall fail" and the words "to pay" in the second line thereof of the words "except with the approval of the Governor in Council". Amendment of section 14 of Ordinance No. 9 of 1903.

(ii) The following proviso shall be added at the end of section 14 of the Land Ordinance, 1903:—
 "Provided further that the Governor in Council may approve the suspension of any instalment of the purchase money aforesaid for such period and on such conditions as the Governor in Council may determine".

3. This Ordinance shall be regarded as though it had come into operation with effect from the first day of January, 1933. Operation.

Passed by the Legislative Council this 15th day of May, 1934.

L. W. ALDRIDGE,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 16th day of May, 1934.

M. CRAIGIE-HALKETT,

Acting Colonial Secretary.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 4 of 1934.

I ASSENT,

J. M. ELLIS,

Acting Governor.

16th May, 1934.

An Ordinance

To amend the Public Health Ordinance, 1931.

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 as the Public Health (Amendment) Ordinance, 1934, and shall be read and construed as one with the Public Health (Amendment) Ordinance, 1931.

Short Title.

2. Section 2 of the Public Health (Amendment) Ordinance, 1931, is hereby amended by the deletion of the words "Principal Medical Officer" and the substitution therefor of the words "Senior Medical Officer".

Amendment of Ordinance No. 6 of 1931.

Passed by the Legislative Council this 15th day of May, 1934.

L. W. ALDRIDGE,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 16th day of May, 1934.

M. CRAIGIE-HALKETT,

Acting Colonial Secretary.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 5 of 1934.

I ASSENT,

J. M. ELLIS,

Acting Governor.

16th May, 1934.

An Ordinance

To amend the Prevention of Venereal Disease Ordinance, 1931.

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 as the Venereal Disease (Amendment) Ordinance, 1934, and shall be read and construed as one with the Prevention of Venereal Disease Ordinance, 1931.

Short Title.

2. The Prevention of Venereal Disease Ordinance, 1931, is hereby amended by the deletion of the words "Principal Medical Officer" wherever these words occur and the substitution therefor of the words "Senior Medical Officer"

Amendment of sections 1 and 2 of Ordinance No. 11 of 1931.

Passed by the Legislative Council this 15th day of May, 1934.

L. W. ALDRIDGE,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 16th day of May, 1934.

M. CRAIGIE-HALKETT,

Acting Colonial Secretary.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 6 of 1934.

I ASSENT,

M. CRAIGIE-HALKETT,

Acting Governor.

17th November, 1934.

An Ordinance

To provide for the service of the year,
1935.

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 (1935) Ordinance, 1934.

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 of December, 1935, a sum not exceeding Seventy-nine thousand, Seven hundred, and Seven 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 1935.

Appropriation of
£79,707 for service of
year 1935.

Passed by the Legislative Council this 16th day of November, 1934.

A. I. FLEURET,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 17th day of November, 1934.

A. I. FLEURET,

for Colonial Secretary.

SCHEDULE.

Number.	Head of Service.	Amount.		
		£	s.	d.
FALKLAND ISLANDS.				
I.	Pensions	1750	0	0
II.	The Governor	2441	0	0
III.	Colonial Secretary	2352	0	0
IV.	Treasury and Customs	1637	0	0
V.	Audit	132	0	0
VI.	Post Office	1982	0	0
VII.	Wireless Telegraph	1384	0	0
VIII.	Electrical	1944	0	0
IX.	Harbour	803	0	0
X.	Legal	80	0	0
XI.	Police and Prisons	985	0	0
XII.	Medical	5335	0	0
XIII.	Education	2815	0	0
XIV.	Ecclesiastical	289	0	0
XV.	Naturalist	55	0	0
XVI.	Military	1135	0	0
XVII.	Stock	367	0	0
XVIII.	Miscellaneous	3585	0	0
XIX.	Public Works	3593	0	0
XX.	Public Works Recurrent	5460	0	0
	Total Ordinary Expenditure	£ 38124	0	0
XXI.	Public Works Extraordinary	14470	0	0
APPENDIX II.	Expenditure chargeable to Surplus Balances	750	0	0
APPENDIX III.	Expenditure chargeable to Surplus Balances	10000	0	0
		£ 63344	0	0
DEPENDENCIES.				
I.	Ordinary Expenditure	16363	0	0
	Total	£ 79707	0	0

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 7 of 1934.

I ASSENT,

M. CRAIGIE-HALKETT,

Acting Governor.

17th November, 1934.

An Ordinance

To amend the Tariff Ordinance, 1900, as amended by the Tariff (Export Duties) amendment Ordinances, 1923 and 1924.

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. Notwithstanding any provisions to the contrary contained in the Tariff Ordinance, 1900, as amended by the Tariff (Export Duties) Amendment Ordinances, 1923 and 1924, the duty of Customs to be raised, levied and collected and paid upon whale oil and upon seal oil which shall have been raised or which shall be raised in the Colony or in the Dependencies thereof and shipped or which shall be shipped from the Colony or from the Dependencies thereof for places beyond the limits of the Colony or of the Dependencies thereof during the 1933-34 and 1934-35 whaling seasons and during the 1934 and 1935 sealing seasons shall be fixed at the rate of one shilling and sixpence for each barrel of forty gallons.

Rate of duty on export of whale and seal oil during the 1933-34 and 1934-35 whaling seasons and during the 1934 and 1935 sealing seasons.

2. This Ordinance may be cited as the "Tariff (Export Duties) Amendment Ordinance, 1934", and shall be read and construed as one with the Tariff (Export Duties) Amendment Ordinances, 1923 and 1924.

Short Title.

Passed by the Legislative Council this 16th day of November, 1934.

A. I. FLEURET,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 17th day of November, 1934.

A. I. FLEURET,

for Colonial Secretary.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 8 of 1934.

I ASSENT,

M. CRAIGIE-HALKETT,

Acting Governor.

17th November, 1934.

An Ordinance

To prohibit the passing of the sentence of death upon expectant Mothers.

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 as the Sentence of Death (Expectant Mothers) Ordinance, 1934.

Short Title.

2. Where a woman convicted of an offence punishable with death is found in accordance with the provisions of this Ordinance to be pregnant, the sentence to be passed on her shall be a sentence of penal servitude for life instead of sentence of death.

Sentence of death not to be passed on pregnant woman.

3. (1) Where a woman convicted of an offence punishable with death alleges that she is pregnant, or where the Court before whom a woman is so convicted thinks fit so to order, the question whether or not the woman is pregnant shall, before sentence is passed on her, be determined by a jury.

Procedure where woman convicted of capital offence alleges she is pregnant.

(2) Subject to the provisions of this subsection, the said jury shall be the trial jury, that is to say the jury to whom she was given in charge to be tried for the offence, and the members of the jury need not be resworn:

Provided that:-

(a) if any member of the trial jury, either before or after the conviction, dies or is discharged by the Court as being through illness incapable of continuing to act or for any other cause, the enquiry as to whether or not the woman is pregnant shall proceed without him; and

(b) where there is a trial jury, or where a jury have disagreed as to whether the woman is or is not pregnant, or have been discharged by the Court without giving a verdict on that question, the jury shall be constituted as if to try whether or not she was fit to plead, and shall be sworn in such manner as the Court may direct.

(3) The question whether the woman is pregnant or not shall be determined by the jury on such evidence as may be laid before them either on the part of the woman or on the part of the Crown, and the jury shall find that the woman is not pregnant unless it is proved affirmatively to their satisfaction that she is pregnant.

(4) The rights conferred by this section on a woman convicted of an offence punishable with death shall be in substitution for the right of such a woman to allege in stay of execution that she is quick with child and the last mentioned right shall cease as from the commencement of this Ordinance.

Passed by the Legislative Council this 16th day of November, 1934.

A. I. FLEURET,
Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 17th day of November, 1934.

A. I. FLEURET,
for Colonial Secretary.



[L.S.]

FALKLAND ISLANDS.

Ordinance No. 9 of 1934.

I ASSENT,

M. CRAIGIE-HALKETT,

Acting Governor.

17th November, 1934.

An Ordinance

To provide that a woman who wilfully causes the death of her newly-born child may, under certain conditions, be convicted of infanticide.

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 as the Infanticide Ordinance, 1934. Short Title.

2. (i) Where a woman by any wilful act or omission causes the death of her newly-born child, but at the time of the act or omission she had not fully recovered from the effect of giving birth to such child, and by reason thereof the balance of her mind was then disturbed, she shall, notwithstanding that the circumstances were such that but for this Ordinance the offence would have amounted to murder, be guilty of felony, to wit of infanticide, and may for such offence be dealt with and punished as if she had been guilty of the offence of manslaughter of such child. Conviction for infanticide in certain cases.

(ii) Where upon the trial of a woman for the murder of her newly-born child, the jury are of opinion that she by any wilful act or omission caused its death, but that at the time of the act or omission she had not fully recovered from the effect of giving birth to such child, and that by reason thereof the balance of her mind was then disturbed, the jury may, notwithstanding that the circumstances were such that but for the provisions of this Ordinance they might have returned a verdict of murder, return in lieu thereof a verdict of infanticide.

(iii) Nothing in this Ordinance shall affect the powers of the jury upon an indictment for the murder of a newly-born child to return a verdict of manslaughter, or a verdict of guilty but insane, or a verdict of concealment of birth, in pursuance of section sixty of the Act of the Imperial Parliament entitled "Offences against the Person Act, 1861".

(iv) Section sixty of the said Act shall apply in the case of the acquittal of a woman upon indictment for infanticide as it applies upon the acquittal of a woman for murder, and upon the trial of any person over the age of sixteen for infanticide it shall be lawful for the jury, if they are satisfied that the accused is guilty of an offence under section twelve of the Children's Act, 1908, to find the accused guilty of such an offence, and in that case that section shall apply accordingly.

Section 12 of the Children's Act, 1908 in force in Colony.

3. Section twelve of the Act of the Imperial Parliament entitled the "Children's Act, 1908" (8 Edw. VII. ch. 67) is declared to be in force in the Colony in so far as the same shall be applicable.

Passed by the Legislative Council this 16th day of November, 1934.

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 17th day of November, 1934.

for Colonial Secretary.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 10 of 1934.

I ASSENT,

M. CRAIGIE-HALKETT,

Acting Governor.

17th November, 1934.

An Ordinance

To amend the Dangerous Drugs Ordinance, 1925, as amended by the Dangerous Drugs (Amendment) Ordinance, 1926, and the Dangerous Drugs (Amendment) Ordinance, 1932.

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 as "The Dangerous Drugs (Amendment) Ordinance, 1933, and shall be read and construed as one with the Dangerous Drugs Ordinance, 1925, hereafter referred to as the Principal Ordinance, and with the Dangerous Drugs (Amendment) Ordinance, 1932. Short Title.

2. In this Ordinance unless the context otherwise requires the expression — Definitions.

"Import Authorization" means a licence issued by a competent authority, authorizing 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 authorized to import the drug, the name and address of the person from whom the drug is to be obtained, and specifying the period within which the importation must be effected.

"Import Certificate" means a certificate substantially in the form A set out in the Schedule hereto, issued by a competent authority in a country into which it is intended to import dangerous drugs.

"Export Authorization" means an authorization issued by a competent authority in a country from which a dangerous

drug is exported, containing full particulars of such drug, and the quantity authorized to be exported, together with the names and addresses of the exporter and the person to whom it is to be sent, and stating the country to which, and the period within which, it is to be exported.

"Diversion Certificate" means a certificate issued by a competent authority of a country through which a dangerous drug passes in transit, authorizing the diversion of such drug to a country other than that specified as the country of ultimate destination in the export authorization, and containing all the particulars required to be included in an export authorization, together with the name of the country from which the consignment was originally exported.

"Conveyance" includes ship, aircraft, and any other means of transport by which goods may be brought into or taken from the Colony.

"In transit" means taken or sent from any country and brought into the Colony by air or water (whether or not landed or transhipped in the Colony) for the sole purpose of being carried to another country either by the same or another conveyance.

"Export", with its grammatical variations and cognate expressions, in relation to the Colony, means to take or cause to be taken out of the Colony by air or water, otherwise than in transit.

"Import", with its grammatical variations and cognate expressions, in relation to the Colony, means to bring or cause to be brought into the Colony by air or water, otherwise than in transit.

The export of dangerous drugs.

3. (1) Upon the production of an import certificate duly issued by the competent authority in any country, it shall be lawful for the Colonial Secretary to issue an export authorization in the form B set out in the schedule hereto in respect of any drug referred to in the import certificate to any person who may be duly licensed to export drugs and who is named as the exporter in such certificate, and is, under the provisions of this Ordinance, otherwise lawfully entitled to export such drug from the Colony. The export authorization shall be prepared in triplicate and two copies shall be issued to the exporter who shall send one copy with the drug to which it refers when such drug is exported. The Colonial Secretary shall send the third copy direct to the appropriate authority of the country of ultimate destination. Where the intended exportation is to a country which is not a party to the Geneva Convention (No. 1), it shall not be necessary to produce an import certificate as aforesaid. In all cases it shall be in the absolute discretion of the Colonial Secretary to issue or refuse an export authorization, as he may see fit.

(2) No dangerous drug shall be exported from the Colony unless the consignor is in possession of a valid and subsisting export authorization relating to such drug granted under this Ordinance.

(3) At the time of exportation of any dangerous drug the exporter shall produce to the Collector of Customs the dangerous drug, the export authorization relating thereto, and such other evidence as the Collector of Customs may require to satisfy him that the drug is being lawfully exported to the place and person named in the authorization which refers to it.

(4) No person shall export, cause to be exported, or take any steps preparatory to exporting any dangerous drug from the Colony except in pursuance of and in accordance with the provisions of this Ordinance.

4. (1) An import authorization in the form C set out in the schedule hereto permitting the importation into the Colony of any dangerous drug specified therein may be granted by the Colonial Secretary subject to such conditions as he shall deem fit to any person who may be duly licensed to import drugs.

The import of dangerous drugs.

(2) Where an import authorization is issued in pursuance of sub-section (1) of this Section, the Colonial Secretary shall also issue, in relation to the dangerous drug intended to be imported, an import certificate (form A) which shall be forwarded by the intending importer to the person from whom the drug is to be obtained. When the importer to whom an import authorization is issued under this Section intends to import the drug or drugs to which an authorization relates in more than one consignment, a separate import certificate shall be issued to him in respect of each such consignment.

(3) No dangerous drug shall be imported into the Colony unless the person to whom the drug is consigned is in possession of a valid and subsisting import authorization granted in pursuance of this Section.

(4) Every dangerous drug imported into the Colony from a country, which is a party to the Geneva Convention (No. 1), shall be accompanied by a valid and subsisting export authorization or diversion certificate.

(5) No person shall import, cause to be imported, or take any steps preparatory to importing, any dangerous drug into the Colony except in pursuance of and in accordance with the provisions of this Ordinance.

5. (1) No person shall bring any dangerous drug to the Colony in transit unless -

Dangerous drugs in transit.

- (a) the drug is in course of transit from a country from which it may lawfully be exported, to another country into which such drug may lawfully be imported; and,
- (b) except where the drug comes from a country not a party to the Geneva Convention (No. 1) it is accompanied by a valid and subsisting export authorization or diversion certificate, as the case may be.

(2) Where any dangerous drug in transit is accompanied by an export authorization or diversion certificate and the Collector of Customs has reasonable grounds for believing that such authorization or certificate is false, or that it has been obtained by fraud or wilful misrepresentation of a material particular, it shall be lawful for the Collector of Customs to seize and detain the drug to which such authorization or certificate relates. Upon being satisfied that such authorization or certificate is valid or has not been obtained by fraud or misrepresentation as aforesaid the Collector of Customs shall release the drug.

(3) Where the dangerous drug in transit is not accompanied by an export authorization or diversion certificate by reason of the fact that the drug comes from a country not a party to the Geneva Convention (No. 1) and the Collector of Customs has reasonable grounds for believing that such drug is being conveyed in an unlawful manner or for an unlawful purpose or is in course of transit for the purpose of being imported into another country in contravention of the laws of that country it shall be lawful for the

Collector of Customs to seize and detain the drug.

(4) Where a dangerous drug brought into the Colony in transit is landed, or transhipped in the Colony, it shall remain under the control of the Collector of Customs and shall be moved only under and in accordance with a removal licence granted in pursuance of Section 6 hereof.

(5) Nothing in this section contained shall be deemed to apply to any dangerous drug in transit by post or in transit by air if the aircraft passes over the Colony without landing, or to such quantities of dangerous drugs as may, *bona fide*, reasonably form part of the medical stores of any ship or aircraft.

Removal licences.

6. (1) No person shall -

- (a) remove any dangerous drug from the conveyance by which it is brought into the Colony in transit, or
- (b) in any way move any such drug in the Colony at any time after removal from such conveyance except under and in accordance with a licence (in the form D set out in the schedule hereto and in this Ordinance referred to as a "Removal Licence") issued by the Colonial Secretary. In all cases it shall be in the absolute discretion of the Colonial Secretary to issue or refuse a removal licence as he shall deem fit.

(2) No Removal Licence for the transfer of any such drug to any conveyance for removal out of the Colony shall be issued unless and until a valid and subsisting export authorization or diversion certificate relating to it is produced to the Colonial Secretary save that where the drug has come from a country not a party to the Geneva Convention (No. 1), this sub-section shall not apply.

(3) The provisions of this Section shall not apply to dangerous drugs in transit by post.

Drugs not to be tampered with.

7. It shall be unlawful for any person to cause any dangerous drug in transit to be subjected to any process which would alter its nature, or wilfully to open or break any package containing a dangerous drug in transit except upon the instructions of the Collector of Customs and in such manner as he may direct.

The diversion of dangerous drugs.

8. (1) No person shall, except under the authority of a diversion certificate in the Form E set out in the schedule hereto, cause or procure any dangerous drug brought into the Colony in transit to be diverted to any destination other than that to which it was originally consigned. In the case of any drug in transit accompanied by an export authorization or a diversion certificate issued by a competent authority of some other country, the country to which the drug was originally consigned shall be deemed to be the country stated in such export authorization or diversion certificate to be the country of destination.

(2) The Colonial Secretary may in his absolute discretion issue a diversion certificate in respect of any dangerous drug in transit upon production to him of a valid and subsisting import certificate issued by a competent authority in the country to which it is proposed to divert the drug, or if that country is not a party to the Geneva Convention (No. 1), upon such evidence as may satisfy him that the drug is to be sent in a lawful manner and for a proper purpose.

(3) A diversion certificate shall be issued in duplicate; one copy thereof shall accompany the drug when it is exported from the Colony. Another copy shall be despatched by the Colonial Secretary direct to the proper authority in the country to which the consignment has been diverted.

(4) Upon the issue of a diversion certificate the export authorization or diversion certificate (if any) accompanying the drug on its arrival in the Colony shall be detained by the Colonial Secretary and returned to the authority issuing such authorization or diversion certificate together with a notification of the name of the country to which such drug has been diverted.

9. The provisions of this Ordinance relating to the transit and diversion of dangerous drugs shall apply to raw opium, coca leaves, Indian hemp, and resins obtained from Indian hemp and all preparations of which such resins form the base.

Application to certain dangerous drugs.

10. Part I of the Principal Ordinance (which prohibits the importation and exportation of raw opium and resin of the plant *cannabis sativa*) shall apply to coca leaves and Indian hemp.

Application of Part I of Principal Ordinance.

11. The expression -

Interpretation.

"coca leaves" means the leaves of any plant of the genus of the *erythroxylaceae* from which cocaine can be extracted either directly or by chemical transformation.

"Indian hemp" means the dried flowering or fruiting tops of the pistillate plant known as *cannabis sativa* from which the resin has not been extracted, by whatever name such tops are called.

12. The Dangerous (Amendment) Ordinance, 1926, is hereby repealed.

Repeal.

13. Any person who acts in contravention of this Ordinance or of any licence issued or authority granted under or in pursuance of this Ordinance, shall be guilty of an offence and shall be liable to the penalties provided in the Principal Ordinance.

Offences and penalties.

Passed by the Legislative Council this 16th day of November, 1934.

A. I. FLEURET,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 17th day of November, 1934.

A. I. FLEURET,

for Colonial Secretary.

COLONY OF THE FALKLAND ISLANDS.

FORM A. [Definition and Clause 4 (2)]

Import Certificate issued
by the Government of
the Falkland Islands.

Serial No.

File No.

INTERNATIONAL OPIUM CONVENTIONS.

CERTIFICATE OF OFFICIAL APPROVAL OF IMPORT.

I, being the person charged with the administration of the law relating to dangerous drugs to which the International Opium Conventions apply, hereby certify that I have approved the importation

*Here insert name, address and business of importer.

by

†Here insert exact description and amount of drugs to be imported.

of

‡Here insert name and address of firm in exporting country from which the drug is to be obtained.

from

subject to the conditions that

(i) the consignment shall be imported before the

; and

(ii) the consignment shall be imported by

and that I am satisfied that the consignment proposed to be imported is required

*Strike out words not applicable.

(1)[†] for legitimate purposes (in the case of raw opium or the coca leaf)

(2)[†] solely for medicinal or scientific purposes (in the case of Indian hemp or drugs to which Chapter III of the International Opium Convention, 1925, applies).

.....
Colonial Secretary.

.....
(Date)

COLONY OF THE FALKLAND ISLANDS.

FORM B. [Clause 3 (1)]

Serial No.

File No.

Applicant's
Ref'ce. No.

DANGEROUS DRUGS ORDINANCE 19 .

EXPORT AUTHORIZATION.

In pursuance of the Dangerous Drugs Ordinance 19 , the Colonial Secretary hereby authorizes

(hereinafter called "the exporter")

*Strike out words not applicable.

(1)* the port of by s.s.

to export from (2)* Falkland Islands by Parcel Post in

parcels from the Post Office

in

to

in virtue of Import Certificate No. dated

issued by

the following drugs, namely :-

This authorization is issued subject to the following conditions :

1. This authorization is not a licence to obtain or be in possession of the drugs named herein.

2. This authorization is available only for drugs of the exact quantity, kind and form specified above.

3. This authorization does not relieve the exporter from compliance with any Customs regulations in force for the time being relating to the exportation of goods from the Falkland Islands nor from any provision of the Post Office Ordinance, or of any Post Office Regulations for the time being in force, nor from any rules or regulations respecting the transmission of articles by post which may for the time being be in force, whether within the Falkland Islands or elsewhere.

4. If the drugs are authorised to be exported by ship the Duplicate Copy, which is attached, shall accompany the consignment to the place of destination, and for this purpose the exporter shall cause it to be delivered to the Master of the vessel by which the consignment is despatched. [See footnote (3).]

5. If the drugs are authorized to be exported by post the attached Duplicate Copy shall be placed inside the outer wrapper of the parcel containing the drugs. If the drugs are contained in more than one parcel, the Duplicate Copy shall be placed inside the outer wrapper of one of them; the parcels shall be consecutively numbered on the outer wrapper, and on each parcel there shall be legibly stated the number of the parcel in which the Duplicate Copy is to be found. [See footnote (2).]

6. The exporter, if so required by the Collector of Customs, shall produce to him, within such time as he may allow, proof to his satisfaction that the said drugs were duly delivered at the destination named in this authorization, and in the event of non-compliance with this condition the authorization shall be deemed void and of no effect.

7. The exporter shall furnish to the Colonial Secretary such returns of the goods exported by him in pursuance of this authorization as may from time to time be required.

8. This authorization is valid only for the exporter named above and may be revoked at any time by the Colonial Secretary. It shall be produced for inspection when required by any duly authorized person.

9. This authorization, unless sooner revoked, shall continue in force for three calendar months from the date hereof. It must be produced, at the time of export, to an officer of

- (1)* the Customs Department,
- (2)* the Post Office.

who will retain it.

If not used it shall be surrendered to the Colonial Secretary within seven days of the date of its expiry.

Colonial Secretary.

(Date)

- NOTE.—
- (1) If any alteration is desired in this authorization is must be returned with a request for amendment and a statement of the reasons therefor. No unauthorized alteration is permissible.
 - (2) In the case of drugs exported by post failure to comply with this condition may lead to delay or confiscation of the parcels in the country of destination.
 - (3) In the case of drugs exported by ship this document is required in pursuance of the International Opium Convention, 1925, Article 15, to be produced to the competent authorities of any country through which the consignment passes, whether it is transhipped or not. Failure to comply with the condition may lead to delay or confiscation of the consignment.

COLONY OF THE FALKLAND ISLANDS.

FORM C.

[Clause 4 (1).]

Authorization No.

File No.

DANGEROUS DRUGS ORDINANCE 19 .

IMPORT AUTHORIZATION.

In pursuance of the Dangerous Drugs Ordinance 19 , (hereinafter called "the Ordinance"), the Colonial Secretary hereby authorizes

Here insert name and full postal address of importer.

(hereinafter called "the importer")
to import the drugs specified in the Schedule hereto, from

Here insert name and full postal address of exporter.

This authorization is issued subject to the following conditions :—

1. The drugs shall be imported before
2. This authorization is not a licence to be in possession of or to supply the drug imported.
3. This authorization does not relieve the importer from compliance with any Customs Regulations in force for the time being relating to the importation of goods into or transhipment of goods in the Falkland Islands, or any Post Office Regulations for the time being in force in the Falkland Islands.
4. This authorization is valid only for the importer and may be revoked at any time by the Colonial Secretary, to whom it shall in that event be immediately surrendered. It shall be produced for inspection when required by any duly authorized person.
5. This authorization unless sooner revoked shall be produced to the Customs Officer at the time of importation and shall be surrendered to the Customs Officer at the time when the last consignment of drugs is imported.
6. If the importation of all the drugs specified in the Schedule is not effected before the date specified in condition No. 1 this authorization shall immediately after that date be surrendered to the Colonial Secretary.
7. The copy of the export authorization, if any, which accompanies the drugs shall be forwarded to the Colonial Secretary immediately the importation of the drugs has been effected.

Colonial Secretary.

(Date.)

SCHEDULE specifying the drugs and quantities thereof to be imported.

THIS AUTHORIZATION IS NOT TO LEAVE THE POSSESSION OF THE IMPORTER UNTIL IT IS SURRENDERED TO THE COLONIAL SECRETARY OR TO THE CUSTOMS OFFICER, who will complete the certificate on the back and return the Authorization to the Colonial Secretary.

ENDORSEMENT BY CUSTOMS OFFICER
AT THE TIME OF IMPORTATION.

Date.	Description of drugs imported.	Number and date of Export Authorization.	Quantity.	How imported.	Customs entry, or Parcel No.	Signature marks and station of Customs Officer.
				<i>e.g., ex... (In the case of a ship), or by registered parcel post or by insured box post.</i>		

This Authorization, when all the drugs to which it relates have been imported, must be returned by the Customs Officer to the Colonial Secretary.

COLONY OF THE FALKLAND ISLANDS.

FORM D.

[Clause 6 (1)]

DANGEROUS DRUGS ORDINANCE, 19 .

LICENCE

FOR THE REMOVAL OF DANGEROUS DRUGS IN TRANSIT.

..... is hereby authorised to move the dangerous
 drugs described hereunder from to

Nature and quantity of dangerous drugs

Particulars of export authorization (or
 diversion certificate) if any relating thereto

Name of ship on which the drugs were brought into the Colony

Date of arrival

Number of packages

Marks and numbers on packages

This licence is issued subject to the following conditions :—

1. This licence is valid only for the removal of the drugs specified above.
2. The removal of the drugs shall take place between a.m. and a.m. on
 p.m. p.m. on
 the19.....
3. If the removal of the drugs does not take place within the hours and on the day specified, this licence must be returned to the Colonial Secretary forthwith; and in any case shall be surrendered when the removal has taken place.
4. The drugs must not be moved unless an officer of the Customs Department is present.
5. This licence does not authorize the person named above to be in possession of the drugs otherwise than for the purpose of removing them in accordance with this licence.
6. The packages containing the drugs are not to be opened or broken in the course of the removal.
7. This licence shall be produced at any time when required by a duly authorized person.

.....
Colonial Secretary.

.....
(Date.)

COLONY OF THE FALKLAND ISLANDS.

FORM E.

[Clause 8 (1).]

INTERNATIONAL OPIUM CONVENTIONS.

DIVERSION CERTIFICATE.

I, being the person charged with the administration of the law relating to the dangerous drugs to which the International Opium Conventions apply, hereby certify that I have authorized the diversion of the consignment of drugs, of which particulars are given below, to the destination stated below.

Description and quantities of drugs

Name of vessel on which the
 consignment was brought to the
 Falkland Islands.

Name and address of the exporter

Number and date of export
 authorization and authority
 by whom issued

Name and address of original
 consignee named in the export
 authorization.

Name and address of consignee
 to whom the consignment is
 authorized to be diverted.

Number and date of import certifi-
 cate (and authority by whom issued)
 by virtue of which this diversion is
 authorized.

Name of vessel on which the
 consignment is authorized to be
 carried from the Falkland Islands.

Period within which the consign-
 ment is to be carried from the
 Colony.

This certificate is issued subject to the following conditions :—

1. The duplicate copy of this certificate shall accompany the consignment to the place of destination, and for this purpose shall be delivered to the Master of the vessel by which the consignment is despatched.
2. This certificate does not relieve any person who may be concerned with the carriage of the consignment of drugs specified above from compliance with any Customs regulations in force for the time being relating to the exportation of goods from the Falkland Islands.
3. This certificate is valid only for the consignment and for the period specified above, and may be revoked at any time.

4. If the consignment of drugs is not carried from the Falkland Islands within the period specified above, this certificate shall be surrendered to the Colonial Secretary.

5. This certificate shall be produced at any time when required by a duly authorized person.

Colonial Secretary.

(Date.)

NOTE.— (1) If any alteration is desired in this authorization, it must be returned with a request for amendment and a statement for the reasons therefor. No unauthorized alteration is permissible.

(2) This document is required in pursuance of the International Opium Convention, 1925. Article 15, to be produced to the competent authorities of any country through which the consignment passes, whether it is transhipped or not. Failure to comply with the condition may lead to delay or confiscation of the consignment.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 11 of 1934.

I ASSENT,

M. CRAIGIE-HALKETT,

Acting Governor.

17th November, 1934.

An Ordinance

To provide for the institution of a system of quota regulation of imports of foreign textile goods.

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 as the Importation of Textiles (Quotas) Ordinance, 1934. Short Title.

2. In this Ordinance unless the context otherwise requires: Interpretation.

“quota” means the quantity of textile goods or any class or classes of textile goods manufactured in any individual foreign country which may be imported during any period in accordance with a proclamation made by the Governor under Section 3 of this Ordinance;

“quota period” means any period in respect of which any quota has been fixed by the Governor under the said Section;

“foreign country” means any country or territory not being a part of the British Empire as hereinafter defined;

“British Empire” means the United Kingdom of Great Britain and Northern Ireland, the Dominions, India, the territories administered by His Majesty's Governments in the Dominions under Mandate or otherwise, the British Colonies, the British Protectorates and protected States, and the Mandated Territories of Tanganyika, the Cameroons under British Mandate and Togoland under British Mandate;

"regulated textile" means any textile goods, and any class or classes of textile goods manufactured in a foreign country, in respect of which any quota has been fixed by the Governor under Section 3 of this Ordinance;

"the Commissioner" means the Collector of Customs;

"prescribed" means prescribed by Regulations under this Ordinance;

Fixing of quotas.

3. (1) The Governor may fix by proclamation the total quantity of textile goods or of any class or classes of textile goods manufactured in any foreign country which may be imported during any period.

(2) The quota period specified in any proclamation made in accordance with sub-section (1) of this Section may commence prior to the coming into operation of this Ordinance; and any imports of regulated textiles between the commencement of the period and the coming into operation of this Ordinance may be taken account for the purposes of Section 5 of this Ordinance.

Provided that no importation made prior to the coming into operation of this Ordinance shall constitute an offence under Section 7 of this Ordinance.

Returns and declarations of origin.

4. No person shall import any regulated textiles unless he shall, at the time of importation, submit to the Commissioner in the prescribed form a return of the quantity, class, and origin of the goods imported and a declaration of origin.

Provided that, during a period of three months after the coming into operation of this Ordinance, imports of regulated textiles may, at the discretion of the Commissioner, and subject to such conditions as he may impose either generally or in any particular case as to the subsequent submission of evidence of origin, be admitted without the submission of such a declaration of origin.

Records of imports and publication thereof.

5. (1) The imports of regulated textiles manufactured in any foreign country shall be separately recorded by the Commissioner.

(2) Any person may at any time on payment of the prescribed fee, require the Commissioner to furnish a statement of the total quantity already imported of any regulated textiles manufactured in any individual foreign country during any quota period and the Commissioner shall furnish such statement accordingly.

(3) When the imports of any regulated textiles manufactured in any foreign country during any quota period attain the quota prescribed in respect of such textiles for such country in that period, the Governor shall issue a notice to that effect in the Gazette; and such notice shall specify the foreign country, the regulated textiles and the quota period to which it refers.

Prohibition of imports in excess of quota.

6. Upon the issue of a notice under sub-section (3) of the preceding Section further imports of the regulated textiles concerned manufactured in the country specified therein shall be prohibited until the end of the quota period. Provided that notwithstanding anything in this Ordinance, the Governor may if he thinks fit, in any proclamation issued under this Ordinance, direct that regulated textiles in excess of the several quotas therein fixed may be imported on payment of such duties in addition to those prescribed by any Tariff

(Import Duties) Ordinance or by any other Ordinance, as may be specified in the Proclamation, and accordingly this Ordinance shall have effect subject to such direction.

7. Any person who shall knowingly import any regulated textiles contrary to the provisions of Section 4 or Section 6 of this Ordinance or shall fail to comply with any conditions imposed by the Commissioner under the proviso to the said Section 4 shall be guilty of an offence and shall be liable on conviction to a penalty not exceeding one hundred pounds or to imprisonment, with or without hard labour, for any term not exceeding twelve months or to both such penalty and imprisonment.

Offences and Penalties.

8. The Governor may make regulations for giving effect to the provisions of this Ordinance.

Regulations.

9. This Ordinance shall come into operation on a date to be notified in the Gazette.

Operation.

Passed by the Legislative Council this 16th day of November, 1934.

A. I. FLEURET,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 17th day of November, 1934.

A. I. FLEURET,

for Colonial Secretary.

PART II.

RULES, REGULATIONS, ETC.

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FALKLAND ISLANDS.

No. 1. Proclamation. 1934.

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

J. M. ELLIS.

[L.S.]

—By His Excellency JOHN MEDLICOTT ELLIS, ESQUIRE, Officer of the Most Excellent Order of the British Empire, Acting Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, &c., &c., &c.

WHEREAS by the fourteenth clause of the Letters Patent passed under the Great Seal of the United Kingdom, dated the 25th February, 1892, 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 if the Governor become incapable or be absent from the Colony, Our Lieutenant Governor of the Colony, or "if there be no such Officer therein, then such person or persons as We may appoint under "Our Sign Manual and Signet, and in default of any such appointment the Senior Member "for the time being of the Executive Council of the Colony, shall, during Our pleasure, "administer the Government of the Colony, first taking the Oaths hereinbefore directed to be "taken by the Governor and in the manner herein prescribed; which being done, We do hereby "authorize, empower, and command Our Lieutenant Governor or any other such Administrator "as aforesaid to do and execute during Our pleasure all things that belong to the office of "Governor and Commander-in-Chief, according to the tenour of these Our Letters Patent, "and according to Our Instructions as aforesaid, and the Laws of the Colony".

AND WHEREAS His Excellency CAPTAIN SIR JAMES O'GRADY, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, is absent from the Colony on leave in the United Kingdom;

AND WHEREAS there is no such officer as Lieutenant Governor in this Colony and 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, JOHN MEDLICOTT ELLIS, Officer of the Most Excellent Order of the British Empire, Colonial Secretary of the Falkland Islands, the Senior Member of the Executive Council aforesaid, having this day returned to the Colony from leave of absence, do hereby proclaim and make known that, in pursuance of the said clause of the 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 11th day of February, in the Year of our Lord One thousand Nine hundred and Thirty-four.

By His Excellency's Command,

A. I. FLEURET,

for Colonial Secretary.

FALKLAND ISLANDS.

No. 2.

Proclamation

1934.

J. M. ELLIS,

Acting Governor.

In virtue of the powers in me vested by the Customs Ordinance, 1903, as amended by the Customs (Amendment) Ordinance, 1933, and otherwise, I, JOHN MEDLICOTT ELLIS, Officer of the Most Excellent Order of the British Empire, Acting Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies. do proclaim and order and it is hereby proclaimed and ordered as follows :—

The export, including re-export, to Bolivia and Paraguay of arms and war materials, aeroplanes, aeroplane motors separate parts thereof, and munitions is prohibited.

Made this 12th day of September, 1934.

By His Excellency's Command,

M. CRAIGIE-HALKETT,

Acting Colonial Secretary.

Government House,

Stanley, Falkland Islands.

M.P. 83/33.

FALKLAND ISLANDS.

No. 3.

Proclamation.

1934.

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

M. CRAIGIE-HALKETT. — *By His Excellency MONTAGU CECIL CRAIGIE-HALKETT, ESQUIRE, Officer of the Most Excellent Order of the British Empire, Acting Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, &c.. &c.. &c.*

[L.S.]

WHEREAS by the fourteenth clause of the Letters Patent passed under the Great Seal of the United Kingdom, dated the 25th February, 1892, 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 if the Governor become incapable or be absent from the Colony, Our Lieutenant Governor of the Colony, or if there be no such Officer therein, then such person or persons as We may appoint under Our Sign Manual and Signet, and in default of any such appointment the Senior Member for the time being of the Executive Council of the Colony, shall, during Our pleasure, administer the Government of the Colony, first taking the Oaths hereinbefore directed to be taken by the Governor and in the manner herein prescribed; which being done, We do hereby authorize, empower, and command Our Lieutenant Governor or any other such Administrator as aforesaid to do and execute during Our pleasure all things that belong to the office of Governor and Commander-in-Chief, according to the tenour of these Our Letters Patent, and according to Our Instructions as aforesaid, and the Laws of the Colony”.

AND WHEREAS His Excellency JOHN MEDLICOTT ELLIS, ESQUIRE, Officer of the Most Excellent Order of the British Empire, has this day left the Colony for Grenada, British West Indies;

AND WHEREAS there is no such officer as Lieutenant Governor in this Colony and 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, MONTAGU CECIL CRAIGIE-HALKETT, Officer of the Most Excellent Order of the British Empire, Acting 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 29th day of September, in the Year of our Lord One thousand Nine hundred and Thirty-four.

By His Excellency's Command,

A. I. FLEURET,

for Colonial Secretary.

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

M. CRAIGIE-HALKETT—*By His Excellency MONTAGU CECIL CRAIGIE-HALKETT, ESQUIRE, Officer of the Most Excellent Order of the British Empire, Acting Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, &c., &c., &c.*

[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 25th day of February, 1892, constituting the office of Governor and Commander-in-Chief in and over the Colony of the Falkland Islands, it was amongst other things declared that there should be an Executive Council in and for the said Colony which should consist of such persons as should be directed under the Royal Sign Manual and Signet,

AND WHEREAS by Instructions under the Royal Sign Manual and Signet, bearing date the 28th day of February, 1920, it was declared that if in the opinion of the Governor the number of members of the Executive Council available for business may at any time be likely to prove insufficient, the Governor may, by an Instrument under the Public Seal, appoint some fit person to be provisionally a member of the said Council for such period as shall be specified in such Instrument :

NOW, THEREFORE, I, being of opinion that the number of members of the Executive Council available for business is likely to prove insufficient, do hereby provisionally appoint

GEORGE ROBERTS, ESQUIRE,

to be a member of the Executive Council during such present period as I, the senior ex-officio member of the Executive Council, may be administering the Government of the Colony.

G O D S A V E T H E K I N G .

Given at Government House, Stanley, this first day of October, in the Year of our Lord One thousand Nine hundred and Thirty-four.

By His Excellency's Command,

A. I. FLEURET,

for Colonial Secretary.

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

M. CRAIGIE-HALKETT—*By His Excellency MONTAGU CECIL CRAIGIE-HALKETT, ESQUIRE, Officer of the Most Excellent Order of the British Empire, Acting Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, &c., &c., &c.*

[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 25th day of February, 1892, constituting the Office of Governor and Commander-in-Chief in and over the Colony of the Falkland Islands, it was amongst other things declared that there should be an Executive Council in and for the said Colony which should consist of such persons as should be directed under the Royal Sign Manual and Signet,

AND WHEREAS by Instructions under the Royal Sign Manual and Signet, bearing date the 25th day of February, 1920, it was declared that if in the opinion of the Governor the number of members of the Executive Council available for business may at any time be likely to prove insufficient, the Governor may, by an Instrument under the Public Seal, appoint some fit person to be provisionally a member of the said Council for such period as shall be specified in such Instrument:

NOW, THEREFORE, I, being of opinion that the number of members of the Executive Council available for business is likely to prove insufficient, do hereby provisionally appoint

ALBERT RAWLINSON HOARE, ESQUIRE,

to be a member of the Executive Council during such present period as I, the senior ex-officio member of the Executive Council, may be administering the Government of the Colony.

G O D S A V E T H E K I N G .

Given at Government House, Stanley, this twelfth day of October, in the Year of our Lord, One thousand Nine hundred and Thirty-four.

By His Excellency's Command,

A. I. FLEURET,

for Colonial Secretary.

FALKLAND ISLANDS.

The Pensions Ordinance, 1927.

The Pensions (Amendment) Regulations, 1934.

M. CRAIGIE-HALKETT,
Acting Governor.

In pursuance of the powers vested in him by section 6 of the Pensions Ordinance, 1927, and otherwise, the Governor is pleased with the advice and consent of the Executive Council, to make the following regulations :—

1. These Regulations may be cited as the "Pensions (Amendment) Regulations, 1934".

Short Title.

2. Section 25 of the Pensions Regulations, 1928, as amended by the Pensions (Amendment) (No. 2) Regulations, 1932, is hereby repealed and replaced by the following :

Repeal and replacement of section 25 of the Pensions Regulations, 1928.

Pension for
Service wholly
within the
group.

25. (1) Where the other public service of an officer has been wholly under one or more of the Scheduled Governments, and he has held a pensionable office in the Colony for a period of at least twelve months, and his aggregate service would have qualified him, had he been wholly in the Colony, for a pension under the Ordinance, he may, on his retirement from the public service in circumstances in which he is permitted by the law or Regulations of the service in which he is last employed to retire on pension or gratuity, be granted a pension from the funds of the Colony of such an amount as shall bear the same proportion to the amount of pension for which he would have been eligible had his service been wholly in the Colony as the aggregate amounts of his pensionable emoluments during his service in the Colony shall bear to the aggregate amount of his pensionable emoluments throughout his service in the group.

(2) In determining for the purposes of this Regulation the pension for which an officer would have been eligible if his service had been wholly in the Colony,

- (a) the final pensionable emoluments taken shall be those of his last period of service in the group;
- (b) no regard shall be had to Regulation 9 ;
- (c) regard shall be had to the condition that pension may not exceed two-thirds of the final pensionable emoluments ;
- (d) no period of other public service under any Scheduled Government which does not grant a pension or gratuity to the officer shall be taken into account.

(3) For the purpose of this Regulation the aggregate amount of his pensionable emoluments shall be taken as the total amount of salary which the officer would have drawn and the total amount of the other pensionable emoluments which he would have enjoyed had he been on duty on full pay in his substantive office or offices throughout his period of service in the group subsequent to the attainment of the age of 20 years :

Provided that in calculating the aggregate amount of his pensionable emoluments no account shall be taken of any service under any Scheduled Government which does not grant the officer a pension or gratuity.

Made by the Governor in Executive Council at a meeting held on the 9th day of February, 1934.

A. I. FLEURET,
Clerk of the Executive Council.

M.P. 78/30.

FALKLAND ISLANDS.

Regulations made by the Governor in Council under the Stanley Water Supply Ordinance, 1927.

J. M. ELLIS,
Acting Governor.

In virtue of the powers vested in him by section 6 of the Stanley Water Supply Ordinance, 1927, and otherwise, His Excellency the Acting Governor is hereby pleased, with the advice and consent of the Executive Council, to make the following Regulations :—

- Preamble.
1. Connections for the supply of water from the Water Works to any private property for domestic or for other than domestic purposes shall not be made except on the order of the Water Authority. Connections to private property for domestic or for other than domestic purposes.
 2. Any owner of private property who is desirous of laying connections for the supply of water from the Water Works to his property for domestic or for other than domestic purposes shall make an application in writing to the Water Authority, and shall state full particulars of the property concerned and of the nature of the supply desired. Application for connections how to be made.
 3. The Water Authority may grant or refuse any application for the supply of water from the Water Works to any private property for domestic or for other than domestic purposes, subject to the approval of the Governor, and shall not be called upon to assign any reason for the grant or refusal of any such application. Grant of application subject to the approval of the Governor.
 4. The annual rate to be paid by the owner of any private property in respect of connections for the supply of water from the Water Works to such private property for domestic purposes shall be one shilling for every twenty shillings of the annual value of such private property as assessed in accordance with the provisions of the Stanley Rating Ordinance, 1928, and shall be additional to any rate paid under that Ordinance; and for other than domestic purposes shall be at a rate to be assessed according to the purpose for which the water is required. Annual rate payable for connections to private property.
 5. Connections for the supply of water in the Water Works to any private property for domestic or for other than domestic purposes shall be laid at the expense of the owner thereof and no expense whatsoever shall fall thereby on the Water Authority. Connections to be at owner's expense.
 6. The Water Authority shall convey water in the Water Works to the boundary of the private property and the owner of the private property shall lay the connections from the boundary, provided that the Water Authority shall make the junction between the Water Works and the connections and that the Water Authority may at his discretion and for his convenience lay on the private property any pipe, cock, valve, or other appliance as may be required for the connections, that such pipe, cock, valve or other appliance shall remain the property of the Water Authority, and that the Water Authority shall at any reasonable time have ready access thereto. Connections where to be made.
 7. Connections for the supply of water from the Water Works to private property for domestic or for other than domestic purposes shall conform in all respects with the requirements of the Water Authority and shall not be laid or put into use except on the order of the Water Authority. Connections not to be laid or put into use, except on order of Water Authority.

Pipes and Fittings to be of approved type. 8. Only pipes and fittings of a type approved by the Water Authority shall be permitted to be laid as part of any connection to private property from the Water Works.

Pipes and Fittings to be protected. 9. All pipes and fittings being a part of any connections to private property from the Water Works shall be adequately protected against frost. Where any pipes or fittings are laid in the ground they shall be not less than one foot and six inches below the surface of the ground and where any pipes or fittings are exposed they shall be lagged or boxed in with packing to the satisfaction of the Water Authority.

Tapping of mains prohibited. 10. No person shall tap any main being a part of the Water Works or shall interfere in any way with any valve on any main being a part of the Water Works except on the order of the Water Authority.

Tap or pipe found leaky. 11. If any tap or any pipe being a part of any connections to private property from the Water Works shall be found to be leaky or defective the owner thereof shall be held responsible and shall cause such tap or pipe to be replaced or repaired within a reasonable period after the receipt of a written notice to such effect from the Water Authority.

Water not to be used for other purposes. 12. No person who shall have laid connections to his private property for the supply thereto of water from the Water Works for domestic or for other than domestic purposes shall make use of the water thereby supplied for any purposes other than the purposes for which the water is supplied.

Water not to be taken from public fountains for other than domestic purposes. 13. No person shall take water from the public fountains being part of the Water Works for irrigation or gardening or for any purposes other than domestic.

Payment for work performed for private persons by Water Authority. 14. If the Water Authority shall perform any work on behalf of any person in respect of the installation, maintenance, replacement or repair of any connections for the supply of water from the Water Works to the private property of such person for domestic or for other than domestic purposes the Water Authority shall receive in payment from such person for such work the actual cost thereof and in addition an amount not exceeding ten per cent of such actual cost.

Interference with fire hydrants, valves &c., prohibited. 15. No person shall tamper or in any way interfere with any fire hydrant, cock, valve or other appliance forming part of the Water Works except on the order of the Water Authority or for some lawful and necessary purpose as on the outbreak of fire.

Water Authority may cut off supply. 16. The Water Authority may at any time and for any period cut off the supply of water from the Water Works to any connections to private property

- (1) if he is satisfied that any nuisance liable to pollute the water in the Water Works or to cause damage to the Water Works exists on any private property or in any connections thereto until such time as the nuisance shall have been removed or remedied by the owner of such private property.
- (2) whenever any connections to private property are out of repair or are not in conformity with the provisions of these regulations and are liable to cause waste of the water from the Water Works or to pollute the water in the Water Works and the necessary repairs or alterations thereto have not been effected within a reasonable period after the receipt by the owner of such private

property of a written notice to such effect from the Water Authority until such time as the necessary repairs or alterations shall have been effected by the owner of such private property.

- (3) whenever the available supply is insufficient by reason of drought or any other unavoidable circumstance.
- (4) whenever it shall be necessary or expedient for the purpose of repairing, cleaning, or altering the Water Works or of carrying out any work on the Water Works or on any connections therefrom.
- (5) in any case of the continued breach or violation of any of the provisions of the Stanley Water Supply Ordinance, 1927, and of any regulations made thereunder.

17. The Stanley Water Supply Regulations, 1927, as amended by the Stanley Water Supply (Amendment) Regulations, 1927, are hereby repealed. Repeal of the Stanley Water Supply Regulations, 1927.

18. These Regulations may be cited as the "Stanley Water Supply Regulations, 1934." Short Title.

Made by the Governor in Executive Council at a meeting held on the 29th day of March, 1934.

A. I. FLEURET,
Clerk of the Executive Council.

M.P. 31/26.

FALKLAND ISLANDS.

The Wireless Telegraphy Ordinance, 1925.

The Wireless Telegraphy (Interpretation) Regulations, 1934.

J. M. ELLIS,
Acting Governor.

In pursuance of the powers vested in him by the Wireless Telegraphy Ordinance, 1925, and otherwise, His Excellency the Governor, by and with the advice and consent of the Executive Council, is pleased to make the following regulations :-

1. These regulations may be cited as the "Wireless Telegraphy (Interpretation) Regulations, 1934." Short Title.

2. For the removing of doubts it is declared hereby that the expression "the Colony" in the Wireless Telegraphy Regulations, 1926, means "the Colony of the Falkland Islands and their Dependencies". Interpretation.

Made by the Governor in Executive Council on the 14th day of June, 1934.

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

M.P. 599/25

FALKLAND ISLANDS.

The Pensions Ordinance, 1927.

The Pensions (Amendment No. 2.) Regulations, 1934.

J. M. ELLIS,

Acting Governor.

In pursuance of the powers vested in him by section 6 of the Pensions Ordinance, 1927, and otherwise, the Governor is pleased, with the advice and consent of the Executive Council, to make the following regulations :—

1. These Regulations may be cited as the "Pensions (Amendment No. 2.) Regulations, 1934." Short Title.

2. Section 25 of the Pensions Regulations, 1928, as amended by Section 2 of the Pensions (Amendment) Regulations, 1934, is hereby amended :—

Amendment of Section 25 of the Pensions Regulations, 1928, as amended by Section 2 of the Pensions (Amendment) Regulations, 1934.

(1) by the repeal and replacement of sub-section (2) (b) as follows :—

"no regard shall be paid to Regulations 7 "and 9" ;

(2) by the addition to sub-section (2) of the following proviso :—

"Provided further that where an officer entered "the public service prior to the first day of "January, 1930, his pension, in respect of his "service in the Colony may be calculated as "though any scheduled Government under "which he has served had not been included "in the schedule to these Regulations if this "should be to his advantage." ; and

(3) by the repeal and replacement of the proviso to sub-section (3) as follows :—

"Provided that in calculating the aggregate "amount of his pensionable emoluments no "account shall be taken of any service under "any Scheduled Government which does not "grant the officer a pension or gratuity, or of "any period of leave without salary or with "salary at a special rate which was granted to "him in order to make continuous service "interrupted either by abolition of office or "in consequence of a reorganisation designed "to effect greater efficiency and economy."

Made by the Governor in Executive Council at a meeting held on the 31st day of July, 1934.

L. W. ALDRIDGE,

Clerk of the Executive Council.

FALKLAND ISLANDS.

Rules made under the Falkland Islands Currency Notes Ordinance, 1930, as amended by the Falkland Islands Currency Notes (Amendment) Ordinance, 1933.

M. CRAIGIE-HALKETT,
Acting Governor.

In exercise of the powers vested in him by section 14 of the Falkland Islands Currency Notes Ordinance, 1930, as amended by the Falkland Islands Currency Notes (Amendment) Ordinance, 1933, and with the approval of the Secretary of State, His Excellency the Governor is pleased to make and hereby makes the following Rules :—

1. These Rules may be cited as the Falkland Islands Currency Notes (Amendment) Rules, 1934.

2. Notwithstanding the provisions of Rule 9 of the Falkland Islands Currency Notes Rules, 1931, currency notes of the "A" and "B" series issued under the Falkland Islands Currency Note Order, 1899, shall be withdrawn from circulation on the 1st day of January, 1935, and shall cease to be legal tender as from that date.

3. Notwithstanding the provisions of the preceding Rule and of Rule 9 of the Falkland Islands Currency Note Rules, 1931, any currency notes of the "A" and "B" series issued under the Falkland Islands Currency Note Order, 1899, which are presented at the Treasury, Stanley, on or after the 1st day of January, 1935, shall be encashed in legal tender of the equivalent aggregate value.

4. The Falkland Islands Currency Notes (Amendment) Rules, 1933, are hereby repealed.

Stanley, Falkland Islands.

25th October, 1934.



ORDINANCES

of the

COLONY

of the

FALKLAND ISLANDS

enacted during the year

1935

together with the

Rules, Regulations etc., etc.,

made during that year.

PART I.

ORDINANCES.

Printed at the Government Printing Office, Stanley, Falkland Islands.

PRICE 2/- To be purchased from the Colonial Secretary, Stanley, and from the Crown Agents for the Colonies, 4 Millbank, London, S.W. 1.

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[L.S.]



FALKLAND ISLANDS.

Ordinance No. 1 of 1935.

I ASSENT,

H. HENNIKER-HEATON,

Governor.

18th July, 1935.

An Ordinance

To amend the Sentence of Death
(Expectant Mothers) Ordinance, 1934.

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 as "The Sentence of Death (Expectant Mothers) Amendment Ordinance, 1935", and shall be read and construed as one with the Sentence of Death (Expectant Mothers) Ordinance, 1934, hereinafter referred to as the Principal Ordinance.

Short Title.

2. Sub-section (2) (b) of Section 3 of the Principal Ordinance is hereby amended by the deletion of the letter "a" immediately preceding the words "trial jury" in line 1 and the substitution therefor of the word "no".

Amendment of Section 3 of Ordinance No. 8 of 1934.

Passed by the Legislative Council this 17th day of July, 1935.

A. I. FLEURET,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 18th day of July, 1935.

M. CRAIGIE-HALKETT,

Colonial Secretary.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 2 of 1935.

I ASSENT,

H. HENNIKER-HEATON,

Governor.

18th July, 1935.

An Ordinance

To amend the Dangerous Drugs (Amendment) Ordinance, No. 10 of 1934.

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 as "The Dangerous Drugs (Amendment) Ordinance, 1935", and shall be read and construed as one with the Dangerous Drugs (Amendment) Ordinance, 1934.

Short Title.

2. Section 1 of the Dangerous Drugs (Amendment) Ordinance, 1934, is hereby amended by the deletion of the figures "1933" in line 2 and the substitution therefor of the figures "1934".

Amendment of Section 1 of Ordinance No. 10 of 1934.

3. Section 10 of the Dangerous Drugs (Amendment) Ordinance, 1934, is hereby repealed and replaced by the following:—

Repeal and replacement of Section 10 of Ordinance No. 10 of 1934.

Application of Part I of Principal Ordinance.

10. Part I of the Principal Ordinance (which prohibits the importation and exportation of raw opium and resin of the plant *cannabis sativa*) shall apply to coca leaves and Indian hemp and to preparations of which the resin forms the base.

Amendment of Section 12 of Ordinance No. 10 of 1934.

4. Section 12 of the Dangerous Drugs (Amendment) Ordinance, 1934, is hereby amended by the insertion therein of the word "Drugs" after the word "Dangerous".

Passed by the Legislative Council this 17th day of July, 1935.

A. I. FLEURET,
Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 18th day of July, 1935.

M. CRAIGIE-HALKETT,
Colonial Secretary.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 3 of 1935.

I ASSENT,
H. HENNIKER-HEATON,
Governor.

18th July, 1935.

An Ordinance

To legalize certain payments made in the year One Thousand Nine hundred and Thirty-four in excess of the Expenditure sanctioned by Ordinance No. 7 of 1933.

WHEREAS it is expedient to make further provision for the service of the Colony for the year 1934. Preamble.

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 :— Enacting Clause.

1. This Ordinance may be cited for all purposes as the Supplementary Appropriation (1934) Ordinance, 1935. Short Title.

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 Thirty-four, 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. Appropriation of excess of expenditure for the year 1934.

Passed by the Legislative Council this 17th day of July, 1935.

A. I. FLEURET,
Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 18th day of July, 1935.

M. CRAIGIE-HALKETT,
Colonial Secretary.

SCHEDULE.

Schedule.	Number.	Head of Service.	Amount.		
			£	s.	d.
		FALKLAND ISLANDS.			
	I.	Pensions	502	10	6
	VI.	Post Office	210	11	11
	VII.	Wireless Telegraphs	155	5	11
	VIII.	Electrical	57	15	5
	X.	Legal	19	1	8
	XI.	Police & Prisons	24	4	6
	XVI.	Military	11	4	2
	XVIII.	Miscellaneous	162	6	10
		Total Ordinary Expenditure	1143	0	11
	XXI.	Public Works Extraordinary ...	2304	3	3
		Total Falklands	3447	4	2



[L.S.]

FALKLAND ISLANDS.

Ordinance No. 4 of 1935.

I ASSENT,

H. HENNIKER-HEATON,

Governor.

18th July, 1935.

An Ordinance

To change the Designation "Colonial Surgeon" to that of "Senior Medical Officer".

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 as "The Senior Medical Officer (Designation) Ordinance, 1935". Short Title.

2. The designation "Colonial Surgeon" in the Ordinances set out in the schedule hereto and in any other Ordinances and subsidiary legislation (Orders, Regulations, etc.,) shall be substituted by the designation "Senior Medical Officer", and any reference in an Ordinance or subsidiary legislation to the Colonial Surgeon shall be construed as a reference to the Senior Medical Officer. Amendment and construction of Ordinances and subsidiary legislation.

Passed by the Legislative Council this 17th day of July, 1935.

A. I. FLEURET,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 18th day of July, 1935.

M. CRAIGIE-HALKETT,

Colonial Secretary.

SCHEDULE.

- The Vaccination Ordinance, No. 1 of 1868.
- The Lunacy Ordinance, No. 4 of 1894.
- The Public Health Ordinance, No. 5 of 1894.
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- The King Edward Hospital Ordinance, No. 2 of 1916.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 5 of 1935.

I ASSENT,
 H. HENNIKER-HEATON,
Governor.

18th July, 1935.

An Ordinance

To amend the Falkland Islands Currency Notes Ordinance, 1930.

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 as "The Falkland Islands Currency Notes (Amendment) Ordinance, 1935." Short Title.

2. The Falkland Islands Currency Notes Ordinance, 1930, is hereby amended by the deletion therefrom of Section 8. Repeal of Section 8 of Ordinance, No. 11 of 1930.

Passed by the Legislative Council this 17th day of July, 1935.

A. I. FLEURET,
Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 18th day of July, 1935.

M. CRAIGIE-HALKETT,
Colonial Secretary.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 6 of 1935.

I ASSENT,

H. HENNIKER-HEATON,

Governor.

18th July, 1935.

An Ordinance

To amend 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 :—

Enacting Clause.

1. This Ordinance may be cited as "The Administration of Justice (Amendment) Ordinance, 1935".

Short Title.

2. Section 3 of The Administration of Justice Ordinance, 1901 (No. 4 of 1901) as amended by Section 2 of The Administration of Justice (Amendment) Ordinance (No. 6 of 1925) is hereby repealed and replaced by the following Section :—

Amendment of Section 3 of Ordinance No. 4 of 1901.

3. The Judge shall be nominated by the Secretary of State and appointed by the Governor under the Public Seal of the Colony and shall hold office during good behaviour :

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 do and execute or may appoint some other officer to do and execute all things that belong to the office of Judge.

Passed by the Legislative Council this 17th day of July, 1935.

A. I. FLEURET,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 18th day of July, 1935.

M. CRAIGIE-HALKETT,

Colonial Secretary.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 7 of 1935.

I ASSENT,

H. HENNIKER-HEATON,

Governor.

18th July, 1935.

An Ordinance

To control Immigration into 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 :- Enacting Clause.

1. This Ordinance may be cited as the Immigration Ordinance, 1935. Short Title.

2. In this Ordinance the term "Prohibited Immigrant" includes the following persons, that is to say, any person not being a native of the Colony who :— Definition.

- (1) Is not in possession of a passport valid for entry into the Falkland Islands.
- (2) Has left the Colony at the public expense and is declared by Order of the Governor in Council to be a prohibited immigrant.
- (3) Arrives in the Colony under an engagement to serve any person, firm, company, association or body of persons, other than the Government of the Colony, without a permit under the hand of the Colonial Secretary.

3. It shall be unlawful for any prohibited immigrant to land in the Colony, and any immigrant who lands in the Colony in contravention of this Ordinance may in addition to the penalties prescribed herein be arrested by any police constable, or officer of Customs and handed over by him to the master or person having command or charge of the vessel in which such immigrant arrived in the Colony and the master or other person having command or charge of the vessel shall receive such immigrant on board of the vessel. Prohibited Immigrant forbidden to land.

Penalty on masters of vessels.

4. The master of any ship, British or foreign, which brings into the Colony any prohibited immigrant and allows him to land therein or refuses on the request of any police constable or officer of Customs to convey him out of the Colony shall be guilty of an offence under this Ordinance.

Liability of owner in absence of master.

5. In the absence of the master of the ship or if the master of a ship in which any prohibited immigrant has been conveyed to the Colony departs from the Colony wrongfully leaving behind any prohibited immigrant, the owner, agent, or consignee of the ship in which such immigrant has arrived in the Colony shall be liable jointly and severally, to a fine not exceeding one hundred pounds.

Penalty.

6. Any person who acts in contravention of or who fails to comply with the provisions of this Ordinance or who interferes with any police constable or officer of Customs in the performance of his duty under this Ordinance shall be liable on conviction to a fine not exceeding one hundred pounds or to imprisonment with or without hard labour for any term not exceeding six months or to both such imprisonment and fine.

Passed by the Legislative Council this 17th day of July, 1935.

A. I. FLEURET,
Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 18th day of July, 1935.

M. CRAIGIE-HALKETT,
Colonial Secretary.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 8 of 1935.

I ASSENT,
H. HENNIKER-HEATON,
Governor.
19th November, 1935.

An Ordinance

To provide for the service of the year,
1936.

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 (1936) Ordinance, 1935. 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 of December, 1936, a sum not exceeding Sixty-six thousand, Nine hundred, and Ninety 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 1936. Appropriation of £66,994 for service of year 1936.

Passed by the Legislative Council this 18th day of November, 1935.

A. I. FLEURET,
Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 19th day of November, 1935.

M. CRAIGIE-HALKETT,
Colonial Secretary.

SCHEDULE.

Number.	Head of Service.	Amount.		
		£	s.	d.
FALKLAND ISLANDS.				
I.	Pensions	1710	0	0
II.	The Governor	2611	0	0
III.	Colonial Secretary	2541	0	0
IV.	Treasury and Customs	1570	0	0
V.	Audit	134	0	0
VI.	Post Office	2095	0	0
VII.	Wireless Telegraph	1390	0	0
VIII.	Electrical	1996	0	0
IX.	Harbour	820	0	0
X.	Legal	95	0	0
XI.	Police and Prisons	993	0	0
XII.	Medical	5575	0	0
XIII.	Education	2625	0	0
XIV.	Ecclesiastical	289	0	0
XV.	Naturalist	55	0	0
XVI.	Military	1150	0	0
XVII.	Stock	542	0	0
XVIII.	Miscellaneous	5951	0	0
XIX.	Public Works	3605	0	0
XX.	Public Works Recurrent	5365	0	0
	Total Ordinary Expenditure	£ 41112	0	0
XXI.	Public Works Extraordinary	10140	0	0
	Total Expenditure chargeable to Revenue	£ 51252	0	0
APPENDIX I.	Expenditure chargeable to Land Sales Fund	650	0	0
DEPENDENCIES.				
I.	Ordinary Expenditure	15092	0	0
	Total	£ 66994	0	0

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 9 of 1935.

I ASSENT,

H. HENNIKER-HEATON,

Governor.

19th November, 1935.

An Ordinance

To amend the Tariff Ordinance, 1900,
as amended by the Tariff (Export Duties)
Amendment Ordinances, 1923 and 1924.

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. Notwithstanding any provisions to the contrary contained
in the Tariff Ordinance, 1900, as amended by the Tariff (Export
Duties) Amendment Ordinances, 1923 and 1924, the duty of
Customs to be raised, levied and collected upon whale oil and upon
seal oil which shall be raised in the Colony or in the Dependencies
thereof and shall be shipped from the Colony or from the De-
pendencies thereof for places beyond the limits of the Colony or
of the Dependencies thereof during the 1935-1936 whaling season
and during the 1936 sealing season shall be fixed at the rate of one
shilling and six pence for each barrel of forty gallons.

Rate of duty on ex-
port of whale and seal
oil during the 1935-36
whaling season and
the 1936 sealing
season.

2. This Ordinance may be cited as the "Tariff (Export
Duties) Amendment Ordinance, 1935" and shall be read and con-
strued as one with the Tariff (Export Duties) Amendment
Ordinances, 1923 and 1924.

Short Title.

Passed by the Legislative Council this 18th day of
November, 1935.

A. I. FLEURET,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public
Seal of the Colony this 19th day of November, 1935.

M. CRAIGIE-HALKETT,

Colonial Secretary.

PART II.

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FALKLAND ISLANDS.

No. 1.

Proclamation.

1935.

Assumption of the Administration of the Colony by His Excellency
HERBERT HENNIKER-HEATON, Esquire, C.M.G.

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

H. HENNIKER-HEATON *By His Excellency* HERBERT HENNIKER-HEATON, ESQUIRE, *Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies:*

[L.S.]

His Excellency HERBERT HENNIKER-HEATON, Esquire, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the Colony of the Falkland Islands and its Dependencies hereby gives notice that he has in pursuance of His Most Gracious Majesty's Commission this day taken the oaths prescribed by law as Governor of the Colony of the Falkland Islands and its Dependencies and assumed the Administration of the Government.

GOD SAVE THE KING.

Given at Government House, Stanley, this tenth day of February, in the Year of Our Lord One Thousand Nine Hundred and Thirty-five.

By His Excellency's Command,
M. CRAIGIE-HALKETT,
Colonial Secretary.

M.P. P/168.

FALKLAND ISLANDS.

No. 2.

Proclamation.

1935.

H. HENNIKER-HEATON,

Governor.

In virtue of the powers in me vested by the Customs Ordinance, 1903, as amended by the Customs (Amendment) Ordinance, 1933, and otherwise, I, HERBERT HENNIKER-HEATON, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, do proclaim and order and it is hereby proclaimed and ordered as follows :

The export, including re-export, to Paraguay of arms and war materials, aeroplanes, aeroplane motors separate parts thereof, and munitions, is prohibited.

The Proclamation made on the 12th day of September, 1934, is hereby repealed.

Made this 21st day of February, 1935.

By His Excellency's Command,

M. CRAIGIE-HALKETT,

Colonial Secretary.

Government House,
Stanley, Falkland Islands.

FALKLAND ISLANDS.

No. 3.

Proclamation.

1935.

H. HENNIKER-HEATON,
Governor.

In virtue of the powers in me vested by the Customs Ordinance, 1903, as amended by the Customs (Amendment) Ordinance, 1933, and otherwise, I, HERBERT HENNIKER-HEATON, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, do proclaim and order and it is hereby proclaimed and ordered as follows:-

Proclamation No. 2 of 1935, made by me on the 21st day of February, 1935, prohibiting the export, including re-export, to Paraguay of arms and war materials, aeroplanes, aeroplane motors separate parts thereof, and munitions, is hereby repealed.

Made this 29th day of July, 1935.

By His Excellency's Command,
M. CRAIGIE-HALKETT,
Colonial Secretary.

Government House,
Stanley, Falkland Islands.

FALKLAND ISLANDS.

The Wild Animals and Birds Protection (Amendment) Ordinance, 1913.

H. HENNIKER-HEATON,
Governor.

His Excellency the Governor, in virtue of the powers in him vested by section 7 of the Wild Animals and Birds Protection (Amendment) Ordinance, 1913, and otherwise, and with the advice and consent of the Executive Council, is hereby pleased to Declare, and it is hereby declared that the undermentioned wild birds shall be deleted from the list of animals and birds contained in Schedules I and II of the aforesaid Ordinance as amended by Orders in Council dated the 31st day of March, 1914, and the 28th day of January, 1931 :

SCHEDULE I.

Kelp Goose	(<i>Bernicla Antarctica</i>)
Thrush	(<i>Turdus Falklandicus</i>)
Wren	(<i>Troglodytes Cobbi</i>)
Scoresby's Gull	(<i>Larus Scoresbyi</i>)
Kelp Pigeon	(<i>Chionis Alba</i>)
Cinclodes	(<i>Cinclodes Antarcticus</i>)
Grebe	(<i>Podiceps Rollandi and Calipareus</i>).

SCHEDULE II.

Blacknecked Swan	(<i>Cygnus Melanocoryphus</i>)
White or Coscoroba Swan	(<i>Coscoroba Coscoroba</i>)
Giant Petrel	(<i>Macronectes Giganteus</i>)
Double-ringed Plover	(<i>Aegialitis Falklandicus</i>)
Mallard	(<i>Anas Boschas</i>)
King Shag	(<i>Phalacrocorax Alriceps</i>).

and that the undermentioned wild animal shall be added to Schedule I :

Cape Horn Otter.

Made by the Governor in Executive Council at a meeting held on the 12th day of July, 1935.

A. I. FLEURET,
Clerk of the Executive Council.

FALKLAND ISLANDS.

The Colonial Police and Fire Brigades Long Service Medal.

Falkland Islands and Dependencies.

1. The Colonial Police and Fire Brigades Long Service Medal will be granted as a reward for long service and good conduct to Constables of the Police Forces of the Colony of the Falkland Islands and its Dependencies who on or after the 23rd of March, 1934, shall have completed eighteen years' continuous service as hereinafter defined.

2. For the purpose of these Regulations service shall only be reckoned as qualifying service provided that the person concerned is in possession of an exemplary character, as to which the Governor or Officer Administering the Government shall determine after examination of the record of the person concerned who in any event shall have been of exceptionally good conduct throughout such service.

3. (a) Qualifying service in the Civil Police Forces of other Colonies or territories under His Majesty's protection may be allowed to reckon towards the required period of qualifying service provided that the total period of such service amounts to not less than eighteen years; provided, however that where service has been rendered in more than one such territory as aforesaid an interval not exceeding twelve months between any two periods of service shall not be regarded as breaking the continuity of such service; provided that also a break of service not exceeding six calendar months in any one such territory shall not be regarded as breaking the continuity of such service.

(b) Service in Military Police Forces shall not be regarded as qualifying service.

4. The Medal will be awarded on the authority of the Governor or Officer Administering the Government and a notification of such award shall be published in the Government Gazette.

5. (a) A recipient of the Medal who is convicted of a criminal offence or is dismissed or removed from the Police Force for misconduct shall forfeit the Medal unless the Governor or the Officer Administering the Government shall otherwise direct.

(b) A Medal so forfeited may be restored to the recipient by the Governor or Officer Administering the Government at his discretion.

(c) A notice of forfeiture or restoration shall in every case be published in the Government Gazette.

Colonial Secretary's Office.

Stanley, Falkland Islands.

5th February, 1935.

FALKLAND ISLANDS.

The Wireless Telegraphy Ordinance, 1925.

The Wireless Telegraphy (Amendment) Regulations, 1935.

H. HENNIKER-HEATON,

Governor.

In pursuance of the powers vested in him by the Wireless Telegraphy Ordinance, 1925, and otherwise, His Excellency the Governor, by and with the advice and consent of the Executive Council, is pleased to make the following regulations :—

1. These regulations may be cited as the "Wireless Telegraphy (Amendment) Regulations, 1935." Short Title.

2. Sub-section (d) of the proviso to section (i) of Schedule 2 of the Wireless Telegraphy Regulations, 1926, is hereby repealed and replaced by the following :—

The licensed apparatus may be so constructed as to be capable of using any of the wave lengths specified for mobile services in Article 19 of the General Radiocommunication Regulations annexed to the Madrid International Telecommunication Convention, 1932.

Provided always that the wave length of 600 metres shall normally be used for communication.

Repeal and replacement of subsection (d) of Section (i) of Schedule 2 of the Wireless Telegraphy Regulations, 1926.

3. The General Conditions annexed to Schedule 2 of the Wireless Telegraphy Regulations, 1926, are hereby amended as follows : Amendment of General Conditions of Schedule 2 of the Wireless Regulations, 1926.
 - (i) By the deletion of the words "International Telegraph Convention and the International Telegraph Regulations" in the first and second lines of Section IV and the substitution therefor of the words "Madrid International Telecommunication Convention, 1932, and the Telegraph and General Radiocommunication Regulations annexed thereto".
 - (ii) By the deletion of the words "Radiotelegraphic Convention, 1912" in Section V and the substitution therefor of the words "Postmaster General's Handbook of Wireless Telegraphy, 1932".
 - (iii) By the deletion of the words "International Telegraph Regulations" in the fifth and sixth lines of Section XII and the substitution therefor of the words "General Radiocommunication Regulations, 1932,"

4. The Schedule of particulars to Form W.T. 2 of the Wireless Telegraphy Regulations, 1926, is hereby repealed and replaced by the Schedule hereto. Repeal and replacement of Schedule to Form W.T. 2 of Wireless Telegraphy Regulations, 1926.

Made by the Governor in Executive Council at a meeting held on the 23rd day of March, 1935.

A. I. FLEURET,

Clerk of the Executive Council.

1	Name of ship on which station is established.
2	Call Sign.
3	Frequencies (Wave-lengths).
4	Power in the aerial in K/ws.
5	Normal Power of radiation expressed in metre-amperes.
6	Nature of Service.
7	Hours of Service (No. of Operators.)
8	Ship charge, per word in francs.
9	(a) Port of Registry. (b) Gross Tonnage .
10	Name and address of Registered Owners.
11	Date on which it is proposed to instal the apparatus.
12	Make and type of apparatus. Input power of transmitter and frequency range of receiver.
13	If Direction Finding or Auto Alarm.
14	Administration or private enterprise to which accounts must be addressed. If the accounting authority is not the operating company, name of the latter should be given.
15	Remarks.

DESCRIPTION OF SHIP STATIONS AND APPARATUS IN RESPECT OF WHICH LICENCE IS GRANTED.

Schedule to Form W.T. 2.

FALKLAND ISLANDS.

The King Edward Hospital Ordinance, 1916.

The Hospital, Medical, Maternity and Dental Fees Regulations, 1935.

H. HENNIKER-HEATON.
Governor.

His Excellency the Governor in virtue of the powers in him vested by the King Edward Hospital Ordinance, 1916, and otherwise, and with the advice and consent of the Executive Council, is hereby pleased to make the following regulations :

1. These regulations may be cited as the "Hospital, Medical, Maternity and Dental Fees Regulations, 1935." Short Title.
2. The following fees shall be charged for Fees to be charged.
 - A. ADMISSIONS TO THE HOSPITAL.
(Other than midwifery cases).
 - (1) IN A GENERAL WARD, in addition to maintenance charges, there will be small charges for Medical and Surgical treatment :-
 - (a) For residents in the Colony, the maintenance charges will be 4/- a day, or £1. 1s. 0d. per week.
 - (b) For non-residents, a maintenance charge of 7/- per day will be made.

MEDICAL TREATMENT. A charge of 1/- per day.
 SURGICAL OPERATIONS. From 10/6 to £5. 5s. 0d., depending on the nature of the operation.
 SURGICAL DRESSINGS. 6d. per day.
 GENERAL ANAESTHETIC. 10/6 to £1. 1s. 0d.
 LOCAL ANAESTHETIC. 1d. per 1 c.c. of 1% Novocaine.

All fees, whether maintenance, medical or surgical, will be subject to a remission either in whole or in part by the Governor, on the advice of the Senior Medical Officer.
 - (II) IN A PRIVATE WARD. Maintenance charges :-
 - (a) For residents in the Colony, 6/- per day, or £2 a week.
 - (b) For non-residents, 10/- a day.

MEDICAL TREATMENT. A charge of 2/- per day.
 SURGICAL OPERATIONS. From £1. 1s. 0d. to £21. 0s. 0d.
 SURGICAL DRESSINGS. 1/- per day.
 GENERAL ANAESTHETIC. £1. 1s. 0d.
 LOCAL ANAESTHETIC. 1d. per 1 c.c. of 1% Novocaine.
 - (III) For Government Officials and their families and servants who are entitled to free medical attendance the fees in each case to be one half of the fees for residents in the Colony.

(IV) Half fees shall be paid for all children under 14 years of age.

(V) Medical comforts such as Champagne, Port, Brandy or proprietary foods and medicines shall be paid by patients, subject to remission in necessitous cases with the approval of the Governor.

B. MEDICINES, DRESSINGS, AND MEDICAL COMFORTS.

	s.	d.
All mixtures dispensed per bottle of		
10 ozs. $\frac{1}{2}$ oz. doses	1.	6.
Ointments, per oz.		3.
Lotions, per 10 oz.		2.
Liniments, per 4 oz.	1.	0.
Tablets, per doz.		2.
with the exception of :-		
Tablet Luminal, per doz.		9.
„ Stovarsol, per doz.		6.
„ Ovarian, per doz.		8.
Pills, per doz.		2.
Glycerophosphate, Parrish's Food, per 4 oz. ...	1.	0.
Virol	3.	6.
Radio-malt, or any such preparations	2.	0.
Halibut Liver Oil	1.	6.

Other articles according to cost and quantity, prices to be fixed by the Senior Medical Officer.

Ordinary medicines and dressings, but not medical comforts or special appliances, are issued free to Government Officials and their families, and to Government employees in receipt of free medical treatment.

In addition to the above charges the following extras will be charged :

PRIVATE PATIENTS.	s.	d.
Examination by X-Ray	10.	0.
„ „ „ and photograph	15.	0.
„ „ „ and Barium Meal	12.	0.
„ „ „ with Barium Meal and photograph	17.	0.
GENERAL WARD PATIENTS.		
Examination by X-Ray	5.	0.
„ „ „ and photograph	7.	6.
„ „ „ and Barium Meal	6.	0.
„ „ „ with Barium Meal and photograph	8.	6.

All X-Ray films and photographs to be the sole property of the Medical Department.

	s.	d.
Radiant Heat, treatment per sitting		9.
Vapour Baths		6.
Turkish Baths		6.
Ultra Violet Ray, treatment per irradiation ...		9.

C. MEDICAL OFFICERS.

(Other than midwifery cases)

	£	s.	d.
Ordinary visit where the householder's income does not exceed £200 p.a.		2.	6.
Ordinary visit where householder's income is between £200 and £500 p.a.		5.	0.
Ordinary visit where householder's income is above £500 p.a. (first visit)		10.	0.
Subsequent visits		5.	0.
Night visits (from 7 p.m. to 7 a.m.)		4s. to 10s.	
Advice at M.O.'s consulting room	1s. 6d. to 5s.		
Mileage from Stanley (one way)		3.	0.
Visits to ships in Stanley Harbour (for first patient)	1.	1.	0.
Extra for each other patient seen		5.	0.
Visits to ships in Port William (first patient seen)	2.	2.	0.
Additional patients seen, each		5.	0.
For full time services of Medical Officer per day, £1 to £10 (except in cases entitled to free medical treatment). Operations performed in patient's house, one to twenty guineas.			
Examinations for benefit societies		5.	0.
Examinations for Life Assurance	1.	1.	0.
Vaccinations		2.	6.
For attendance and visits of Nurse in private house in Stanley, per visit		1s. to 5s.	
For full-time services of Nurse in private house in Stanley			
For full-time services of Nurse in private house outside Stanley.			

Government officials, according to their contract receive free attendance and treatment, but not maintenance.

