

obtained leave from Us for so doing through a Secretary of State.

Interpre-
tation.

25. (1) In these Instructions, unless the context otherwise requires—

“the Executive Council” means the Executive Council established by the Falkland Islands Letters Patent, 1948;

“the Gazette” means the Falkland Islands Government Gazette;

“the Legislative Council” means the Legislative Council of the Colony established by the Falkland Islands (Legislative Council) Order in Council, 1948;

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

“Secretary of State” means one of Our Principal Secretaries of State.

(2) For the purposes of these Instructions, any reference to any public officer by the term designating his office means the officer for the time being lawfully discharging the functions of that office.

(3) For the purposes of these Instructions a person shall not be deemed to hold an office of emolument under the Crown in the Colony by reason only that he is in receipt of a pension or other like allowance in respect of service under the Crown; and if it shall be declared by any law for the time being in force in the Colony or the Dependencies that an office shall not be an office of emolument under the Crown in the Colony for all or any of the purposes of these Instructions, these Instructions shall have effect as if such law were enacted in these Instructions.

Given at Our Court at St. James's this thirteenth day of December, 1948, in the thirteenth year of Our Reign.

THE FALKLAND ISLANDS (CONTINENTAL SHELF) ORDER IN COUNCIL.

[21st December, 1950.]

WHEREAS it is desirable to extend the boundaries of the Colony of the Falkland Islands so as to include the continental shelf contiguous to the coasts of the Colony:

NOW, THEREFORE, His Majesty, in pursuance of the powers conferred upon Him by the Colonial Boundaries Act, 1895, 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 Falkland Islands (Continental Shelf) Order in Council, 1950.

2. The boundaries of the Colony of the Falkland Islands are hereby extended to include the area of the continental shelf being the sea-bed and its subsoil contiguous to the coasts of the Falkland Islands. The boundary of such area shall be from a position on the 100 fathom line 110 nautical miles 023 degrees true from Jason West Cay (the Westernmost of the Jason Islands, latitude 50 degrees, 58 minutes South, longitude 61 degrees 27 minutes West approximately), following the 100 fathom line as shown on Admiralty Chart No. 2202B round the northern, eastern, southern and western sides of the Falkland Islands to a position 20 nautical miles 278 degrees true from Jason West Cay, thence by a straight line crossing in its narrowest part the area where the depths are less than 100 fathoms, in a 032 degree true direction for 115 nautical miles to the starting point.

3. Nothing in this Order shall be deemed to affect the character as high seas of any waters above the continental shelf and outside the limits of territorial waters.

E. C. E. LEADBITTER.

THE FALKLAND ISLANDS (LEGISLATIVE COUNCIL) ORDER IN COUNCIL, 1948-1950.

26th November, 1948.

21st July, 1950.

WHEREAS by Letters Patent under the Great Seal dated the 25th day of February, 1892 (hereinafter called "the Letters Patent of 1892"), provision is made for the constitution and powers of the Legislative Council of the Colony of the Falkland Islands :

AND WHEREAS it is expedient to make other provision for the constitution and powers of the said Legislative Council :

50 & 51
Vict. c. 54.
9 & 10
Geo. 6. c. 7

NOW, THEREFORE, His Majesty by virtue and in exercise of the powers vested in Him by the British Settlements Acts, 1887 and 1945, 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 :—

Part I.

PRELIMINARY.

Interpreta-
tion.

1. (1) In this Order, unless the context otherwise requires—

“the appointed day” means the day appointed under section 2 of this Order ;

“the Colony” means the Colony of the Falkland Islands ;

“the Council” means the Legislative Council of the Colony of the Falkland Islands constituted by this Order ;

“the Dependencies” means the Dependencies of the Falkland Islands as defined in Letters Patent passed under the Great Seal dated the 28th day of March, 1917 ;

“the Executive Council” means the Executive Council for the time being of the Colony ;

“the Gazette” means the Falkland Islands Government Gazette ;

“the Governor” means the Governor and Commander-in-Chief of the Colony and the Dependencies, and includes any Officer for the time being administering the Government and, to the extent to which a Deputy for the Governor is authorised to act, that Deputy ;

“the Governor in Council” means the Governor acting with the advice of the Executive Council, but not necessarily in accordance with that advice nor necessarily in such Council assembled ;

“meeting” means any sitting or sittings of the Council commencing when the Council first meets after being

summoned at any time and terminating when the Council is adjourned *sine die* or at the conclusion of a session ;

"the Public Seal" means the Public Seal of the Colony ;

"Secretary of State" means one of His Majesty's Principal Secretaries of State ;

"session" means the meetings of the Council commencing when the Council first meets after being constituted under this Order, or after its prorogation or dissolution at any time, and terminating when the Council is prorogued or is dissolved without having been prorogued ;

"sitting" means a period during which the Council is sitting continuously without adjournment, and includes any period during which the Council is in Committee.

(2) The rules set out in the Schedule to this Order shall apply for the interpretation of the expression "ordinarily resided" in paragraph (g) of section 11 of this Order.

(3) For the purposes of this Order, any reference to any public officer by the term designating his office means the person for the time being lawfully discharging the functions of that office.

(4) For the purposes of this Order, a person shall not be deemed to hold an office of emolument under the Crown in the Colony by reason only that he is in receipt of a pension or other like allowance in respect of service under the Crown ; and if it shall be declared by any law for the time being in force in the Colony that an office shall not be an office of emolument under the Crown in the Colony for all or any of the purposes of this Order, this Order shall have effect accordingly as if such law were enacted therein.