D. MATERNITY.

The following fees shall be charged for Maternity cases or the services of the Government Medical Officers or Nurses in Maternity cases, subject nevertheless to remission in whole or in part by the Governor on the advice of the Senior Medical Officer.

For treatment of full case in the Hospital.	From £2. 2s. 0d. to £5. 5s. 0d. inclusive, up to fourteen days, and thereafter <i>pro rata</i> .
For attendance and visits of nurse in private house in Stanley.	From £3. 3s. 0d. to £5. 5s. 0d. for the case.
For full-time services of Nurse in private house in Stanley.	From £5. 5s. 0d. to £10. 10s. 0d. a week with suitable board and lodging free of charge.

For full-time services of Nurse in private house outside Stanley.	From £1. 1s. 0d. to £5. 5s. 0d. a week with suitable board and lodging and means of conveyance from and to Stanley free of charge.
For services of Medical Officer for full case outside the Hospital.	From £2. 2s. 0d. to £20. 0s. 0d.

E. DENTAL FEES.

Scaling and Gum treatment from	2s. 6d. to 5s. 0d.
Fillings (various) according to value of material and work done per tooth from	2s. 6d. to 15s. 0d.
Root treatment per tooth from	5s. 0d. to 10s. 0d.
Crowning per tooth	£2. 2s. 0d.
Extractions	
(a) with local anaesthetic per tooth from	1s. 0d. to 5s. 0d.
(b) with general anaesthetic per operation	£1. 1s. 0d. to £2. 2s. 0d.
(Ward fee 4s. 0d. per day and general anaesthetic fee from 10s. 0d. to £1. 1s. 0d. extra.)	
Dentures according to quality of material, etc., from	£8. 0s. 0d. to £14. 0s. 0d.
Part dentures, minimum	£1. 1s. 0d. and <i>pro rata</i> .
Extas. General anaesthetic from	10s 0d. to £1. 1s. 0d.
Other extras in accordance with nature, quantity and quality of work done.	

Children of the age of fifteen years and under receive free treatment.

Government servants on the personal emolument list receive free simple treatment, including simple fillings and extractions under local anaesthetic, for themselves and their households.

Other Government servants receive free simple treatment including simple fillings and extractions under local anaesthetic for themselves but not for their households.

Government servants are required to pay for extractions under general anaesthetic and the Ward and anaesthetic fees, and also for the actual cost of materials used in fillings other than simple fillings and in root treatment, crowning, dentures, part-dentures and repairs and for all extras.

3. The Maternity Fees Regulations, 1930, the Hospital and Medical Fees Regulations, 1930, and Government Notice, No. 8 of the 15th of January, 1932, relating to Dental Fees, are hereby repealed.

Made by the Governor in Executive Council at a meeting held on the 12th day of July, 1935.

A. I. FLEURET,

Clerk of the Executive Council.

FALKLAND ISLANDS.

Regulations relating to the award of the Efficiency Decoration.

H. HENNIKER-HEATON,

Governor.

The Efficiency Decoration referred to in the following regulations displaces the Colonial Auxiliary Forces Officers' Decoration and the Territorial Decoration, which can, however, still be granted in cases where the necessary qualifying service was completed before the 23rd of September, 1930.

In pursuance of the Royal Warrant dated the 23rd of September, 1930, and with the gracious approval of His Majesty the King signified through the Right Honourable the Secretary of State for the Colonies, His Excellency the Governor is pleased hereby to make the following Regulations :

1. The Efficiency Decoration is a reward to an officer for long and meritorious service of proved capacity in the Authorized Auxiliary Forces of the Empire (or their Reserves) and is governed by the Royal Warrant dated the 23rd of September, 1930.

2. Commissioned officers of the Falkland Islands Defence Force (or its Reserves) who on or after the 23rd of September, 1930, have completed 20 years' qualifying service as hereinafter defined shall be eligible for the award of the Decoration.

3. The subsidiary title of the Decoration awarded to officers who complete the requisite period of qualifying service while serving in the Falkland Islands Defence Force (or its Reserves) shall be "Falkland Islands" and the words "Falkland Islands" shall be inscribed on the bar brooch of the Decoration so awarded.

4. An officer on whom the Decoration is conferred is entitled to the addition after his name of the letters "E.D."

5. Qualifying service is defined and shall be reckoned as follows :—

A. Commissioned service —

(i) on the active list of the Falkland Islands Defence Force.

(ii) in Reserves to the Falkland Islands Defence Force but only such commissioned service as may have been rendered while those Reserves performed annual training equivalent to that normally carried out by their parent Force, provided the officer concerned also performed such training.

(iii) in other Authorized Auxiliary Forces of the Empire including their Reserves and associated Cadet or Officers' Training Corps, such service in every case having been qualifying service in accordance with the regulations under the Royal Warrant of the 23rd of September, 1930, and applicable to the Force in which or with whose Reserves or associated Cadet or Officers' Training Corps the service was rendered.

(iv) other than that covered by sub-paragraphs (ii) and (iii) in any Reserve Forces mentioned in those sub-paragraphs during their embodiment, the exact period only of the embodied service rendered being reckoned as single qualifying service.

B. Commissioned service in West Africa (except that performed by natives of West Africa) will reckon two-fold as qualifying service, but any period spent on leave therefrom will reckon only as single qualifying service.

C. Half of any time during which an officer may have served on the active list after attaining the age of 17 years —

(i) in the ranks of the Falkland Islands Defence Force, or of any other Authorized Auxiliary Forces of the Empire (including their Reserves), such service

Repeal.

to be qualifying service in accordance with the Efficiency Decoration regulations of those forces;

(ii) In the ranks of or as a cadet in any Cadet Corps or Officers' Training Corps in the Empire in accordance with the Efficiency Decoration regulations applicable to the Force or Forces with which such Corps is associated, shall reckon as qualifying service.

D. War Service—

(i) An officer of the Falkland Islands Defence Force (at that time known as the Falkland Islands Volunteers) including its Reserves who was serving in such Force or in any other Authorized Auxiliary Force of the Empire on the 4th of August, 1914, and who, before the 11th of November, 1918, served or accepted an obligation to serve on military service beyond the borders of the territory of the Force of which he was a member, will reckon two-fold as qualifying service all embodied service as an officer on the active list given between the dates of embodiment and of disembodiment of the Force in which he was serving, and will reckon all such embodied service in the ranks on the active list as full single qualifying service towards the 20 years required, whether such service was in the Royal Navy, Regular Army, Royal Air Force, Special Reserve, Territorial Force, or Dominion or Colonial Forces.

(ii) Except as provided in the preceding sub-paragraph (i), commissioned service in the Royal Navy, the Regular Army, or the Royal Air Force, or a Permanent Force of a Dominion or Colony, during the period 4th August, 1914, and 31st December, 1921, provided that the officer was commissioned between the 4th of August, 1914, and the 11th of November, 1918, and subsequently obtained a Commission in an Auxiliary Force, shall reckon as single qualifying service; and half the time served on the active list in the ranks of the said Forces during the said period shall reckon as single qualifying service for the Decoration.

E. Nothing in these regulations shall permit any service to reckon more than two-fold as qualifying service for the Decoration.

F. Service requisite to qualify for the Decoration shall not necessarily be continuous.

G. Service on the Permanent Staff of the Falkland Islands Defence Force by members of the Permanent Forces of the Empire, except such service as may be covered by sub-paragraph D above, and (except as provided in sub-paragraphs A (ii) and (iv) above, service in any Reserve or Auxiliary Force in the Falkland Islands involving a liability for service only and no liability for training in peace, shall not reckon as qualifying service for the Decoration.

H. In the case of recipients of the Volunteer Officers' Decoration, the Territorial Decoration, or the Colonial Auxiliary Forces Officers' Decoration, no period of service in the Force in which they qualified for any of the said Decorations shall be reckoned as qualifying for the Efficiency Decoration.

I. Subject to the provisions of the preceding sub-paragraph H, an officer already in possession of the Volunteer Officers' Decoration, the Territorial Decoration, or the Colonial Auxiliary Forces Officers' Decoration, or any Long Service and Good Conduct or Efficiency Medal and Clasp will be eligible to receive the Efficiency Decoration and to wear both, provided that he has completed the full periods of qualifying service for both awards and that no qualifying service towards one award is permitted to count towards the other.

J. Except as admissible under this paragraph, service in the ranks will not be deemed to be qualifying service.

6. An officer who has the requisite qualifying service must be recommended by the Commanding Officer of the unit in which he completes the period of service requisite to qualify for the Decoration.

7. Applications for the Decoration should be made in writing by the Commanding Officer of the Falkland Islands Defence Force (or its Reserves) in which the officer recommended for the Decoration is or was serving when he completed the period of qualifying service, and should be supported by a statement of the officer's service in Form A appended to these

Regulations. The Commanding Officer will forward his recommendation through the usual channel of correspondence to the Governor, accompanied in each case by a statement certifying that the officer recommended holds (or has held) a Commission in the Falkland Islands Defence Force (or its Reserves), that he has completed the qualifying period of 20 years meritorious service, that he is an efficient and thoroughly capable officer of proved capacity, and that he is in every way deserving of the Efficiency Decoration.

8. *Grant of Decoration.*— The Decoration will be awarded on the authority of the Governor or Officer Administering the Government and a notification of its award will be published in the Falkland Islands Government Gazette. A register of awards of the Decoration will be kept at the Headquarters of the Falkland Islands Defence Force.

9. Honorary Colonels and Acting Chaplains holding Commissions who have the qualifying service are also eligible.

10. *Loss and Replacement.*— When the Decoration has been lost and it is desired to replace it, a declaration must be made before a magistrate stating the circumstances under which the loss occurred, and the rank, name, and Corps of the officer to whom the Decoration belonged. This declaration will be forwarded to the Governor through the usual channel of correspondence in the case of an officer who is still serving, and direct in the case of an officer who has retired. The Decoration will be replaced, on payment, if the explanation as to loss is considered satisfactory.

11. *Forfeiture and Restoration.*— A recipient of the Decoration who suffers death by sentence of a Military Court, or is dismissed or removed from his Corps or regiment for misconduct shall forfeit the Decoration unless the Governor shall otherwise direct.

A recipient of the Decoration who has been convicted of an offence of the following nature, viz., treason, sedition, mutiny, cowardice, desertion, or disgraceful conduct of an unnatural kind (under Section 18 (5) of the Army Act), or who, while subject to military law, is convicted by the civil power shall be liable, at the discretion of the Governor, to forfeit the Decoration.

A Decoration forfeited under the preceding Regulations may be restored by the Governor at his discretion.

A notice of forfeiture or of restoration shall in every case be published in the Government Gazette.

Stanley,

21st August, 1935.

FORM A.

THE EFFICIENCY DECORATION.

FALKLAND ISLANDS.

Statement of service of

of the Corps.

N.B.—Service which under the Royal Warrant and the Regulations made thereunder is to count as two-fold should be shown in the first place by the actual dates of such service, but only the equivalent single service for qualifying purposes should be carried forward as service in the "Total Qualifying Service" column.

Unit.	Rank.	Service qualifying two-fold.			Single qualifying service.		Total qualifying service.			Remarks.
		From.	To.	Particulars War service, West Africa service, or as the case may be.	From.	To.	Years.	Months.	Days.	
						Total				

I certify that the above is a correct statement of the service of
; that such service has been efficient service as officially recognized;
 and that his total qualifying service amounts to years months days.

Date.

(Signed)
Officer Commanding.

.....Corps.

This statement is to be completed by the Commanding Officer of the Auxiliary Force in which the period of qualifying service is completed. Where the period of qualifying service is in more than one Auxiliary Force the Commanding Officer signing the statement must satisfy himself that all service reckoned is qualifying service, and as to the period to be so reckoned.

Where war service is claimed as double qualifying service a separate certificate by the applicant for the Decoration will be afforded to that effect setting out the circumstances, e.g., that he actually served outside the territory or Colony of the Forces of which he was a member or that he signed or otherwise accepted before 11th November, 1918, an obligation to do so.

FALKLAND ISLANDS.

Regulations relating to the award of the Efficiency Medal.

H. HENNIKER-HEATON,
Governor.

The Efficiency Medal referred to in the following regulations displaces the Volunteer Long Service Medal, the Colonial Auxiliary Forces Long Service Medal, the Militia Long Service Medal, the Special Reserve Long Service and Good Conduct Medal, and the Territorial Efficiency Medal, which can, however, still be granted in cases where the necessary qualifying service was completed before the 23rd of September, 1930.

In pursuance of the Royal Warrant dated the 23rd of September, 1930, and with the gracious approval of His Majesty the King signified through the Right Honourable the Secretary of State for the Colonies, His Excellency the Governor is pleased hereby to make the following Regulations:

1. The Efficiency Medal and Clasps are awarded as a reward for long and efficient service to warrant officers, non-commissioned officers, and men of the Authorized Auxiliary Forces of the Empire (and their Reserves); their award is governed by the Royal Warrant dated the 23rd of September, 1930.

2. Warrant officers, non-commissioned officers, and men of the Falkland Islands Defence Force (and its Reserves) who on or after the 23rd of September, 1930, have completed 12 years' qualifying service as hereinafter defined shall be eligible for the award of the Medal. A Clasp to be worn on the ribbon of the Medal will be awarded to those who, having been awarded the Medal, complete a total of 18 years' qualifying service, and a further Clasp on completing 24 years' qualifying service.

3. The subsidiary title of the Medal awarded to warrant officers, non-commissioned officers, and men who complete the requisite period of qualifying service while serving in the Falkland Islands Defence Force (and its Reserves) shall be "Falkland Islands" and the words "Falkland Islands" shall be inscribed on the Bar mount of the Medal so awarded.

4. (1) "Efficient Service" shall mean service attaining the standard of efficiency as fixed from time to time by the Governor in Council by Regulations under the Defence Force Ordinance, 1920.

(2) Service as described below shall be regarded as qualifying service, provided that none of it has been previously counted as qualifying service for the grant of any other Long Service, Good Conduct, or Efficiency Medal or Clasp—

A. Service in the ranks on the active list of the Falkland Islands Defence Force such service having been efficient in accordance with the regulations governing service in such Force.

AA. Service in the ranks of any Reserves to the aforesaid Force such as may have been rendered while these Reserves performed annual training equivalent to that normally carried out by their parent Force, provided the individual concerned also performed such training and that efficiency is determined by the standard required for the latter Force.

B. Service in the Ranks of other Authorised Auxiliary Naval, Military, or Air Forces of the Empire in which training in peace time is a prescribed condition of service, as well as service in any Reserves to these Forces, subject to the same conditions as in 4 AA, such service in both cases having been qualifying service in accordance with the regulations under the Royal Warrant of the 23rd of September, 1930, applicable to the Force in which or with whose Reserves the service was rendered.

C. Service in the ranks of a Cadet Corps or as a cadet in an Officers' Training Corps in any of His Majesty's Dominions, Colonies, or territories under His Majesty's protection, such service being qualifying service in accordance with the regulations under the Royal Warrant of the 23rd of September, 1930, applicable to the Auxiliary Forces of the domain or territory in which the service was rendered.

D. Service in any Forces mentioned in 4A, 4AA, and 4B during their embodiment, other than service covered by those sub-paragraphs, the exact period of such embodiment only being counted provided always both as regards this service and that referred to in paragraphs 4A, 4AA and 4B that a period of 2 months' embodied service in any calendar year reckoned from the 1st of January to the 31st of December will be allowed to count as the equivalent of efficient service for that year.

E. Service on the Permanent Staff of the Falkland Islands Defence Force by members of the Permanent Forces of the Empire, except such service as may be covered by sub-paragraph F below, and (except as provided in paragraph 4A), service in any Reserve or Auxiliary Force in the Falkland Islands involving a liability for service only and no liability for annual training in peace shall not reckon as qualifying service for the Medal or Clasps.

F. War Service—

(i) A Warrant Officer, non-commissioned officer, or man of the Falkland Islands Defence Force (at that time known as the Falkland Islands Volunteers) (and its Reserves) who was serving in the ranks of such Force or in the ranks of any other Authorised Auxiliary Force of the Empire including their Reserves on the 4th of August, 1914, and who before the 11th of November, 1918, served or accepted an obligation to serve, on military service beyond the borders of the territory of the Force of which he was a member, will reckon two-fold as qualifying service all embodied service on the active list, whether commissioned or in the ranks, given between the dates of embodiment and of disembodiment of the Force in which he was serving, whether such service was in the Royal Navy, Regular Army, Royal Air Force, Special Reserve, Territorial Force, or Dominion or Colonial Forces.

(ii) Except as provided in the preceding sub-paragraph F (i), commissioned service in the case of those men who were commissioned after service in the ranks of an Authorised Auxiliary Force of the Empire during the period of embodiment of the Force consequent upon the outbreak of war on the 4th of August, 1914, and who, having relinquished their Commissions, re-enrolled in the ranks of an Authorized Auxiliary Force prior to the 1st of January, 1922, shall count as single qualifying service for the Medal or Clasps.

(iii) Except as provided in sub-paragraph F (i), service in the Ranks in the Royal Navy, the Regular Army, Royal Air Force, or a permanent Force of a Dominion, Colony, or territory under His Majesty's protection during the period 4th August, 1914, to 31st December, 1921, shall count as single qualifying service for the Medal or Clasps.

G. Service in West Africa (except that performed by natives of West Africa) will reckon double towards qualifying service, but any period spent on leave therefrom will reckon only as single qualifying service.

H. No service shall count more than two-fold towards the award of the Medal and Clasps.

I. Continuity of service—

(a) Service must have been rendered continuously except—

(i) during the period 4th August, 1914, to 31st December, 1921, or

(ii) when given in different Authorized Auxiliary, Naval, Military, or Air Forces not in the same portion of the Empire, provided that the break does not exceed twelve months, or

(iii) when given in the Falkland Islands Defence Force (and its Reserves) provided that the break does not exceed 6 months, and is not due to any fault of the individual.

(b) The following periods, although inadmissible as qualifying service (save in the circumstances hereinbefore described) will not be reckoned as breaking continuity of service—

(i) Service in the Royal Navy, Regular Army, Royal Air Force, or in a Permanent Force of a Dominion, Colony, or territory under His Majesty's protection, or in the Reserves of such Forces, or in the Reserves of any Authorized Auxiliary Force of the Empire.

(ii) Intervals between service in the Royal Navy, Regular Army, Royal Air Force, or in a Permanent Force of a Dominion, Colony, or territory under His Majesty's protection, or in an Authorized Auxiliary Force of the Empire, during the period 4th August, 1914, to 31st December, 1921.

(iii) Service of men of the Falkland Islands Defence Force (including its Reserves) whilst released from Military service for the purpose of being employed on work of national importance, which will be defined as occasion arises, during a period of embodiment.

(iv) Periods of desertion or absence without leave of men of the Falkland Islands Defence Force (including its Reserves) during the embodiment or training either in Camps or barracks, provided that they continue to serve after their offence has been dealt with.

(v) Periods of detention or imprisonment during annual training or embodiment.

5. The Efficiency Medal will be worn suspended on the left breast by a green ribbon, one inch and a quarter in width, with yellow stripes down the edges, but the recipient of any other Long Service, Good Conduct or Efficiency Medal will only be permitted to wear the Efficiency Medal (with or without Clasps) with them if he has completed the full period of qualifying service in respect of each Medal or Clasp.

6. *Wearing of roses.*— In undress and service uniform when ribbons only are worn, the grant of Clasps will be denoted by the wearing on the ribbon of small silver roses, one or more according to the number of Clasps awarded. The rose (or roses) will not be worn on the ribbon when the Medal is worn.

7. *Applications for the Efficiency Medal and Clasps.*— Application for the Medal and/or Clasps should be made in writing by the Commanding Officer of the Falkland Islands Defence Force, (or its Reserves) in which the warrant officer, non-commissioned officer, or man is or was serving when he completed the period of qualifying service, and should be supported by a statement in Form A appended to these Regulations of his service qualifying for the Medal and/or Clasps. The Commanding Officer will forward his recommendation through the usual channel of correspondence to the Governor together with a certificate that the person recommended has completed the qualifying period of 12, 18, or 24 years' efficient service and that he is in every way deserving of the Efficiency Medal or Clasp.

8. *Grant of the Medal and Clasps.*— The Medal and/or Clasps will be awarded on the authority of the Governor or Officer Administering the Government and a notification of such awards will be published in the Government Gazette.

9. *Loss and Replacement.*— When a Medal or Clasp has been lost and it is desired to replace it, a declaration must be made before a Magistrate stating the circumstances under which the loss occurred, and the rank, name and corps of the person to whom the Medal or Clasp belonged. This declaration should be forwarded to the Governor through the usual channel of correspondence in the case of a member who is still serving, and direct in the case of a person who has retired. The Medal and any Clasp or Clasps lost therewith will be replaced, on payment, if the explanation as to loss is considered satisfactory.

10. *Forfeiture and Restoration.*— (a) A recipient of the Medal who suffers death by sentence of a Military Court or is dismissed or removed from his corps or regiment for misconduct shall forfeit the Medal, and any Clasp or Clasps awarded to him, unless the Governor shall otherwise direct.

(b) A recipient of the Medal who has been convicted of an offence of the following nature, viz., treason, sedition, mutiny, cowardice, desertion, or disgraceful conduct of an unnatural kind (under Section 18 (5) of the Army Act), or who, while subject to military law, is convicted by the civil power shall be liable at the discretion of the Governor to forfeit the Medal and any Clasp or Clasps awarded to him.

(c) A Medal and any Clasps so forfeited may be restored by the Governor at his discretion.

(d) A notice of forfeiture or of restoration shall in every case be published in the Government Gazette.

Stanley,

21st August, 1935.

FALKLAND ISLANDS.

The Wireless Telegraphy Ordinance, 1925.

The Wireless Telegraphy (Amendment) (No. 2) Regulations, 1935.

H. HENNIKER-HEATON,
Governor.

In pursuance of the powers vested in him by the Wireless Telegraphy Ordinance, 1925, and otherwise, His Excellency the Governor, by and with the advice of the Executive Council, is pleased to make the following Regulations :-

1. These regulations may be cited as the "Wireless Telegraphy (Amendment) (No. 2) Regulations, 1935." Short Title.
2. Sub-section (d) of the proviso to section (1) of Schedule 2 of the Wireless Telegraphy Regulations, 1926, is hereby repealed and replaced by the following :-

The licensed apparatus may be so constructed as to be capable of using any of the wave lengths specified for mobile services in Article 19 of the General Radiocommunication Regulations annexed to the Madrid International Telecommunication Convention, 1932.

Repeal and replacement of sub-section (d) of Section (i) of Schedule 2 of the Wireless Telegraphy Regulations, 1926.
3. The General Conditions annexed to Schedule 2 of the Wireless Telegraphy Regulations, 1926, are hereby amended as follows : Amendment of General Conditions of Schedule 2 of the Wireless Regulations, 1926.
 - (i) By the deletion of the words "International Telegraph Convention and the International Telegraph Regulations" in the first and second lines of Section IV and the substitution therefor of the words "Madrid International Telecommunication Convention, 1932, and the Telegraph and Radiocommunication Regulations (General and Additional Regulations) annexed thereto".
 - (ii) By the deletion of the words "Radiotelegraphic Convention, 1912" in Section V and the substitution therefor of the words "Handbook for Wireless Telegraph Operators, revised in accordance with the Telecommunication Convention of Madrid 1932".
 - (iii) By the deletion of the words "International Telegraph Regulations" in the fifth and sixth lines of Section XII and the substitution therefor of the words "General and additional Radiocommunication Regulations, 1932".
4. The Schedule of particulars to Form W.T. 2 of the Wireless Telegraphy Regulations, 1926, is hereby repealed and replaced by the Schedule hereto. Repeal and replacement of Schedule to Form W.T. 2 of Wireless Telegraphy Regulations, 1926.
5. The Wireless Telegraphy (Amendment) Regulations, 1935, are hereby repealed.

Made by the Governor in Executive Council at a meeting held on the 24th day of December, 1935.

A. I. FLEURET,
Clerk of the Executive Council.

	Name of ship on which station is established.
	Call Sign.
	Frequencies (Wave-lengths).
	Power in the aerial in K/ws.
	Normal Power of radiation expressed in metre-amperes.
	Nature of Service.
	Hours of Service (No. of Operators.)
	Ship charge. per word in francs.
	(a) Port of Registry. (b) Gross Tonnage.
	Name and address of Registered Owners.
	Date on which it is proposed to instal the apparatus.
	Make and type of apparatus. Input power of transmitter and frequency range of receiver.
	If Direction Finding or Auto Alarm.
	Administration or private enterprise to which accounts must be addressed. If the accounting authority is not the operating company, name of the latter should be given.
	Remarks.

DESCRIPTION OF SHIP STATIONS AND APPARATUS IN RESPECT OF WHICH LICENCE IS GRANTED.

Schedule to Form W.T. 2.

FALKLAND ISLANDS.

The Harbour Ordinance, 1902.

The Harbour Regulations, 1935.

H. HENNIKER-HEATON,
Governor.

In pursuance of the powers vested in him by Section 2 of the Harbour Ordinance, 1902, and otherwise, the Governor is pleased with the advice and consent of the Executive Council, to make the following regulations:—

1. The owner or master or other person in charge of any ship trading to Ports in the Falkland Islands, shall, on the arrival of such vessel at Port Stanley for the purpose of loading or unloading cargo, employ only local stevedores in respect of the processes of loading or unloading, moving or handling cargo in or on such vessel at the rates specified in the Schedule hereto.

Provided that this regulation shall not apply to Home Trade Ships whose crews normally work as stevedores when engaged in the inter-island trade, or to men who are in the regular employment of the owners or agents of such ships, but shall apply to casual labourers who may be employed from time to time on such ships.

Provided further that employment of local stevedores shall be compulsory only when such stevedores are obtainable at the rates specified in the Schedule hereto.

2. If the owner or master or other person of any ship fails without reasonable cause to comply with these regulations, he shall for each offence be liable on summary conviction to a fine not exceeding £20.

3. These Regulations may be cited as the "Harbour Short Title. Regulations, 1935"

Made by the Governor in Executive Council at a meeting held on the twenty-fourth day of December, 1935.

A. I. FLEURET,
Clerk of the Executive Council.

M.P. 318/35.

SCHEDULE.

	Ordinary 8 hour working day.	Overtime on week-days, after ordinary 8 hour day.	Sundays, Good Fridays, and Christmas Days.
Vessels from overseas not normally employed in the inter-island trade of the Colony.	1/9 per hour.	2/7½ per hour.	Flat rate of 3/6 per hour.
Home Trade Ships.	1/6 per hour.	2/3 per hour.	Flat rate of 3/- per hour.

NOTE :— When handling loose coal a flat rate of 4d. per hour extra on the above rates will be paid.



ORDINANCES

of the

COLONY

of the

FALKLAND ISLANDS

enacted during the year

1936

together with the

Rules, Regulations etc., etc.,

made during that year.

PART I.

ORDINANCES.

Printed at the Government Printing Office, Stanley, Falkland Islands.

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[L.S.]



FAULKLAND ISLANDS.

Ordinance No. 1 of 1936.

I ASSENT,

H. HENNIKER-HEATON,

Governor.

29th May, 1936.

An Ordinance

To amend the Dependencies Research and Development Fund Ordinance 1924 and to validate certain payments in connection with the Fund.

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 "Dependencies Research and Development Fund (Amendment) Ordinance, 1936" and shall be read as one with the Dependencies Research and Development Fund Ordinance, 1924 (hereinafter called the Principal Ordinance).

Short Title.

2. Section 3 of the Principal Ordinance shall be amended by the substitution of a comma for the semi-colon at the end of paragraph (c) of the said section and the insertion of the following words

Amendment of section 3.

"unless the Governor shall with the consent of the Legislative Council and the sanction of the Secretary of State otherwise direct;"

3. Notwithstanding anything contained in Section 2 of the Principal Ordinance it shall be lawful for the Governor with the consent of the Legislative Council and the sanction of the Secretary of State to direct the payment at any time or times out of the Fund into the general revenue of the Dependencies of sums not exceeding the amount of the excess of the expenditure over the revenue of the Dependencies in respect of the years 1933, 1934, 1935, or any future year.

Application of Fund towards general revenue.

4. The sum of £9,000, part of the excess of revenue over the expenditure of the Dependencies for the year 1931, which was

Validation of past payments.

withheld from the Fund and was applied as to part thereof amounting to £2,697. 9s. 10d. towards the excess of the expenditure over the revenue of the Dependencies occurring in the year 1932 and as to the remaining part thereof amounting to £6,302. 10s. 2d. towards the excess of expenditure over revenue occurring in the year 1933, shall be deemed to have been lawfully so withheld and applied.

Passed by the Legislative Council this 28th day of May, 1936.

A. I. FLEURET,
Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 29th day of May, 1936.

M. J. STEWART,
Acting Colonial Secretary.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 2 of 1936.

I ASSENT,
H. HENNIKER-HEATON,
Governor.

29th May, 1936.

An Ordinance

To declare the Law relating to Motor Cars.

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 as the "Motor Car Ordinance, 1936." Short Title.

2. In this Ordinance and in the regulations made hereunder unless the context requires otherwise - Definition.

"MOTOR CAR" means a vehicle propelled by any form of mechanical power and includes a motor bicycle, with or without a side-car or trailer, a motor tricycle and a bicycle or tricycle assisted by a motor; but not a vehicle drawn by another motor vehicle.

"NETT WEIGHT" means the actual weight of a motor vehicle when unladen, but inclusive of the weight of the body, all water, fuel or accumulators used for purposes of propulsion, all loose tools and equipment, and all water carried in the radiator.

"TRAILER" means any vehicle which has no independent motive power of its own, and which is attached to and drawn by a tractor vehicle. It does not include a side-car attached to a Motor Cycle.

INVALID CARRIAGE" means a mechanically propelled vehicle the weight of which unladen does not exceed five hundred-weights 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.

No motor car to be driven in Stanley unless registered.

3. No person shall drive, or, being the owner, shall permit any other person to drive a motor car in the town of Stanley or within three miles of the Cathedral of Stanley unless such motor car and any trailer drawn by such car shall have been registered under this Ordinance and unless the fee prescribed shall have been paid.

No person to drive a motor car in Stanley unless licensed.

4. No person shall drive a motor car in the town of Stanley or within three miles of the Cathedral of Stanley unless such person shall have been granted a licence to drive, and no person shall employ any person to drive a motor car unless the person so employed is the holder of a licence to drive.

Fees.

5. (1) A fee shall be paid annually in respect of every motor car registered under this Ordinance by the person in whose name the motor car is registered. This fee shall be levied in accordance with the scale prescribed in the Schedule to this Ordinance.

(2) A fee of five shillings shall be paid annually in respect of every licence to drive by the person to whom the licence is granted.

The Governor in Executive Council may make regulations.

6. The Governor in Executive Council may make regulations for the following purposes :-

- (a) the registration of motor cars and the grant of licences to drive motor cars;
- (b) the levying of the fees prescribed in the preceding section of this Ordinance;
- (c) the forms to be used;
- (d) the closure of roads and bridges against motor cars;
- (e) the lights to be carried on motor cars;
- (f) the use on motor cars of horns or other warning appliances;
- (g) the notification of the change of ownership of a motor car and the re-registration thereof;
- (h) the inspection and testing of public motor cars;
- (i) the width, height and length of motor cars and trailers and the load carried thereby, the diameter of wheels, and the width, nature and condition of tyres, of motor cars and trailers;
- (j) the number and nature of brakes, and for securing that brakes, and steering gear shall be efficient and kept in proper working order, and for empowering persons authorised by or under the regulations to test and inspect, either on a road or, subject to the consent of the owner of the premises, on any premises where the motor car is, any such brakes or steering gear;
- (k) the prescribing of the maximum horse power and weight of cars permitted for traffic;
- (l) generally for the better carrying out of the provisions of this Ordinance.

7. No person shall use, or cause or permit any other person to use a motor car in the town of Stanley or within three miles of the Cathedral of Stanley unless there is in force in relation to the user of the motor car by that person or that other person, as the case may be, a policy of insurance or a security in respect of third-party risks.

Motor Car to be insured against third party risks.

Provided that this section shall not come into operation until the Governor in Executive Council, being satisfied that the required insurance can be obtained at reasonable rates, declares by Order that it shall come into operation.

8. (1) Any person who drives a motor car 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 -

Dangerous driving.

(2) who when driving or attempting to drive, or when in charge of, a motor car on a road or other public place is under the influence of drink or a drug to such an extent as to be incapable of having proper control of the motor car, shall be liable -

Drunkeness.

(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 imprisonment and fine.

9. (1) A person shall be deemed to commit an offence under this Ordinance if :-

Offences.

(a) he drives a motor car without due care and attention or without reasonable consideration for other persons using the road;

(b) being the driver of a motor car, he fails to produce his licence when it is demanded by a Police Officer;

(c) he fails to comply with any road-sign or the signal of a Police Officer in uniform.

(2) Any person guilty of an offence shall be liable on summary conviction to a fine not exceeding twenty pounds, and in the case of a second or subsequent conviction to a fine not exceeding fifty pounds, or to imprisonment not exceeding four months.

10. (1) Any Court before whom a person is convicted of an offence under this Ordinance or of any offence in connection with the driving of a motor car :-

Suspension of driving Licences.

(a) May, if the person convicted holds a driver's licence, suspend his licence for a specified period; and if the Court thinks fit, declare the person convicted disqualified for obtaining a licence. Provided that, if a person is convicted under Section 8 (2), the Court shall suspend the licence and declare him disqualified for obtaining a licence for a period of not less than 12 months from the date of the conviction.

- (b) May, if the person convicted does not hold a licence under this Ordinance, declare him disqualified for obtaining a licence for a specified period; and
- (c) if the person convicted holds a driver's licence, shall cause particulars of the conviction and of any order of the Court made under this Section to be endorsed upon the licence, and shall cause a copy of these particulars to be sent to the licensing authority by whom the licence was granted.

(2) Any person so convicted, if he holds any licence under this Ordinance, shall produce the licence to the Court within 7 days from the date of the conviction for the purposes of endorsement, and if he fails to do so, shall be guilty of an offence under this Ordinance.

(3) A licence so suspended by the Court shall during the time of suspension be of no effect, and a person whose licence is suspended or who is declared by the Court to be disqualified for obtaining a licence shall during the period of suspension or disqualification not obtain a licence.

(4) If any person who, under the provisions of this Ordinance, is disqualified for obtaining a licence, applies for or obtains a licence while so disqualified, or if any person whose licence has been endorsed applies for and obtains a licence without giving particulars of the endorsement, he shall be guilty of an offence under this Ordinance, and any licence so obtained shall be of no effect.

Penalties.

11. Any person who is guilty of an offence under this Ordinance or who contravenes any of the provisions of this Ordinance or of the regulations made hereunder to which a penalty is not attached, shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment not exceeding four months.

Provided that nothing in this Section shall be deemed to render any person convicted of an offence under this Section free from liability in respect of any hurt or damage which he may have caused.

Saving.

12. The provisions of Sections 3 and 5 of this Ordinance shall not apply to motor cars which are the property of the Governor or the Government of the Colony.

Repeal of Ordinance.
No. 3 of 1930.

13. The Motor Car (Speed Limit) Ordinance, 1930, is hereby repealed.

Passed by the Legislative Council this 28th day of May, 1936.

A. I. FLEURET,
Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 29th day of May, 1936.

M. J. STEWART,
Acting Colonial Secretary.

SCHEDULE.

Schedule.

Scale of fees payable annually in respect of every motor car registered.

For every motor cycle	15s. 0d.
" " " " with side car	30. 0.
" " invalid carriage	5. 0.
" " motor car - for each cwt. of nett weight, or part thereof	2. 6.
For a trailer - For each cwt. of nett weight, or part thereof	2. 6.

Where a motor car is registered later than the thirtieth day of September in any year one third only of the fee prescribed in this Schedule shall be payable in respect of the remaining portion of the year.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 3 of 1936.

I ASSENT,

H. HENNIKER-HEATON,

Governor.

29th May, 1936.

The Immigration (Restriction) Ordinance, 1936.

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 as the Immigration (Restriction) Ordinance, 1936.

Short Title.

2. This Ordinance shall not apply :—

Exempted persons.

(1) To persons in the service of the Government of the Colony.

(2) To natives of the Colony or persons permanently domiciled therein.

3. In this Ordinance the term "Prohibited Immigrant" includes the following persons, that is to say, any person not being a native of the Colony, or any person who is not permanently domiciled in the Colony who :—

Definition.

(1) Is not in possession of a passport valid for entry into the Falkland Islands.

(2) Has left the Colony at the public expense.

(3) 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.

Conditional permission for entry of person appearing to come under description of a prohibited immigrant.

4. Any person appearing to be a prohibited immigrant, may be allowed to enter the Colony upon the following conditions :-

(a) He shall deposit with the Colonial Secretary the sum of £50 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 £50 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.

Prohibited immigrant forbidden to land.

5. It shall be unlawful for any prohibited immigrant to land in the Colony except under and in accordance with the provisions of section 4, and any immigrant who lands in the Colony in contravention of this Ordinance may in addition to the penalties prescribed herein be arrested by a police constable, or officer of customs and handed over by him to the master or person having command or charge of the vessel in which such immigrant arrived in the Colony and the master or other person having command or charge of the vessel shall receive such immigrant on board of the vessel.

Liability of the master, owner and agent of a ship in respect of a prohibited immigrant.

6. The master and the owner and the agent of any ship from which any prohibited immigrant shall land or be landed shall be jointly and severally liable to pay to the Government all expenses incurred by the Government in connection with the transport and maintenance of such immigrant and his deportation from the Colony.

Penalty.

7. Any person who acts in contravention of or who fails to comply with the provisions of this Ordinance or who interferes with any police constable or officer of customs in the performance of his duty under this Ordinance shall be liable on conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding six months.

Repeal of Ordinance No. 7 of 1935.

8. The Immigration Ordinance, 1935, is hereby repealed.

Passed by the Legislative Council this 28th day of May, 1936.

A. I. FLEURET,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 29th day of May, 1936.

M. J. STEWART,

Acting Colonial Secretary.



[L.S.]

FALKLAND ISLANDS.

Ordinance No. 4 of 1936.

I ASSENT,

H. HENNIKER-HEATON,

Governor.

29th May, 1936.

An Ordinance

To amend the Probate and unrepresented Estates 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 :—

Enacting Clause.

1. This Ordinance may be cited as the Probate and Unrepresented Estates (Amendment) Ordinance, 1936, and shall be read and construed as one with the Probate and Unrepresented Estates Ordinance, 1901.

Short Title.

2. In this Ordinance, unless the context otherwise requires, —

Interpretation.

“British Court in a foreign Country” means any British Court having jurisdiction out of His Majesty’s dominions in pursuance of an Order in Council, whether made under any Act or otherwise :

“Court of Probate” means any Court or authority, by whatever name designated, having jurisdiction in matters of probate :

“His Majesty’s dominions” includes any British protectorate or protected state and any territory in respect of which a Mandate on behalf of the League of Nations has been accepted by His Majesty :

“Probate” and “Letters of Administration” include confirmation in Scotland, and any instrument having in any other part of His Majesty’s dominions the same effect which under English law is given to probate and letters of Administration respectively :

“Probate duty” includes any duty payable on the value of the estate and effects for which probate or letters of administration is or are granted.

Sealing of Probates and letters of Administration granted outside the Colony.

3. Where a Court of probate in any part of His Majesty's dominions, or a British court in a foreign Country, has, either before or after the passing of this Ordinance, granted probate or letters of administration in respect of the estate of a deceased person, the probate or letters so granted may, on being produced to, and a copy thereof deposited with, the Supreme Court, be sealed with the seal of that court, and thereupon shall be of the like force and effect, and have the same operation in the Colony as if granted by that court.

Conditions to be fulfilled before Sealing.

4. The Court shall, before sealing a probate or letters of administration under this Ordinance, be satisfied;

(a) that probate duty has been paid in respect of so much, if any, of the estate as is liable to probate duty in the Colony: and

(b) in the case of letters of administration, that security has been given in a sum sufficient in amount to cover the property, if any, in the Colony to which the letters of administration relate: and may require such evidence, if any, as it thinks fit as to the domicile of the deceased person.

Security for payment of debts.

5. The Court may also, if it thinks fit, on the application of any creditor, require, before sealing, that adequate security be given for the payment of debts due from the estate to creditors residing in the Colony.

Duplicate of copy admissible.

6. For the purposes of this Ordinance, a duplicate of any probate or letters of administration sealed with the Seal of the Court granting the same, or a copy thereof certified as correct by or under the authority of the Court granting the same, shall have the same effect as the original.

Rules of Court.

7. The Governor in Council may make rules of Court for regulating the procedure and practice, including fees and costs, in the Supreme Court, on and incidental to an application for Sealing a probate or letters of administration under this Ordinance.

Repeal of Section 23 of Ordinance No. 9 of 1901.

8. Section 23 of the Probate and Unrepresented Estates Ordinance, 1901, is hereby repealed.

Passed by the Legislative Council this 28th day of May, 1936.

A. I. FLEURET,
Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 29th day of May, 1936.

M. J. STEWART,
Acting Colonial Secretary.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 5 of 1936.

I ASSENT,

H. HENNIKER-HEATON,

Governor.

29th May, 1936.

An Ordinance

To regulate the Branding of Cattle depastured on Stanley Common.

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 as the "Stanley Common Cattle Branding Ordinance, 1936." Short Title.

2. In this Ordinance :- Interpretation.

"CATTLE" shall mean and include any cow, heifer or calf.

"BRAND" shall mean any letter or number or combination of letters or numbers distinctly and permanently impressed or made upon any cattle.

"OWNER" shall mean and include any proprietor of cattle or his agent or manager.

3. Every owner licensed to graze cattle on the Stanley Common shall cause all his cattle over the age of six months to be branded with an approved brand in such manner as the Inspector of Stock, or such other officer as the Governor may appoint for the purpose, may direct within three months after the passing of this Ordinance, or within one month after he becomes such owner, and when approved the brand shall be registered and a description thereof published in the official Gazette. Branding compulsory.

4. Every person who :- Offences.

(a) fails, neglects, or omits to brand his cattle as required by Section 3;

- (b) brands any cattle with any brand other than the brand approved by the Inspector of Stock, or such other officer as the Governor may appoint for the purpose;
- (c) brands with any brand any cattle or any part of the animal other than the part specified by the Inspector of Stock, or such other officer as the Governor may appoint for the purpose, or
- (d) uses any brand or mark after an intimation from the Inspector of Stock, or such other officer as the Governor may appoint for the purpose, that such brand is not to be used,

shall be guilty of an offence, and shall on conviction thereof, be liable to a penalty not exceeding five pounds.

Passed by the Legislative Council this 28th day of May, 1936.

A. I. FLEURET,
Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 29th day of May, 1936.

M. J. STEWART,
Acting Colonial Secretary.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 6 of 1936.

I ASSENT,
H. HENNIKER-HEATON,
Governor.
29th May, 1936.

An Ordinance

To provide for the succession to Real and Personal Estate on Intestacy.

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 as the "Administration of Intestate Estates Ordinance, 1936". Short Title.

2. In this Ordinance "real and personal estate" means any beneficial interest (including rights of entry and reverter) of the intestate in real and personal estate which (otherwise than in right of a power of appointment or of the testamentary power conferred by statute to dispose of entailed interests) he could, if of full age and capacity, have disposed of by his will. Definition.

3. (1) With regard to the real estate and personal inheritance of every person dying after the commencement of this Ordinance, there shall be abolished— Abolition of descent to heir.

All existing modes rules and cannons of descent, and of devolution by special occupancy or otherwise, of real estate, or of a personal inheritance, whether operating by the general law or otherwise howsoever.

(2) Nothing in this section affects the descent or devolution of an entailed interest.

4. (1) The residuary estate of an intestate shall be distributed in the manner or be held on the trusts mentioned in this section, namely— Succession to real and personal estate on intestacy.

(i) If the intestate leaves a husband or wife (with or

without issue) the surviving husband or wife shall take the personal chattels absolutely, and in addition the residuary estate of the intestate (other than the personal chattels) shall stand charged with the payment of a net sum of one thousand pounds, free of death duties and costs, to the surviving husband or wife with interest thereon from the date of the death at the rate of five pounds per cent. per annum until paid or appropriated, and subject to providing for that sum and the interest thereon, the residuary estate (other than the personal chattels) shall be held—

(a) If the intestate leaves no issue, upon trust for the surviving husband or wife during his or her life;

(b) If the intestate leaves issue, upon trust, as to one half, for the surviving husband or wife during his or her life, and, subject to such life interest, on the statutory trusts for the issue of the intestate, and, as to the other half, on the statutory trusts for the issue of the intestate, but if those trusts fail or determine in the lifetime of a surviving husband or wife of the intestate, then upon trust for the surviving husband or wife during the residue of his or her life;

- (ii) If the intestate leaves issue but no husband or wife, the residuary estate of the intestate shall be held on the statutory trusts for the issue of the intestate;
- (iii) If the intestate leaves no issue but both parents, then, subject to the interests of a surviving husband or wife, the residuary estate of the intestate shall be held in trust for the father and mother in equal shares absolutely;
- (iv) If the intestate leaves no issue but one parent, then, subject to the interests of a surviving husband or wife, the residuary estate of the intestate shall be held in trust for the surviving father or mother absolutely;
- (v) If the intestate leaves no issue or parent, then, subject to the interests of a surviving husband or wife, the residuary estate of the intestate shall be held in trust for the following persons living at the death of the intestate, and in the following order and manner, namely:—

First, on the statutory trusts for the brothers and sisters of the whole blood of the intestate; but if no person takes an absolutely vested interest under such trusts; then

Secondly, on the statutory trusts for the brothers and sisters of the half blood of the intestate; but if no person takes an absolutely vested interest under such trusts; then

Thirdly, for the grandparents of the intestate and, if more than one survive the intestate, in equal shares; but if there is no member of this class; then

Fourthly, on the statutory trusts for the uncles and aunts of the intestate (being brothers or sisters of the whole blood of a parent of the intestate); but

if no person takes an absolutely vested interest under such trusts; then

Fifthly, on the statutory trusts for the uncles and aunts of the intestate (being brothers or sisters of the half blood of a parent of the intestate); but if no person takes an absolutely vested interest under such trusts; then

Sixthly, for the surviving husband or wife of the intestate absolutely;

- (vi) In default of any person taking an absolute interest under the foregoing provisions, the residuary estate of the intestate shall belong to the Crown, as bona vacantia, and in lieu of any right to escheat.

The Crown may out of the whole or any part of the property devolving on them respectively, provide, in accordance with the existing practice, for dependents, whether kindred or not, of the intestate, and other persons for whom the intestate might reasonably have been expected to make provision.

(2) A husband and wife shall for all purposes of distribution or division under the foregoing provisions of this section be treated as two persons.

5. (1) Where under this Ordinance the residuary estate of an intestate, or any part thereof, is directed to be held on the statutory trusts for the issue of the intestate, the same shall be held upon the following trusts, namely:—

Statutory trusts in favour of issue and other classes of relatives of intestate.

- (i) In trust, in equal shares if more than one, for all or any of the children or child of the intestate, living at the death of the intestate, who attain the age of twenty-one years or marry under that age, and for all or any of the issue living at the death of the intestate who attain the age of twenty-one years or marry under that age of any child of the intestate who predeceases the intestate, such issue to take through all degrees, according to their stocks, in equal shares if more than one, the share which their parent would have taken if living at the death of the intestate, and so that no issue shall take whose parent is living at the death of the intestate and so capable of taking;
- (ii) The statutory power of advancement, and the statutory provisions which relate to maintenance and accumulation of surplus income, shall apply, but when an infant marries such infant shall be entitled to give valid receipts for the income of the infant's share or interest;
- (iii) Where the property held on the statutory trusts for issue is divisible into shares, then any money or property which, by way of advancement or on the marriage of a child of the intestate, has been paid to such child by the intestate or settled by the intestate for the benefit of such child (including any life or less interest and including property covenanted to be paid or settled) shall, subject to any contrary intention expressed or appearing from the circumstances of the case, be taken as being so paid or settled in or towards satisfaction of the share of such child or the share

which such child would have taken if living at the death of the intestate, and shall be brought into account, at a valuation (the value to be reckoned as at the death of the intestate), in accordance with the requirements of the personal representatives;

- (iv) The personal representatives may permit any infant contingently interested to have the use and enjoyment of any personal chattels in such manner and subject to such conditions (if any) as the personal representatives may consider reasonable, and without being liable to account for any consequential loss.

(2) If the trusts in favour of the issue of the intestate fail by reason of no child or other issue attaining an absolutely vested interest -

- (a) the residuary estate of the intestate and the income thereof and all statutory accumulations, if any, of the income thereof, or so much thereof as may not have been paid or applied under any power affecting the same, shall go, devolve and be held under the provisions of this Ordinance as if the intestate had died without leaving issue living at the death of the intestate;
- (b) references in this Ordinance to the intestate "leaving no issue" shall be construed as "leaving no issue who attain an absolutely vested interest";
- (c) references in this Ordinance to the intestate "leaving issue" or "leaving a child or other issue" shall be construed as "leaving issue who attain an absolutely vested interest."

(3) Where the residuary estate of an intestate or any part thereof is directed to be held on the statutory trusts for any class of relatives of the intestate, other than issue of the intestate, the same shall be held on trusts corresponding to the statutory trusts for the issue of the intestate (other than the provision for bringing any money or property into account) as if such trusts (other than as aforesaid) were repeated with the substitution of references to the members or member of that class for references to the children or child of the intestate.

Powers of personal representative in respect of interests of surviving spouse.

6. (1) Where a surviving husband or wife is entitled to a life interest in the residuary estate or any part thereof the personal representative may, either with the consent of any such tenant for life (not being also the sole personal representative) or, where the tenant for life is the sole personal representative, with the leave of the court, purchase or redeem such life interest (while it is in possession) by paying the capital value thereof (reckoned according to tables selected by the personal representative) to the tenant for life or the persons deriving title under him or her and the costs of the transaction, and thereupon the residuary estate of the intestate may be dealt with or distributed free from such life interest.

(2) The personal representatives may raise -

- (a) the net sum of one thousand pounds or any part thereof and the interest thereon payable to the surviving husband or wife of the intestate on the security of the whole or any part of the residuary estate of the intestate (other than the personal chattels), so far as that estate may be sufficient for the purpose or the said sum and interest may not have been satisfied by

an appropriation under the statutory power available in that behalf; and

- (b) in like manner the capital sum, if any, required for the purchase or redemption of the life interest of the surviving husband or wife of the intestate, or any part thereof not satisfied by the application for that purpose of any part of the residuary estate of the intestate;

and in either case the amount, if any, properly required for the payment of the costs of the transaction.

7. Where any person dies leaving a will effectively disposing of part of his property, this Ordinance shall have effect as respects the part of his property not so disposed of subject to the provisions contained in the will and subject to the following modifications :-

Application to cases of partial intestacy.

- (a) The requirements as to bringing property into account shall apply to any beneficial interests acquired by any issue of the deceased under the will of the deceased, but not to beneficial interests so acquired by any other persons;
- (b) The personal representative shall, subject to his rights and powers for the purposes of administration, be a trustee for the persons entitled under this Ordinance in respect of the part of the estate not expressly disposed of unless it appears by the will that the personal representative is intended to take such part beneficially.

8. (1) References to any Statutes of Distribution in an instrument inter vivos made or in a will coming into operation after the commencement of this Ordinance shall be construed as references to this Ordinance and references in such an instrument or will to statutory next of kin shall be construed, unless the context otherwise requires, as referring to the persons who would take beneficially on an intestacy under the foregoing provisions of this Ordinance.

Construction of documents.

(2) Trusts declared in an instrument inter vivos made, or in a will coming into operation, before the commencement of this Ordinance by reference to the Statutes of Distribution, shall, unless the contrary thereby appears, be construed as referring to the enactments (other than the Intestates' Estates Act, 1890) relating to the distribution of effects of intestates which were in force immediately before the commencement of this Ordinance.

9. (1) Nothing in this Ordinance affects the right of any person to take beneficially, by purchase, as heir either general or special.

Savings.

(2) The foregoing provisions of this Ordinance do not apply to any beneficial interest in real estate (not including chattels real) to which a lunatic or defective living and of full age at the commencement of this Ordinance, and unable, by reason of his incapacity, to make a will, who thereafter dies intestate in respect of such interest without having recovered his testamentary capacity, was entitled at his death, and any such beneficial interest (not being an interest ceasing on his death) shall, without prejudice to any will of the deceased, devolve in accordance with the general law in force before the commencement of this Ordinance applicable to freehold land, and that law shall, notwithstanding any repeal, apply to the case.

For the purposes of this subsection, a lunatic or defective

who dies intestate as respects any beneficial interest in real estate shall not be deemed to have recovered his testamentary capacity unless his committee or receiver has been discharged.

(3) Where an infant dies after the commencement of this Ordinance without having been married, and independently of this subsection he would, at his death, have been equitably entitled under a settlement (including a will) to a vested estate in fee simple or absolute interest in freehold land, or in any property settled to devolve therewith or as freehold land, such infant shall be deemed to have had an entailed interest, and the settlement shall be construed accordingly.

(4) This Ordinance does not affect the devolution of an entailed interest as an equitable interest.

Passed by the Legislative Council this 28th day of May, 1936.

A. I. FLEURET,
Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 29th day of May, 1936.

M. J. STEWART,
Acting Colonial Secretary.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 7 of 1936.

I ASSENT,

H. HENNIKER-HEATON,
Governor.

29th May, 1936.

An Ordinance

To govern the control and management of the Savings Bank.

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 as the Savings Bank Ordinance, 1936. Short Title.
2. In this Ordinance unless the context otherwise requires:— Interpretation.
 - “PRESCRIBED” means prescribed by rules under this Ordinance.
 - “REVENUE” of the Savings Bank does not include moneys received on deposit.
3. The Savings Bank subsisting at the time when this Ordinance comes into operation shall be deemed to be constituted and appointed under this Ordinance. Appointment of Savings Bank.
4. Subject to the provisions of Section 11 of this Ordinance the Savings Bank shall be under the management and control of the Colonial Treasurer who may, subject to the provisions of this Ordinance and any rules made thereunder, take such steps as may be desirable for the encouragement of thrift, for the proper management of the Savings Bank, and otherwise for the promotion of the objects and purposes of this Ordinance. Management and control of Savings Bank.
5. The Colonial Treasurer may, with the approval of the Governor, open branch savings banks at any post office in the Colony and may, with the like approval, close any branch savings bank. Establishment and closure of branch savings banks.

Employment of officers.

6. The Colonial Treasurer, with the approval of the Governor, may engage such officers as may be necessary for the execution of this Ordinance, and for that purpose may employ for part of their time officers in the service of the Government.

Deposits and Repayments.

7. Deposits of money to be paid into the Savings Bank shall be received and repaid under such conditions as may be prescribed.

Security of Government.

8. The repayment of all moneys deposited in the Savings Bank together with interest thereon is guaranteed by the Government of the Falkland Islands, and accordingly if at any time or times the assets of the Savings Bank shall be insufficient to pay the lawful claims of every depositor, the Governor shall cause such deficiency to be met out of the general revenues of the Colony, and the Colonial Treasurer shall certify such deficiency to the Legislative Council without delay.

Interest.

9. (1) Interest shall be payable on deposits at the rate of $2\frac{1}{2}$ per centum per annum, or at such other rate as may be fixed from time to time by the Governor-in-Council with prior approval of the Secretary of State: Provided that not less than three months notice of any change of rate shall be given in the Government Gazette.

(2) Such interest shall not be payable on any amount less than a pound or on any fraction of a pound and shall not commence to accrue until the first day of January, April, July or October next following the day of deposit, and shall cease on the last day of March, June, September or December which next precedes the date on which the money is withdrawn both such days inclusive.

(3) Interest on deposits shall, subject to the provisions of sub-section (2) of this section be calculated to the thirtieth day of September in every year, and shall then be added to and become part of any principal money remaining on deposit.

Salaries and Expenses.

10. (1) All expenses incurred in the execution of this Ordinance shall be met from the moneys in the Savings Bank.

(2) For the purposes of this Ordinance expenses shall mean the cost of any work or service done by or in connection with the Savings Bank, including such sum on account of administrative and other overhead expenses as may, with the approval of the Governor, be reasonably assigned to that work or service.

Disposal of Moneys.

11. (1) Subject to the provisions of this Ordinance moneys in the Savings Bank shall not be applied in any way to the purposes of the Colony but, except so far as any sums may be prescribed to be kept in hand for the general purposes of the Savings Bank, shall be deposited in the Public Treasury of the Colony and shall, as far as practicable, be invested on behalf of the Savings Bank, under the direction of the Colonial Treasurer, in such securities or be employed at interest in such manner as shall be approved from time to time by the Governor-in-Council, or, in the case of moneys remitted to London for investment, by the Secretary of State, and any such investment may at any time be changed into other like securities:

Provided that not more than one-third of such moneys shall at any time be or remain invested in securities of the Government of the Falkland Islands.

(2) Any sums of money that may from time to time be required for the repayment of any deposit or deposits under the authority of this Ordinance, or for the payment of interest thereon or expenses incurred in the execution of this Ordinance, may be raised by the sale of the whole or a part of such securities:

Provided that any sums of money which may be required for the purposes aforesaid, may, with the approval of the Governor, be advanced to the Savings Bank by the Colonial Treasurer out of the general revenues of the Colony until they can be raised by the sale of such securities and such advances shall bear interest at the rate from time to time payable to depositors.

12. Annual accounts of the revenue and expenditure of the Savings Bank and of deposits received and repaid and interest credited to depositors during the year ended on the 30th day of September together with a statement of the assets and liabilities of the Savings Bank, shall, after being audited and certified by the Local Auditor, be laid by the Treasurer before the Legislative Council not later than the 31st day of March ensuing in every year and shall as soon as practicable thereafter be published in the Government Gazette and submitted to the Secretary of State.

Accounts.

13. (1) If in any year the revenue of the Savings Bank shall be insufficient to defray the interest due to depositors and all expenses under this Ordinance, such deficiency shall be met out of the general revenues of the Colony.

Surpluses and Deficits.

(2) If in any year the revenue of the Savings Bank shall be more than sufficient to defray the interest due to depositors and all expenses under this Ordinance, then the Governor may direct the transfer of the surplus or any portion thereof to the general revenues of the Colony; Provided that no such transfer shall be made unless the assets of the Savings Bank will thereafter exceed the liabilities by not less than fifteen per centum of the liabilities to depositors.

(3) If on the 31st of December in any year the assets of the Savings Bank exceed the liabilities by more than fifteen per centum of the liabilities to depositors then the Governor, with prior consent of the Secretary of State, may direct that the surplus over fifteen per centum or any portion thereof shall be transferred to the general revenues of the Colony.

14. (1) The Governor-in-Council may make rules for the management and regulation of the Savings Bank.

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing powers such rules may—

- (a) Prescribe limits of deposits;
- (b) Prescribe the modes of making deposits;
- (c) Prescribe the modes of withdrawing deposits and interest;
- (d) Prescribe the times at which deposit books shall be returned to the Savings Bank by depositors;
- (e) Regulate deposits by minors, guardians, trustees, married women, Friendly Societies and other charitable bodies;
- (f) Prescribe conditions for the withdrawal of moneys by minors, guardians, trustees, married women, Friendly Societies and other charitable bodies;
- (g) Prescribe the modes of dealing with the deposits of deceased or insane persons;
- (h) Prescribe penalties not exceeding a fine of £100 for the breach of any such rule;

- (i) Provide for the forfeiture of deposits made in wilful contravention of this Ordinance;
- (j) Authorize the Colonial Treasurer to enter into an arrangement with the Post Office Savings Bank of the United Kingdom of Great Britain and Northern Ireland or with the Government Savings Bank of any British Dominion, Colony Protected State, or Protectorate, or any territory in respect of which a mandate on behalf of the League of Nations is being exercised by His Majesty, or any foreign country, for the transfer of any sums standing to the credit of depositors from such Savings Banks to the Falkland Islands Savings Bank, and vice versa, and prescribe conditions for such transfers.

(3) All rules made in pursuance of this section shall be published in the Government Gazette and shall come into operation on such publication or at such later date as may be named in such rules.

(4) Rules made in pursuance of this section shall be of the same effect as if they were contained in this Ordinance.

Names of Depositors etc., not to be disclosed.

15. (1) No person appointed to carry this Ordinance into effect shall disclose the name of any depositor or the amount which may have been deposited or withdrawn by any depositor except in due course of law, or to such person or persons as may be appointed to assist in carrying this Ordinance into operation.

(2) Any person contravening the provisions of this section shall on summary conviction be liable to a fine not exceeding one hundred pounds.

Settlement of disputes.

16. If any dispute shall arise between the Colonial Treasurer or the officer managing and controlling any Branch Savings Bank and any individual depositor therein, or any executor, administrator, next-of-kin of a depositor, or any creditor or assignee of a depositor who may become bankrupt or insolvent, or any person claiming to be such executor, administrator, next-of-kin, creditor or assignee, or to be entitled to any money deposited in such Savings Bank, then, and in every such case, the matter in dispute shall be referred to an arbitrator to be appointed by the Governor, and whatever award, order or determination may be made by such an arbitrator shall be binding and conclusive on all parties, and shall be final to all intents and purposes, without any appeal.

Non-liability of Government.

17. When any payment is made or act done by the Colonial Treasurer or any person acting under his authority in accordance with this Ordinance and the Rules for the time being made thereunder, the Government, the Colonial Treasurer and such person shall not be liable in respect of any claims on the part of any persons in connection with such payment or act, but any person may nevertheless recover any sum lawfully due to him from the person to whom the Colonial Treasurer has paid the same.

Refund of monies to Depositors.

18. The Colonial Treasurer, with the approval of the Governor shall refund to all Depositors within six months of the date of the commencement of this Ordinance all monies held by the Savings Bank established under Ordinance No. 1 of 1888 which exceed the aggregate limit laid down in the Rules made under this Ordinance.

Provided always that in the case of payment of any such amount exceeding Fifty pounds, payment may be made by a Bill of

Exchange at par, drawn by the Colonial Treasurer on the Crown Agents for the Colonies in London, payable at Thirty days after sight or in cash from the Treasury chest, at the discretion of the Governor. In case of payment by Bill of Exchange the withdrawal will be complete on the day of the date of such Bill.

19. The Savings Bank Ordinance No. 1 of 1888, as amended by the Savings Bank (Amendment) Ordinance No. 2 of 1933, is hereby repealed. Repeal of Ordinance No. 1 of 1888.

Passed by the Legislative Council this 28th day of May, 1936.

A. I. FLEURET,
Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 29th day of May, 1936.

M. J. STEWART,
Acting Colonial Secretary.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 8 of 1936.

I ASSENT,

H. HENNIKER-HEATON,

Governor.

29th May, 1936.

An Ordinance

To legalize certain payments made in the year One Thousand Nine hundred and Thirty-five in excess of the Expenditure sanctioned by Ordinance No. 6 of 1934.

WHEREAS it is expedient to make further provision for the service of the Colony for the year 1935. Preamble.

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 :— Enacting Clause.

1. This Ordinance may be cited for all purposes as the Supplementary Appropriation (1935) Ordinance, 1936. Short Title.

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 Thirty-five, 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. Appropriation of excess of expenditure for the year 1935.

Passed by the Legislative Council this 28th day of May, 1936.

A. I. FLEURET,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 29th day of May, 1936.

M. J. STEWART,

Acting Colonial Secretary.

SCHEDULE.

Schedule.

Number.	Head of Service.	Amount.		
		£	s.	d.
FALKLAND ISLANDS.				
II.	The Governor	33	9	11
VII.	Wireless Telegraphs	47	11	1
VIII.	Electrical	35	14	10
IX.	Harbour	26	19	11
XI.	Police & Prisons	9	6	2
XIII.	Education	62	8	0
XVII.	Stock	47	4	7
XVIII.	Miscellaneous	6969	18	5
	Total Ordinary Expenditure	7232	12	11
XXI.	Public Works Extraordinary ...	3241	4	11
XXII.	Depreciation of Investments ...	1765	13	5
	Total Falklands	12239	11	3



[L.S.]

FALKLAND ISLANDS.

Ordinance No. 9 of 1936.

I ASSENT,
H. HENNIKER-HEATON,
Governor.

29th May, 1936.

An Ordinance

To consolidate and amend the laws relating to Whale Fishery in the Colony of the Falkland Islands and its Dependencies.

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 as the "Whale Fishery (Consolidation) Ordinance, 1936." Short Title.

2. In this Ordinance the following expressions have the meanings hereby respectively assigned to them, that is to say:- Definitions.

"COASTAL WATERS" means waters within a distance of three nautical miles from any point on the coast of the Colony measured from low water mark of ordinary spring tides;

"CATCHER" means a ship for taking whales;

"FACTORY" does not include a ship;

"MASTER", in relation to any ship, includes the person for the time being in command or charge of the ship and, in relation to a ship used for treating whales, includes the person for the time being in charge of the operations on board the ship in connection with such treatment;

"PRESCRIBED" means prescribed by regulations made under the authority of this Ordinance;

"SHIP" includes every description of vessel used in navigation not propelled by oars;

"LICENSED SHIP" means a ship in respect of which the owner or charterer holds a licence under section 4 of this Ordinance;

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

Protection for certain classes of whales.

3. (1) If any person belonging to any ship while within the coastal waters of the Colony kills or takes, or attempts to kill or take:-

- (a) a right whale, or
- (b) an immature whale, or
- (c) a female whale which is accompanied by a calf,

that person and the master and the owner and the charterer (if any) of the ship shall each be liable to imprisonment for a term not exceeding three months, or to a fine not exceeding two hundred pounds and an additional fine not exceeding the value of the products (if any) obtained or obtainable from the whale in question, or to both such imprisonment and such fines.

(2) For the purposes of this section a whale of any description shall be deemed to be immature if it is less than such length as may be prescribed in relation to whales of that description:

Provided that the length prescribed for the purposes of this section in relation to blue whales shall not be less than sixty feet, and the length so prescribed in relation to fin whales shall not be less than fifty feet.

(3) In this section -

- (a) the expression "calf" includes a suckling whale;
- (b) the expression "right whale" means a whale known by any of the names set out in Part I of the first schedule to this Ordinance;
- (c) the expression "blue whales" means whales known by any of the names set out in Part II of the first schedule to this Ordinance;
- (d) the expression "fin whales" means whales known by any of the names set out in Part III of the first schedule to this Ordinance.

Whaling ships and whale-oil factories to be licensed.

4. (1) Without prejudice to the provisions of the last foregoing section, it shall be unlawful for any ship to be used within the coastal waters of the Colony for taking and treating whales, or for any factory situate in the Colony to be used for treating whales, unless the owner or the charterer of the ship, or the occupier of the factory, is the holder of a licence in force under this Ordinance authorising the ship or the factory, as the case may be, to be so used.

(2) If any ship or factory is used for taking or treating whales in contravention of this section the master and the owner and the charterer (if any) of the ship, or the manager and the occupier of the factory, as the case may be, shall each be liable, in respect of each

whale taken or treated in contravention of this section to imprisonment for a term not exceeding three months, or to a fine not exceeding two hundred pounds and an additional fine not exceeding the value of the products (if any) obtained or obtainable from the whale, or to both such imprisonment and such fines.

5. If any person belonging to any ship :-

- (a) Has in his possession, or in any ship under his command, any products obtained or obtainable from the whale for the lawful possession of which he cannot account satisfactorily,
- (b) Employs any ship for the purpose of towing or buoying the body of any whale in the coastal waters of the Colony, unless he shall have been expressly authorised by licence or otherwise to do so,
- (c) Employs any licensed ship to tow, buoy or manufacture within the coastal waters of the Colony bodies of whales taken or towed or buoyed outside the coastal waters of the Colony by any ship unlicensed,

Offences and Penalties.

that person and the master and the owner and the charterer (if any) of the ship shall each be liable to imprisonment for a term not exceeding three months, or to a fine not exceeding two hundred pounds, or to both such imprisonment and fine.

6. (1) On application made on the prescribed manner by the owner or charterer of any ship, or by the occupier of any factory situate in the Colony, and on payment of such fees as may be prescribed, the Colonial Secretary, or such other officer as the Governor may appoint for the purpose, shall, subject to the following provisions of this Ordinance, grant to the applicant a licence in the form of the second Schedule to this Ordinance authorising the ship or factory to be used for taking whales, or for treating whales, as the case may require:

Grant of Licences.

(2) The fee prescribed in respect of the grant of a licence under this section shall not exceed -

- (a) two hundred pounds in the case of a licence authorising the use of a ship or factory for treating whales;
- or
- (b) one hundred pounds in the case of a licence authorising the use of a ship for taking whales.

(3) The Colonial Secretary, or such other officer as the Governor may appoint for the purpose, may refuse to grant a licence under this section to any person who has been convicted of an offence under this Ordinance.

7. The Governor may remit the whole or part of any payment or fee prescribed in respect of any whaling licence by any regulations made thereunder.

Remission of whole or part of fees for whaling licences.

8. The Governor may give to the occupier of any factory to whom a lease of land within the Colony for treating whales is or has been granted an undertaking (which shall be subject to the provisions of this section) that the lessee will be granted a licence or licences annually, for such period not exceeding the duration of the lease and upon such terms and conditions consistent with the provisions of this Ordinance as the Governor may think fit; and when any such undertaking has been given, then so long as the terms and conditions

Security for granting of whaling licences.

contained in the lease and licence or licences are duly complied with, such licence or licences shall be granted in accordance with the undertaking.

Conditions attached to licences.

9. (1) There shall be attached to every licence under this Ordinance authorising the use of a ship for taking whales a condition that the remuneration of the gunners and crew of the ship must, so far as it is calculated by reference to the results of their work, be calculated by reference to the size, species, oil-yield and value of the whales taken, and in such manner as to exclude remuneration in respect of any whale which is of less than such length as may be prescribed for the purposes of this section, or the taking of which is prohibited by this Ordinance.

(2) There shall be attached to every licence under this Ordinance authorising the use of a ship or factory for treating whales the following conditions, that is to say :-

(a) that there must be recorded in the prescribed manner and by the prescribed person -

(i) with respect to each whale treated in the ship or factory, the date and place of taking, the species and the sex of the whale, and such measurements and other biological information (including information as to the contents of its internal organs) as may be prescribed; and

(ii) the prescribed particulars as to the number of whales treated in the ship or factory, and as to the yield of oil of different grades, and the quantities of meal, guano and other products derived from those whales; and

(b) that the ship or factory must be equipped with plant of a type approved by the Governor for the extraction of oil from the blubber, flesh and bones of whales, and that steps must be taken to ensure that the plant is kept in good order and operated efficiently; and

(c) that, except in the case of a whale or part of a whale intended to be used for human food, the oil must be extracted, by boiling or otherwise, from all whale blubber, from the heads and tongues of whales and from their tails as far forward as the outer opening of the lower intestine; and

(d) in the case of a factory, that adequate arrangements must be made for utilising residual products.

(3) There shall be attached to every licence under this Ordinance the condition that the records required by the licence to be kept must be transmitted, at such times and in such manner as may be prescribed, to the Colonial Secretary or such other officer as the Governor may appoint for the purpose.

(4) There may be attached to any licence under this Ordinance such conditions (if any) in addition to the conditions required by the foregoing provisions of this section, as appear to the Governor to be necessary or expedient for the purpose of preventing, so far as practicable :-

(a) any wastage of whales or whale products; or

(b) the taking of whales during certain seasons.

(5) Notwithstanding anything in the foregoing provisions of this section, no condition involving the substitution of one

type of plant for another shall be attached to a licence under this section unless at least twelve months' notice of the intention to impose the condition has been given by the Colonial Secretary or such other officer as the Governor may appoint for the purpose in such manner as the authority think best for informing the persons concerned.

(6) The Colonial Secretary or such other officer as the Governor may appoint for the purpose may refuse to grant a licence under this Ordinance in respect of a ship or factory until the authority is satisfied, from an inspection of the ship or factory or by such other evidence as he may require, that any condition affecting the structure or equipment of the ship or factory which it is proposed to attach to the licence has been complied with.

(7) If any condition attached to a licence under this Ordinance is contravened or not complied with, then, in the case of a licence granted in respect of a ship, the master and (subject to the following provisions of this Ordinance) the owner and the charterer, if any, of the ship, or, in the case of a licence granted in respect of a factory, the manager and (subject as aforesaid) the occupier of a factory, shall each be liable to imprisonment for a term not exceeding three months, or to a fine not exceeding two hundred pounds, or to both such imprisonment and such fine; and the court by whom the offender is convicted may, if the court think fit, cancel any licence granted under this Ordinance to the offender, being a licence which is for the time being in force in respect of the ship or factory, as the case may be, and that licence shall thereafter cease to be in force.

(8) Without prejudice to the provisions of the last foregoing sub-section, if any person fails to keep any record in accordance with the conditions attached to a licence under this Ordinance or knowingly makes in any record which he is required by such conditions to keep, a statement false in any material particular, he shall be liable to imprisonment for a term not exceeding three months, or to a fine not exceeding fifty pounds, or to both such imprisonment and such fine.

10. (1) Notwithstanding anything in this Ordinance the Governor may grant to any person a special permit authorising that person to kill, take, and treat whales for purposes of scientific research or for other exceptional purposes, subject to such restrictions as to number, and subject to such other conditions as the Governor may think fit, and the killing, taking or treating of whales in accordance with a permit in force under this section shall be exempt from the operation of the foregoing provisions of this Ordinance.

Permits to take and treat whales for scientific purposes.

(2) The Governor may at any time revoke a permit granted by him under this section.

11. The Governor in Council may from time to time make regulations:-

The Governor in Council may make regulations.

(a) For fixing the terms and conditions on which licences to take and treat whales may be granted;

(b) For regulating the number of licences to be granted in any year;

(c) For defining the limits within which any holder of a licence shall be allowed to take whales;

(d) For regulating the number of whales to be taken in any year by any holder of a licence to take whales;

(e) For disposing by sale or otherwise of any whales, or the products obtained or obtainable from whales forfeited under the provisions of this Ordinance;

- (f) For authorising the maintenance of spare whale catchers, regulating the use thereof; and prescribing fees in respect thereof, and
- (g) generally for carrying out the provisions of this Ordinance, and the intent and object thereof.

And the Governor in Council may impose fines not exceeding fifty pounds for the breach of such regulations.

Regulations to be published in the official Gazette.

12. All regulations made in pursuance of this Ordinance shall be published in the official Gazette, and shall come into force on such day as the Governor may direct by notice in that behalf published in the official Gazette.

Legal Proceedings.

13. (1) In any proceedings taken by virtue of this Ordinance against the owner or charterer of a ship or against the occupier of a factory in respect of any act or commission on the part of another person, it shall be a good defence for the owner, charterer or occupier, as the case may be, to prove that the act or commission took place without his knowledge or connivance and was not facilitated by any negligence on his part.

(2) Proceedings in respect of offence under this Ordinance, or under any regulations made thereunder, may be taken, before the Police Magistrate or any two Justices of the Peace in a summary manner, or in the Supreme Court of the Colony.

Provided that any fine imposed by the Police Magistrate or two Justices of the Peace shall not exceed one hundred pounds, exclusive of costs.

Revenue.

14. For all purposes of and incidental to the trial and punishment of any person accused of any offence under this Ordinance, and the proceedings and matters preliminary and incidental to and consequential on his trial and punishment, and for all purposes of and incidental to the jurisdiction of any court, or of any constable or officer with reference to such offence, the offence shall be deemed to have been committed either in the place in which it was actually committed or in any place in which the offender may for the time being be found.

Recovery of penalties.

15. Any fine adjudged under this Ordinance to be paid by the master, the owner or the charterer (if any) of a ship, may be recovered in the ordinary way, or, if the court think fit so to order, by distress or arrest and sale of the ship to which the offender belongs, and her tackle, apparel, and furniture, and any property on board thereof or belonging thereto, or any part thereof.

Service of summons.

16. Service of any summons or other matter in any legal proceedings under this Ordinance shall be good service if made personally on the person to be served, or at his last place of abode, or if made by leaving such summons or other matter for him on board any ship to which he may belong, with the person being or appearing to be in command or charge of such ship.

Derelict whales.

17. Notwithstanding anything in this Ordinance contained, the owner or lessee of any land or the agent of such owner or lessee, may take possession of any derelict whale found on such land, or on the coast or shore adjacent thereto, but such whale or any part thereof, may not be appropriated by such owner or lessee, or agent as aforesaid, except with the permission of, and on such special terms and conditions in respect of royalty and otherwise as may be approved by the Governor in Council.

Penalty for appropriating any derelict whale without authority.

18. Any person who appropriates any derelict whale or any part thereof in contravention of the foregoing section shall be liable to a fine not exceeding one hundred pounds.

19. The Whale Fishery Ordinance 1908, and the Whale Fishery (Amendment) Ordinances 1912, 1915, 1923, 1933, and 1934, are hereby repealed.

Repeal of Ordinances No. 5 of 1908, No. 5 of 1912, No. 9 of 1915, No. 4 of 1923, No. 3 of 1933, No. 1 of 1934.

Passed by the Legislative Council this 28th day of May, 1936.

A. I. FLEURET,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 29th day of May, 1936.

M. J. STEWART,

Acting Colonial Secretary.

FIRST SCHEDULE.

NAMES OF WHALES.

PART I.

Right Whales.

Atlantic right whale.	North Atlantic right whale.
Arctic right whale.	North Cape whale.
Biscayan right whale.	Pacific right whale.
Bowhead.	Pigmy right whale.
Greenland right whale.	Southern pigmy right whale.
Greenland whale.	Southern right whale.
Nordkaper.	

PART II.

Blue Whales.

Blue whale.	Sulphur bottom.
Sibbald's rorqual.	

PART III.

Fin Whales.

Common finback.	Fin whale.
Common finner.	Herring whale.
Common rorqual.	Razorback.
Finback.	True fin whale.

SECOND SCHEDULE.

FALKLAND ISLANDS.

THE WHALE FISHERY (CONSOLIDATION) ORDINANCE, 1936.

L I C E N C E .

No.....19.....

WHALING SEASON.....

Subject to the provisions of the Whale Fishery (Consolidation) Ordinance, 1936, and to the regulations made from time to time thereunder, and the conditions attached hereto, a Licence is hereby granted to the of to take whales in the territorial waters of and to render, boil down, treat or manufacture whale carcasses or any part thereof by means of a ship or factory for treating whales.

The period during which whales may be taken shall be

.....

Vessels to be employed under this Licence -

Ship for treating Whales

Whale Catcher

- do -

Colonial Secretary.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 10 of 1936.

I ASSENT,

H. HENNIKER-HEATON,

Governor.

29th May, 1936.

An Ordinance

To extend to the Colony and Dependencies thereof the Counterfeit Currency (Convention) Act, 1935, of the Imperial Parliament.

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 as "The Counterfeit Currency (Convention) Ordinance, 1936." Short Title.

2. From and after the passing of this Ordinance, the provisions of the Act of the Imperial Parliament, 25 & 26 Geo. V. Cap. 25 (the Counterfeit Currency (Convention) Act, 1935,) shall apply *mutatis mutandis* to the Colony and to the Dependencies thereof. Counterfeit Currency (Convention) Act, 1935, (Imperial) extended to the Colony and to the Dependencies.

Passed by the Legislative Council this 28th day of May, 1936.

A. I. FLEURET,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 29th day of May, 1936.

M. J. STEWART,

Acting Colonial Secretary.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 11 of 1936.

I ASSENT,

H. HENNIKER-HEATON,

Governor.

29th May, 1936.

An Ordinance

To amend the law with respect to Compensation to Workmen for accidental injuries suffered in the course of their employment.

WHEREAS by virtue of the provisions of Section 31 of the Interpretation and General Law Ordinance, 1900, the Workmen's Compensation Act of the Imperial Parliament, 60 and 61 Victoria, Chapter 37, is in force in the Colony.

Preamble.

AND WHEREAS the aforesaid Workmen's Compensation Act has been repealed in England.

AND WHEREAS it is desirable that the Law in England with respect to Compensation to Workmen should be in force in the Colony and the Dependencies.

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:-

Enacting Clause.

1. This Ordinance may be cited as "The Workmen's Compensation Ordinance, 1936".

Short Title.

2. From and after the commencement of this Ordinance the provisions of the Act of the Imperial Parliament, 15 and 16 George V., Chapter 84 (Workmen's Compensation Act 1925) shall be in force *mutatis mutandis* in this Colony and the Dependencies thereof.

Workmen's Compensation Act, 1925, extended to the Colony and Dependencies.

Date of Operation.