(5) The Interpretation Act, 1889, shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

52 & 53
Vict. c. 63.

2. This Order may be cited as the Falkland Islands (Legislative Council) Order in Council, 1948-1950. It shall be published in the Gazette and, save as otherwise expressly provided in this Order, shall come into operation on the first day of January, 1949.

Short title
and com-
mencement.

Part II.

THE LEGISLATIVE COUNCIL.

Establish-
ment of
Legislative
Council.

3. There shall be a Legislative Council in and for the Colony constituted in accordance with the provisions of this Order.

Composition
of Legislative
Council.

4. The Council shall consist of—

- (a) the Governor, as President ;
- (b) three *ex-officio* Members ;
- (c) three Nominated Official Members ;
- (d) two Nominated Unofficial Members ; and
- (e) four Elected Members.

Ex-officio
Members.

5. The *ex-officio* Members shall be the Colonial Secretary, the Senior Medical Officer and the Agricultural Officer.

Nominated
Official and
Nominated
Unofficial
Members.

6. (1) The Nominated Official Members shall be persons holding office of emolument under the Crown in the Colony and shall be appointed by the Governor by Instrument under the Public Seal in pursuance of His Majesty's instructions through a Secretary of State.

(2) The Nominated Unofficial Members shall be persons not holding any office of emolument under the Crown in the Colony and shall be appointed by the Governor by Instrument under the Public Seal in pursuance of His Majesty's instructions through a Secretary of State.

Elected
Members.

7. The Elected Members shall be persons qualified in accordance with the provisions of this Order and elected in the manner provided by any law for the time being in force in the Colony.

Extra-
ordinary
Members.

8. The Governor may summon any person to any meeting of the Council, notwithstanding that such person may not be a member of the Council when, in the opinion of the Governor, the business before the Council renders the presence of such person desirable. Any person so summoned shall be entitled to take part in the proceedings of the Council relating to the business in respect of which he is summoned as if he were a Member of the Council, except that he shall not have the right to vote in the Council.

9. (1) Subject to the provisions of this Order, every Nominated Member of the Council shall hold his seat in the Council during His Majesty's pleasure.

Tenure of
Nominated
and Elected
Members.

(2) Every Nominated or Elected Member shall in any case cease to be a Member at the next dissolution of the Council after his appointment or election, or previously thereto if his seat shall become vacant under the provisions of this Order, but, if qualified, shall be eligible for reappointment or re-election from time to time.

(3) The Governor may, by Instrument under the Public Seal, declare any Nominated Member to be incapable of discharging his functions as a Member, and thereupon such Member shall not sit or vote in the Council until he is declared, in manner aforesaid, again to be capable of discharging his said functions.

(4) The Governor may, by Instrument under the Public Seal, suspend any Nominated Member from the exercise of his functions as a Member. Every such suspension shall forthwith be reported by the Governor to His Majesty through a Secretary of State, and shall remain in force until it shall be removed by the Governor by Instrument under the Public Seal or by His Majesty through a Secretary of State, or the person suspended ceases to be a Member.

10. Subject to the provisions of section 11 of this Order, any person who is a British subject of the age of twenty-one years or upwards shall be qualified to be a Nominated Member or an Elected Member of the Council, and no other persons shall be qualified to be appointed or elected thereto or, having been so appointed or elected, shall sit or vote in the Council or in any Committee thereof.

Qualifications
for Nominated
and Elected
Membership.

11. No person shall be qualified to be appointed as a Nominated Member or elected as an Elected Member or, having been so appointed or elected, shall sit or vote in the Council, who at the time of appointment or election—

Disqualifi-
cations for
Nominated
and Elected
Membership.

- (a) is, by virtue of his own act, under any acknowledgment of allegiance, obedience or adherence to a foreign Power or State ; or
- (b) is an undischarged bankrupt, having been declared a bankrupt under any law in force in any part of

His Majesty's dominions or in any territory under His Majesty's protection or in any territory in which His Majesty has from time to time jurisdiction ; or

- (c) has, in any part of His Majesty's dominions or in any territory under His Majesty's protection or in any territory in which His Majesty has from time to time jurisdiction, been sentenced to death or to imprisonment (by whatever name called) for a term exceeding six months, and has not either suffered the punishment to which he was sentenced or such other punishment as may by competent authority have been substituted therefor or received a free pardon ; or
- (d) has been declared to be of unsound mind under any law in force in the Colony ; or
- (e)
 - (i) in the case of a Nominated Unofficial Member, is a party to, or a partner in a firm, or a director or manager of a company, which is a party to, any subsisting contract with the Government of the Colony for or on account of the public service and has not disclosed to the Governor the nature of such contract and his interest, or the interest of such firm or company, therein ; or
 - (ii) in the case of an Elected Member, is a party to, or a partner in a firm, or a director or manager of a company, which is a party to, any subsisting contract with the Government of the Colony for or on account of the public service and has not published within one month before the day of election in the Gazette and in a newspaper circulating in the electoral district for which he is a candidate a notice setting out the nature of such contract and of his interest, or of the interest of such firm or company, therein ; or
- (f) holds any office of emolument under the Crown in the Colony, or
- (g) in the case of an Elected Member—

- (i) is not qualified to be registered as an elector under the provisions of any law for the time being in force in the Colony or, being so qualified, is not so registered ; or
- (ii) is disqualified for election by any law for the time being in force in the Colony by reason of his holding, or acting in, any office the functions of which involve—
 - (a) any responsibility for, or in connection with, the conduct of any election, or
 - (b) any responsibility for the compilation or revision of any electoral register, or
- (iii) has not ordinarily resided in the Colony for a period of not less than twelve months ; or
- (h) is disqualified for membership of the Council by any law for the time being in force in the Colony relating to offences connected with the election of Elected Members.

12. (1) The seat of a Nominated Member or of an Elected Member of the Council shall become vacant—

Vacation of
seats.

- (a) upon his death ; or
- (b) if he shall be absent from two consecutive meetings of the Council without having obtained from the Governor, before the termination of either of such meetings, permission to be or to remain absent therefrom ; or
- (c) if he shall do, concur in or adopt any act done with the intention that he shall become a subject or citizen of any foreign Power or State ; or
- (d) if he shall, by writing under his hand directed to the Governor, resign his seat in the Council and, in the case of a Nominated Official Member, his resignation shall be accepted by the Governor ; or
- (e) if, being an Elected Member, he shall be appointed to any office of emolument under the Crown ; or
- (f) if, being a Nominated Unofficial Member, he shall be appointed permanently to any office of emolument under the Crown in the Colony ; or

- (g) if, being a Nominated Unofficial Member, he shall become an Elected Member ; or
- (h) if he shall become disqualified from being registered as an elector under the provisions of any law of the Colony in that behalf, or, not being so disqualified, shall cease to be registered as such ; or
- (i) if he shall otherwise cease to be qualified for election or appointment under the provisions of this Order.

(2) If any Nominated Unofficial Member shall be appointed temporarily to, or to act in, any office of emolument under the Crown in the Colony, he shall not sit or vote in the Council by virtue of his appointment as a Nominated Unofficial Member so long as he continues to hold, or to act in, that office.

(3) Subject to the provisions of this Order, all questions which may arise as to the right of any person to be or remain an Elected Member shall be determined by the Supreme Court of the Colony in accordance with the provisions of any law for the time being in force in the Colony.

(4) All questions which may arise as to the right of any person to be or remain a Nominated Member shall be referred to and decided by the Governor in Council.

Temporary
Members.

13. (1) Whenever there shall be a vacancy in the number of persons sitting as *ex-officio* or Nominated Members of the Council by reason of the fact that—

- (a) an *ex-officio* or Nominated Official Member is administering the Government of the Colony ; or
- (b) one person is lawfully discharging the functions of more than one of the offices referred to in section 5 of this Order ; or
- (c) no person is lawfully discharging the functions of one of those offices ; or
- (d) any such office has ceased to exist ; or
- (e) a Nominated Member is unable to sit or vote in the Council in consequence of a declaration by the Governor, as provided in this Order, that he is incapable of discharging his functions as a Member ; or

- (f) a Nominated Member is suspended, as provided in this Order, from the exercise of his functions as a Member ; or
- (g) a Member is absent from the Colony ; or
- (h) a Nominated Unofficial Member is temporarily appointed to, or to act in, an office of emolument under the Crown in the Colony ; or
- (i) the seat of a Nominated Unofficial Member is vacant for any cause other than the dissolution of the Council,

the Governor may by Instrument under the Public Seal appoint a person to be a temporary Member for the period of such vacancy.

(2) If the vacancy is in the number of persons sitting in the Council as *ex-officio* or Nominated Official Members, the person appointed shall be a person holding office of emolument under the Crown in the Colony ; and if the vacancy is in the number of persons sitting in the Council as Nominated Unofficial Members, the person appointed shall be a person qualified for appointment as a Nominated Unofficial Member.

(3) If a person is appointed under the provisions of this section to be a temporary Member to fill a vacancy in the number of persons sitting in the Council as *ex-officio* or Nominated Official Members, then, so long as his appointment shall subsist, the provisions of this Order shall, subject to the provisions of this section, apply to him as if he were a Nominated Official Member.

(4) If a person is appointed under the provisions of this section to be a temporary Member to fill a vacancy in the number of persons sitting in the Council as Nominated Unofficial Members, then, so long as his appointment shall subsist, he shall be to all intents and purposes a Nominated Unofficial Member and, subject to the provisions of this section, the provisions of sections 9 and 12 of this Order shall have effect accordingly.

(5) The Governor shall forthwith report every temporary appointment made under this section to His Majesty through a Secretary of State and such appointment may (without prejudice to anything done by virtue thereof) be revoked by the Governor by Instrument under the Public Seal.

(6) A temporary appointment made under this section shall cease to have effect on notification by the Governor to the person appointed of revocation by the Governor, or on supersession of the appointment by the definitive appointment of a person to fill the vacancy, or when the vacancy shall otherwise cease to exist.

Presiding in
Legislative
Council.

14. The Governor, if present, shall preside at meetings of the Council, and in his absence such Member as the Governor may from time to time appoint in writing, or in the absence of the Member so appointed or if no Member be so appointed, the Member present who stands first in order of precedence shall preside.

Precedence
of Members.