3. This Ordinance shall come into operation on a date to be notified in the Gazette, and the Workmen's Compensation Act, 1897, shall thereafter cease to be in force.

Passed by the Legislative Council this 28th day of May, 1936.

A. I. FLEURET,
Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 29th day of May, 1936.

M. J. STEWART,
Acting Colonial Secretary.



[L.S.]

FALKLAND ISLANDS.

Ordinance No. 12 of 1936.

I ASSENT,
H. HENNIKER-HEATON,
Governor.

7th November, 1936.

An Ordinance

To provide for the service of the year, 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:- Enacting Clause.

1. This Ordinance may be cited for all purposes as the Appropriation (1937) Ordinance, 1936. 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 of December, 1937, a sum not exceeding Seventy-three thousand, Eight hundred, and Five 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 1937. Appropriation of £73,805 for service of year 1937.

Passed by the Legislative Council this 6th day of November, 1936.

A. I. FLEURET,
Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 7th day of November, 1936.

M. J. STEWART,
Acting Colonial Secretary.

SCHEDULE.

Number.	Head of Service.	Amount.		
		£	s.	d.
FALKLAND ISLANDS.				
I.	Pensions	1577	0	0
II.	The Governor	2611	0	0
III.	Colonial Secretary	2570	0	0
IV.	Treasury and Customs	1555	0	0
V.	Audit	138	0	0
VI.	Post Office	3775	0	0
VII.	Electrical and Telegraph	3218	0	0
VIII.	Harbour	760	0	0
IX.	Legal	95	0	0
X.	Police and Prisons	1007	0	0
XI.	Medical	5047	0	0
XII.	Education	2750	0	0
XIII.	Ecclesiastical	289	0	0
XIV.	Naturalist	55	0	0
XV.	Military	956	0	0
XVI.	Agriculture	6537	0	0
XVII.	Miscellaneous	4663	0	0
XVIII.	Public Works	3675	0	0
XIX.	Public Works Recurrent	5495	0	0
	Total Ordinary Expenditure	£ 46773	0	0
XX.	Public Works Extraordinary	10128	0	0
	Total Expenditure chargeable to Revenue	£ 56901	0	0
APPENDIX I.	Expenditure chargeable to Land Sales Fund	3200	0	0
DEPENDENCIES.				
I.	Ordinary Expenditure	13704	0	0
	Total	£ 73805	0	0

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 13 of 1936.

I ASSENT,

H. HENNIKER-HEATON,

Governor.

7th November, 1936.

An Ordinance

To amend the Tariff Ordinance, 1900,
as amended by the Tariff (Export Duties)
Amendment Ordinances, 1923 and 1924.

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. Notwithstanding any provisions to the contrary contained in the Tariff Ordinance, 1900, as amended by the Tariff (Export Duties) Amendment Ordinances, 1923 and 1924, the duty of Customs to be raised, levied and collected upon whale oil and upon seal oil which shall be raised in the Colony or in the Dependencies thereof and shall be shipped from the Colony or from the Dependencies thereof for places beyond the limits of the Colony or of the Dependencies thereof during the 1936-37 whaling season and during the 1937 sealing season shall be fixed at the rate of one shilling and six pence for each barrel of forty gallons.

Rate of duty on export of whale and seal oil during the 1936-37 whaling season and the 1937 sealing season.

2. This Ordinance may be cited as the "Tariff (Export Duties) Amendment Ordinance, 1936" and shall be read and construed as one with the Tariff (Export Duties) Amendment Ordinances, 1923 and 1924.

Short Title.

Passed by the Legislative Council this 6th day of November, 1936.

A. I. FLEURET,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 7th day of November, 1936.

M. J. STEWART,

Acting Colonial Secretary.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 14 of 1936.

I ASSENT,

H. HENNIKER-HEATON,

Governor.

7th November, 1936.

An Ordinance

To amend the Tariff Ordinance, 1900, as amended by the Tariff (Import Duties) Amendment Ordinances, 1929, 1931 and 1933.

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 "Tariff (Import Duties) Amendment Ordinance, 1936", and shall be read and construed as one with the Tariff Ordinance, 1900, as amended by the Tariff (Import Duties) Amendment Ordinances, 1929, 1931 and 1933.

Short Title.

2. In this Ordinance :—

Definition.

"The British Empire" means the United Kingdom of Great Britain and Northern Ireland, the Dominions, India, the territories administered by His Majesty's Governments in the Dominions under Mandate or otherwise, the British Colonies, the British Protectorates and protected States, and the Mandated Territories of Tanganyika, the Cameroons under British Mandate and Togoland under British Mandate.

3. The First Schedule to the Tariff Ordinance, 1900, as amended by the Tariff (Import Duties) Amendment Ordinances, 1929, 1931, and 1933, is hereby amended by the addition thereto of the following :

Amendment of First Schedule to Tariff Ordinance, 1900.

"Articles of all kinds not manufactured in and consigned from any part of the British Empire, suitable for use for or in connection with the celebration or commemoration of the Coronation of His Majesty or as souvenirs thereof being articles which consist of or bear a representation of His Majesty; any member of the Royal Family; any Royal Emblem, etc., or Union Flag or Flag Badge of any part of the British Empire or which consist of or bear any other mark or device which renders them suitable for use as aforesaid 5/- each.

Duration of Ordinance.

4. This Ordinance shall expire on the first day of June, 1937.

Passed by the Legislative Council this 6th day of November, 1936.

A. I. FLEURET,
Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 7th day of November, 1936.

M. J. STEWART,
Acting Colonial Secretary.

PART II.

RULES, REGULATIONS, ETC.

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—:O:—

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The Motor Cars Regulations, 1936.

The Whaling (Amendment) Regulations, 1936.

FALKLAND ISLANDS.

No. 1. Proclamation. 1936.

H. HENNIKER-HEATON,
Governor.

In virtue of the powers in me vested by the Customs Ordinance, 1903, as amended by the Customs (Amendment) Ordinance, 1933, and otherwise, I, HERBERT-HENNIKER-HEATON, ESQUIRE, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, do proclaim and order and it is hereby proclaimed and ordered as follows :-

The export, including re-export, to Spain of arms and war materials, aeroplanes, aeroplane motors separate parts thereof, and munitions is prohibited.

Given at Government House, Stanley, this 2nd day of September, 1936.

By His Excellency's Command,
M. J. STEWART,
Acting Colonial Secretary.

FALKLAND ISLANDS.

**The Wild Animals and Birds Protection (Amendment)
Ordinance, 1913.**

H. HENNIKER-HEATON,
Governor.

His Excellency the Governor, in virtue of the powers in him vested by section 8 of the Wild Animals and Birds (Amendment) Ordinance, 1913, and otherwise, and with the advice and consent of the Executive Council, is hereby pleased to declare, and it is hereby declared, that the wild bird "Partridge" shall be added to Schedule I and the wild animal "Hare" expunged from Schedule II of the aforesaid Ordinance as amended by Orders in Council dated the 31st day of March, 1914, the 28th day of January, 1931, and the 12th day of July, 1935.

Made by the Governor in Executive Council at a meeting held on the 12th day of September, 1936.

A. I. FLEURET,
Clerk of the Executive Council.

M.P. 14/31.

FALKLAND ISLANDS.

Rules for the grant of Travelling and Subsistence Allowances to Officers travelling on duty.

—:0:—

His Excellency the Governor has been pleased, with the advice and consent of the Executive Council, to make the following rules for the grant of Travelling and Subsistence Allowances to Officers in the public service and to Unofficial Members of the Executive and Legislative Councils travelling on duty within the limits of the Colony, including the Dependencies thereof :

Travelling Allowance. The actual cost of the means of transport employed shall be paid. Such transport shall be by first class in the case of officers with commencing salary at not less than £400 per annum and by second class in the case of other officers.

Subsistence Allowance. The undermentioned rates shall be paid in each case in respect of every night spent by an Officer away from his usual headquarters :

(a)	His Excellency the Governor	...	...	£1.	10s.	0d.
(b)	Members of the Executive and Legislative Councils	...	...		15s.	0d.
(c)	Unofficial Members of the Executive and Legislative Councils visiting Stanley for the purpose of attending meetings	...	...		15s.	0d.
(d)	Officers with commencing salary at not less than £400 per annum	...	...		10s.	0d.
(e)	Other Officers	...	...		6s.	0d.

These allowances shall not be paid to an Officer —

- (a) whose salary is fixed on a basis as to include an allowance for the cost of necessary travelling on duty
- (b) in respect of any night —
 - (i) on which the officer is the guest of a resident of the Colony
 - (ii) the officer is in receipt of a passage at Government expense on board a vessel in Colonial waters.

The Rules for the Grant of Travelling and Subsistence Allowances to Officers travelling on duty made on the 19th of February, 1930, are hereby repealed.

Stanley, Falkland Islands.

8th February, 1936.

FALKLAND ISLANDS.

Rules for the grant of Travelling and Subsistence Allowances to Officers attending Conferences while on leave in the United Kingdom.

—:0:—

His Excellency the Governor has been pleased, with the sanction of the Secretary of State for the Colonies, to make the following rules for the grant of Travelling and Subsistence Allowances to Officers in the public service attending Conferences in the United Kingdom while on leave :

1. Officers attending Conferences in the United Kingdom while on leave will be granted a subsistence allowance at the rate of £1. 0. 0. for each night necessarily spent away from their usual places of residence. In addition the cost of their railway fares will be refunded on the following scale :

- (a) First Class in the case of officers with a commencing salary at not less than £700, and
- (b) Third Class in the case of other officers.

2. In the event of an officer residing within easy reach of the venue of the Conference, subsistence allowance at the rate of 7s. 6d. a day only will be granted to cover his out-of-pocket expenses including fares.

Colonial Secretary's Office,
Stanley, Falkland Islands.
12th May, 1936.

FALKLAND ISLANDS.

Rules made by the Governor in Council under Section 14 (1) of the Savings Bank Ordinance, No. 7 of 1936.

H. HENNIKER-HEATON,

Governor.

1. In these Rules "Savings Bank" means the Savings Bank established by the Savings Bank Ordinance, 1936. Definition.
2. The Savings Bank shall be at the Public Treasury, Stanley, and shall be open daily each week (Sundays, Christmas Day, Good Friday and Public Holidays excepted) for the transaction of business from 10 a.m. to 3 p.m. and on Saturdays from 10 a.m. to 12 noon. Hours of business.
3. Every Depositor, on making a first deposit in the Savings Bank, shall be supplied, free of charge, with a Pass Book, and shall be required to state his christian name and surname, occupation and residence, (to the officer appointed to receive the deposit), and to sign his name in the place provided for the Depositor's signature in the Pass Book. If the Depositor cannot write, his mark shall be taken and witnessed by the Colonial Treasurer or an officer of his Department. Method of making deposits.

If the Depositor is unable to attend personally at the Savings Bank, his signature or mark may be witnessed by a Justice of the Peace or a Minister of Religion recognised by the Government, or by a landed proprietor, or Lessee of Crown Lands or his Manager in the district in which the Depositor resides. The particulars of the deposit together with the money to be deposited shall then be forwarded to the Colonial Treasurer to be dealt with according to the Savings Bank Rules.
4. Deposits may be made by a Trustee on behalf of another person or persons, in the joint names of such Trustee and the person or persons on whose account such moneys shall be so deposited, but repayment of the same or any part thereof shall not be made without the receipt and receipts of both or all of the said parties, or the survivor or survivors, or the executors or administrators of such survivor, whose receipt and receipts, either personally, or by agent appointed by Power of Attorney, which Power of Attorney may be executed by an infant of or exceeding the age of 14 years, shall alone be a valid discharge, except in cases of insanity or imbecility of the party on whose behalf the deposits were made, when the Colonial Treasurer may, on proof of the fact to his satisfaction, allow repayment to be made to the Trustee alone. Deposits made by Trustees.
5. Deposits may be made by or for the benefit of any person under 21 years of age and repayment shall be made to such minor of the age of 10 years or more in the same manner as if he were of full age. Deposits by minors.
6. Deposits may be made by married women, and deposits so made, or made by women who shall afterwards marry, will be repaid to any such woman. Deposits by married women.
7. Deposits may be made by the Trustee of any Friendly Society, or of any Charitable or Provident Society, or Penny Savings Bank, within the Colony of the Falkland Islands, provided always that such deposits shall not be of less amount than One Shilling, or of any sum not a multiple thereof, and that a copy of the rules of such Society or Penny Savings Bank shall be deposited with the Colonial Treasurer, with the names and addresses of the Trustees thereof. Deposits by Friendly Societies &c.

Limit of Deposits.

8. Deposits in the Savings Bank shall not in the aggregate exceed the sum of £5,000 in respect of one or more accounts held by any one depositor.

Provided that the Governor in Council may approve of the said limit being exceeded in the case of investments on account of local Societies and Provident Funds.

Form of withdrawal.

9. Any Depositor wishing to withdraw the whole or any part of the sum standing to his credit in the Savings Bank, shall make application to the Colonial Treasurer, on the form prescribed in the Schedule to these Rules.

Withdrawals.

10. Every withdrawal from the Savings Bank shall be paid to the Depositor in person, or to the person duly authorised by him to receive the same, and receipts shall be given by the Depositor, or by the person authorized, as the case may be, for every payment made to him.

An authorization to receive payment from the Savings Bank shall be signed in the presence of a Justice of the Peace, a Minister of Religion recognized by the Government, or a landed proprietor or Lessee of Crown Lands or his Manager in the District in which the Depositor resides. If the Depositor be out of the Colony, his signature shall be verified by some constituted authority of the place in which he resides.

Withdrawals by Friendly Societies &c.

11. Applications to withdraw money deposited by any Friendly, Charitable, or Provident Society, or Penny Savings Bank, shall be signed by two of the Trustees of any such Society or Penny Savings Bank, or, when there is no Trustee, then by the Treasurer, and the names of the Trustee or Treasurer or other Officer of the Society authorized to receive the amount to be withdrawn, shall be stated in the notice of withdrawal, and the warrant for payment of the amount shall be made out in the name of such Trustee, Treasurer or Officer, and the receipt of such person apparently authorised shall be a sufficient discharge for the same.

Amount of deposit and withdrawals.

12. No deposit shall be for any sum less than One Shilling, and no withdrawals shall be for less amounts than One Shilling unless to close the account.

Rendition of Pass Books for the purpose of making entries.

13. All Pass Books shall be forwarded to the Colonial Treasurer annually on the anniversary of the date on which the account was opened in order that the entries in such books may be compared with the entries in the books of the Colonial Treasurer, and that the interest due to the Depositor may be inserted in his book.

Payment of deposits on death of Depositor.

14. In case any Depositor shall die leaving any sum of money in the Savings Bank, the same shall only be paid to the Executor or Administrator on the production of the Probate of the Will, or Letters of Administration of the estate or effects of the deceased Depositor to the Colonial Treasurer. Provided always that if the sum of money, with interest, due to such Depositor at the time of his death shall not exceed Fifty Pounds, and if Probate of his Will or Letters of Administration be not produced to the Colonial Treasurer or if notice in writing of the existence of a Will and intention to prove the same, or to take out Letters of Administration, be not given to the Colonial Treasurer, at his office within the period of one month after the death of the Depositor; or if such notice be given, but such Will be not proved, or Letters of Administration be not taken out, and the Probate or Letters of Administration (as the case may be) be not produced to the Colonial Treasurer within the period of two months from the death of the Depositor, it shall be lawful for the Colonial Treasurer after such period of ONE or TWO months (as the case may be) to pay and divide such funds at his discretion, to or amongst the widow or relatives of the deceased Depositor, or any, or more of them; or, if he shall think proper, according to the Statute of Distributions.

15. If any Depositor, being illegitimate, shall die intestate, leaving any person or persons who, but for the illegitimacy of such Depositor, and of such person or persons, would be entitled to the money due to such deceased Depositor, it shall be lawful for the Colonial Treasurer with the authority in writing of the Judge of the Supreme Court, to pay the money of such deceased Depositor to any one or more of the persons who, in his opinion, would have been entitled to the same, according to the Statute of Distributions, if such Depositor and such person or persons had been legitimate.

Payment of deposits where Depositor being illegitimate shall die intestate.

16. If any Depositor shall become insane or otherwise incapacitated to act, and the same shall be proved to the satisfaction of the Colonial Treasurer and if the Colonial Treasurer shall be satisfied of the urgency of the case, he may pay from time to time out of the funds of such depositor to any person whom he shall judge proper, and the receipt of such person shall be a good discharge for the same.

Payment of deposits if Depositor shall become insane.

17. Any person contravening the provisions of these rules shall on summary conviction be liable to a fine not exceeding one hundred pounds.

Penalty for contravention of Rules.

18. The Colonial Treasurer is authorised to enter into an arrangement with the Post Office Savings Bank of the United Kingdom of Great Britain and Northern Ireland or with the Government Savings Bank of any British Dominion, Colony, Protected State, or Protectorate, or any territory in respect of which a mandate on behalf of the League of Nations is being exercised by His Majesty, or any foreign country, for the transfer of any sums standing to the credit of Depositors from such Savings Banks to the Savings Bank, and vice versa, and prescribe conditions for such transfers.

Transactions with other Post Office Savings Banks.

19. No money shall be paid from the Savings Bank without the production of the Depositor's pass book and application for withdrawal made on the prescribed form. Payments may be made, when convenient to the Colonial Treasurer, at the time of application, provided nevertheless the Colonial Treasurer may in the exercise of his discretion require on the receipt of the application for withdrawal the following periods of delay:-

Periods allowed for payment of withdrawals.

For any sum of money not exceeding ten pounds (£10) Two days.

For any sum of money exceeding ten pounds (£10) Four days.

Provided always, that in case of the withdrawal of any sum exceeding Fifty Pounds, (£50) payment may be made by a Bill of Exchange at par, drawn by the Colonial Treasurer on the Crown Agents for the Colonies in London, payable Thirty days after sight, or in cash from the Treasury chest, at the discretion of the Colonial Treasurer. In case of payment by Bill of Exchange, the withdrawal will be complete on the day of the date of such Bill.

20. The Government Savings Bank Regulations made by the Governor in Council on the 1st day of March, 1916, under the provisions of the Savings Bank Ordinance, No. 1 of 1888, and any subsequent amendments or additions thereto are hereby cancelled.

Cancellation of Government Savings Bank Regulations, 1916.

Made by the Governor in Executive Council at a meeting held on the 11th day of July, 1936.

A. I. FLEURET,
Clerk of the Executive Council.

SCHEDULE.

P.V. No.....

Falkland Islands Savings Bank.

S.B. No.....

FORM OF WITHDRAWAL.

Depositor's Book. (Date).....day of.....19.....
No.....

To the Colonial Treasurer, Stanley, Falkland Islands.

I hereby give notice that I wish to withdraw the amount of
Insert at (a) the amount to be withdrawn. (a)
except when closing account; then insert the words "the balance, including interest."
from my Deposit Account bearing the above number in the Books of the Savings Bank, and I request that payment of the said amount be made

° to me in person

*Words not applicable to be struck out. ° to.....who is authorized to receive the same on my behalf and that the said amount be debited to my deposit account.

(Signature.)

(Address.)

N.B.—If payment is to be made to any person other than the Depositor himself this form of withdrawal must be signed by the depositor in the presence of a witness under Regulation 10 (see back hereof.)

I certify that I am personally acquainted with.....

who is the possessor of Savings Bank Deposit Book No..... now produced to me and

that he has affixed his signature to this form of withdrawal in my presence.
she her mark

Witness.....

Qualification.....

AUTHORITY FOR PAYMENT.

Depositor's Book No.....

Payment of the sum of.....
is authorized to be made as requested, entry of the sum being duly made in the Depositor's Pass Book and receipts being given for the same.

Balance £.....s.....d.....

Interest £.....s.....d.....

Total £.....s.....d.....

Date.....19.....

Colonial Treasurer.

DEPOSITOR'S RECEIPT.

I hereby acknowledge the receipt of the above-named sum of.....

£.....s.....d.....

Signature of Depositor or of person authorised by him.

Printed copies of this Form may be obtained at the Savings Bank for transactions with the Bank.

FALKLAND ISLANDS.

The Harbour Ordinance, 1902.

The Harbour (Amendment) Regulations, 1936.

H. HENNIKER-HEATON,
Governor.

In pursuance of the powers vested in him by Section 2 of the Harbour Ordinance, 1902, and otherwise, the Governor is pleased with the advice and consent of the Executive Council, to make the following regulations:—

1. These Regulations may be cited as the "Harbour (Amendment) Regulations, 1936", and shall be read and construed as one with the Harbour Regulations, 1935. Short Title.

2. The Schedule to the Harbour Regulations, 1935, is hereby repealed and replaced by the Schedule hereto. Repeal and replacement of Schedule to Harbour Regulations, 1935.

Made by the Governor in Executive Council at a meeting held on the eighth day of February, 1936.

A. I. FLEURET,
Clerk of the Executive Council.

M.P. 318/35.

SCHEDULE.

	Ordinary 8 hour working day.	Overtime on week-days, after ordinary 8 hour day.	Sundays, Good Fridays, and Christmas Days.
Vessels from overseas not normally employed in the inter-island trade of the Colony.	1/9 per hour.	2/7½ per hour.	Flat rate of 3/6 per hour.
Home Trade Ships.	1/6 per hour.	2/3 per hour.	Flat rate of 3/- per hour.

Double time will be paid for work performed after midnight provided such work is commenced before midnight and is continuous.

When handling loose coal a flat rate of 4d. per hour extra on the above rates will be paid.

FALKLAND ISLANDS.

The Pensions Ordinance, 1927.

The Pensions (Amendment) Regulations, 1936.

H. HENNIKER-HEATON,

Governor.

In pursuance of the powers vested in him by section 6 of the Pensions Ordinance, 1927, and otherwise, the Governor is pleased with the advice and consent of the Executive Council, and with the sanction of the Secretary of State, to make the following Regulations:-

1. These Regulations may be cited as the "Pensions (Amendment) Regulations, 1936", and shall be read and construed as one with the Pensions Regulations, 1928.

Short Title.

2. Section 27 (a) of the Pensions Regulations, 1928, and all amendments thereto are hereby repealed.

Repeal of Section 27 (a) of the Pensions Regulations, 1928.

3. The Schedule to the Pensions Regulations, 1928, and all replacements thereof and amendments thereto, are hereby repealed and replaced by the following:

Repeal and Replacement of the Schedule to the Pensions Regulations, 1928.

Great Britain and Northern Ireland.
The Office of the Crown Agents for the Colonies.
The Colonial Audit Department (Home Establishment)
Bahamas.
Barbados.
Basutoland.
Bechuanaland Protectorate.
Bermuda.
British Guiana.
British Honduras.
British Solomon Islands Protectorate.
Ceylon.
Cyprus.
Federated Malay States.
Fiji.
Gambia.
Gibraltar.
Gilbert and Ellice Islands.
Gold Coast.
Hong Kong.
Jamaica.
Kenya.
Kenya and Uganda Railways and Harbours.
Leeward Islands.
Malta.
Mauritius.
Nigeria.
Northern Rhodesia.
Nyassaland Protectorate.
Palestine.
St. Helena.
Seychelles.
Sierra Leone.

Somaliland Protectorate.
Straits Settlements.
Swaziland.
Tanganyika Territory.
Tonga.
Trinidad.
Turks and Caicos Islands.
Uganda Protectorate.
Windward Islands.
Zanzibar Protectorate.

Made by the Governor in Executive Council at a meeting
held on the 9th day of April 1936.

A. I. FLEURET,
Clerk of the Executive Council.

FALKLAND ISLANDS.

The Colonial Police and Fire Brigades Long Service Medal.

Falkland Islands and Dependencies.

The Regulations made on the 5th of February, 1935, governing the award of the Colonial Police and Fire Brigades Long Service Medal in the Falkland Islands are hereby amended by the addition of the following sentence to Section 1 :-

“A bar to be attached to the ribbon by which the Medal is suspended will also be granted to a recipient of the Medal on his completing twenty-five years' qualifying service and a further bar on completing thirty years' qualifying service, and for each bar so awarded a small silver rose may be added to the ribbon when worn alone.”

Colonial Secretary's Office,
Stanley, Falkland Islands,
16th April, 1936.

FALKLAND ISLANDS.

Regulations made by the Governor in Council under Section 11 of the Whale Fishery (Consolidation) Ordinance, 1936.

H. HENNIKER-HEATON,

Governor.

1. These Regulations may be cited as the Whaling Regulations, 1936. Short Title.
 2. (1) The expression "Whaling Officer" as used in these regulations shall mean such officer as the Governor may appoint to enforce the provisions of the Whale Fishery (Consolidation) Ordinance, 1936. Definitions of Whaling Officer and holders of Licences.

(2) The term "Holder of a lease of a land site" and "Holder of a licence" shall include the manager of the factory or ship used for taking and treating whales in respect of which a lease or licence is held.
 3. Licences authorising a ship or factory to be used for taking and treating whales may be issued for and in respect of the following places:- Places for which licences may be issued and period of validity.
 - (a) Falkland Islands
 - (b) South Georgia
 - (c) South Shetlands
 - (d) South Orkneys
 - (e) South Sandwich Islands
- and shall be valid for the period from the 15th October to the 15th May following.
4. The fees to be paid in respect of the granting of licences for the use of ships shall be:- Fees for Licences.
 - (a) In the case of a licence authorizing the use of a ship for treating whales the sum of £100, and
 - (b) in the case of a licence authorizing the use of a ship for taking whales the sum of £50.
 5. Every person desiring to obtain a licence for taking and treating whales shall apply in writing to the Colonial Secretary and shall give the following particulars:- Conditions relative to the issue of licences.
 - (a) If an individual, his full name, nationality, description and address.
 - (b) If a private company, the full name, nationality, description and address of each partner, and if a limited company, the same particulars regarding each director.
 - (c) The names and description of all ships to be employed.
 - (d) The carrying capacity of the ship to be used for treating whales.
 - (e) The number and cubic capacity of all open and pressure boilers.
 - (f) In the case of a ship or factory for treating whales, the full description and particulars of the plant.

The applicant shall shew to the satisfaction of the Governor that he possesses or commands sufficient working capital to ensure the proper working of the licence applied for.

Applications for licences.

6. Applications for licences shall so far as possible be delivered at the Colonial Secretary's Office on or before the first day of May preceding the season during which the applicant proposes to operate.

Governor may refuse to grant licence.

7. The Governor may in the exercise of his discretion refuse to grant a licence to an applicant without giving any reason for refusal.

Licence not transferable without approval of Governor.

8. A licence shall not be transferable unless the approval of the Governor has been first applied for and obtained.

Conditions relative to provision and maintenance of spare catcher.

9. The holder of a licence authorising the use of whale catchers may be allowed to maintain a spare whale catcher for use in the event of a licensed catcher being laid up for repairs, subject to the following conditions:-

- (i) Payment of a fee of £50 a season.
- (ii) Such spare catcher shall be kept without a gun, whale rope or similar necessities for taking whales, when not in use.
- (iii) Notification shall be given to a whaling officer before the spare catcher shall be used with full particulars as to the nature of the repairs required for the licensed catcher and an estimate of the number of days required to effect repairs. During such period the gun and whaling gear shall be removed from the licensed catcher.

Whale catcher not to be employed until ship is ready to utilise carcasses.

10. A whale catcher shall not be used, without the sanction of the Whaling Officer, to take whales, or attempt to take whales until such time as the ship or factory for which it operates is ready to utilise immediately any whales taken.

Flensed carcasses not to exceed 20 at any one time.

11. The number of flensed carcasses of whales waiting to be dealt with at one time, either at a factory, or attached to any ship or buoy shall not exceed twenty.

Whaling Officer may prohibit the use of any whale catcher.

12. The Whaling Officer may prohibit the use of any licensed whale catcher for taking whales, when, in his opinion the further taking of whales would lead to an accumulation of whaling matter that could not be utilised without undue waste.

Pressure boilers.

13. Pressure boilers shall not be used for storing oil until the taking of whales has ceased for the season.

Rendition by manager of Statistical Returns.

14. The master or manager of a ship or factory licensed to take and treat whales shall render to the Colonial Secretary or such other officer as the Governor may appoint for the purpose, on or before the 10th day of June in each year returns giving the following particulars:-

- (a) Number and description of whales taken each month.
- (b) The date and place of taking.
- (c) The species and sex of each whale taken.
- (d) The measurements of each whale taken.
- (e) The yield of oil of different grades.
- (f) The quantities of meal, guano and other products derived.

15. The holder of a lease of a land site for a factory for treating whales shall not have the right to use any bays or anchorages for the purpose of mooring whales without the sanction of the Whaling Officer first being applied for and obtained.

Bays and anchorages shall not be used for mooring carcasses without permission of Whaling Officer.

16. The holder of a licence shall at his own expense remove or alter the position of any moorings laid down in the waters of the Colony and its Dependencies, or on land, on being required to do so by the Whaling Officer.

Moorings etc., expenses in connection with removal of to be borne by Licensee.

17. For the purposes of Section 3 of the Whale Fishery (Consolidation) Ordinance, 1936, a Blue Whale shall be deemed to be immature if it is of less length than 60 feet and a Fin Whale shall be deemed to be immature if it is of less length than 50 feet, such length in each case being the distance measured on the level in a straight line between the extreme point of the snout and the notch of the tail.

Immature Whales.

18. The holder of a licence who commits or allows or negligently suffers a person employed by him to commit a breach of these regulations shall be liable to a penalty not exceeding fifty pounds for each offence and any person employed by him who commits a breach of these regulations shall be liable to a penalty of fifty pounds for each offence.

Penalty for breach of Regulations.

19. Any person who refuses to obey the lawful order of the Whaling Officer shall be deemed to have committed a breach of these regulations and shall be liable to the penalties set forth in the preceding regulation.

Penalty for breach of lawful orders issued by Whaling Officer.

20. These Regulations shall apply to the Colony of the Falkland Islands and its Dependencies.

Regulations applicable to Colony and Dependencies.

21. The following regulations made under the Whale Fishery Ordinance No. 5 of 1908, as amended by the Whale Fishery (Amendment) Ordinances, 1912, 1915, 1923, 1933 and 1934, are hereby repealed.

Repeal of Regulations made under the Whale Fishery Ordinance No. 5 of 1908, and amending legislation.

Whaling Regulations made on the 17th day of October, 1921.

Whaling Regulations made on the 20th day of July, 1923.

Whaling Regulations made on the 27th day of January, 1925.

Made and approved by the Governor in Executive Council at a meeting held on the 11th day of July, 1936.

A. I. FLEURET,

Clerk of the Executive Council.

M.P. D/19/32.

FALKLAND ISLANDS.

Regulations made by the Governor in Executive Council under Section 6 of the Motor Car Ordinance, No. 2 of 1936.

1. These Regulations may be cited as the "Motor Cars Regulations, 1936". Short Title.
2. Applications for the registration of motor cars, trailers or invalid carriages, and for the licensing thereof, shall be made by the owner to the Chief Constable on the form prescribed in the Schedule to these Regulations, which must be duly completed by the applicant and accompanied by the prescribed fees. Applications for registration of motor cars, etc., and licensing thereof.
3. The forms contained in the Schedule to these Regulations shall be used for the purposes stated thereon. Forms to be used.
4. The Chief Constable shall keep a register of motor vehicles and shall forthwith enter particulars of the vehicles in the register. Motor vehicles register.
5. Applications for driving licences shall be made to the Chief Constable on the prescribed form and the information required on such application form shall be given in the applicant's own handwriting. Applications for driving licences.
6. No driving licence shall be granted to drive a motor cycle to any person under the age of 16 years, or to drive any other class of motor car to any person under the age of 18 years. Age.
7. (1) Every motor vehicle meeting or being overtaken by other traffic shall be kept to the left or near side of the road. Meeting or overtaking other traffic.
(2) Every motor vehicle overtaking other traffic shall be kept to the right or off side of such other traffic.
(3) Animals which are being led may be passed or overtaken on whichever side is safer.
(4) Every motor vehicle being overtaken by other traffic shall be driven as close to the side of the road as possible so as to allow such other traffic to pass, and every motor vehicle shall in all cases be driven so as to give as much space as possible for the passing of other traffic.
(5) No motor vehicle shall be driven so as to overtake other traffic unless the driver has a clear and unobstructed view of the road ahead and he shall not overtake such other traffic unless he sees that the road ahead is clear for a sufficient distance to enable him to overtake and get back to his proper side before meeting any traffic coming from the opposite direction.
(6) No motor vehicle shall overtake other traffic when approaching or rounding a corner, or when roads intersect or fork, or where a road passes over the brow of a hill or over a hump-backed bridge, or in any other circumstances where the driver cannot see sufficiently far ahead to overtake with safety.
8. No motor vehicle shall cross a road, or be turned in a road, or proceed from one road into another road, or drive from a place which is not a road into a road, or from a road into a place which is not a road, unless he can do so without obstructing any other traffic on the road, and for this purpose a motor vehicle will be held to be obstructing other traffic if it causes risk of accident thereto. Vehicles not to obstruct other traffic.

Turning from one road into another.

9. (1) Every motor vehicle turning from one road into another road to the left shall keep close to the left side of each road.

(2) Every motor vehicle turning from one road into another road to the right shall drive round the point of intersection of the two roads, and shall keep close to the left side of each road.

(3) When emerging from a minor into a major road drivers of vehicles must proceed at such a speed as to make collision between the emerging vehicle and traffic on the major road impossible.

For the purpose of sub-section (3) of section 9 of these Regulations, all roads running East and West in Stanley shall be deemed major roads, and all roads running North and South minor roads.

Speed to be reduced when approaching cross-roads, etc.

10. Every driver of a motor vehicle shall reduce speed upon approaching a cross-roads, a curve, corner, bridge, sharp turn, or steep descent.

Duty when altering speed.

11. A driver of a motor vehicle shall not alter speed or direction until he has ascertained that the road is clear and has given the hand signals which are prescribed.

Slow moving traffic.

12. Slow moving traffic shall keep well to the left at all times, and unladen vehicles shall give way to laden vehicles.

Signals to be given by drivers to other users of the road.

13. The following signals shall be given by all drivers of motor vehicles, for the purpose of indicating their intentions to other users of the road :-

(a) When about to slow down, or stop or turn to the left, extend the right arm with the palm of the hand turned downwards, and move the arm slowly up and down, keeping the wrist loose.

(b) When about to turn to the right, extend the right arm and hand with the palm turned to the front, and hold them right in a horizontal position straight out from the off-side of the vehicle. (This signal may be used in any circumstances when it may be necessary to convey the warning to traffic following behind that it is dangerous to overtake.)

(c) To indicate to following traffic that they may overtake on the right, extend the right arm and hand below the level of the shoulder, and move them backwards and forwards.

Closing of roads.

14. (1) The Director of Public Works or his representative may, if he shall think any road or part of a road under his control to be unfit for motor traffic or for any particular kind of motor traffic, by an order under his hand, close such road or part of a road to all or such particular kind of motor traffic for any period not exceeding one month.

Provided that any order made under this section shall be subject to review, modification, or recall by the Director of Public Works or by his representative, as the case may be, at his discretion.

(2) On any order under this section being issued, reviewed, modified or recalled, the officer so issuing, reviewing, modifying, or recalling the same shall forthwith take such measures as he shall think proper for giving due publicity to the terms of the order, or of such review, modification, or recall as the case may be.

(3) Any contravention of the terms of any order duly issued under this section shall constitute an offence.

15. (1) Every motor vehicle shall be equipped with two lamps at the front of the vehicle, one on each side. When a motor vehicle is in motion on a road at night, the two lamps at the front of the vehicle shall be lighted, and the rays from the lamps shall be uncoloured, and if the vehicle is capable of proceeding at a speed greater than 20 miles an hour, of such intensity as to illuminate the road ahead for a distance of at least 110 yards or such greater distance as is sufficient to ensure the safety of the vehicle and the persons carried on the vehicle, and to indicate clearly the presence of the vehicle to approaching traffic: Provided that a motor cycle shall show one such light as aforesaid, but if a side-car is attached to the motor cycle, there shall be shewn on that side of the side-car not adjacent to the motor cycle, an additional light of sufficient intensity to indicate the presence of the side-car from a reasonable distance to approaching traffic.

Lights.

(2) When stationary on a road at night every motor vehicle and every trailer not attached to a motor vehicle shall show two lights in front, one at each side, of sufficient intensity to indicate the presence of the motor vehicle or trailer from a reasonable distance to approaching traffic: Provided that a motor cycle not attached to a side-car shall show one such light as aforesaid.

(3) Every vehicle and trailer, when on a road at night, whether in motion or stationary, shall carry one lamp showing a red light to the rear, and on the offside of the vehicle of such intensity as to indicate clearly within a reasonable distance its presence on the road to traffic approaching from behind. Provided that where one or more trailers are attached to a tractor vehicle it shall be sufficient if one such lamp as aforesaid is carried at the rear of the hinder-most trailer only.

(4) All lamps as in sub-section (1) which may produce a dazzling effect must be provided with means of eliminating the dazzling effect when other users of the road are met, or when proceeding along a road which is sufficiently well lighted by street lamps, or on any other occasion when such elimination would be useful. The elimination of the dazzling effect must, however, leave sufficient light to illuminate the road clearly for at least 27 yards.

Provided that every vehicle not fitted with a dimming or dipping device on the headlights shall be fitted with side lights and head lamps will be shut off on the aforesaid occasion.

(5) No spot lights or other similar swivelling lights shall be carried on any motor vehicle without the authority of the Chief Constable, who may authorise such lights at his discretion, and subject to such conditions as he may impose.

16. Every motor vehicle shall carry an instrument capable of giving audible and sufficient warning of its approach or position. The Chief Constable may prohibit the use of any instrument which might, in his opinion, cause annoyance to the public.

Warning instrument.

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

Reflecting mirror.

18. All motor vehicles driven by internal combustion engines shall have efficient silencers fitted for reducing the noise made by the escape of exhaust gases. The Chief Constable may prohibit the use of any vehicle not so fitted which might in his opinion cause annoyance to the public.

Silencers.

19. (1) On the change of possession of a motor vehicle -

Change of possession.

(a) The motor vehicle shall not be used for more than seven days after such change of possession

unless the new owner is registered as the owner thereof.

(b) The registered owner shall within seven days inform the Chief Constable in writing of the name and address of the new owner, and of the date of the change of possession of the motor vehicle.

(c) The registered owner shall within seven days deliver his motor vehicle licence and certificate of registration to the Chief Constable.

(2) Application for registration of a new owner may be made before the actual transfer of the motor vehicle, but the registration of a new owner shall not be effective until the old certificate and the motor vehicle licence have been surrendered to and re-issued by the Chief Constable.

(3) On the registration of a new owner, the Chief Constable shall make the necessary alterations to the motor vehicle licence if it is still in force and to the certificate of registration, and shall deliver the altered licence and certificate to the new registered owner. If more convenient, a new certificate of registration may be issued.

Wheels and tyres.

20. 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.

21. (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 4 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 side-cars 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.

22. (1) The Chief Constable may direct that an inspection and test of any motor car 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 F in Schedule) that the vehicle is fit for use.

Inspection and Tests.

(2) The Director of Public Works 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.

23. The fee to be charged for the aforesaid inspection or test shall be such sum not exceeding one pound as the Governor may direct.

Fee to be charged for Inspections and Tests.

24. Every motor vehicle not in the Colony at the date of the coming into operation of these Regulations shall be constructed so as to be steered from the right or off side thereof.

Right Hand Control.

25. Every motor vehicle, if its nett weight exceeds 8 cwts., shall be capable of travelling under its own power either forwards or backwards.

Reversibility.

26. (1) No vehicle the weight of which exceeds 60 cwt., nett and 90 cwt., gross shall be licensed.

Limitation of weights.

"Gross Weight" means the unladen weight as set forth in sub-section (1) above plus the weight which the vehicle is carrying when fully laden.

(2) No trailer the nett weight of which together with its load exceeds 30 cwts., shall be licensed.

27. These Regulations shall come into operation on the 1st of January, 1937.

Date of operation.

Made by the Governor in Executive Council at a meeting held on the 12th day of September, 1936.

A. I. FLEURET,
Clerk of the Executive Council.

M.P. 214/32.

SCHEDULE.

FORM A.

APPLICATION FOR REGISTRATION OF A MOTOR VEHICLE.

I hereby declare that I am entitled to the possession of the motor vehicle described below, and apply to be registered as the owner thereof :-

- 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) :- Description, Colour, Number of seats
9. Description of side-car (3)
10. Nett weight Cwts., Qrs., Lbs.
11. Gross weight (4) Cwts., Qrs., Lbs.
12. Number of passengers which it is proposed to carry
13. Description of tyres
14. Place where vehicle will usually be kept
15. Purpose for which vehicle will be used :- (a) Private use, (b) Conveyance of goods, (c) Conveyance of goods and passengers (5), (d) Hiring car.
16. Routes on which the vehicle will ply for hire

And I hereby declare that the described motor vehicle has not previously been registered in the Falkland Islands, and that the above particulars are true and accurate in every respect.

I also hereby apply for a motor vehicle licence for the said motor vehicle to be used for the purpose stated above, from the date of registration until 31st December, 19.....

Dated19.....

(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 as set forth in sub-section (1) of section 26 of these Regulations, 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 REGISTRATION OF A TRAILER.

I hereby declare that I am entitled to the possession of the trailer described below, and apply to be registered as the owner thereof:-

- 1. Full name of owner
2. Address of owner
3. Name of manufacturer
4. Manufacturer's number of chassis
5. Type of body
6. Nett weight Cwts., Qrs., Lbs.
7. Gross weight Cwts., Qrs., Lbs.
8. Number of wheels
9. Description of tyres
10. Place where the trailer will usually be kept

And I hereby declare that the above described trailer has not previously been registered in the Falkland Islands and that the above particulars are true and accurate in every respect.

I also hereby apply for a trailer licence for the said trailer from the date of registration until 31st December, 19.....

Dated19.....

(Signature of applicant.)

FORM C.

CERTIFICATE OF REGISTRATION.
(Copy of particulars from Registrar.)

Certified to be a true copy of the registered particulars of motor vehicle/trailer.

No.....

Date.....

(Signature.)

FORM D.

APPLICATION FOR A DRIVING PERMIT. (1)

To the Licensing Officer at.....

1. I, (2)..... of
hereby apply for a driving permit 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 permit to drive, or

4a. I have previously been granted a driving permit.

5. Particulars of any endorsement of any permit held or previously held by me

6. Particulars of any disqualification for obtaining a driving permit (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 E.

DRIVING PERMIT.

No.....

This is to certify that (1).....
of..... whose signature has
been placed below, is permitted to drive (2).....
subject to the following restrictions (3) :-

Dated.....on.....19.....

.....
(Signature of Licensing Officer.)

-
- (1) Full name and address.
 - (2) State class of vehicle.
 - (3) State any restrictions as to use or construction.

FORM F.

CERTIFICATE OF FITNESS.

Description of Vehicle.

- 1. Name of owner.....
- 2. Address of owner.....
- 3. Type of vehicle.....
- 4. Nett weight.....
- 5. 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 Motor Traffic Ordinance, 19..... and the Regulations made thereunder, and is fit to be registered or licensed as a to carry passengers/goods up to a gross weight of cwts.

(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 registered or 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 registered or 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.)

FALKLAND ISLANDS.

Regulations made by the Governor in Council under Section 11 of the Whale Fishery (Consolidation) Ordinance, 1936.

H. HENNIKER-HEATON,
Governor.

1. These Regulations may be cited as the "Whaling Short Title. (Amendment) Regulations, 1936."

2. Section 3 of the Whaling Regulations, 1936, is hereby amended by the deletion of the figures and words "15th October to the 15th May following" in lines 9 and 10 and the substitution therefor of the figures and words "16th October to the 16th April following" Amendment of section 3 of Whaling Regulations, 1936.

Made and approved by the Governor in Executive Council at a meeting held on the 12th day of September, 1936.

A. I. FLEURET,
Clerk of the Executive Council.

FALKLAND ISLANDS.

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to 1936

SUBJECT INDEX TO ORDINANCES.

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of the
COLONY
of the
FALKLAND ISLANDS
enacted during the year
1937
together with the
Rules, Regulations, etc., etc.,
made during that year.

PART I.

ORDINANCES.

Printed at the Government Printing Office, Stanley, Falkland Islands.

PRICE 2/-. To be purchased from the Colonial Secretary, Stanley, and from the Crown Agents for the Colonies, 4 Millbank, London, S.W. 1.

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[L.S.]



FALKLAND ISLANDS.

Ordinance No. 1 of 1937.

I ASSENT,

H. HENNIKER-HEATON,

Governor.

7th January, 1937.

An Ordinance

To provide for the disposal of the
Royal Research Ship "Discovery".

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 "Discovery" Short Title.
Ordinance, 1937.

2. It shall be lawful for the Governor to dispose of the Royal Research Ship known as the "Discovery" and belonging to His Majesty represented by the Government of the Colony of the Falkland Islands either by deed of gift or by bill of sale for a nominal consideration to any person or body of persons inside or outside the Colony. Disposal of Royal Research Ship "Discovery"

Passed by the Legislative Council this 4th day of January, 1937.

A. I. FLEURET,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 7th day of January, 1937.

M. C. CRAIGIE-HALKETT,

Colonial Secretary.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 2 of 1937.

I ASSENT,

M. C. CRAIGIE-HALKETT,

Acting Governor.

26th June, 1937.

An Ordinance

To legalize certain payments in the year One thousand Nine hundred and Thirty-six in excess of the Expenditure sanctioned by Ordinance No. 8 of 1935.

WHEREAS it is expedient to make further provision for the service of the Colony for the year 1936. Preamble.

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 :— Enacting Clause.

1. This Ordinance may be cited for all purposes as the Supplementary Appropriation (1936) Ordinance, 1937. Short Title.

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 Thirty-six, 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. Appropriation of excess of expenditure for the year 1936.

Passed by the Legislative Council this 26th day of June, 1937.

W. BARLAS.

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 26th day of June, 1937.

M. J. STEWART,

Acting Colonial Secretary.

SCHEDULE.

Number.	Head of Service.	Amount.		
		£	s.	d.
FALKLAND ISLANDS.				
III.	Colonial Secretary	17	19	3
V.	Audit	2	0	0
IX.	Harbour	222	5	3
XIII.	Education	121	16	4
XV.	Naturalist	78	15	5
XVII.	Stock Department	199	1	11
XVIII.	Miscellaneous	680	10	9
Total Ordinary Expenditure		1322	8	11
XXI.	Public Works Extraordinary	447	14	3
Total Falklands		1770	3	2
DEPENDENCIES.				
I.	Dependencies	4758	17	1
Total		6529	0	3

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 3 of 1937.

I ASSENT,

M. C. CRAIGIE-HALKETT,

Acting Governor.

20th November, 1937.

An Ordinance

To provide for the service of the year, 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:-

Enacting Clause.

1. This Ordinance may be cited for all purposes as the Appropriation (1938) Ordinance, 1937.

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 of December, 1938, a sum not exceeding Seventy-three thousand, and Ten 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 1938.

Appropriation of £73,010 for service of year 1938.

Passed by the Legislative Council this 15th day of November, 1937.

A. I. FLEURET,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 20th day of November, 1937.

M. J. STEWART,

Acting Colonial Secretary.

FALKLAND ISLANDS :

Printed at the Government Printing Office by C. G. Allan.

SCHEDULE.

Number.	Head of Service.	Amount.		
		£	s.	d.
FALKLAND ISLANDS.				
I.	Pensions	1527	0	0
II.	The Governor	2805	0	0
III.	Colonial Secretary	2892	0	0
IV.	Treasury and Customs	1630	0	0
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XIX.	Public Works Recurrent	6935	0	0
	Total Ordinary Expenditure	£ 49986	0	0
XX.	Public Works Extraordinary	8395	0	0
	Total Expenditure chargeable to Revenue	£ 58381	0	0
APPENDIX I.	Expenditure chargeable to Land Sales Fund	800	0	0
DEPENDENCIES.				
I.	Ordinary Expenditure	13829	0	0
	Total ...	£ 73010	0	0



[L.S.]

FALKLAND ISLANDS.

Ordinance No. 4 of 1937.

I ASSENT,

M. C. CRAIGIE-HALKETT,

Acting Governor.

20th November, 1937.

An Ordinance

To provide for the payment of Compensation to Workmen for injuries suffered in the course of their employment.

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 :—

Preliminary.

1. This Ordinance may be cited as "The Workmen's Compensation Ordinance, 1937."

Short Title.

2. (1) In this Ordinance —

Interpretation.

"ADULT" and "MINOR" means respectively a person who is not and a person who is under the age of seventeen years;

"COMMISSIONER" means a Commissioner for Workmen's Compensation appointed under section 20;

"COMPENSATION" means compensation as provided for by this Ordinance ;

"DEPENDANTS" means such of the members of the workman's family as were wholly or in part dependent upon the earnings of the workman at the time of his death, or would but for the incapacity due to the accident have been so dependent, and where the workman, being the parent or grandparent of an illegitimate child, leaves such a child so dependent upon his earnings, or, being an illegitimate child, leaves a parent or grandparent so dependent upon his earnings, shall include such an illegitimate child and parent or grandparent respectively :

Provided that a person shall not be deemed to be a partial dependant of a workman unless he was dependent partially on contributions from the workman for the provision of the ordinary necessities of life suitable for persons in his class and position ;

"EMPLOYER" includes His Majesty in His Government of the Colony and any body of persons whether incorporated or not and any managing agent of an employer and the legal representative of a deceased employer, and, where the services of a workman are temporarily lent or let on hire to another person by the person with whom the workman has entered into a contract of service or apprenticeship, the latter shall, for the purposes of this Ordinance, be deemed to continue to be the employer of the workman whilst he is working for that other person.

In relation to a person engaged in plying for hire with any vehicle, the use of which is obtained from the owner thereof under a contract of bailment (other than a hire purchase agreement), the owner of the vehicle shall be deemed to be the employer.

In relation to a person employed for the purposes of any game or recreation and engaged or paid through a club, the manager, or members of the managing committee of the club shall be deemed to be the employer ;

"MANAGING AGENT" means any person appointed or acting as the representative of another person for the purpose of carrying on such other person's trade or business, but does not include an individual manager subordinate to an employer ;

"MEMBER OF A FAMILY" means wife or husband, father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother, half-sister ;

"OUTWORKER" means a person to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished, or repaired, or adapted for sale in his own home or on other premises not under the control or management of the person who gave out the materials or articles ;

"PARTIAL DISABLEMENT" means, where the disablement is of a temporary nature, such disablement as reduces the earning capacity of a workman in any employment in which he was engaged at the time of the accident resulting in the disablement, and, where the disablement is of a permanent nature, such disablement as reduces his earning capacity in every employment which he was capable of undertaking at that time :

Provided that every injury specified in the Schedule hereto shall be deemed to result in permanent partial disablement ;

"QUALIFIED MEDICAL PRACTITIONER" means a member of the medical profession registered under the Medical Practitioners Midwives and Dentists Ordinance, 1914 ;

"REGISTRAR" means the Registrar of the Supreme Court ;

"TOTAL DISABLEMENT" means such disablement, whether of a temporary or permanent nature, as incapacitates a workman for all work which he was capable of performing at the time of the accident resulting in such disablement :

Provided that permanent total disablement shall be deemed to result from the permanent total loss of the sight of both eyes or from any combination of injuries specified in the Schedule hereto where the aggregate percentage of the loss of earning capacity, as specified in that Schedule against those injuries, amounts to one hundred per cent ;

"WAGES" includes any privilege or benefit which is capable of being estimated in money, other than a travelling allowance or the value of any travelling concession or a contribution paid by the employer of a workman towards any pension or provident fund or a sum paid to a workman to cover any special expenses entailed on him by the nature of his employment ;

"WORKMAN" means any person who has entered into or works under a contract of service or apprenticeship with an employer, whether the contract was made before or after the commencement of this Ordinance and whether such contract is expressed or implied, is oral or in writing; and also includes a person engaged in plying for hire with any vehicle the use of which is obtained from the owner thereof under any contract of bailment (other than a hire purchase agreement) in consideration of the payment of a fixed sum or a share in the earnings or otherwise :

Provided that the following persons shall not be regarded as workmen for the purposes of this Ordinance:-

- (a) persons employed otherwise than by way of manual labour whose remuneration exceeds two hundred pounds a year; or
- (b) persons whose employment is of a casual nature and who are employed otherwise than for the purposes of the employer's trade or business, not being persons employed for the purposes of any game or recreation and engaged or paid through a club; or
- (c) out workers; or
- (d) persons in the naval, military or air forces of the Crown; or
- (e) members of the employer's family dwelling in his house; or
- (f) domestic servants; or
- (g) persons employed exclusively as clerical workers and/or shop assistants.

(2) Any reference to a workman who has been injured shall, where the workman is dead, include a reference to his legal personal representative or to his dependants or other person to whom or for whose benefit compensation is payable.

(3) The exercise and performance of the powers and duties of a local or other public authority or of any department of the Government shall, for the purposes of this Ordinance, unless a contrary intention appears be deemed to be the trade or business of such authority or department.

(4) If on any proceedings for the recovery of compensation under this Ordinance it appears to the Commissioner by whom the claim to compensation is to be settled that the contract of service or apprenticeship under which the injured person was working at the time when the accident causing the injury happened was illegal, he

may, if having regard to all the circumstances of the case he thinks proper so to do, deal with the matter as if the injured person had at the time aforesaid been a person working under a valid contract of service or apprenticeship.

Compensation.

Employer's liability for compensation.

3. (1) If personal injury is caused to a workman by accident arising out of and in the course of his employment, his employer shall be liable to pay compensation in accordance with the provisions of this Ordinance:

Provided that the employer shall not be so liable-

Slight injury.

(a) in respect of any injury which does not result in the total or partial disablement of the workman for a period exceeding ten days;

Misconduct.

(b) in respect of any injury to a workman resulting from an accident which is directly attributable to -

(i) the workman having been at the time thereof under the influence of drink or drugs, or

(ii) the wilful disobedience of the workman to an order expressly given, or to a regulation or rule expressly made, for the purpose of securing the safety of workmen, or

(iii) the wilful removal or disregard by the workman of any safety guard or other device which he knew to have been provided for the purpose of securing the safety of workmen.

Disease.

(2) No compensation shall be payable to a workman in respect of any disease unless the disease is solely and directly attributable to a specific injury by accident arising out of and in the course of his employment.

Liability for negligence.

(3) When the injury was caused by the personal negligence or wilful act of the employer or of some person for whose act or default the employer is responsible, nothing in this Ordinance shall affect any civil liability of the employer, but in that case the workman may, at his option, either claim compensation under this Ordinance or take proceedings independently of this Ordinance; but the employer shall not be liable to pay compensation for injury to a workman by accident arising out of and in the course of his employment both independently of and also under this Ordinance, and shall not be liable to any proceedings independently of this Ordinance, except in case of such personal negligence or wilful act as aforesaid.

Independent action.

(4) If, within the time hereinafter in this Ordinance limited for taking proceedings, an action is brought to recover damages independently of this Ordinance for injury caused by an accident, and it is determined in such action or on appeal that the injury is one for which the employer is not liable in such action, but that he would have been liable to pay compensation under the provisions of this Ordinance, the action shall be dismissed; but the Court in which the action is tried, or, if the determination is the determination on an appeal (by either party) by an appellate tribunal, that tribunal shall, if the plaintiff so choose, proceed to assess such compensation, but may deduct from such compensation all or part of the costs which, in its judgment, have been caused by the plaintiff bringing the action instead of proceeding under this Ordinance. In any proceeding under this subsection, when the Court or appellate tribunal assesses the compensation, it shall give a certificate of the compensation it has awarded and the directions it has given as to the deduction of costs,

and such certificate shall have the force and effect of and shall be registered as an agreement under this Ordinance:

Provided that an appellate tribunal may, instead of itself assessing such compensation, remit the case to a Commissioner for the assessment of the compensation and in such case may order the Commissioner to deduct from the amount of compensation assessed by him all or part of such cost as aforesaid.

4. (1) Subject to the provisions of this Ordinance, the amount of compensation shall be as follows, namely:-

Amount of compensation.

(a) Where death results from the injury and:-

Death.

(i) the workman leaves a dependant or dependants wholly dependent upon his earnings, a sum equal to thirty months' wages or two hundred and fifty pounds whichever is the less;

(ii) the workman does not leave a dependant or dependants wholly dependent upon his earnings, but leaves a dependant or dependants in part so dependent, such sum not exceeding the amount of compensation payable under the preceding paragraph as may be agreed upon or in default of agreement as may be awarded by the Commissioner to be reasonable and proportionate to the injury to the said dependant or dependants.

In addition to any sum payable under the foregoing paragraphs there shall be payable by the employer the reasonable expenses (not exceeding £5) of the burial of the deceased workman.

(b) Where permanent total disablement results from the injury -

Permanent total disablement.

(i) in the case of an adult, a sum equal to forty-two months' wages or three hundred and fifty pounds, whichever is the less, and

(ii) in the case of a minor, a sum equal to eighty-four months' wages or three hundred and fifty pounds, whichever is less.

(c) Where permanent partial disablement results from the injury -

Permanent partial disablement.

(i) in the case of an injury specified in the Schedule hereto, such percentage of the compensation which would have been payable in the case of permanent total disablement as is specified therein as being the percentage of the loss of earning capacity caused by that injury, and

(ii) in the case of an injury not specified in the Schedule hereto, such percentage of the compensation payable in the case of permanent total disablement as is proportionate to the loss of earning capacity permanently caused by the injury.

Where more injuries than one are caused by the same accident, the amount of the compensation payable under this head shall be aggregated, but not so in any case as to exceed the amount which would have been payable if permanent total disablement had resulted from the injuries.

Temporary disablement.

(d) Where temporary disablement, whether total or partial, results from the injury, a half-monthly payment payable on the sixteenth day from the date of the disablement, and thereafter half-monthly during the disablement or during a period of five years, whichever period is shorter -

- (i) in the case of an adult, of a sum equal to one fourth of his monthly wages, and
- (ii) in the case of a minor, of a sum equal to one-third or, after he has attained the age of seventeen years, to one-half of his monthly wages :

Provided that there shall be deducted from any lump sum or half-monthly payments to which the workman is entitled the amount of any payment or allowance which the workman has received from the employer by way of compensation during the period of disablement prior to the receipt of such lump sum or of the first half-monthly payment, as the case may be, and no half-monthly payment shall in any case exceed the amount, if any, by which half the amount of the monthly wages of the workman before the accident exceeds half the amount of such wages as he is earning or is able to earn in some suitable employment or business after the accident.

(2) On the ceasing of the disablement before the date on which any half-monthly payment falls due, there shall be payable in respect of that half month a sum proportionate to the duration of the disablement in that half month.

Method of calculating wages.

5. (1) For the purposes of section 4 the monthly wages of a workman shall be calculated as follows, namely :-

- (a) where the workman has, during a continuous period of not less than twelve months immediately preceding the accident, been in the service of the employer who is liable to pay compensation, the monthly wages of the workman shall be one-twelfth of the total wages which have fallen due for payment to him by the employer in the last twelve months of that period ;
- (b) in other cases, the monthly wages shall be thirty times the total wages earned in respect of the last continuous period of service immediately preceding the accident from the employer who is liable to pay compensation, divided by the number of days comprising such period :

Provided that if the amount of the monthly wages arrived at by calculation under clause (a) or clause (b) is more than twelve pounds and ten shillings, such monthly wages shall be assumed to be twelve pounds and ten shillings.

(2) A period of service shall, for the purposes of this section, be deemed to be continuous which has not been interrupted by a period of absence from work exceeding fourteen days.

Review.

6. (1) Any half-monthly payment payable under this Ordinance either under an agreement between the parties or under the order of a Commissioner, may be reviewed by the Commissioner on the application either of the employer or of the workman accompanied by the certificate of a qualified medical practitioner that there has been a change in the condition of the workman or, subject to regulations made under this Ordinance, on application made without such certificate.

(2) Any half-monthly payment may, on review under this section, subject to the provisions of this Ordinance, be continued, increased, decreased or ended, or, if the accident is found to have resulted in permanent disablement, be converted to the lump sum to which the workman is entitled less any amount which he has already received by way of half-monthly payments.

7. Any right to receive half-monthly payments may, by agreement between the parties, or, if the parties cannot agree and the payments have been continued for not less than six months, on the application of either party to the Commissioner, be redeemed by the payment of a lump sum of such amount as may be agreed to by the parties or determined by the Commissioner, as the case may be.

Payment of lump sum in lieu of payments.

8. (1) Compensation payable where the death of a workman has resulted from an injury shall be deposited with the Registrar, and any sum so deposited shall be apportioned among the dependants of the deceased workman or any of them in such proportion as the Commissioner thinks fit, or may in the discretion of the Commissioner, be allotted to any one such dependant, and the sum so allotted to any dependant shall be paid to him or be invested, applied or otherwise dealt with for his benefit in such manner as the Commissioner thinks fit.

Distribution of compensation.

On death.

(2) Compensation payable where permanent disablement has resulted from an injury and lump sums payable under the provisions of the preceding section where temporary disablement has resulted from an injury shall be deposited with the Registrar, and any sum so deposited shall be paid to the person entitled thereto or be invested, applied or otherwise dealt with for his benefit in such manner as the Commissioner thinks fit.

Lump sums.

(3) Any other compensation payable under this Ordinance may be deposited with the Registrar and, when so deposited, shall be paid by the Registrar to the person entitled thereto.

Other cases.

(4) The receipt of the Registrar shall be a sufficient discharge in respect of any amount deposited with him under the provisions of this Ordinance.

Receipt of Registrar.

(5) On the deposit of any money under subsection (1), the Registrar may deduct therefrom the actual cost of the workman's funeral expenses, to an amount not exceeding eight pounds, and pay the same to the person by whom such expenses were incurred, and shall, if he thinks necessary, cause notice to be published or to be served on each dependant in such manner as he thinks fit, calling upon the dependants to appear before the Commissioner on such date as he may fix for determining the distribution of the compensation. If the Commissioner is satisfied, after any enquiry which he may deem necessary, that no dependant exists, he shall direct the Registrar to repay the balance of the money to the employer by whom it was paid. The Registrar shall, on application by the employer, furnish a statement showing in detail all disbursements made.

Notice to dependants.

(6) Where a half-monthly payment is payable under this Ordinance to a workman under any legal disability, the Commissioner may, of his own motion or on application made to him in this behalf, order that the half-monthly payment be paid during the disability to any dependant of the workman or to any other person whom he thinks best fitted to provide for the welfare of the workman.

Workman under disability.

(7) Where, on application made to him in this behalf or otherwise, the Commissioner is satisfied that, on account of neglect of

Variation of order.

children on the part of a parent, or on account of the variation of the circumstances of any dependant, or for any other sufficient cause, an order of the Commissioner as to the distribution of any sum paid as compensation or as to the manner in which any sum payable to any such dependant is to be invested, applied or otherwise dealt with ought to be varied, the Commissioner may make such order for the variation of the former order as he thinks just in the circumstances of the case:

Provided that no such order prejudicial to any person shall be made unless such person has been given an opportunity of showing cause why the order should not be made, or shall be made in any case in which it would involve the repayment by a dependant of any sum already paid to him.

Deductions for costs.

(8) The solicitor or agent of a person claiming compensation under this Ordinance shall not be entitled to recover from him any costs in respect of such claim or to claim a lien in respect of such costs on, or deduct such costs from, the sum awarded or agreed as compensation, except such sum as may be awarded by a Commissioner, subject to regulations made under this Ordinance, on an application made either by the person claiming compensation, or by his solicitor or agent to determine the amount of the costs to be paid to the solicitor or agent.

Compensation not to be assigned, attached or charged.

9. Save as provided by this Ordinance, no lump sum or half-monthly payment payable under this Ordinance shall be capable of being assigned, charged or attached or shall pass to any person other than the workman by operation of law, nor shall any claim be set off against the same.

Notice and claim.

10. (1) Proceedings for the recovery under this Ordinance of compensation for an injury shall not be maintainable unless notice of the accident has been given as soon as practicable after the happening thereof and before the workman has voluntarily left the employment in which he was injured, and unless the claim for compensation with respect to such accident has been made within six months from the occurrence of the accident causing the injury, or, in case of death, within six months from the time of death:

Provided that -

- (a) the want of or any defect or inaccuracy in such notice shall not be a bar to the maintenance of such proceedings if the employer is proved to have had knowledge of the accident from any other source at or about the time of the accident, or if it is found in the proceedings for settling the claim that the employer is not, or would not, if a notice or an amended notice were then given and the hearing postponed, be prejudiced in his defence by the want, defect or inaccuracy, or that such want, defect or inaccuracy was occasioned by mistake, absence from the Colony, or other reasonable cause; and
- (b) the failure to make a claim within the period above specified shall not be a bar to the maintenance of such proceedings if it is found that the failure was occasioned by mistake, absence from the Colony, or other reasonable cause.

(2) Notice in respect of an injury under this Ordinance may be given either in writing or orally to the employer (or if there is more than one employer to one of such employers) or to any foreman or other official under whose supervision the workman is employed or to any person designated for the purpose by the em-

ployer, and shall give the name and address of the person injured, and shall state in ordinary language the cause of the injury and the date at which the accident happened.

(3) The notice if in writing may be given by delivering the same at, or sending it by post in a registered letter addressed to the residence or place of business of the person to whom it is to be given.

(4) Where the employer is a body of persons, corporate or unincorporate, the notice, if in writing, may also be given by delivering it or by sending it by post in a registered letter addressed to the employer at the office, or, if there be more than one office, any one of the offices, of such body.

11. (1) Where a workman has given notice of an accident or where an accident has occurred in respect of which the necessity of giving notice under this Ordinance is dispensed with, a workman shall, if the employer offers to have him examined free of charge by a qualified medical practitioner, submit himself for such examination, and any workman who is in receipt of a payment under this Ordinance shall, if so required, submit himself for such examination from time to time:

Medical examination.

Provided that a workman shall not be required to submit himself for examination by a medical practitioner otherwise than in accordance with regulations made under this Ordinance, or at more frequent intervals than may be prescribed.

(2) If a workman, being required to do so by the employer under subsection (1) or by the Commissioner at any time, refuses to submit himself for examination by a qualified medical practitioner or in any way obstructs the same, his right to compensation shall be suspended during the continuance of such refusal or obstruction unless, in the case of refusal, he was prevented by any sufficient cause from so submitting himself.

Refusal to be examined.

(3) If a workman, before the expiry of three days from the time at which service of notice of an accident has been effected or, when an accident occurs in respect of which the necessity of giving notice under this Ordinance is dispensed with, before the expiry of three days from the date of such accident voluntarily and without due cause leaves the vicinity of the place in which he was employed without having been examined by a qualified medical practitioner, his right to compensation shall be suspended until he returns and offers himself for such examination.

Leaving vicinity prior to examination.

(4) Where a workman, whose right to compensation has been suspended under subsection (2) or subsection (3), dies without having submitted himself for medical examination as required by either of those subsections, the Commissioner may, if he thinks fit, direct the payment of compensation to the dependants of the deceased workman.

Death prior to examination.

(5) Where under subsection (2) or subsection (3) a right to compensation is suspended, no compensation shall be payable in respect of the period of suspension.

Compensation not payable during period of suspension.

(6) Where an injured workman has refused to be attended by a qualified medical practitioner whose services have been offered to him by the employer free of charge or having accepted such offer has deliberately disregarded the instructions of such medical practitioner, then, if it is thereafter proved that the workman has not been regularly attended by a qualified medical practitioner and that such refusal, failure or disregard was unreasonable in the circumstances

Measure of compensation on refusal to be examined or disregard of medical advice.

of the case and that the injury has been aggravated thereby, the injury and resulting disablement shall be deemed to be of the same nature and duration as they might reasonably have been expected to be if the workman had been regularly attended by a qualified medical practitioner and compensation, if any, shall be payable accordingly.

Sub-contracting.

12. (1) Where any person (in this section referred to as the principal) in the course of or for the purposes of his trade or business, contracts with any other person (in this section referred to as the contractor) for the execution by or under the contractor of the whole or any part of any work undertaken by the principal, the principal shall be liable to pay to any workman employed in the execution of the work any compensation under this Ordinance which he would have been liable to pay if that workman had been immediately employed by him; and where compensation is claimed from or proceedings are taken against the principal, then in the application of this Ordinance references to the principal shall be substituted for references to the employer, except that the amount of compensation shall be calculated with reference to the earnings of the workman under the employer by whom he is immediately employed.

Indemnity.

(2) Where the principal is liable to pay compensation under this section, he shall be entitled to be indemnified by any person who would have been liable to pay compensation to the workman independently of this section, and all questions as to the right to and the amount of any such indemnity shall, in default of agreement, be settled by the Commissioner.

Contractor.

(3) Nothing in this section shall be construed as preventing a workman recovering compensation under this Ordinance from the contractor instead of the principal.

Control of principal.

(4) This section shall not apply in any case where the accident occurred elsewhere than on, or in, or about the premises on which the principal has undertaken to execute the work or which are otherwise under his control or management.

Remedies both against employer and stranger.

13. Where the injury for which compensation is payable under this Ordinance was caused under circumstances creating a legal liability in some person other than the employer to pay damages in respect thereof -

Recovery of damages a bar.

(1) the workman may take proceedings both against that person to recover damages and against any person liable to pay compensation under this Ordinance for such compensation, but shall not be entitled to recover both damages and compensation; and

Indemnity by third party.

(2) if the workman has recovered compensation under this Ordinance, the person by whom the compensation was paid, and any person who has been called on to pay an indemnity under section 12 shall be entitled to be indemnified by the person so liable to pay damages as aforesaid, and all questions as to the right to and amount of any such indemnity shall, in default of agreement, be settled by action or, by consent of the parties, by a Commissioner.

Bankruptcy of employer.

14. (1) Where any employer has entered into a contract with any insurers in respect of any liability under this Ordinance to any workman, then in the event of the employer becoming bankrupt or making a composition or arrangement with his creditors or, if the employer is a company, in the event of the company having commenced to be wound up or a receiver or manager of the company's business or undertaking having been duly appointed, or possession

having been taken, by or on behalf of the holders of debentures secured by a floating charge, of any property comprised in or subject to the charge, the rights of the employer against the insurers as respects that liability shall, notwithstanding anything in the enactments relating to bankruptcy and the winding up of companies, be transferred to and vest in the workman, and upon any such transfer the insurers shall have the same rights and remedies and be subject to the same liabilities as if they were the employer, so, however, that the insurers shall not be under any greater liability to the workman than they would have been under to the employer.

(2) If the liability of the insurers to the workman is less than the liability of the employer to the workman, the workman may prove for the balance in the bankruptcy or liquidation, or, as the case may be, he may recover the balance from the receiver or manager.

Proof in bankruptcy.

(3) There shall be included amongst the debts which - Priority.

(i) under the Preferential Payments in Bankruptcy Act, 1888, (U.K.) are, in the distribution of the property or assets of a bankrupt, to be paid in priority to all other debts;

(ii) under section 209 of the Companies (Consolidation) Act, 1908, (U.K.) are, in the winding up of a company, to be paid in priority to all other debts;

the amount due in respect of any compensation or liability for compensation accrued before the following date, that is to say -

(a) in the first case the date of the receiving order;

(b) in the second case the date of the commencement of the winding up of the company;

(c) in the third case the date of the appointment of the receiver or of possession being taken mentioned in the said section.

Where the compensation is a half-monthly payment, the amount due in respect thereof shall, for the purposes of this provision, be taken to be the amount of the lump sum for which the half-monthly payment could, if redeemable, be redeemed if the employer made an application for that purpose under this Ordinance, and a certificate of the Commissioner as to the amount of such sums shall be conclusive proof thereof.

Lump sum in lieu of payments.

(4) The provisions of this section with respect to preferences and priorities shall not apply where the bankrupt or the company has entered into such a contract with insurers as aforesaid.

No priority if insured.

(5) This section shall not apply where a company is wound up voluntarily merely for the purposes of reconstruction or of amalgamation with another company.

Voluntary liquidation.

15. The Governor may, by notification in the Gazette direct that every person employing workmen, or that any specified class of such persons, shall send at such time and in such form and to such person, as may be specified in the notification, a correct return specifying the number of injuries in respect of which compensation has been paid by the employer during the previous year and the amount of such compensation, together with such other particulars as to the compensation as the Governor may direct. Any person failing to comply with the provisions of this section shall be liable on summary conviction by a Magistrate to a penalty of five pounds.

Returns as to compensation.

Contracting out.

16. Any contract or agreement, whether made before or after the commencement of this Ordinance, whereby a workman relinquishes any right of compensation from the employer for personal injury arising out of or in the course of his employment, shall be null and void in so far as it purports to remove or reduce the liability of any person to pay compensation under this Ordinance.

Workmen in employment of Crown.

17. This Ordinance shall apply to workmen employed under the Crown in the same way and to the same extent as if the employer were a private person, except in the case of persons in the naval or military or air service of the Crown and persons in the Civil employment of His Majesty otherwise than in His Government of the Colony of the Falkland Islands:

Provided that this Ordinance shall not apply in the case of a workman in, or selected for appointment to, the service of the Government of the Colony of the Falkland Islands before the date on which this Ordinance comes into operation where, in consequence of injury received by any such workman in the discharge of his duties, a pension or gratuity which would not be payable if such injury were received otherwise, is paid to him or, in the case of his death, to any of his dependants as defined in this Ordinance, under any Ordinance or Regulation providing for the grant of such pension or gratuity.

Workmen in employment of local authorities.

18. The provisions contained in the proviso to the last preceding shall *mutatis mutandis* apply in respect of a workman in the employment of any public or local authority where provisions exist by law or by bye-law or regulation made under a law for the grant of a pension or gratuity to such workman in the case of injury received by him in the discharge of his duties, or to any other person in the event of the workman's death resulting from that injury.

Commissioners.

Reference to Commissioners.

19. (1) If any question arises in any proceedings under this Ordinance as to the liability of any person to pay compensation (including any question as to whether a person injured is or is not a workman) or as to the amount or duration of compensation (including any question as to the nature or extent of disablement), the question shall, in default of agreement, be settled by the Commissioner.

(2) No Court shall have jurisdiction to settle, decide or deal with any question which is by or under this Ordinance required to be settled, decided or dealt with by a Commissioner, or, save as in this Ordinance, or any rule or regulation made thereunder is provided, to enforce any liability incurred under this Ordinance.

Appointment of Commissioners.

20. (1) The Governor may appoint any person to be a Commissioner for Workmen's Compensation for the Colony or for such district as he may specify, and may at any time cancel any such appointment.

(2) Any Commissioner may for the purpose of deciding any matter referred to him for decision under this Ordinance appoint one or more persons possessing special knowledge of any matter relevant to the matter under enquiry to assist him in holding the enquiry.

Venue of proceedings and transfer.

21. In the event of the appointment of Commissioners for districts -

(1) Where any matter is under this Ordinance to be done by or before a Commissioner, the same shall, subject to the

provisions of this Ordinance and to any regulations made hereunder, be done by or before the Commissioner for the district in which the accident took place which resulted in the injury.

(2) If a Commissioner is satisfied by any party to any proceedings under this Ordinance pending before him that such matter can be more conveniently dealt with by any other Commissioner, he may, subject to regulations made under this Ordinance, order such matter to be transferred to such other Commissioner either for report or for disposal, and, if he does so the Registrar shall forthwith transmit to such other Commissioner all documents relevant for the decision of such matter and, where the matter is transferred for disposal, the Registrar shall also transmit in the prescribed manner any money remaining in his hands or invested by him for the benefit of any party to the proceedings.

(3) The Commissioner to whom any matter is so transferred shall, subject to regulations made under this Ordinance inquire thereinto and, if the matter was transferred for report, return his report thereon or, if the matter was transferred for disposal, continue the proceedings as if they had originally commenced before him.

(4) On receipt of a report from a Commissioner to whom any matter has been transferred for report under subsection (2), the Commissioner by whom it was referred shall decide the matter referred in conformity with such report.

22. (1) No application for the settlement of any matter by a Commissioner shall be made unless and until some question has arisen between the parties in connection therewith which they have been unable to settle by agreement.

Applications to Commissioner.

(2) Where any such question has arisen, the application may be made in such form and shall be accompanied by such fee, if any, as may be prescribed and shall contain, in addition to any particulars which may be prescribed, the following particulars, namely :-

- (a) a concise statement of the circumstances in which the application is made and the relief or order which the applicant claims;
- (b) in the case of a claim for compensation against an employer, the date of service of notice of the accident on the employer and, if such notice has not been served in due time, the reason for such omission;
- (c) the names and addresses of the parties; and
- (d) a concise statement of the matters on which agreement has and of those on which agreement has not been come to.

(3) If the applicant is illiterate or for any other reason is unable to furnish the required information in writing, the application shall, if the applicant so desires, be prepared under the direction of the Registrar.

23. The Commissioner shall have all powers of the Supreme Court for the purpose of enforcing the attendance of witnesses compelling the production of documents and material objects, administering oaths and taking evidence, amending any defect or error in any proceeding, enlarging the time appointed for taking any proceeding or for doing any act, and punishing for contempt of Court.

Powers and procedure of Commissioners.

24. (1) Any appearance, application or act required to be made or done by any person before or to a Commissioner (other than an appearance of a party which is required for the purpose of his

Appearance of parties.

examination as a witness) may be made or done on behalf of such person by a legal practitioner or, with the leave of the Commissioner, by his son, daughter, father, mother, brother, sister or wife or any person in his permanent employment.

(2) No person other than a legal practitioner who appears or acts on behalf of any party in connection with proceedings before a Commissioner under this Ordinance shall be entitled to any fee or reward for so appearing or acting.

Evidence to be recorded.

25. The Commissioner shall make notes of the evidence of every witness as the examination of the witness proceeds, and such notes shall be written and signed by the Commissioner with his own hand and shall form part of the record :

Provided that the evidence of any medical witness shall be taken down as nearly as may be word for word.

Costs.

26. All costs incidental to any proceedings before a Commissioner shall, subject to regulations made under this Ordinance, be in the discretion of the Commissioner.

Registration of orders.

27. At the conclusion of the hearing of every application for the settlement of a matter by the Commissioner the Commissioner shall record his decision and order. Where the order directs the payment of compensation under this Ordinance or the variation of the amount or rate of payment of compensation previously ordered by the Commissioner or settled by agreement, the Commissioner shall direct the Registrar to record a memorandum of his order in a register in the prescribed manner.

Registration of agreements.

28. (1) Where the amount of compensation under this Ordinance has been settled or varied by agreement, a memorandum thereof shall be sent by the employer, and may be sent by any party interested, to the Commissioner, who shall, on being satisfied as to its genuineness, direct the Registrar to record the memorandum in a register in the prescribed manner :

Provided that -

- (a) no such memorandum shall be recorded before seven days after communication by the Registrar of notice to the parties concerned;
- (b) where a workman seeks to record a memorandum of agreement between his employer and himself for the payment of compensation and the employer proves that the workman has, in fact, returned to work and is earning the same wages as he did before the accident and objects to recording of such memorandum, the memorandum shall only be recorded, if at all, on such terms as the Commissioner thinks just in the circumstances;
- (c) the Commissioner may at any time rectify the register;
- (d) where it appears to the Commissioner that an agreement as to the payment of a lump sum, whether by way of redemption of a half-monthly payment or otherwise, or an agreement as to the amount of compensation payable to a person under any legal disability, or to dependants, ought not to be registered by reason of the inadequacy of the sum or amount, or by reason of the agreement having been obtained by fraud or undue influence or other improper means, he may refuse to record the memorandum of the agreement or may make such order,

including an order as to any sum already paid under the agreement, as he thinks just in the circumstances;

- (e) the Commissioner may, within six months after a memorandum of an agreement as to the payment of a lump sum, whether by way of redemption of half-monthly payment or otherwise, or of an agreement as to the amount of compensation payable to a person under any legal disability or to dependants, has been recorded in the register, order that the record be removed from the register on proof to his satisfaction that the agreement was obtained by fraud or undue influence or other improper means, and may make such order (including an order as to any sum already paid under the agreement) as he thinks just in the circumstances.

(2) Any memorandum of agreement to which this section applies shall disclose the amount (if any) paid or payable under or in respect of the agreement by the employer to the solicitor and counsel for the workman or his dependants as costs, and, if it appears to the Commissioner that the amount is excessive, the Commissioner shall, subject to regulations made under this Ordinance, tax such costs; or order the same to be taxed by the Registrar, and if the costs are reduced on taxation, the amount of such reduction shall either be applied or dealt with for the benefit of the workman or his dependants, or paid to the employer.

Costs paid by employer to workman's solicitor to be disclosed.