15. (1) After the Governor, the Members of the Council shall take precedence among themselves as His Majesty may specially assign, and in default thereof as follows :—

First, the *ex-officio* Members in the order in which their offices are referred to in section 5 of this Order ;

Secondly, the Nominated Official Members in such order as the Governor may direct ;

Thirdly, the Nominated Unofficial Members and the Elected Members, according to the length of time during which they have been continuously Members of the Council, Members appointed or elected at the same time taking precedence amongst themselves in such order as the Governor may direct.

(2) For the purposes of this section—

(a) Members appointed and Members elected to the Council as first constituted under this Order shall be deemed to have been appointed or elected on the date on which the report of the return of the first successful candidate for election is made to the Governor ; and

(b) in ascertaining the period during which a person has continuously been a Member of the Council—

(i) no account shall be taken of any interval between the vacation by that person of his seat in the Council in consequence of the expiration of his tenure of office or a dissolution of the Council and the date of his reappointment or

re-election to fill a vacancy in the Council caused by that expiration of tenure or that dissolution ; and

- (ii) if any person having been, for any period immediately before the appointed day, a Member of the Legislative Council constituted by the Letters Patent of 1892, is appointed or elected as a Member by virtue of the first appointments or elections to the Council after the appointed day, he shall be deemed to have been a Member of the Council so constituted for that period ; and no account shall be taken of any interval between the day preceding the appointed day and the date upon which he is first appointed or elected to the Council, or of any interval in his membership of the Legislative Council constituted by the Letters Patent of 1892 between the expiration of his tenure of office and his appointment or election to fill the vacancy thereby caused.

16. (1) Whenever the seat of an Elected Member becomes vacant, a fresh election shall be held to fill the vacancy in accordance with the provisions of this Order. Filling of Vacancies.

(2) Whenever the seat of a Nominated Member becomes vacant, the vacancy shall be filled by appointment by the Governor in accordance with the provisions of this Order.

Part III.

LEGISLATION AND PROCEDURE OF LEGISLATURE

17. Subject to the provisions of this Order, it shall be lawful for the Governor, with the advice and consent of the Council, to make laws for the peace, order and good government of the Colony. Power to make laws.

18. Subject to the provisions of this Order and of the Standing Rules and Orders of the Council, any Member may introduce any Bill or propose any motion for debate in, or may present any petition to, the Council, and the same shall be debated and disposed of according to the Standing Rules and Orders : Introduction of Bills, etc.

Provided that, except with the recommendation or consent of the Governor signified thereto, the Council shall not proceed upon any Bill, amendment, motion or petition which, in the opinion of the Governor or other Presiding Member, would—

- (a) dispose of or charge any public revenue or public funds of the Colony or revoke or alter any disposition thereof or charge thereon, or impose, alter or repeal any rate, tax or duty ;
- (b) suspend the Standing Rules and Orders of the Council or any of them.

Voting.

19. (1) All questions proposed for decision in the Council shall be determined by a majority of the votes of the Members present and voting.

(2) The Governor shall not have an original vote, but if upon any question the votes shall be equally divided, he shall have a casting vote.

(3) In the absence of the Governor, the Presiding Member shall have an original vote and, if upon any question the votes shall be equally divided, shall also have a casting vote.

Vacancies and Quorum.

20. (1) The Council shall not be disqualified for the transaction of business by reason of any vacancy among the Members ; and any proceedings therein shall be valid notwithstanding that some person who was not entitled to do so sat or voted in the Council or otherwise took part in the proceedings.

(2) No business except that of adjournment shall be transacted if objection is taken by any Member present that there are less than six Members present besides the Governor or other Presiding Member.

Royal Instructions.

21. Subject to the provisions of this Order the Governor and the Council shall, in the transaction of business and the making of laws, conform as nearly as may be to the directions contained in any Instructions under His Majesty's Sign Manual and Signet which may from time to time be addressed to the Governor in that behalf.

22. (1) No Bill shall become a law until either the Governor shall have assented thereto in His Majesty's name and on His Majesty's behalf and shall have signed the same in token of such assent, or His Majesty shall have given His assent thereto through a Secretary of State.

Assent to
Bills.

(2) When a Bill is presented to the Governor for his assent, he shall, according to his discretion, but subject to the provisions of this Order and of any Instructions addressed to him under His Majesty's Sign Manual and Signet or through a Secretary of State, declare that he assents, or refuses his assent, thereto, or that he reserves the Bill for the signification of His Majesty's pleasure.

(3) A law assented to by the Governor shall come into operation on the date on which such assent shall be given or, if it shall be enacted, either in the law or in some other enactment (including any enactment in force on the appointed day), that it shall come into operation on some other date, on that date.

(4) A Bill reserved for the signification of His Majesty's pleasure shall become a law so soon as His Majesty shall have given His assent thereto, through a Secretary of State, and the Governor shall have signified such assent by Proclamation in the Gazette. Every such law shall come into operation on the date of such Proclamation or, if it shall be enacted, either in the law or in some other enactment (including any enactment in force on the appointed day), that it shall come into operation on some other date, on that date.

23. (1) Any law to which the Governor shall have given his assent may be disallowed by His Majesty through a Secretary of State.

Disallowance
of laws.

(2) Whenever any law has been disallowed by His Majesty, the Governor shall cause notice of such disallowance to be published in the Gazette.

(3) Every law so disallowed shall cease to have effect as soon as notice of such disallowance shall be published as aforesaid; and thereupon any enactment repealed or amended by, or in pursuance of, the law disallowed shall have effect as if such law had not been made. Subject as aforesaid, the provisions of sub-section (2) of section 38 of the Interpretation Act, 1889, shall apply to such disallowance as they apply to the repeal of an Act of Parliament.