29. Every memorandum and every amendment to a memorandum registered under section 27 or section 28 and every order made under section 28, when recorded as required by the said sections, shall thereupon for all purposes be enforceable as a Supreme Court judgment.

Enforcement of orders and agreements as Supreme Court judgments.

30. Where a memorandum of any agreement, the registration of which is required by section 28, is not sent to the Commissioner as required by that section, the employer shall be liable to pay the full amount of compensation which he is liable to pay under the provisions of this Ordinance, and notwithstanding anything contained in the proviso to subsection (1) of section 4 shall not, unless the Commissioner otherwise directs, be entitled to deduct more than half of any amount paid to the workman by way of compensation whether under the agreement or otherwise.

Effect of failure to register agreement.

31. (1) With the leave of the Chief Justice, or upon the certificate of the Commissioner making the order that it is a fit case for appeal from his order, an appeal shall lie to the Chief Justice of the Supreme Court in summary jurisdiction from any order of a Commissioner where a question of law is involved in the appeal.

Appeals.

(2) An appeal shall lie to the Supreme Court in its summary jurisdiction as of right from the following orders of a Commissioner, namely :-

- (a) an order awarding as compensation a lump sum whether by way of redemption of a half-monthly payment or otherwise or disallowing a claim in full or in part for a lump sum;
- (b) an order refusing to allow redemption of a half-monthly payment;
- (c) an order providing for the distribution of compensation among the dependants of a deceased workman or disallowing any claim of a person alleging himself to be such a dependant;

- (d) an order allowing or disallowing any claim for the amount of an indemnity under the provisions of subsection (2) of section 12; or
- (e) an order refusing to register a memorandum of agreement or registering the same or providing for the registration of the same subject to conditions:

Provided that no appeal under this subsection shall lie against any order unless a question of law is involved in the appeal, and in the case of an order other than an order such as is referred to in clause (b) unless the amount in dispute in the appeal is not less than fifty pounds.

(3) Notwithstanding anything herein contained, no appeal shall lie in any case in which the parties have agreed to abide by the decision of the Commissioner or in which the order of the Commissioner gives effect to an agreement come to by the parties.

(4) Save in so far as the same may be modified by any rules made under this Ordinance, the rules of the Supreme Court for the time being in force as to appeals to that Court in civil matters shall, with the necessary modifications, apply to appeals under this section from orders of the Commissioner.

Rules and Regulations.

Rules of Court.

32. (1) The Chief Justice may make rules of Court for regulating the procedure and practice in respect of appeals under section 31.

(2) No such rules of Court shall come into operation until the same shall have been laid before the Legislative Council and published in two consecutive issues of the Gazette; but when the same shall come into operation they shall have effect as if enacted by this Ordinance and shall be judicially noticed.

Power of the Governor-in-Council to make regulations.

33. (1) The Governor-in-Council may make regulations for all or any of the following purposes, that is to say:-

- (a) for prescribing the intervals at which and the conditions subject to which an application for review may be made under section 6 when not accompanied by a medical certificate;
- (b) for prescribing the intervals at which and the conditions subject to which a workman may be required to submit himself for medical examination under subsection (1) of section 11;
- (c) for prescribing the procedure to be followed by Commissioners in the disposal of matters under this Ordinance and by the parties in such matters;
- (d) for regulating the transfer of matters from one Commissioner to another and the transfer of money in such matters;
- (e) for prescribing the manner in which money in the hands of a Registrar may be invested for the benefit of dependants of a deceased workman;
- (f) for the representation in proceedings before Commissioners of parties who are minors or are unable to make an appearance;
- (g) for prescribing the form and manner in which memoranda of agreements shall be presented to and registered by Commissioners;

- (h) for the withholding by Commissioners, whether in whole or in part, of half-monthly payments pending decision on applications for review of the same;
- (i) for prescribing the costs which may be allowed in respect of any claim or proceedings under this Ordinance;
- (j) for prescribing the fees to be paid in respect of any claim or proceedings under this Ordinance;
- (k) for prescribing the fees to be paid to any person appointed to assist a Commissioner under the provisions of subsection (2) of section 20;
- (l) for the maintenance by the Registrar of registers and records of proceedings before the Commissioners;
- (m) for providing for any matters which are authorized by this Ordinance to be prescribed;
- (n) generally for carrying out the provisions of this Ordinance.

(2) All regulations made under this section shall be laid before the Legislative Council for approval, and when so approved shall have the same force and effect as if they were contained in this Ordinance.

Regulations to be approved by the Legislative Council.

(3) All regulations made under this section shall be published in the Gazette and shall be judicially noticed.

Publication of regulations.

34. (1) Where an arrangement has been made whereby sums awarded under the law relating to workmen's compensation in the Colony of the Falkland Islands to beneficiaries resident or becoming resident in the United Kingdom or in any other part of His Majesty's dominions, and sums awarded under the law relating to workmen's compensation in the United Kingdom or in such other part of His Majesty's dominions to beneficiaries resident or becoming resident in the Colony of the Falkland Islands, may, at the request of the authority by which the award is made, be transferred to and administered by a competent authority in the United Kingdom or in such other part of His Majesty's dominions or in the Colony of the Falkland Islands, as the case may be, the Governor in Council may make rules-

Rules as to transfer of funds.

- (a) for the transfer, in such manner as may be provided by the arrangement, to the United Kingdom or that part of His Majesty's dominions with which the arrangement is made of any money in the disposition of the Court, applicable for the benefit of any person resident in or about to reside in the United Kingdom or such other part of His Majesty's dominions;
- (b) for the receipt and administration by an officer appointed by the Governor for this purpose of any money which under any such arrangement has been transmitted from the United Kingdom or the part of His Majesty's dominions with which the arrangement has been made as money applicable for the benefit of any person resident or about to reside in the Colony of the Falkland Islands.

(2) For the purposes of this section, "His Majesty's dominions" includes British protectorates and protected states and territories in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty.

Commencement.

35. This Ordinance shall commence and come into operation on a day to be fixed by the Governor by proclamation in the Gazette, which shall be judicially noticed.

Passed by the Legislative Council this 15th day of November, 1937.

A. I. FLEURET,
Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 20th day of November, 1937.

M. J. STEWART,
Acting Colonial Secretary.

SCHEDULE.

List of Injuries deemed to result in Permanent Partial Disablement.

Injury.	Percentage of loss of earning capacity.
Loss of either arm above or at the elbow	70
Loss of either arm below the elbow	60
Loss of leg at or above the knee	60
Loss of leg below the knee	50
Permanent total loss of hearing	50
Loss of one eye	30
Loss of thumb	25
Loss of all toes of one foot	20
Loss of one phalanx of thumb	10
Loss of index finger	10
Loss of great toe	10
Loss of any finger other than index finger	5

Complete and permanent loss of the use of any limb or member referred to in this Schedule shall be deemed to be the equivalent of the loss of that limb or member.

FALKLAND ISLANDS :

Printed at the Government Printing Office by C. G. Allan.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 5 of 1937.

I ASSENT,
M. C. CRAIGIE-HALKETT,
Acting Governor.
20th November, 1937.

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:—

Enacting Clause.

1. This Ordinance may be cited as the Pensions Ordinance, 1937.

Short Title.

2. In this Ordinance and the Regulations made hereunder—

Definitions.

The term "Pensionable Office" means—

- (a) in respect of service in the Colony, an office which has been declared by the Governor in Council, by a notification published in the Gazette, to be pensionable; provided that any office declared to be pensionable under this Section may be declared at any time by the Governor in Council, by a notification published in the Gazette, to be no longer pensionable, due regard being had to existing rights;
- (b) in respect of other public service, an office which is a pensionable office under the law or regulations in force in such service.

The term "Pensionable emoluments"

- (a) in respect of service in the Colony includes
 - (i) salary,
 - (ii) personal allowance,
 - (iii) house 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.

The term "salary" means the salary attached to an office.

The term "personal allowance" means a special addition to such salary granted personally to the holder for the time being of the office.

The term "house allowance" means the estimated value of free quarters as defined in Regulation 8 (2) in the Schedule to this Ordinance or any Regulation hereafter made amending or substituted for the same.

The term "year" means a calendar year.

The term "month" means a calendar month.

The term "Secretary of State" means one of His Majesty's Principal Secretaries of State.

The term "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 any such other service as the Secretary of State may determine to be "public service" for the purpose of any provisions of this Ordinance or the Regulations made thereunder. 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 shall be deemed to be "public service" except for the purpose of computation of pension or gratuity and of Section 10 of this Ordinance.

The term "other public service" means public service not under the Government of the Colony.

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

Governor in Council may make pension regulations.

3. (1) It shall be lawful for the Governor in Council, with the sanction of the Secretary of State, from time to time to make, and when made, to vary and revoke regulations for the granting of pensions, gratuities and other allowances to officers who have been in the service of the Colony.

Every such regulation when made shall be laid before the Legislative Council and shall be published in the Gazette. Provided that until varied or revoked by any such regulations the regulations contained in the Schedule to this Ordinance shall be in force.

(2) All such regulations shall have the same force and effect for all purposes as if they were contained in this Ordinance and the term "this Ordinance" shall in the following sections be read and construed accordingly.

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 the Governor in Council by way of pension, gratuity or other allowance in accordance with this Ordinance. Pensions etc. to be charged on revenues of the 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 contained limit the right of the Crown to dismiss any officer 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 to any officer in respect of any service :- Service not qualifying for pension.

(a) while on probation or agreement, unless without break of service he is confirmed in a pensionable office in the Colony or in an office in other public service which is at the time of confirmation pensionable under the pension regulations applicable to such service; or

(b) while under the age of twenty years.

7. No pension, gratuity or other allowance shall be granted to any officer except on his retirement from the public service in one of the following cases :- Circumstances in which pension may be granted.

(a) on or after attaining the age of fifty-five years, or in special cases with the approval of the Secretary of State, fifty years;

(b) 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:

(c) on the abolition of his office:

(d) on compulsory retirement for the purpose of facilitating improvement in the organisation of the Department to which he belongs, by which greater efficiency and economy can be effected:

(e) on medical evidence to the satisfaction of the Governor in Council or the Secretary of State that he is incapable by reason of some infirmity of mind or body of discharging the duties of his office and that such infirmity is likely to be permanent:

(f) in the case of removal on the ground of inefficiency as hereinafter provided:

(g) on retirement in circumstances rendering him eligible for a pension under the Pensions (Governors of Dominions, &c.) Act, 1911, or any Act amending or replacing the same.

8. 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 provisions of this Ordinance, the Governor in Council may, if he considers it justifiable having regard to all the circumstances of the case, grant such a pension, gratuity or other allowance Retirement for inefficiency.

as he thinks just and proper, but in no case exceeding in amount that for which the officer would be eligible if he were suffering from some infirmity of mind or body likely to be permanent.

Age of compulsory retirement.

9. 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 fifty-five years or, in special cases, with the approval of the Secretary of State, at any time after he attains the age of fifty years.

Maximum pension grantable.

10. (1) 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) Where the officer has been or is granted a pension or pensions in respect of other public service, he may be granted the full pension for which he is eligible in respect of his service in the Colony, but no person may 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 such person at any time in the course of his service in the Colony or in other public service.

Provided that where such a person 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 sub-section to be four-thirds of its actual amount.

(3) In a case falling under the limitation laid down by sub-section (2), 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 similarly to be drawn in respect of other public service.

(4) For the purpose of the preceding sub-sections an additional pension granted in respect of any injury shall not be taken into account; but where the officer is granted such an additional pension, the amount of such additional pension which he may draw shall not exceed one sixth of his highest pensionable emoluments at any time in the course of his public service by more than the sum by which the amount of his pension or pensions, apart from such additional pension, falls short of two-thirds of such highest emoluments.

Liability of Pensioners to be called upon to take further employment.

11. Every pension granted under this Ordinance shall be subject to the condition that unless or until the officer has attained the age of fifty 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 any 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 the grant of his pension.

If a pensioner so called upon declines to accept the office for which he may have been selected, the payment of his pension may be suspended until he has attained the age of fifty years.

Pensions affected by re-employment.

12. If any officer to whom a pension has been granted under this Ordinance is appointed to another office in the service of the Colony and subsequently retires in circumstances in which he may be granted a pension, he may be granted in lieu of his previous pension a pension computed as if the periods of his service in the Colony had been continuous, and such pension may be based on his pensionable emoluments on his previous or final retirement from the service of the Colony, whichever are the greater:

Provided that if, on his previous retirement, he was paid a gratuity and reduced pension, the gratuity to be paid to him on final retirement shall be reduced by the amount of the gratuity already paid.

13. If any officer to whom a gratuity without pension has been granted under this Ordinance is re-appointed to any office in the service of the Colony or in other public service, his previous service may, with the approval of the Secretary of State, be taken into account for the purposes of pension, if he refunds the gratuity on such re-appointment.

Gratuity affected by re-employment.

14. No pension, or gratuity or other allowance granted under this Ordinance shall be assignable or transferable, or liable to be attached, sequestered or levied upon for or in respect of any debt or claim whatsoever, other than a debt due to the Government.

Pensions etc. not to be assignable.

15. If any officer to whom a pension or other allowance has been granted under this Ordinance is adjudicated a bankrupt or is declared insolvent by judgement of any Court, then such pension or allowance shall forthwith cease.

Pensions etc. to cease on bankruptcy.

Provided always that in any case where a pension or allowance ceases by reason of the bankruptcy or insolvency of the pensioner, it shall be lawful for the Secretary of State, or if such pensioner is resident in the Colony then for the Governor, from time to time during the remainder of such pensioner'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 cause all or any part of the moneys to which such pensioner would have been entitled by way of pension or allowance, had he not become a bankrupt or insolvent, to be paid to, or applied for the maintenance and personal support and benefit of all or any, to the exclusion of the other or others, of the following persons, namely, such pensioner 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.

16. If any officer to whom a pension or other allowance has been granted under this Ordinance is sentenced to a term of imprisonment by any competent Court whether within or without the Colony for any crime or offence, then in every such case, it shall be lawful for the Secretary of State, or if the person is resident in the Colony the Governor to direct that such pension or allowance shall forthwith cease.

Pensions etc. to cease on conviction.

Provided that -

- (1) the pension or allowance shall be restored with retrospective effect in the case of a person who after conviction at any time receives a free pardon;
- (2) where the pension or allowance ceases for the reason aforesaid it shall be lawful for the Secretary of State or the Governor as the case may be to cause all or any part of the moneys to which the pensioner would have been entitled by way of pension or allowance to be paid to or applied for the benefit of any wife, child or children of the pensioner, or after the expiration of his sentence, also for the benefit of the pensioner himself, in the same manner precisely and subject to the same qualifications and restrictions as in the case of bankruptcy hereinbefore provided.

17. If any officer to whom a pension or other allowance has been granted under this Ordinance becomes either a Director of any Company the principal part of whose business is in anyway directly

Pensions etc. to cease on accepting certain appointments.

concerned with the Colony, or an officer or servant employed in the Colony by any such Company, without in every such case the permission of the Governor in writing first had and obtained, then in every such case it shall be lawful for the Governor to direct that such pension or allowance shall forthwith cease :

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.

Gratuity to estate where an officer dies in the service.

18. Where an officer holding a pensionable office who is not on probation or agreement 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 one year's pensionable emoluments.

Pensions etc. to Dependents when an officer is killed on duty.

19. (1) Where an officer holding a pensionable office, who is not serving on probation or agreement, dies as the direct 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 duties,

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 in accordance with Section 18 of this Ordinance :-

- (i) if the deceased officer leaves a widow, a pension to the widow, while unmarried and of good character at a rate not exceeding ten-sixtieths of his pensionable emoluments at the date of injury or £10 a year, whichever be the greater, and also a gratuity not exceeding £1 multiplied by the total number of their years, starting from their ages at the time of their father's death, and ending with 15 years, to each child alive at the date of the father's death, and a gratuity not exceeding £15 to any posthumous child: Provided that the gratuities so granted shall not in the aggregate be less than £10 nor more than £60;
- (ii) if the officer's wife predeceases him or if no pension is granted to her under the preceding paragraph and he leaves children who would have been eligible for gratuity if a pension had been granted to the widow, gratuities of twice the amount of the gratuities for which they would have been eligible in such circumstances;
- (iii) if the deceased officer does not leave a widow, and if 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, at a rate not exceeding the rate of the pension which might have been granted to his widow :

Provided that

- (a) 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

- (b) if the mother is not a widow and it appears that the deceased's father is in a position to support her, such pension shall cease from such date as the Secretary of State may determine.

(2) When an officer who is not qualified for either pension or gratuity dies in the circumstances mentioned in sub-section (1) of this section, it shall be lawful for the Governor in Council to grant the pension or gratuities which might have been granted if his case had fallen under sub-section (1), but no grant shall be made under Section 18 of this Ordinance.

20. The provisions of this Ordinance shall apply

Application of Ordinance.

- (i) to all officers appointed to the public service of the Colony
 - (a) after the commencement of this Ordinance
 - (b) before the commencement of this Ordinance to whom it was intimated before appointment that they were liable to be affected by any change in the pensions law of the Colony; and
- (ii) to any other officer serving in the Colony at, or transferred from the Colony to any other public service before the commencement of this Ordinance, who shall still be in public service at the date of such commencement, unless not later than twelve 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 referred to in Section 21 of this Ordinance shall apply to him in which case they shall continue to apply accordingly.

21. Subject to the provisions of the preceding Section the Pensions Ordinance 1927, the Pensions (Amendment) Ordinance, 1929, and the Pensions (Amendment) Ordinance, 1931, are hereby repealed, and all Regulations made thereunder are hereby revoked.

Repeal of Ordinances Nos. 8 of 1927, 2 of 1929, and 2 of 1931.

Passed by the Legislative Council this 15th day of November, 1937.

A. I. FLEURET,
Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 20th day of November, 1937.

M. J. STEWART,
Acting Colonial Secretary.

SCHEDULE.

Regulations for the granting of Pensions, Gratuities and other allowances to Officers.

PART I.

General Regulations.

Short Title.

1. These Regulations may be cited as the Pensions Regulations, 1937.

Pensions to whom and at what rates to be granted.

2. Subject to the provisions of the Pensions Ordinance, 1937, hereinafter called the Ordinance, and of these Regulations, every officer holding a pensionable office in the Colony, who has been in the service of the Colony in a civil capacity for ten years or upwards, may be granted on retirement a pension at the rate of one six-hundredth of his pensionable emoluments for each complete month of pensionable service.

Gratuities where length of service does not qualify for pension.

3. Every officer, otherwise qualified for a pension, who has not completed the minimum period of service qualifying for a pension, may be granted on retirement a gratuity not exceeding five times the annual amount of the pension which if there had been no qualifying period might have been granted to him under Regulation 2.

Period of service in the Colony qualifying for pension or gratuity defined.

4. Subject to the provisions of Section 6 of the Ordinance and of these Regulations, service qualifying for pension or gratuity, as the case may be, shall be the inclusive period between the date on which an officer begins to draw salary from the Colony's funds and the date of his leaving the Colony's service, without deduction of any period during which he has been absent on leave.

Service to be unbroken.

5. Service in respect of which pension or gratuity may be granted must be unbroken except in cases where the service has been interrupted by abolition of office or other temporary suspension of employment not arising from misconduct or voluntary resignation.

Computation of pensions and gratuities.

6. For the purpose of computing the amount of an officer's pension or gratuity the following periods shall be taken into account as pensionable service :-

Leave of absence.

- (a) Any periods during which he has been on duty;
- (b) Any period during which he received half-salary from the Colony's funds while proceeding to the Colony on first appointment;
- (c) Any periods during which he has been absent from duty on leave with full or half salary;
- (d) Any periods during which he has been absent from duty on leave without salary, granted on grounds of public policy with the approval of the Secretary of State, and during which he has not qualified for pension or gratuity in respect of other public service;

And any periods during which he has been absent on leave other than those specified above shall be deducted from the officer's

total service in order to arrive at his period of pensionable service.

7. For the purpose of computing the amount of the pension or gratuity of an officer who, during some period of his service in a pensionable office in the Colony, has been on the Active list of the Royal Navy, the Army or the Royal Air Force, the whole or any part of such period during which no pension contributions have been paid by the Colony, or if paid, have been refunded, may be taken into account.

Computation of pensions and gratuities. Service on the active list of the Army, Navy, or Air Force.

8. (1) For the purpose of computing the amount of an officer's pension or gratuity :-

Computation of pensions, etc. on what emoluments to be based.

- (a) in the case of an officer who has held one office for a period of three years immediately preceding the date of his retirement, the full pensionable emoluments payable to him at that date in respect of that office shall be taken ;
- (b) in the case of an officer who at any time during such period of three years has been transferred from one office to another, but whose pensionable emoluments have not been changed by reason of such transfer or transfers, the full pensionable emoluments payable to him at the date of his retirement in respect of the office then held by him shall be taken ;
- (c) in other cases one third of the aggregate pensionable emoluments payable to the officer in respect of his service during the said three years shall be taken : provided that

(i) if such one third is less than the full pensionable emoluments which were payable to him at the date of his transfer within such period of three years, the Governor in Council may grant him a pension calculated on the full pensionable emoluments payable to him at that date; and

(ii) for the purpose of calculating pensionable emoluments under this paragraph, the officer shall be deemed to have been on duty on full pensionable emoluments throughout the said three years.

(2) The estimated value of free quarters shall be taken as one-sixth of the actual salary of the office.

9. (1) Only service in a pensionable office shall be taken into account as pensionable service :

Non-pensionable service followed by pensionable service.

Provided that where a period of service in a civil capacity otherwise than in a pensionable office is immediately followed by service in a pensionable office, one-half of such period may with the approval of the Governor in Council be so taken into account, and

(2) Where an officer in the service of the Colony or in any other public service on the date when the Ordinance comes into force shall, before that date have served in a civil capacity otherwise than in a pensionable office, then if it should be to his advantage his pension may be calculated as if the following Regulation was substituted for paragraph 1 of this Regulation :-

"Only service in a pensionable office shall be taken into account as pensionable service;

Provided that where an unbroken period of service in a civil capacity in an appointment other than a pensionable office is immediately followed by service in a pensionable office in the Colony, such

period or any part of such period may, with the approval of the Governor in Council, be so taken into account."

Acting Service.

10. Where an officer has performed acting service in a pensionable office in the Colony, the period of such service may be taken into account as pensionable service :

Provided that

(1) The period of such acting service was not part of the pensionable service of the previous holder of the office and does not fall to be reckoned as part of the officer's own pensionable service in other public service;

(2) this period of service is immediately preceded or followed by service in a substantive capacity in a pensionable office in the Colony.

Abolition or reorganisation of office.

11. (1) If an officer holding a pensionable office retire or be removed from the service in consequence of the abolition of his office, or for the purpose of facilitating improvements in the organisation of the Department to which he belongs, by which greater efficiency and economy can be effected, he may be granted a pension calculated in accordance with Regulation 2.

Provided that if he has been in the service of the Colony for less than the qualifying period of ten years, he may be granted a pension calculated in accordance with that Regulation as if there had been no qualifying period.

(2) Such an officer may also be granted an additional pension at the rate of one-sixtieth part of his annual pensionable emoluments for each complete period of three years' pensionable service :

Provided that

(a) the addition shall in no case exceed ten-sixtieths ; and

(b) no addition shall be made so as to qualify an officer for a pension of higher annual value than that for which he would have been qualified by length of service on reaching the age at which he may be required to retire, without the approval of the Secretary of State or for a pension of higher annual value than the maximum prescribed in Section 10 of the Ordinance.

(3) Any pension granted to an officer in accordance with this Regulation shall be subject to the condition that he shall be liable to be recalled to service in the Colony.

Provided that if such an officer is not qualified for other employment in the public service, and if there is no reason, in the opinion of the Governor, to expect that he can be shortly re-employed, a pension may be granted to him free from the above-mentioned condition.

Officers retiring on account of injuries.

12. (1) Where an officer has been permanently injured :-

(a) in the actual discharge of his duty and

(b) without his own default, and

(c) by some injury specifically attributable to the nature of his duty,

and his retirement is thereby necessitated or materially accelerated, then, subject to the provisions of sub-section (4) of section 10 of the Ordinance, he may, if he is qualified for a pension under Regulation 2, be granted, in addition to the pension granted to him under that Regulation, an additional pension at the rate of the proportion of

his actual pensionable emoluments at the date of his injury appropriate to his case as shown in the following table :-

When his capacity to contribute to his own support is :-

slightly impaired	...	five-sixtieths ;
impaired	...	ten-sixtieths ;
materially impaired	...	fifteen-sixtieths ;
totally destroyed	...	twenty-sixtieths ;

Provided that the amount of the additional pension shall be reduced to such an extent as the Governor in Council shall think reasonable in the following cases :-

(a) where the injured officer has continued to serve for not less than one year after the injury in respect of which he retires ;

(b) where the injured officer is at the date of injury within ten years of the age at which he may be required to retire without the approval of the Secretary of State ; or

(c) where the injury is not the sole cause of retirement, but the retirement is caused partly by age or infirmity not due to the injury :

(2) An officer so injured, whose length of service is not such as to qualify him for a pension under Regulation 2, but who is qualified for a gratuity under Regulation 3, may nevertheless be granted in lieu of such a gratuity a pension at the rate of one-sixthundredth part of his pensionable emoluments for each complete month of pensionable service together with such additional pension as might be awarded to him under the preceding part of this Regulation if he were qualified for pension.

Pension to injured officer where service is less than ten years.

(3) An officer so injured who is not qualified for either a pension under Regulation 2, or a gratuity under Regulation 3 may nevertheless be granted a pension of the same amount as the additional pension which he might have been granted if he had been so qualified.

13. In special cases an officer holding a non-pensionable office may :-

(a) if he has served the Colony for not less than seven years and is removed in consequence of the abolition of his office, or for the purpose of facilitating improvements in the organisation of the Department to which he belongs by which greater efficiency and economy can be effected ; or

(b) if he has served for not less than fifteen years and he retires in any of the cases set out in Section 7 of the Ordinance ;

Officers who have served in a non-pensionable office.

be granted a compassionate gratuity not exceeding one pound or one week's pay, whichever is the greater for each year of his service.

14. Where an officer has been transferred from a pensionable to a non-pensionable office and subsequently retires either from a pensionable or non-pensionable office in circumstances in which he might have been granted a pension if he had continuously held a pensionable office, he may, with the approval of the Governor in Council, be allowed to count his service in the non-pensionable office as though it were service in the pensionable office which he held immediately prior to such transfer, and at the pensionable emoluments which were payable to him at the date of transfer.

Officers transferred from pensionable to non-pensionable office.

15. (1) Any officer to whom a pension is granted under the Ordinance may, at his option exercisable as hereinafter provided,

Gratuity and reduced pension.

be paid in lieu of such pension a pension at the rate of three-fourths of such pension together with a gratuity equal to ten times the amount of the reduction so made in the pension.

(2) The option referred to in paragraph (1) shall be exercisable :-

- (a) in the case of an officer to whom, if retired on the ground of ill-health, a pension might be awarded by reason only of the taking into account, under Regulation 9 of service in an appointment other than a pensionable office; not later than six months from the date when he receives notice of the approval of the Governor in Council for taking such service into account.
- (b) in the case of an officer who is transferred to the service of the Colony from other public service, not later than thirteen months after the date of his transfer or one month after the earliest date on which, if retired on grounds of ill-health, he might be awarded a pension under this Ordinance, whichever shall be the later;
- (c) in the case of any other officer; not later than one month after the earliest date on which, if retired on grounds of ill-health, he might be awarded a pension under the Ordinance:

Provided

- (i) that an officer who has previously had the opportunity of exercising the option but has not done so, may, if he subsequently marries and is still in the service of the Colony or in any other public service, apply to the Governor not later than one month after the date of his marriage for permission to exercise the option, which permission may be granted at the Governor's discretion after examination of the officer by a Government Medical Board, and upon the grant of such permission the option shall be deemed to have been exercised.
- (ii) that the date of the exercise of the option shall be deemed to be the date of the receipt of his written notification addressed either to the Colonial Secretary in the Colony or to the Crown Agents for the Colonies; and
- (iii) that if an officer has exercised the option his decision shall be irrevocable.

PART II.

Special Regulations for Officers with other Public Service.

Definitions.

16. For the purpose of these Regulations :-

The term "Scheduled Government" means any Government included in the Schedule to these Regulations.

The term "Service in the Group" means service under the Government of the Colony, and under a Scheduled Government or Governments.

17. Subject to the succeeding Regulations, the provisions of Regulations 8 (2), 13, 14, and 15 shall apply to the case of an officer who has been transferred to or from the service of the Colony from or to other public service and the provisions of Regulations 4, 5, 6, 7, 8 (1), 9 (1), and 10 shall apply to the case of an officer so transferred as if his whole service had been in the Colony.

Application of Regulations in Part I.

Provided that in the application of Regulation 15 to cases where the limitation prescribed by Section 10 (2) of the Ordinance operates the words "such pension" in that Regulation shall mean the amount of pension which he might have been awarded from the funds of the Colony if he had not elected for a gratuity and reduced pension.

18. (1) Where the other public service of an officer has been wholly under one or more of the Scheduled Governments and he has held a pensionable office in the Colony for a period of at least twelve months, and his aggregate service would have qualified him had he been wholly in the Colony for a pension under the Ordinance, he may, on his ultimate retirement from the public service in circumstances in which he is permitted by the Law or Regulations of the service in which he is last employed to retire on pension or gratuity, be granted a pension from the Colony of such an amount as shall bear the same proportion to the amount of pension for which he would have been eligible had his service been wholly in the Colony, as the aggregate amounts of his pensionable emoluments during his service in the Colony shall bear to the aggregate amounts of his pensionable emoluments throughout his service in the Group.

Pension for service wholly within the Group.

(2) In determining for the purposes of this Regulation the pension for which an officer would have been eligible if his service had been wholly in the Colony,

- (a) his final pensionable emoluments taken shall be those of his last period of service in the Group;
- (b) no regard shall be had to Regulations 11 and 12;
- (c) regard shall be had to the condition that pension may not exceed two-thirds of the highest pensionable emoluments;
- (d) no period of other public service under any Scheduled Government which does not grant a pension or gratuity to the officer shall be taken into account:

(3) For the purpose of this Regulation the aggregate amount of his pensionable emoluments shall be taken as the total amount of salary which the officer would have drawn, and the total amount of the other pensionable emoluments which he would have enjoyed had he been on duty on full pay in his substantive office or offices throughout his period of service in the Group subsequent to the attainment of the age of twenty years:

Provided that

- (i) in calculating the aggregate amount of his pensionable emoluments no account shall be taken of any service under any Scheduled Government which does not grant the officer a pension or gratuity, or of any period of leave without salary or with salary at a special rate which was granted to him in order to make continuous service interrupted either by abolition of office or in consequence of a reorganisation designed to effect greater efficiency and economy.
- (ii) where under Regulation 9 one half only of any service in a civil capacity otherwise than in a pensionable office is taken into account as pensionable

service, one half only of the officer's aggregate emoluments during that service shall be taken into account for the calculation aforesaid.

- (iii) Where an officer entered the public service prior to the 1st of January, 1930, his pension in respect of his service in the Colony may be calculated as though any scheduled Government under which he has served had not been included in the schedule to these Regulations if this should be to his advantage.

Pension where other service not within the Group.

19. Where the other public service of an officer has not included service under any of the Scheduled Governments, and he has held a pensionable office in the Colony for a period of at least twelve months, and his aggregate service would have qualified him, had it been wholly in the Colony, for a pension under these Regulations, he may, on his ultimate retirement from the public service in circumstances in which he is permitted by the Law or Regulations of the Service in which he is last employed to retire on a pension or gratuity, be granted in respect of his service in the Colony a pension at the rate of one sixhundredth part of the amount of his pensionable emoluments at the date of his transfer or retirement, as the case may be, from the service of the Colony for each calendar month of his pensionable service in the Colony.

Pension when other service both within and not within the Group.

20. Where a part only of the other public service of an officer has been under one or more of the Scheduled Governments, the provisions of Regulation 18 shall apply; but in calculating the amount of pension, regard shall be had only to service in the Group.

Additional pension to officers retiring on account of injury.

21. Where an officer who has been transferred from other public service, and whose aggregate service would have qualified him, had it been wholly in the Colony, for a pension under these Regulations, is compulsorily retired from the public service in the circumstances mentioned in Regulation 12, he may, if at the time he is in the service of the Colony, be granted from the funds of the Colony the additional pension allowed by that Regulation, in addition to the pension granted under Regulations 18, 19, or 20 as the case may be.

Pension in respect of injury after less than 12 months service in the Colony.

22. Where by reason of the fact that an officer whose case falls under Regulation 21 has held a pensionable office in the Colony for less than twelve months, he is not eligible for a pension under Regulation 18, 19, or 20, as the case may be, he may, nevertheless, if at the time of his retirement he is in the service of the Colony, be granted from the funds of the Colony a pension of the same amount as the additional pension allowed by Regulation 21.

Addition to pension in respect of abolition or reorganisation of office.

23. Where an officer who has been transferred from other public service and whose aggregate service would have rendered him eligible, had it been wholly in the Colony, for a pension under these regulations is compulsorily retired from the public service in circumstances mentioned in Regulation 11, he may if at the time he is in the service of the Colony, be granted from the funds of the Colony in addition to the pension granted to him under Regulation 18, 19, or 20, as the case may be, an addition to his pension equal to the addition to his pension which might have been granted to him if his total pensionable service had been in the Colony.

Gratuities where length of service does not qualify for pension.

24. (1) Where an officer has been transferred to or from the service of the Colony from or to other public service, retires from the public service in circumstances in which he is permitted by the Law or Regulations of the service in which he is last employed

to retire on pension or gratuity, but has not completed in the aggregate the minimum period of ten years service qualifying him for a pension, he may be granted from the funds of the Colony a gratuity not exceeding five times the annual amount of the pension which had there been no qualifying period, might have been granted to him under Regulation 18, 19, or 20, as the case may be.

(2) Where such an officer retires from the public service in the circumstances mentioned in Regulation 12, an award may, if at the time he is in the service of the Colony, be made to him under that regulation as if he had no other public service, but he shall not be granted, in addition, the gratuity for which he is eligible under paragraph (1) of this Regulation.

Injury.

25. Where an officer who is transferred to other public service is not granted a pension or gratuity in respect of his employment in the service in which he is last employed, solely by reason of the fact that he has not completed twelve months service therein, he shall not, on that account, be disqualified from receiving a pension or gratuity from the funds of the Colony, if otherwise eligible therefor.

Officers transferred to other public service and retiring after less than 12 months employment in last service.

SCHEDULE.

(See Regulation 16.)

Great Britain and Northern Ireland.
The Office of the Crown Agents for the Colonies.
The Colonial Audit Department (Home Establishment).
Aden.
Bahamas.
Barbados.
Basutoland.
Bechuanaland Protectorate.
Bermuda.
British Guiana.
British Honduras.
British Solomon Islands Protectorate.
Ceylon.
Cyprus.
Federated Malay States.
Fiji.
Gambia.
Gibraltar.
Gilbert and Ellice Islands Colony.
Gold Coast.
Grenada.
Hong Kong.
Jamaica.
Kenya.
Kenya and Uganda Railways and Harbours Administration.
Leeward Islands.
Malta.
Mauritius.
Nigeria.
Northern Rhodesia.
Nyasaland Protectorate.
Palestine.
St. Helena.
St. Lucia.
St. Vincent.
Seychelles.
Sierra Leone.
Somaliland Protectorate.
Straits Settlements.
Swaziland.
Tanganyika Territory.
Tonga.
Trinidad.
Turks and Caicos Islands.
Uganda Protectorate.
Zanzibar Protectorate.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 6 of 1937.

I ASSENT,

M. C. CRAIGIE-HALKETT,

Acting Governor.

20th November, 1937.

An Ordinance

To establish a Provident Fund for certain Non-Pensionable Employees of the Government.

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 as the Government Employees Provident Fund Ordinance, 1937. Short Title.

2. (1) In this Ordinance, unless the context otherwise requires:— Interpretation.

“THE FUND” means the Non-Pensionable Employees Provident Fund established under this Ordinance;

“THE BOARD” means the Board of Management appointed under this Ordinance;

“THE TREASURER” means the Treasurer of the Colony;

“NON-PENSIONABLE EMPLOYEE” means a person in the service of the Government of the Colony who—

(a) holds an office which is for the time being included in the Schedule to this Ordinance; and

(b) receives a salary of not less than One hundred Pounds per annum.

“DEPOSITOR” means a person who is making deposits in the Fund;

“SALARY” includes wages and any personal allowance, but no other payment or allowance whatsoever;

“PERSONAL ALLOWANCE” means a special addition to salary granted personally to the holder for the time being of the office.

"PRESCRIBED" means prescribed by Regulations made under this Ordinance.

(2) For the purposes of this Ordinance a depositor's family shall be deemed to include his mother, father, wife and children, but no other person.

Amendment of Schedule.

3. The Governor in Council may from time to time by order published in the Gazette amend the Schedule to this Ordinance by adding any office to the list of offices contained therein or by deleting any office from such list, but every such order shall make such provision (if any) as may be necessary or expedient to preserve existing rights. When any office is added to the Schedule the provisions of sections 5, 6 and 12 of this Ordinance shall have effect as respects that office as if the date upon which it is added were the date of the commencement of the Ordinance.

Establishment and management of the Fund.

4. (1) There shall be established a Fund to be known as the Non-Pensionable Employees Provident Fund.

(2) The Governor shall appoint a Board of Management who shall be responsible for the control and management of the Fund in accordance with the provisions of this Ordinance and of any Regulations made hereunder. The Treasurer shall be chairman of the Board.

(3) The moneys paid into the Fund shall, so far as practicable, be invested by the Treasurer in such security or securities yielding interest as the Board shall approve, or, with the approval of the Board, deposited by him in the Government Savings Bank.

(4) The Treasurer shall keep a separate account for the moneys of the Fund. Such account shall be audited annually by the Government Auditor.

(5) The Board shall submit to the Governor as soon as practicable after the thirty-first day of December in each year a full statement showing the working of the Fund and all claims thereon, and containing full particulars of all transactions connected with the working of the Fund.

Who shall become a depositor.

5. (1) Every person who shall have been appointed a non-pensionable employee either after the commencement of this Ordinance, or on terms which so require, shall become a depositor from the date on which he begins to draw any of the salary of the post to which he is so appointed or from the commencement of this Ordinance, whichever shall be the later.

(2) Every non-pensionable employee to whom the preceding subsection does not apply, who does not elect under section 6 of this Ordinance to become a depositor, and is appointed to the service of the Government after the commencement of this Ordinance upon terms which constitute a reappointment or re-engagement in the service of the Government, shall become a depositor as from the date of such reappointment or re-engagement.

Who may become a depositor.

6. Every non-pensionable employee who is not required by the preceding section to become a depositor may, by a written notice addressed to the head of his department within three months after the commencement of this Ordinance or within such extended time as the Governor in Council may in any particular case allow, elect to become a depositor, and, if he so elect, he shall become a depositor as from the commencement of this Ordinance.

7. (1) Every depositor shall deposit in the Fund monthly an amount equal to one-twentieth of his monthly salary, until the termination of his service with the Government. The Treasurer shall deduct the deposit from the salaries of depositors. Compulsory deposit.

(2) Such deposit shall be called the "compulsory deposit", and shall be calculated on full salary whether the depositor is on full, half, or no salary:

Provided that, when a depositor is on half salary or no salary for a period exceeding two months continuously, he may elect to contribute in respect of the excess over two months at the rate of one-twentieth of any salary which he receives.

8. Subject to prescribed conditions a depositor may, from time to time. Voluntary deposits.

(a) make voluntary deposits of not less than five shillings or any multiple thereof, to an amount not exceeding twenty five pounds in any one year, or one hundred and fifty pounds in all, and

(b) withdraw all or any part of such deposits including interest credited thereon.

(c) repay any sum so withdrawn.

9. (1) On the thirty-first day of December in each year, the account of every depositor shall be provisionally credited by the Treasurer with a sum equal to the compulsory deposits made by him during the preceding twelve months. Bonuses.

(2) The sums so credited shall each be called a "bonus".

10. (1) Interest shall be credited separately on compulsory deposits, voluntary deposits and bonuses at a rate to be fixed annually by the Governor in Council and shall begin to accrue in respect of each sum deposited and each bonus on the first day of the month next following the day on which the deposit was made or the bonus credited. Subject to the provisions of this Ordinance, it shall be calculated to the thirty-first day of December in each year and shall then be added to and become part of the principal and be deemed for the purposes of this Ordinance to be compulsory deposit, voluntary deposit or bonus as the case may be. Interest.

(2) No interest shall be credited on any sum withdrawn in respect of the period between the date of withdrawal and the date of repayment, exclusive of both dates.

11. As soon as practicable after the thirty-first day of December in each year the Treasurer shall inform each depositor of the total amount standing to his credit in the Fund at that date. Information to depositors.

12. (1) Any non-pensionable employee who shall have had at least one year's continuous service immediately before the commencement of this Ordinance and who being an officer to whom section 6 of this Ordinance applies, elects under that section to become a depositor, may Deposits in respect of previous service.

(a) within a period of two years after the commencement of this Ordinance, make an additional deposit in respect of each completed year of such service of an amount not exceeding one-twentieth of his salary as at the commencement of this Ordinance; or

(b) increase his deposits under section 7 of this Ordinance by fifty per cent. for a period not exceeding his completed years' continuous service prior to the commencement of this Ordinance.

(2) All amounts deposited under the provisions of this section shall be treated in all respects as compulsory deposits and the provisions of section 9 shall apply accordingly.

(3) In this section the word "service" means service which would, if this Ordinance had been in force, have been service as a non-pensionable employee.

Deposits, etc. not to be assigned or attached.

13. Subject to the provisions of this Ordinance no compulsory deposit, bonus, or interest on any such deposit or bonus, shall be assignable or transferable or liable to be attached, sequestered or levied upon for, or in respect of, any debt or claim whatsoever.

Withdrawal of compulsory deposits.

14. A depositor may withdraw compulsory deposits or bonuses only

(1) with the approval of the Board; or

(2) with the permission of the Treasurer if the Treasurer is satisfied that withdrawal is desirable and that it is required for any one or more of the following purposes:—

(a) To pay the passage of

(i) any member of the depositor's family or

(ii) the depositor's brother or sister,

coming from abroad, or leaving the Territory on medical advice or for other good cause, such person being wholly or mainly dependent upon, or ordinarily resident with, the depositor;

(b) To pay the funeral expenses of any member of the depositor's family;

(c) To pay hospital or other expenses incurred through the illness of any members of the depositor's family;

Provided that the total amount withdrawn shall not exceed, at any one time, half the depositor's compulsory deposits and bonuses.

Repayment of withdrawal.

15. Any sum withdrawn from compulsory deposits or bonuses under section 14 of this Ordinance shall be repaid by the depositor in not more than twelve equal monthly instalments, commencing in the month following the withdrawal, which may be deducted from his salary.

Closing of accounts.

16. (1) On the death of a depositor or the termination of the depositor's service with the Government,

(a) interest up to the end of the month previous to the date of such death or termination of service and,

(b) in the event of his death or termination of his service in any of the circumstances in which section 17 of this Ordinance applies, bonuses for the current calendar year equal to the compulsory deposits made by the depositor during that year,

shall be credited to his account, which shall then be closed.

(2) Notice of such closure shall thereupon be given

(i) if the depositor is living, to the depositor, or

(ii) if the depositor is dead, to such person or persons mentioned in section 21 of this Ordinance to whom it shall appear to the Treasurer that notice should properly be given.

And in either case to such other persons as shall or may in the opinion of the Treasurer reasonably require such notice.

17. Subject to the provisions of this Ordinance, if a depositor dies while in the service of the Government or leaves the service in any of the following circumstances, that is to say:—

Death or termination of service.

(1) retirement on medical evidence to the satisfaction of the Governor in Council (or the Secretary of State) that he is incapable by reason of some infirmity of mind or body of discharging the duties of his office;

(2) satisfactory completion of contract;

(3) abolition of office;

(4) reaching the prescribed age of retirement;

(5) determination of contract by, or with the consent of, the Government otherwise than by dismissal;

(6) in the case of a female depositor, retirement with a view to, or in consequence of, marriage after not less than three years' service (subject to the production of evidence of marriage within such period after retirement as the Board may in any case prescribe);

the amount standing to his or her credit in the Fund at the closing of such account shall be paid to the depositor or any other person to whom by virtue of this Ordinance or otherwise payment may lawfully be made.

18. (1) Subject to the provisions of this Ordinance, if a depositor shall be dismissed, or resign, or leave the service of the Government without permission without completing the period prescribed by any contract under which he may be serving,

Resignation or dismissal.

(a) the amount of his deposits in the Fund and interest thereon shall be paid to the depositor, and

(b) such part, if any, of the bonuses provisionally credited to the depositor and interest thereon, as the Board with the approval of the Governor shall determine, may be so paid.

(2) Any part of such bonuses and interest not paid as aforesaid shall be refunded to the Government and credited to revenue.

19. (1) If a depositor is transferred to a post which is a pensionable office under the Pensions Ordinance, 1937, or any other Ordinance, the provisions of section 16 of this Ordinance shall apply as if the service of the depositor with the Government had terminated in circumstances in which section 17 of this Ordinance applies:

Transfer to pensionable office.

Provided that interest shall continue to be credited to his account, in accordance with the provisions of section 10 and paragraph (a) of section 16 of this Ordinance.

(2) Subject to the provisions of this Ordinance, upon his subsequently leaving the service of the Colony in any circumstances or upon his dying in the service, the amount then standing to the credit of such depositor shall be paid to him or to any other person to whom by virtue of this Ordinance or otherwise payment may lawfully be made.

(3) A depositor who is so transferred may elect at the time of transfer to continue while serving in such post to remain subject to the provisions of this Ordinance, and shall thereupon be deemed to be a depositor as defined in section 2 (1) of this Ordinance while serving in a pensionable post or posts:

Provided that in the event of his being at any time confirmed in a pensionable post, the provisions of subsections (1) and (2) of this section shall apply to him as from the date of such confirmation.

Any election under this subsection shall be made in writing to the Board and shall be irrevocable.

Payment on death of depositor.

20. (1) Subject to the provisions of this Ordinance, on the death of a depositor—

(a) if the amount at his credit does not exceed fifty pounds the Treasurer shall pay it to the person or persons nominated for the purpose by the depositor in manner prescribed, or, if no such nomination has been made, to the personal representative of the depositor or, at the discretion of the Treasurer, the person appearing to the Treasurer to be entitled ultimately by law to receive it:

(b) if the amount at his credit exceeds fifty pounds, the Treasurer shall pay it to the personal representative of the depositor:

Provided that the Treasurer may make payments, not exceeding Ten pounds in any one case, to meet the expenses of the funeral of the deceased or to give immediate relief to the widow or children or other dependants of the deceased, if in the opinion of the Treasurer such relief is required.

(2) Any payment made by the Treasurer under this section shall be valid and effectual against any demand made upon the Government, the Board or the Treasurer by any other person in respect of the amount standing to the credit of the depositor.

Sums due to Government.

21. Any sum or sums due to Government by a depositor on payment out of the Fund of any amount then standing to his credit therein, may be deducted from the amount otherwise payable.

Power to make Regulations.

22. The Governor in Council may make Regulations for carrying out the provisions of this Ordinance.

Passed by the Legislative Council this 15th day of November, 1937.

A. I. FLEURET,
Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 20th day of November, 1937.

M. J. STEWART,
Acting Colonial Secretary.

SCHEDULE.

Section 2 (1).

Offices the holders of which are non-pensionable employees within the meaning of the Ordinance.

(a) The holders of non-pensionable posts included in the approved estimates receiving a salary of not less than one hundred pounds per annum.

(b) All non-pensionable Government employees paid from votes under "Other charges" who have been continuously employed by Government for a period of not less than one year and who are in receipt of wages at a rate of not less than one hundred pounds per annum.

FALKLAND ISLANDS:

Printed at the Government Printing Office by C. G. Allan.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 7 of 1937.

I ASSENT,
M. C. CRAIGIE-HALKETT,

Acting Governor.

20th November, 1937.

An Ordinance

To amend the Public Health Ordinance, 1894, as amended by the Public Health (Amendment) Ordinance, 1931.

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 as the Public Health (Amendment) Ordinance, 1937, and shall be read and construed as one with the Public Health Ordinance, 1894, hereinafter referred to as the Principal Ordinance.

Short Title.

2. The Public Health (Amendment) Ordinance, No. 6 of 1931, is hereby repealed.

Repeal of Ordinance No. 6 of 1931.

3. Section one of the Principal Ordinance is hereby repealed and replaced by the following Section:-

Section 1 of Principal Ordinance amended.

1. There shall be a Board of Health for the Colony of the Falkland Islands composed of the following members:-

The Senior Medical Officer who shall be Chairman of the Board, the Government Medical Officers and such other members not exceeding five as shall be appointed annually by the Governor in Council, and it shall be lawful for the Governor from time to time to fill up any vacancy or vacancies which may occur during any year on the said Board.

4. Section sixteen of the Principal Ordinance is hereby repealed and replaced by the following section:-

Section 16 of Principal Ordinance amended.

16. Any Inspector of Nuisances shall have power to enter any wharf, shop, yard or building used for the sale of butcher's meat, and examine any meat or flesh intended for the food of man, and if it shall appear that the same is unfit for food it shall be seized and the matter at once reported to the Agricultural Adviser, and if it appears to the said Agricultural Adviser that any of the said articles are unsound or unfit for the food of man he shall order the same to be destroyed and the person to whom the same belongs or in whose possession or on whose premises the same was found shall be liable on conviction before two Justices of the Peace or the Police Magistrate of the Colony, to a penalty not exceeding ten pounds for every such offence.

Section 18 of Principal Ordinance amended.

5. Section 18 of the Principal Ordinance is hereby amended by the deletion of sub-section (viii).

Repeal of Sections 22, 23, 24, 25 and 26 of the Principal Ordinance.

6. Sections twenty-two, twenty-three, twenty-four, twenty-five and twenty-six of the Principal Ordinance are hereby repealed.

Passed by the Legislative Council this 15th day of November, 1937.

A. I. FLEURET,
Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 20th day of November, 1937.

M. J. STEWART,
Acting Colonial Secretary.

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[L.S.]



FALKLAND ISLANDS.

Ordinance No. 8 of 1937.

I ASSENT,

M. C. CRAIGIE-HALKETT,

Acting Governor.

20th November, 1937.

An Ordinance

To amend the Tariff Ordinance, 1900,
as amended by the Tariff (Export Duties)
Amendment Ordinances, 1923 and 1924.

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. Notwithstanding any provisions to the contrary contained in the Tariff Ordinance, 1900, as amended by the Tariff (Export Duties) Amendment Ordinances, 1923 and 1924, the duty of Customs to be raised, levied and collected upon whale oil and upon seal oil which shall be raised in the Colony or in the Dependencies thereof and shall be shipped from the Colony or from the Dependencies thereof for places beyond the limits of the Colony or of the Dependencies thereof during the 1937-38 whaling season and during the 1938 sealing season shall be fixed at the rate of one shilling and sixpence for each barrel of forty gallons.

Rate of duty on export of Whale and Seal oil during the 1937-38 whaling season and the 1938 sealing season.

2. This Ordinance may be cited as the "Tariff (Export Duties) Amendment Ordinance, 1937" and shall be read and construed as one with the Tariff (Export Duties) Amendment Ordinances, 1923 and 1924.

Short Title.

Passed by the Legislative Council this 15th day of November, 1937.

A. I. FLEURET,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 20th day of November, 1937.

M. J. STEWART,

Acting Colonial Secretary.

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[L.S.]



FALKLAND ISLANDS.

Ordinance No. 9 of 1937.

I ASSENT,

M. C. CRAIGIE-HALKETT,

Acting Governor.

20th November, 1937.

An Ordinance

To extend to the Colony and Dependencies thereof The Forgery Act, 1913, of the Imperial Parliament.

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 as "The Forgery Ordinance, 1937".

Short Title.

2. From and after the passing of this Ordinance the provisions of the Forgery Act, 1913, of the Imperial Parliament as modified by the Criminal Justice Act, 1925, and the Currency (Convention) Act, 1935, shall apply *mutatis mutandis* to the Colony and to the Dependencies thereof.

Extension of the Forgery Act, 1913, to the Colony and Dependencies.

Passed by the Legislative Council this 15th day of November, 1937.

A. I. FLEURET,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 20th day of November, 1937.

M. J. STEWART,

Acting Colonial Secretary.

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[L.S.]



FALKLAND ISLANDS.

Ordinance No. 10 of 1937.

I ASSENT,

M. C. CRAIGIE-HALKETT.

Acting Governor.

20th November, 1937.

An Ordinance

To give effect to the International Labour Convention concerning the protection against accidents of workers employed in loading or unloading ships.

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 as the "Shipworkers Protection Ordinance, 1937".

Short Title.

2. The Governor in Executive Council may make regulations for the protection against accidents of workers employed in loading, unloading, moving and handling goods in, on, or at any dock, wharf or jetty, or in loading, unloading, or coaling any ship in any dock or harbour.

The Governor in Council may make regulations for the protection of workers.

3. If any person acts in contravention of, or fails to comply with, any regulation under this Ordinance, he shall be liable for each offence to a penalty not exceeding ten pounds and, in the case of a continuing offence, to a penalty not exceeding two pounds for every day during which the offence continues after conviction therefor.

Penalty for breach of regulations.

Passed by the Legislative Council this 15th day of November, 1937.

A. I. FLEURET,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 20th day of November, 1937.

M. J. STEWART,

Acting Colonial Secretary.

FALKLAND ISLANDS :

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FALKLAND ISLANDS.

No. 1.

Proclamation.

1937.

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, Emperor of India, &c., &c., &c.

M. C. CRAIGIE-HALKETT.

By His Excellency MONTAGU CECIL CRAIGIE-HALKETT, ESQUIRE, *Officer of the Most Excellent Order of the British Empire, Acting Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies &c., &c., &c.*

[L.S.]

WHEREAS by the fourteenth clause of the Letters Patent passed under the Great Seal of the United Kingdom, dated the 25th February, 1892, 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 if the Governor become incapable or be absent from the Colony, Our Lieutenant Governor of the Colony, or "if there be no such Officer therein, then such person or persons as we may appoint under "Our Sign Manual and Signet, and in default of any such appointment the Senior Member "for the time being of the Executive Council of the Colony, shall, during Our pleasure, "administer the Government of the Colony, first taking the Oaths hereinbefore directed to be "taken by the Governor and in the manner herein prescribed; which being done, We do hereby "authorize, empower, and command Our Lieutenant Governor or any other such Administrator "as aforesaid to do and execute during Our pleasure all things that belong to the office of "Governor and Commander-in-Chief, according to the tenour of these Our Letters Patent, "and according to Our Instructions as aforesaid, and the Laws of the Colony".

AND WHEREAS His Excellency SIR HERBERT HENNIKER HEATON, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, has this day left the Colony for Chile on leave of absence;

AND WHEREAS there is no such officer as Lieutenant Governor in this Colony and 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, MONTAGU CECIL CRAIGIE-HALKETT, Officer of the Most Excellent Order of the British Empire, 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 7th day of February, in the Year of our Lord, One thousand Nine hundred and Thirty-seven.

By His Excellency's Command,

A. I. FLEURET,

for Colonial Secretary.

FALKLAND ISLANDS.

No. 2.

Proclamation.

1937.

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, Emperor of India, &c., &c., &c.

M. C. CRAIGIE-HALKETT.

By His Excellency MONTAGU CECIL CRAIGIE-HALKETT, ESQUIRE, Officer of the Most Excellent Order of the British Empire, Acting Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies &c., &c., &c.

[L.S.]

WHEREAS by the fourteenth clause of the Letters Patent passed under the Great Seal of the United Kingdom, dated the 25th February, 1892, 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 if the Governor "become incapable or be absent from the Colony, Our Lieutenant Governor of the Colony, or "if there be no such Officer therein, then such person or persons as we may appoint under "Our Sign Manual and Signet, and in default of any such appointment the Senior Member "for the time being of the Executive Council of the Colony, shall, during Our pleasure, "administer the Government of the Colony, first taking the Oaths hereinbefore directed to be "taken by the Governor and in the manner herein prescribed; which being done, We do hereby "authorize, empower, and command Our Lieutenant Governor or any other such Administrator "as aforesaid to do and execute during Our pleasure all things that belong to the office of "Governor and Commander-in-Chief, according to the tenour of these Our Letters Patent, "and according to Our Instructions as aforesaid, and the Laws of the Colony".

AND WHEREAS His Excellency SIR HERBERT HENNIKER HEATON, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, has this day left the Colony for the United Kingdom on leave of absence;

AND WHEREAS there is no such officer as Lieutenant Governor in this Colony and 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, MONTAGU CECIL CRAIGIE-HALKETT, Officer of the Most Excellent Order of the British Empire, 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 21st day of May, in the Year of our Lord, One thousand Nine hundred and Thirty-seven.

By His Excellency's Command,

W. BARLAS.

for Colonial Secretary.

FALKLAND ISLANDS.

No. 3.

Proclamation.

1937.

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, Emperor of India, &c., &c., &c.

M. C. CRAIGIE-HALKETT.

By His Excellency MONTAGU CECIL CRAIGIE-HALKETT, ESQUIRE, Officer of the Most Excellent Order of the British Empire, Acting Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies &c., &c., &c.

[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 25th day of February, 1892, constituting the office of Governor and Commander-in-Chief in and over the Colony of the Falkland Islands, it was amongst other things declared that there should be an Executive Council in and for the said Colony which should consist of such persons as should be directed under the Royal Sign Manual and Signet,

AND WHEREAS by Instructions under the Royal Sign Manual and Signet, bearing date the 28th day of February, 1920, it was declared that if in the opinion of the Governor the number of members of the Executive Council available for business may at any time be likely to prove insufficient, the Governor may, by an Instrument under the Public Seal, appoint some fit person to be provisionally a member of the said Council for such period as shall be specified in such Instrument:

NOW THEREFORE, I, being of the opinion that the number of members of the Executive Council available for business is likely to prove insufficient, do hereby provisionally appoint

DAVID SAMUEL ANGUS WEIR, ESQUIRE,

to be a member of the Executive Council during the absence from the Colony of Mr. George Roberts, Director of Public Works.

GOD SAVE THE KING.

Given at Government House, Stanley, this 21st day of May, in the Year of our Lord, One thousand Nine hundred and Thirty-seven.

By His Excellency's Command,

W. BARLAS,

for Colonial Secretary.

FALKLAND ISLANDS.

No. 4.

Proclamation

1937.

—:o:—

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 Emperor of India, &c., &c., &c.

M. C. CRAIGIE - HALKETT. *By His Excellency MONTAGU CECIL CRAIGIE-HALKETT, ESQUIRE, Officer of the Most Excellent Order of the British Empire, Acting Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, &c., &c., &c.*

[L.S.]

WHEREAS it is enacted by section 6 sub-section (3) of the Dangerous Drugs Ordinance, 1925, that if the Governor in Council thinks fit to declare by Proclamation that a finding with respect to any preparation containing any of the drugs to which Part II of the said Dangerous Drugs Ordinance, 1925, applies, has, in pursuance of Article 8 of the Geneva Convention (No. 1) been communicated by the Secretary-General of the League of Nations to the parties to the said Convention the provisions of the said Part II shall cease to apply to the preparation specified in the Proclamation as from such date as may be specified in the Proclamation :

NOW, THEREFORE, the Governor is pleased, by and with the advice of the Executive Council, to declare, and it is hereby declared, that findings with respect to the preparations specified in the Schedule hereto have in pursuance of Article 8 of the said Convention been communicated by the Secretary-General of the League of Nations to the parties to the said Convention and that the date from which the provisions of Part II of the Dangerous Drugs Ordinance, 1925, shall cease to apply to the said preparations shall be the first day of January, 1938.

GOD SAVE THE KING.

Given at Government House, Stanley, this first day of December, in the Year of Our Lord One thousand Nine hundred and Thirty-seven.

By His Excellency's Command,

M. J. STEWART,

Acting Colonial Secretary.

SCHEDULE referred to in the foregoing Proclamation.

(a) MORPHINE PREPARATIONS.

1. <i>Cereoli iodoformi et morphinæ</i>	Iodoform	In I bougie.
	Morphine hydrochloride	0.320 gramme
	Oil of theobroma, sufficient to fill a 1 gramme mould.	0.016 ..
2. <i>Emplastrum opii.</i>	Elemi	20 grammes
	<i>Terebinthina</i>	30 ..
	<i>Cera flava</i>	15 ..
	<i>Olibanum pulvis</i>	18 ..
	<i>Benzoes pulvis</i>	10 ..
	<i>Opii pulvis</i>	5 ..
3. <i>Emplastrum opii.</i>	<i>Balsamum peruvianum</i>	2 ..
	Extract of opium	25 grammes
4. <i>Emplastrum opii</i>	Refined elemi	25 ..
	Diachylon plaster with gum	50 ..
	Elemi	8 grammes
	<i>Terebinthinæ communis</i>	15 ..
5. <i>Emplastrum opii.</i>	<i>Caræ flava</i>	5 ..
	<i>Olibani pulveratæ</i>	8 ..
	<i>Benzoes pulveratæ</i>	4 ..
	<i>Opii pulverati</i>	2 ..
	<i>Balsami peruviani</i>	1 gramme
	Opium in very fine powder	10 grammes
6. <i>Emplastrum opii</i> (see formula under 5) mixed with other plasters contained in the British Pharmacopœia or British Pharmaceutical Codex.	Resin plaster	90 ..
	Tincture of opium	500 millilitres
7. <i>Linimentum opii.</i>	Liniment of soap	500 ..
	Liniment of opium (see formula under 7) mixed with any other liniment of the British Pharmacopœia or of the British Pharmaceutical Codex.	
9. <i>Linimentum opii ammoniatum</i>	Ammoniated liniment of camphor	30
	Tincture of opium	30
	Liniment of belladonna	5
	Strong solution of ammonia	5
	Liniment of soap to 100	
10. <i>Linimentum opii ammoniatum</i> (see formula under 9) mixed with any other British Pharmacopœia or British Pharmaceutical Codex liniment.		
11. <i>Caustic "Nerve Pastes"</i>	Preparations containing in addition to morphine salts, or morphine and cocaine salts, at least 25 per cent. of arsenious acid, and made up with the requisite proportion of creosote or phenol to produce the consistency of a paste.	
	Camphor	0.0648 gramme
12. <i>Diarrhœa pills.</i>	Lead acetate	0.013 ..
	Bismuth subnitrate	0.162 ..
	Tannic acid	0.0648 ..
	Opium powder	0.026 ..
	Digitalis leaves, in powder	0.31 gramme
13. <i>Pilulæ digitalis et Opii compositæ</i>	Opium in powder	0.19 ..
	Ipecacuanha root, in powder	0.13 ..
	Quinine sulphate	0.78 ..
	Syrup of glucose, a sufficient quantity to make 12 pills.	
	Mercury pill	3.89 grammes
14. <i>Pilulæ hydrargyri cum Opio.</i>	Opium, in powder	0.19 gramme
	To make 12 pills.	
15. <i>Pilulæ hydrargyri cum Creta et Opii.</i>	Mercury with Chalk	0.78 gramme
	Compound powder of ipecacuanha*	0.78 ..

*The formula of this powder is given under 21, *Pulvis ipecacuanhæ compositus*.

16. <i>Pilulæ ipecacuanhæ cum Scilla.</i>	Milk sugar, a sufficient quantity.	
	Syrup of glucose, a sufficient quantity.	
	To make 12 pills.	
17. <i>Pilulæ hydrargyri bichlorati cum Opii extracto</i>	Compound powder of ipecacuanha* 30 grammes	
	Squill, in power	10 ..
	Ammoniacum, in powder	10 ..
	Syrup of glucose, a sufficient quantity.	
18. <i>Pilulæ hydrargyri iodati cum Opii pulvere.</i>	Bichloride of mercury triturated	10 centigrammes
	Extract of opium	20 ..
	Extract of couch-grass	20 ..
	Liquorice root in power, <i>q.s.</i> for 10 pills.	
	Hydrargyrum iodatum freshly prepared	50 centigrammes
19. <i>Pilula plumbi, cum Opio.</i>	Opium powder	20 ..
	Powdered liquorice	30 ..
	White honey, <i>q.s.</i> for 10 pills.	
	Lead acetate, in powder	80 grammes
20. <i>Pilulæ terebinthinæ compositæ.</i>	Opium, in powder	12 ..
	Syrup of glucose	8 ..
	(or a sufficient quantity)	
21. <i>Pulvis ipecacuanhæ compositus</i> Syn: <i>Pulvis ipecacuanhæ et opii</i> (Dover's powder).	Opium	0.5 gramme
	<i>Chinini sulfas</i>	2 grammes
	<i>Styrax liquidus</i>	2 ..
	<i>Terebinthina laricina</i>	8 ..
22. Mixtures of <i>Dover's powder</i> (see formula under 21,) with mercury and chalk, aspirin, phenacetin, quinine and its salts, and sodium bicarbonate.	<i>Magnesii subcarbonas</i> , a sufficient quantity to make 100 pills.	
	Ipecacuanha root, in powder	10 ..
23. <i>Pulvis kino compositus</i>	Opium, in powder	10 grammes
	Potassium sulphate in powder	80 ..
	Kino, in powder	75 grammes
24. <i>Suppositoria plumbi composita.</i> Syn: <i>Suppositoria plumbi cum opio.</i>	Opium in powder	5 ..
	Cinnamon bark, in powder	20 ..
	Lead acetate, in powder	2.4 grammes
	Opium, in powder	0.8 gramme
25. <i>Coryza Tablets No. 2.</i>	Oil of theobroma, a sufficient quantity for 12 suppositories, each weighing about 1 gramme.	
	Powdered opium	0.0043 gramme
	Quinine sulph.	0.022 ..
	Ammon. chlor.	0.022 ..
	Camphor	0.022 ..
26. <i>Diarrhœa Tablets No. 2.</i>	Ext. Belladonna leaves	0.0043 ..
	Ext. aconite root	0.0043 ..
	Powdered opium	0.016 gramme
	Camphor	0.016 ..
27. <i>Dysentery Tablets.</i>	Powdered ipecacuanha	0.008 ..
	Lead acetate	0.011 ..
	Powdered opium	0.013 gramme
	Powdered ipecacuanha	0.0648 ..
	Powdered calomel	0.0324 ..
28. <i>Tabella hydrargyri cum Opio.</i>	Lead acetate	0.0324 ..
	Bismuth betanaphthol	0.1944 ..
	Mercurous chloride powder	0.065 gramme
	Antimony oxide powder	0.065 ..
	Ipecacuanha-root powder	0.065 ..
29. <i>Tabella hydrargyri cum Opio.</i>	Powdered opium	0.065 ..
	Milk sugar	0.065 ..
	Gelatine solution, a sufficient quantity to make 1 tablet.	

*The formula of this powder is given under 21, *Pulvis ipecacuanhæ compositus*.

29. <i>Tabella plumbi cum Opio.</i>	Sugar of lead	0.195 gramme
	Powdered opium	0.065 "
	Gelatine solution, a sufficient quantity to make 1 tablet.	
30. <i>Tabletæ plumbi cum Opio.</i>	Lead acetate, in fine powder	19.44 grammes
	Opium, in powder	3.24 "
	Refined sugar, in powder ...	6.48 "
	Ethereal solution of theobroma	3.60 mils
	Alcohol	0.90 mil
31. <i>Unguentum gallæ compositum.</i>	Balls in very fine powder	20
	Extract of opium	4
	Distilled water	16
	Wool fat	10
	Soft paraffin, yellow	50
32. <i>Unguentum gallæ compositum</i> (see formula under 31) mixed with other ointments and plasters contained in the British Pharmacopœia or British Pharmaceutical Codex.		
33. <i>Unguentum gallæ cum Opio</i>	Gall ointment	92.5 grammes
	Opium in powder	7.5 "
34. <i>Unguentum gallæ cum Opio</i> (see formula under 33) mixed with other ointments and plasters contained in the British Pharmacopœia or British Pharmaceutical Codex.		
35. <i>Fatren</i> —105 (Iodoxyquinoline-sulphonic acid) with 5 per cent. opium admixture.		

(b) COCAINE PREPARATIONS.

1. <i>Bernatzik's Injections.</i>	(a) <i>Hydrargyrum bicanatum</i>	0.03 gramme
	<i>Cocainum</i>	0.02 "
	(b) <i>Hydrargyrum succinatum</i>	0.03 "
	<i>Cocainum</i>	0.01 "
2. <i>Stila's Injections.</i>	(a) <i>Hydrargyrum succinatum</i>	0.03 gramme
	<i>Cocainum muriaticum</i>	0.01 "
	(b) <i>Hydrargyrum succinatum</i>	0.05 "
	<i>Cocainum muriaticum</i>	0.03 "
3. <i>Natrium bivoracicum compositum cum Cocaino.</i>	In tablets, compressed tablets, lozenges, pastilles and the like, difficult to break up, and containing not more than 0.2 per cent. of cocaine salts in conjunction with not less than 20 per cent. borax and not less than 20 per cent. antipyrine, or some similar analgesic, and not more than 40 per cent. of flavouring matter. Maximum weight of each tablet, etc., 1 gramme.	
4. <i>Caustic "Nerve Pastes."</i>	Preparations containing, in addition to cocaine salts or cocaine and morphine salts, at least 25 per cent. of arsenious acid, and made up with the requisite proportion of creosote or phenol to produce the consistency of a paste.	
5. <i>Cocaine and Atropine Tablets</i> with a content of not more than 0.0003 gramme of cocaine salts and not less than 0.0003 gramme of atropine salts to each tablet.	<i>Atropinum sulphuricum</i>	0.0003 gramme
	<i>Cocainum hydrochloricum</i>	0.0003 "
	<i>Mannite</i>	0.003 "
	Weight of one tablet	0.0036 gramme
	Cocaine content 8.3 per cent.	

(c) HEROIN PREPARATIONS.

1. <i>Elixir camphoræ compositum</i>	Camphor	4 grains
	Oil of anise	5 minims
	Benzoic acid	6 grains
	Diamorphine hydrochloride	4 "
	Liquid extract of ipecacuanha	120 minims
	Tincture of squill	1½ fl. ounce
	Simple syrup to 20 fl. ounces	
2. <i>Elixir diamorphinæ et Terpini</i> with <i>Apomorphine.</i>	Apomorphine hydrochloride	5 grains
	Diamorphine hydrochloride	4 "
	Terpin hydrate	44 "
	Alcohol	10 fl. ounces
	Glycerine	5 " "
	Syrup of wild cherry to 20 fl. ounces.	
3. <i>Linctus diamorphinæ</i> , with <i>Ipecacuanha.</i>	Liquid extract of ipecacuanha	120 minims
	Diamorphine hydrochloride	4 grains
	Tincture of hyoscyamus	1½ fl. ounce
	Spirit of chloroform	1½ " "
	Syrup of balsam of tolu	3 fl. ounces
	Syrup of wild cherry	3 " "
	Glycerine to 20 fl. ounces.	

4. <i>Linctus senegæ compositus.</i>	Liquid extract of senega ...	1 fl. ounce
	Liquid extract of squill ...	1 " "
	Tartarated antimony	8 grains
	Diamorphine hydrochloride	4 grains
	Glycerine	2 fl. ounces
	Simple syrup to 20 fl. ounces.	
5. <i>Linctus thymi compositus.</i>	Diamorphine hydrochloride	4 grains
	Apomorphine hydrochloride	5 "
	Distilled water	1 fl. ounce
	Liquid extract of thyme (I-I)	5 fl. ounces
	Solution of tolu	1½ fl. ounce
	Glycerine to 20 fl. ounces.	

(d) DICODIDE PREPARATIONS.

1. <i>Cardiazol-Dicodide Solutions.</i>	Solutions containing not less than 10 per cent. of cardiazol and not more than 0.5 per cent. of dicodide salts.
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(e) EUCODAL PREPARATIONS.

1. <i>Anti-Opium Tablets*</i>	Eucodal	1 gramme
	<i>Pulvis gentianæ</i>	35 grammes
	<i>Pulvis ipecacuanhæ</i>	20 "
	Quinine sulphate	20 "
	Caffeine	5 "
	Sugar of milk	25 "
	Mix up and make up 5 grain tablets.	
2. <i>Tablets B. B. Compound.</i>	<i>Berberis vulgaris</i> powder ...	0.0324 gramme
	<i>Nux vomica</i>	0.013 "
	Eucodal	0.0032 "
	Ipecacuanha	0.0648 "
	Rhubarb	0.013 "
	<i>Pulvis cinnamoni compositus</i>	0.0324 "
	Aromatic chalk	0.0032 "

*In exempting this preparation from the operation of the Geneva Convention, the Health Committee expressed the wish that it should not be offered to the public under the name of "anti-opium."

FALKLAND ISLANDS.

Order of His Excellency the Governor in Council.

M. C. CRAIGIE-HALKETT,
Acting Governor.

In exercise of the powers vested in him by section 2 of the Harbour Ordinance, 1902, and with the advice and consent of the Executive Council, His Excellency the Governor is pleased to order and it is hereby ordered, that sections 2 and 3 of the Regulations made by the Governor in Council under the Harbour Ordinance, 1902, on the 24th day of April, 1929, are revoked.

Made by the Governor in Executive Council at a meeting held on the 13th day of November, 1937.

A. I. FLEURET,
Clerk of the Executive Council.

M.P. C/4/36/1.

FALKLAND ISLANDS.

Regulations made by the Governor in Executive Council under Section 45 of the Live Stock Ordinance, 1901.

M. C. CRAIGIE-HALKETT,
Acting Governor.

1. These Regulations may be cited as the Live Stock Short Title. (Amendment) Regulations, 1937.

2. Section 11, sub-section (3) of the Live Stock Regulations (Consolidation) 1923, is hereby amended by the insertion of the words "or at a suitable Quarantine Station on the mainland" after the word "island".

Amendment of sub-section (3) of Section 11 of Live Stock Regulations (Consolidation) 1923.

Made by the Governor in Executive Council at a meeting held on the 13th day of November, 1937.

A. I. FLEURET,
Clerk of the Executive Council.

M.P. 125/34.

FALKLAND ISLANDS.

The Post Office Ordinance, 1898.

Order by His Excellency the Governor in Council.

M. C. CRAIGIE-HALKETT,
Acting Governor.

His Excellency the Governor, in virtue of the powers in him vested by Section 2 of the Post Office Ordinance, 1898, and otherwise, and with the advice and consent of the Executive Council, is hereby pleased to declare, and it is hereby declared, that the use of all stamps for denoting duties of postage in the Colony of the Falkland Islands, bearing the effigies of Her Late Majesty Queen Victoria and His Late Majesty King Edward the Seventh has been discontinued, and that on and after the first day of January, 1938, the said stamps will not be lawful stamps for denoting the payment of duty.

By Command,
M. J. STEWART,
Acting Colonial Secretary.

Government House,
Stanley.
6th December, 1937.

FALKLAND ISLANDS.

THE KING EDWARD HOSPITAL ORDINANCE, 1916.

The Hospital Fees Regulations, 1937.

M. C. CRAIGIE-HALKETT,
Acting Governor.

His Excellency the Governor in virtue of the powers in him vested by the King Edward Hospital Ordinance, 1916, and otherwise, and with the advice and consent of the Executive Council, is hereby pleased to make the following regulations:-

1. These regulations may be cited as the "Hospital Fees Regulations, 1937." Short Title.

2. Sub-section (iii) of Section 2A. and the paragraph under Section 2B. of the Hospital, Medical, Maternity and Dental Fees Regulations, 1935, relating to ordinary medicines and dressings as amended by the Hospital Fees (Amendment) Regulations, 1935, shall apply to all recognized Ministers of Religion.

3. Section 2A. of the Hospital, Medical, Maternity and Dental Fees Regulations, 1935, is hereby amended by the addition after sub-section (v) of the following sub-sections:-

- (vi) Residents in the Colony who contribute to Medical revenue under any approved contributory scheme and who are known as "Camp Subscribers" shall be admitted to the Hospital upon the recommendation of a Government Medical Officer, and shall receive all necessary medical and surgical treatment, free of charge.
- (vii) Whenever it shall become necessary in the opinion of a Government Medical Officer to transport a Camp subscriber to the Hospital for treatment, then in such case the Government shall if circumstances require pay one-half the cost of such transport but in no case shall the sum so paid be in excess of the sum of £25.

Made by the Governor in Executive Council at a meeting held on the 23rd June, 1937.

W. BARLAS,
Clerk of the Executive Council.

M.P. 488/28.

FALKLAND ISLANDS.

Leave and Passage Regulations.

Leave and Passage Regulations framed by the Secretary of State for the Colonies in respect of the Colony of the Falkland Islands and its Dependencies.

1. These Regulations shall apply to the following Officers serving in the Colony of the Falkland Islands and its Dependencies (hereinafter called "the Colony") :—

Application of Regulations.

- (i) Officers on the permanent establishment who are not domiciled in the Colony.
- (ii) Officers on the permanent establishment who are domiciled in the Colony and have not less than six years resident service.

2. In these Regulations :—

Definitions.

The term "free passage" means a passage between the Colony and the United Kingdom provided by and at the expense of the Government.

The term "Government" means the Government of the Colony.

The term "minimum tour" means a tour of twenty-four months in the case of Class A officers and thirty-six months in the case of Class B officers.

The term "officer" means an officer to whom these Regulations for the time being apply.

The term "Class A officer" means an officer substantively holding any of the posts named in Schedule A of these Regulations.

The term "Class B officer" means an officer substantively holding any post not named in Schedule A of these Regulations.

The term "tour" means a period during which an officer resides in the Colony, counting from the date of disembarkation or arrival until the date of embarkation or departure, and includes any period of local leave even if spent outside the Colony.

The term "vacation leave" means leave with full salary following a tour, at the rate of five days in respect of each completed month of resident service in the case of Class A officers and four days in respect of each completed month of resident service in the case of Class B officers.

3. Unless otherwise stated in these Regulations, leave is granted by the Governor at his discretion.

Leave granted by the Governor.

4. Except as provided in Regulation 6 an officer shall not be granted vacation leave until he has completed a minimum tour and shall not ordinarily be called upon to serve a tour exceeding thirty-six months in the case of Class A officers and forty-eight months in the case of Class B officers. Within this limit the length of a tour shall be at the discretion of the Governor in each case, provided that the Governor may as an exceptional measure direct

Service qualifying for leave.

that a Class A officer or a Class B officer should serve a longer tour than thirty-six months or forty-eight months respectively, if necessary in the public interest.

Vacation leave on conclusion of tour.

5. On the conclusion of a tour of service as determined in accordance with Regulation 4, an officer shall ordinarily be granted vacation leave.

Vacation leave before completion of minimum tour.

6. An officer may be granted vacation leave before completing a minimum tour :—

- (a) on medical grounds;
- (b) on the ground of urgent private affairs;
- (c) on the ground of public interest;
- (d) prior to retirement, subject, if the officer is retiring at his own request, to the approval of the Secretary of State.

Extensions of Leave.

7. (i) Extensions of leave with full salary may be granted on the ground of ill health to any officer for any period not exceeding six calendar months, and when there is reason to believe that the officer will ultimately be fit for further service, for a further period with half salary not exceeding six calendar months.

(ii) An officer who is required to undertake, or who undertakes with the approval of the Governor, any duty or course of study while on vacation leave may be granted such extension of leave, if any, with full salary as is necessary to enable him to complete the duty or course, and to enjoy an aggregate period of leave (exclusive of the period occupied by the voyages between the Colony and the United Kingdom) clear of duty or study equal to half the period of vacation leave granted to him.

(iii) Extensions of leave may also be granted to officers on the ground of public interest. Unless otherwise directed, such extensions will be granted with full salary.

(iv) Extensions of leave granted on any grounds other than those mentioned above in this Regulation will be without salary.

(v) Extensions of leave will date from the expiration of the original leave and not from the date on which the officer would have had to embark if his leave had not been extended.

(vi) Extensions of leave under this Regulation may be granted by the Secretary of State.

Leave for voyage.

8. (i) An officer who is granted leave under the foregoing Regulation will be granted, in addition, leave with full pay for the period of his voyage between the Colony and the United Kingdom, subject to a maximum period of twenty-eight days, if the officer does not proceed by a route which is approved as a normal route.

(ii) An officer who is granted leave under the foregoing Regulations and who proceeds to some country other than the United Kingdom will ordinarily be granted, in addition, leave for the period of the journeys to and from the country to which he proceeds, or for twenty-eight days whichever is the less.