52 & 53
Vict. c. 63.

Sittings and Sessions.

24. (1) The sittings of the Council shall be held at such times and places as the Governor shall from time to time appoint by Proclamation published in the Gazette.

(2) There shall be a Session of the Council once at least in every year, so that a period of twelve months shall not intervene between the last sitting in one Session and the first sitting in the next Session.

Standing Rules and Orders.

25. (1) Subject to the provisions of this Order and of any Instructions under His Majesty's Sign Manual and Signet, the Council may from time to time make, amend and revoke Standing Rules and Orders for the regulation and orderly conduct of their proceedings and the despatch of business, to provide for the giving of notice of the provisions of Bills and for the presentation thereof to the Governor for assent ; but no such Rules or Orders shall have effect until they shall have been approved by the Governor.

(2) Until other provision is made under this section, the Standing Rules and Orders of the Legislative Council constituted under the Letters Patent of 1892, as in force immediately before the appointed day, shall, with the necessary modifications and adaptations, be the Standing Rules and Orders of the Council ; and the said Standing Rules and Orders may be amended or revoked by Standing Rules and Orders made under the preceding sub-section.

Prorogation and dissolution.

26. (1) The Governor may at any time by Proclamation published in the Gazette, prorogue or dissolve the Council.

(2) On dissolution, all Members shall vacate their seats, and the Council shall be reconstituted by election and appointment in accordance with the provisions of this Order at such time, within three months of every dissolution, as the Governor shall by Proclamation published in the Gazette appoint.

(3) The Governor shall dissolve the Council at the expiration of four years from the date of the report to him of the return of the first successful candidate at the last preceding General Election, if it shall not have been sooner dissolved.

Oath of Allegiance.

27. Except for the purpose of enabling this section to be complied with, no Member of the Council shall sit or vote

therein or in any Committee thereof until he shall have taken and subscribed before the Governor, or some person authorised by the Governor in that behalf, the following oath :—

“I, A.B., do swear that I will be faithful and bear true allegiance to His Majesty King George the Sixth, His Heirs and Successors according to law. So help me God.”

Provided that every person authorised by law to make an affirmation instead of taking an oath in legal proceedings may make such affirmation in like terms instead of the said oath.

Part IV.

MISCELLANEOUS.

28. Provision may be made, by or in pursuance of any law enacted under this Order, for the election of Elected Members of the Council, including (without prejudice to the generality of the foregoing power but subject to the provisions of this Order) the following matters, that is to say :—

Laws as to
Elections.

- (a) the delimitation of electoral areas ;
- (b) the qualifications and disqualifications of voters ;
- (c) the ascertainment of the qualifications of voters ;
- (d) the registration of voters ;
- (e) the holding of elections ;
- (f) the determination of all questions which may arise as to the right of any person to be or remain an Elected Member ;
- (g) the definition and trial of offences in relation to elections and the imposition of penalties therefor, including disqualification for Membership of the Council, or for registration as a voter, or for voting of any persons concerned in any such offence ;
- (h) the filling by appointment by the Governor or otherwise of any vacancy in the number of persons sitting in the Council as Elected Members by reason of the fact that no person has been nominated for election to fill the vacancy.

29. (1) Provision may be made at any time before the appointed day by laws made under the Letters Patent of

Transitional
Provisions as
to Elections.

1892, and at any time after the appointed day and before the first sitting of the Council under this Order by Proclamation by the Governor published in the Gazette, in respect of all or any of the matters specified in section 28 of this Order.

(2) The expression "any law for the time being in force in the Colony", wherever it occurs in this Order, shall include any law or Proclamation made under this section.

(3) It shall not be necessary for any law enacted in accordance with the provisions of this section to be reserved for the signification of His Majesty's pleasure.

(4) Every Proclamation made under sub-section (1) of this section shall have the force of law and may be amended, added to or revoked by further Proclamations within the period specified in that sub-section.

(5) This section shall come into operation on the day after the day upon which this Order shall have been laid before both Houses of Parliament.

Penalty for
unqualified
person sitting
or voting.

30. (1) Any person who—

- (a) having been elected or appointed a Member of the Council, but not having been at the time of such election or appointment qualified to be so elected or appointed, shall sit or vote in the Council; or
- (b) shall sit or vote in the Council after his seat thereon has become vacant or he has become disqualified from sitting or voting therein,

knowing or having reasonable grounds for knowing, that he was so disqualified or that his seat has become vacant, as the case may be, shall be liable to a penalty not exceeding twenty pounds for every day upon which he so sits or votes.

(2) The said penalty shall be recoverable by action in the Supreme Court of the Colony at the suit of the Colonial Secretary.

Removal of
difficulties.

31. (1) If any difficulty shall arise in bringing into operation any of the provisions of this Order, or in giving effect to the purposes thereof, a Secretary of State may, by Order, make such provision as seems to him necessary or expedient for the purpose of removing the difficulty and may by such Order amend or add to any provision of this Order:

Provided that no Order shall be made under this section later than the first day of January, 1950.

(2) Any Order made under this section may be amended, added to, or revoked by a further Order, and may be given retrospective effect to a day not earlier than the date of this Order.

(3) This section shall come into operation on the day after the day upon which this Order shall have been laid before both Houses of Parliament.

32. (1) His Majesty hereby reserves to Himself, His Heirs and Successors, power, with the advice of His or Their Privy Council, to revoke, add to or amend this Order, as to Him or Them shall seem fit. Powers reserved to His Majesty.

(2) Nothing in this Order shall affect the powers of His Majesty in Council to make laws from time to time for the peace, order and good government of the Colony.

E. C. E. LEADBITTER.

SCHEDULE.

1. Subject to the provisions of rules 2, 3, 4 and 5 of this Schedule, the question of whether a person is or was ordinarily resident at any material time or during any material period shall be determined by reference to all the facts of the case.

2. The place of ordinary residence of a person is, generally, that place which is the place of his habitation or home, whereto, when away therefrom, he intends to return. In particular when a person usually sleeps in one place and has his meals or is employed in another place, the place of his ordinary residence is where he sleeps.

3. Generally, a person's place of ordinary residence is where his family is; if he is living apart from his family, with the intent to remain so apart from it in another place, the place of ordinary residence of such person is such other place. Temporary absence from a place of ordinary residence does not cause a loss or change of place of ordinary residence.

4. Any person who has more than one place of ordinary residence may elect in respect of which place he desires to be registered.

5. Any person, who at any time is serving in the armed forces of the Crown, shall be deemed to be ordinarily resident during the period of such service in the place in which he so resided immediately before he entered on such service, unless he has thereafter established some other ordinary residence elsewhere.

EXPLANATORY NOTE.

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order in Council provides for the establishment of a reformed Legislative Council which will legislate for the Colony of the Falkland Islands. It will be presided over by the Governor, and will consist of six official Members and six unofficial Members of whom four will be elected by popular vote.

STANDING RULES AND ORDERS

of the Legislative Council Constituted under the Falkland Islands (Legislative Council) Order in Council, 1948.

1. Not less than twenty-one days before the date appointed by the Governor pursuant to the provisions of section 24 of the Falkland Islands (Legislative Council) Order in Council, 1948, for a meeting of the Council, the Clerk of the Council (hereinafter called the Clerk) shall notify each Member resident in Stanley by written notice and each Member resident outside Stanley by telegraph specifying the date and time of such meeting. Notice of Meetings.

Provided that in the case of any emergency, of which the Governor shall be the sole judge, a meeting may be summoned on such shorter notice as he may determine.

2. The proceedings and debates of the Council shall be in the English language. Language.

3. (1) Two clear days before the date of the meeting the Clerk shall distribute to Members a paper, to be known as the Order Paper, shewing the business of the meeting. Duties of the Clerk.

(2) The Clerk shall keep the Minutes of the Proceedings of the Council and of Committees of the whole Council, and shall circulate to Members a copy of such Minutes as soon as practicable after the conclusion of each Meeting.

(3) The Minutes shall record the names of Members attending, and all decisions of the Council, whether made formally or informally.

(4) In the case of a division of the Council or a Committee of the whole Council, the Minutes shall include the numbers voting for and against the question, and the names of Members so voting.

(5) The Clerk shall be responsible for the custody of the votes, records, bills and other documents laid before the Council, which shall be open to inspection by Members at all reasonable times, and by other persons under such arrangements as may be sanctioned by the President.

4. (1) If at any time the attention of the President is directed to the fact that a quorum is not present, he shall Quorum.

direct Members to be summoned and if at the expiration of two minutes a quorum be not present, he shall adjourn the Council without question put.

(2) If the absence of a quorum be noticed in Committee of the whole Council, the Chairman shall proceed in the manner prescribed in paragraph (1) of this Order, and if a quorum be not present, the Council shall be resumed and the president shall forthwith count the Council. If a quorum be not then present, the Council shall be adjourned as provided in paragraph (1) of this Order, but if a quorum be then present, the Council shall forthwith again resolve itself into Committee.

Order of
Business.

5. (1) Subject to the provisions of paragraph (3) of this Order, the business shall be transacted in the following order :—

- (a) Prayers ;
- (b) Oath of Allegiance of new Members ;
- (c) Confirmation of Minutes ;
- (d) Announcements ;
- (e) Petitions ;
- (f) Papers to be laid on the Table ;
- (g) Questions ;
- (h) Motions ;
- (i) Bills.

(2) Government motions and Bills shall take precedence on the Order Paper over all other motions and Bills, unless the President otherwise directs in any particular case.

(3) The order of business as prescribed in paragraph (1) of this Order may be altered, by leave of the President, for good cause shown.

Confirmation
of Minutes.

6. (1) The Clerk shall read the Minutes of the previous sitting unless such minutes have been previously circulated, and the President shall put the question that the Minutes as read or circulated be confirmed.

(2) No debate shall be allowed on such question except as to any proposed amendment or as to the accuracy of the Minutes.

(3) The Minutes when confirmed shall be signed by the President.

7. (1) Every petition must be presented by a Member who shall be responsible for seeing that it complies with the following provisions (otherwise it will not be received by the Council), namely— Petitions.

- (a) it is addressed to the Council ;
- (b) it is properly and respectfully worded ;
- (c) it concludes with a prayer setting forth the general object of the petition ;
- (d) no documents are attached ;
- (e) when asking for a grant of public money or the release of a debt to public funds, the recommendation of the Governor thereto has been signified ;
- (f) it has at least one signature on the sheet on which the prayer of the petition appears, and has at least the prayer at the head of each subsequent sheet of signatures.