New tour started after leave.

9. An officer who is granted vacation leave will begin a new tour on his return to the Colony.

Officer's passages.

10. An officer whose initial emoluments are not less than £200 per annum or an officer whose initial emoluments are less than £200 per annum but who is not domiciled in the Colony will be provided with free passages; all other officers whose initial emoluments are less than £200 per annum and who are not provided for

above will be eligible to receive half the cost of such passages, or if they prefer it to receive free passages on their return journey, by a route approved as a normal route, on every occasion on which they are granted leave, except (a) when proceeding on leave on urgent private affairs or other special grounds before having completed a minimum tour, or on returning from such leave, and (b) on leaving the Colony prior to retirement at their own request before having completed a minimum tour.

11. Subject to the exceptions in Regulation 10, a free passage by a route approved as a normal route will be provided by the Government for the wife of an officer and two children under the age of 18, (subject to a maximum of 2 full passages), who accompany him to, or join him in, the Colony with the permission (if required) of the Government, once in each direction in respect of each tour.

Wife's passage.

12. The routes approved as normal routes for the purposes of these Regulations between the Colony and the United Kingdom are as follows :—

Normal routes.

- (a) Stanley - Montevideo - United Kingdom.
- (b) Stanley - United Kingdom.

13. If an officer or the wife of an officer, who is eligible for a free passage under Regulations 10 and 11, is permitted to travel by a route which has not been approved as a normal route, he (or she) will be granted reasonable travelling expenses (*i.e.*, cost of steamer, air, or rail passages, but not incidental expenses) provided that in the absence of special circumstances the cost to the Government shall not exceed the cost which would have been incurred had he (or she) proceeded by an approved normal route. A similar principle will be followed in the case of a person who is eligible for an allowance under Regulation 15 or 16.

Abnormal routes.

14. The grades of accommodation approved for officers travelling by the normal routes between the Colony and the United Kingdom are as follows :—

Grade of accommodation.

- (a) Officers whose initial salaries are not less than £600 per annum, 1st Class by the Falkland Islands Company's vessel and Highland vessel of the Royal Mail Line.

Provided that officers who have enjoyed the privilege of a first class passage under the former regulations shall not be affected by the above sub-section.

- (b) Officers whose initial salaries are not less than
£400 1st Class by Falkland Islands Company's vessel and 2nd Class by "A" vessel of the Royal Mail Line.
£200 1st Class by Falkland Islands Company's vessel and Intermediate Class by Highland vessel of the Royal Mail Line.
All Intermediate by Falkland Islands Company's
Others vessel and Highland vessel of the Royal Mail Line.

Provided that officers who have hitherto been entitled to and have taken advantage of the provision of a better class of accommodation by the Falkland Islands Company's vessel than that permissible under these regulations will retain the same privileges as in the past.

15. (a) An officer who is granted leave on urgent private affairs or other special grounds before completing a minimum tour of service may be granted an allowance towards the cost of his passage

Passages in respect of leave on urgent private affairs.

from the Colony to the United Kingdom bearing the same proportion to half the cost of a return passage by an approved normal route and grade as the number of months of resident service which he has completed during his last tour bears to a minimum tour, and a similar allowance in respect of his wife and children if they accompany or follow him.

(b) On returning from such leave a similar allowance will be payable in respect of his own passage and in respect of his wife's and children's passages if she or they accompany him or join him in the Colony in the course of his next tour.

Passages on voluntary retirement before completing minimum tour.

16. An allowance as provided in Regulation 15 (a) may be granted in respect of passages for himself and his wife and children from the Colony to an officer who is retiring at his own request and is granted vacation leave under Regulation 6 (d).

Leave spent elsewhere than in the United Kingdom.

17. (i) If an officer is granted vacation leave to be spent elsewhere than in the United Kingdom, the particular arrangements to be made in his case with regard to the period of leave allowed in respect of voyages, and the passage allowance in respect of himself and his wife and children, shall be determined by the Governor: subject, except as provided below, to the expense incurred by the Colony not exceeding that which would have been incurred if the officer had proceeded to the United Kingdom.

(ii) If the officer's home is in the country to which he is permitted to proceed on leave, the arrangements will be made with due consideration of the desirability of his being enabled to reach his home without undue expense and to spend a reasonable time there.

Local leave.

18. An officer may at the discretion of the Governor and without prejudice to ordinary vacation leave be granted local leave on full salary for a period not exceeding twenty-one days during and in respect of each two years resident service. Such leave may be spent at any place away from Headquarters in the Colony or in South America, but may not follow or be followed immediately by ordinary vacation leave.

Leave not a right.

19. Nothing in these Regulations shall give any officer a right to any leave, passage, or other privileges.

Power to vary regulations.

20. The Secretary of State may at any time revoke, alter, add to, or amend these Regulations.

Date of operation.

21. These Regulations shall have effect as from the 1st of January, 1937.

Repeal of consolidated Leave and Passage Regulations, 1929.

22. The consolidated Leave and Passage Regulations of 1929, and all amendments thereto are hereby repealed.

SCHEDULE 'A'.

Schedule.

Colonial Secretary.
Colonial Treasurer.
Senior Medical Officer.
Medical Officers.
Dental Surgeon.
Superintendent of Education.
Director of Public Works.
Magistrate, South Georgia.
Clerk to Magistrate, South Georgia.
Customs Officer, South Georgia.
Wireless Operator, 1st Class, South Georgia.
One Operator, 2nd Class, South Georgia.
Constable, South Georgia.

15 May 39



ORDINANCES
of the
COLONY
of the
FALKLAND ISLANDS
enacted during the year
1938
together with the
Rules, Regulations, etc., etc.,
made during that year.

PART I.

ORDINANCES.

Printed at the Government Printing Office, Stanley, Falkland Islands.

PRICE 2/-. To be purchased from the Colonial Secretary, Stanley, and from the Crown Agents for the Colonies, 4 Millbank, London, S.W. 1.

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[L.S.]



FALKLAND ISLANDS.

Ordinance No. 1 of 1938.

I ASSENT,
H. HENNIKER HEATON,
Governor.
4th June, 1938.

An Ordinance

To legalize certain payments in the year One thousand Nine hundred and Thirty-seven in excess of the Expenditure sanctioned by Ordinance No. 12 of 1936.

WHEREAS it is expedient to make further provision for the service of the Colony for the year 1937. Preamble.

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:- Enacting Clause.

1. This Ordinance may be cited for all purposes as the Supplementary Appropriation (1937) Ordinance, 1938. Short Title.

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 Thirty-seven, the same are hereby declared to have been duly laid out and expended for the service of the Colony in that year, and hereby approved, allowed and granted in addition to the sums mentioned for those services in the said Ordinance. Appropriation of excess of expenditure for the year 1937.

Passed by the Legislative Council this 17th day of May, 1938.

A. I. FLEURET,
Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 4th day of June, 1938.

M. C. CRAIGIE-HALKETT,
Colonial Secretary.

SCHEDULE.

Number.	Head of Service.	Amount.		
		£	s.	d.
FALKLAND ISLANDS.				
II.	The Governor	50	10	0
V.	Audit	2	4	6
VI.	Post Office	1403	3	6
VIII.	Harbour	97	15	1
X.	Police and Prisons	10	10	4
XIV.	Naturalist	60	17	6
XV.	Military	201	8	11
XVII.	Miscellaneous	20221	6	10
XIX.	Public Works Recurrent	369	5	7
	Total Ordinary Expenditure	£ 22417	2	3
XX.	Public Works Extraordinary	2912	14	6
	Total	£ 25329	16	9

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 2 of 1938.

I ASSENT,

H. HENNIKER HEATON,

Governor.

4th June, 1938.

An Ordinance

Relating to the Inspection of Dairies
and the Manufacture and Sale of Dairy-
Produce.

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 as "The Dairy-Produce Ordinance, 1938." Short Title.

2. In this Ordinance if not inconsistent with the context - Interpretation.

"BUTTER FAT" means the pure fat of milk.

"CONVEYANCE" includes every description of cart, wagon, truck, or other vehicle.

"DAIRY" means :-

- (a) A milk house, milk shop and any other place where dairy produce is collected, deposited, treated, separated, prepared or manufactured, or is sold or offered or exposed for sale; and includes :
- (b) A farm, stock-yard, milking-yard, paddock, shed, stall, and any other place where cows from which the milk supply of a dairy is obtained, are depastured, or kept.

"DAIRY-PRODUCE" means, milk, cream, butter or cheese, and includes any other produce of milk or cream, but does not include tinned or condensed milk or cream.

FALKLAND ISLANDS :

"DISEASE" in the case of other than human beings, means tuberculosis, ringworm, or any other disease and includes any tumour or growth which in the opinion of the Inspector is of a malignant or recurrent nature and such as to render unfit for human consumption the milk of the animal suffering therefrom.

"INFECTED" means, infected with disease.

"MILK" means, the milk of cows, goats and sheep, and does not include tinned or condensed milk and cream.

"OWNER" means, the owner, whether jointly or severally, and includes the owner's agent or manager: it includes also in the case of a company, the manager, secretary, or other principal officer thereof.

"PACKAGE" includes cask, keg, crate, can, box, case, wrapper, tin, and every other receptacle or covering used for the packing of dairy-produce.

"PRESCRIBED" means, prescribed by this Ordinance or by the Regulations under this Ordinance.

"PURE MILK" means, the whole milk (including what is commonly known as the "strippings") drawn at the time of milking; but does not include milk containing less than three per centum of butter fat, or mixed with any preservative or chemical or colouring matter of any kind.

"SHIP" includes a vessel of any description propelled by any means whatever.

"STOCK" means, horses, cattle, sheep, goats, poultry, dogs and swine of any age or sex, and the carcass or any portion of the carcass of any stock.

Officers.

Appointment of Inspectors.

3. (1) The Governor may from time to time appoint Inspectors, experts, and other Officers as he deems necessary for the purpose of this Ordinance, and may also prescribe their powers and functions.

(2) The Officer in Charge of the Agricultural Department, and the Inspector of Stock shall be deemed to be Inspectors under this Ordinance.

(3) Every Inspector under this Ordinance shall have all the powers and functions necessary to enforce the provisions of this Ordinance.

Inspection and Sanitation.

Special power of Inspectors.

4. In the exercise of his functions under this Ordinance an Inspector may do the following things, that is to say :-

(a) He may at all reasonable times enter, inspect, and examine any dairy, and also inspect and examine any stock, utensil, machinery, apparatus, or works in a Dairy, or used in connection with a dairy or with dairy-produce, and also any building, conveyance, or ship used for the storage or carriage of dairy produce.

(b) He may at any dairy, or elsewhere, inspect and examine any dairy-produce, or the food or water supplied to

any dairy or to the stock in or about any dairy, and also demand and without payment take samples thereof for inspection or analysis.

(c) He may at any time and in any place detain and open any package containing, or supposed to contain dairy-produce, for the purpose of inspecting or taking samples of the contents thereof, or of ascertaining whether such package bears or contains any false description or brand.

5. In any case where, as the result of his inspection and examination, the Inspector is satisfied of the existence of any of the following defects, that is to say :-

Inspector may order defects to be remedied.

(a) That any dairy is in an unclean or unwholesome condition: or

(b) That any dairy-produce produced in or stored on any dairy is likely to be contaminated by reason of any structure or other thing situated in the neighbourhood of the dairy, or of any operations carried on or of any conditions obtaining in the neighbourhood thereof; or

(c) That any utensil, machinery, or apparatus in or about the dairy or used in connection with dairy-produce is in an unclean or unwholesome condition, or is otherwise unfit for the purpose; or

(d) That any building, conveyance, or ship used for the storage or carriage of dairy-produce is in an unclean or unwholesome condition, or is otherwise unfit for the purpose; or

(e) That any stock in or about a dairy, or used in connection therewith or with dairy-produce, are diseased; or

(f) That any person employed in or about a dairy is affected with any contagious or infectious disease which in the opinion of the Senior Medical Officer might render unfit for human consumption, dairy-produce with which such person comes into contact or is a member of a household wherein any person is affected with any such disease; or

(g) That any food or water supplied to stock, or any water used in connection with a dairy, is impure or unwholesome,

he may, by order in writing under his hand delivered to the owner, or person in charge, without further name or description, require such defects to be remedied to his (the Inspector's) satisfaction, and every such order shall be duly obeyed.

6. For the purpose of the last preceding section the Inspector may by any such order :-

What matters may be included in such order.

(a) Order any dairy, utensil, machinery, apparatus, or work, building, conveyance or ship, as the case may be, to be forthwith cleansed, disinfected, and rendered wholesome to his satisfaction; or

(b) Forbid the same to be used in any way for the purposes of dairy-produce, either absolutely or until all defects have been remedied to his satisfaction, or for such time as he thinks necessary; or

(c) Order any stock condemned by an Inspector to be forthwith removed and dealt with as diseased stock; or

(d) Forbid the removal from a dairy of any dairy-produce for such time as he thinks necessary.

7. The Inspector shall, by order under his hand delivered to the owner, or person in charge, condemn any dairy-produce

Unfit dairy-produce may be condemned.

whenever he is satisfied that such produce is unfit for human consumption ; and all dairy-produce so condemned shall be disposed of in such manner as is prescribed.

Duties of Owner where Stock diseased, or person affected with disease.

8. In every case where disease appears in any stock in or about a dairy, or where any person living or working in or about a dairy is found to be affected with any such contagious or infectious disease as aforesaid the following provisions shall apply :

(a) The owner or occupier of the dairy shall forthwith draft out and at all times keep separate all such diseased stock from the stock not suffering from disease.

(b) He shall also at all times prevent the milk or cream obtained from such diseased stock being mixed with other dairy-produce, or being in anyway sold or used for food ;

(c) He shall also, as far as practicable, isolate and keep isolated every person so affected with any such contagious or infectious disease.

(d) Once during the first quarter and once during the third quarter of every year every person engaged in the handling of dairy-produce sold or supplied for human consumption, shall secure from a Government Medical Officer a certificate certifying that the person is free from communicable disease.

Inspector may require certain information.

9. Whenever requested by an Inspector so to do, the owner or person in charge of a dairy shall -

(a) Furnish to the Inspector a list of the customers or other persons supplied with dairy-produce from such dairy ; and also

(b) Furnish to the Inspector any personal assistance and information in his power to enable the Inspector to search for and discover any source of contamination, infection, or disease to which any stock or dairy-produce may be exposed.

Certain nuisances not allowed near dairy.

10. (1) A person shall not keep, house, or pen pigs, or permit them to be kept, housed, or penned, or to wander or to be brought within fifty yards of any dairy within the meaning of paragraph (a) of the definition of "Dairy" in section two hereof, or within that distance of the open water supply of such dairy.

(2) A person shall not permit any fowl-house, manure-heap, cesspool, or closet to be within thirty feet of any dairy as last aforesaid, or the open water supply thereof, or any enclosed yard or building where cows are kept.

Sale of Dairy-produce.

Certain dairy-produce not to be sold.

11. A person shall not sell, or offer or expose for sale, any dairy-produce which -

(a) Has been near to or in contact with any person, stock, or thing affected or infected with disease ; or

(b) For any other reason is likely to endanger the public health ; or

(c) Has been condemned by an Inspector.

Milk not to be sold if tainted or impure.

12. A person shall not sell or supply to any person for human consumption -

(a) Any milk or cream which is tainted ; or

(b) Any milk or cream from any milk which has been drawn from a cow that is suspected or known to be diseased, or

that has calved within four clear days before the day on which the milk was so drawn.

13. A person shall not supply or sell any milk unless such milk has been properly cooled (in manner prescribed) immediately after being drawn from the cow (and a person shall not supply or sell any cream unless such cream has been properly cooled in manner prescribed, immediately after being separated.)

Milk to be cooled before sale.

14. Dairy-produce intended for sale or supplied for profit shall not be deposited or stored by any person in any room used for domestic purposes, or in any place calculated to render such produce unwholesome or injurious to health, in the opinion of the Inspector.

Dairy-produce not to be stored in room used for domestic purposes. etc.

Miscellaneous.

15. Every person is liable to a penalty not exceeding two pounds for each offence after written notice of the said offence from the Officer in Charge of the Agricultural Department.

General penalty for breaches of Ordinances.

16. The Governor in Council may from time to time make regulations :-

The Governor in Council may make regulations.

(a) For the registration of Dairies.

(a.a.) Prescribing conditions subject to which application for the registration of dairies may be granted.

(b) For the inspection of cows kept for the purpose of supplying milk for human consumption, and of other stock kept upon or about a dairy.

(c) For the inspection and sanitation of dairies, and of the machinery, utensils, appliances, packages, and conveyances used in or about dairies, or in connection with the manufacture, deposit, or carriage of dairy-produce.

(d) Prescribing the form of licences, certificates, notices, and other documents under this Ordinance.

(e) Imposing fines not exceeding two pounds for the breach of any such regulations, and

(f) Generally for carrying out the provisions of this Ordinance, and the intent and object thereof.

Passed by the Legislative Council this 17th day of May, 1938.

A. I. FLEURET,
Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 4th day of June, 1938.

M. C. CRAIGIE-HALKETT,
Colonial Secretary.

FALKLAND ISLANDS :

Printed at the Government Printing Office by H. H. Sedgwick.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 3 of 1938.

I ASSENT,

H. HENNIKER HEATON,

Governor.

4th June, 1938.

An Ordinance

To amend the Tariff (Import Duties) Amendment Ordinance, 1933.

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 as the "Tariff (Import Duties) Amendment Ordinance, 1938," and shall be read and construed as one with the Tariff (Import Duties) Amendment Ordinance, 1933. Short Title.

2. Section 2 of the Tariff (Import Duties) Amendment Ordinance, 1933, is hereby amended by the insertion of the word "Burma", immediately after the word "India". Amendment of Section 2 of Ordinance, No. 6 of 1933.

Passed by the Legislative Council this 17th day of May, 1938.

A. I. FLEURET,
Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 4th day of June, 1938.

M. C. CRAIGIE-HALKETT,
Colonial Secretary.

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[L.S.]



FALKLAND ISLANDS.

Ordinance No. 4 of 1938.

I ASSENT,

H. HENNIKER HEATON,

Governor.

4th June, 1938.

An Ordinance

To make provision for Procedure in Civil Courts.

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. (1) This Ordinance may be cited as the "Civil Procedure Ordinance, 1938".

Short Title and extent.

(2) It shall extend to proceedings in the Supreme Court and to proceedings in all Subordinate Courts in the Colony.

2. In this Ordinance unless there is anything repugnant in the subject or context :—

Interpretation.

(1) "DECREE" means the formal expression of an adjudication which, so far as regards the Court expressing it, conclusively determines the rights of the parties with regard to all or any of the matters in controversy in the suit and may be either preliminary or final. It shall be deemed to include the rejection of a plaint or writ and the determination of any question within section 6, but shall not include—

(a) an adjudication from which any appeal lies as an appeal from an order; or

(b) any order of dismissal for default;

(2) "DECREE HOLDER" means any person in whose favour a decree has been passed or an order capable of execution has been made, and includes the assignee of such decree or order;

(3) "JUDGMENT" means the statement given by the Court of the grounds of a decree or order;

- (4) "JUDGMENT DEBTOR" means any person against whom a decree has been passed or an order capable of execution has been made.
- (5) "MENSE PROFITS" of property means those profits which the person in wrongful possession of such property actually received or might with ordinary diligence have received therefrom, together with interest on such profits, but shall not include profits due to improvements made by the person in wrongful possession;
- (6) "MOVABLE PROPERTY" includes growing crops.

Savings. 3. In the absence of any specific provision to the contrary nothing in this Ordinance shall be deemed to limit or otherwise affect any special jurisdiction or power conferred, or any special form of procedure prescribed by or under any other law for the time being in force.

Pecuniary Jurisdiction. 4. Save in so far as is otherwise expressly provided, nothing herein contained shall operate to give any Court jurisdiction over suits the amount or value of the subject matter of which exceeds the pecuniary limits if any of its ordinary jurisdiction.

Application to orders. 5. The provisions of this Ordinance relating to the execution of decrees shall, so far as they are applicable, be deemed to apply to the execution of orders.

Questions to be determined by the Court executing decree. 6. (1) All questions arising between the parties to the suit in which the decree was passed, or their representatives, and relating to the execution, discharge, or satisfaction of the decree, shall be determined by the Court executing the decree and not by a separate suit.

(2) The Court may, subject to any objection as to limitation or jurisdiction, treat a proceeding under this section as a suit, or a suit as a proceeding, and may, if necessary, order payment of any additional Court fees.

(3) Where a question arises as to whether any person is or is not the representative of a party, such question shall, for the purposes of this section, be determined by the Court.

(Explanation.— For the purposes of this section, a plaintiff whose suit has been dismissed, and a defendant against whom a suit has been dismissed, are parties to the suit.)

Execution barred in certain cases. 7. (1) Where an application to execute a decree not being a decree granting an injunction has been made, no order for the execution of the same decree shall be made upon any fresh application presented after the expiration of twelve years from —

- (a) the date of the decree sought to be executed; or
- (b) where the decree or any subsequent order directs any payment of money, or the delivery of any property to be made at a certain date or at recurring periods, the date of the default in making the payment or delivery in respect of which the applicant seeks to execute the decree.

(2) Nothing in this section shall be deemed —

- (a) to preclude the Court from ordering the execution of a decree upon an application presented after the expiration of the said

term of twelve years where the judgment-debtor has, by fraud or force, prevented the execution of the decree at some time within twelve years immediately before the date of the application; or

- (b) to limit or otherwise affect the operation of any law of limitation for the time being in force in the Colony.

8. (1) Where a judgment-debtor dies before the decree has been fully satisfied, the holder of the decree may apply to the Court which passed it to execute the same against the legal representative of such deceased, or against any person who has intermeddled with the estate of such deceased.

Legal representative.

(2) Where the decree is executed against such legal representative, or against any person as aforesaid he shall be liable only to the extent of the property of the deceased which has come to his hands and has not been duly disposed of; and, for the purpose of ascertaining such liability the Court executing the decree may, of its own motion or on the application of the decree-holder, compel such legal representative to produce such accounts as it thinks fit.

9. Subject to such conditions and limitations as may be prescribed, the Court may, on application of the decree-holder, order execution of the decree —

Powers of Court to enforce execution.

- (a) by delivery of any property specifically decreed;
- (b) by attachment and sale, or by sale without attachment, of any property;
- (c) by attachment of debts; or
- (d) in such other manner as the nature of the relief granted may require.

10. (1) Where a decree is passed against a party as the legal representative of a deceased person, and the decree is for the payment of money out of the property of the deceased, it may be executed by the attachment and sale of any such property.

Enforcement of decree against legal representative.

(2) Where no such property remains in the possession of the judgment-debtor, and he fails to satisfy the Court that he has duly applied for such property of the deceased as is proved to have come into his possession, the decree may be executed against the judgment-debtor to the extent of the property in respect of which he has failed so to satisfy the Court in the same manner as if the decree had been against him personally.

11. (1) The following property is liable to attachment and sale in execution of a decree, namely, lands, houses or other buildings, goods, money, bank notes, cheques, bills of exchange, promissory notes, Government securities, bonds or other securities for money, debts, shares in a corporation, and, save as hereinafter mentioned, all other saleable property, movable or immovable, belonging to the judgment-debtor, or over which or the profits of which, he has a disposing power which he may exercise for his own benefit, whether the same he held in the name of the judgment-debtor or by another person in trust for him or on his behalf:

Property liable to attachment and sale in execution of decree.

Provided that the following particulars shall not be liable to such attachment or sale, viz.—

- (a) the necessary wearing apparel, cooking vessels, beds and bedding of the judgment-debtor, and of his wife and children.

- (b) tools of artizans; and where the judgment-debtor is an agriculturalist, such implements of husbandry and such livestock and agricultural produce not exceeding in value £50 as may, in the opinion of the Court, be necessary to enable him to earn his livelihood;
- (c) books of accounts;
- (d) a mere right to sue for damages;
- (e) any right of personal service;
- (f) stipends and gratuities allowed to pensioners of the Government, or payable out of any service family pension fund notified in the Gazette by the Governor in Council in this behalf;
- (g) the salary of any public officer, servant of a company or local authority, or any person privately employed to the extent of -
 - (i) the whole of the salary, where the salary does not exceed £1. 10s. 0d. weekly.
 - (ii) £1. 10s. 0d. weekly, where the salary exceeds £1. 10s. 0d. and does not exceed £3. weekly; and
 - (iii) one moiety of the salary in any other case;
- (h) an expectancy of succession by survivorship or other merely contingent or possible right or interest;
- (i) a right of future maintenance;
- (j) any fund or allowance declared by the law to be exempt from attachment or sale in execution of a decree.

Seizure of property in dwelling house.

12. (1) No person in executing any process under this Ordinance directing or authorising seizure of movable property shall enter any dwelling house after sunset and before sunrise.

(2) No outer door of a dwelling house shall be broken open unless such dwelling house is in the occupancy of the judgment-debtor and he refuses or in any way prevents access thereto; but when the person executing any such process has duly gained access to any dwelling house he may break open the door of any room in which he has reason to believe any such property to be.

(3) Where a room in a dwelling house is in the actual occupancy of a woman the person executing the process shall give notice to such woman that she is at liberty to withdraw; and after allowing reasonable time for her to withdraw and giving her reasonable facility for withdrawing he may enter such room for the purpose of seizing the property, using at the same time every precaution, consistent with these provisions, to prevent its clandestine removal.

13. (1) Where assets are held by the Court and more persons than one have, before the receipt of such assets, made application to the Court for the execution of decrees for the payment of money passed against the same judgment-debtor and have not obtained satisfaction thereof, the assets, after deducting the costs of realization, shall be rateably distributed among all such persons:

Provided as follows -

- (a) where any property is sold subject to a mortgage or charge, the mortgagee or incumbrancer shall

Proceeds of execution to be rateably distributed among decree holders.

not be entitled to share in any surplus arising from such sale;

- (b) where any property liable to be sold in execution of a decree is subject to a mortgage or charge, the Court may, with the consent of the mortgagee or incumbrancer, order that the property be sold free from the mortgage or charge, giving to the mortgagee or incumbrancer the same interest in the proceeds of the sale as he had in the property sold;
- (c) where any immovable property is sold in execution of a decree ordering its sale for the discharge of an incumbrance thereon, the proceeds of the sale shall be applied -

first, in defraying the expenses of the sale;

secondly, in discharging the amount due under the decree;

thirdly, in discharging the interest and principal monies due on subsequent incumbrances if any; and

fourthly, rateably among the holders of decrees for the payment of money against the judgment-debtor who have prior to the sale of the property applied to the Court which passed the decree ordering such sale for the execution of such decrees, and have not obtained satisfaction thereof.

(2) Where all or any of the assets liable to be rateably distributed under this section are paid to a person not entitled to receive the same, any person so entitled may sue such person to compel him to refund the assets.

(3) Nothing in the section affects any right of the Government.

14. Where the Court is satisfied that the holder of a decree for the possession of immovable property, or that the purchaser of immovable property sold in execution of a decree has been resisted or obstructed in obtaining possession of the property by the judgment-debtor or some person on his behalf, and that such resistance or obstruction was without any just cause, the Court may, at the instance of the decree-holder or purchaser, order the judgment-debtor or such other person to be detained in prison for a period which may extend to thirty days and may further direct that the decree-holder or purchaser be put in possession of the property.

Resistance to execution.

Passed by the Legislative Council this 17th day of May, 1938.

A. I. FLEURET,
Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 4th day of June, 1938.

M. C. CRAIGIE-HALKETT,
Colonial Secretary.

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Printed at the Government Printing Office by H. H. Sedgwick.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 5 of 1938.

I ASSENT,

H. HENNIKER HEATON,

Governor.

4th June, 1938.

An Ordinance

To provide for the total or partial cessation of Lighting in the Colony by regulation of the Governor in Council on occasions of emergency or public danger or by way of experiment or practice for such occasions.

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 as the Lighting Control Ordinance, 1938.

Short Title.

2. On any occasion which the Governor in Council may consider to be an occasion of emergency or public danger, and also whenever he may consider it necessary by way of experiment or practice for any such occasion, the Governor in Council may make such regulations as he may consider desirable providing, either by express command or by request for co-operation, for the total or partial cessation of lighting in the Colony.

Power to make regulations.

3. Compliance with any such express command or with any such request for co-operation shall exonerate any person from any liability contractual or otherwise for damage resulting from such compliance, provided that such person has taken all other reasonable measures possible to avoid such damage.

Exoneration from liability of persons complying with regulations.

Penalty for refusal or failure to comply with mandatory regulations.

4. Any person who refuses or fails to comply with any such express command shall be liable on summary conviction to a fine not exceeding two hundred pounds.

Passed by the Legislative Council this 17th day of May, 1938.

A. I. FLEURET,
Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 4th day of June, 1938.

M. C. CRAIGIE-HALKETT,
Colonial Secretary.



[L.S.]

FALKLAND ISLANDS.

Ordinance No. 6 of 1938.

I ASSENT,

H. HENNIKER HEATON,
Governor.

4th June, 1938.

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 :— Enacting Clause.

1. This Ordinance may be cited as the "Falkland Islands Defence Force (Amendment) Ordinance, 1938," and shall be read and construed as one with the Falkland Islands Defence Force Ordinance, 1920, (hereafter referred to as the Principal Ordinance.) Short Title.

2. Section 9 of the Principal Ordinance is hereby repealed and replaced by the following :— Amendment of Section 9.

"Uniform. 9. The members of the Force shall wear "such uniforms as the Governor shall direct, and "such uniforms shall be supplied to them upon "their enrolment and renewed from time to time, "at the public expense, as may be decided by the "Commandant."

3. Paragraph (1) of Section 12 of the Principal Ordinance is hereby amended by the deletion of the words "two years," and the substitution therefor of the words "seven years". Amendment of Section 12.

4. Paragraph (1) of Section 13 of the Principal Ordinance is hereby amended by the deletion of the words "or who has attained the age of forty-one years". Amendment of Section 13.

5. Section 38 of the Principal Ordinance is hereby amended by the insertion of the words "the Adjutant," after the words "Officer Commanding". Amendment of Section 38.

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Amendment of
Schedule C.

6. Schedule C to the Principal Ordinance is hereby amended
by the addition thereto of the following offences and fines :-

	£	s.	d.
"Failing to qualify in either drill or musketry through his own neglect or omission"	10	:	0."
"Failing to qualify in both drill and musketry through his own neglect or omission"	2	:	0 : 0."

Passed by the Legislative Council this 17th day of
May, 1938.

A. I. FLEURET,
Clerk of the Legislative Council.

Assented to by the Governor and given under the Public
Seal of the Colony this 4th day of June, 1938.

M. C. CRAIGIE-HALKETT,
Colonial Secretary.



[L.S.]

FALKLAND ISLANDS.

Ordinance No. 7 of 1938.

I ASSENT,

H. HENNIKER HEATON,
Governor.

4th June, 1938.

An Ordinance

To provide for the Registration of Still-Births.

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 as "The Registration (Amendment) Ordinance, 1938". Short Title.

2. In this Ordinance :- Definitions.

"PRESCRIBED" means prescribed by the Registrar-General.

"STILL-BIRTH" shall apply to any child which has issued forth from its mother after the twenty-eighth week of pregnancy and which did not at any time after being completely expelled from its mother, breathe or show any other signs of life.

3. (1) The birth of every still-born child shall be registered by the Registrar in a register of still-births containing the heads of information prescribed in the Schedule to this Ordinance. Registration of still-births.

(2) In the case of every still-birth, it shall, unless there has been an inquest, be the duty of the person who would, if the child had been born alive, have been required by the Registration Ordinance, No. 12 of 1853, to give information concerning the birth, to give information to the Registrar of the particulars required to be registered concerning the still-birth; and every such person upon giving information shall either -

- (i) deliver to the Registrar a written certificate that the child was not born alive, signed by a registered medical practitioner or certified midwife who was

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- in attendance at the birth or who has examined the body of such child; or
- (ii) make a declaration in the prescribed form to the effect that no registered medical practitioner or certified 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.

Passed by the Legislative Council this 17th day of May, 1938.

A. I. FLEURET,
Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 4th day of June, 1938.

M. C. CRAIGIE-HALKETT,
Colonial Secretary.

SCHEDULE.

FORM OF REGISTER OF STILL-BIRTHS

No.	When and where born.	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.	Nature of evidence upon which registered as Still-born.	Signature of Registrar.

SECTION 3.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 8 of 1938.

I ASSENT,

H. HENNIKER HEATON,

Governor.

4th June, 1938.

An Ordinance

To establish a Provident Fund for certain Non-Pensionable Employees of the Government.

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 as the Government Employees Provident Fund Ordinance, 1938. Short Title.

2. (1) In this Ordinance, unless the context otherwise requires :— Interpretation.

“THE FUND” means the Non-Pensionable Employees Provident Fund established under this Ordinance;

“THE BOARD” means the Board of Management appointed under this Ordinance;

“THE TREASURER” means the Treasurer of the Colony;

“NON-PENSIONABLE EMPLOYEE” means a person in the service of the Government of the Colony who—

(a) holds an office which is for the time being included in the Schedule to this Ordinance; and

(b) receives a salary of not less than One hundred Pounds per annum.

“DEPOSITOR” means a person who is making deposits in the Fund;

“SALARY” includes wages and any personal allowance, but no other payment or allowance whatsoever;

“PERSONAL ALLOWANCE” means a special addition to salary granted personally to the holder for the time being of the office.

"PRESCRIBED" means prescribed by Regulations made under this Ordinance.

(2) For the purposes of this Ordinance a depositor's family shall be deemed to include his mother, father, wife and children, but no other person.

Amendment of Schedule.

3. The Governor in Council may from time to time by order published in the Gazette amend the Schedule to this Ordinance by adding any office to the list of offices contained therein or by deleting any office from such list, but every such order shall make such provision (if any) as may be necessary or expedient to preserve existing rights. When any office is added to the Schedule the provisions of sections 5, 6 and 12 of this Ordinance shall have effect as respects that office as if the date upon which it is added were the date of the commencement of the Ordinance.

Establishment and management of the Fund.

4. (1) There shall be established a Fund to be known as the Non-Pensionable Employees Provident Fund.

(2) The Governor shall appoint a Board of Management who shall be responsible for the control and management of the Fund in accordance with the provisions of this Ordinance and of any Regulations made hereunder. The Treasurer shall be chairman of the Board.

(3) The expenses of management and administration of the Fund shall be paid out of the Fund.

(4) The moneys paid into the Fund shall, so far as practicable, be invested by the Treasurer on behalf of the Fund in such security or securities yielding interest as the Board shall approve, or, with the approval of the Board, deposited by him in the Government Savings Bank.

(5) The Treasurer shall keep a separate account for the moneys of the Fund.

(6) The Board shall submit to the Governor as soon as practicable after the thirty-first day of December in each year a full statement showing the working of the Fund and all claims thereon, and containing full particulars of all transactions connected with the working of the Fund. The accounts of the Fund shall be audited by the Government Auditor.

Who shall become a depositor.

5. (1) Every person who shall have been appointed a non-pensionable employee either after the commencement of this Ordinance, or on terms which so require, shall become a depositor from the date on which he begins to draw any of the salary of the post to which he is so appointed or from the commencement of this Ordinance, whichever shall be the later.

(2) Every non-pensionable employee to whom the preceding subsection does not apply, who does not elect under section 6 of this Ordinance to become a depositor, and is appointed to the service of the Government after the commencement of this Ordinance upon terms which constitute a reappointment or re-engagement in the service of the Government, shall become a depositor as from the date of such reappointment or re-engagement.

Who may become a depositor.

6. Every non-pensionable employee who is not required by the preceding section to become a depositor may, by a written notice addressed to the head of his department within three months after the commencement of this Ordinance or within such extended time as the Governor in Council may in any particular case allow, elect to become

a depositor, and, if he so elect, he shall become a depositor as from the commencement of this Ordinance.

7. (1) Every depositor shall deposit in the Fund monthly an amount equal to one-twentieth of his monthly salary, until the termination of his service with the Government. The Treasurer shall deduct the deposit from the salaries of depositors. Compulsory deposit.

(2) Such deposit shall be called the "compulsory deposit", and shall be calculated on full salary whether the depositor is on full, half, or no salary :

Provided that, when a depositor is on half salary or no salary for a period exceeding two months continuously, he may elect to contribute in respect of the excess over two months at the rate of one-twentieth of any salary which he receives.

8. Subject to prescribed conditions a depositor may, from time to time, Voluntary deposits.

(a) in addition to his compulsory deposits, deposit in the Fund sums, which shall be called "voluntary deposits", of five shillings or any multiple thereof, to an amount not exceeding twenty-five pounds in any one year, or one hundred and fifty pounds in all, and

(b) withdraw all or any part of such deposits including interest credited thereon.

(c) repay any sum so withdrawn.

9. (1) A sum equal to each compulsory deposit shall, on the date when the deposit is made, be paid out of the revenues of the Colony into the Fund for the credit of the depositor. Bonuses.

(2) Every sum so credited shall be called a "bonus".

10. (1) Interest shall be credited separately on compulsory deposits, voluntary deposits and bonuses at a rate to be fixed annually by the Governor in Council and shall begin to accrue in respect of each sum deposited and each bonus on the first day of the month next following the day on which the deposit was made or the bonus credited. Subject to the provisions of this Ordinance, it shall be calculated to the thirty-first day of December in each year and shall then be added to and become part of the principal and be deemed for the purposes of this Ordinance to be compulsory deposit, voluntary deposit or bonus as the case may be. Interest.

(2) No interest shall be credited on any sum withdrawn in respect of the period between the last day of the month preceding the date of withdrawal and the first day of the month next following the date of repayment.

11. As soon as practicable after the thirty-first day of December in each year the Treasurer shall inform each depositor of the total amount standing to his credit in the Fund at that date. Information to depositors.

12. (1) Any non-pensionable employee who shall have had at least one year's continuous service immediately before the commencement of this Ordinance and who being an officer to whom section 6 of this Ordinance applies, elects under that section to become a depositor, may if he thinks fit - Deposits in respect of previous service.

(a) within a period of two years after the commencement of this Ordinance, deposit in the Fund in respect of each completed year of such service an amount not exceeding one-twentieth of his salary as at the commencement of this Ordinance; or

(b) increase his deposits under section 7 of this Ordinance by fifty per cent. for a period not exceeding his completed years' continuous service prior to the commencement of this Ordinance.

(2) All amounts deposited under the provisions of this section shall be treated in all respects as compulsory deposits and the provisions of section 9 shall apply accordingly.

(3) In this section the word "service" means service which would, if this Ordinance had been in force, have been service as a non-pensionable employee.

Deposits, etc. not to be assigned or attached.

13. Subject to the provisions of this Ordinance no compulsory deposit, bonus, or interest on any such deposit or bonus, shall be assignable or transferable or liable to be attached, sequestered or levied upon for, or in respect of, any debt or claim whatsoever.

Withdrawal of compulsory deposits.

14. A depositor may withdraw compulsory deposits.

(1) with the approval of the Board; or

(2) with the permission of the Treasurer if the Treasurer is satisfied that withdrawal is desirable and that it is required for any one or more of the following purposes :—

(a) To pay the passage of

(i) any member of the depositor's family or

(ii) the depositor's brother or sister,

coming from abroad, or leaving the Territory on medical advice or for other good cause, such person being wholly or mainly dependent upon, or ordinarily resident with, the depositor;

(b) To pay the funeral expenses of any member of the depositor's family;

(c) To pay hospital or other expenses incurred through the illness of the depositor or any members of his family.

Repayment of withdrawal.

15. Any sum withdrawn from compulsory deposits under section 14 of this Ordinance shall be repaid by the depositor in not more than twelve equal monthly instalments, commencing in the month following the withdrawal, which may be deducted from his salary.

Closing of accounts.

16. (1) On the death of a depositor or the termination of the depositor's service with the Government, interest up to the end of the month previous to the date of such death or termination of service shall be credited to his account, which shall then be closed.

(2) Notice of such closure shall thereupon be given

(i) if the depositor is living, to the depositor, or

(ii) if the depositor is dead, to such person or persons mentioned in section 21 of this Ordinance to whom it shall appear to the Treasurer that notice should properly be given,

and in either case to such other persons as shall, or may in the opinion of the Treasurer, reasonably require such notice.

Death or termination of service.

17. Subject to the provisions of this Ordinance, if a depositor dies while in the service of the Government or leaves the service in any of the following circumstances, that is to say :—

(1) retirement on medical evidence to the satisfaction of the Governor in Council (or the Secretary of State) that he is incapable by reason of some infirmity of mind or body of discharging the duties of his office;

(2) satisfactory completion of contract;

(3) abolition of office;

(4) reaching the prescribed age of retirement;

(5) determination of contract by, or with the consent of, the Government otherwise than by dismissal;

(6) in the case of a female depositor, retirement with a view to, or in consequence of, marriage after not less than three years' service (subject to the production of evidence of marriage within such period after retirement as the Board may in any case prescribe);

the amount standing to his or her credit in the Fund at the closing of such account shall be paid out of the Fund to the depositor or any other person to whom by virtue of this Ordinance or otherwise payment may lawfully be made.

18. (1) Subject to the provisions of this Ordinance, if a depositor shall be dismissed, or resign, or leave the service of the Government without permission without completing the period prescribed by any contract under which he may be serving,

Resignation or dismissal.

(a) the amount of his deposits and interest credited thereon under sub-section (1) of section 16 of this Ordinance shall be paid out of the Fund to the depositor, and

(b) such part, if any, of the bonuses credited to the depositor and interest credited as aforesaid, as the Board with the approval of the Governor shall determine, may be so paid.

(2) Any part of such bonuses and interest not paid as aforesaid shall be paid out of the Fund to the Government and credited to revenue.

19. (1) If a depositor is transferred to a post which is a pensionable office under the Pensions Ordinance, 1937, or any other Ordinance, the provisions of section 16 of this Ordinance shall apply as if the service of the depositor with the Government had terminated in circumstances in which section 17 of this Ordinance applies :

Transfer to pensionable office.

Provided that interest shall continue to be credited to his account, in accordance with the provisions of section 10 and sub-section (1) of section 16 of this Ordinance.

(2) Subject to the provisions of this Ordinance, upon his subsequently leaving the service of the Colony in any circumstances or upon his dying in the service, the amount then standing to the credit of such depositor shall be paid out of the Fund to him or to any other person to whom by virtue of this Ordinance or otherwise payment may lawfully be made.

(3) A depositor who is so transferred may elect at the time of transfer to continue while serving in such post to remain subject to the provision of this Ordinance, and shall thereupon be deemed to be a depositor as defined in section 2 (1) of this Ordinance while serving in a pensionable post or posts :

Provided that in the event of his being at any time confirmed in a pensionable post, the provisions of sub-sections (1) and (2) of this section shall apply to him as from the date of such confirmation.

Any election under this sub-section shall be made in writing to the Board and shall be irrevocable.

Payment on death of depositor.

20. (1) Subject to the provisions of this Ordinance, on the death of a depositor—

(a) if the amount at his credit does not exceed fifty pounds the Treasurer shall pay it to the person or persons nominated for the purpose by the depositor in manner prescribed, or, if no such nomination has been made, to the personal representative of the depositor or, at the discretion of the Treasurer, the person appearing to the Treasurer to be entitled ultimately by law to receive it :

(b) if the amount at his credit exceeds fifty pounds, the Treasurer shall pay it to the personal representative of the depositor :

Provided that the Treasurer may make payments, not exceeding Ten pounds in any one case, to meet the expenses of the funeral of the deceased or to give immediate relief to the widow or children or other dependants of the deceased, if in the opinion of the Treasurer such relief is required.

(2) All amounts paid under this section shall be paid out of the Fund and all payments under this section shall be valid and effectual against any demand made upon the Government, the Board or the Treasurer by any other person in respect of the amount standing to the credit of the depositor.

Sums due to Government.

21. Any sum or sums due to Government by a depositor on payment out of the Fund of any amount then standing to his credit therein, may be deducted from the amount otherwise payable.

Power to make Regulations.

22. The Governor in Council may make Regulations for carrying out the provisions of this Ordinance.

Date of operation.

23. This Ordinance (except sub-section (6) of section 4 and section 24) shall be deemed to have come into operation on the 20th of November, 1937.

Repeal of Ordinance. No. 6 of 1937.

24. The Government Employees Provident Fund Ordinance, No. 6 of 1937, is hereby repealed.

Passed by the Legislative Council this 17th day of May, 1938.

A. I. FLEURET,
Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 4th day of June, 1938.

M. C. CRAIGIE-HALKETT,
Colonial Secretary.

SCHEDULE.

Offices the holders of which are non-pensionable employees within the meaning of the Ordinance. Section 2 (1).

(a) The holders of non-pensionable posts included in the approved estimates receiving a salary of not less than one hundred pounds per annum.

(b) All non-pensionable Government employees paid from votes under "Other charges" who have been continuously employed by Government for a period of not less than one year and who are in receipt of wages at a rate of not less than one hundred pounds per annum.

FALKLAND ISLANDS :

Printed at the Government Printing Office by H. H. Sedgwick.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 9 of 1938.

I ASSENT,

H. HENNIKER HEATON,

Governor.

4th June, 1938.

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 :—

Enacting Clause.

1. This Ordinance may be cited as the "Medical Practitioners, Midwives, and Dentists (Amendment) Ordinance, 1938", 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. The following section shall be inserted in the Principal Ordinance as section 13 (a) :

Addition of new Section.

13. (a). If any person, being either a male or a female not registered under this Ordinance, attends a woman in child-birth otherwise than under the direction and personal supervision of a person registered under this Ordinance, that person shall, unless the attention was given in a case where no qualified person registered under this Ordinance was resident and could have been secured, be liable on summary conviction to a fine not exceeding ten pounds.

Passed by the Legislative Council this 17th day of May, 1938.

A. I. FLEURET,

Clerk to the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 4th day of June, 1938.

M. C. CRAIGIE-HALKETT,

Colonial Secretary.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 10 of 1938.

I ASSENT,

H. HENNIKER HEATON,

Governor.

4th June, 1938.

An Ordinance

To provide for the safe storage of Petroleum-Spirit.

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 as the "Petroleum-Spirit Ordinance, 1938".

Short Title.

2. In this Ordinance

Interpretation.

"GOVERNMENT PETROLEUM-SPIRIT WAREHOUSE" means any place or places provided by the Governor for the storage of petroleum-spirit.

"LICENSED PETROLEUM-SPIRIT WAREHOUSE" means a warehouse licensed for the storage of petroleum-spirit under the provisions of this Ordinance.

"PRESCRIBED" means prescribed by the Governor in Council by regulations made under the provisions of this Ordinance.

"PETROLEUM-SPIRIT" means such petroleum as when tested in the manner set forth in the Second Schedule to this Ordinance gives off an inflammable vapour at a temperature of less than seventy three degrees Fahrenheit.

3. (1) The Governor may provide a place or places for the storage of petroleum-spirit.

Provision of stores and warehouses by Governor.

(2) The owner of any petroleum-spirit deposited in any such place shall pay to the Director of Public Works such charges as may from time to time be prescribed.

(3) Regulations may be prescribed for the use and management of any place or places provided under the provisions of sub-section (1) hereof.

Petroleum-Spirit.

Notice of intention to import petroleum-spirit.

4. (1) The Shipper or his Agent or the consignee of any petroleum-spirit on board any vessel arriving in the Falkland Islands shall before landing such petroleum-spirit furnish the Director of Public Works with the following particulars thereof :-

- (a) The quantity of such petroleum-spirit.
- (b) The quality of such petroleum-spirit.
- (c) The brands of such petroleum-spirit.
- (d) The marks of such petroleum-spirit.

(2) Any person contravening the provisions of this section shall be guilty of an offence.

Landing of petroleum-spirit and deposit of petroleum-spirit on landing.

5. (1) All petroleum-spirit imported into the Falkland Islands shall be landed under the supervision of the Director of Public Works and shall be immediately stored in a Government petroleum-spirit warehouse or in a licensed petroleum-spirit warehouse, or in any tank specially licensed by the Governor in that behalf. All expenses incidental to the transport to and from the Government petroleum-spirit warehouse shall be borne by the importer or his agent.

(2) Any person contravening the provisions of this section shall be guilty of an offence.

Smoking etc., prohibited when petroleum-spirit being landed.

6. No person shall smoke or have any naked light within thirty yards of any place where petroleum-spirit is being landed.

Samples of petroleum-spirit may be called for.

7. (1) Within twenty-four hours of the landing of any petroleum-spirit the Director of Public Works may call upon the shipper or his agent or the consignee of any petroleum-spirit to supply not less than two samples of each quality, brand or mark respectively and such samples shall be tested in the prescribed manner.

(2) The shipper or his agent or the consignee of any petroleum-spirit to which sub-section (1) hereof shall apply who shall refuse to supply any such samples shall be guilty of an offence.

Licence to store petroleum-spirit.

8. (1) The Director of Public Works may grant licence to any person to store petroleum-spirit in a licensed petroleum-spirit warehouse licensed in accordance with the prescribed regulations.

(2) The Director of Public Works may at his discretion grant a special licence to any person to store petroleum-spirit in a tank.

(3) Any person to whom a licence to store petroleum-spirit shall be granted under the provisions of sub-sections (1) or (2) hereof who shall store petroleum-spirit otherwise than in accordance with the terms of such licence shall be guilty of an offence.

Licence to deal in and to sell petroleum-spirit.

9. (1) The Director of Public Works may grant licence to any person to deal in or sell petroleum-spirit in accordance with the prescribed regulations.

(2) Any person,

- (a) dealing in or selling petroleum-spirit who shall not be the holder of a licence issued under the provision of sub-section (1) hereof, or

(b) who being the holder of a licence issued under the provision of sub-section (1) hereof deals in or sells petroleum-spirit otherwise than in accordance with the terms of such licence,

shall be guilty of an offence.

10. (1) Save as expressly provided in sub-section (2) hereof, all petroleum-spirit shall be stored in a Government petroleum-spirit warehouse or in a licensed petroleum-spirit warehouse or in a specially licensed tank.

Storage of petroleum-spirit.

(2) The provisions of sub-section (1) hereof shall not apply to

(a) petroleum-spirit kept and stored,

(i) in drums, tanks or pumps to be used for the purpose of being supplied to the public for use as fuel in internal combustion engines, including the engines of motor vehicles: Provided such drums, tanks or pumps comply in all respects with the prescribed regulations,

(ii) in the fuel tank of any internal combustion engine, including motor vehicles,

(iii) in garages: Provided such petroleum-spirit is kept in accordance with the prescribed regulations,

(iv) in sealed tins for private use where the quantity so kept does not exceed four Imperial gallons,

(v) for sale where the quantity of petroleum-spirit does not exceed eighty Imperial gallons, and such petroleum-spirit is kept in accordance with the prescribed regulations. This subparagraph shall not apply to petroleum-spirit kept and stored in pumps or in garages.

(vi) in any place not less than half a mile from the town of Stanley.

(b) Petroleum-spirit imported for use in a Government laboratory, botanical or experimental station, or for scientific, experimental or research work.

(3) The owner of any petroleum-spirit or any person storing petroleum-spirit, which is stored otherwise than in accordance with the provisions of this section shall be guilty of an offence.

(4) When any quantity of petroleum-spirit exceeding forty Imperial gallons is delivered from a Government petroleum-spirit warehouse, or from any licensed petroleum-spirit warehouse, the Director of Public Works shall within three hours from such delivery satisfy himself that such petroleum-spirit has been stored, or otherwise dealt with in accordance with the provisions of this Ordinance.

General.

11. Any person guilty of an offence against the provisions of this Ordinance or of any regulations made thereunder shall be liable on summary conviction to a fine not exceeding £100 or to imprisonment with or without hard labour for a term not exceeding twelve months.

Offences.

Search warrant for petroleum-spirit.

12. If any person shall prove on oath before any Magistrate a reasonable cause to suspect that any person has in his possession or on his premises any petroleum-spirit kept in contravention of this Ordinance or of any regulation made thereunder, such Magistrate may grant a similar warrant to any officer or constable of police to search for such petroleum-spirit as may be granted in the case of stolen goods, and all such petroleum-spirit shall be seized by such officer or constable of police.

Liability to forfeiture of petroleum-spirit.

13. The whole or any part of any petroleum-spirit kept or stored in contravention of the provisions of this Ordinance or of any regulations made hereunder may be seized by the Director of Public Works, or by any Customs Officer or by any member of the Falkland Islands Police Force, and upon complaint being made before a Magistrate may be adjudged by such Magistrate to be forfeited to the Crown.

Forfeiture of licence.

14. If any person to whom a licence may be granted under the provisions of this Ordinance or any regulations made thereunder shall be convicted of any offence against this Ordinance such licence shall upon such conviction become void.

Power to make regulations.

15. It shall be lawful for the Governor in Council to make and when made to vary and revoke regulations for carrying out the provisions of this Ordinance: Provided that until such regulations shall be made the regulations respectively contained in the Schedules to this Ordinance shall be in force.

Date of coming into operation.

16. This Ordinance shall come into operation on a date to be fixed by notice by the Governor in the official Gazette.

Passed by the Legislative Council this 17th day of May, 1938.

A. I. FLEURET,
Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 4th day of June, 1938.

M. C. CRAIGIE-HALKETT,
Colonial Secretary.

First Schedule.

Regulations for the use and management of Government petroleum-spirit warehouses, and to fix charges in respect of petroleum-spirit stored therein.

(Petroleum-Spirit Ordinance, 1938, Section 3.)

1. CONTROL AND MANAGEMENT. Government petroleum-spirit warehouses shall be under the control and management of the Director of Public Works.

2. STORAGE OF PETROLEUM-SPIRIT. All petroleum-spirit shall be stored under the supervision of, and in accordance with the instructions of, the Director of Public Works. Petroleum-spirit shall be stored separately from petroleum other than petroleum-spirit.

3. LEAKING CONTAINERS. No leaking containers shall be stored in a Government warehouse. If any containers in a Government warehouse are found to be leaking the owner thereof shall be notified and he shall immediately deal with such containers in accordance with the instructions of the Director of Public Works.

4. DELIVERIES. All deliveries from a Government warehouse shall be made under the supervision of a Public Works officer.

Deliveries will be made only at the following times:-

Monday, Tuesday, Wednesday, Thursday and Friday between 10 a.m. and 4 p.m.
Saturday between 10 a.m. and 1 p.m.

Deliveries will not be made on Bank Holidays.

Nothing in this regulation shall be deemed to require a Public Works officer to pass a warrant after 3 p.m.

5. NOTICE AND BARRIERS. The Director of Public Works may by appropriate notice erected on or near a Government warehouse prohibit any person not having *bona fide* business thereat from approaching such warehouse within the limits set out in such notice. Any person not having *bona fide* business at a Government warehouse and approaching within a limit so prohibited shall be guilty of an offence.

The Director of Public Works may erect such barrier or barriers near thereto or around a Government warehouse as he shall think fit.

6. PRECAUTIONS AGAINST FIRE. (1) No person shall smoke or have any naked flame in or within a distance of thirty feet of any Government warehouse.

(2) No person in a Government warehouse shall have on or about his person any matches or implements for producing flame or fire or any materials for smoking.

(3) No person shall bring into, or use in any Government warehouse any artificial light of any description except a light incapable of igniting any inflammable vapour outside of the lamp itself.

(4) Any person contravening sub-paragraphs (1), (2) or (3) of this regulation shall be guilty of an offence.

7. PROVISION OF SAND. The Director of Public Works shall maintain in every Government warehouse an adequate quantity of sand in suitable receptacles to be used in case of fire.

8. CHARGES. Warehouse rent for any petroleum-spirit stored in a Government warehouse shall be as follows:-

For every eight gallons of petroleum-spirit for each calendar month or part of such month the sum of three pence, and so in proportion for any greater or lesser quantity: Provided that no rent shall be charged for the first forty-eight hours.

9. COPY OF REGULATIONS TO BE DISPLAYED. A copy of these regulations shall be displayed in a conspicuous place in every Government petroleum-spirit warehouse, at the place or places where petroleum-spirit is usually landed, and in the Public Works Department.

Second Schedule.

Regulations for testing petroleum-spirit.

(Petroleum-Spirit Ordinance, 1938, Section 7.)

1. PERSONS QUALIFIED TO TEST. All tests of petroleum-spirit shall be carried out by the Director of Public Works or by such other qualified person or persons as the Governor shall appoint in that behalf.

2. METHOD OF TEST. All tests shall be carried out by the method known as the "Able Close Test."

3. TIME IN WHICH TEST TO BE MADE. The test provided for by these regulations shall be carried out within forty-eight hours of the receipt of the samples to be tested by the person authorised to make the test.

4. CERTIFICATE. A certificate in the following form shall be given in respect of all petroleum-spirit tested under these regulations:-

Certificate of Test of Petroleum-spirit.

I hereby certify that I have tested in accordance with the prescribed regulations the samples of petroleum-spirit marked forwarded to me to be tested on the day of 19..... and that such samples consist of within the meaning of the Petroleum-Spirit Ordinance, 1938.

Signed.....

Date.....

5. FEES. The following fees shall be paid out of the general revenue to persons authorised under these regulations to test petroleum-spirit :-

For testing each set of two samples ten shillings:

Provided that no fee shall be payable hereunder to any Government officer unless expressly authorised by the Governor.

Third Schedule.

Regulations for the construction, use and management of licensed petroleum-spirit warehouses.

(Petroleum-Spirit Ordinance, 1938, Section 8.)

1. LICENSING OF WAREHOUSE. No warehouse shall be licensed under these regulations unless

- The position thereof shall have been approved by the Director of Public Works.
- The Director of Public Works shall certify that such warehouse is constructed in accordance with the following regulations.

2. FORM OF LICENCE. A Licence to store petroleum-spirit in a warehouse shall be in the following form :-

Licence is hereby granted to of to store in accordance with the Petroleum-Spirit Ordinance, 1938, and the regulations made thereunder not more than gallons of in the warehouse known as and situated

This licence expires on the.....day of....., 19.....

Dated.....

Director of Public Works.

3. FEE. The fee for any licence granted under these regulations shall be as follows :-

	£	s.	d.	
To keep a quantity not exceeding 100 gallons		5	0	per annum.
" " " " exceeding 100 and not exceeding 500 gallons	10	0		" "
" " " " " 500 " " " 1,000 "	15	0		" "
" " " " " 1,000 " " " 5,000 "	1	0	0	" "
" " " " " 5,000 " " " 10,000 "	2	0	0	" "
" " " " " 10,000 " " " 20,000 "	3	0	0	" "
" " " " " 20,000 " " " 50,000 "	4	0	0	" "

4. CONSTRUCTION. (1) Warehouses shall be constructed of concrete, or brick or stone, with walls eighteen inches at least in thickness and shall have a roof of galvanised iron or other non-inflammable material, and shall have double iron doors with slots or recesses therein arranged as far as possible to prevent leakage of gas or air, and shall have floors of sand or earth sufficiently porous to absorb immediately not less than one thousand gallons of fluid: Provided that where a warehouse is and remains not less than sixty feet from the nearest building thereto such warehouse may be built of any non-inflammable material to the satisfaction of the Director of Public Works, and may have a floor of concrete or brick or stone.

(2) There shall be exhibited on every warehouse so as to be clearly visible from every side thereof, a permanent notice or notices bearing the words, "Danger Petroleum-spirit".

5. POSITION. No warehouse shall be licensed for the storage of petroleum-spirit unless such warehouse is not less than thirty feet from the nearest building.

6. CONTROL OF LICENSED WAREHOUSE. The Director of Public Works shall have control of all warehouses licensed under the provisions of these regulations, whether or not the petroleum-spirit stored therein is duty paid. Two locks shall be placed upon every door respectively of such warehouses one by the licensee of such warehouse and one by the Director of Public Works.

7. STORAGE OF PETROLEUM-SPIRIT. All petroleum-spirit shall be stored under the supervision of, and in accordance with the instructions of a Public Works officer. Petroleum-spirit shall be stored separately from petroleum.

8. LEAKING CONTAINERS. Any containers in a licensed warehouse found to be in a leaking condition shall be dealt with in accordance with the instructions of the Director of Public Works.

9. PRECAUTIONS AGAINST FIRE. (1) No person in a warehouse shall,

- smoke or have any naked light therein, or
- have on or about his person any matches or implements for producing flame or fire, or
- bring thereto or use any artificial light of any description except a light incapable of igniting any inflammable vapour outside of the lamp itself.

(2) Any person contravening this regulation shall be guilty of an offence.

10. PROVISION OF SAND. There shall be maintained in every warehouse to the satisfaction of the Director of Public Works an adequate quantity of sand in suitable receptacles to be used in case of fire.

11. DELIVERIES. The licensee of any warehouse desiring to make deliveries therefrom shall give to the Director of Public Works not less than an hour's notice.

All deliveries from a licensed warehouse shall be made at the following times:-

Monday, Tuesday, Wednesday, Thursday and Friday between 10 a.m. and 4 p.m.
Saturday between 10 a.m. and 1 p.m.

Deliveries will not be made on Bank Holidays.

Nothing in this regulation shall be deemed to require a Public Works Officer to pass a warrant after 3 p.m.

12. COPY OF REGULATIONS TO BE DISPLAYED. A copy of these regulations shall be displayed in a conspicuous place in every warehouse, and in the Public Works Department.

Fourth Schedule.

Regulations for granting licences to deal in or sell petroleum-spirit.

(Petroleum-Spirit Ordinance, 1938, Section 9.)

1. **FORM OF LICENCE.** A licence to deal in or sell petroleum-spirit may be granted by the Director of Public Works at his discretion and shall be in the following form:-

Licence is hereby granted to
of.....to deal in and sell
in accordance with the provisions of the Petroleum-Spirit Ordinance, 1938, and the regulations made thereunder in and from his premises known as and situated

This licence expires on the day of 19.....

Dated..... Director of Public Works.

2. **FEE.** The fee for any licence granted under these regulations shall be 1s/- per quarter or part thereof.

3. **APPEAL.** Any person aggrieved by the grant of or refusal of a licence under these regulations by the Director of Public Works may appeal to the Governor in Council, and the decision of the Governor in Council thereon shall be final.

Fifth Schedule.

Regulations for the erection and construction of pumps, drums and tanks for the storage of petroleum-spirit.

(Petroleum-Spirit Ordinance, 1938, Section 10.)

1. **PUMPS TO BE LICENSED.** No pumps shall be used for the storage of petroleum-spirit unless such pump is licensed in accordance with these regulations by the Governor.

2. **LICENSING OF PUMPS.** No fixed pumps shall be licensed unless,

- the position of such pump shall be approved by the Chief Constable, and
- the Director of Public Works shall certify that such pump is constructed in accordance with these regulations.

3. **CONSTRUCTION AND CAPACITY OF FIXED PUMPS.** (1) Fixed supply pumps and the storage tank to be used in connection therewith shall be constructed of iron, steel or concrete of a design approved by the Director of Public Works and shall be fitted with hoses and couplings in good condition and without leaks. The air inlet shall be so arranged that the blast or explosion of any flame which may issue therefrom shall not impinge upon any part of the pump or tank or upon any inflammable substance.

(2) The storage tank in connection with any fixed supply pump shall be of a capacity not exceeding four hundred gallons and shall be embedded in such a way that the top thereof is at no part thereof above two feet of the level of the surrounding ground: Provided that where the capacity of the storage tank does not exceed eighty-five gallons, such tank may be placed in any building in the construction of which no inflammable material is used and which is approved by the Director of Public Works.

4. **CONSTRUCTION AND STORAGE OF MOVEABLE SUPPLY PUMPS.** Moveable supply pumps the tanks of which shall not exceed a capacity of eighty-five gallons, shall be constructed of iron or steel of a design approved by the Director of Public Works and shall be fitted with hoses and couplings in good condition and without leaks. The air inlet shall be so arranged that the blast or explosion of any flame which may issue therefrom shall not impinge upon any part of the pump or tank or upon any inflammable substance.

5. **STORAGE OF MOVEABLE SUPPLY PUMPS.** Moveable pumps when not in use shall be stored in a place approved by the Director of Public Works.

6. **USE OF MOVEABLE SUPPLY PUMPS.** Moveable pumps may be placed only in,

- such position on the pavement or sidewalk that they may be clearly seen by the public and by the person in charge thereof, and
- such place or places as shall be approved by the Chief Constable.

7. **FORM OF LICENCE.** (1) A licence to store petroleum-spirit in a fixed pump shall be in the following form:-

Licence is hereby granted to
of to store petroleum-spirit in accordance with the Petroleum-Spirit Ordinance, 1938, and the regulations made thereunder in a pump to be erected and maintained at

This licence expires on the day of 19.....

Date..... Director of Public Works.

(2) A licence to store petroleum-spirit in a moveable pump or pump other than a fixed pump shall be in the following form :-

Licence is hereby granted to
of to store petroleum-spirit in accordance with the Petroleum-Spirit Ordinance, 1938, and the regulations made thereunder in a moveable supply pump to be kept and maintained at

This licence expires on the day of 19.....

Date..... Director of Public Works.

8. **FEES.** The fee for any licence granted under these regulations shall be as follows :-

For every licence to store petroleum-spirit in a fixed pump 2/6 per quarter or any part thereof.

For every licence to store petroleum-spirit in a moveable pump 1/6 per quarter or any part thereof.

Sixth Schedule.

Regulations for the storage of petroleum-spirit in garages.

(Petroleum-Spirit Ordinance, 1938, Section 10.)

1. **STORING OF TINS OR DRUMS.** All tins or drums used for containing petroleum-spirit whether containing petroleum-spirit or not shall be kept in the chamber or open air.

2. **LEAKING TINS OR DRUMS.** Any tin or drum in any garage containing petroleum-spirit found to be in a leaking or damaged condition shall immediately be removed from the garage to a place of safety in the open air.

3. **PROVISION OF SAND.** In every garage in which petroleum-spirit is stored otherwise than in the fuel tanks of motor vehicles, there shall be maintained to the satisfaction of the Director of Public Works, an adequate quantity of sand in suitable receptacles to be used in case of fire.

4. **PRIVATE GARAGES.** Notwithstanding anything contained in the aforesaid regulations there may be kept in a private garage in addition to any petroleum-spirit in the fuel tank of any motor vehicle therein a quantity of petroleum-spirit not exceeding ten Imperial gallons provided such petroleum-spirit is kept in a sealed tin or sealed tins.

Seventh Schedule.

Regulations for petroleum-spirit kept for sale, otherwise than in pumps or in garages.

(Petroleum-Spirit Ordinance, 1938, Section 10.)

1. **QUANTITY TO BE STORED.** A quantity not exceeding forty gallons of petroleum-spirit may be kept for sale in accordance with these regulations.
2. **METHOD OF STORING.** All petroleum-spirit kept for sale shall be stored in sound tins or drums, and when such tins or drums contain petroleum-spirit, they shall be kept and stored in a non-inflammable chamber, fitted with a non-inflammable door, such chamber and door to be constructed to the satisfaction of the Director of Public Works in a place approved by him and when such tins or drums have contained petroleum-spirit they shall be kept and stored in the open air.
3. **LEAKING TINS OR DRUMS.** Any tin or drum found to be in a leaking or damaged condition shall be immediately removed to a place of safety in the open air.
4. **PROVISION OF SAND.** There shall be maintained to the satisfaction of the Director of Public Works in the vicinity of any petroleum-spirit stored for sale an adequate quantity of sand in suitable receptacles to be used in case of fire.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 11 of 1938.

I ASSENT,

H. HENNIKER HEATON,

Governor.

4th June, 1938.

An Ordinance

To provide for the prohibition by Order of the Governor in Council of the importation into the Colony of any publication.

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 as the "Publications (Importation Prohibition) Ordinance, 1938". Short Title.

2. "PUBLICATION" includes all written or printed matter and everything, whether of a nature similar to written or printed matter or not, containing any visible representation, or by its form, shape, or in any manner capable of suggesting words or ideas, and every copy and reproduction of any publication. Definitions.

"PERIODICAL PUBLICATION" includes every publication issued periodically or in parts or numbers at intervals whether regular or irregular.

"IMPORT" includes:—

- (a) to bring into the Colony, and
- (b) to bring within the inland waters of the Colony whether or not the publication is brought ashore, and whether or not there is an intention to bring the same ashore.

3. If the Governor is of the opinion that the importation of any publication would be contrary to the public interest he may, in his absolute discretion, by Order in Council prohibit the importation of such publication, and in the case of a periodical publication may, Power to prohibit importation of publication.

FALKLAND ISLANDS :

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by the same or subsequent Order in Council, prohibit the importation of any past or future issue thereof.

Offences.

4. (1) Any person who imports, publishes, sells, offers for sale, distributes, or reproduces any publication, the importation of which has been prohibited under Section 3, or any extract therefrom, shall be guilty of an offence and liable for a first offence to imprisonment for two years or to a fine not exceeding £100 or to both such imprisonment and fine, and for a subsequent offence to imprisonment for three years; and such publication or extract therefrom shall be forfeited to His Majesty.

(2) Any person who without lawful excuse has in his possession any publication the importation of which has been prohibited under Section 3, or any extract therefrom, shall be guilty of an offence and liable for a first offence to imprisonment for one year or to a fine not exceeding £50 or to both such imprisonment and fine, and for a subsequent offence to imprisonment for two years; and such publication or extract therefrom shall be forfeited to His Majesty.

Delivery of prohibited publication to Chief Constable.

5. (1) Any person to whom any publication the importation of which has been prohibited under Section 3, or any extract therefrom, is sent without his knowledge or privity or in response to a request made before the prohibition of the importation of such publication came into effect, or who has such a publication or extract therefrom in his possession at the time when the prohibition of its importation comes into effect, shall forthwith if or as soon as the nature of its contents have become known to him, or in the case of a publication or extract therefrom coming into the possession of such person before an Order in Council prohibiting its importation has been made forthwith upon the coming into effect of an Order in Council prohibiting the importation of such publication deliver such publication or extract therefrom to the Chief Constable, and in default thereof shall be guilty of an offence and liable to imprisonment for one year or to a fine not exceeding £50 or to both such imprisonment and fine; and such publication or extract therefrom shall be forfeited to His Majesty.

(2) A person who complies with the provisions of sub-section (1) of this section or is convicted of an offence under that sub-section shall not be liable to be convicted for having imported or having in his possession the same publication or extract therefrom.

Power to examine packages.

6. (1) Any of the following officers, that is to say :-
- (a) any officer of the Post Office Department;
 - (b) any officer of the Treasury and Customs Department;
 - (c) any Police Officer or Police Constable;
 - (d) any other official authorized in that behalf by the Governor;

may detain, open and examine any package or article which he suspects to contain any publication or extract therefrom which it is an offence under the provisions of Section 4 to import, publish, sell, offer for sale, distribute, reproduce, or possess, and during such examination may detain any person importing, distributing, or posting such package or article or in whose possession such package or article is found.

(2) If any such publication or extract therefrom is found in such package or article, the whole package or article may be impounded and retained by the officer and the person importing,

distributing, or posting it, or in whose possession it is found, may forthwith be arrested and proceeded against for the commission of an offence under Section 4 or Section 5 as the case may be.

Passed by the Legislative Council this 17th day of May, 1938.

A. I. FLEURET,
Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 4th day of June, 1938.

M. C. CRAIGIE-HALKETT,
Colonial Secretary.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 12 of 1938.

I ASSENT,

H. HENNIKER HEATON,

Governor.

4th June, 1938.

An Ordinance

To make provision for penalties for seditious offences in 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 :-

Enacting Clause.

1. This Ordinance may be cited as the "Seditious Offences (Penalties) Ordinance, 1938".

Short Title.

2. "PUBLICATION" includes all written or printed matter and everything, whether of a nature similar to written or printed matter or not, containing any visible representation, or by its form, shape, or in any manner capable of suggesting words or ideas, and every copy and reproduction of any publication.

Definitions.

"SEDITIONS PUBLICATION" means a publication having a seditious intention.

"SEDITIONS WORDS" means words having a seditious intention.

"IMPORT" includes :-

- (a) to bring into the Colony, and
- (b) to bring within the inland waters of the Colony whether or not the publication is brought ashore, and whether or not there is an intention to bring the same ashore.

3. (1) A "SEDITIONS INTENTION" is an intention :-

Seditious intention.

- (i) to bring into hatred or contempt or to excite disaffection against the person of His Majesty,

- His heirs or successors, or the Government of the Colony as by law established; or
- (ii) to excite His Majesty's subjects or inhabitants of the Colony to attempt to procure the alteration, otherwise than by lawful means, of any other matter in the Colony as by law established; or
 - (iii) to bring into hatred or contempt or to excite disaffection against administration of justice in the Colony; or
 - (iv) to raise discontent or disaffection amongst His Majesty's subjects or inhabitants of the Colony: or
 - (v) to promote feelings of ill-will and hostility between different classes of the population of of the Colony.

But it is not a seditious intention :-

- (a) to show that His Majesty has been misled or mistaken in any of His measures; or
- (b) to point out errors or defects in the government or constitution of the Colony as by law established or in legislation or in the administration of justice with a view to the remedying of such errors or defects; or
- (c) to persuade His Majesty's subjects or inhabitants of the Colony to attempt to procure by lawful means the alteration of any matter in the Colony as by law established; or
- (d) to point out, with a view to their removal, any matters which are producing or have a tendency to produce feelings of ill-will and enmity between different classes of the population of the Colony:

Provided that none of the acts or things mentioned in provisos (a), (b), (c) and (d) shall be deemed to be lawful if they are done in such a manner as to effect or be likely to effect any of the purposes (i) to (v) which are declared in this section to be a seditious intention.

(2) In determining whether the intention with which any act was done, any words were spoken, or any document was published, was or was not seditious, every person shall be deemed to intend the consequences which would naturally follow from his conduct at the time and under the circumstances in which he so conducted himself.

Offences.

4. (1) Any person who -
- (a) does or attempts to do, or makes any preparation to do, or conspires with any person to do, any act with a seditious intention;
 - (b) utters any seditious words;
 - (c) prints, publishes, sells, offers for sale, distributes or reproduces any seditious publication;
 - (d) imports any seditious publication, unless he has no reason to believe that it is seditious

shall be guilty of an offence and liable for a first offence to imprisonment for two years or to a fine not exceeding £100 or to both such imprisonment and fine, and for a subsequent offence to imprisonment

for three years; and any seditious publication shall be forfeited to His Majesty.

(2) Any person who without lawful excuse has in his possession any seditious publication shall be guilty of an offence and liable for a first offence to imprisonment for one year or to a fine not exceeding £50 or to both such imprisonment and fine and for a subsequent offence to imprisonment for two years; and such publication shall be forfeited to His Majesty.

5. (1) No prosecution for an offence under Section 4 shall be begun except within six months after the offence is committed. Legal proceedings.

(2) A person shall not be prosecuted for an offence under Section 4 without the written consent of the Colonial Secretary.

6. No person shall be convicted of an offence under Section 4 on the uncorroborated testimony of one witness. Evidence.

Passed by the Legislative Council this 17th day of May, 1938.

A. I. FLEURET,
Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 4th day of June, 1938.

M. C. CRAIGIE-HALKETT,
Colonial Secretary.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 13 of 1938.

I ASSENT,

H. HENNIKER HEATON,

Governor.

7th November, 1938.

An Ordinance

To amend the Tariff Ordinance, 1900, as amended by the Tariff (Export Duties) amendment Ordinances, 1923 and 1924.

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. Notwithstanding any provisions to the contrary contained in the Tariff Ordinance, 1900, as amended by the Tariff (Export Duties) Amendment Ordinances, 1923 and 1924, the duty of Customs to be raised, levied and collected upon whale oil and upon seal oil which shall be raised in the Colony or in the Dependencies thereof during the 1938-39 whaling season and during the 1939 sealing season shall be fixed at the rate of one shilling and sixpence for each barrel of forty gallons.

Rate of duty on export of Whale and Seal oil during the 1938-1939 whaling season and 1939 sealing season.

2. This Ordinance may be cited as the "Tariff (Export Duties) Amendment Ordinance, 1938" and shall be read and construed as one with the Tariff (Export Duties) Amendment Ordinances, 1923 and 1924.

Short Title.

Passed by the Legislative Council this 5th day of November, 1938.

A. I. FLEURET,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 7th day of November, 1938.

M. C. CRAIGIE-HALKETT.

Colonial Secretary.

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[L.S.]



FALKLAND ISLANDS.

Ordinance No. 14 of 1938.

I ASSENT,

H. HENNIKER HEATON,

Governor.

7th November, 1938.

An Ordinance

To provide for the service of the year,
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:—

Enacting Clause.

1. This Ordinance may be cited for all purposes as “the Appropriation (1939) Ordinance, 1938”.

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, 1939, a sum not exceeding Seventy-one thousand Four hundred and Forty-four pounds, which sum is granted and shall be appropriated for the purposes and to defray the charges of the the several services expressed and particularly mentioned in the Schedule hereto which will come in course of payment during the year 1939.

Appropriation of
£71,444 for service of
year 1939.

Passed by the Legislative Council this 5th day of November, 1938.

A. I. FLEURET,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 7th day of November, 1938.

M. C. CRAIGIE-HALKETT,

Colonial Secretary.

SCHEDULE.

Number.	Head of Service.	Amount.		
		£	s.	d.
FALKLAND ISLANDS.				
I.	Pensions	2070	0	0
II.	The Governor	2699	0	0
III.	Colonial Secretary	2765	0	0
IV.	Treasury and Customs	1500	0	0
V.	Audit	258	0	0
VI.	Post Office	3454	0	0
VII.	Electrical and Telegraphs	3503	0	0
VIII.	Harbour	1102	0	0
IX.	Legal	185	0	0
X.	Police and Prisons	1015	0	0
XI.	Medical	6564	0	0
XII.	Education	3132	0	0
XIII.	Ecclesiastical	289	0	0
XIV.	Naturalist	130	0	0
XV.	Military	1843	0	0
XVI.	Agriculture	6668	0	0
XVII.	Miscellaneous	5555	0	0
XVIII.	Public Works	3375	0	0
XIX.	Public Works Recurrent	6950	0	0
	Total Ordinary Expenditure	£ 53057	0	0
XX.	Public Works Extraordinary	2063	0	0
	Total Expenditure chargeable to Revenue	£ 55120	0	0
APPENDIX I.	Expenditure chargeable to Land Sales Fund	3300	0	0
DEPENDENCIES.				
I.	Ordinary Expenditure	13024	0	0
	Total	£ 71444	0	0

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[L.S.]



FALKLAND ISLANDS.

Ordinance No. 15 of 1938.

I ASSENT,

H. HENNIKER HEATON,

Governor.

7th November, 1938.

An Ordinance

To give effect to a certain draft Convention adopted by the International Labour Conference relating to an unemployment indemnity for Seamen in the case of loss or foundering of their ship.

WHEREAS at Genoa the General Conference of the International Labour Organization of the League of Nations on the ninth day of July, nineteen hundred and twenty, adopted a draft convention concerning unemployment indemnity for seamen in case of loss or foundering of their ship.

Preamble.

AND WHEREAS it is expedient that for the purpose of giving effect to the said draft convention such provision should be made as is contained in this Ordinance :

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 :-

Enacting Clause.

1. (1) In this Ordinance the expression "seaman" includes every person employed or engaged in any capacity on board any ship, but does not include any person who is entitled to be remunerated only by a share in the profits or the gross earnings of the working of the ship.

Interpretation.

(2) The expression "ship" means any seagoing ship or boat of any description which is registered in the Colony under the provisions of the Merchant Shipping Ordinance, 1909.

2. (1) Where by reason of the wreck or loss of a ship on which a seaman is employed his service terminates before the date contemplated in the agreement, he shall, notwithstanding anything

Amendment of Section 1 of Ordinance No. 9 of 1909.

in section one hundred and fifty-eight of the Merchant Shipping Act, 1894, but subject to the provisions of this section, be entitled, in respect of each day on which he is in fact unemployed during a period of two months from the date of the termination of the service, to receive wages at the rate to which he was entitled at that date.

(2) A seaman shall not be entitled to receive wages under this section if the owner shows that the unemployment was not due to the wreck or loss of the ship and shall not be entitled to receive wages under this section in respect of any day if the owner shows that the seaman was able to obtain suitable employment on that day.

Short Title and construction.

3. This Ordinance may be cited as the Merchant Shipping (International Labour Convention) Ordinance, 1938, and shall be construed as one with the Merchant Shipping Ordinance, 1909.

Passed by the Legislative Council this 5th day of November, 1938.

A. I. FLEURET,
Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 7th day of November, 1938.

M. C. CRAIGIE-HALKETT,
Colonial Secretary.



[L.S.]