(2) In presenting a petition a Member shall confine himself to a statement of the persons from whom it comes, the number of signatures attached to it and the material allegations and requests contained in it.

(3) All petitions shall be ordered to lie upon the Table without question put unless the Member presenting it move for it to be read, printed, or referred to a Select Committee. In making such a Motion the Member shall state concisely his reason therefor.

(4) No debate shall be permitted on such motion, nor shall any other Member speak upon, or in relation to, such petition except to second such motion formally.

(5) Such motion being seconded, the question shall be put whether the petition shall be dealt with as proposed in the motion.

(6) If a motion that a petition be read is carried, the Clerk shall read the petition.

8. (1) All papers shall be presented by the Colonial Secretary who may make a short explanatory statement of their contents. Papers to be laid on the Table.

(2) Their presentation shall be entered upon the Minutes.

(3) All papers shall be ordered to lie upon the Table without question put, and any motion for the printing thereof shall be determined without amendment or debate.

(4) All Rules, Regulations and Orders made by the Governor in Council under the authority of an Ordinance, which are not subject to the approval of the Legislative Council, shall be laid on the Table as soon as practicable after being made.

Notices of
Motions.

9. (1) Notice shall be given of any motion which it is proposed to make with the exception of the following :—

- (a) A motion for the amendment of the Minutes.
- (b) A motion for the adjournment of the Council or of a Debate.
- (c) A motion for the suspension of any Standing Rule or Order.
- (d) A motion that a petition or other papers be read or printed.
- (e) A motion for the reference of any matter to a Committee.
- (f) A motion for the adoption, modification or rejection of the report of a Committee.
- (g) A motion that the report of a Select Committee be referred to a Committee of the whole Council.
- (h) A motion for the withdrawal of strangers.
- (i) A motion made when the Council is in Committee.
- (j) A motion for the amendment of a motion.
- (k) A motion for the suspension of a Member.
- (l) A motion for the Reading of a Bill.
- (m) A motion for the withdrawal of a Bill.
- (n) A motion in respect of which a certificate of urgency signed by the Governor has been laid on the Table.
- (o) A motion for the adoption of a report of a Standing Committee on Finance.

(2) A member may, during a meeting, give notice of a motion which he proposes to make, and may mention the

meeting at which he desires to make it. No debate shall be allowed on the giving of such notice, and the terms of the proposed motion shall be reduced into writing and handed to the Clerk.

(3) Notice of intention to make a motion, if not given at a meeting as provided in paragraph (2) of this Order, shall be sent in writing to the Clerk ten days at least before the meeting at which such motion is to be made, and the Clerk shall upon receipt of such notice forthwith communicate it to the President.

10. (1) Questions may be put to official Members relative to public affairs with which they are officially connected, proceedings pending in the Council, or any matter of administration for which such Members are responsible. Questions to Members.

(2) Questions may also be put to other Members relating to a Bill, motion, or other public matter connected with the business of the Council, for which such Members are responsible.

(3) A Member who wishes to ask a question shall give notice of such question fourteen clear days at least before the meeting at which it is to be asked :

Provided that a question may be asked without giving such notice if it is of an urgent character and the Member has obtained the leave of the President to ask it.

(4) Every question shall be put in writing and delivered to the Clerk of the Council and, unless an oral answer is desired, the answer shall be circulated with the Order Paper and recorded in the Minutes.

(5) A Member who desires an oral answer to a question shall mark his notice with an asterisk and a written reply shall be read by the Member to whom it is addressed.

(6) The number of questions to which a Member may ask for oral answer is limited to three in one meeting.

(7) A question must not be made the pretext for a debate, nor can a question fully answered be asked again during the same session.

(8) A Member may ask a supplementary question for the purpose of further elucidating any matter of fact regarding which an answer has been given ; but a supplementary

question must not be used to introduce matter not included in the original question.

(9) Questions must comply with the following rules :—

- (a) A question may not include the names of persons or statements of fact unless they be necessary to make the question intelligible and can be authenticated, nor contain charges which the Member who asks the question is not prepared to substantiate.
- (b) A question may not contain arguments, expressions of opinion, inferences, imputations, epithets, or controversial, ironical or offensive expressions, or hypothetical cases.
- (c) No question may be asked which raises an issue already decided, or which has been answered substantially in the current session.
- (d) A question may not be asked regarding proceedings in a Committee of the Council which have not been placed before the Council by a report from that Committee.
- (e) A question may not solicit an expression of opinion, the solution of an abstract legal case, or an answer to a hypothetical proposition.
- (f) A question may not be asked which makes or implies charges of a personal character or which reflects upon character or conduct except of persons in their official or public capacity.
- (g) Reference may not be made to any matter on which a judicial decision is pending in such a way as may prejudice the interests of parties thereto.
- (h) A question reflecting on the character or conduct of any person whose conduct can only be challenged in a substantive motion may not be asked.
- (i) Questions of excessive length may not be asked.

(10) The President shall be the sole judge of the propriety and admissibility of a question, and he may disallow any question which, in his opinion, does not conform with the rules set forth in paragraph (9) of this Order or is otherwise an abuse of the right to ask questions, and further he may disallow a question on the ground that the answer thereto

would disclose matter which it would be contrary to public policy to disclose.