FALKLAND ISLANDS.

Ordinance No. 16 of 1938.

I ASSENT,

H. HENNIKER HEATON,

Governor.

7th November, 1938.

An Ordinance

To provide for the registration in the Colony of Trade Marks registered in the United Kingdom.

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 as the "Registration of United Kingdom Trade Marks Ordinance, 1938". Short Title.

2. In this Ordinance— Definitions.

The "Court" means the Supreme Court of the Colony.

The "Registrar" means the person from time to time performing the duties of Registrar-General.

The "Register" means the register kept by the Registrar-General in pursuance of Section 14 of this Ordinance.

3. Any person being the registered proprietor of a trade mark in the United Kingdom by virtue of an entry in the register of trade marks kept under the Trade Marks Act, 1938, or any Act amending or substituted for that Act, or any person deriving title from such registered proprietor by assignment or other mode of transfer, may apply at any time during the existence of the registration in the United Kingdom to have such trade mark registered in the Colony in respect of some or all of the goods comprised in the United Kingdom registration. Registration in Colony of Trade Marks registered in the United Kingdom.

4. An application for registration of a trade mark under this Ordinance shall be made to the Registrar and accompanied by a certified representation of the trade mark and a certificate of the Comptroller-General of the United Kingdom Patent Office (under Application for registration how to be made.

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his title of Registrar of Trade Marks) giving full particulars of the registration of the trade mark in the United Kingdom.

Issue of Certificate of Registration.

5. Upon such application being lodged together with the documents mentioned in Section 4 of this Ordinance, the Registrar shall enter the prescribed particulars in the Register, and shall issue a certificate of Registration to the applicant, who shall then be the registered proprietor in the Colony of the trade mark in respect of the goods entered in the register.

Privileges and rights conferred by Certificate of Registration.

6. Subject to the provisions of this Ordinance, a registered proprietor shall have in the Colony such privileges and rights in the use of the trade mark in respect of the goods entered in the Register as *mutatis mutandis* would be conferred on him by the law for the time being in force in the United Kingdom.

Privileges and rights continuance of.

7. The privileges and rights conferred by Section 6 of this Ordinance shall date from the date of registration in the United Kingdom and shall continue in force, subject to the provisions of Section 15 of this Ordinance, for so long as the registration in the United Kingdom remains in force in respect of the goods for which the trade mark is registered in the Colony.

Provided that no action for infringement of the trade mark shall be entertained in respect of any use of the trade mark prior to the date of issue of the certificate of registration in the Colony.

Right of action against person passing off goods as those of another person not affected.

8. Nothing in this Ordinance shall be deemed to affect any right of action against any person for passing off goods as those of another person or any remedy in respect thereof.

Court may declare privileges and rights not to have been acquired.

9. The Court shall have power, upon the application of any person who alleges that his interests have been prejudicially affected by the issue of a certificate of registration, to declare on any of the grounds *mutatis mutandis* on which the United Kingdom registration might be cancelled under the law for the time being in force in the United Kingdom that the exclusive privileges and rights have not been acquired.

Assignment or transmission of registered trade mark.

10. Subject to the provisions of this Ordinance, where a person becomes entitled by assignment or other mode of transfer to the privileges and rights conferred on a registered proprietor by this Ordinance, the Registrar shall, on application being made in the prescribed manner, and on proof of title to his satisfaction, cause such person to be entered in the register as subsequent registered proprietor of the trade mark.

Defensive registration of well known trade marks.

11. Any person entered in the United Kingdom Register of trade marks under Section 28 of the Trade Marks Act, 1938, as a registered user in respect of any goods of a trade mark in respect of which a certificate of registration under this Ordinance is in force may apply to be registered in the Colony as a registered user of the mark in respect of some or all of such goods, subject to any conditions or restrictions entered in the United Kingdom Register.

Entry in Register.

12. Upon such application being lodged, together with a certificate of the United Kingdom Registrar of Trade Marks giving full particulars of the entry in the United Kingdom Register under the said Section 28, the Registrar shall cause the applicant to be entered in the register of the Colony as a registered user of the trade mark, and on such entry the registered user shall be entitled in the Colony subject to the aforesaid conditions and restrictions, to such privileges and rights in respect of the goods for which he is entered as *mutatis mutandis* would be conferred on him by the law for the time being in force in the United Kingdom.

13. The Registrar may make such Rules and do such things as he may think expedient, subject to the provisions of this Ordinance, for regulating procedure under this Ordinance, and prescribing fees to be paid in respect of proceedings under this Ordinance, and generally for prescribing anything which by this Ordinance is to be prescribed.

Registrar may make Rules regulating procedure and prescribing fees.

14. The Registrar shall keep a register of all applications lodged and certificates of registration issued under this Ordinance and of all additions or alterations thereto and such register shall be open at any reasonable time for public inspection in the office of the Registrar.

Register how to be kept.

15. If the registration in the United Kingdom of a trade mark registered under this Ordinance is renewed, the registered proprietor may, within such time after the date of renewal in the United Kingdom as may be prescribed, notify the Registrar, who shall then on sufficient evidence thereof and on payment of the prescribed fee, renew the registration in the Register in the prescribed manner. If the registration in the register is not so renewed it shall be cancelled by the Registrar.

Notification of registration in the United Kingdom to be made to the Registrar.

16. The Registrar may, on request in writing, made by the registered proprietor, and on payment of the prescribed fee; -

Cancellation, correction, or alteration of registration.

- (1) cancel the registration of a trade mark or of a registered user thereunder either wholly or as regards any particular goods in respect of which the trade mark or the registered user is registered;
- (2) correct any clerical error in or in connection with any application under this Ordinance or in any matter which is entered in the Register;
- (3) enter in the Register any change in the name, description or address of the person who is registered as proprietor or user of a trade mark.

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

Application to Dependencies.

18. This Ordinance shall come into operation on a date to be declared by notification in the Gazette.

Date of Operation.

19. Ordinance No. 12 of 1928, entitled the "Registration of United Kingdom Trade Marks Ordinance, 1928" is hereby repealed; Provided that the existing Register shall be deemed to be the Register kept under this Ordinance, and that existing registered proprietors shall be deemed to be registered proprietors under this Ordinance.

Repeal of Ordinance No. 12 of 1928.

Passed by the Legislative Council this 5th day of November, 1938.

A. I. FLEURET,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 7th day of November, 1938.

M. C. CRAIGIE-HALKETT,

Colonial Secretary.

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[L.S.]



FALKLAND ISLANDS.

Ordinance No. 17 of 1938.

I ASSENT,

H. HENNIKER HEATON,

Governor.

7th November, 1938.

An Ordinance

To amend 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 :-

Enacting Clause.

1. This Ordinance may be cited as "the Administration of Justice (Amendment) Ordinance, 1938."

Short Title.

2. Section 3 of the Administration of Justice Ordinance, 1901, as amended by Section 3 of the Administration of Justice (Amendment) Ordinance, 1935, is hereby repealed and replaced by the following Section :

Amendment of Section 3 of Ordinance No. 4 of 1901.

Qualifications of Judge.

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

(2) No person shall be appointed to be a Judge of the Supreme Court in the Colony unless :-

(i) He is qualified to practise as an advocate in a Court in England, Scotland, Northern Ireland or some other part of His Majesty's dominions having unlimited jurisdiction either in civil or criminal matters, and

(ii) he has been qualified for not less than five years to practise as an advocate or solicitor in such a 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 do and execute or may appoint some other officer to do and execute all things that belong to the office of Judge."

Passed by the Legislative Council this 5th day of November, 1938.

A. I. FLEURET,
Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 7th day of November, 1938.

M. C. CRAIGIE-HALKETT,
Colonial Secretary.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 18 of 1938.

I ASSENT,
H. HENNIKER HEATON,
Governor.
7th November, 1938.

An Ordinance

To amend the Tariff Ordinance, 1900, as amended by the Tariff (Import Duties) Amendment Ordinances, 1929, 1931 and 1933.

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 as the "Tariff (Import Duties) Amendment Ordinance, 1938, and shall be read and construed as one with the Tariff Ordinance, 1900, as amended by the Tariff (Import Duties) Amendment Ordinances, 1929, 1931 and 1933. Short Title.

2. The first paragraph of the Second Schedule to the Tariff Ordinance, 1900, is hereby amended by the deletion of the first sub-paragraph and the substitution therefor of the following new sub-paragraph: Amendment of Second Schedule to Tariff Ordinance, 1900.

"Perfumed spirits and Cologne water, lime juice, lemonade, ginger ale, ginger beer, soda water, potash and all other mineral waters including material for manufacturing the same.

Passed by the Legislative Council this 5th day of November, 1938.

A. I. FLEURET,
Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 7th day of November, 1938.

M. C. CRAIGIE-HALKETT,
Colonial Secretary.

PART II.

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FALKLAND ISLANDS.

No. 1.

Proclamation

1938.

—:—

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, Emperor of India, &c., &c., &c.

H. HENNIKER HEATON. *By His Excellency SIR HERBERT HENNIKER HEATON, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, &c., &c., &c.*

[L.S.]

WHEREAS by Ordinance No. 4 of 1937, entitled "An Ordinance to provide for the payment of Compensation to Workmen for injuries suffered in the course of their employment", it is among other things enacted that the said Ordinance shall commence and come into operation on a day to be fixed by the Governor by Proclamation in the Gazette, which shall be judicially noticed.

NOW, THEREFORE, I do Order and Proclaim, and it is hereby ordered and proclaimed, that the above-recited Ordinance shall commence and come into operation on the first day of June, 1938.

GOD SAVE THE KING.

Given at Government House, Stanley, this sixteenth day of March, in the Year of Our Lord One thousand Nine hundred and Thirty-eight.

By His Excellency's Command,
M. C. CRAIGIE-HALKETT,
Colonial Secretary.

M.P. 489/27.

FALKLAND ISLANDS.

The Customs Ordinance, 1903.

Order by His Excellency the Governor in Council.

H. HENNIKER HEATON,
Governor.

In virtue of the powers vested in him by section 63 of the Customs Ordinance, 1903, and otherwise His Excellency the Governor, with the advice and consent of the Executive Council, is pleased to order and it is hereby ordered that the importation into the Colony of the Falkland Islands and its Dependencies of supplies of tear gas by private individuals is prohibited.

By Command,

M. C. CRAIGIE-HALKETT,
Colonial Secretary.

Government House,
Stanley,

10th March, 1938.

FALKLAND ISLANDS.

Regulations made by the Governor in Council under Section 11 of the Whale Fishery (Consolidation) Ordinance, 1936.

H. HENNIKER-HEATON,
Governor.

In pursuance of the powers in him vested by section 11 of the Whale Fishery (Consolidation) Ordinance, 1936, and otherwise, the Governor is pleased, with the advice and consent of the Executive Council, to make the following regulations :-

1. These Regulations may be cited as the "Whaling (Amendment) Regulations, 1938", and shall be read and construed as one with the Whaling Regulations, 1936, and the Whaling (Amendment) Regulations, 1936. Short Title.

2. Section 14 of the Whaling Regulations, 1936, is hereby repealed and replaced by the following :- Repeal and replacement of Section 14 of Whaling Regulations, 1936.

Rendition by manager of Statistical Returns.

14. For the purpose of Section 9, subsection 2, of the Whale Fishery (Consolidation) Ordinance, 1936, the master or manager of a ship or factory licensed to take and treat whales shall render to the Colonial Secretary or such other officer as the Governor may appoint for the purpose, on or before the 10th day of June in each year returns giving the following particulars :

- (a) The date when and the position where the whale was taken.
- (b) The species and sex of the whale.
- (c) The length measured in accordance with Regulation 17 hereof.
- (d) Whether the whale contained a foetus or foetuses.
- (e) The length and sex of foetus or foetuses (if any) found in the whale.
- (f) Whether the whale was producing milk.
- (g) for each day -
 - The number of whales of each species delivered to the ship.
 - The number of whales treated.
 - The yield of oil of each grade produced, and
- (h) For each week -
 - The quantity produced, if any, of meal, guano or other products specified separately.

Returns (a) to (f) shall be arranged so far as possible in the chronological order of the taking of the whales.

Repeal and replacement of Section 17 of Whaling Regulations, 1936.

3. Section 17 of the Whaling Regulations, 1936, is hereby repealed and replaced by the following :-

Immature Whales.

17. (a) For the purposes of Section 3 of the Whale Fishery (Consolidation) Ordinance, 1936, whales of the undermentioned species shall be deemed to be immature if they are less than the lengths set out below in relation to each species, viz :

- (i) Blue Whale, 70 feet;
- (ii) Fin Whale, 55 feet;
- (iii) Humpback Whale, 35 feet;
- (iv) Sperm Whale, 35 feet.

In this Regulation -

The expression "Blue Whale" means a whale known by any of the names set out in Part II of the first Schedule to the Whale Fishery (Consolidation) Ordinance, 1936;

The expression "Fin Whale" means a whale known by any of the names set out in Part III of the first Schedule to the Whale Fishery (Consolidation) Ordinance, 1936;

The expression "Humpback Whale" means any whale known by any of the names, bunch, humpback, humpback whale, humpbacked whale, hump whale or hunchbacked whale;

The expression "Sperm Whale" means any whale known by any of the names, sperm whale, spermacet whale, cachalot or pot whale.

(b) Such length shall in each case be the distance measured on the level in a straight line between the tip of the upper jaw and the notch between the flukes of the tail.

Made by the Governor in Executive Council at a meeting held on the 22nd day of January, 1938.

A. I. FLEURET,

Clerk of the Executive Council.

M.P. D/13/37.

FALKLAND ISLANDS.

The Harbour Ordinance, 1902.

The Harbour Regulations, 1938.

H. HENNIKER HEATON,
Governor.

Whereas lives have been endangered through the neglect of masters of cutters to show lights when under way; the Governor is pleased therefore with the advice and consent of the Executive Council to make the following regulations in pursuance of the powers vested in him by section 2 of the Harbour Ordinance, 1902, and otherwise :-

1. All vessels shall when under way in the hours of darkness in the Harbour (including Port William) carry in the fore part of the vessel and at a height of not less than 9 feet above the gunwale

- (a) a bright white light of such a character as to be visible at a distance of not less than two miles, and
- (b) green and red sidelights of such a character as to be visible at a distance of not less than one mile, or a combined lantern shewing a green light and a red light from right ahead to 2 points abaft the beam on their respective sides.

Provided that

Small vessels without masts may carry the white light at a height of less than 9 feet above the gunwale but it shall be carried above the combined lantern mentioned in (b) above.

2. Rowing boats whether under oars or sail shall have ready at hand a lantern showing a white light which shall be temporarily exhibited in sufficient time to prevent collision.

3. The master or owner or person in charge of any vessel or boat failing to comply with the provisions of these Regulations shall be liable to a penalty not exceeding twenty pounds.

4. These Regulations may be cited as the "Harbour Regulations, 1938".

Made by the Governor in Executive Council at a meeting held on the 10th day of March, 1938.

A. I. FLEURET,
Clerk of the Executive Council.

M.P. 4/38.

FALKLAND ISLANDS.

The King Edward Hospital Ordinance, 1916.

The Nurse Probationers Regulations, 1938.

H. HENNIKER-HEATON,
Governor.

In pursuance of the powers in him vested by section 8 of the King Edward Hospital Ordinance, 1916, His Excellency the Governor by and with the advice of the Executive Council, is pleased to make the following Regulations :—

1. These regulations may be cited as the "Nurse Probationers Regulations, 1938." Short Title.
2. Nurse Probationers may be appointed to the staff of the King Edward VII Memorial Hospital, Stanley, subject to the following conditions :— Appointment of Nurse Probationers.
 - (a) Selected applicants must be at least 16 years of age and show evidence of physical fitness and a personality likely to be suited to nursing.
 - (b) Selected applicants must produce evidence that they have completed the Continuation Course at the Government School or its equivalent.
 - (c) Selected applicants must be prepared to enter into an agreement with the Government that they will observe all Medical Department rules and regulations and render such assistance generally as the Matron may reasonably require. They must be prepared further to reimburse the Government for any money expended on their behalf should they at any time during their training, either in Stanley or overseas prove unsatisfactory, in the opinion of the Governor.
3. The Superintendent of Education shall furnish a confidential report on the scholastic record of every applicant if she has attended the Government School. Superintendent of Education to furnish reports on applicants.
4. If after three months trial the selected candidate is found unsuitable, or feels unsuited, either party may terminate the Agreement. Termination of Agreement.
5. Nurse Probationers shall receive during the time they work in the King Edward VII Memorial Hospital such training and instruction as the Senior Medical Officer considers suitable and they will be required to pass such examinations either written or oral as he deems necessary. Examinations.
6. The Government shall endeavour to arrange nursing training in a recognised hospital in the United Kingdom and to provide the cost of suitable transportation from Stanley to the United Kingdom for every Nurse Probationer appointed, provided that Probationer has completed not less than 18 months' service at the King Edward VII Memorial Hospital and appears on her record, to be likely to qualify as a Registered Nurse, in the opinion of the Senior Medical Officer. Training in the United Kingdom.

Certificates.

7. Should a Nurse Probationer be appointed and should the Senior Medical Officer be unable to recommend her for overseas training, then provided her record is otherwise satisfactory she shall receive a Certificate at the end of three years.

Pay and Allowances.

8. Every Nurse Probationer so appointed shall receive pay during the course of her employment at the King Edward VII Memorial Hospital at the rate of £36 per annum plus £10 per annum uniform allowance. She shall also be provided with suitable food, quarters and laundry free of charge together with the same medical services as enjoyed by other civil servants.

Local leave.

9. Subject to the exigencies of the service local leave may be granted by the Senior Medical Officer annually up to 14 days.

Repeal.

10. The Regulations made by the Governor in Executive Council on the first day of February, 1923, are hereby repealed.

Made by the Governor in Executive Council at a meeting held on the tenth day of March, 1938.

A. I. FLEURET,

Clerk of the Executive Council.

M.P. 102/29.

FALKLAND ISLANDS.

Bye-laws made by the Board of Health for the Falkland Islands and Dependencies, under sections 18 and 19 of the Public Health Ordinance, 1894, and approved by the Governor in Council.

1. These Bye-laws may be cited as "The Board of Health for the Falkland Islands and Dependencies Consolidated Bye-laws, 1937". Short Title.

2. In these Bye-laws :- Definition.

"Ashpit" means any receptacle whether movable or fixed, for the deposit of house refuse, dust, ashes or rubbish.

"The Board" means the Board of Health for the Falkland Islands and Dependencies.

"Contagious or Infectious Disease" means cholera, plague, yellow fever, small pox, typhus fever, enteric fever, scarlatina, 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 included by bye-law.

"Inspector" means any person appointed by the Board of Health for the Falkland Islands with the sanction of the Governor to carry out the provisions of these bye-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.

"Public Water Main, drain or sewer" means any water main, drain or sewer maintained in Stanley for the public by the Government of the Colony.

"Pail" includes any receptacle in which night soil is deposited.

Nuisances.

3. The following shall be the duties of any inspector appointed under these bye-laws. Duties of Inspector.

(i) He shall perform under the general direction of the Board all the duties imposed upon him by the Public Health Ordinance and by these Bye-laws.

(ii) He shall keep a diary for the information of all members of the Board of Health, containing full particulars of all inspections made by him.

(iii) He shall furnish monthly reports to the Senior Medical Officer, and shall render such information as he may be able to furnish with respect to any matter to which the duties of an inspector relate.

He shall attend meetings of the Board when required.

He shall if directed by the Board to do so, superintend the due execution of all works which may be undertaken under the Board's direction.

He shall enter and inspect between sunrise and sunset, once in every three months, the yards and out-buildings of all premises in the town of Stanley, and he shall report any nuisance found by him without delay to the Chairman of the Board, who shall take such action as he may deem necessary.

He shall cause to be removed from all public drains, water-courses, gutters, ditches, streets, lanes or roads any noxious matter which may be found therein.

He shall make frequent visits of inspection to all bakehouses.

In all matters, not specifically provided for in these bye-laws, he shall observe and execute all the lawful orders and directions of the Board applicable to his office.

Buildings.

Buildings unfit for human habitation may be prohibited from use.

4. If it is proved to the satisfaction of the Board of Health that 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 Board may issue an order prohibiting the use for human habitation of such building or house or part thereof.

Provided that if it is proved at any subsequent time that such building or house or part thereof has been rendered fit for human habitation the Board may revoke or modify the aforesaid order.

Senior Medical Officer and Medical Officers to have power of entry.

5. The Senior Medical Officer or any Medical Officer duly authorised by him shall be empowered to enter any building, house or premises at any time for the purpose of the enforcement of the provisions of the Public Health Ordinance, 1894, and of any bye-laws made thereunder.

Appointment of sub-committee, and duties of same.

6. A sub-committee of the Board of Health may be appointed by the Board, subject to the approval of the Governor, for the following purposes with a view to the care and preservation of the the public health :-

- (a) Consideration of plans and application for new buildings.
- (b) Supervision of such buildings during the course of construction.
- (c) Inspection of completed buildings prior to occupation.
- (d) Inspection of houses and premises with a view to making recommendations as to their structural and sanitary condition.
- (e) Such other duties of a similar description as the Board of Health may think fit and proper for the care and preservation of the public health.

Constitution.
Power of Entry.

7. This sub-committee shall normally consist of the Chairman of the Board of Health, the Director of Public Works and one other member, and the sub-committee shall be empowered to enter buildings or premises for the purposes specified at reasonable times between the hours of sunrise and sunset, due notice being given to the occupier beforehand.

8. Any person wilfully obstructing the sub-committee in their discharge of these duties shall be guilty of an offence against these bye-laws, and shall be liable to a penalty not exceeding forty shillings as provided in the Ordinance. Penalty for obstruction.

9. No person shall erect or begin to erect any building until he has :- No building to be erected without permission.

- (a) Made application to the Board;
- (b) Furnished the Board with the drawings and other documents specified in the following Bye-laws; and
- (c) Obtained from the Board a written permit to be called a "Building Permit" and to be signed by the President of the Board on behalf of the Board, to erect the building.

10. Any person who intends to erect a building shall, except where otherwise provided, furnish the Board with:- Descriptions of drawings and documents required.

- (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 proposed 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.

11. Every document or drawing specified in the foregoing Bye-law shall be forwarded to the Board in duplicate and one copy of every such drawing or document shall be retained by the Board and shall become the property of the Board. Every such drawing or document or duplicate copy thereof shall be signed by the person who furnishes the same or by his duly appointed agent. Drawings to be in duplicate and to be signed.

12. The Board shall have the power to inspect any building in respect of which a Building Permit has been granted under these Bye-laws in the course of erection and on completion and if any portion or detail thereof is in contravention of the provisions of any of these Bye-laws the Board may by written notice require the person erecting the building to make within a time to be specified in the notice such alterations as may be necessary to ensure compliance with the provisions of these Bye-laws. Power of entry.

13. If any person erects or begins to erect any building and has not first obtained a Building Permit under these Bye-laws or if any person in the erection of any building in respect of which a Building Permit has been granted under these Bye-laws contravenes any of the provisions of these Bye-laws or fails to comply with any written notice duly served upon him, the Board may by written notice require him to demolish and remove the building or any portion thereof or to make any such alterations in the building as the Board may prescribe, within a time to be specified in the notice, and in the Erection without or contrary to permit.

same or another notice the Board may notify him that if the requirements of the Board are not satisfied within the time specified the Board will enter upon the building and carry out the said demolition, removal, or alteration and will recover from him all costs and expenses rightly incurred by the Board on that behalf.

Building to be erected within reasonable time.

14. If any building in respect of which a Building Permit has been granted under these Bye-laws is not completed within a reasonable time in the opinion of the Board the Board may give notice in writing to the person to whom the said Building Permit has been granted that unless he completes the building on or before a date to be specified in the notice the said Building Permit shall be deemed to have lapsed; provided that nothing in this Bye-law shall prevent any person thereunder from making a fresh application for a Building Permit in the manner prescribed in these Bye-laws.

Occupation of new buildings.

15. No person shall occupy or shall allow to be occupied any new building until the building has been certified by the Board to be in the opinion of the Board in every respect fit for occupation and in the case of a domestic building fit for human habitation.

No building to be altered.

16. Where any building has been erected either precedent to or under these Bye-laws no person shall alter the building in such a way that the same as altered would, as at first so erected, have been in contravention of any of the provisions of these Bye-laws and no person shall, except with the permission in writing and upon such terms as the Board may prescribe, use the building or allow the building, being the owner thereof, to be used otherwise than for the purposes specified or indicated in the original application and plans in respect thereof as made and furnished to the Board.

No alteration in plans.

17. No alteration shall be made in the plans or details of any building to be erected as approved by the Board except with the permission in writing of the Board.

Preparation of site.

18. The site of a building in respect of which a Building Permit has been granted under these Bye-laws shall be prepared by removing all animal or vegetable matter and shall be dug out to such depth as may be considered necessary in the opinion of the Board.

Footings.

19. Any person who erects a building under these Bye-laws shall construct every wall thereof so as to rest upon proper footings.

Concrete.

20. All concrete used in the erection of a building under these Bye-laws shall be composed of clean gravel, broken hard brick, broken stone, or other hard material approved by the Board 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.

21. The underside of any floor joist or plate of a building erected under these Bye-laws shall be at least 6 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.

22. When a timber framed building is erected under these Bye-laws the several timbers and materials used shall be of such size and strength as may be necessary in the opinion of the Board to secure due stability.

Damp Courses.

23. Any stone or brick building erected under these Bye-laws 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 Board may approve.

24. A person who erects a building under these Bye-laws shall not fix in the building any pipe for the purpose of conveying smoke or other products of combustion unless the pipe is fixed at a distance of at least eight inches from any combustible substance and such combustible substance furthermore is protected with asbestos sheeting or steel plate so as to leave an air space at the least of half an inch between such combustible substance and the said asbestos sheeting or steel plate.

Stove Piping.

25. Where a chimney is built against a wooden building (erected under these Bye-laws) 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.

Chimneys.

26. The inside of every brick smoke flue in any building erected under these Bye-laws shall throughout the whole extent thereof be rendered, pargetted or lined with lime mortar.

Flues to be rendered pargetted or lined.

27. Where any brick smoke flue in any building erected under these Bye-laws passes through any floor or roof or behind or against any woodwork the outside of such brick flue shall be similarly rendered, pargetted, or lined with lime mortar or cement.

Flues against woodwork similarly to be treated.

28. In any building erected under these Bye-laws the floor under every oven, copper, steam boiler or stove for the combustion of solid fuel 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.

Floors under ovens, stoves, etc., etc.

29. In any building erected under these Bye-laws there shall be laid level with the floor before the opening of every chimney 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.

Hearths.

30. In any building erected under these Bye-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 four feet 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.

31. Any building erected under these Bye-laws shall be provided with gutters, and down pipes which may 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 Board.

Gutters and down pipes.

32. In any building erected under these Bye-laws the floor of every water-closet and of every earth closet shall be smooth and made of non-absorbent materials, shall be in every part under or forming the bottom of the receptacle for filth at least three inches

Closets.

above the surface of the adjoining ground and shall have a fall of at least half an inch to the foot.

Water-Closets.

33. In any building erected under these Bye-laws every water-closet shall be so constructed so as to comply with the following requirements where applicable:-

(1) If the water-closet is within the building, one of its sides at least shall be an external wall.

(2) If the water-closet cannot be entered from the external air, 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 a wall opening directly into the external air.

(3) If the water closet can be entered from the external air it shall be provided with a sufficient opening for light and ventilation as near to the top as practicable and communicating directly with the external air.

(4) It shall be provided with a separate cistern or flushing box of adequate capacity.

(5) 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 watermain.

(6) 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.

(7) 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.

(8) No container or similar fitting shall be fitted under the pan, basin or other receptacle.

Earth-Closets.

34. In any building erected under these Bye-laws every closet for pails shall not be less than six feet distant from any dwelling house or public building or any building in which any person is employed in any trade or business, shall be provided with a window of an area not less than one and a half square feet, exclusive of the frame, set in a wall opening directly into the external air, shall be provided with a moveable metal pail for the deposit of filth of a capacity sufficient in the opinion of the Board to meet the requirements of the occupier of the building, and shall have facilities for the removal of filth without being carried through any dwelling house, public building or any building in which any person is employed in any trade or business.

Ashpits.

35. Any building erected under these Bye-laws shall be provided with an ashpit or receptacle for ashes and other non liquid refuse to the satisfaction of the Board. Such ashpit shall be maintained by the owner of the building in good order to the satisfaction of the Board and shall meet with the following requirements.

(1) It shall be constructed at the least ten feet from any dwelling house, public building, or any building in which any person is employed in any trade or business.

(2) It shall be so constructed as to afford ready means for cleansing and removing its contents without being carried through any dwelling house, public building,

or any building in which any person is employed in any trade or business.

(3) It shall be of such cubic capacity not less than twelve feet as is sufficient to contain all dust, ashes and dry refuse which may accumulate therein during the period of one month.

(4) It shall be constructed with walls made of metal, stones or brick bound together with mortar or cement or otherwise made of non-absorbent materials.

(5) It shall be constructed with doors so made, fitted as to admit of being securely closed and fastened and to prevent the escape of the contents.

(6) It shall be properly roofed over with non-inflammable materials.

36. In any building erected under these Bye-laws 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 one hundred square feet. For the purpose of this Bye-law two children under twelve years of age shall be reckoned as one person.

Height and area of rooms.

37. In any building erected under these Bye-laws any room intended to be used as a living or sleeping room shall be ventilated and lighted to the satisfaction of the Board, by means of a window or windows opening directly into the external air. 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.

Light and ventilation.

38. Any drain constructed after the passing of these Bye-laws for the drainage of any building whether erected under these Bye-laws or already existing, shall be constructed of good sound pipes formed of glazed stoneware heavy cast iron or other suitable material to the satisfaction of the Board. Such drain shall be of adequate size in the opinion of the Board 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 Board 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 so constructed 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 liquid or solid filth.

Drains.

39. No drain constructed after the passing of these Bye-laws for the drainage of any building, whether erected under these Bye-laws or already existing, shall be covered up unless it has been inspected, tested and approved by the Director of Public Works on

Drains to be approved by the Director of Public Works on behalf of the Board.

behalf of the Board to whom three days notice at the least beforehand shall be given of the intention so to cover up.

Waste and overflow pipe.

40. Any waste pipe from any bath or lavatory basin or any other pipe for the conveyance of foul or wash water constructed after the passing of these Bye-laws in any building, whether erected under these Bye-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 Board, 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.

Connections to Public Drains.

41. All connections made after the passing of these Bye-laws from any building to any water-main, drain or sewer shall be made by the Director of Public Works or his duly authorised agent or agents on behalf of the Board and the cost of every such connection shall be payable to the Director of Public Works by the owner of the building to which such connection is made and no unauthorised person shall interfere in any way with any public water-main, drain or sewer.

Stables.

42. No stable, cowshed, fowl house, fowl coop, pig sty 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 Board it is or is likely to become a nuisance or injurious to the public health.

Tanks.

43. 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 Board and where any barrel, cistern or tank is constructed or adapted for the storage of water for drinking purposes it shall not be connected directly with any water-closet.

Demolition of ruinous buildings.

44. Where it is shown to the satisfaction of the Board that any house, building or other structure of any kind is so ruinous as to be dangerous to the public safety the Board may serve upon the owner of such house, building or other 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 Board 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 and remove without intermission until the requirements of the Board is finally completed, and to complete finally the requirements of the Board 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 house, building or structure fails in due manner to comply with the requirements of the Board, the Board 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 or demolition and removal.

Vacation of dangerous building.

45. Where any house, building or structure in the opinion of the Board is in a dangerous condition or is endangered by the condition of any other building the Board may require the occupier of such house, building or structure to vacate it and if a requirement of the Board to vacate any house, building or structure under this Bye-law is not forthwith complied with the Board 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 the house, building or structure of the occupier thereof.

Sanitation.

46. 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 place where in the opinion of the Board it is or is likely to become a nuisance or injurious to the public health. Animals.

47. The Back premises of any house or building and the passage or passages leading to the same shall be maintained in a clean and sanitary condition and shall be properly drained to the satisfaction of the Board. If in the opinion of the Board the back premises or passage are or is in a dirty or insanitary condition or improperly drained or of such construction as to render a dirty or insanitary condition likely to exist the Board may serve upon the owner or the occupier of the premises or the 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 Bye-laws. Yards.

48. Night soil shall be removed and deposited in such manner as to be approved by any Medical Officer. Removal of night soil.

49. The occupier of any premises in or on which there is any escape of night soil, urine or filth of similar description from any latrine, closet or urinal shall be guilty of an offence against these Bye-laws. Escape of night soil prohibited.

50. Any person who deposits any night soil, urine or filth of similar description in any ashpit or in any hole or place or digs or constructs any hole or place for the reception of any night soil, urine or filth of similar description except with the permission of the Board in writing or throws any night soil, urine or filth of similar description or allows any night soil, urine or filth of similar description to be deposited or to 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 similar description shall be guilty of an offence against these Bye-laws. Disposal of night soil prohibited.

51. 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 Board 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) Every seat shall be provided with a close fitting lid and kept shut.

(4) Cause every such closet to be provided with sufficient peat coom, dry earth, ashes, 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 Government engaged in removing night-soil for gaining access to the premises.

52. (1) The occupier of any premises shall, once at least in every month, remove from such premises the contents of any ashpit belonging thereto. Ashpits to be emptied.

(2) The deposit of any wet refuse, vegetable or animal matter in ashpits is prohibited.

Disposal of refuse prohibited

53. Any person who throws or deposits or causes to be thrown or deposited any accumulation of dust, refuse, 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 Bye-laws. The presence of any such accumulation in the immediate vicinity of any home, building or premises shall be evidence *prima facie* that it has been there thrown or deposited by the occupier of such home, building or premises.

Quarries and Excavations.

54. Any person who makes any quarry, excavation, or hole in the ground of such description as is likely to be injurious or dangerous to the public health or safety without the permission of the Board in writing shall be guilty of an offence against these Bye-laws. Where the permission of the Board 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 Board may consider necessary in the interest of the public health and safety.

Damage to Streets and Watermains.

55. Any person who wilfully or negligently damages or otherwise interferes with any public street, footpath, watermain, drain or sewer in such a manner as to cause injury or danger to the public health shall be guilty of an offence against these Bye-laws.

Infectious Diseases.

Persons responsible for notification of infectious diseases.

56. (i) Persons responsible for notification are:-
- Managers of a Station.
 - Head of the family, parent or guardian.
 - Person present in attendance on the patient.
 - Occupier of the building.
- (ii) The Superintendent of Education should if requested furnish a list of names of scholars suffering from infectious diseases as may be notified to him by a Medical Officer.

Infectious diseases to be notified.

57. The occupier of any dwelling house in which a case of a disease which appears to be infectious occurs, or the parents or guardian of any child suffering from a disease which appears to be infectious, and a Medical Practitioner attending a case of an infectious disease shall, within twenty-four hours of the appearance of such disease, notify the Senior Medical Officer of the appearance of such disease.

Precautions deemed necessary by Board to be taken.

58. Any person, on whose premises any case of a disease of a contagious or infectious nature occurs, shall be bound to take whatever precautions the Board may deem necessary to order such person to adopt for the purpose of preventing the spread of such contagious or infectious disease.

Compensation to be paid for destruction of articles by order of the Board.

59. If the Board considers it necessary to order the burning or destroying of any article, in order to prevent the spread of any disease, the owner of such article shall be entitled to receive compensation not exceeding Five Pounds, by order of the Board, with the sanction of the Governor in Council.

Disinfection of library books.

60. Books from public or circulating libraries may not be used by persons suffering from any contagious or infectious diseases. If such a book has been exposed to infection, it must not be returned to the library until it has been disinfected by an inspector, who may destroy the book if he thinks fit on payment to the library of its value.

61. The Senior Medical Officer or Medical Officers shall severally have power to isolate any persons suffering from an infectious disease and may order the removal to an isolation hospital or building set aside for such a purpose, any person suffering from an infectious disease, and that person will remain in isolation until such time as the said officers may consider advisable.

Isolation of infected cases.

62. In the case of any wide spread infectious disease in the Town of Stanley, or any station or premises, a Medical Officer may with the approval of the Governor declare the Town, station or premises to be in quarantine, until such time as it is deemed to be clear of the said infection. A copy of such a declaration shall be affixed to the Public Notice Boards in Stanley.

Town, Station or premises to be quarantined on the approval of the Governor.

63. Any person leaving a station, or any premises, declared to be infected as in the last preceding section without a written permit from a Medical Officer stating that, to the best of his knowledge and belief, such person is free from infection, shall be guilty of an offence against these Bye-laws.

Penalty for breaking bounds.

64. The Senior Medical Officer or any Medical Officer authorised by him may give notice in writing to the Manager of any station or occupier of any premises in the Colony or Dependencies, declaring such Station or premises or any portion thereof to be infected or free from infection and a copy of such notice shall be published in the Gazette and/or the Public Notice Boards.

Notice of infected areas.

65. (i) No person without sanction in writing from the Senior Medical Officer, or Medical Officer, may keep unburied, elsewhere than in a public mortuary or in a room not used at the time as a dwelling place, sleeping place, or workroom for more than 48 hours the body of any person who has died from any infectious disease.

Disposal of infected bodies with subsequent disinfection.

(ii) If the Senior Medical Officer or Medical Officer so certifies, the body of any person who has died from any infectious disease in a hospital may not be removed from such hospital except for the purpose of being taken direct to some place of burial.

(iii) In contravention of (i) above, or in the case of a dead body likely to endanger the inmates of a house, the Senior Medical Officer or Medical Officer may apply to the Magistrate or a Justice of the Peace for an order for its removal within a fixed time to any available mortuary, and in the case of the body of any person who has died of any infectious disease the Magistrate or Justice of the Peace may direct the body to be buried immediately.

(iv) Any public conveyance used for the conveyance of a body dead of any infectious disease, must be disinfected immediately afterwards.

(v) Every person in charge of premises in which is lying a body dead of any dangerous infectious disease must take all reasonable steps to prevent persons from coming into contact with the body unnecessarily.

(vi) Penalties may be inflicted on any person, who knowingly lets any house or part of a house in which an infectious person has been, without having the premises and articles therein disinfected, as testified by the certificate of a Medical Officer.

Food Protection.

Selling unwholesome provisions.

66. Any person who shall offer, sell or expose for sale any unwholesome meat, poultry, fish, fruit, vegetables or provisions of any kind shall be guilty of an offence against these Bye-laws.

Adulteration.

67. Any person who shall sell as pure and unadulterated, any article of food or drink which is adulterated and not pure shall be guilty of an offence against these bye-laws.

Proof of knowledge.

68. Any person selling any adulterated or impure article of food or drink shall be taken to have knowledge of such adulteration or impurity until the contrary shall be proved.

Burial of carcasses compulsory.

69. The owner of any animal which dies within the limits of the Common or of the Town of Stanley shall bury the carcass of such animal within forty-eight hours of its death to a depth of at least three feet.

Action to be taken by the Inspector in case of failure of owner to bury carcass.

70. If the owner as aforesaid shall fail to bury the carcass within forty-eight hours the Inspector on receipt of information to such effect shall serve on him a notice in writing calling upon him to bury the carcass within a further period of forty-eight hours and if the owner as aforesaid shall still fail to bury the carcass within such period of forty-eight hours the Inspector shall forthwith cause the carcass to be buried.

Cost to be borne by owner and penalty for non-compliance.

71. In any case under the preceding bye-law where the owner as aforesaid shall fail to bury the carcass within forty-eight hours of the receipt of a notice in writing from the Inspector and the Inspector shall cause the carcass to be buried the owner as aforesaid shall pay to the Inspector on demand the cost of burial not exceeding £1 and shall be liable on conviction to a fine not exceeding £5.

General.

Premises to be kept free from rats and mice.

72. 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.

Board's control of markets.

73. No markets shall be held unless the Board has first approved of the same and has sanctioned some place for the holding of such markets, and such markets shall be conducted under terms and conditions to be issued by the Board at the time of giving its sanction.

Depositing rubbish etc., in a drain an offence.

74. Any person who shall 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 shall be guilty of an offence against these bye-laws.

Drains, water-courses and ditches to be kept clean.

75. The owner or occupier of any premises shall 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 Board may order.

Unlawful to drive animals over open drains.

76. It shall be unlawful wilfully to drive or lead or take horses, cattle, or vehicles over open drains, or to tether horses or cattle in the vicinity of such drains.

Water supplies to be protected.

77. Every occupier of any premises shall be bound to protect the water supply attached to such premises in such a way as may be considered necessary by the Board to secure the utmost possible purity.

78. If it shall become necessary to alter in any way the existing Burial Grounds or to lay out any new burial grounds, the alterations or the laying out of the same, as the case may be, must be submitted by the Cemetery Trustees or Committee of Management to the Board for its approval, the same to be submitted to the Governor in Council for his approval.

Control of new burial grounds.

79. No person shall carry on any noxious or offensive trade namely that of soap-boiler, tallow-melter or tanner or other trade deemed by the Board to be noxious or offensive, without first having obtained the permission of the Board in writing, and such permission shall only be granted subject to such terms and conditions in respect of the situation of the premises in which such noxious or offensive trade may be carried on and otherwise as affecting the public health, as the Board may determine.

Noxious or offensive trades subject to control of Board.

80. If it shall be reported to the Inspector that any vessel in the Harbour of Stanley is in an insanitary condition, he shall at once board and inspect the said vessel and report in writing her condition to the Senior Medical Officer, and the Board shall thereupon make such order for cleaning and disinfecting the vessel as may be shewn to be necessary, and the Master or Owner shall be guilty of an offence against these bye-laws if he neglects or otherwise fails to carry out the order of the Board.

Control over vessels in insanitary condition in the Harbour.

81. Any person who wilfully contravenes or evades or attempts to contravene or to evade any of the provisions of these bye-laws, or who aids or abets any such contravention or evasion or attempted contravention or evasion shall be liable on conviction by a Court of Summary Jurisdiction to a fine not exceeding Twenty Pounds. To include penalization for offences except as otherwise stated.

Penalties.

82. Bye-laws 6, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 39 shall apply only to such areas outside the town of Stanley as the Governor in Council may define:

Governor in Council may define areas to which Bye-laws apply.

Provided that in the case of all areas outside the town of Stanley unless otherwise ordered by the Governor in Council it will be sufficient for the plans and drainage lay-out of any building intended for occupation to be approved by the Board.

83. The Board of Health (East Falkland Island) Consolidated Bye-laws, 1921 and all Board of Health Bye-laws in force on the 11th day of December, 1937, are hereby repealed.

Repeal.

Made by the Board of Health at a meeting held on the 11th of December, 1937.

B. N. BIGGS,

Clerk of the Board of Health.

Approved by the Governor in Executive Council at a meeting held on the 10th day of March, 1938.

A. I. FLEURET,

Clerk of the Executive Council.

M.P. 124/36.

FALKLAND ISLANDS.

The King Edward Hospital Ordinance, 1916.

The Medical Department Fees Regulations, 1938.

H. HENNIKER HEATON.

Governor.

His Excellency the Governor in virtue of the powers in him vested by the King Edward Hospital Ordinance, 1916, and otherwise, and with the advice and consent of the Executive Council, is hereby pleased to make the following regulations :—

1. These regulations may be cited as the Medical Department Fees Regulations, 1938. Short Title.

2. In these Regulations : Definitions.

“MEDICAL OFFICER” means a qualified medical Practitioner employed by the Government.

“HOUSEHOLD” means those living under one roof as a family.

“SUBSCRIBER” means a household, the head of which subscribes an annual sum towards the cost of Government medical service.

“CHILD” means a person under 15 years of age.

“GOVERNMENT SERVANT” means any person appointed to an established post and whose appointment is published in the Gazette.

“GOVERNMENT EMPLOYEES” means any employees not so appointed whose wages are paid from “Other Charges”, and who are contributors to the Provident Fund.

Provided that any Government employee having the same privileges in respect of medical fees as Government Servants on the 1st of May, 1938, shall not be deprived of such privileges while in the employment of the Government.

“NORMAL VISIT” means the professional visit ordinarily paid by a Medical Officer to a household in Stanley.

3. Charges levied under these Regulations may be remitted in whole or in part by the Governor. Remission of Charges.

4. Charges shall be paid or arranged for, save in emergencies, at the time or before the service is rendered. Charges to be paid at time or before service rendered.

5. The following schedules of charges shall apply : Fees to be charged.

SCHEDULE A — SCALE OF CHARGES FOR MEDICAL SERVICES PERFORMED OUTSIDE THE KING EDWARD MEMORIAL HOSPITAL.

(1) Attendance by a Medical Officer at the household of a person in Stanley whose income does not exceed £200 per

annum, between 7.0 a.m., and 7.0 p.m.

- (a) For the first visit 2/6.
- (b) For each subsequent visit 1/6.

(2) Attendance by a Medical Officer at the household of a person in Stanley whose income exceeds £200, but less than £500, between 7.0 a.m., and 7.0 p.m.

- (a) For the first visit 5/-.
(b) For each subsequent visit 2/6.

(3) Attendance by a Medical Officer at the household of a person in Stanley whose income exceeds £500 per annum, between 7.0 a.m. and 7.0 p.m.

- (a) For the first visit 7/6.
- (b) For each subsequent visit 5/-.
(4) Attendance by a Medical Officer at the household of a person during the night 7.0 p.m., to 7.0 a.m., shall be double the charge made for a day visit.

(5) Attendance by a Sister or Staff Nurse at a residence of any person in Stanley -

- (a) For the first visit 1/- to 15/-.
(b) For each subsequent visit 1/- to 5/-.

(6) - (a) When a Nursing Sister or Staff Nurse is employed on full time service outside the King Edward Memorial Hospital but in Stanley, a charge of 9/- to 15/- per day shall be made and the Nurse shall be provided by her employer with suitable board and lodging free of charge.

- (b) When the same service as in (6), (a) is performed outside Stanley, free transport shall be provided for the Nurse, free board and lodging shall be provided and there shall be payable in advance a charge of 3/- to 15/- per day. These charges shall apply equally to camp subscribers and non-subscribers.

(7) When a Medical Officer is required to remain with a case in excess of the time spent in a normal visit; renders special service or treatment, performs any kind of operation, obstetrical or surgical, a charge shall be made at the discretion of the Senior Medical Officer of from £1 to £20.

(8) When a Medical Officer visits a patient outside Stanley who is not a subscriber to a Government Medical Service, there shall be made, in addition to medical charges, a one-way mileage charge of 3/- per mile or in lieu transport both ways shall be provided; whichever is required by the Government.

(9) Whenever a Medical Officer visits a patient residing on a ship in Stanley Harbour there shall be a charge of one guinea for the first patient and 5/- for each additional patient seen. Where the patient resides on a ship in Port William these charges shall be £1. 10s. 6d. and 7/6 respectively.

SCHEDULE B - SCALE OF CHARGES RENDERED AT THE KING EDWARD MEMORIAL HOSPITAL.

(1) Medical Consultation as an Out-patient -

- (a) For the first consultation 1/6 to 5/-.
(b) For subsequent consultations 1/- to 3/-.

(2) Special services, diagnostic, medical, surgical or laboratory, as an Out-patient, 1/6 to £2, depending on the character of the work and at the discretion of the Medical Officer doing the work.

(3) For ordinary medical attendance - while an In-patient in a General Ward, 1/- per day.

While an In-patient in a Private Ward, 2/- per day.

- (4) - (a) For special services in addition to attendance, diagnostic, medical, surgical or therapeutic a special service charge shall be made depending on the nature of the work done, status of the patient, etc. This charge shall include post-operative attendance fees.
(b) Maternity cases admitted as In-patients shall pay in addition to maintenance charges as set out in Schedule C, special service charges as set out in (4), (a) if circumstances, in the judgment of the Senior Medical Officer, appear to warrant them.

(5) There shall normally be no charges for ordinary medicines or dressings supplied to an In-patient but a charge shall accrue where these are unusual in quantity or type. In these circumstances a reasonable charge in the judgment of the Senior Medical Officer shall be made.

SCHEDULE C - MAINTENANCE CHARGES.

(1) Persons normally resident in the Colony admitted to a General Ward shall be charged 4/- per day; one guinea per week; and odd days in excess of a week 4/- per day.

(2) Persons not normally resident in the Colony shall be charged at the rate of 7/- per day when admitted to a General Ward and 10/- per day when admitted to a Private Ward.

(3) Persons normally resident in the Colony admitted to a Private Ward shall be charged 6/- per day; 2 guineas per week; and odd days in excess of a week 6/- per day.

(4) Camp Subscribers shall be charged general maintenance fees on the same scale as an ordinary resident of the Colony.

(5) Children shall be charged half-fees for maintenance.

SCHEDULE D - DENTAL CHARGES.

(1) Scaling and polishing, or scaling and polishing with gum treatment 2/6 to 7/6.

- (2) Fillings – (a) Amalgam 2/6 to 5/-.
 (b) Cement 5/- to 7/6.
 * (c) Gold but excluding cost of gold 10/6 to £1. 1s.
 (d) Temporary 2/-.
- * (3) Root treatment, per tooth, 7/6 to £1. 1s.
- * (4) Crowning, per tooth, £2. 2s.
- (5) Extractions – (a) Under local anaesthetic, per tooth, 1/- to 5/-.
 (b) With general anaesthetic, per tooth, 2/-, but in no case in excess of 30/-. This does not include a fee for anaesthesia and maintenance.
- (6) Children – Scaling, polishing, gum treatment. Amalgam and Cement Fillings, extractions under local anaesthetic – Free. Any treatment more extensive shall require half the usual charges for Adults.
- * (7) Dentures – (a) Full upper or lower denture £3. 3s. to £5. 5s.
 (b) Full upper and lower denture £6. 6s. to £10. 10s.
 (c) Partial denture £1. 1s. to £2. 2s.
 (d) In addition on partial dentures, per tooth, 1/- to 2/-.
 (e) Obturator in addition to the plate £1. 1s. to £2. 2s.
 (f) Splints – vulcanite or metal, each £1. 1s. to £2. 2s.
 (g) Operations, special services, etc., 10/- upwards.
- (8) Visits in Stanley, in addition to any work, 2/6 to 10/-.

Special visits outside Stanley – Transport shall be provided free for the Dentist and a fee charged for his time £1. 1s. to £10. 10s.

SCHEDULE E – MISCELLANEOUS CHARGES.

- (1) General anaesthesia including spinal anaesthesia and intravenous anaesthesia. The fee charged shall be from 10/6 to 21/- regardless of the purpose for which it is required – No special fee shall accrue for local anaesthetic.
- (2) Examination for Benefit Societies shall require a fee of 5/- for the Certificate.
- (3) Examination for Life Assurance shall require a fee of £1. 1s. for the Certificate.
- (4) Vaccination against small-pox; immunisation against any disease, free.

(5) Medical comforts, wines, spirits, any special apparatus, food or medicines, shall be paid for by patients.

(6) Common galenic prescriptions –

Bottle of 10 ozs. in ½oz doses ...	1s. 6d.
Common ointments, per oz. ...	3d.
Common liniments, „ „ ...	3d.
Common tablets and pills, per doz.	2d.

Other preparations shall be charged according to cost and quantity.

(7) The following charges for radiography shall be made:

(a) Simple screening ...	5/-.
(b) Skiagram ...	7/6.
(c) Barium series ...	8/6.

Where the patient's income is in excess of £300, or occupies a private ward double these charges shall be made. Skiagrams shall be the sole property of the Medical Department.

(8) Physiotherapy treatment, *i.e.*, radiant heat, vapour baths, etc., if given to Out-patients, shall require a charge of 1/- per session; to In-patients no charge.

SCHEDULE F – SCALE OF CHARGES FOR SPECIAL CLASSES.

(1) Government Servants – No charge shall lie against a Government Servant for the cost of medical care except:

- (a) For maintenance in the King Edward Memorial Hospital, when half the normal charges shall be collected.
- (b) For dental services of a special character, indicated in the schedule by an asterisk, when half the normal charges shall be collected.
- (c) For general anaesthesia and special services as outlined in Schedule B, (4) or B, (2); when half the normal charges shall be collected.
- (d) Medical comforts, etc., – see Schedule E, (5).

(2) Wives and children of Government Servants excluding those gainfully employed shall be treated precisely as Government Servants.

(3) Recognised Ministers of Religion and Sisters of Charity – read as for Government Servants.

(4) Camp Subscribers – No charge shall lie except where specifically stated. (50% of transport up to £25 is paid in cases approved by a Medical Officer.)

(5) Government Employees – read Government Servants.

(6) Children – half the normal charges shall be collected.

Repeal.

6. The Hospital, Medical, Maternity and Dental Fees Regulations, 1935, the Hospital Fees (Amendment) Regulations, 1935, and the Hospital Fees Regulations, 1937, are hereby repealed.

Made by the Governor in Executive Council at a meeting held on the 16th of May, 1938.

A. I. FLEURET,
Clerk of the Executive Council.

M.P. 488/28.

FALKLAND ISLANDS.

The Dairy-Produce Ordinance, 1938.

The Dairy-Produce Inspection Regulations, 1938.

H. HENNIKER HEATON,
Governor.

His Excellency the Governor in virtue of the powers in him vested by the Dairy-Produce Ordinance, 1938, and otherwise, and with the advice and consent of the Executive Council, is hereby pleased to make the following regulations:—

1. These regulations may be cited as the "Dairy-Produce Inspection Regulations, 1938". Short Title.

2. In these regulations the following words and expressions shall have the meaning hereby assigned to them, unless there be something in the subject or context repugnant to such construction:— Definitions.

"DAIRY" means —

(a) A milk-house, milk-shop, and any other place where dairy-produce is collected, deposited, treated, separated, prepared, or manufactured, or is sold or offered or exposed for sale; and includes —

(b) A farm, stock-yard, milking-yard, paddock, shed, stable, stall, and any other place where cows from which the milk-supply of a dairy is obtained are depastured or kept.

"OWNER" means the owner, whether jointly or severally, and includes the owner's, agent or manager: it includes also in the case of a company, the manager, secretary, or other principal officer thereof.

Registration of Dairies.

3. Every owner of a cow-shed or other building or place where cows are stalled or kept for the purpose of milking (whether now in existence or hereafter to be constructed), the milk or cream from which is disposed of by sale solely or partly for consumption in the Colony, shall register such building as a Dairy with the Officer in Charge of the Agricultural Department. Registration.

4. The application for registration shall be in the form set forth in the Schedule of these regulations. Such form may be obtained at the office of the Agricultural Department. Form of application.

5. Every application for registration in respect of buildings now existing shall be lodged annually with the Officer in Charge of the Agricultural Department not later than the first day of December, in each year, but no certificates shall be issued in respect of such buildings prior to the 1st January following the date of such application; and in the case of new buildings erected or dairying operations commenced after the 1st December in any year, then at least one month prior to the completion of such building or the commencement of such operations, as the case may be. Applications to be lodged annually.

6. Every certificate of registration shall be in the form set forth in the Schedule hereto, and the certificate of registration may Certificates of Registration.

be withheld pending the completion in accordance with these regulations of the premises sought to be registered.

Fees.

7. There will be no fee payable and every registration shall continue in force until the 31st December following the date of registration.

Cancellation of Certificates.

8. In any case where an owner or occupier, having obtained a certificate of registration, fails to comply with the requirements of these regulations, or commits a breach thereof, any Inspector may, by writing under his hand, call upon such person to show cause why his certificate should not be cancelled. If upon inquiry the Inspector is satisfied that the certificate of registration should be cancelled, he shall call upon the owner thereof to deliver up the same, and, upon receipt, cancel such certificate by writing across the face thereof the word "Cancelled", and adding the name of the Inspector and date. It shall be the duty of the Inspector to retain every certificate so cancelled, and to make entry in the register of the fact of such cancellation. Any person refusing so to deliver up such certificate shall be guilty of an offence against these regulations. Any occupier or owner whose certificate has been cancelled may subsequently apply again for a fresh certificate, on proof of compliance with these regulations in all respects. The cancellation of a certificate shall in no way control the right to proceed for a breach of these regulations, if the Inspector so elects.

Construction, etc., and Water-supply of Dairies.

Occupation or use of premises as a dairy.

9. It shall not be lawful for any person to occupy or use any premises as a dairy, whether so occupied or used at the commencement of these regulations or not, except in conformity with the following provisions :-

(a) In every building where cattle are stalled over the night the available air-space for each animal shall not be less than 500 cubic feet.

(b) The ground space of every such building, including the stalls, shall be floored to the satisfaction of the Inspector, and shall be constructed with open drains and gutters running the whole length thereof along and immediately behind the stalls, and extending beyond the cow-shed.

(c) Every shed or stable where cows are kept shall be lighted, ventilated, and cleansed to the satisfaction of the Inspector.

(d) Each shed or stable where cows are kept shall have the walls and roofs thoroughly coated with a sufficient coating of lime whitewash, and shall be recoated in a similar manner at least every three months, or oftener if directed by the Inspector.

(e) All droppings, manure, excrement, filth, and other impurities or offensive matter shall be scraped, swept, or otherwise collected together, and removed immediately after each milking from cow-sheds used merely for the daily milking of cattle, and in the case of any other cow-sheds at intervals throughout the day, and always immediately before milking is commenced. Every stock-yard or milking-yard shall at all times be kept drained, cleaned and in a sanitary condition to the satisfaction of the Inspector.

(f) Every cow-shed and every milk-house or building where milk is kept or stored shall be well and properly drained to the satisfaction of the Inspector. No such shed, house, or building shall drain into any place into which any

offensive matter shall be discharged, or directly into any sewer, unless such sewer be properly trapped to the satisfaction of the Inspector.

(g) Every farm shall be provided with a supply of pure water, to the satisfaction of the Inspector, for the purpose of watering the stock kept thereon, and for the cleansing of the milk-vessels and dairy utensils.

(h) If the Inspector shall at any time consider that the water used in or upon any dairy for the purpose, or that the food supplied to the cattle in or upon any dairy, is unfit for use, he may, by notice in writing to that effect, signed by him, call upon the owner or occupier to remedy the defect within the time specified, or to abstain from using such water in or upon such dairy for all or any of the purposes connected herewith, and also to abstain from using such food.

(i) Immediately on receipt of such notice the owner or occupier, as the case may be, shall proceed to comply with the requisitions thereof.

(j) The Inspector may at all reasonable times enter, inspect, and examine any dairy, and may also inspect and examine any stock, utensil, machinery, apparatus, or works in a dairy, or used in connection with a dairy or with dairy-produce, and also any building, conveyance, or ship used for the storage or carriage of dairy-produce.

(k) He may at any dairy, or elsewhere, inspect and examine any dairy-produce, or the food or water supplied to any dairy or to the stock in or about any dairy, and also demand and without payment take samples thereof for inspection or analysis.

10. No person shall allow to remain within any milk-house or building used for milking purposes any article of a character likely to endanger the purity of the milk deposited or stored therein.

Articles likely to endanger purity of milk.

11. All cans or other vessels whatsoever used in or about any dairy, whether for receiving or storing or in the distribution of milk, shall be thoroughly cleansed within four hours of having been used for any purpose whatsoever, by first being rinsed with cold water, then scalded with hot water (or steamed), scoured, and afterwards rinsed with clean water and carefully dried.

Cleansing of utensils.

12. All conveyances used in or about any dairy for the conveyance of milk shall from time to time be thoroughly cleansed to the satisfaction of the Inspector.

Cleansing of conveyances.

13. No person shall take milk from any cow whose milk is intended to be sold or used for human consumption, nor permit any such milk to be taken, until the udder and teats of such cow have been thoroughly cleansed.

Cleansing of cows' udders.

14. Before commencing to milk any cow the hands of the person milking must be thoroughly washed and kept cleansed etc., until the milking and handling of milk is finished for the time being.

Cleanliness of milkers.

15. Every owner or occupier of a dairy shall provide in, upon, or about his dairy premises, and shall upon demand show to the Inspector, sufficient facilities for boiling the water required for all purposes mentioned in these regulations.

Facilities for heating water.

16. All milk intended for human food shall, immediately after milking, be removed from the milking-shed, or stock-yard, and

Cooling of milk.

once at least carefully strained through some apparatus sufficient for the purpose and then cooled to a temperature of not more than 65°.

Miscellaneous.

- General health of persons working in and about a dairy.
17. It shall not be lawful for any owner or occupier of a dairy -
- (a) To allow any person suffering from an infectious disorder, or having recently been in contact with a person so suffering, to milk any cow, or to handle any vessel used for or containing milk for sale, or allow such person in any way to take part or assist in the conduct of the trade or business of the dairyman or milk-vendor so far as regards the production and distribution of milk; or
- (b) If himself so suffering, or having recently been in contact as aforesaid, to milk any cow or handle any vessel used for containing milk for sale, or in any way to take part in the conduct of his trade or business so far as regards the production, distribution or storage of milk, until in each case all danger of the communication of infection to the milk, or of its contamination, has ceased.
- Contagious diseases.
18. It shall be the duty of every owner or occupier of a dairy forthwith to notify the Inspector if any member of his family or any person employed about a farm is attacked by or is suffering from any contagious disease; and similarly if any of the cows of such owner or occupier appear to be suffering from any disease or disorder of any nature tending to contaminate or injuriously affect the milk.
- Removal of dairy produce.
19. If the Inspector considers it advisable in the interests of the public health, he shall notify the owner or occupier of such dairy, as the case may be, that the dairy-produce of such dairy shall not be removed therefrom; or may give such other notification as the Inspector thinks necessary in the interests of public health. Such notification shall remain in force until cancelled by the Inspector.
- Milk from diseased cattle.
20. No dairyman or purveyor of milk shall supply for sale to others, sell, or expose in or about any dairy premises for sale, or mix with milk produced for sale on any dairy premises occupied by him, any milk from any cow, which is or is suspected to be diseased or in an unhealthy condition, or from any cow which has calved less than four clear days.
- Sale of milk from other than registered dairies.
21. No person or company shall sell or offer for sale any milk or cream other than that obtained from a registered dairy, and in any proceeding for breach of this regulation the onus of proof shall be upon the person or company charged.
- Dairy premises not to be used as sleeping apartment.
22. It shall not be lawful for any person following the trade of a dairyman or purveyor of milk to use any milk-store, or permit the same to be used, as a sleeping apartment, or for any purpose incompatible with the preservation of the cleanliness of the milk-store and of the milk-vessels and the milk therein, or in any manner likely to cause contamination of the milk therein.
- Swine not to have access to dairy premises.
23. It shall not be lawful for any owner or occupier to keep or permit to remain any swine in any cow-shed or milk-house, or any other place where dairy-produce is collected, deposited, treated, separated, prepared, or manufactured, or sold or offered or exposed for sale, or within a distance of 50 yards from any part thereof.
- Closets, fowl-houses, etc., not to be within 30 feet of dairy.
24. It shall not be lawful for any owner or occupier to erect, construct, or permit to remain any fowl-house, manure, cesspool, closet, or urinal in or about or within a distance of 30 ft. from any

part of any cow-shed or milk-house. Nor shall it be lawful for such person to construct or permit to remain any sewerage-drain or gully or other drain trap in or about any such cow-shed or milk-house.

25. No owner or occupier shall supply for sale to others, sell, or expose in or about any dairy premises for sale, or mix with milk produced for sale on any dairy premises occupied by him, any milk produced at, in, upon, or about any dairy premises, cow-shed, or dairy which is not registered in accordance with these regulations.

Milk from unregistered dairy not to be used.

26. Any notice or other document required to be served upon any owner, occupier of premises, or purveyor of milk under these regulations shall be deemed to be sufficiently served either by giving the same to him personally or by leaving the same at his usual or last known place of abode with any person there appearing to be over the age of fourteen years.

Service of notice or other document.

27. Any person who commits a breach of any of the foregoing regulations, or in anywise obstructs any Inspector shall be deemed guilty of an offence, and shall be liable on conviction to a penalty not exceeding £2, and the certificate, if any, held by such person shall be cancelled.

Penalties.

Made by the Governor in Executive Council on the 17th day of May, 1938.

A. I. FLEURET,
Clerk of the Executive Council.

M.P. 51/38.

SCHEDULE.

APPLICATION FOR REGISTRATION OF A DAIRY.

I, of, do hereby apply to register the undermentioned premises as a dairy under the Dairy-Produce Ordinance, 1938, and the regulations for the time being in force thereunder. The particulars of such premises are as follows :—

PREMISES TO BE REGISTERED.

Situation
Building at present used as
Material of roof and walls:
Material of floor:
Length : ft.
Width : ft.
Height of front wall : ft.
Height of back wall : ft.
Height of centre of roof from floor : ft.
Whether closed or partly open :
Number of stalls
Approximate number of cows milked
Particulars of Stock-yard —
Size of enclosure :
Nature and material of fence
Milk-house —
Material of building :
Distance from cow-shed : ft.
Distance from stock-yard : ft.
Distance from other buildings : ft.
If being part of another building, state full particulars.
The following particulars are submitted, viz :—
Calf-pens, whether under same roof as cow-shed or detached :
Fodder-shed, whether under same roof as cow-shed or detached :
Water-supply — how obtained :
Food-supply — how obtained :
How manure disposed of :
Drainage :—
How constructed :
Where discharged :
Water Closet, &c. :—
Distance from cow-shed : ft.
Distance from stock-yard : ft.
Distance from milk-house : ft.
Whether flushed with water or otherwise :

Dated this day of, 19.....

.....
(Signature of applicant.)

CERTIFICATE OF REGISTRATION OF A DAIRY.

Certificate No.....

I hereby certify that the premises of of, described in application dated and situated in Stanley, are registered as a Dairy under the Dairy-Produce Ordinance, 1938, and the regulations relating to the inspection and registration of dairies for the time being in force thereunder.

Dated this day of, 19.....

.....
Inspector,
Agricultural Department,
Stanley.

APPLICATION FOR RENEWAL OF CERTIFICATE OF REGISTRATION OF A DAIRY.

I, of, hereby apply for a renewal of Certificate of Registration, in respect of my Dairy.

I certify that no alterations other than those approved by the Inspector, have been made to such dairy since the issue of the above-mentioned certificate.

The average number of cows kept is :

Dated this day of, 19.....

.....
(Signature of Applicant).

FALKLAND ISLANDS.

The King Edward Hospital Ordinance, 1916.

The Medical Department Fees (Amendment) Regulations, 1938.

H. HENNIKER HEATON.

Governor.

His Excellency the Governor in virtue of the powers in him vested by the King Edward Hospital Ordinance, 1916, and otherwise, and with the advice and consent of the Executive Council, is hereby pleased to make the following regulations :—

1. These regulations may be cited as the Medical Department Fees (Amendment) Regulations, 1938. Short Title.

2. Paragraph (4) Camp Subscribers, of Schedule F of the Medical Department Fees Regulations, 1938, is hereby amended by the insertion of the words "for Medical Services under Schedules A, B and E" after the word "lie". Amendment of Medical Department Fees Regulations, 1938.

Made by the Governor in Executive Council at a meeting held on the 5th day of July, 1938.

A. I. FLEURET,

Clerk of the Executive Council.

M.P. 488/28.

FALKLAND ISLANDS.

Leave and Passage (Amendment) Regulations, 1938.

1. Regulation 10 of the Leave and Passage Regulations, 1937, is hereby amended by the addition thereto of the following Proviso :

Amendment of Regulation 10 of Leave and Passage Regulations. 1937.

“Provided that all other officers who have completed a tour of not less than seven years will be eligible to be provided with free intermediate passages (subject to a maximum of three full passages) as defined in Regulation 14 (b).”

This proviso shall not affect any officer who prior to the passing of these Regulations enjoyed higher privileges.

2. Regulation 13 of the Leave and Passage Regulations, 1937, is hereby amended by the addition thereto of the following new paragraph :

Amendment of Regulation 13 of Leave and Passage Regulations. 1937.

“An officer should he so desire may travel by a cheaper grade of accommodation than that to which he is entitled under these regulations for the purpose of applying the savings to the cost of passages for his wife or children to or from the United Kingdom when there is no provision under these regulations for the grant of such passages at the public charge.”

3. (1) An officer who is granted leave under the Leave and Passage Regulations, 1937, and who is leaving the Colony on final retirement will be granted, in addition, leave with full salary for the period of the homeward journey if the voyage begins within the term of the ordinary leave granted to the officer prior to his retirement or follows it without a break, but not otherwise.

Voyage Leave and free Passages to Officers leaving Colony on final retirement.

(2) The period within which an officer who takes leave prior to his retirement in the Colony may be granted a free passage to the United Kingdom shall be six months after the cessation of duty, or, if the officer has earned more than six months ordinary leave, up to the day following the expiration of such leave.

By “Ordinary leave” in this context is meant leave earned in respect of the officer’s last tour of resident service to the exclusion of “deferred leave”.

4. These Regulations shall have effect as from the 28th day of July, 1938.

Date of operation.

FALKLAND ISLANDS.

Regulations made by the Governor in Council under Section 11 of The Whale Fishery (Consolidation) Ordinance, 1936.

H. HENNIKER HEATON,

Governor.

In pursuance of the powers in him vested by section 11 of the Whale Fishery (Consolidation) Ordinance, 1936, and otherwise, the Governor is pleased, with the advice and consent of the Executive Council, to make the following regulations:-

1. These Regulations may be cited as the "Whaling (Amendment No. 2) Regulations, 1938", and shall be read and construed as one with the Whaling Regulations, 1936, and the Whaling (Amendment) Regulations, 1936. Short Title.

2. Section 17 (a) of the Whaling Regulations, 1936, is hereby amended by the addition of the words "except that blue whales of not less than 65 feet, fin whales of not less than 50 feet and sperm whales of not less than 30 feet in length may be taken for delivery to land stations provided that the meat of such whales is to be used for local consumption as human or animal food" after sub-paragraph (iv). Amendment of Section 17 of Whaling Regulations, 1936.

Made by the Governor in Executive Council at a meeting held on the seventh day of October, 1938.

A. I. FLEURET,

Clerk of the Executive Council.

M.P. D/13/37.



ORDINANCES
of the
COLONY
of the
FALKLAND ISLANDS
enacted during the year
1939
together with the
Rules, Regulations etc., etc.,
made during that year.

PART I.

ORDINANCES.

Printed at the Government Printing Office, Stanley, Falkland Islands.

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[L.S.]



FALKLAND ISLANDS.

Ordinance No. 3 of 1939.

I ASSENT,

H. HENNIKER HEATON,

Governor.

13th March, 1939.

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 :—

1. This Ordinance may be cited as the "Seditious Offences (Penalties) Amendment Ordinance, 1939." Enacting Clause.
2. Section 3 sub-section (1) of the Seditious Offences (Penalties) Ordinance, No. 12 of 1938, is hereby amended as follows : Short Title.
 - (i) By the deletion of the words "But it is not a "seditious intention" in the second part of the definition of "seditious intention" and the substitution therefor of the words "But an act, "speech or publication is not seditious by reason "only that it intends—", and Amendment of Section 3 of Ordinance No. 12 of 1938.
 - (ii) By the deletion of the Proviso.

Passed by the Legislative Council this 17th day of February, 1939.

A. I. FLEURET,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 13th day of March, 1939.

M. C. CRAIGIE-HALKETT,

Colonial Secretary.

FALKLAND ISLANDS :

Printed at the Government Printing Office by C. G. Allan.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 5 of 1939.

I ASSENT,

H. HENNIKER HEATON,

Governor.

17th June, 1939.

An Ordinance

To legalize certain payments made in the year One thousand Nine hundred and Thirty-eight in excess of the Expenditure sanctioned by Ordinance No. 3 of 1937.

WHEREAS it is expedient to make further provision for the service of the Colony for the year 1938. Preamble.

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:- Enacting Clause.

1. This Ordinance may be cited for all purposes as the Supplementary Appropriation (1938) Ordinance, 1939. Short Title.

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 Thirty-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. Appropriation of excess of expenditure for the year 1938.

Passed by the Legislative Council this 31st day of May, 1939.

A. I. FLEURET,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 17th day of June, 1939.

M. C. CRAIGIE-HALKETT,

Colonial Secretary.

SCHEDULE.

Number.	Head of Service.	Amount.		
		£	s.	d.
FALKLAND ISLANDS.				
I.	Pensions	466	0	11
IV.	Treasury & Customs	197	19	6
VII.	Electrical & Telegraphs	39	16	0
VIII.	Harbour	232	17	5
XVI.	Agriculture	150	3	5
XVII.	Miscellaneous	3241	0	6
XIX.	Public Works Recurrent	5313	14	11
	Total Ordinary Expenditure	£ 9641	12	8
XX.	Public Works Extraordinary	2165	0	2
APPENDIX IV.	Reserve Fund	16000	0	0
APPENDIX V.	Colonial Development Fund	3200	0	0
	Total	£ 31006	12	10

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 6 of 1939.

I ASSENT,

H. HENNIKER HEATON,

Governor.

17th June, 1939.

An Ordinance

To amend the Tariff Ordinance, 1900, as amended by the Tariff (Import Duties) Amendment Ordinances, 1929, 1931, and 1933.

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 as the Tariff (Import Duties) Amendment Ordinance, 1939, and shall be read and construed as one with the Tariff Ordinance, 1900, as amended by the Tariff (Import Duties) Amendment Ordinances, 1929, 1931, and 1933. Short Title.

2. The first paragraph of the Second Schedule to the Tariff Ordinance, 1900, is hereby amended by the deletion of the first subparagraph and the substitution therefor of the following new subparagraph: Amendment of
Second Schedule to
Tariff Ordinance,
1900.

“Perfumed spirits and Cologne water, fortified lime
“juice not exceeding fifteen per cent proof spirit to bulk,
“lemonade, ginger ale, ginger beer, soda water, potash
“and all other mineral waters including material for man-
“ufacturing the same; provided that such material shall
“not exceed ninety-nine per cent of proof spirit content.”

3. The Tariff (Import Duties) Amendment Ordinance, 1938, is hereby repealed. Repeal of Ordinance
No. 18 of 1938.

Passed by the Legislative Council this 31st day of May, 1939.

A. I. FLEURET,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 17th day of June, 1939.

M. C. CRAIGIE-HALKETT,

Colonial Secretary.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 7 of 1939.

I ASSENT,

H. HENNIKER HEATON,

Governor.

17th June, 1939.

An Ordinance

To repeal the Workmen's Compensation Ordinance, 1936, and 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:-

Enacting Clause.

1. This Ordinance may be cited as "The Workmen's Compensation (Amendment) Ordinance, 1939" 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. The Workmen's Compensation Ordinance, No. 11 of 1936, is hereby repealed.

Repeal of Ordinance.
No. 11 of 1936.

3. (1) The definition of "Employer" contained in subsection (1) of Section 2 of the Principal Ordinance shall be amended by substituting for the words "from the owner thereof" the words "by that person", and for the words "the owner of the vehicle" the words "the person from whom the use of the vehicle is so obtained".

Amendment of subsection (1) of Section 2 of Principal Ordinance.

(2) The definition of "workman" contained in subsection (1) of Section 2 of the Principal Ordinance shall be amended by substituting for the words "from the owner thereof" the words "by that person": and the Proviso to the said definition shall be amended by substituting for the words "two hundred" in paragraph (a) the words "three hundred and fifty", and by deleting paragraphs (f) and (g) of the said Proviso.

4. Paragraph (a) of the Proviso to subsection (1) of Section 3 of the Principal Ordinance shall be amended by substituting for the word "ten" the word "three".

Amendment of Proviso to subsection (1) of Section 3 of Principal Ordinance.

Amendment of sub-section (1) of Section 4 of Principal Ordinance.

5. Subsection (1) of Section 4 of the Principal Ordinance shall be amended as follows :

(1) in paragraph (a) (i) by substituting for the words "two hundred and fifty" the words "six hundred".

(2) in paragraph (a) by substituting for the paragraph beginning with the words "In addition to any sum payable" the following new paragraph :

"(iii) the workman leaves no dependants, the reasonable expenses of the burial of the deceased workman and the reasonable expenses of the medical attendance on the deceased workman, not exceeding in all the sum of fifteen pounds."

(3) in paragraph (b) (i) and (ii) by substituting for the words "three hundred and fifty" the words "seven hundred and fifty".

(4) in paragraph (d) (ii) by deleting the words "or, after he has attained the age of seventeen years, to one-half".

(5) by adding at the end of subsection (1) the following further proviso:

"Provided further that if the disablement lasts less than four weeks, no compensation shall be payable in respect of the first three days."

Passed by the Legislative Council this 31st day of May, 1939.

A. I. FLEURET,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 17th day of June, 1939.

M. C. CRAIGIE-HALKETT,

Colonial Secretary.



[L.S.]

FALKLAND ISLANDS.

Ordinance No. 9 of 1939.

I ASSENT,

H. HENNIKER HEATON,

Governor.

17th June, 1939.

An Ordinance

To amend the Savings Bank Ordinance, 1936.

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 as the "Savings Bank Amendment) Ordinance, 1939", and shall be read and construed as one with the Savings Bank Ordinance, 1936, hereinafter referred to as the Principal Ordinance. Short Title.

2. The Principal Ordinance shall have effect as if for the words "thirtieth day of September" wherever those words occur there were substituted the words "thirty-first day of December". Amendment of Principal Ordinance.

3. Sub-section (2) of Section 13 of the Principal Ordinance shall have effect as if for the words "fifteen per centum" there were substituted the words "ten per centum". Amendment of Section 13 of Principal Ordinance.

4. Sub-section (3) of Section 13 of the Principal Ordinance is hereby repealed. Repeal of Sub-section (3) of Section 13 of Principal Ordinance.

Passed by the Legislative Council this 31st day of May, 1939.

A. I. FLEURET,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 17th day of June, 1939.

M. C. CRAIGIE-HALKETT,

Colonial Secretary.

FALKLAND ISLANDS :

Printed at the Government Printing Office by C. G. Allan.

FALKLAND ISLANDS :

Printed at the Government Printing Office by C. G. Allan.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 10 of 1939.

I ASSENT.

H. HENNIKER HEATON.

Governor.

5th December, 1939.

An Ordinance

To amend the Tariff Ordinance 1900,
as amended by the Tariff (Import Duties)
Amendment Ordinances 1929 and 1931.

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 as the "Tariff (Import
Duties) Amendment Ordinance, (No. 1) 1939", and shall be read
and construed as one with the Tariff Ordinance, 1900.

Short Title.

2. The First Schedule to the Tariff Ordinance, 1900, as
amended by the Tariff (Import Duties) Amendment Ordinances,
1929 and 1931, is hereby repealed and replaced by the following :-

Repeal and replace-
ment of First
Schedule of Tariff
Ordinance 1900, as
amended by the Tariff
(Import Duties)
Amendment Ordin-
ances 1929 and 1931.

FIRST SCHEDULE.

TARIFF OF IMPORT DUTIES.

Spirits, not exceeding the strength of proof, as ascertained by Sikes' Hydro- meter and in proportion for any greater strength than strength of proof, including mixtures and pre- parations containing spirits, per gallon	£1 : 6 : 0
Wine in casks, per gallon	6 : 0
Wine in reputed quarts per dozen ...	9 : 9
Wine in reputed pints, per dozen ...	6 : 6
British wines and all other unenumer- ated and unexempted beverages not liable to spirit duty, in reputed quarts, per dozen.	5 : 6

Malt liquor, mum, spruce, cider and perry, in casks per gallon	1 : 0
In reputed quarts, per dozen	2 : 0
In reputed pints, per dozen	1 : 0
Cigars, per lb.	8 : 0
Cigarettes, cut and manufactured tobacco and snuff, per lb.	5 : 0
All other unexempted tobacco per lb.	4 : 0
Matches, for every gross of boxes not exceeding 10,000 matches	5 : 0
For every gross of boxes, exceeding 10,000 matches, per 10,000 matches and so in proportion	5 : 0

Passed by the Legislative Council this 5th day of December, 1939.

A. I. FLEURET,
Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 5th day of December, 1939.

M. C. CRAIGIE-HALKETT,
Colonial Secretary.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 11 of 1939.

I ASSENT,
H. HENNIKER HEATON,
Governor.

9th December, 1939.

An Ordinance
To amend the Immigration (Restriction)
Ordinance, 1936.

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 as the "Immigration (Restriction) Amendment Ordinance, 1939", and shall be read and construed as one with the Immigration (Restriction) Ordinance, 1936, hereinafter referred to as the Principal Ordinance. Short Title.

2. After Section 7 of the Principal Ordinance the following Section shall be inserted:— Addition of new Section.

Governor may prohibit entry into Colony of any person. "7A. Notwithstanding anything contained in this Ordinance it shall be lawful for the Governor, in his absolute discretion, to prohibit the entry into the Colony or its Dependencies of any person not being a native of the Colony."

Passed by the Legislative Council this 5th day of December, 1939.

A. I. FLEURET,
Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 9th day of December, 1939.

M. C. CRAIGIE-HALKETT,
Colonial Secretary.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 12 of 1939.

I ASSENT,

H. HENNIKER HEATON,

Governor.

9th December, 1939.

An Ordinance

To amend the Licensing Ordinance, 1882.

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 as the "Licensing (Amendment) Ordinance, 1939", and shall be read as one with the Licensing Ordinance, 1882, (hereinafter referred to as the Principal Ordinance).

Short Title.

2. Section 33 of the Principal Ordinance shall have effect as if for the words "under the age of sixteen years," there were substituted the words "under the age of eighteen years,".

Amendment of Section 33 of Ordinance No. 11 of 1882.

3. Section 34 of the Principal Ordinance shall have effect as if for the words "under fourteen years of age," there were substituted the words "under eighteen years of age,".

Amendment of Section 34 of Ordinance No. 11 of 1882.

Passed by the Legislative Council this 5th day of December, 1939.

A. I. FLEURET,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 9th day of December, 1939.

M. C. CRAIGIE-HALKETT,

Colonial Secretary.

FALKLAND ISLANDS :

Printed at the Government Printing Office by C. G. Allan.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 13 of 1939.

I ASSENT,

H. HENNIKER HEATON,

Governor.

9th December, 1939.

An Ordinance

To amend the Tariff Ordinance, 1900, as amended by the Tariff (Export Duties) amendment Ordinances, 1923 and 1924.

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. Notwithstanding any provisions to the contrary contained in the Tariff Ordinance, 1900, as amended by the Tariff (Export Duties) Amendment Ordinances, 1923 and 1924, the duty of Customs to be raised, levied and collected upon whale oil and upon seal oil which shall be raised in the Colony or in the Dependencies thereof during the 1939-40 whaling season and during the 1940 sealing season shall be fixed at the rate of one shilling and sixpence for each barrel of forty gallons.

Rate of duty on export of Whale and Seal oil during the 1939-1940 whaling season and 1940 sealing season.

2. This Ordinance may be cited as the "Tariff (Export Duties) Amendment Ordinance, 1939" and shall be read and construed as one with the Tariff (Export Duties) Amendment Ordinances, 1923 and 1924.

Short Title.

Passed by the Legislative Council this 5th day of December, 1939.

A. I. FLEURET,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 9th day of December, 1939.

M. C. CRAIGIE-HALKETT,

Colonial Secretary.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 14 of 1939.

I ASSENT,

H. HENNIKER HEATON,

Governor.

9th December, 1939.

An Ordinance

To provide for the service of the year 1940.

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 (1940) Ordinance, 1939”.

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, 1940, a sum not exceeding Eighty-seven thousand and Three 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 1940.

Appropriation of £87,003 for service of year 1940.

Passed by the Legislative Council this 5th day of December, 1939.

A. I. FLEURET,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 9th day of December, 1939.

M. C. CRAIGIE-HALKETT,

Colonial Secretary.

SCHEDULE.

Number.	Head of Service.	Amount.		
		£	s.	d.
FALKLAND ISLANDS.				
I.	Pensions	2400	0	0
II.	The Governor	2660	0	0
III.	Colonial Secretary	3395	0	0
IV.	Treasury and Customs	1042	0	0
V.	Audit	256	0	0
VI.	Post Office	3474	0	0
VII.	Electrical and Telegraphs	3696	0	0
VIII.	Harbour	1045	0	0
IX.	Legal	185	0	0
X.	Police and Prisons	1017	0	0
XI.	Medical	6199	0	0
XII.	Education	3180	0	0
XIII.	Ecclesiastical	289	0	0
XIV.	Naturalist	255	0	0
XV.	Military	20698	0	0
XVI.	Agriculture	4160	0	0
XVII.	Miscellaneous	4305	0	0
XVIII.	Public Works	3728	0	0
XIX.	Public Works Recurrent	8970	0	0
	Total Ordinary Expenditure	£ 70954	0	0
XX.	Public Works Extraordinary	2345	0	0
XXI.	Military War Expenditure*	—	—	—
XXII.	Land Sales Fund	1381	0	0
	Total Expenditure chargeable to Revenue	£ 74680	0	0
DEPENDENCIES.				
I.	Ordinary Expenditure	12323	0	0
	Total	£ 87003	0	0

* Under Head XV. in 1940.



[L.S.]

FALKLAND ISLANDS.

Ordinance No. 16 of 1939.

I ASSENT,

H. HENNIKER HEATON,

Governor.

9th December, 1939.

An Ordinance

To prohibit the sale of Cigarettes or Cigarette Papers to Children and Young Persons.

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 Juvenile Smoking (Prohibition) Ordinance, 1939".

2. (1) For the purposes of this Ordinance the expression "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.

(2) This Ordinance shall apply to tobacco other than cigarettes in like manner as it applies to cigarettes, except that a person shall not be guilty of an offence for selling such other tobacco to a person apparently under the age of sixteen years if he did not know, and had no reason to believe, that it was for the use of that person.

(3) This Ordinance shall apply to smoking mixtures intended as a substitute for tobacco in like manner as it applies to cigarettes.

3. 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, he shall be liable, on summary conviction, 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.

Forfeiture of tobacco.

4. It shall be the duty of a constable to seize any cigarettes 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, if seized by a constable in such manner as the police authority may direct, and such constable shall be authorised to search any boy so found smoking, but not a girl.

Provisions as to automatic machines for the sale of tobacco.

5. (1) If on complaint to a court of summary jurisdiction it is proved to the satisfaction of the court 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, if necessary, 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 a court of quarter sessions.

(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.

Passed by the Legislative Council this 5th day of December, 1939.

A. I. FLEURET,
Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 9th day of December, 1939.

M. C. CRAIGIE-HALKETT,
Colonial Secretary.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 17 of 1939.

I ASSENT,
H. HENNIKER HEATON,
Governor.

9th December, 1939.

An Ordinance

To provide for the prohibition or restriction of the exportation or importation of goods during any public emergency.

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 "Exports and Imports (Emergency Powers) Ordinance, 1939."

Short Title.

2. (1) The Governor may, on the occurrence of any public emergency or whenever it appears to him to be necessary in the interest of the public safety or tranquility, by Proclamation published in the Gazette, prohibit absolutely, or restrict by means of such conditions and limitations as may be defined by him in the Proclamation, the exportation or importation from or to the Colony of all or any specified goods or class or description of goods to or from any specified country or place or to or from any specified person or class of persons.

Power to prohibit or restrict exportation or importation of goods.

(2) For the purposes of this Ordinance, "Goods" shall be deemed to include gold or silver coin.

(3) The publication of a Proclamation by the Governor under this section shall be deemed for all purposes to be conclusive proof of the occurrence of a public emergency or of the necessity for the prohibition or restriction imposed by the Proclamation in the interest of the public safety or tranquility.

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Goods not to be exported or imported in contravention of Proclamation prohibiting exportation or importation thereof.

3. Where the exportation of any goods or class of goods to any country or place or person or class of persons or the importation of any goods from any country or place or person or class of persons is absolutely prohibited by a Proclamation of the Governor under section 2, no person shall, while such Proclamation is in force, export or attempt to export such goods or class of goods from the Colony to such country or place or person or class of persons, or as the case may be, import or attempt to import such goods from any such country or place or person or class of persons.

Licences for exportation of goods.

4. Where the exportation of any goods or class of goods to any country or place is restricted by any Proclamation of the Governor under section 2, no person shall, while such Proclamation is in force, export such goods or class of goods from the Colony to such country or place except under the authority of a licence under the hand of the Collector of Customs or otherwise than in accordance with the conditions of such licence.

Particulars to be set out in licences.

5. In every licence issued for the purposes of section 4, the Collector of Customs shall set out :-

- (a) the name of the person to whom or the place to which, or as the case may be, the names both of the person to whom and the place to which, exportation of the goods is authorised by the licence; and
- (b) such of the conditions and limitations defined in the Proclamation imposing the restriction as may be applicable in the case of such goods, such person or such place.

Names contained in licence to be set out in all documents relating to exported goods.

6. The name or names set out in each licence in accordance with the requirements of section 5 shall be inserted in all bills of lading, manifests and other documents relating to each consignment of goods to be exported under the authority of such licence.

Where the requirements of this section are not complied with in the case of any such document, the person by whom or on whose behalf the document purports to have been made out or signed shall -

- (a) if he is the exporter of the goods, be deemed to have exported or attempted to export the goods in contravention of the provisions of section 4; or
- (b) if he is not the exporter of the goods, be guilty of an offence punishable after summary trial by a Magistrate with a fine not exceeding fifty pounds.

Penalty for contravention of section 3 or section 4.

7. Any person who contravenes the provisions of section 3 or section 4 shall be guilty of an offence punishable after summary trial by a Magistrate with a fine not exceeding fifty pounds or with imprisonment for a term not exceeding one year or with both such fine and such imprisonment, and, in addition, with the forfeiture of the goods in respect of which the offence was committed.

Declaration as to ultimate destination of goods entered for exportation.

8. (1) When any consignment of goods, of which the exportation is restricted by a Proclamation under this Ordinance, is entered for shipment in accordance with the conditions of the licence issued in that behalf -

- (a) the Collector of Customs may require the person entering the consignment for shipment to make a declaration as to the person for whom or the country for which the goods are ultimately destined, and

- (b) where the Collector of Customs has reasonable cause to suspect that the declaration so made is false in any material particulars, he may detain the consignment until he is satisfied as to the truth of the declaration and may declare the goods in the consignment to be forfeited if the truth of the declaration is not established to his satisfaction.

(2) After the exportation of any consignment of goods referred to in sub-section (1) -

- (a) the Collector of Customs may require the exporter to produce satisfactory evidence that the consignment has reached the ultimate destination specified in the declaration made in respect of that consignment under sub-section (1); and
- (b) where such evidence is not produced or is not satisfactory, the Collector of Customs may, in his absolute discretion, impose on and recover from the exporter either a penalty of treble the value of the goods in that consignment or a penalty not exceeding fifty pounds unless the exporter proves that he took all reasonable steps to ensure that the ultimate destination of the goods should be the person or country specified in the declaration and in the licence, the bill of entry and other documents relating to that consignment.

9. Any person who for the purpose of obtaining any licence under this Ordinance -

Penalties for false statements, &c.

- (a) makes or presents any declaration or statement or representation which is false in any material particular; or
- (b) produces a guarantee certificate or undertaking which is false in any material particular, or has not been given by the person by whom it purports to have been given, or which has been in any way altered or tampered with,

shall be guilty of an offence, and liable on conviction after summary trial by a Magistrate to a fine not exceeding five hundred pounds or alternatively, in the case of goods for export, treble the value of the goods, or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment, unless he proves that he had taken all reasonable steps to ascertain the truth of the statements made or contained in any documents so presented or produced, or to satisfy himself of the genuineness of the guarantee certificate or undertaking.

10. Where any offence under this Ordinance is committed by a company or firm or other association of individuals, every director and officer of the company, every partner and officer of the firm or every member and every person concerned in the management of the affairs of such association, as the case may be, shall severally be liable to be prosecuted and punished for the offence in like manner as if he had himself committed the offence, unless the act or omission constituting the offence took place without his knowledge, consent or connivance.

Offences committed by company, firm or other association.

11. The provisions of this Ordinance and every prohibition or restriction imposed thereunder shall be deemed to be supplementary to the provisions of the Customs Ordinance, 1903; and the provisions of that Ordinance shall apply accordingly :

Ordinance to be supplementary to Customs Ordinance.

Provided, however, that in the case of any conflict or inconsistency, the provisions of this Ordinance or a prohibition or restriction imposed thereunder shall prevail over the provisions of the Customs Ordinance.

Interpretation.

12. In this Ordinance, unless the context otherwise requires—

“exportation” means carrying or taking out of the Colony, or causing to be carried or taken out of the Colony, whether by sea or by air;

“importation” means carrying or bringing into the Colony, or causing to be carried or brought into the Colony, whether by sea or by air.

Passed by the Legislative Council this 5th day of December, 1939.

A. I. FLEURET,
Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 9th day of December, 1939.

M. C. CRAIGIE-HALKETT,
Colonial Secretary.



[L.S.]

FALKLAND ISLANDS.

Ordinance No. 18 of 1939.

I ASSENT,

H. HENNIKER HEATON,

Governor.

9th December, 1939.

An Ordinance

To impose penalties for trading with the enemy, to make provision as respects the property of enemies and enemy subjects, and for purposes connected with the matters aforesaid.

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 as the “Trading with the Enemy Ordinance, 1939.” Short Title.

TRADING WITH THE ENEMY AND MATTERS RELATING THERETO.

2. (1) Any person who trades with the enemy within the meaning of this Ordinance shall be guilty of an offence of trading with the enemy, and shall be liable — Penalties for trading with the enemy.

(a) on conviction on indictment, to penal servitude for a term not exceeding seven years or to a fine or to both such penal servitude and a fine, or

(b) on summary conviction, to imprisonment for a term not exceeding twelve months or to a fine not exceeding five hundred pounds, or to both such imprisonment and such fine;

and the court may in any case order that any goods or money in respect of which the offence has been committed shall be forfeited.

(2) For the purposes of this Ordinance a person shall be deemed to have traded with the enemy —

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- (a) if he has had any commercial, financial or other intercourse or dealings with, or for the benefit of, an enemy, and, in particular, but without prejudice to the generality of the foregoing provision, if he has –
- (i) supplied any goods to or for the benefit of an enemy, or obtained any goods from an enemy, or traded in, or carried, any goods consigned to or from an enemy or destined for or coming from enemy territory, or
 - (ii) paid or transmitted any money, negotiable instruments or security for money to or for the benefit of an enemy or to a place in enemy territory, or
 - (iii) performed any obligation to, discharged any obligation of, an enemy, whether the obligation was undertaken before or after the commencement of this Ordinance; or
- (b) if he has done anything which, under the following provisions of this Ordinance is to be treated as trading with the enemy :

Provided that a person shall not be deemed to have traded with the enemy by reason only that he has –

- (i) done anything under an authority given generally or specially by, or by any person authorised in that behalf by the Governor, or
- (ii) received payment from an enemy of a sum of money due in respect of a transaction under which all obligations on the part of the person receiving payment had been performed before the commencement of the war by reason of which the person from whom the payment was received became an enemy.

(3) Any reference in this section to an enemy shall be construed as including a reference to a person acting on behalf of an enemy.

Definition of enemy.

3. (1) Subject to the provisions of this section, the expression "enemy" for the purposes of this Ordinance means –
- (a) any State or Sovereign of a State, at war with His Majesty,
 - (b) any individual resident in enemy territory,
 - (c) any body of persons whether corporate or unincorporate carrying on business in any place, if and so long as the body is controlled by a person who, under this section, is an enemy, or
 - (d) any body of persons constituted or incorporated in, or under the laws of, a State at war with His Majesty;

but does not include any person by reason only that he is an enemy subject.

(2) The Governor with the prior approval of the Secretary of State may by order direct that any person specified in the order shall, for the purposes of this Ordinance, be deemed to be, while so specified, an enemy.

Inspection and supervision of businesses.

4. (1) The Governor, if he thinks it expedient for securing compliance with section two of this Ordinance so to do, may by written order authorise a specified person (hereafter in this section

referred to as "an inspector") to inspect any books or documents belonging to, or under the control of, a person named in the order, and to require that person and any other person to give such information in his possession with respect to any business carried on by the named person as the inspector may demand, and for the purposes aforesaid to enter on any premises used for the purposes of that business.

(2) If, on a report made by an inspector as respects any business, it appears to the Governor that it is expedient, for securing compliance with section two of this Ordinance, that the business should be subject to supervision, the Governor may appoint a person (hereafter in this section referred to as "a supervisor") to supervise the business, with such powers as the Governor may determine.

(3) If any person, without reasonable cause, fails to produce for inspection, or furnish, to an inspector or a supervisor any document or information which he is duly requested by the inspector or supervisor so to produce or furnish, that person shall be liable, on summary conviction, to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

(4) If any person, with intent to evade the provisions of this section, destroys, mutilates or defaces any book or other document which an inspector or a supervisor is or may be authorised under this section to inspect, that person shall be liable –

- (a) on conviction on indictment, to penal servitude for a term not exceeding five years or to a fine or to both such penal servitude and a fine, or
- (b) on summary conviction, to imprisonment for a term not exceeding twelve months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine.

5. (1) No assignment of a chose in action made by or on behalf of an enemy shall, except with the sanction of the Governor, be effective so as to confer on any person any rights or remedies in respect of the chose in action; and neither a transfer of a negotiable instrument by or on behalf of an enemy, nor any subsequent transfer thereof, shall, except with the sanction of the Governor, be effective so as to confer any rights or remedies against any party to the instrument.

Transfer of negotiable instruments and choses in action by enemies.

(2) The preceding subsection shall apply in relation to any transfer of any coupon or other security transferable by delivery, not being a negotiable instrument, as it applies in relation to any assignment of a chose in action.

(3) If any person by payment or otherwise purports to discharge any liability from which he is relieved by this section, knowing the facts by virtue of which he is so relieved, he shall be deemed to have thereby traded with the enemy :

Provided that in any proceedings for an offence of trading with the enemy which are taken by virtue of this subsection it shall be a defence for the defendant to prove that at the time when he purported to discharge the liability in question he had reasonable grounds for believing that the liability was enforceable against him by order of a competent court, not being either a court having jurisdiction in the Colony or a court of a State at war with His Majesty, and would be enforced against him by such an order.

(4) Where a claim in respect of a negotiable instrument or chose in action is made against any person who has reasonable

cause to believe that, if he satisfied the claim, he would be thereby committing an offence of trading with the enemy, that person may pay into the Supreme Court any sum which, but for the provisions of subsection (1) of this section, would be due in respect of the claim, and thereupon that sum shall, subject to rules of court, be dealt with according to any order of the court, and the payment shall for all purposes be a good discharge to that person.

(5) Nothing in this section shall apply to securities to which the next following section applies.

Transfer and allotment of securities.

6. (1) If -

- (a) any securities to which this section applies are transferred by or on behalf of an enemy; or
- (b) any such securities, being securities issued by a company within the meaning of the Companies Act (United Kingdom) 1929, are allotted or transferred to, or for the benefit of, an enemy subject without the consent of the Governor;

then, except with the sanction of the Governor, the transferee or allottee shall not, by virtue of the transfer or allotment, have any rights or remedies in respect of the securities; and no body corporate by whom the securities were issued or are managed shall take any cognisance of, or otherwise act upon, any such transfer except under the authority of the Governor.

(2) No share warrants, stock certificates or bonds, being warrants, certificates or bonds payable to bearer, shall be issued in respect of any securities to which this section applies, being securities registered or inscribed in the name of an enemy or of a person acting on behalf of, or for the benefit of, an enemy.

(3) Any person who contravenes the provisions of this section shall be liable, on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine.

(4) This section applies to the following securities, that is to say, annuities, stock, shares, bonds, debentures or debenture stock registered or inscribed in any register, branch register or other book kept in the United Kingdom.

Purchase of enemy currency.

7. (1) Purchasing enemy currency shall be treated as trading with the enemy.

(2) In this section the expression "enemy currency" means any such notes or coins as circulate as currency in any area under the sovereignty of a Power with whom His Majesty is at war, not being an area in the occupation of His Majesty or of a Power allied with His Majesty, or any such other notes or coins as are for the time being declared by an order of the Governor to be enemy currency.

PROPERTY OF ENEMIES AND ENEMY SUBJECTS.

Collection of enemy debts and custody of enemy property.

8. (1) With a view to preventing the payment of money to enemies and of preserving enemy property in contemplation of arrangements to be made at the conclusion of peace, the Governor may appoint custodians of enemy property for the Colony, and may by order -

- (a) require the payment to the prescribed custodian of money which would, but for the existence of a state of war, be payable to or for the benefit of a person

who is an enemy, or which would, but for the provisions of section five or section six of this Ordinance, be payable to any other person;

- (b) vest in the prescribed custodian such enemy property as may be prescribed, or provide for, and regulate, the vesting in that custodian of such enemy property as may be prescribed;
- (c) vest in the prescribed custodian the right to transfer such other enemy property as may be prescribed, being enemy property which has not been, and is not required by the order to be, vested in the custodian;
- (d) confer and impose on the custodians and on any other person such rights, powers, duties and liabilities as may be prescribed as respects -
 - (i) property which has been, or is required to be, vested in a custodian by or under the order,
 - (ii) property of which the right of transfer has been, or is required to be, so vested,
 - (iii) any other enemy property which has not been, and is not required to be, so vested, or
 - (iv) money which has been, or is by the order required to be, paid to a custodian;
- (e) require the payment of the prescribed fees to the custodians in respect of such matters as may be prescribed and regulate the collection of and accounting for such fees;
- (f) require any person to furnish to the custodian such returns, accounts and other information and to produce such documents, as the custodian considers necessary for the discharge of his functions under the order;

and any such order may contain such incidental and supplementary provisions as appear to the Governor to be necessary or expedient for the purposes of the order.

(2) Where any requirement or direction with respect to any money or property is addressed to any person by a custodian and accompanied by a certificate of the custodian that the money or property is money or property to which an order under this section applies, the certificate shall be evidence of the facts stated therein, and if that person complies with the requirement or direction, he shall not be liable to any action or other legal proceeding by reason only of such compliance.

(3) Where, in pursuance of an order made under this section, -

- (a) any money is paid to a custodian,
- (b) any property, or the right to transfer any property, is vested in a custodian, or
- (c) a direction is given to any person by a custodian in relation to any property which appears to the custodian to be property to which the order applies,

neither the payment, vesting or direction nor any proceedings in consequence thereof shall be invalidated or affected by reason only that at a material time -

(i) some person who was or might have been interested in the money or property, and who was an enemy or an enemy subject, had died or had ceased to be an enemy or an enemy subject, or

(ii) some person who was so interested, and who was believed by the custodian to be an enemy or an enemy subject, was not an enemy or an enemy subject.

(4) Any order under this section shall have effect notwithstanding anything in any Ordinance passed before this Ordinance.

(5) If any person pays any debt, or deals with any property, to which any order under this section applies, otherwise than in accordance with the provisions of the order, he shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine; and the payment or dealing shall be void.

(6) If any person, without reasonable cause, fails to produce or furnish, in accordance with the requirements of an order under this section, any document or information which he is required under the order to produce or furnish, he shall be liable on summary conviction to a fine not exceeding ten pounds for every day on which the default continues.

(7) All fees received by any custodian by virtue of an order under this section shall be paid into the Treasury of the Colony.

(8) In this section -

(a) the expression "enemy property" means any property for the time being belonging to or held or managed on behalf of an enemy or an enemy subject;

(b) the expression "property" means real or personal property, and includes any estate or interest in real or personal property, any negotiable instrument, debt or other chose in action, and any other right or interest, whether in possession or not; and

(c) the expression "prescribed" means prescribed by an order made under this section.

GENERAL AND SUPPLEMENTARY PROVISIONS.

9. (1) Nothing in this Ordinance shall affect the operation of section one of the Debts Clearing Offices and Import Restrictions Act. (United Kingdom) 1934, or of any order under that section, in so far as the said section or order relates to the payment to, and collection by, a Clearing Office of debts to which such an order applies; but -

(a) notwithstanding anything in subsection (6) of the said section or in any such order as aforesaid, any sum received by a Clearing Office by virtue of such an order, being -

(i) a sum which is so received at a time when the Sovereign Power of the country with respect to which the order has been made is at war with His Majesty, or

(ii) a sum which has been so received before the commencement of the war between that Power and

His Majesty and has not, before the commencement of that war, ceased to be in the possession or under the control of the Clearing Office,

shall be retained by the Clearing Office, subject to any order which may be made under this Ordinance requiring the Clearing Office to pay that sum to a custodian of enemy property, and subject to the provisions of subsections (4) and (6) of the said section with respect to overpayments made to the Clearing Office; and

(b) any sum which a Clearing Office is required by paragraph (a) of this subsection to retain subject as aforesaid, shall, except in so far as it represents an overpayment made to the Clearing Office, be deemed for the purposes of this Ordinance to be money which would, but for the existence of a state of war, be payable to or for the benefit of a person who is an enemy.

(2) There may be retained by a Clearing Office out of any sum which, by virtue of any order under this Ordinance, is payable by that office to a custodian of enemy property such reasonable commission, not exceeding two per cent. of that sum, as the Governor thinks fit; and the amount of any commission so retained by a Clearing Office shall be paid into the Treasury of the Colony.

10. (1) If any person, for the purpose of obtaining any authority or sanction under this Ordinance, or in giving any information for the purposes of this Ordinance or of any order made thereunder, knowingly or recklessly makes a statement which is false in a material particular, he shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine.

False statements and obstruction.

(2) Every person who wilfully obstructs any person in the exercise of any powers conferred on him by or under this Ordinance shall be liable on summary conviction to a fine not exceeding fifty pounds.

11. Where any offence under this Ordinance committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, any director, manager, secretary or other officer of the body corporate, he, as well as the body corporate, shall be deemed to be guilty of that offence, and shall be liable to be proceeded against and punished accordingly.

Offences by corporations.

12. (1) The expenses incurred for the purposes of this Ordinance by the Governor shall be defrayed out of the revenue of the Colony.

Expenses of, and exercise of powers by, the Governor.

(2) Anything required or authorised under this Ordinance to be done by, to or before the Governor may be done by, to or before the Colonial Secretary, or any person authorised in that behalf by the Governor.

13. Any document stating that any authority or sanction is given under any of the provisions of this Ordinance by the Governor, and purporting to be signed on behalf of the Governor, or by a person who is empowered by this Ordinance to do anything which may be done thereunder by the Governor, shall be evidence of the facts stated in the document.

Evidence of authority or sanction of Governor.

Provisions with respect to money payable to, or received by, a Clearing Office.

Interpretation.

14. (1) In this Ordinance the following expressions have the meanings hereby respectively assigned to them :-

“enemy subject” means -

- (a) an individual who, not being either a British subject or a British protected person possesses the nationality of a State at war with His Majesty, or
- (b) a body of persons constituted or incorporated in, or under the laws of, any such State; and

“enemy territory” mean any area which is under the sovereignty of, or in the occupation of, a Power with whom His Majesty is at war, not being an area in the occupation of His Majesty or of a Power allied with His Majesty.

(2) A certificate of a Secretary of State that any area is or was under the sovereignty of, or in the occupation of any Power, or as to the time at which any area became or ceased to be under such sovereignty or in such occupation shall, for the purposes of any proceedings under or arising out of this Ordinance, be conclusive evidence of the facts stated in the certificate.

(3) In considering for the purpose of any of the provisions of this Ordinance whether any person has been an enemy or an enemy subject, no account shall be taken of any state of affairs existing before the commencement of this Ordinance.

(4) For the purposes of this Ordinance, a person shall be deemed to be a director of a body corporate if he occupies in relation thereto the position of a director, by whatever name called; and, for the purposes of the provisions of this Ordinance relating to offences by bodies corporate, a person shall be deemed to be a director of a body corporate if he is a person in accordance with whose directions or instructions the directors of that body act;

Provided that a person shall not, by reason only that the directors of a body corporate act on advice given by him in a professional capacity, be taken to be a person in accordance with whose directions or instructions those directors act.

Saving of rights of Crown.

15. This Ordinance shall be without prejudice to the exercise of any right or prerogative of the Crown.

Commencement of Ordinance.

16. This Ordinance shall be deemed to have come into operation on the third day of September, nineteen hundred and thirty-nine:

Provided that a person shall not, by virtue of this subsection, be liable to any penalty in respect of anything done by him before the date of the passing of this Ordinance which if it had been done in England would not have been unlawful in common law.

Passed by the Legislative Council this 5th day of December, 1939.

A. I. FLEURET,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 9th day of December, 1939.

M. C. CRAIGIE-HALKETT,

Colonial Secretary.

FALKLAND ISLANDS :

Printed at the Government Printing Office by C. G. Allan.

PART II.

RULES, REGULATIONS, ETC.

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FALKLAND ISLANDS.

No. 1. **Proclamation** 1939.

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, Emperor of India, &c., &c., &c.

H. HENNIKER HEATON. *By His Excellency SIR HERBERT HENNIKER HEATON, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, &c., &c., &c.*

[L.S.]

WHEREAS by sub-section (3) of section 4 of the Dangerous Drugs (Amendment) Ordinance, 1932, power is conferred on the Governor in Council to apply, by Proclamation Part II of the Dangerous Drugs Ordinance, 1925, with such modifications as may be specified in the Proclamation, to any of the following drugs, that is to say, methyilmorphine (commonly known as codeine), ethylmorphine (commonly known as dionin) and their respective salts :

NOW, THEREFORE, the Governor is pleased, by and with the advice of the Executive Council, to declare and it is hereby declared, that Part II of the Dangerous Drugs Ordinance, 1925, shall after the first day of February, 1939, apply to the said drugs.

GOD SAVE THE KING.

Given at Government House, Stanley, this 10th day of January, in the Year of Our Lord One thousand Nine hundred and Thirty-nine.

By His Excellency's Command,
M. C. CRAIGIE-HALKETT,
Colonial Secretary.

M.P. 239/32.

FALKLAND ISLANDS.

No. 2.

Proclamation

1939.

—:0:—

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, Emperor of India, &c., &c., &c.

H. HENNIKER HEATON. *By His Excellency SIR HERBERT HENNIKER HEATON, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, &c., &c., &c.*

[L.S.]

WHEREAS by sub-section (2) of section 6 of the Dangerous Drugs Ordinance, 1925, power is conferred on the Governor in Council to declare, by Proclamation, that Part II of the Dangerous Drugs Ordinance, 1925, shall apply to any drug of whatever kind in the same manner as it applies to the drugs mentioned in sub-section 1 of the said section 6 if it appears to him that the drug is or is likely to be productive, if improperly used, or is capable of being converted into a substance which is or is likely to be productive, if improperly used, of ill effects substantially of the same character or nature as or analogous to those produced by morphine or cocaine :

AND WHEREAS it appears to the Governor that all preparations, admixtures or other substances (except syrupus Codeinae Phosphatis B.P.C. 1934) containing any proportion of methylmorphine (commonly known as codeine) or ethylmorphine (commonly known as dionin) associated with an inert substance whether solid or liquid and all preparations, admixtures or other substances containing more than 2.5 per cent, of methylmorphine or ethylmorphine (calculated as pure drug) associated with another medicinal substance are productive, if improperly used, or are capable of being converted into a substance which is, or is likely to be productive, if improperly used, of ill effects substantially of the same character or nature as or analogous to those produced by morphine or cocaine :

NOW, THEREFORE, the Governor is pleased, by and with the advice of the Executive Council, to declare and it is hereby declared, that Part II of the Dangerous Drugs Ordinance, 1925, shall after the first day of February, 1939, apply to any preparation, admixture or other substance (except syrupus Codeinae Phosphatis B.P.C. 1934) containing any proportion of methylmorphine (commonly known as codeine) or ethylmorphine (commonly known as dionin) associated with any inert substance whether solid or liquid, and to any preparation, admixture or other substance containing more than 2.5 per cent. of methylmorphine or ethylmorphine (calculated as pure drug) associated with any other medicinal substance in the same manner as the said Part II applies to the drugs mentioned in subsection 1 of section 6 of the Dangerous Drugs Ordinance, 1925.

GOD SAVE THE KING.

Given at Government House, Stanley, this 10th day of January, in the Year of Our Lord One thousand Nine hundred and Thirty-nine.

By His Excellency's Command,
M. C. CRAIGIE-HALKETT,
Colonial Secretary.

FALKLAND ISLANDS.

No. 3.

Proclamation

1939.

Establishing Censorship of Mails and Telegrams.

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, Emperor of India, &c., &c., &c.

H. HENNIKER HEATON. *By His Excellency* SIR HERBERT HENNIKER HEATON, *Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, &c., &c., &c.*

[L.S.]

WHEREAS an emergency has arisen in which it is expedient for the public service that the Government should have control over the transmission of wireless messages, and the sending of letters, postcards and parcels ;

AND WHEREAS it is expedient and necessary to warn all persons resident, carrying on business or being in the Colony of the Falkland Islands and its Dependencies of their duties and obligations ;

NOW THEREFORE, I, SIR HERBERT HENNIKER HEATON, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, do hereby authorise the institution of censorship over all letters, postcards, parcels and telegrams sent from the Colony of the Falkland Islands and its Dependencies, and on all inter-insular communications.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony at Government House, Stanley, this 25th day of August, in the year of Our Lord One thousand Nine hundred and thirty-nine.

By Command.

M. C. CRAIGIE-HALKETT,
Colonial Secretary.

Orders regarding Censorship and Despatch of Correspondence.

All persons should understand that the censorship regulations are necessary for their own safety and that of their comrades. Disobedience or evasion of the regulations is liable to bring disaster on their comrades and themselves.

2. All persons are warned against divulging, either in speech or in their correspondence, any information that may be useful to the enemy.

3. All reference to the following subjects is forbidden

- (a) The position at the time of writing, or the future movements of a ship of His Majesty's Navy, or of any other ship whatever, whether engaged in war service or not.
- (b) The conditions and arrangements in port.
- (c) Plans of operations, whether rumoured, surmised or known.
- (d) Criticisms of war operations or any statement harmful to the reputation of H. M. forces.

No news about any of the above subjects or war operations generally is to appear in private correspondence. Any information, however trivial it may seem to be, may prove of value to the enemy, should it fall into their hands.

4. All letters, postcards, telegrams and parcels must be sent for censorship to the Censor Officer, Post Office, Stanley.

5. All communications are to be in plain English, and no correspondence in a language or code not understood by the Censor Officer will be passed.

FALKLAND ISLANDS.

No. 4.

Proclamation

1939.

Authorising the requisitioning of Ships or Vessels.

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, Emperor of India, &c., &c., &c.

H. HENNIKER HEATON. *By His Excellency SIR HERBERT HENNIKER HEATON, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, &c., &c., &c.*

[L.S.]

WHEREAS a national emergency exists rendering it necessary to take steps for preserving and defending national interests;

AND WHEREAS the measures approved to be taken require the employment of vessels, for use as transports and auxiliaries and for other purposes;

NOW THEREFORE, I, SIR HERBERT HENNIKER HEATON, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, authorise and empower The Harbour Master as Acting Superintending Sea Transport Officer, to take over for service any British ship or vessel, as may be required for such period as may be necessary, on condition that the owners of any ship or vessel so requisitioned shall receive payment for their use, and for services rendered during their employment in the Government service, and compensation for loss or damage thereby occasioned according to terms to be arranged as soon as possible after the said ship or vessel, has been taken over, either by mutual agreement between the Government and the owners, or, failing such agreement, by the award of a Board of Arbitration to be constituted and appointed by me for this purpose.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony at Government House, Stanley, this 2nd day of September, in the year of Our Lord One thousand Nine hundred and thirty-nine.

By Command.

M. C. CRAIGIE-HALKETT,
Colonial Secretary.

FALKLAND ISLANDS.

No. 5.

Proclamation

1939.

Authorising the requisitioning of Buildings or Land, Machinery, Stores, Animals, etc.

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, Emperor of India, &c., &c., &c.

H. HENNIKER HEATON. *By His Excellency SIR HERBERT HENNIKER HEATON, Knight, Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, &c., &c., &c.*

- [L.S.]

WHEREAS a national emergency exists rendering it necessary to take steps for preserving and defending national interests;

AND WHEREAS the measures approved to be taken require the employment of vehicles, and animals, and the use of machinery, buildings, land and stores for use as transports and auxiliaries and for other purposes;

NOW THEREFORE, I, SIR HERBERT HENNIKER HEATON, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, authorise and empower The Director of Public Works, to take over for service any vehicle, animal, machinery, building, land or stores as may be required for such period as may be necessary, on condition that the owners of any vehicle, animal, machinery, building, land or stores so requisitioned shall receive payment for their use, and for services rendered during their employment in the Government service, and compensation for loss or damage thereby occasioned according to terms to be arranged as soon as possible after the said vehicle, animal, machinery, building, land or stores has or have been taken over, either by mutual agreement between the Government and the owners, or, failing such agreement, by the award of a Board of Arbitration to be constituted and appointed by me for this purpose.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony at Government House, Stanley, this 2nd day of September, in the year of Our Lord One thousand Nine hundred and thirty-nine.

By Command,

M. C. CRAIGIE-HALKETT,

Colonial Secretary.

FALKLAND ISLANDS.

No. 6.

Proclamation.

1939.

Calling out members of the Falkland Islands Defence Force and orders to employers to release any personnel required for the Public Service.

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, Emperor of India, &c., &c., &c.

H. HENNIKER HEATON. *By His Excellency SIR HERBERT HENNIKER HEATON, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, &c., &c., &c.*

[L.S.]

WHEREAS a state of war exists between His Majesty the King and Germany, and whereas it is necessary that any invasion of or attack on the Colony under my Government by the forces of the said Germany shall be repelled, I SIR HERBERT HENNIKER HEATON, K.C.M.G., Governor and Commander-in-Chief do hereby under the powers conferred on me by section 15 of the Falkland Islands Defence Force Ordinance No. 7 of 1920, call out for active service every Officer and Member of the Force, and command every such Officer and Member now in Stanley to assemble at the Falkland Islands Defence Force Headquarters at the hour of 4 p.m. on Sunday, 3rd September, 1939, and every such Officer and Member now in the camp at the Woolshed at the settlement of their employers at the hour of Noon on Monday, 4th September, 1939, for the purpose of performing such service as may by me be directed, and I do further hereby command employers to release any persons who may be required for the Public Service.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony at Government House, Stanley, this 3rd day of September, in the year of Our Lord One thousand Nine hundred and thirty-nine.

By Command,

M. C. CRAIGIE-HALKETT,

Colonial Secretary.

FALKLAND ISLANDS.

No. 7.

Proclamation.

1939.

To prohibit Exportation of certain Articles.

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, Emperor of India, &c., &c., &c.

H. HENNIKER HEATON. *By His Excellency* SIR HERBERT HENNIKER HEATON, *Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, &c., &c., &c.*

[L.S.]

Under the power and authority in me vested by Section 64 of Ordinance No. 6 of 1903, I do hereby prohibit the exportation of arms, ammunition, and gunpowder, military and naval stores and any articles which shall be judged capable of being converted into or made useful in increasing the quantity of military and naval stores, provisions or any sort of victual which may be used as food for man, to the following countries or ports:

And I further declare that the exportation of goods mentioned in the Schedule hereto, or their shipment as ship's stores on vessels proceeding to the destinations or ports in question, is prohibited as follows:—

To all ports and destinations abroad, other than ports and destinations in any part of His Majesty's dominions, or any territory under His Majesty's protection or in respect of which a Mandate is exercised by one of His Majesty's Governments.

Provided always and it is hereby declared that this Order shall not apply to any exportation (or shipment as ship's stores) which shall be expressly permitted by a licence given by the Colonial Secretary, and in accordance with the conditions (if any) of such licence.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony at Government House, Stanley, this 7th day of September, in the year of Our Lord One thousand Nine hundred and thirty-nine.

By Command,

M. C. CRAIGIE-HALKETT,

Colonial Secretary.

SCHEDULE.

Domestically produced foodstuffs.

All raw materials.

FALKLAND ISLANDS.

No. 8.

Proclamation

1939.

Institution of Prize Court.

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, Emperor of India, &c., &c., &c.

H. HENNIKER HEATON. *By His Excellency SIR HERBERT HENNIKER HEATON, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies and Vice Admiral thereof.*

[L.S.]

I, SIR HERBERT HENNIKER HEATON, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Vice Admiral of the Colony of the Falkland Islands and its Dependencies, do hereby proclaim that a state of war exists between His Majesty the King and Germany, and do hereby notify, declare and make known that the Supreme Court of the Falkland Islands is a Prize Court to take cognizance of and judicially to proceed upon all and all manner of Captures, Recaptures, Seizures, Prizes and reprisals of all Ships, Vessels and Goods seized and taken which are or shall be brought within the limits of the said Court.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony at Government House, Stanley, this 11th day of September, in the year of Our Lord One thousand Nine hundred and thirty-nine.

By Command.

M. C. CRAIGIE-HALKETT,
Colonial Secretary.

FALKLAND ISLANDS.

No. 9.

Proclamation

1939.

Contraband.

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, Emperor of India, &c., &c., &c.

H. HENNIKER HEATON. *By His Excellency SIR HERBERT HENNIKER HEATON, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, &c., &c., &c.*

[L.S.]

WHEREAS a state of War exists between His Majesty the King on the one hand, and Germany, on the other;

AND WHEREAS it is necessary to specify the Articles which it is intended to treat as Contraband of War;

NOW THEREFORE, I, SIR HERBERT HENNIKER HEATON, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, do hereby declare, that during the continuance of the War, or until further notice, the articles enumerated in Schedule I hereto will be treated as ABSOLUTE CONTRABAND, and the articles enumerated in Schedule II hereto will be treated as CONDITIONAL CONTRABAND.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony at Government House, Stanley, this 14th day of September, in the year of Our Lord One thousand Nine hundred and thirty-nine.

By Command,

M. C. CRAIGIE-HALKETT,
Colonial Secretary.

SCHEDULE I.

ABSOLUTE CONTRABAND.

(a) All kinds of arms, ammunition, explosives, chemicals or appliances suitable for use in chemical warfare, and machines for their manufacture or repair; component parts thereof; articles necessary or convenient for their use; materials or ingredients used in their manufacture; articles necessary or convenient for the production or use of such materials or ingredients.

(b) Fuel of all kinds; all contrivances for, or means of, transportation on land, in the water or air, and machines used in their manufacture or repair; component parts thereof; instruments, articles or animals necessary or convenient for their use; materials or ingredients used in their manufacture; articles necessary or convenient for the production or use of such materials or ingredients.

(c) All means of communication, tools, implements, instruments, equipment, maps, pictures, papers and other articles, machines, or documents necessary or convenient for carrying on hostile operations; articles necessary or convenient for their manufacture or use.

(d) Coin, bullion, currency, evidences of debt; also metal, materials, dies, plates, machinery, or other articles necessary or convenient for their manufacture.

SCHEDULE II.

CONDITIONAL CONTRABAND.

(e) All kinds of food, foodstuffs, feed, forage, and clothing and articles and materials used in their production.

FALKLAND ISLANDS.

No. 10.

Proclamation.

1939.

Authorising the requisitioning of Buildings or Land, Machinery, Stores, Animals, etc.

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, Emperor of India, &c., &c., &c.

H. HENNIKER HEATON. *By His Excellency* SIR HERBERT HENNIKER HEATON, *Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, &c., &c., &c.*

[L.S.]

WHEREAS a national emergency exists rendering it necessary to take steps for preserving and defending national interests;

AND WHEREAS the measures approved to be taken require the employment of vehicles, and animals, and the use of machinery, buildings, land and stores for use as transports and auxiliaries and for other purposes;

NOW THEREFORE, I, SIR HERBERT HENNIKER HEATON, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, authorise and empower the Officer Commanding, Army Service Corps, to take over for service any vehicle, animal, machinery, building, land or stores as may be required for such period as may be necessary, on condition that the owners of any vehicle, animal, machinery, building, land or stores so requisitioned shall receive payment for their use, and for services rendered during their employment in the Government service, and compensation for loss or damage thereby occasioned according to terms to be arranged as soon as possible after the said vehicle, animal, machinery, building, land or stores has or have been taken over, either by mutual agreement between the Government and the owners, or, failing such agreement, by the award of a Board of Arbitration to be constituted and appointed by me for this purpose.

Proclamation, No. 5 of the 2nd of September, 1939, is hereby rescinded.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony at Government House, Stanley, this 28th day of September, in the Year of Our Lord One thousand Nine hundred and thirty-nine.

By Command,

M. C. CRAIGIE-HALKETT,

Colonial Secretary.

FALKLAND ISLANDS.

No. 11.

Proclamation

1939.

Calling up of Royal Naval Reserves.

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, Emperor of India, &c., &c., &c.

H. HENNIKER HEATON. *By His Excellency* SIR HERBERT HENNIKER HEATON, *Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, &c., &c., &c.*

[L.S.]

WHEREAS by the fourth section of the Royal Naval Reserve (Volunteer) Act, 1859, it is enacted that it shall be lawful for the King on such occasions as His Majesty shall deem fit (the occasion being first communicated to Parliament, if Parliament be sitting, or declared in Council and notified by Proclamation, if Parliament be not sitting or in being) to order and direct that the Volunteers under that Act, or so many or such part of them as His Majesty may deem necessary, shall be called into actual service :

AND WHEREAS by the Royal Naval Reserve Volunteer Act, 1896, as amended by the Royal Naval Reserve Act, 1902, it is enacted that the power under the said Act of 1859 to raise and pay Volunteers may be exercised outside the British Islands in respect of British subjects :

AND WHEREAS by the Naval Reserve Act, 1900, the Admiralty are authorised to raise and keep up a new division, commonly known as the Royal Fleet Reserve, of the Force raised under the first recited Act, in addition to the men raised under that Act, and such new division is liable to be called out as part of the Royal Naval Reserve under the said fourth section of the said Act of 1859 :

AND WHEREAS by the Naval Forces Act, 1903, it is provided that the Admiralty may raise and maintain a force to be called the Royal Naval Volunteer Reserve, and that certain provisions of the said Act of 1859 (including the fourth section of that Act), as amended by any subsequent enactment, shall apply to the force so raised :

AND WHEREAS by the first section of the Naval Reserve (Mobilisation) Act, 1900, amending the said Act of 1859, it is enacted that it shall be lawful for the King, where His Majesty orders and directs that Volunteers under the said Act of 1859 shall be called into actual service, to authorise the Admiralty to give and, when given, to revoke or vary such directions as may seem necessary or proper for calling out all or any of the said Volunteers as the occasion may require :

AND WHEREAS The King has communicated to Parliament and notified by Proclamation that owing to State of Public Affairs and the demands upon His Naval Forces for the protection of the Empire, an occasion has arisen for ordering and directing as in the first-mentioned Act is provided :

It is hereby notified that The King has ordered and directed that Volunteers under the said Act shall be called into actual service and has authorised the Lords Commissioners of the Admiralty to give, and when given to revoke or vary, such directions as may seem necessary or proper for calling out all or any of the said Volunteers as the occasion may require.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony at Government House, Stanley, this 2nd day of October, in the year of Our Lord One thousand Nine hundred and thirty-nine.

By Command,
M. C. CRAIGIE-HALKETT,
Colonial Secretary.

FALKLAND ISLANDS.

No. 12.

Proclamation.

1939.

To bring into force Compulsory Service in the Falkland Islands Defence Force.

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, Emperor of India. &c., &c., &c.

H. HENNIKER HEATON. *By His Excellency* SIR HERBERT HENNIKER HEATON, *Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, &c., &c., &c.*

[L.S.]

WHEREAS a state of War exists between His Majesty the King and Germany rendering it necessary that any invasion of or attack on the Colony under my Government by the forces of the said Germany shall be repelled;

AND WHEREAS it is provided under Section 19 of Ordinance No. 7 of 1920, that every British subject over the age of eighteen and under the age of forty-one years resident in the Colony, not being exempt under section 22 of the Ordinance, shall be liable to serve in the Defence Force;

AND WHEREAS it is provided further under Section 20 of the said Ordinance that in the event of the Defence Force being called out for active service and the Governor considering it expedient that the numerical strength of the Force should be increased, the Governor may by proclamation call upon and require any or all such person or persons, not being members of the Force, to join and serve with the Force so called out;

AND WHEREAS I consider it expedient that the numerical strength of the Force should be increased;

NOW, THEREFORE I, SIR HERBERT HENNIKER HEATON, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies do hereby call upon and require all such persons mentioned in the Schedule hereto to assemble at the Falkland Islands Defence Force Headquarters at the hour of 6.30 p.m. on Thursday, 16th November, 1939, for the purpose of performing such service as may by me be directed.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony at Government House, Stanley, this 14th day of November, in the year of Our Lord One thousand Nine hundred and thirty-nine.

By Command,

M. C. CRAIGIE-HALKETT,

Colonial Secretary.

SCHEDULE.

S. G. Aldridge.	W. N. Binnie.
G. W. J. Bowles.	G. A. Bennett.
M. G. Creece.	W. H. Cletheroe.
S. W. Cletheroe.	A. R. Cletheroe.
T. W. Campbell.	E. W. Enestrom.
M. E. Evans.	V. E. Fuhlendorff.
W. H. Goss.	R. W. Hills.
L. D. Morrison.	J. A. King.
M. O. Lyse.	J. C. Osborne.
E. R. B. Paice.	C. L. Summers.
F. G. Short.	

FALKLAND ISLANDS.

Order of His Excellency the Governor in Council.

The Government Employees Provident Fund Ordinance,
1938.

H. HENNIKER HEATON,
Governor.

In exercise of the powers vested in him by the Government Employees Provident Fund Ordinance, 1938, and otherwise, and with the advice of the Executive Council, His Excellency the Governor is pleased to order and it is hereby ordered that paragraph (b) of the Schedule to the aforesaid Ordinance shall be deleted and the following paragraph substituted therefor :-

“(b) Other non-pensionable Government Employees in receipt of wages
“at a rate of not less than One hundred pounds per annum and paid from Votes
“under “Other Charges”, who may from time to time be added to the list of
“such employees by name by Order of the Governor in Council.

“Provided that nothing herein contained shall affect the rights and
“privileges enjoyed by contributors prior to the date of this Order.”

Made by the Governor in Executive Council at a meeting held on the eighteenth day
of April, 1939.

A. I. FLEURET,
Clerk of the Executive Council.

M.P. 15/39.

FALKLAND ISLANDS.

Defence (Finance) Regulations, 1939.

Order by His Excellency the Governor.

H. HENNIKER HEATON,
Governor.

Under the authority of the Defence (Finance) Regulations, 1939, His Excellency the Governor is pleased to order the exemption from the provisions of Regulation 2 of transactions under Regulation 3 (i) (b) with any part of the Empire except at Newfoundland, Hong Kong and Sudan.

By Command,
M. C. CRAIGIE-HALKETT,
Colonial Secretary.

STANLEY,
9th September, 1939.
M.P. S/29/39.

FALKLAND ISLANDS.

Order in Council under Subsection (1) of Section Four of the Emergency Powers (Defence) Act, 1939.

Whereas by subsection (1) of section four of the Emergency Powers (Defence) Act, 1939, it is provided that His Majesty may by Order in Council direct that the provisions of that Act other than that section shall extend, with such exceptions, adaptations and modifications, if any, as may be specified in the Order —

- (a) to the Isle of Man or any of the Channel Islands,
- (b) to Newfoundland or any colony,
- (c) to any British protectorate,
- (d) to any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty, and is being exercised by His Majesty's Government in the United Kingdom, and
- (e) (to the extent of His Majesty's jurisdiction therein) to any other country or territory being a foreign country or territory in which for the time being His Majesty has jurisdiction :

Now, therefore, His Majesty in pursuance of subsection (1) of section four of the said Act, 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 :—

1. This Order may be cited as the Emergency Powers (Colonial Defence) Order in Council, 1939.

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

- (a) the expression "territory" includes the territorial waters, if any, adjacent thereto, and any dependency thereof;
- (b) the expression "Governor" in relation to any territory includes any person administering the Government of the territory, and, in the case of Zanzibar, means the British Resident or the person lawfully discharging his functions.

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

3. The provisions of the Emergency Powers (Defence) Act, 1939, other than section four thereof (excepting the following provisions thereof, that is to say, subsections (3) and (4) of section two, section five, subsection (3) of section six, and sections eight, nine, eleven and twelve) shall, subject to the adaptations and modifications contained in the First Schedule to this Order, extend to the territories mentioned in the Second Schedule to this Order.

4. The powers conferred on the Governor of a territory by virtue of this Order shall be in addition to, and not in derogation of, any other powers possessed by the Governor.

FIRST SCHEDULE.

(a) The Governor shall be substituted for His Majesty in Council as the authority empowered to make Defence Regulations for the territory.

(b) In subsection (1) of section one "the territory" shall be substituted for "the realm".

(c) In paragraph (a) of subsection (2) of section one "the Governor" shall be substituted for "the Secretary of State".

(d) In subsection (3) of section one "the Governor" shall be substituted for "His Majesty in Council".

(e) In subsection (4) of section one the words "other than this Act", in both places where they occur, shall be omitted.

FALKLAND ISLANDS.

(f) In subsection (6) of section one for the words "includes any enactment of the Parliament of Northern Ireland" there shall be substituted the words "includes any Act of Parliament in its application to the territory other than the Emergency Powers (Defence) Act, 1939, any Order of His Majesty in Council in its application to the territory other than an Order made under the Emergency Powers (Defence) Act, 1939, and any Ordinance or other law in force in the territory".

(g) In subsection (1) of section two "the Governor" shall be substituted for "the Treasury" in both places where the words occur.

(h) In subsection (2) of section two "the general revenues of the territory" shall be substituted for "the Exchequer of the United Kingdom".

(i) In subsection (5) of section two for the words "such fee not exceeding five pounds as may be prescribed under the Regulations with the approval of the Treasury" there shall be substituted the words "such fee as may be prescribed by or under the Regulations;" and for the words "shall be paid into the Exchequer of the United Kingdom or, if the Treasury so direct, be paid into such public fund or account as they may determine" there shall be substituted the words "shall be paid into the general revenues of the territory or, if the Governor so directs, be paid into such public fund or account as he may determine".

(j) In subsection (1) of section three "the territory" shall be substituted for "the United Kingdom" wherever those words occur, and in paragraph (b) of that subsection the words "the United Kingdom and" shall be inserted between the figure "(i)" and the words "a Dominion".

(k) In subsection (1) of section six "this Order" shall be substituted for "this Act", and "the territory" shall be substituted for "the realm".

(l) In section seven the references to a Minister shall be omitted.

(m) References to British ships shall be construed as including references to all ships registered in, or licensed under the law of the territory.

SECOND SCHEDULE.

Aden (Colony and Protectorate).	Dominica.
Bahamas.	Montserrat.
Barbados.	St. Christopher and Nevis.
Bermuda.	Virgin Islands.
British Guiana.	Malta.
British Honduras.	Mauritius.
British Solomon Islands Protectorate.	Nigeria :-
Ceylon.	(a) Colony.
Cyprus.	(b) Protectorate.
Falkland Islands.	(c) Cameroons under British Mandate.
Fiji.	Northern Rhodesia.
Gambia (Colony and Protectorate).	Nyasaland Protectorate.
Gibraltar.	Palestine (excluding Trans-Jordan.)
Gilbert and Ellice Islands Colony.	St. Helena and Ascension.
Gold Coast :-	St. Lucia.
(a) Colony.	St. Vincent.
(b) Ashanti.	Seychelles.
(c) Northern Territories.	Sierra Leone (Colony and Protectorate.)
(d) Togoland under British Mandate.	Somaliland Protectorate.
Grenada.	Straits Settlements.
Hong Kong.	Tanganyika Territory.
Jamaica (including Turks and Caicos Islands and the Cayman Islands).	Trinidad and Tobago.
Kenya (Colony and Protectorate).	Uganda Protectorate.
Leeward Islands.	Zanzibar Protectorate.
Antigua.	

Falkland Islands Defence Regulations.

Order for Detention and Control of Enemy Subjects.

H. HENNIKER HEATON,
Governor.

In exercise of the powers in him vested by the Falkland Islands Defence Regulations, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows:-

1. That the enemy subject whose name is set out below shall be detained until this Order is rescinded or otherwise varied -

From British s.s. "Lafonia".

Member of crew - Andreas Sollner.

2. That the said enemy subject shall be detained under the command and control of the Officer appointed to Command the Detention Camp for enemy subjects.

By Command,
M. C. CRAIGIE-HALKETT,
Colonial Secretary.

STANLEY,
3rd September, 1939.
M.P. 175/39.

FALKLAND ISLANDS.

Falkland Islands Defence Regulations.

Order for Detention and Control of Enemy Subjects.

H. HENNIKER HEATON,

Governor.

In exercise of the powers vested in him by the Falkland Islands Defence Regulations, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows:—

1. That the enemy subjects whose names are detailed below shall be detained until this Order is rescinded or otherwise varied:—

Ex-German vessel "Carl Fritzen".

Officers - A. Hamman.
H. Warncke.
G. Peter.
O. Gloystein.
K. Kilius.
K. Hyde.
H. Sankowsky.
J. Dierksen.
H. Riese.

Crew -

Hans Gualmann.	Johannes Bitzner.
Friedrich Witt.	Ludwig Eirmann Heizer.
Heinz Iesch.	Gunter Heimrich.
Otto Kock.	Johannes Wohlers.
Gerhard Hoffman.	Gunter Simon.
Walter Schulz.	Paul Kotzner.
Walter Wurm.	Wilhelm Lehnert.
Herbert Blank.	Paul Reimer.
August Weber.	August Schutte.
Werner Kohnke.	Theodor Czapule.
Fritz Schellhase.	Hermann Johann.
Emil Baum.	August Riesberg.

2. That the said enemy subjects shall be detained under the command and control of the Officer appointed to Command the Detention Camp for enemy subjects.

By Command,

M. C. CRAIGIE-HALKETT,

Colonial Secretary.

Stanley,

13th September, 1939.

M.P. 175/39.

FALKLAND ISLANDS.

Order for the control, in time of war, of Radiotelegraphy on Merchant Vessels in harbours of the Falkland Islands and Dependencies.

H. HENNIKER HEATON,
Governor.

In pursuance of the powers vested in him by Section 7 of the Falkland Islands Defence Regulations, His Excellency the Governor is pleased to order and it is hereby ordered as follows :-

1. The use of Wireless Telegraphy transmitting apparatus on board any ship (not being a vessel belonging to the Crown) in any harbour in the Colony or its Dependencies is hereby forbidden.
2. The transmitting apparatus on board any such ship shall if the competent authority considers necessary for the due observance of this order be dismantled to the satisfaction of such authority.
3. The competent authority for the purpose of this Order is the Customs Officer.

By Command,
M. C. CRAIGIE-HALKETT,
Colonial Secretary.

Stanley,
14th September, 1939.
M.P. 162/39.

FALKLAND ISLANDS.

Order for the control of Wireless Stations in the Falkland Islands and its Dependencies.

H. HENNIKER HEATON,
Governor.

In virtue of the powers vested in him by Section 7 of the Falkland Islands Defence Regulations, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows :-

1. If and whenever an emergency shall have arisen in which it is expedient for the public service that the Government shall have control over the sending and receiving of messages by any private wireless station in the Falkland Islands or its Dependencies it shall be lawful for any official or person authorised by me to take possession of the station in the name of and on behalf of His Majesty and to use the same for His Majesty's service, and in that event any such officer or person so authorised may take possession of the station and use the same as aforesaid, and subject to any such use may use the same or allow it to be used for such ordinary services as may in his discretion seem fit to him, or may prohibit and take steps to prevent the use of the same and issue directions which shall be obeyed by the Licensee to prevent such use.

2. Any such officer or person so authorised as aforesaid may, in any such event as aforesaid, instead of taking possession of the station as aforesaid, direct and authorise such person or persons as he may think fit to assume the control of the sending and receiving of messages by the station, either wholly or partly and in such manner as he may direct and such persons may enter the station accordingly or the said officer or person so authorised as aforesaid may direct the Licensee to submit to him or any person authorised by him all messages tendered for despatch or received by the station or any class or classes of such messages to stop or delay the sending of any messages or the delivery thereof, or deliver the same to him or his agent and generally to obey all such directions with reference to the sending, receiving or delivery of messages as the said officer or person so authorised as aforesaid may prescribe and the Licensee shall obey and conform to all such directions.

3. The Licensee shall obey any instructions which may be issued for observance during any such emergency as aforesaid.

4. The Licensee shall be entitled to reasonable compensation for any damage to the station arising in consequence of the exercise of the powers conferred by paragraphs 1 & 2 of this Order.

By Command,

M. C. CRAIGIE-HALKETT,

Colonial Secretary.

Stanley,

14th September, 1939.

M.P. 162/39.

FALKLAND ISLANDS.

Order for the control of the distribution and sale of articles of any description.

H. HENNIKER HEATON,

Governor.

WHEREAS a National Emergency exists rendering it necessary to take steps for the proper control of Foodstuffs and other articles of any description in the National interest.

NOW THEREFORE under the authority of the Emergency (Powers) Defence Act, United Kingdom, 1939, and the Falkland Islands Defence Regulations, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows :-

1. The competent authority under Part VI of the Falkland Islands Defence Regulations, 1939, shall be the Colonial Secretary.

2. The competent authority, so far as appears to that authority to be necessary for maintaining supplies and services essential to the life of the community of the Colony, may by order provide -

- (i) for regulating or prohibiting the production, treatment, keeping, storage, movement, transport, distribution, sale, purchase, use or consumption of articles of any description, and, in particular, for controlling the prices at which such articles may be sold;
- (ii) for the appropriation, control, forfeiture and disposition of property and the use thereof.

By Command,

M. C. CRAIGIE-HALKETT,

Colonial Secretary.

Stanley,

18th September, 1939.

M.P. 177/39.

FALKLAND ISLANDS.

Falkland Islands Defence (Port) Orders.

H. HENNIKER HEATON,

Governor.

Under the provisions of Section 37 of the Colonial Defence Regulations and the Emergency Powers (Defence) Act, (United Kingdom) 1939, His Excellency the Governor is pleased to make the following Order :-

1. The Port, that is the sheltered waters lying west to southwest of a line drawn from William (Mengeary) Point to Cape Pembroke, will be closed to shipping when the Port War Signal Station at Cape Pembroke displays -

3 red lights vertically disposed by night

or

3 red balls vertically disposed by day.

2. Ships are not to enter the Port when the above signals are displayed. Ships disobeying this Order will be brought to by gunfire.

3. The Port will be closed to shipping at night until the identity of the ship is established by the Examination Vessel. The Port will be closed to shipping by day unless the Examination Vessel is at her station, that is to the eastward of a line drawn from Arrow Point to Yorke Point.

4. No vessel to leave the Port unless -

(a) four hours notice has first been given to the Naval Authorities, or in their absence to the Port Authorities,

(b) permission to leave has been obtained from the Senior Naval Officer, or, in the absence of Naval Authorities, from the Port Authorities.

SMALLCRAFT.

5. No local boat or sailing craft shall enter, leave, or be under weigh in Port William or Stanley Harbour between the hours of sunset and sunrise.

Every Master or Owner of a local boat or sailing craft desiring to leave Port Stanley shall first apply to the Harbour Master for a permit, and shall state to the Harbour Master the nature of the intended sailing and of the probable date of the return of the vessel to the Port. He shall also apply to the Collector of Customs for a Customs Clearance when necessary.

The Harbour Master shall give such steering or other directions as he may consider necessary.

Any person offending against this Order shall be liable to a penalty not exceeding ten pounds.

By Command,

M. C. CRAIGIE-HALKETT,
Colonial Secretary.

STANLEY,

5th September, 1939.

M.P. 161/39.

FALKLAND ISLANDS.

Bye-laws to amend the Bye-laws made by the Board of Health for the Falkland Islands and Dependencies, under Sections 18 and 19 of the Public Health Ordinance, 1894, and approved by the Governor in Council.

1. These Bye-laws may be cited as "The Board of Health for the Falkland Islands and Dependencies Consolidated (Amendment) Bye-laws 1939", and shall be read and construed as one with the Board of Health for the Falkland Islands and Dependencies Consolidated Bye-laws 1937.

Short Title.

2. Section 71 of the Board of Health for the Falkland Islands and Dependencies Consolidated Bye-laws, 1937, is hereby repealed and replaced by the following section :-

Repeal of Section 71 of Board of Health for the Falkland Islands and Dependencies Consolidated Bye-laws, 1937.

Cost to be borne by owner and penalty for non-compliance.

71. In any case under the preceding section 70 of these Bye-laws where the owner as aforesaid shall fail to bury the carcass within 48 hours of the receipt of a notice in writing from the Inspector, the Inspector shall cause the carcass to be buried and the owner, as aforesaid, shall pay to the Inspector on demand the cost of burial not exceeding £1 and shall be liable on conviction to a fine not exceeding £2.

3. Section 81 of the Board of Health for the Falkland Islands and Dependencies Consolidated Bye-laws 1937, is hereby repealed and replaced by the following section :-

Repeal of Section 81 of Board of Health for the Falkland Islands and Dependencies Consolidated Bye-laws, 1937.

Penalties.

81. Any person who wilfully contravenes or evades or attempts to contravene or evade any of the provisions of these Bye-laws or who aids or abets any such contravention or evasion or attempted contravention or evasion shall be liable upon conviction by a Court of Summary Jurisdiction to a penalty not exceeding £2 and in the case of a continuing offence to a further penalty not exceeding five shillings for each day on which such offence continues after written notice of the said offence or order from the Board has been served upon him.

4. Section 35 of the Board of Health for the Falkland Islands and Dependencies Consolidated Bye-laws, 1937, is hereby repealed and replaced by the following section :-

Repeal of Section 35 of Board of Health for the Falkland Islands and Dependencies Consolidated Bye-laws, 1937.

Removal of Garbage.

35. The owner or occupier of any premises within the Town of Stanley shall sort his garbage or waste material in a manner which the Board can approve and shall place the same in a location and in a receptacle (or receptacles) which in the opinion of the Board is satisfactory.

Storage of manure.

5. The storage of manure or other waste material for sale or for any other purpose except for the personal use of the householder is forbidden within the Town of Stanley and where the owner or occupier stores manures for his personal use it shall be kept in a place and in a manner which the Board can approve.

Made by the Board of Health at a meeting held on the 21st of January, 1939.

B. N. BIGGS,
Clerk of the Board of Health.

Approved by the Governor in Executive Council at a meeting held on the 18th of April, 1939.

A. I. FLEURET,
Clerk of the Executive Council.

FALKLAND ISLANDS.

Bye-laws to amend the bye-laws made by the Board of Health for the Falkland Islands and Dependencies, under sections 18 and 19 of the Public Health Ordinance, 1894, and approved by the Governor in Council.

1. These Bye-laws may be cited as "The Board of Health for the Falkland Islands and Dependencies Consolidated (Amendment No. 2) Bye-laws, 1939", and shall be read and construed as one with the Board of Health for the Falkland Islands and Dependencies Consolidated Bye-laws, 1937. Short Title.

2. Section 71 of the Board of Health for the Falkland Islands and Dependencies Consolidated Bye-laws, 1937, as amended by the Board of Health for the Falkland Islands and Dependencies Consolidated (Amendment) Bye-laws, 1939, is hereby amended by the deletion of the words "and shall be liable on conviction to a fine not exceeding £2". Amendment of Section 71 of the Board of Health for the Falkland Islands and Dependencies Consolidated Bye-laws, 1937.

3. Section 81 of the Board of Health for the Falkland Islands and Dependencies Consolidated Bye-laws, 1937, as amended by the Board of Health for the Falkland Islands and Dependencies Consolidated (Amendment) Bye-laws, 1939, is hereby amended by the insertion of the words "for which no special penalty is provided" after the words "Bye-laws". Amendment of Section 81 of the Board of Health for the Falkland Islands and Dependencies Consolidated Bye-laws, 1937.

Made by the Board of Health at a meeting held on the 19th of October, 1939.

B. N. BIGGS,
Clerk of the Board of Health.

Approved by the Governor in Executive Council at a meeting held on the 15th of November, 1939.

M. C. CRAIGIE-HALKETT,
for Clerk of the Executive Council.

FALKLAND ISLANDS.

Rules made under the Falkland Islands Currency Notes Ordinance, 1930, as amended by the Falkland Islands Currency Notes (Amendment) Ordinance, 1933.

H. HENNIKER HEATON,
Governor.

In exercise of the powers vested in him by section 14 of the Falkland Islands Currency Notes Ordinance, 1930, as amended by the Falkland Islands Currency Notes (Amendment) Ordinance, 1933, and with the approval of the Secretary of State, His Excellency the Governor is pleased to make and hereby makes the following Rules :-

1. These Rules may be cited as the Falkland Islands Currency Notes Rules. 1939. Short Title.
2. In these Rules :- Definition.
 - "The Ordinance" means the Falkland Islands Currency Notes Ordinance, 1930, as amended by the Falkland Islands Currency Notes (Amendment) Ordinance, 1933.
 - "Commissioner" means the Commissioner of Currency.
 - "Colony" means the Colony of the Falkland Islands and its Dependencies.
3. The Commissioner shall be a Currency Officer for the purposes of these Rules and he may appoint such other persons to be Currency Officers as the Governor may approve. Currency Officers.
4. All unissued currency notes, and all currency notes withdrawn from circulation by the Commissioner and selected for re-issue in accordance with Rule 17, shall be kept in a strong fireproof vault (hereinafter referred to as "the vault") having each of its entrances secured by three different locks, the keys of which shall be held respectively by the Colonial Treasurer and such two of the Currency Officers as the Governor may from time to time appoint. Custody of Currency Notes.
5. All currency notes on first issue shall be issued so far as possible in the order of their serial numbers. Issue of Currency Notes.
6. The re-issue of currency notes selected for re-issue under Rule 17, shall be preferred to the issue of currency notes not previously issued. Re-issue of Currency Notes.
7. The minimum sum which any person shall be entitled, under the provisions of the first proviso to Section 6 of the Ordinance, to lodge with the Crown Agents for the Colonies, or with the Commissioner, for the purpose of obtaining sterling, or currency notes, as the case may be, shall be £40. Minimum sum to be exchanged for Currency Notes or Sterling.
8. The rate of commission which the Commissioner shall be entitled to charge and levy from any person obtaining currency notes or sterling under the second proviso to Section 6 of the Ordinance, until further notice, shall be one per cent. Rate of Commission to be charged.
9. The Commissioner may for the purposes of verification and enquiry impound any currency note which he has good reason to believe to be forged, counterfeited or altered. Forged and Counterfeit Notes.

Denominations, size etc., of Currency Notes.

10. (1) The denominations and size of currency notes which may be issued under the Ordinance shall be as follows :-

Denominations.	Size.
£5.	5 $\frac{3}{4}$ inches by 3 $\frac{5}{8}$ inches.
£1.	
10/-	

(2) In addition to the pictorial and decorative elements the front of the currency notes shall include :-

- a conspicuous inset reproduction of the King's Head.
- the denomination in figures and in words.
- the words "The Government of the Falkland Islands", and the words "These notes are legal tender for the payment of any amount".
- a *fac-simile* signature of the Commissioner, with the date of issue.
- The Series Index and serial number at the left hand top corner and at the right hand bottom corner.

Withdrawal of damaged or worn Currency Notes.

11. The Commissioner may from time to time redeem worn or damaged currency notes and issue in exchange new currency notes of an equivalent aggregate value, but not necessarily of the same denominations.

Accounting and Book-keeping.

12. The accounting and book-keeping necessary to recording in the Colony the transactions of the Note Security Fund shall be performed by or under the directions of the Treasurer to the Government of the Falkland Islands.

Books to be kept.

13. The Commissioner shall cause books to be kept to be called the Currency Note Register, the Register of Currency Note Issues, and the Register of Cancelled and Destroyed Notes.

Currency Note Register.

14. When currency notes are supplied to the Commissioner, or issued, withdrawn from circulation, re-issued, cancelled or destroyed in accordance with these Rules, an entry shall forthwith be made in the Currency Note Register and signed by at least two Currency Officers showing the date and nature of each such transaction, the denominations and total number of the notes involved and the denominations and total number of all notes supplied to the Commissioner, issued, remaining unissued, withdrawn from circulation, re-issued, cancelled, kept for destruction in accordance with the provisions of Regulation 20 (iii) or destroyed in the manner prescribed by these Rules up to and including the transaction which is then being recorded.

Register of Currency Note issues.

15. (1) In the Register of Currency Note Issues shall be recorded consecutively the serial numbers of the currency notes issued by the Commissioner, together with the date of issue and the date on which each note is withdrawn from circulation, and re-issued, cancelled or destroyed by the Commissioner.

(2) In addition, when any currency note has been so destroyed, a line shall be drawn through the whole entry in the register relating to that note.

Register of Cancelled and destroyed notes.

16. In the register of cancelled and destroyed notes there shall be recorded the serial numbers of notes cancelled or destroyed together with the date of cancellation or destruction.

17. When any currency notes are withdrawn from circulation by the Commissioner the notes shall forthwith be classified either for re-issue or for destruction.

Classification of Currency Notes withdrawn from circulation.

18. All currency notes selected for re-issue under Rule 17 shall be placed in the vault and kept in the manner prescribed in Rule 4, but they shall be kept separate from the currency notes previously unissued.

Re-issue of Currency Notes.

19. When any currency note has been selected for destruction under Rule 17 it shall forthwith be cancelled in the presence of at least two Currency Officers by stamping, perforating, cutting or otherwise defacing the note in such manner as the Commissioner may approve, and any portion of such note which may have been removed shall be burnt in the presence of the same Currency Officers.

Cancellation of Currency Notes.

20. (i) After cancellation, currency notes shall be arranged as far as possible consecutively, according to their series in bundles of 100 notes and their numbers recorded in the Register of cancelled and destroyed notes in accordance with the provision of Rule 16.

Destruction of cancelled Currency Notes.

(ii) After the currency notes have been classified, bundled and recorded, they shall be handed to at least two Currency Officers none of whom shall have acted previously in respect of the same notes under the previous provision of this Rule. The currency notes after being checked by them shall if possible be immediately destroyed in their presence by fire, in an incinerator provided for the purpose, and the Currency Officers shall immediately after the destruction sign a certificate in a form to be approved by the Commissioner showing the total number and value of the notes destroyed under each prefix letter of a series.

(iii) If any currency notes are not destroyed by fire immediately after they are handed to and checked by the Currency Officers in accordance with the previous provisions of this Regulation, the Currency Officers shall certify the records in the Register of cancelled and destroyed notes and seal and date the bundles of currency notes which shall forthwith be placed in the vault and there kept until it is convenient to destroy them.

(iv) When the sealed bundles of cancelled currency notes are withdrawn from the vault, the notes shall be checked against the records in the Register of cancelled and destroyed notes by at least two Currency Officers who shall be the Currency Officers who had sealed the bundles if those officers are available; the notes shall then be destroyed in their presence in accordance with the provisions of paragraph (ii) hereof, and they shall sign a certificate in the Register of cancelled and destroyed notes as provided in that paragraph.

21. (1) There shall be a Board of Survey appointed by the Governor, which shall consist of at least two members neither of whom shall be a Currency Officer or an officer of the Treasury, and which shall examine the stocks of notes held by the Commissioner, whether unissued, awaiting re-issue or awaiting destruction.

Board of Survey.

(2) The Local Auditor, whether or not he is a member of the Board of Survey shall be notified of every Survey to be held and shall be entitled to be present, either in person, or by his officers, at any survey.

(3) Ordinary surveys shall be held at least quarterly, and surprise surveys shall be held by the Board of Survey when required to do so by the Governor. At least one surprise survey

shall be held in every year.

(4) At any Survey the Board of Survey may accept any sealed package of notes without counting the contents thereof, if the seals are apparently intact, and the package bears the seal of :-

- (a) The Crown Agents for the Colonies, or
- (b) the unbroken seal of previous Boards of Survey, or
- (c) in the case of bundles of cancelled currency notes; two Currency Officers.

(5) A report of each survey, containing a list of all packages of notes and showing how far the packages have been accepted or counted shall be forwarded by the Board of Survey to the Colonial Secretary for the information of the Governor, and the Colonial Secretary shall furnish copies of the report to the Auditor and the Commissioner.

(6) All books and documents in which are any account, minute or memorandum relating to the Currency Notes Security Fund, or whatever else shall tend to secure a true account of the transactions of the Commissioner, shall be at all times open to examination by the Board of Survey.

Annual Estimates of Expenditure.

22. The Commissioner shall submit annually for the approval of the Governor estimates of expenditure during the year, and the Governor's prior sanction for any supplementary provision shall be obtained.

Encashment of Notes of Series "A" and "B".

23. Notwithstanding that currency notes of the "A" and "B" series issued under the Falkland Islands Currency Notes Order, 1899, were withdrawn from circulation on the 1st of January, 1935, and ceased to be legal tender as from that date, such notes if presented at the Treasury, Stanley, shall be encashed in legal tender of the equivalent aggregate value.

Repeal of Falkland Islands Currency Notes Rules 1931, and Amendments.

24. The Falkland Islands Currency Notes Rules, 1931, and Amendments thereto, are hereby repealed.

Stanley, Falkland Islands.

6th April, 1939.

FALKLAND ISLANDS.

Regulations made by the Governor in Council under Section 3 of the Pensions Ordinance, 1937.

H. HENNIKER HEATON,
Governor.

1. These Regulations may be cited as "The Pensions (Amendment) Regulations, 1939." Short Title.

2. Section 9 of the Pensions Regulations, 1937, is hereby amended by the addition thereto of the following new paragraph : Amendment of Section 9 of Pensions Regulations, 1937.

"(3) For the purposes of this Regulation no period during which an officer was a contributor under the Government Employees Provident Fund Ordinance, 1938, shall be regarded as service in an appointment other than a pensionable office."

3. Section 13 of the Pensions Regulations, 1937, is hereby amended by the addition thereto of the following Proviso : Amendment of Section 13 of Pensions Regulations, 1937.

"Provided that no award shall be made under this Regulation in respect of a period during which an officer was a contributor under the Government Employees Provident Fund Ordinance, 1938."

Made by the Governor in Executive Council at a meeting held on the 18th of April, 1939.

A. I. FLEURET,
Clerk of the Executive Council.

M.P. 59/36.

FALKLAND ISLANDS.

The Cinematograph Ordinance, 1912.

The Cinematograph (Amendment) Regulations 1939.

H. HENNIKER HEATON.

Governor.

In pursuance of the powers in him vested by the Cinematograph Ordinance, 1912, His Excellency the Governor by and with the advice of the Executive Council, is pleased to make the following Regulations:-

1. These Regulations may be cited as the Cinematograph (Amendment) Regulations, 1939, and shall be read and construed as one with the Cinematograph Regulations, 1915. Short Title.
2. Section 1 of the Cinematograph Regulations, 1915, is hereby repealed and replaced by the following :- Repeal and replacement of Section 1 of the Cinematograph Regulations, 1915.

“1. No child under the age of twelve years, unless accompanied by parent or guardian, shall be permitted to enter any Cinematograph Entertainment or Exhibition held after the hour of 7.30 p.m.”
3. The Cinematograph (Amendment) Regulations, 1930, are hereby repealed. Repeal of Cinematograph (Amendment) Regulations, 1930.

Made by the Governor in Executive Council at a meeting held on the twenty-third day of August, 1939.

A. I. FLEURET,
Clerk of the Executive Council.

M.P. 420/30.

FALKLAND ISLANDS.

Made by the Governor under the authority of the
Emergency Powers (Defence) Act of the United Kingdom.
1939.

FALKLAND ISLANDS DEFENCE REGULATIONS.

PART I.

PRELIMINARY.

1. These Regulations may be cited as the Defence Regulations, 1939, and shall come into operation on the date of their publication in the Gazette. Citation and date of coming into operation.

2. (1) For the purpose of these Regulations, unless the context otherwise requires— Interpretation.

“aircraft” has the same meaning as in any Order in Council for the time being in force under Part I of the Air Navigation Acts, 1920 and 1936;

“ammunition” has the same meaning as in the the Explosives Act, 1875;

“Dominion” means a Dominion within the meaning of the Statute of Westminster, 1931, and includes any territory administered by His Majesty’s Government in such a Dominion;

“Dominion ship or aircraft” means a British ship or aircraft registered in in any Dominion other than Newfoundland, or in India, Burma or Southern Rhodesia, not being a ship or aircraft which is for the time being placed at the disposal of, or chartered by, or on behalf of, His Majesty’s Government in the United Kingdom, and “Dominion ship” and “Dominion aircraft” shall be construed accordingly;

“enemy alien” means a person who, not being either a British subject or a British-protected person, possesses the nationality of a State at war with His Majesty;

“essential services” means such services as may for the time being be declared by order of the Governor to be of public utility or to be essential for the prosecution of the war or essential to the life of the community;

“explosive” has the same meaning as in the Explosives Act, 1875;

“firearms” has the same meaning as in the Firearms Ordinance, 1930;

“land” includes (without prejudice to the provisions of Section 28 of the Interpretation Ordinance, 1900) land covered with water and parts of houses or buildings;

“officer of police” means a police officer of or above the rank of inspector;

“photographs” includes any photographic plates, photographic films or other sensitised articles which have been exposed in a camera, whether they have been developed or not;

“postal packet” has the same meaning as in the Post Office Ordinance, 1898;

"requisition" means, in relation to any property, take possession of the property or require the property to be placed at the disposal of the requisitioning authority;

"seaplane" includes a flying boat and any other aircraft designed to manœuvre on the water;

"ship" and "vessel" have respectively the same meanings as in the Merchant Shipping Act, 1894, but shall not include a ship or vessel belonging to His Majesty;

"telegram" means any message or other communication transmitted or intended for transmission by any apparatus for transmitting messages or other communications by means of electric signals;

"the war" means any war in which His Majesty may be engaged;

"United Kingdom ship or aircraft" means a ship or aircraft registered in the United Kingdom, and includes any ship or aircraft which is for the time being placed at the disposal of, or chartered by or on behalf of, His Majesty's Government in the United Kingdom;

"war offence" means—

- (a) treason, in so far as it consists in adhering to the King's enemies, giving them aid and comfort;
- (b) an offence of trading with the enemy;
- (c) an offence under any of the provisions of the Official Secrets Acts, 1911 and 1920;
- (d) an offence against any of these Regulations;
- (e) an offence against any Order in Council or order made under Part I or section seven of the Air Navigation Acts, 1920 and 1936;
- (f) attempting or conspiring to commit, or aiding, abetting counselling or procuring the commission of, or being accessory to, any offences specified in paragraphs (a) to (e) of this definition;

"wireless transmitting apparatus" means apparatus for making communications by means of wireless telegraphy, wireless telephony or wireless television, and "wireless receiving apparatus" means apparatus for receiving communications or information made or given by the said means.

(2) Any reference in these Regulations to the master of a vessel or the pilot of an aircraft shall be construed as including a reference to the person for the time being in charge of the vessel or aircraft, as the case may be.

(3) Any reference to the making, sending or receiving of communications which is made in any of the provisions of these Regulations relating to wireless telegraphy, wireless telephony or wireless television shall be construed as including a reference to the giving of warning or information or, as the case may be, to the receiving of warning or information.

(4) The Interpretation Ordinance, 1900, shall apply to the interpretation of these Regulations, and of any orders or rules made thereunder, as it applies to the interpretation of an Ordinance, and for the purposes of section 11 of the said Ordinance, these Regulations and such orders and rules as aforesaid shall be deemed to be Ordinances.

(5) Any reference in any document to these Regulations or to any of them shall, unless the contrary intention appears, be construed as a reference to these Regulations or to that Regulation, as amended by any subsequent Regulations made under the Emergency Powers (Defence) Act (U.K.) 1939.

3. (1) The Competent Authority shall be the person appointed by the Governor in writing for the purposes of all or any of the Regulations in which such expression occurs, and any person so appointed is in these Regulations referred to as the Competent Authority. Competent authority.

(2) Where the holder of a designated office has been appointed to be the Competent Authority, then, unless express provision is made to the contrary, the appointment shall be deemed to extend to the person for the time being performing the duties of the office designated.

4. An "authorised officer" means any officer of police, and also the following persons— Authorised officer.

- (a) For the purposes of Regulations 7, 26, 27, 28, 30, 32, 33, 34, 50, 53, 62, 66 a person holding a commission in any of His Majesty's forces.
- (b) For the purposes of Regulations 6, 47 a Customs Officer.
- (c) Any others appointed by the Governor.

PART II.

CENSORSHIP AND THE CONTROL AND SUPPRESSION OF PUBLICATIONS, WRITINGS, MAPS, PLANS, PHOTOGRAPHS, COMMUNICATIONS, AND MEANS OF COMMUNICATION.

5. (1) The Governor may appoint a censor of postal matter and telegrams and such number of assistant and deputy assistant censors as he shall think fit, and the word censor in these Regulations includes any assistant censor so appointed. Appointment of censor and censorship.

(2) The Governor may by warrant under his hand authorise the Postmaster and any person in charge of cable and radio stations to detain and produce to the censor all postal packets and telegrams coming into their possession either for transmission or delivery.

(3) The censor, or any person authorised by him, may open, examine, censor or detain either permanently or for so long a period as he may deem necessary any postal packet or telegram of any description whatsoever which may be in course of, or intended for, transmission to, from, or through the Colony.

(4) Any person who without lawful authority transmits any telegram at any place in the Colony or on any vessel or aircraft within the territorial waters thereof unless such telegram has first been passed for transmission by the censor is guilty of an offence against these Regulations.

6. (1) The Governor may make provision by order for securing that postal packets of any such description as may be specified in the order shall not be despatched by post from the Colony to destinations outside the Colony, except in accordance with the order; and in particular, but without prejudice to the generality of the preceding provisions of this paragraph, any such order may, in relation to any description of postal packets, direct that no postal packet of Postal communications.

that description shall be so despatched as aforesaid otherwise than under the authority of a permit granted by such authority or person as may be specified in the order.

(2) The Governor may make provision by order for securing that, subject to any exemptions for which provision may be made by the order, and except in accordance with such conditions as may be contained therein, no document, pictorial representation or photograph or other article whatsoever recording information shall be sent or conveyed from the Colony to any destination outside the Colony otherwise than by post, or conveyed into the Colony otherwise than by post.

No person shall have any article in his possession for the purpose of sending or conveying it in contravention of an order made under this paragraph.

(3) Any person who is about to embark on any vessel or aircraft at any place in the Colony for the purpose of leaving the Colony, or lands from any vessel or aircraft at any place on coming to the Colony, (which person is hereafter in this paragraph referred to as "the traveller") shall, if requested so to do by an authorised officer, —

- (a) declare whether or not the traveller has with him any such article as is mentioned in paragraph (2) of this Regulation;
- (b) produce any such article as aforesaid which he has with him;

and an authorised officer, and any person acting under his directions, may examine or search any article which the traveller has with him, for the purpose of ascertaining whether he is conveying or has in his possession any article in contravention of paragraph (2) of this Regulation, and, if the authorised officer has reasonable ground for suspecting that the traveller has any article about his person in contravention of that paragraph, search him, and may seize any article produced as aforesaid or found upon such examination or search as aforesaid, being an article as to which the authorised officer has reasonable ground for suspecting that it is being sent or conveyed in contravention of the said paragraph or is in the traveller's possession in contravention of that paragraph:

Provided that no woman shall be searched in pursuance of this paragraph except by a woman.

(4) Where, at any place in the Colony, any person is on any occasion found in circumstances in which it is reasonable to suppose that on that occasion he has communicated, or intends to communicate, at that place with a person embarking thereat on a vessel or aircraft for the purpose of leaving the Colony, or landing thereat from a vessel or aircraft on coming to the Colony, the provisions of paragraph (3) of this Regulation shall apply in relation to the person so found, as they apply in relation to a person about to embark on a vessel or aircraft for the purpose of leaving the Colony; and where any person is on any occasion found travelling in the Colony to or from any place in such circumstances as aforesaid, the said provisions shall apply in relation to him as they would apply if, when so found, he had been about to embark on a vessel or aircraft for the purpose of leaving the Colony.

Where there is declared or produced to the authorised officer, in compliance with this Regulation, or discovered by the authorised officer in circumstances in which it ought to have been so declared or produced, any such plate, film or other article as aforesaid which

he suspects to have been exposed in a camera but not developed, he may cause to be taken, or require the person by whom it is declared or produced or in whose possession it is discovered to take, such steps (including subsection of the article to the process of development) as may be reasonably necessary for enabling the authorised officer to ascertain whether or not it has been so exposed.

7. (1) The Governor may by order direct that, subject to any exemptions for which provision may be made by the order, no person shall, except under the authority of a written permit granted by such authority or person as may be specified in the order, have in his possession or under his control—

Wireless telegraphy.
&c.

- (a) any such article as may be specified in the order, being an article which is designed for the purpose only of being used for the operation of wireless transmitting apparatus;
- (b) any such wireless receiving apparatus as may be specified in the order, being a type of apparatus which is designed to be used also as wireless transmitting apparatus or which appears to the Governor to be readily adaptable for the purpose of being so used;

Provided that nothing in any such order shall restrict the doing of anything by any servant of His Majesty acting in the course of his duty as such, or apply in relation to any apparatus in respect of which there is in force a licence under the Wireless Telegraphy Ordinance, 1925 authorising the use of the apparatus for transmission or in relation to any article forming part of any such apparatus; and in any proceedings taken by virtue of this paragraph against any person by reason of his having in his possession or under his control any article not forming part of any such apparatus, it shall be a defence for him to prove that at the material time he had the article in his possession or under his control for the purpose only of the operation of an apparatus in respect of which such a licence was then in force.

(2) In any proceedings arising out of a contravention of paragraph (1) of this Regulation, it shall be a defence for the defendant to prove that at the date of the contravention application had been made by him (for the first time) for the necessary permit in relation to the objects in respect of which the proceedings are taken, and that the application was still pending at that date.

(3) The competent authority may by order provide for prohibiting in certain circumstances, and otherwise for regulating, the use of wireless transmitting apparatus; and if any apparatus is used in contravention of an order under this paragraph, then (without prejudice to any proceedings which may be taken against any other person) the occupier of the premises on which the apparatus is situated, or, where the apparatus is on board any vessel or aircraft, the master of the vessel or the pilot of the aircraft, as the case may be, shall each be guilty of an offence against this Regulation:

Provided that, in any proceedings which, by virtue of this paragraph, are taken against any person in respect of the use of any apparatus by some other person in contravention of such an order, it shall be a defence for the defendant to prove that the apparatus was so used without his permission and that he exercised all due diligence to prevent any contravention of the order.

(4) An authorised officer may, in relation to any ship or aircraft, take such steps, and use such force, as may appear to that person to be reasonably necessary for securing compliance with

any order under paragraph (2) of this Regulation relating to the ship or aircraft, or, where a contravention of such an order has occurred in the case of the ship or aircraft, for enabling proceedings in respect of the contravention to be effectually taken.

(5) Notwithstanding anything in the Wireless Telegraphy Ordinance, 1925, the Governor in his discretion may refuse to grant a licence under the said ordinance and may revoke at any time a licence granted under that ordinance.

Interference with telegraphic communications.

8. No person shall knowingly —

- (a) cause interference with the sending or receiving of communications by means of wireless telegraphy, wireless telephony or wireless television, or
- (b) cause interference with, or intercept, telegraphic or telephonic communications made otherwise than by the said means :

Provided that this Regulation shall not apply to anything done by, or with the permission or under the direction of, any servant of His Majesty or police constable acting in the course of his duty as such.

Signalling to foreign vessels or aircraft.

9. No person shall, except with permission granted by or on behalf of the Governor, make any signal (either visually or by means of sound or otherwise) to any foreign vessel or foreign aircraft.

Provided that this Regulation shall not restrict the making of any signal by any servant of His Majesty acting in the course of his duty as such, or the making of any signal for the purpose only of saving life or of regulating or aiding the navigation, on the water or in the air, of any vessel or aircraft other than a vessel or aircraft being used in the service of a Power at war with His Majesty.

Signalling apparatus.

10. (1) Subject to any exemptions for which provision may be made by order of the Governor, no person shall, except with permission granted by a competent authority, have in his possession or under his control any apparatus or contrivance for signalling (whether visually or otherwise) which is of such a nature that it could be used for a purpose prejudicial to defence :

Provided that this Regulation shall not restrict the doing of anything by any servant of His Majesty or police constable acting in the course of his duty as such, and (without prejudice to Regulation No. 7) shall not apply —

- (a) in relation to any wireless transmitting apparatus, or
- (b) in relation to any apparatus forming part of the equipment of a vessel or aircraft, being an apparatus which is required by law to be carried therein.

(2) In any proceedings arising out of a contravention of this Regulation, it shall be a defence for the defendant to prove that at the date of the contravention application had been made by him (for the first time) for the necessary permission in relation to the objects in respect of which the proceedings are taken, and that the application was still pending at that date.

Means of secret communication.

11. (1) Subject to the provisions of this Regulation no person shall, except with permission granted by the Governor, knowingly have in his possession, or knowingly send by post or otherwise to any destination, whether within or outside the Colony, —

- (a) any instructions for utilising any means of secretly conveying, receiving or recording information,

- (b) any substance or article manufactured or designed for the purpose of secretly conveying, receiving or recording information, or
- (c) any document or other article secretly conveying or recording any information.

(2) Any person who has in his possession any such instructions as are mentioned in sub-paragraph (a) of paragraph (1) of this Regulation, shall, if requested by or on behalf of the Governor so to do, deliver up those instructions to such authority or person as may be specified in the request.

(3) Any person who has in his possession, in contravention of this Regulation, any substance or article manufactured or designed for the purpose of secretly conveying, receiving or recording information, shall, if requested by or on behalf of the Governor so to do, deliver up that substance or article to such authority or person as may be specified in the request.

(4) Nothing in paragraphs (2) and (3) of this Regulation shall be taken to prevent the prosecution of any person in respect of a contravention of paragraph (1) of this Regulation.

(5) In this Regulation the expression "instructions for utilising any means of secretly conveying, receiving or recording information" includes any code or cipher, but paragraph (1) of this Regulation shall not apply—

(a) to the possession of—

- (i) any code or cipher the use of which is approved by the Governor, or
- (ii) any document conveying or recording information by means of such a code or cipher, being a document which specifies in clear the code or cipher used, or

(b) to the use, in accordance with conditions imposed by the Governor, of any such code or cipher as is mentioned in sub-paragraph (a) of this paragraph,

and shall not restrict the doing of anything by any servant of His Majesty or police constable acting in the course of his duty as such.

12. No person shall, in any manner likely to prejudice the defence of the realm or the efficient prosecution of the war,—

- (1) obtain,
- (2) record, communicate to any other person or publish, or
- (3) have in his possession any document containing, or other record whatsoever of,

any information being, or purporting to be, information with respect to any of the following matters, that is to say :—

- (a) the number, description, armament, equipment, disposition, movement or condition of any of His Majesty's forces, vessels or aircraft;
- (b) any operations or projected operations of any of His Majesty's forces, vessels or aircraft;
- (c) any measures for the defence or fortification of any place on behalf of His Majesty;
- (d) the number, description or location of any prisoners of war;

General provisions for safeguarding information.

- (e) munitions of war:
- (f) any other matter whatsoever information as to which would or might be directly or indirectly useful to the enemy.

Communication with enemy agents.

13. No person shall communicate or associate with any other person having reasonable cause to believe that that other person is engaged in assisting the enemy:

Provided that in any proceedings taken by virtue of this Regulation in respect of any particular communication or association, it shall be a defence to prove that the purpose of the communication or association was not prejudicial to public safety or to defence.

Photography. &c.

14. (1) Subject to any exemptions for which provision may be made by order of the Governor no person shall, except under the authority of a written permit granted by the Governor, or a competent authority—

- (a) have a camera with him in any place in the Colony to which the public have access, or
- (b) make any photograph, sketch, plan or other representation of any area, or of any part of or object in such area, which may be specified by the Governor being an area in relation to which the restriction of photography appears to him to be expedient in the interests of public safety or of defence.

(2) In any proceedings arising out of a contravention of sub-paragraph (a) of paragraph (1) of this Regulation, it shall be a defence for the defendant to prove that at the time of the contravention application had been made by him (for the first time) for the necessary permit in relation to the camera in respect of which proceedings are taken, and that the application was still pending at that date.

(3) The Governor may make such orders, as he thinks necessary for securing that photographs, sketches, plans and other representations made under the authority of a permit granted in pursuance of sub-paragraph (b) of paragraph (1) of this Regulation, shall not be published unless and until they have been submitted to, and approved by, such authority or person as may be specified in the order; and such person or authority may, if he thinks it necessary in the interests of public safety or defence so to do, retain or destroy or otherwise dispose of, anything submitted as aforesaid.

(4) This Regulation shall not apply to anything done by any servant of His Majesty or police constable acting in the course of his duty as such.

Inventions and designs.

15. (1) Where, either before or after the coming into force of this Regulation, an application has been made to the Registrar General for the grant of a patent or the registration of a design, the Governor, if satisfied that it is expedient in the interests of defence so to do, may require the Registrar General to omit or delay the doing of anything which he would otherwise be required to do in relation to the application, and give directions for prohibiting or restricting the publication of information with respect to the subject matter of the application, or the communication of such information to particular persons or classes of persons.

(2) No person shall, except under the authority of a written permit granted by the Governor, make any application for the grant of a patent, or the registration of a design, in any foreign country.

(3) The Governor, if it appears to him to be necessary or expedient in the interests of defence or the efficient prosecution of the war so to do, may give directions to any person requiring him to furnish to such authority or person as may be specified in the directions any such information in his possession relating to any invention, design or process as may be specified in the directions, or demanded of him by the said authority or person.

(4) The right of a person to apply for, or obtain, a patent in respect of an invention or registration in respect of a design shall not be prejudiced by reason only of the fact that the invention or design has previously been communicated to a person in compliance with paragraph (3) of this Regulation, or used by a person in consequence of such communication, and a patent in respect of an invention, or the registration of a design, shall not be held to be invalid by reason only that the invention or design has been so communicated or used as aforesaid.

(5) In connection with the making, use or exercise of any invention or design on behalf of, or for the services of, the Crown (whether by virtue of the Patents and Designs Act, 1907, U.K. or otherwise), the Governor may authorise the use of any drawing, model, plan or other document or information in such manner as appears to him to be expedient in the interests of defence or the efficient prosecution of the war, notwithstanding anything to the contrary contained in any licence or agreement; and any licence or agreement, if and so far as it confers on any person, otherwise than for the benefit of the Crown, a right to receive any payment in respect of the use of any document or information in pursuance of such an authorisation, shall be inoperative.

PART III.

MOVEMENTS AND ACTIVITIES OF PERSONS.

16. (1) The Governor, if satisfied, with respect to any particular person, that with a view to preventing him acting in any manner prejudicial to public safety or defence, it is necessary so to do, may make an order for all or any of the following purposes, that is to say:—

Restriction of movements of suspected persons.

- (a) for securing that, except in so far as he may be permitted by the order, or by such authority or person as may be specified in the order, that person shall not be in any such area in the Colony as may be so specified;
- (b) for requiring him to notify his movements, in such manner, at such times and to such authority or person as may be specified in the order.

(2) If any person is in any area in contravention of an order made under this Regulation, or fails to leave any area in accordance with the requirements of such an order, then, without prejudice to any proceedings which may be taken against him, he may be removed from that area by any officer of police or by any person authorised in that behalf by the Governor.

17. (1) The Governor, if satisfied, with respect to any particular person, that with a view to preventing him acting in any manner prejudicial to public safety or defence, it is necessary so to do, may make an order:—

Restriction orders and detention orders.

- (a) prohibiting or restricting the possession or use by that person of any specified articles;

- (b) imposing upon him such restrictions as may be specified in the order in respect of his employment or business, in respect of his association or communication with other persons, and in respect of his activities in relation to the dissemination of news or the propagation of opinions;
- (c) directing that he be detained;

and so long as there is in force in respect of any person such an order as aforesaid directing that he be detained, he shall be liable to be detained in such place, and under such conditions, as the Governor may from time to time determine, and shall, while so detained, be deemed to be in legal custody.

(2) For the purposes of this Regulation, there shall be one or more advisory committees consisting of persons appointed by the Governor, and the chairman of any such committee shall be the Magistrate.

(3) The functions of any such committee shall be to consider, and make recommendations to the Governor with respect to, any objections against an order under this Regulation which are duly made to the committee by the person to whom the order relates.

(4) The Governor may make rules as to the manner in which objections against such an order as aforesaid may be made to such an advisory committee, and such rules shall contain provisions for enabling any person in respect of whom an order is made under this Regulation to make objections against the order either in person or by council, solicitor or agent; and every such person shall be informed of his right to make objections under this Regulation.

Interference with His Majesty's forces. &c.

18. No person shall

- (1) do any act having reasonable cause to believe that it will be likely to prevent or interfere with the performance of their duties by members of His Majesty's forces or the carrying on of their work by persons engaged in the performance of essential services, or
- (2) do, in relation to any person whom he knows to be a member of His Majesty's forces or to be a person so engaged, any act with intent thereby to render him incapable of efficiently performing his duties as such or, as the case may be, of efficiently carrying on his work as a person so engaged:

Providing that a person shall not be guilty of an offence under this Regulation by reason only of his taking part in, or peacefully persuading any other person to take part in, a strike.

Misleading acts and misrepresentation.

19. (1) No person shall—

- (a) do any act calculated falsely to suggest that he or any other person is or is not acting (either generally or in a particular capacity) in the service, or on behalf, of His Majesty or a foreign Government, or as a member of a police force or fire brigade, or in the service, or on behalf, of an undertaking engaged in the performance of essential services, or
- (b) do, in relation to any property, any act calculated falsely to suggest that the property does or does not belong to, or is or is not in the possession or under the control of, His Majesty, or has or has not been

classified, selected or appropriated on behalf of His Majesty for any particular purpose, or

- (c) do any act whereby there are communicated, or likely to be communicated, to the public or to any section thereof any directions, instructions or information falsely purporting to be duly issued or given for purposes connected with the defence of the realm or the securing of the public safety, or
- (d) make any defence signal otherwise than for the purpose for which, or otherwise than in the circumstances in which the making of that signal is authorised by or on behalf of the Governor, or do any act, or make any statement, having reasonable cause to believe that the act or statement is likely to result in such a signal being made otherwise than for that purpose or otherwise than in those circumstances, or do any act having reasonable cause to believe that the act is likely to be mistaken for the making of such a signal, or
- (e) do any act, or make any statement, having reasonable cause to believe that the act or statement is likely to mislead any person in the discharge of any lawful functions in connection with the defence of the realm or the securing of the public safety:

Provided that the provisions of sub-paragraph (a) of this paragraph shall not apply to anything done by any servant of His Majesty or police constable acting in the course of his duty as such.

(2) In this Regulation the expression "defence signal" means any signal authorised by or on behalf of the Governor to be used for any purpose connected with defence or the securing of public safety.

20. (1) Except in such circumstances as may be specified by order of the Governor, no alien who is in the Colony on the thirty-first day of August nineteen hundred and thirty nine shall, while in the Colony at any time after that day, assume or use or purport to assume for any purpose any name other than that by which he was ordinarily known immediately before the said day.

Change of name.

(2) Where, after the thirty-first day of August nineteen hundred and thirty nine, any alien carries on or purports to carry on (whether alone or in association with any other person) any trade or business under any name or style other than that under which that trade, or business was being carried on immediately before the said day, he shall, for the purposes of paragraph (1) of this Regulation, be deemed to be using a name other than that by which he was ordinarily known immediately before the said day.

(3) In relation to any alien who, not having been in the Colony on the thirty-first day of August nineteen hundred and thirty nine, thereafter lands in the Colony, paragraphs (1) and (2) of this Regulation shall have effect as if for any reference in those paragraphs to the said day there were substituted a reference to the day on which he first lands in the Colony after the thirty-first day of August, nineteen hundred and thirty nine.

(4) For the purposes of this Regulation, the expression "name" shall be construed as including surname, and a name shall be deemed to be changed if the spelling thereof is altered.

21. (1) No person shall—

- (a) endeavour to cause disaffection among any persons

Causing disaffection.

engaged (whether in the Colony or elsewhere) in His Majesty's service, or in the performance of essential services, or to induce any person to do or omit to do anything in breach of his duty as a person so engaged, or

- (b) with intent to contravene, or to aid, abet, counsel or procure a contravention of, sub-paragraph (a) of this paragraph, have in his possession or under his control any document of such a nature that the dissemination of copies thereof among any such persons as aforesaid would constitute such a contravention.

(2) A prosecution for an offence against this Regulation shall not be instituted except with the consent of the Governor.

Propaganda.

22. (1) No person shall—

- (a) endeavour, whether orally or otherwise, to influence public opinion (whether in the Colony or elsewhere) in a manner likely to be prejudicial to defence or the efficient prosecution of the war, or
- (b) do any act, or have any article in his possession, with a view making, or facilitating the making of, any such endeavour.

A prosecution in respect of a contravention of this paragraph shall not be instituted except with the consent of the Attorney-General.

Processions and meetings.

23. (1) The Governor, if satisfied, with respect to any area in the Colony, that the holding of public processions or of any class of such processions in that area would be likely to cause a disturbance of public order or to promote disaffection, may by order prohibit, for such period as may be specified in the order, the holding in that area of processions or processions of that class, as the case may be.

(2) The Governor may give directions prohibiting the holding of any meeting as to which he is satisfied that the holding thereof would be likely to cause a disturbance of public order or to promote disaffection.

(3) Any police constable may take such steps, and use such force, as may be reasonably necessary for securing compliance with any order or directions made or given under this Regulation.

Sabotage.

24. (1) No person shall do any act with intent to impair the efficiency or impede the working of any vessel, aircraft, vehicle, machinery, apparatus or other thing used or intended to be used for the purposes of any of His Majesty's forces, or for the purposes of any undertaking engaged in the performance of essential services:

This paragraph shall apply in relation to any omission on the part of a person to do anything which he is under a duty, either to the public or to any person, to do, as it applies in relation to the doing of any act by a person.

(2) Any person convicted by a superior court on indictment of an offence against this Regulation shall be liable to imprisonment for any term not exceeding fourteen years or to a fine not exceeding five hundred pounds or to both such imprisonment and such fine.

Acts done with intent to assist the enemy.

25. If, with intent to assist the enemy, any person does any act which is likely to assist the enemy, or to prejudice the public

safety, the defence of the Colony or the efficient prosecution of the war, then without prejudice to the law relating to treason, he shall be guilty of an offence against this Regulation and shall, on conviction on indictment, be liable to imprisonment for life.

26. (1) A competent authority may, if it appears to him to be necessary in the interests of defence so to do, give with respect to any particular ship or aircraft at a port or place in the Colony, directions that the ship or aircraft shall not leave the port or place until permitted to do so by such authority or person as may be specified in the directions; and if any ship or aircraft leaves or attempts to leave any port or place in contravention of any such directions as aforesaid, the master of the ship or the pilot of the aircraft, as the case may be, shall be guilty of an offence against this Regulation:

Stopping of ships and aircraft.

Provided that any directions given under this paragraph shall cease to have effect twenty-four hours after the time at which they are given, unless in the meantime they have been confirmed by the Governor.

(2) An authorised officer may, in relation to any ship or aircraft, take such steps, and use such force, as may appear to that person to be reasonably necessary to secure compliance with any directions given under this Regulation with respect to the ship or aircraft or, where an offence against this Regulation has occurred in the case of the ship or aircraft, for enabling proceedings in respect of the offence to be effectually taken.

27. (1) If, as respects any premises, it appears to the Governor to be necessary or expedient, in the interests of defence or the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community, that special precautions should be taken to prevent the entry of unauthorised persons, he may by order declare those premises to be a protected place for the purposes of these Regulations; and so long as the order is in force, no person shall, subject to any exemptions for which provision may be made by the order, be in those premises without the permission of such authority or person as may be specified in the order.

Protected places.

Any premises in relation to which an order made under this Regulation is in force are hereafter in these Regulations referred to as "a protected place."

(2) Where, in pursuance of this Regulation, any person is granted permission to be in a protected place, that person shall, while acting under such permission, comply with such directions for regulating his conduct as may be given by the Governor or by the authority or person granting the permission; and an authorised officer, or any person authorised in that behalf by the occupier of the premises, may search any person entering, or seeking to enter, or being in, a protected place, and may detain any such person for the purpose of searching him.

(3) If any person is in a protected place in contravention of this Regulation, or, while in such a place, fails to comply with any direction given under this Regulation, then, without prejudice to any proceedings which may be taken against him, he may be removed from the place by an authorised officer or any person authorised in that behalf by the occupier of the premises.

28. (1) Without prejudice to any other of these Regulations, the Governor, if satisfied with respect to any area that it is necessary or expedient, in the interests of defence or the efficient prosecution of the war, to regulate the entry of persons into that area, may by order declare that area to be a protected area for the

Protected areas.

purposes of these Regulations; and so long as the order is in force, then, on and after such day as may be specified in the order, and subject to any exemptions for which provision may be made by the order, no person being either an enemy alien or a person who was not at the beginning of that day resident in the said area shall be therein without the permission of such authority or person as may be specified in the order.

Any area in relation to which an order made under this Regulation is in force is hereafter in these Regulations referred to as "a protected area."

(2) If any person is in a protected area in contravention of this Regulation, then, without prejudice to any proceedings which may be taken against him, he may be removed from the area by or under the direction of an authorised officer.

Controlled areas.

29. Without prejudice to any other of these Regulations the Governor may, as respects—

- (a) any protected place or protected area, or
- (b) any place in relation to which it appears to the Governor to be necessary to take special precautions owing to the presence in that place of members of His Majesty's forces or munitions of war,

make such rules regulating the conduct of persons in the said place or area as he thinks necessary for the protection of persons and property in that place or area, for safeguarding the discipline and efficiency of members of His Majesty's forces therein, or for facilitating the enforcement therein of these Regulations; and a rule made in relation to any place by virtue of sub-paragraph (b) of this paragraph may make provision for restricting access to that place, and for removing therefrom any person who is therein in contravention of the rule.

Trespassing and loitering.

30. (1) No person shall—

- (a) trespass on, or on premises in the vicinity of, any premises to which this Regulation primarily applies,
- (b) unlawfully enter or board any vehicle, vessel or aircraft used or appropriated for any of the purposes of His Majesty's service, or trespass on premises in the vicinity of any such vehicle, vessel or aircraft, or
- (c) trespass on premises in the vicinity of any protected place;

and if any person is found trespassing on any premises in contravention of this paragraph, or is found on any vehicle, vessel or aircraft on any occasion on which he has entered or boarded it in contravention of this paragraph, then, without prejudice to any proceedings which may be taken against him, he may be removed by an authorised officer from the premises or from the vehicle, vessel or aircraft, as the case may be.

(2) No person shall, for any purpose prejudicial to the public safety or defence be in, or in the vicinity of, any premises to which this Regulation primarily applies or any such vehicle, vessel or aircraft as aforesaid; and where, in any proceedings taken against a person by virtue of this paragraph, it is proved that at the material time he was present in, or in the vicinity of, the premises, vehicle, vessel or aircraft concerned, the prosecution may thereupon adduce such evidence of the character of that person (including evidence of his having been previously convicted of any offence) as tends to

show that he was so present for a purpose prejudicial to public safety or defence.

(3) No person loitering in the vicinity of a protected place, of any premises to which this Regulation primarily applies or of any such vehicle, vessel or aircraft as aforesaid, shall continue to loiter in that vicinity after being requested by the appropriate person to leave it.

(4) The premises to which this Regulation primarily applies are premises used or appropriated—

- (a) for any of the purposes of His Majesty's service or for defence against, or protection from, an enemy, or
- (b) for the performance of any essential services.

31. The Governor, if he considers it necessary in the interests of defence so to do, may by order provide for the stopping up or diversion of any highway, and for prohibiting or restricting the exercise of any right of way or the use of any waterway.

Control of highways.

PART IV.

CONTROL OF PORTS AND MOVEMENTS OF VESSELS AND AIRCRAFT.

32. (1) The Governor may by order make provision as to the places in or to which vessels may be or go, and generally for regulating the movements, navigation, pilotage, anchorage, mooring, berthing and lighting of vessels within the harbours and territorial waters of the Colony, and any order made under this Regulation is hereafter in these Regulations referred to as "a navigation order."

General control of navigation.

(2) If, in the case of any vessel, a navigation order is contravened or not complied with, the master of the vessel shall be guilty of an offence against this Regulation.

(3) An authorised officer may, in relation to any vessel, take such steps, and use such force, as may appear to that person to be reasonably necessary for securing compliance with any order under this Regulation relating to the vessel, or, where an offence against this Regulation has occurred in the case of the vessel, for enabling proceedings in respect of the offence to be effectually taken.

(4) This Regulation shall apply in relation to seaplanes on the surface of the water as those provisions apply in relation to vessels, and seaplanes taking off from, or alighting on, the water shall be deemed, for the purpose of this Regulation, to be on the surface of the water while in contact therewith.

33. (1) The Governor may, if it appears to him to be necessary or expedient for the safety of ships registered in the Colony and of persons on board such ships so to do, make provision by order for securing that any ship registered in the Colony to which the order applies shall not, except under permission granted by a competent authority, proceed to sea from any port in the Colony unless such requirements in respect of the alteration of the structure or external appearance of the ship, and in respect of the equipping of the ship with any particular apparatus, contrivance or appliance, as may be contained in the order have been complied with, and an order under this Regulation may be made so as to apply either to a particular ship or to ships of a particular class.

Measures for safety of ships.

(2) If any ship proceeds or attempts to proceed to sea in contravention of an order made under this Regulation, the master

of the ship and the person having the management thereof shall each be guilty of an offence against this Regulation.

(3) An authorised officer may, in relation to any ship, take such steps, and use such force, as may appear to that person to be reasonably necessary for securing compliance with any order under this Regulation relating to the ship, or, where an offence against this Regulation has occurred in the case of the ship, for enabling proceedings in respect of the offence to be effectually taken.

Control of trade by sea.

34. (1) Without prejudice to any navigation order, the Governor, with a view to securing that ships registered in the Colony are used in such a manner only as may be considered expedient in the interests of the defence of the Colony or the efficient prosecution of the war, or for the maintenance of supplies and services essential to the life of the community, may by order provide that a ship registered in the Colony shall not proceed to sea from any port (whether within or outside the Colony) except under the authority of a licence granted by such authority or person as may be specified in the order; and any such order may contain provisions whereby a licence under the order may be granted subject to such limitations and conditions as the authority or person granting the licence thinks fit to impose with respect to—

- (a) the trades in which the ship may be engaged, and the voyages which may be undertaken by the ship,
- (b) the class of cargoes or passengers which may be carried in the ship, and
- (c) the hiring of the ship, and the terms upon which cargoes or passengers may be carried in the ship,

and may also contain provisions for requiring any ship in respect of which such a licence is in force to comply with any directions given by such authority or person as may be specified in the order as to the ports to which the ship is to proceed for any particular purposes.

Any provision of an order under this paragraph may be framed so as to apply to any specified class of ship registered in the Colony, and so as to apply to any such ships either wherever they may be or while in such waters, or engaged in such trades or on such voyages, as may be specified in the order.

(2) If any ship proceeds or attempts to proceed to sea in contravention of an order made under this Regulation, or if otherwise there is any contravention of such an order in the case of a ship, the master of the ship and the person having the management thereof shall each be guilty of an offence against this Regulation.

(3) An authorised officer may, in relation to any ship, take such steps, and use such force, as may appear to that person to be reasonably necessary for securing compliance with any order under this Regulation relating to the ship, or, where an offence against this Regulation has occurred in the case of the ship, for enabling proceedings in respect of the offence to be effectually taken.

Control of lighthouses, &c.

35. (1) Except under permission granted by the Governor,—
- (a) no light, buoy, beacon or other apparatus used in the Colony for the purpose of aiding navigation in or on the water, shall be discontinued, altered or removed; and
 - (b) no variation shall be made in the mode of exhibiting or operating any such light, buoy, beacon or other apparatus.

(2) The Governor may, if it appears to him to be necessary in the interests of public safety or defence so to do, give directions for prohibiting or restricting the exhibition or operation of, or requiring the removal, alteration or concealment of, or the making of any variation in the mode of exhibiting or operating, any such light, buoy, beacon or other apparatus as aforesaid.

(3) If this Regulation, or any direction given under this Regulation, is contravened or not complied with in the case of any light, buoy, beacon or other apparatus, the person responsible for the maintenance of the light, buoy, beacon or apparatus, as the case may be, shall be guilty of an offence against this Regulation; and, in the case of a failure to comply with any such direction as aforesaid requiring the removal, alteration or concealment of any light, buoy, beacon or other apparatus, the Governor may (without prejudice to any proceedings which may be taken in respect of the offence) cause to be done all such work as may be necessary for securing compliance with the direction.

36. Any person lawfully engaged to serve on board any ship belonging to, or chartered or requisitioned by, or on behalf of, His Majesty, who in the Colony is, by virtue of section two hundred and twenty-one of the Merchant Shipping Act, 1894, guilty of the offence of desertion or of absence without leave, may, notwithstanding anything contained in that Act, be conveyed on board his ship by, or under the direction of, any one or more of the following persons, that is to say, the master of the ship, the mate of the ship, the person having the management of the ship, any officer of police, any commissioned officer in His Majesty's forces and any superintendent within the meaning of the said Act.

Deserters from ships.

37. (1) The power of the Governor under paragraph 4 of the First Schedule to the Colonial Air Navigation (Application of Acts) Order, 1937, United Kingdom, to regulate or prohibit by order the navigation of aircraft shall be exercisable in relation to the navigation of aircraft registered in the Colony over any area outside the Colony, as it is exercisable in relation to the navigation of any aircraft over the Colony, and the said paragraph shall have effect as if it enabled the Governor to make, in an order under that paragraph, such provision with respect to incidental and supplementary matters as appears to him to be necessary or expedient for the purposes of the order.

Amendment of the Colonial Air Navigation (Application of Acts) Order, 1937.

(2) In addition to the provisions authorised by the said paragraph 4, an order under that paragraph may, for the purpose of securing compliance with the order, contain provisions authorising any commissioned officer in His Majesty's forces or any person acting under the orders of any such officer to fire at any aircraft that flies or attempts to fly in contravention of the order.

(3) Paragraph 11 of the First Schedule to the Colonial Air Navigation (Application of Acts) Order, 1937 (which enables a person alleged to be guilty of an offence under the Acts or under any Order in Council or regulations made thereunder to be tried in any place where he is for the time being), shall extend to offences under any order made under paragraph 4 of the said Schedule, and accordingly the said paragraph 11 shall have effect as if there were therein inserted after the words "Order in Council" the word "order".

PART V.

TRANSPORT.

38. A competent authority may, with a view to facilitating any operations of His Majesty's forces or the movement of persons

Control of lines of communication for defence purposes.

and supplies in connection with any such operations, give directions for prohibiting or restricting, within such area in the Colony, and for such period, as may be specified in the directions, the use of any dock or harbour or any highway or inland waterway.

Control of traffic at ports.

39. (1) Without prejudice to any navigation order, the Governor, if it appears to him to be necessary or expedient so to do in the interests of public safety, defence or the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community, may make provision by order —

- (a) for prohibiting or restricting the shipping or unshipping of articles or persons, or any specified class of articles or persons, at any port in the Colony,
- (b) generally for regulating, facilitating or expediting the traffic at any such port;

and an order under this Regulation may contain such incidental and supplementary provisions as appear to the Governor to be necessary or expedient for the purposes of the order.

(2) The reference in this Regulation to shipping or unshipping shall be construed as including a reference to embarking or putting on board seaplanes or disembarking or unloading from seaplanes.

Handling and conveyance of ammunition &c. in ports.

40. (1) No restriction imposed by any Ordinance in relation to any port in the Colony shall apply —

- (a) to the shipping, unshipping, handling, storage or conveyance of ammunition, explosives or inflammable substances in the service of His Majesty or under instructions given by the Governor, or
- (b) to the conveyance of ammunition, explosives or inflammable substances in any vessel for purposes of defence;

but the Governor may by order make such provision as appears to him to be required in the interests of safety for regulating the shipping, unshipping, handling, storage and conveyance of ammunition, explosives and inflammable substances as aforesaid in any such area.

(2) Any reference in this Regulation to shipping or to unshipping shall be construed as including a reference to putting on board seaplanes or to unloading from seaplanes, as the case may be.

PART VI.

APPROPRIATION, CONTROL, FORFEITURE AND DISPOSITION OF PROPERTY AND OF THE USE THEREOF.

General control of industry.

41. (1) A competent authority, so far as appears to that authority to be necessary in the interests of defence or the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community, may by order provide —

- (a) for regulating or prohibiting the production, treatment, keeping, storage, movement, transport, distribution, sale, purchase, use or consumption of articles of any description, and, in particular, for controlling the prices at which such articles may be sold;

- (b) for regulating the carrying on of any undertaking engaged in essential work, and, in particular, for controlling the charges which may be made by the undertakers in respect of the doing of any work by them;
- (c) for requiring persons carrying on, or employed in connection with, any trade or business specified in the order to produce to such authority or person as may be so specified any books, accounts or other documents relating to that trade or business, and for requiring any persons to furnish to such authority or person as may be specified in the order such estimates or returns as the competent authority may require;
- (d) for any incidental and supplementary matters for which the competent authority thinks it expedient for the purposes of the order to provide, including, in particular, the entering and inspection of premises to which the order relates by persons authorised in that behalf by the competent authority, with a view to securing compliance with the order;

and an order under this Regulation may prohibit the doing of anything regulated by the order except under the authority of a licence granted by such authority or person as may be specified in the order, and may be made so as to apply either to undertakings generally or to any particular person or undertaking or class of persons or undertakings, and either to the whole or to any part of any undertaking, and so as to have effect either throughout the Colony or in any particular area therein.

(2) Where the right to make charges in connection with the carrying on of any undertaking with respect to which an order may be made under this Regulation is limited by law, any order so made in relation to that undertaking may authorise the undertakers to make in that connection charges in excess of, or in addition to, those which they would otherwise be authorised to make.

(3) A competent authority, if it appears to that authority to be necessary so to do in the interests of public safety, defence or the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community, may carry on the whole or any part of any existing undertaking, or authorise a person to carry on the whole or any part of the undertaking, in accordance with any instructions of the competent authority; and while by virtue of this paragraph a competent authority or a person so authorised is carrying on the whole or any part of an undertaking, —

- (a) the said authority or person shall be deemed to be acting as the agent of the undertakers, except that the undertakers shall not have any right to control the carrying on of the undertaking or part of the undertaking; and
- (b) the undertakers shall not be bound, or, as the case may be, shall not in respect of such matters as may be specified by order of the competent authority, be bound, by any obligation or limitation imposed on them by or by virtue of any Ordinance or other instrument determining their functions.

(4) In this Regulation —

- (a) the expression "essential work" means work appearing to the competent authority to be essential for

defence or the efficient prosecution of the war or to be essential to the life of the community; and

- (b) the expression "undertaking" means any public utility undertaking or any industrial or commercial enterprise, and the expression "undertakers," in relation to any such enterprise, means the person by whom it is carried on;

and any reference in this Regulation to articles shall be construed as including a reference to substances, vehicles, vessels or animals.

Power to do work on land.

42. (1) Any member of His Majesty's forces acting in the course of his duty as such, and any person authorised by a competent authority to act under this Regulation, may, for any purpose connected with defence, the prosecution of the war, the securing of the public safety or the maintenance of supplies and services essential to the life of the community, do any work on any land or place anything in, on or over any land.

(2) A competent authority, if it appears to that authority to be necessary or expedient so to do in the interests of public safety, defence, the efficient prosecution of the war or the maintenance of supplies and services essential to the life of the community, may by order provide for prohibiting or restricting the doing on any particular land of any such work as may be specified in the order.

(3) No person (other than a servant of His Majesty or police constable acting in the course of his duty as such) shall, except with permission granted by or on behalf of a competent authority, remove, alter or tamper with any work done, or thing placed, in, on or over any land in pursuance of this Regulation.

(4) For the purpose of this Regulation, the doing of work shall, in relation to any land, be deemed to include the demolition, pulling down, destruction or rendering useless of anything placed in, on or over that land, the maintenance of any work or thing in, on or over the land, and the removal from the land of anything so placed, demolished or pulled down in pursuance of this Regulation.

Taking possession of land.

43. (1) A competent authority, if it appears to that authority to be necessary or expedient so to do in the interests of public safety, defence or the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community, may take possession of any land, and may give such directions as appear to the competent authority to be necessary or expedient in connection with the taking of possession of that land.

(2) While any land is in the possession of a competent authority by virtue of this Regulation, the land may, notwithstanding any restriction imposed on the use thereof (whether by any Ordinance or other instrument or otherwise), be used by, or under the authority of, the competent authority for such purpose, and in such manner, as that authority thinks expedient in the interests of public safety, defence or the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community; and the competent authority, so far as appears to it to be necessary or expedient in connection with the taking of possession or use of the land in pursuance of this paragraph,—

- (a) may do, or authorise persons using the land as aforesaid to do, in relation to the land, anything which any person having an interest in the land would be entitled to do by virtue of that interest, and

- (b) may by order provide for prohibiting or restricting the exercise of rights of way over the land, and of other rights relating thereto which are enjoyed by any person, whether by virtue of an interest in land or otherwise.

(3) The owner or occupier of any land shall, if requested by or on behalf of a competent authority so to do, furnish to such authority or person as may be specified in the request such information in his possession relating to the land (being information which may reasonably be demanded of him in connection with the execution of this Regulation) as may be so specified.

44. (1) Without prejudice to any other of these Regulations, the Governor may by order authorise, subject to any restrictions and conditions imposed by the order, the use of any land specified therein for military purposes, for air force purposes or for any of the purposes of His Majesty's navy, as the case may be, during such period as may be specified in the order; and any such order may, so far as appears to the Governor to be necessary or expedient for the purposes thereof, provide—

Use of land for purposes of H.M. forces.

- (a) for entitling persons using any land in pursuance of the order to do such acts in relation to that land as may be specified in the order, and

- (b) for prohibiting or restricting the exercise of rights of way over that land, and of other rights relating thereto which are enjoyed by any person, whether by virtue of an interest in land or otherwise.

(2) During the continuance in force in this Regulation the operation of the following provisions of the Military Lands Acts, 1892 to 1903, U.K., shall be suspended, that is to say, the proviso to subsection (1) of section fourteen, section sixteen, and subsection (1) of section seventeen, of the Military Lands Act, U.K., 1892, the proviso to subsection (2) of section two of the Military Lands Act, 1900, U.K., and subsection (3) of the said section two.

(3) In relation to any land which, by virtue of an order made under this Regulation or in consequence of possession of the land having been taken under this Part of these Regulations, is used for any military or air force purpose or for any purpose of His Majesty's navy, the power of the Secretary of State or the Admiralty to make byelaws under the Military Lands Acts, 1892 to 1903, U.K., as amended by this Regulation, shall be exercisable as if the land were vested in the Secretary of State or the Admiralty, as the case may be, and appropriated for that purpose.

(4) In this Regulation the expressions "military purposes" and "air force purposes" have the meanings respectively assigned to those expressions by section twenty-three of the Military Lands Act, 1892, U.K., as amended by the Air Force (Application of Enactments) (No. 1) Order, 1918, U.K.

45. Any member of His Majesty's forces acting in the course of his duty as such, and any person authorised by a competent authority to act under this Regulation,—

Entry and inspection of land.

- (1) may enter on any land for the purpose of exercising any of the powers conferred in relation to that land by Regulations 46, 47 and 48,

- (2) may enter and inspect any land for the purpose of determining whether, and, if so, in what manner, any of those powers are to be exercised in relation to the land, and

Requisitioning of property other than land.

- (3) may, for any purpose connected with defence, the prosecution of the war, the securing of the public safety or the maintenance of supplies and services essential to the life of the community, pass (with or without animals or vehicles) over any land.

46. (1) Subject as hereinafter provided, the Governor, if it appears to him to be necessary or expedient so to do in the interests of public safety, defence or the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community, may by order provide for the requisitioning of —

- (a) any property other than land situated in the Colony;
(b) any article on board any vessel or aircraft for the time being within the Colony or the territorial waters thereof; and
(c) any ship or aircraft registered in the Colony, wherever it may be;

and may give such directions as appear to him to be necessary or expedient in connection with the requisition :

Provided that this Regulation shall not authorise the requisitioning of anything on board a United Kingdom or Dominion ship or aircraft.

(2) Where the Governor requisitions any property (including a ship or aircraft) under this Regulation, he may use or deal with, or authorise the use of or dealing with, the property for such purpose and in such manner as he thinks expedient in the interests of public safety, defence or the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community, and may hold, or sell or otherwise dispose of, the property as if he were the owner thereof.

(3) The Governor, if it appears to him to be necessary for the effectual exercise of his powers under paragraph (1) of this Regulation so to do, may, by order made as respects the whole of the Colony or any part thereof,—

- (a) direct that no person who, at the time when the order takes effect, has in his possession or under his control, at any premises in the area to which the order relates, any such articles as may be described in the order, shall remove the articles, or cause or permit them to be removed, from the premises until the removal of the articles therefrom is permitted by such authority or person as may be specified in the order;
(b) require the owner or occupier of any premises in the said area to send to such authority or person as may be specified in the order a written declaration stating or estimating whether or not, on such date as may be specified in the order, any such articles as aforesaid were or will be on the premises, and, if so, the number or quantity of those articles which was or will be on the premises on that date, according as the order may direct.

(4) An order under this Regulation may authorise any person, or any class of persons, to perform such functions in connection with the requisitioning, and may contain such directions, as appear to the Governor to be necessary or expedient.

47. The Governor may require any person who carries on the business of storing, cooling, transporting or distributing goods

Power to require storing, cooling, &c., services.

of any description to afford similar services in relation to the storage, cooling, transport or distribution of goods for the purpose of any of His Majesty's forces.

48. The Governor may require any company, authority or person supplying or authorised to supply water, light, heat or power, to supply water, light, heat or power to any building, premises or camp belonging to or used for the purposes of any of His Majesty's forces, and to carry out such work and render such services in connection with such supply as may be directed by the Governor.

Power to require water and power services.

49. (1) Whenever any person finds an article as to which he has reasonable cause to believe that it has been lost or abandoned, and that, immediately before being lost or abandoned, it was used or intended to be used for the purposes of an armed force or was in the possession of a person who had it with him while serving with an armed force, the person so finding the article —

Derelict articles.

- (a) shall forthwith report the nature and situation thereof, or, if the article is a document, cause it to be delivered, to some member of His Majesty's forces on duty in the neighbourhood or to any officer of police, and
(b) save as aforesaid, shall not remove or tamper with the article except with permission granted by the Governor :

Provided that the Governor may by order direct that the obligations and restrictions imposed by this Regulation shall not apply in relation to any such description of articles as may be specified in the order.

PART VII.

PASSIVE DEFENCE MEASURES AND LIGHTING RESTRICTIONS.

50. (1) The Governor may, if it appears to him to be necessary or expedient so to do for the purpose of meeting any actual or apprehended attack by the enemy or of protecting persons and property from the dangers involved in such attack, make, as respects any area in the Colony, either or both of the following orders, that is to say :—

Evacuation of areas.

- (a) an order directing that after such time as may be specified in the order, no person other than a person of such a class as may be so specified shall be in that area without the permission of such authority or person as may be so specified.
(b) an order directing that any such animals or things in that area as may be specified in the order shall, by such time as may be so specified, be removed from that area or, if they cannot reasonably be so removed before that time, be destroyed or rendered useless so far as practicable, and that after that time no such things or animals shall be brought into the area except under such permission as aforesaid.
(2) An order made under paragraph (1) of this Regulation for the removal of persons or property from any area —
(a) may prescribe the routes by which persons or property, or any particular classes of persons or property, are to leave or be removed from the area;
(b) may prescribe different times as the times by or at which different classes of persons or property in the area are to leave or be removed therefrom;

- (c) may prescribe the places to which persons are to proceed on leaving that area in compliance with the order;
- (d) may make different provision in relation to different parts of the area;

and may contain such other incidental and supplementary provisions as appear to the Governor to be necessary or expedient for the purposes of the order.

(3) Where an order is made under this Regulation requiring the removal of any animals or things from any area by a specified time, the Governor may, while the order is in force, cause those animals or things, or any of them, to be removed from the area, if the Governor is satisfied that such action is the most effectual means of securing compliance with the order; and if any person or any animal or thing is in any area in contravention of an order made under this Regulation, then (without prejudice to any proceedings which may be taken in respect of the offence) he or it may be removed from that area by, or under the direction of, any authorised officer.

(4) If any order made under this Regulation is contravened or not complied with in the case of any animal or thing, the person in charge thereof shall be guilty of an offence against this Regulation.

51. (1) If the Governor is satisfied that it is necessary that special steps should be taken to provide accommodation for persons who have left or are likely to leave their homes in consequence of or in apprehension of attacks by the enemy, or who have become homeless in consequence of such attacks, he may appoint or authorise the appointment of persons to act under this Regulation subject to any general or special instructions of the Governor; and any person acting in pursuance of an appointment under this paragraph may require the occupier of any premises to provide, subject to the following provisions of this Regulation, accommodation in those premises for such persons as the person so acting may assign thereto.

(2) The occupier of any premises shall, if requested so to do by a person acting in pursuance of an appointment under paragraph (1) of this Regulation, furnish to that person such information with respect to the accommodation contained in the premises, and with respect to the persons living therein, as he may require for the purposes of this Regulation.

(3) A person acting in pursuance of an appointment under paragraph (1) of this Regulation may revoke any requirement made under that paragraph with respect to the provision of accommodation in any premises for any person, and may direct that that person shall not thereafter be in those premises except with the consent of the occupier.

(4) The Governor, if satisfied that it is no longer necessary that persons or any class of persons should continue to be provided under this Regulation with accommodation in any particular area, may by order —

- (a) revoke, as from a specified date, all requirements made under paragraph (1) of this Regulation with respect to the provision of accommodation for persons or for persons of that class, as the case may be, in the said area, and

- (b) direct that on and after that date no person, or, as the case may be, no person of that class, shall be in any premises in the said area to which he has been assigned under this Regulation, except with the consent of the occupier of those premises.

(5) If any person contravenes or fails to comply with any requirement, direction or order made or given under this Regulation, he shall be liable to a fine not exceeding fifty pounds.

(6) In this Regulation the expression "accommodation" means shelter, with reasonable access to such water supply and sanitary conveniences as are available to the occupier of the premises.

52. (1) The Governor may by order prescribe the steps which are to be taken by persons in the Colony to protect themselves against the dangers involved in an attack by the enemy, and any such order may provide that, upon the giving of any such notice or signal as may be specified in the order, any persons or classes of persons may, in such circumstances and subject to such conditions (if any) as may be specified in the order, enter and remain in any such premises or parts of premises as may be designated in such manner, and by such authority or person, as may be so specified.

Precautions against hostile attack.

(2) No person shall —

- (a) wilfully obstruct any person entering or seeking to enter any premises or part of any premises in accordance with an order made under paragraph (1) of this Regulation, or
- (b) eject from any premises or part of any premises any person who is entitled to be therein by virtue of such an order.

(3) The Governor may by order prohibit or restrict, or enable an officer of police to prohibit or restrict, assemblies of persons in any area in the Colony, either generally or for particular purposes, in so far as such prohibition or restriction appears to the Governor or the officer of police, as the case may be, to be necessary in order to minimise the risk of loss of life or personal injuries being caused in that area in consequence of any attack by the enemy; and any officer of police may take such steps, and use such force, as may be reasonably necessary to secure compliance with any order under this paragraph.

53. (1) Where, as respects any premises, it appears to an authorised officer that by reason of the fact —

Damage to premises and contamination by gas.

- (a) that substantial damage has occurred in those premises, or
- (b) that works of demolition or construction are being, or are about to be, executed in the premises, or
- (c) that, in consequence of hostile action, the premises are contaminated by any lethal gas or other noxious substance,

it is expedient in the interests of public safety, defence or the maintenance of public order so to do, the said officer or person may take, or authorise the taking of, such steps, and give such directions, as he thinks necessary for the purpose of the protection of persons and property in, or in the vicinity of, those premises; and for the avoidance of doubt it is hereby declared that the powers conferred in relation to any premises by this Regulation include powers to stop up, and to prohibit or restrict the use of, any highway, and to

prohibit or restrict the occupation of premises, so far as may be necessary for the said purpose.

(2) An authorised officer may, if satisfied with respect to any chattel that, in consequence of hostile action, the chattel is contaminated by any lethal gas or other noxious substance, and that in order to prevent danger to life or health being occasioned thereby it is necessary so to do,—

- (a) cause to be taken in relation to the chattel all such steps as he thinks necessary to render it free from the contamination, or
- (b) if he is satisfied that it is not reasonably practicable so to render the chattel free from the contamination, cause the chattel to be destroyed.

Measures for dealing with outbreaks of fire.

54. (1) In the event of any outbreak of fire the person having control of the operations for the extinction of the fire, and any person authorised by the Governor to act under this Regulation, may take or authorise the taking of such steps, and give such directions, as appear to that person to be necessary for preventing the spread of the fire; and the steps which may be so taken include entering upon land and the destruction or removal of anything in, on or over any land.

(2) Auxiliary firemen shall have the same powers of entry and of taking steps for extinguishing fire or for protecting property, or rescuing persons or property, from fire as are conferred on members of fire brigades by subsection (1) of section fourteen of the Fire Brigades Act, 1938; and accordingly that subsection shall have effect as if the reference therein to any member of a fire brigade which provides local services under that Act being on duty included a reference to any auxiliary fireman being on duty.

Subsection (2) of section fourteen of the Fire Brigades Act, 1938 (which penalises persons who wilfully obstruct or interfere with any member of a fire brigade engaged in the performance of his duty), shall have effect as if the reference in that subsection to any member of a fire brigade included a reference to any auxiliary fireman.

Control of lights and sounds.

55. (1) The Governor may by order provide—

- (a) for prohibiting or regulating the display of lights of any such description as may be specified in the order;
- (b) for securing that, in such circumstances as may be specified in the order, indication of the position of such premises and places, and warning of the presence of such vehicles or vessels, as may be specified in the order shall be given by means of such lights as may be prescribed by the order, and for prescribing the manner in which any apparatus used for the purpose of exhibiting such lights is to be constructed, installed and used;
- (c) for prohibiting or regulating the use of roads by any particular class of traffic, so far as appears to the Governor to be necessary for avoiding danger consequent on compliance with any provisions of an order under this Regulation which relate to the lighting of roads or of vehicles on roads;
- (d) for prohibiting or regulating such activities as may be specified in the order, being activities which, by reason of their consisting of or involving the emission of flames, sparks or glare or the making of noise,

might, in the opinion of the Governor, serve to convey information useful to the enemy or otherwise interfere with measures taken for defence or in the interests of the public safety.

Any such order may be made so as to apply either throughout the Colony or to any area or premises therein, may make different provision as respects different classes of premises, vehicles or vessels, may provide for exempting any premises, vehicles or vessels (either absolutely or conditionally) from the operation of any of the provisions of the order, and may contain such incidental and supplementary provisions as appear to the Governor to be necessary or expedient for the purposes of the order.

(2) If any order made under this Regulation is contravened or not complied with in the case of any premises, vehicle or vessel, any officer of police or any member of His Majesty's forces may enter the premises or board the vehicle or vessel and take in relation thereto all such steps as may be reasonably necessary for the enforcement of the order, and (without prejudice to any proceedings which may be taken against any other person) the occupier of the premises, the person in charge of the vehicle, or the master of the vessel, as the case may be, shall be guilty of an offence against this Regulation:

Provided that, in any proceedings which, by virtue of this paragraph are taken against any person in respect of a contravention of, or non-compliance with, such an order on the part of another person, it shall be a defence for the defendant to prove that the contravention occurred without his knowledge and that he exercised all due diligence to secure compliance with the order.

56. The Governor may, as respects any area in the Colony, by order direct that, subject to any exemptions for which provision may be made by the order, no person in that area shall, between such hours as may be specified in the order, be out of doors except under the authority of a written permit granted by the Governor or such person as may be specified in the order. Curfew.

57. (1) The Governor may by an order made as respects any area in the Colony provide, subject to any exemptions for which provision may be made by the order, for prohibiting (either absolutely or conditionally) the possession in that area of any explosive, any ammunition or any firearm or component part of a firearm; and such an order may be made either with respect to all explosives, ammunition, firearms or component parts of firearms, or with respect to any class of explosives, ammunition, firearms or component parts of firearms. Explosives, ammunition and firearms.

(2) Every person who, in any such area as may be specified by order of the Governor, not being an area in relation to which an order made under paragraph (1) of this Regulation is in force, has in his possession or under his control any explosive, any ammunition or any firearm or component parts of firearms, shall comply with such directions for securing the safe custody thereof as may be given by the senior officer of police in the district in which the explosive, ammunition, firearms or component parts is or are situate, and any such directions may require the removal of the explosive, ammunition, firearms or component parts to such place as may be specified in the directions.

If any directions given under this paragraph by a senior officer of police are not complied with, then (without prejudice to any proceedings which may be taken in respect of the offence) the said

officer may cause the articles to which the directions relate to be dealt with in such manner as may be necessary for securing compliance with the directions.

PART VIII.

GENERAL AND SUPPLEMENTARY.

Inquiries.

58. (1) The competent authority, if he considers it desirable for the exercise of any of its powers under Parts V and VI of these Regulations that an inquiry should be held into any particular matter, may direct the holding of an inquiry into that matter by such person and at such place as the authority may determine.

(2) For the purposes of any inquiry held in pursuance of this Regulation, the person appointed to hold the inquiry may by summons require any person to attend, at such time and place as is specified in the summons, to give evidence or to produce any documents in his custody or under his control which relate to any matter in question at the inquiry, and may take evidence on oath, and for that purpose administer oaths, or may, instead of administering an oath, require the person examined to make and subscribe a declaration of the truth of the matter respecting which he is examined:

Provided that no person shall be required, in obedience to such a summons, to go more than ten miles from his place of residence, unless the necessary expenses of his attendance are paid or tendered to him.

(3) Every person who refuses or wilfully neglects to attend in obedience to a summons issued under this Regulation, or to give evidence, or who wilfully alters, suppresses, conceals, destroys or refuses to produce any book or other document which he may be required to produce for the purpose of such an inquiry, shall be guilty of an offence against this Regulation.

Power to arrest without warrant.

59. Any officer of police, any member of His Majesty's forces acting in the course of his duty as such, and any person authorised by the Governor to act under this Regulation may arrest without warrant any person whom he has reasonable ground for suspecting to have committed a war offence.

Identification of persons in custody.

60. The Governor may make rules authorising the taking, in relation to any person in custody whom an officer of police has reasonable grounds for suspecting to have committed a war offence, of all such steps as may be reasonably necessary for photographing, measuring and otherwise identifying that person in such manner as may be prescribed by the rules.

Power to obtain information.

61. Without prejudice to any special provisions contained in these Regulations, any person shall, on being requested by a competent authority so to do, furnish or produce to such authority or person as may be specified in the request any such information or article in his possession as may be so specified, being information or an article which the competent authority considers it necessary or expedient in the interests of public safety, defence or the efficient prosecution of the war to obtain or examine.

Affixing of notices.

62. Any authorised officer may, for any purpose connected with defence, the prosecution of the war, the securing of the public safety, or the maintenance of supplies and services essential to the life of the community, affix any notice to, or cause any notice to be displayed on, any premises, vehicle or vessel, and may, for the purpose of exercising any power conferred by this Regulation, enter any

premises at any time; and where any authorised officer affixes a notice, or causes a notice to be displayed, in pursuance of this Regulation, no person other than an authorised officer shall remove, alter, deface or obliterate the notice.

63. If any person—

False statements.

(1) in answer to any request made in pursuance of any of these Regulations, or any order made under any of these Regulations, makes any statement, or furnishes any information, which he knows or has reasonable cause to believe to be false in a material particular, or

(2) makes such a statement as aforesaid in any account, declaration, estimate, return or other document which he is required by an order under any of these Regulations to make,

he shall be guilty of an offence against that Regulation.

64. No person shall obstruct any servant of His Majesty, a police constable acting in the course of his duty as such, or any person exercising any powers, or performing any duties, conferred or imposed on him by or under any of these Regulations, or otherwise discharging any lawful functions in connection with defence or the securing of the public safety.

Obstruction.

65. No person who obtains any information by virtue of these Regulations shall, otherwise than in connection with the execution of these Regulations or of an order, rule or byelaw made under these Regulations, disclose that information except with permission granted by Governor.

Restrictions on disclosing information.

66. (1) Any person claiming to be the holder of any permit, licence or written permission granted or issued for the purposes of any of these Regulations shall, on demand made in that behalf by any police constable or by any authorised officer, produce the permit, licence or permission, as the case may be, to the person making the demand.

Licences, permits, &c.

(2) If, with intent to deceive, any person alters or uses, or lends to, or allows to be used by any other person, a permit, licence or written permission granted or issued for the purposes of any of these Regulations, or makes or has in his possession any document so closely resembling such a permit, licence or permission as to be calculated to deceive, he shall be guilty of an offence against this Regulation.

(3) Any licence, permit or permission granted for the purposes of any of these Regulations may be revoked at any time by the authority or person empowered to grant it.

67. There may be charged in respect of the grant, renewal or issue of any licence, permit or other document for the purposes of any of these Regulations, or any order made under any of these Regulations, such fee, not exceeding five pounds, as the Governor may by order determine.

Fees for licences, &c.

68. (1) A competent authority may cause to be served upon the occupier of any premises a written notice (hereinafter referred to as "a billeting notice"), requiring the occupier of those premises to furnish therein, until further notice or during such period as may be specified in the billeting notice, according as that notice may direct, accommodation (by way of lodging or food or both, and either with or without attendance, according as the notice may direct) for such

Billeting.

number of persons as may be so specified, being either persons in the service of His Majesty or persons who are in the service of a local authority and are engaged in the performance of essential services.

Every billeting notice must, in order to be of any effect for the purposes of this Regulation, define by reference to the particular service or services in which they are engaged the persons for whom accommodation is required by the notice.

(2) The lodging or food to be furnished in accordance with a billeting notice, and the price to be paid in respect of any accommodation so furnished in any premises shall be such, and shall be paid to the occupier of the premises by such authority, as may be determined by order of the Governor.

(3) If the occupier of any premises feels aggrieved by the requirements of any billeting notice, he may, within fourteen days from the beginning of the day on which the notice is served on him, complain to a court of summary jurisdiction, and thereupon the court, if satisfied that the furnishing of accommodation in accordance with the notice would otherwise impose an undue burden upon the occupier, may by order annul the notice or direct that it shall have effect subject to such modifications as may be specified in the order.

(4) The penalty to which a person guilty of an offence under this Regulation shall be liable shall be a fine not exceeding fifty pounds.

Power to enter and search premises.

69. (1) If a magistrate is satisfied by information on oath that there is reasonable ground for suspecting that a war offence has been or is being committed, and that evidence of the commission of the offence is to be found at any premises specified in the information, he may grant a search warrant authorising any officer of police or any commissioned officer in His Majesty's forces, together with any other persons named in the warrant and any other police constables or members of His Majesty's forces, to enter the premises at any time or times within one month from the date of the warrant, if necessary by force, and to search the premises and every person found therein, and to seize any article found in the premises or on any person which the officer has reasonable ground for believing to be evidence of the commission of such an offence as aforesaid.

(2) If, with respect to any premises, any officer of police of a rank not lower than that of superintendent, or any person authorised by the Governor to act under this paragraph, has reasonable ground for suspecting that a war offence has been or is being committed, and that evidence of the commission of the offence is to be found at those premises, and is satisfied—

- (a) that it is essential in the public interest that the premises should be searched for the purpose of obtaining that evidence, and
- (b) that the evidence is not likely to be found at the premises unless they are searched forthwith,

the said officer or person may, by a written order under his hand, confer the like powers of search and seizure in relation to the premises as might be conferred under paragraph (1) of this Regulation by the warrant of a magistrate.

(3) No woman shall, in pursuance of a warrant issued under this Regulation, be searched except by a woman.

70. (1) Without prejudice to the operation of section five of the Summary Jurisdiction Act, 1848, and section eight of the Accessories and Abettors Act, 1861, any person who attempts to commit, or does any act preparatory to the commission of, an offence against any of these Regulations, shall be deemed to be guilty of an offence against that Regulation.

Attempts to commit offences, and assisting offenders.

(2) No person, knowing or having reasonable cause to believe that another person is guilty of an offence against any of these Regulations, shall give that other person any assistance with intent thereby to prevent, hinder or interfere with the apprehension, trial or punishment of that person for the said offence.

71. Where a person convicted of an offence against any of these Regulations is a body corporate, every person who, at the time of the commission of the offence, was a director or officer of the body corporate shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge, or that he exercised all due diligence to prevent the commission of the offence.

Offences by corporations.

72. If any person contravenes or fails to comply with any of these Regulations, or any order or rule made under any of these Regulations or any direction given or requirement imposed under any of these Regulations, he shall be guilty of an offence against that Regulation; and, subject to any special provisions contained in these Regulations, a person guilty of an offence against any of these Regulations shall—

Penalties.

- (1) on summary conviction, be liable to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds, or to both such imprisonment and such fine, or
- (2) on conviction before a superior court, be liable to imprisonment for a term not exceeding two years or to a fine not exceeding five hundred pounds, or to both such imprisonment and such fine.

73. Proceedings in respect of an offence alleged to have been committed by a person against any of these Regulations may be taken before the appropriate court in the Colony having jurisdiction in the place where that person is for the time being.

Legal proceedings.

74. (1) Any article coming into the possession of an executive authority (whether in consequence of the seizure of the article under any of these Regulations or otherwise) which the authority has reasonable ground for believing to be evidence of the commission of a war offence, may be retained for a period of one month or, if within that period there are commenced proceedings in respect of such an offence in which the article is, or can properly be, adduced in evidence, or proceedings under the following provisions of this Regulation in respect of the article, until the final determination of those proceedings; and any article retained by virtue of this Regulation is hereafter in this Regulation referred to as "a retained article."

Disposal of articles in possession of executive authorities.

(2) Where proceedings are taken in respect of a war offence, being proceedings in which a retained article is, or can properly be, adduced in evidence, the court by or before which the alleged offender is tried may make an order

- (a) authorising the destruction or disposal of the article, or
- (b) authorising the further retention of the article until such date as may be specified in the order;

and any such order authorising the destruction of a document may be made so as to extend to all copies of that document which at the time of the making of the order are in, or which subsequently come into, the possession of an executive authority in any part of the Colony.

(3) Without prejudice to the operation of paragraph (2) of this Regulation, a court of summary jurisdiction upon complaint made in respect of a retained article by an executive authority, may, after giving to the person (if any) claiming, or appearing to the court to be, the owner of the article an opportunity of being heard, make such an order in respect of the article as is authorised by paragraph (2) of this Regulation.

(4) A court shall not make an order under this Regulation unless the court is satisfied that it is necessary so to do in the interests of public safety, defence or the efficient prosecution of the war.

(5) Where an order is made under this Regulation authorising the further retention of an article, paragraph (1) of this Regulation shall, in relation to that article, have effect as if the period first mentioned in that paragraph were a period ending on the date until which the article is authorised by the order to be retained; and the making by a court of such an order in respect of any article shall not be taken to preclude that or any other court from subsequently exercising, in relation to that article, any jurisdiction conferred on the court by paragraph (2) or paragraph (3) of this Regulation.

(6) Where in the course of any proceedings for an offence, an order is made under paragraph (2) of this Regulation, the court hearing any appeal in the matter of those proceedings may vary or annul the order.

(7) Where an order is made under paragraph (3) of this Regulation, any person aggrieved by the order who appeared on the hearing of the application in relation to which the order is made may appeal against the order to a superior court, and for the purposes of this paragraph and of the enactments relating to such an appeal, a refusal to make an order shall be deemed to be an order.

(8) Where an order is made under this Regulation authorising the destruction or disposal of an article, the article shall not be destroyed or disposed of, as the case may be, until the final determination of the proceedings in which the order is made.

(9) Subject to the preceding provisions of this Regulation, the Police (Property) Act, 1897, shall apply to any article coming into the possession of an executive authority which the authority has reasonable ground for believing to be evidence of the commission of a war offence, as it applies to property coming into the possession of the police in the circumstances mentioned in section one of that Act, and, in relation to any such article, shall have effect as if the reference in sub-section (1) of that section to an officer of police included a reference to an executive authority (whether a police constable or not).

(10) For the purposes of this Regulation, any proceedings shall be deemed not to have been finally determined so long as there is pending any appeal in the matter of the proceedings, and an appeal in that matter shall be deemed to be pending during the ordinary time within which such an appeal may be lodged, and if such an appeal is duly lodged, the appeal shall be deemed to be pending until it is decided or withdrawn.

(11) For the purposes of this Regulation, any authority, police constable or other person whatsoever having functions in connection with the execution of these Regulations shall be deemed to be an executive authority.

(12) Nothing in this Regulation shall be taken to prejudice any right to retain property which may exist in law apart from the provisions of this Regulation.

75. Where any work is done in the exercise of powers conferred by any of these Regulations, then, if and so far as the work was work which, apart from the provisions of these Regulations, some person was under a duty to do or might have been required to do, but which he had failed without reasonable excuse to do, the amount of any expenses reasonably incurred in connection with the doing of the said work shall be a debt due from that person to the Crown.

Recovery of expenses.

76. A provision made in, or a direction or determination made or given in pursuance of, any of these Regulations or any order under these Regulations, and purporting to confer or impose on any person or class of persons any powers or duties for the purposes of the Regulation or of the order, shall not be taken to be invalid or of no effect by reason only that that person or class of persons is, or consists of or comprises, a body or bodies constituted by or under an Ordinance; and any such body corporate to whom any functions are entrusted under or by virtue of these Regulations shall have power to discharge those functions, notwithstanding any limitation or restriction which, apart from these Regulations, is imposed by any Ordinance or other instrument determining the functions of that body.

Entrusting of functions to statutory bodies.

77. When any order is made under the provisions of these Regulations, the Governor, or other authority issuing the order, shall cause notice of the effect of such order to be given as soon as may be in such manner as he thinks necessary for bringing it to the notice of all persons who in his opinion ought to have notice of the order.

Publicity for orders.

78. Without prejudice to any special provisions contained in these Regulations, a notice to be served on any person for the purposes of any of these Regulations may be served by sending it by post in a letter addressed to that person at his last or usual place of abode or place of business.

Service of notices.

79. Any power conferred by any of these Regulations to make any order or rules shall be construed as including a power, exercisable in the like manner and subject to the like conditions, if any, to revoke or vary the order or rules.

Revocation and variation of orders, &c.

80. The powers conferred by these Regulations shall be in addition to and not in derogation of any other rights or powers vested in the Governor, or conferred by law on any other authority or person.

Powers of Governor.

81. Nothing in these Regulations shall affect the liability of any person to trial and punishment for any offence otherwise than in accordance with these Regulations :

Liability for offences.

Provided that no person shall be punished twice for the same act or omission.

4th September, 1939.

FALKLAND ISLANDS.

Defence (Finance) Regulations, 1939.

H. HENNIKER HEATON,

Governor.

Under the authority of the Emergency Powers (Defence) Act, United Kingdom, 1939, the Governor is pleased to make the following regulations :-

1. These Regulations may be cited as the "Defence (Finance) Regulations, 1939".
 2. (1) Except with permission granted by or on behalf of the Governor no person other than an authorised dealer shall in the Colony buy or borrow any foreign currency or any gold from, or lend or sell any foreign currency or any gold to, any person not being an authorised dealer.

(2) Authorised dealer means those commercial firms in the Colony authorised by the Governor to transact business direct with countries other than the United Kingdom and other parts of the British Empire.
 3. (1) Subject to any exemptions which may be granted by order of the Governor, no person shall, except with permission granted by or on behalf of the Governor -
 - (a) take or send out of the Colony any bank notes, postal orders, gold, securities or foreign currency, or transfer any securities from the Colony elsewhere, or -
 - (b) draw or negotiate any bill of exchange or promissory note, transfer any security or acknowledge any debt, so that (a) right (whether actual or contingent) to receive payment in the Colony is created or transferred as a consideration -
 - (i) for receiving a payment, or acquiring property, outside the Colony or -
 - (ii) for right (whether actual or contingent) to receive payment, or acquiring property in the Colony or make any payment as such consideration.
 - (2) The preceding paragraph shall not restrict the doing of anything, within the scope of his authority, by any person authorised by or on behalf of the Governor to deal in foreign exchange, and shall not restrict the doing of anything which is certified by or on behalf of the Governor to be necessary for the purpose -
 - (a) of meeting reasonable requirements of a trade or business carried on in the Colony,
 - (b) of performing a contract made before the day these regulations come into force or,
 - (c) of defraying reasonable travelling or other personal expenses.
 - (3) Require any person leaving the Colony, defined as a traveller, to declare and produce any foreign currency in his possession and to surrender any that he is not authorised to export, and give powers of search and seizure.
 - (4) Authorise movement of foreign currency between various parts of the Colony.
 - (5) Authorise search of goods and seizure of any foreign currency so found.
4. Residents in the Colony who are or become entitled to sell gold, or procure the sale of gold, shall cause that gold to be offered for sale to the Government or to a person designated by the Governor at such price as may be determined by the Governor provided that there shall not be an obligation on any person to offer gold for sale if

- (a) he satisfies the Governor –
- (1) that all persons interested in the gold are not resident in the Colony, or –
 - (2) that gold is required for the purpose of performing contracts made before the day on which the regulations come into force, or –
 - (3) that gold is held for the purpose of meeting reasonable requirements of trade or business carried on in the Colony otherwise than by way of dealing in gold, or
- (b) if he is in respect of that gold exempted from this regulation by the Governor.

By Command,
M. C. CRAIGIE-HALKETT,
Colonial Secretary.

STANLEY,
9th September, 1939.
M.P. S/29/39.

FALKLAND ISLANDS.

Regulations made under the provisions of the Lighting Control Ordinance, 1938.

H. HENNIKER HEATON,
Governor.

In virtue of the powers vested in him by section 2 of the Lighting Control Ordinance, 1938, and otherwise His Excellency the Governor, with the advice and consent of the Executive Council, is pleased to order and it is hereby ordered as follows :—

1. In the event of any emergency or public danger or by way of experiment or practice for occasions of emergency or public danger there shall be a total cessation of Lighting in the town of Stanley and its vicinity on such dates and at such times as the Governor may be pleased to order.

2. The signal for the total cessation of Lighting in the town of Stanley and its vicinity shall be as follows :—

(i) The firing of one gun, and, or, such other signal as the Air Raids Commandant may prescribe.

(ii) The dipping of the electric light twice.

3. Immediately the signal has been given there shall be a total cessation of Lighting in all premises and vessels, which is visible from outside such premises or vessels.

4. No vehicles shall exhibit any lights during the period of the general cessation of Lighting.

Any person who refuses or fails to comply with the Order shall be liable on summary conviction to a fine not exceeding fifty pounds. On a second conviction such person shall be liable to a fine not exceeding two hundred pounds.

By Command,
M. C. CRAIGIE-HALKETT,
Colonial Secretary.

Stanley,
17th October, 1939.

FALKLAND ISLANDS.

The King Edward Hospital Ordinance, 1916.

The Medical Department Fees (Amendment) Regulations, 1939.

H. HENNIKER HEATON,
Governor.

His Excellency the Governor in virtue of the powers in him vested by the King Edward Hospital Ordinance, 1936, and otherwise, and with the advice and consent of the Executive Council, is hereby pleased to make the following regulations:-

1. These regulations may be cited as the "Medical Department Fees (Amendment) Regulations, 1939. Short Title.

2. No charge for the cost of medical or dental care shall lie against a member of the Falkland Islands Defence Force who is on active service except : Charges for men on Active Service.

(a) in the case of a man called up but not actually on duty; when the regulations as for civilians shall apply -

(b) in the case of a man who requires medical or dental treatment for conditions antedating enlistment and not arising from military service.

3. Members of the Falkland Islands Defence Force who, in the opinion of the Senior Medical Officer require treatment in Hospital, shall receive free hospital maintenance in a private ward in the case of a commissioned officer and in a public ward for all other ranks. Treatment in Hospital.

Made by the Governor in Executive Council at a meeting held on the 15th of November, 1939.

M. C. CRAIGIE-HALKETT,
for Clerk of the Executive Council.

FALKLAND ISLANDS.

WARNING BY GOVERNMENT

PROHIBITION OF TRANSFER OR MORTGAGING OF BRITISH SHIPS AND OF TRANSFER OF PORT OF REGISTRY.

All persons concerned by way of ownership of mortgage with any British ships are hereby notified that, under legislation effective from the outbreak of war, the sanction of His Majesty's Board of Trade is required for any transfer of a British ship, other than a ship registered in Canada, Australia, New Zealand, South Africa, Eire, India or Burma, any transfer of any share in such ship, or any mortgage or transfer of mortgage in respect of such ship or share therein, whether to persons qualified or unqualified to own British ships in accordance with Section 1 of the Merchant Shipping Act, 1894.

Any such transactions effected after the outbreak of war without the necessary sanction are void, and the persons effected or purporting to effect them are liable to heavy penalties.

Persons desirous of carrying out any of the transactions specified above should apply to the Registrar of Shipping at the port where the ship is registered, and should furnish him with full information regarding the proposed transaction for submission by him to the Board of Trade for consideration.

The approval of the Board of Trade must also be obtained (through the Registrar of Shipping concerned) before the registry of any British ship as defined above can be transferred from her existing port of registry.

FALKLAND ISLANDS.

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