(11) Where a question is not answered at a meeting at which such question is asked, the answer shall be circulated as soon as it is ready and shall also be printed in the Order Paper for the next ordinary meeting of the Council.

11. In speaking to any proposition under consideration of the Council or a Committee of the whole Council, the following rules shall be strictly observed :— Rules of Debate.

- (1) A Member desiring to speak shall rise in his place and address his observations to the President or Chairman.
- (2) If two or more Members rise at the same time, the President or Chairman shall call on the Member who first catches his eye.
- (3) A Member should not read his speech, but he may read extracts from written or printed papers in support of his argument, and may refresh his memory by reference to notes.
- (4) A Member must confine his observations to the subject under discussion.
- (5) A Member shall not refer to any matter on which a judicial decision is pending in such a way as may prejudice the interests of parties thereto.
- (6) A Member shall not attempt to revive in any debate a matter upon which the Council has come to a conclusion during the current session.
- (7) No Member shall impute improper motives to any other Member.
- (8) Except when the Council is in Committee, no Member shall speak more than once on any proposition before the Council except in explanation (as provided in paragraph (9) of this Order) or to a point of order or, in the case of the mover of a substantive motion, in reply, but any Member may formally second a motion or amendment without prejudice to his right to speak at a later period of the debate.

- (9) A Member who has spoken to a question may again be heard to offer explanation of some material part of his speech which has been misunderstood, but he must not introduce new matter.
- (10) A Member who has spoken may speak again when a new question has been proposed from the Chair, such as a proposed amendment or a motion for the adjournment of the Debate.
- (11) His Majesty's name shall not be used to influence the Council.
- (12) The conduct of His Majesty, Members of the Royal Family, the Governor, Members of the Council and Judges or other persons engaged in the administration of justice shall not be raised except upon a substantive motion after notice; and in any amendment, question to a Member or remarks in a debate on a motion dealing with any other subject, any reference to the conduct of any of the persons aforesaid shall be out of order.
- (13) Every amendment shall, if required by the President or Chairman, as the case may be, be put in writing and handed to the Clerk by the Member proposing it.
- (14) No Member shall interrupt another who is speaking except by rising to a point of order.
- (15) Whenever the President or Chairman rises during a debate, any Member then speaking, or offering to speak, shall immediately resume his seat, and the Council or Committee shall maintain silence so that the President or Chairman may be heard without interruption.
- (16) No Member shall refer to another Member by name, but shall allude to—
 - (a) *ex-officio* Members and Nominated Official Members by the designation of their offices;
 - (b) a Nominated Unofficial Member appointed by the Governor pursuant to the provisions of section 6 (2) of the Falkland Islands (Legislative Council) Order in Council, 1948, as the

First or Second Nominated Unofficial Member as the case may be ;

- (c) Elected Members, by reference to the territory or township they represent and in the case of the Elected Members for Stanley, by reference to the order of precedence among them.

12. (1) Debate upon any motion, bill or amendment shall be relevant to such motion, bill or amendment, except in the case of a motion for the adjournment of the Council.

Relevancy in Debate.

(2) When a motion is made for the adjournment of a debate or of the Council during any debate, or in Committee that the Chairman do report progress or do leave the Chair, the debate upon such a motion shall be confined to the matter of such motion ; and a Member who has made or seconded such a motion shall not be entitled to move or second any similar motion during the same debate.

(3) Where an amendment proposes to leave out words and insert other words instead of them, debate upon the first question proposed on the amendment may include both the words proposed to be left out and those proposed to be inserted.

(4) On an amendment proposing to leave out words or to insert words, debate shall be confined to the omission or insertion of such words respectively.

13. (1) Subject to paragraph (2) of this Order, no member shall be entitled to address the Council or a Committee of the whole Council for more than thirty minutes on any subject.

Time Limit of Speeches.

(2) The mover of an original Motion shall be entitled to forty-five minutes for his opening speech and the Council or a Committee of the whole Council may at any time by Motion made and carried without amendment or debate, extend the time limited by this Order. The President's or the Chairman's ruling, as the case may be, as to the time taken by any member shall be final.

14. (1) It shall be out of order to make a motion or move an amendment in anticipation of the subject matter of a Bill or other business on the Order Paper ; and an amendment

Anticipation.

shall also be out of order if it deals with the subject matter of a motion of which notice has been given.

(2) A notice of motion or an amendment of which notice has been given shall not be anticipated in a debate upon a motion for the adjournment of the Council or in any other debate.

**Termination
of Debate.**

15. (1) No Member may speak to any question after the same has been fully put by the President or Chairman.

(2) A question is fully put when the President or Chairman has collected the voices both of the Ayes and of the Noes.

**Personal
Explanation.**

16. By the indulgence of the Council, a Member may make a personal explanation, although there be no question before the Council; but no debatable matter may be brought forward or debate arise upon the explanation.

**Responsibility
for Order.**

17. The President in Council and the Chairman in any Committee shall be responsible for the observance of the rules or order in the Council and Committee respectively, and their decision upon any point of order shall not be open to appeal and shall not be reviewed by the Council except upon a substantive motion made after notice.

**Point of
Order.**

18. (1) Any Member deviating from the provisions of these Rules and Orders may be immediately called to order by the President or Chairman, or by a Member rising to a point of order. A Member rising to a point of order shall simply direct attention to the point he desires to bring to notice and submit it to the President or Chairman for decision.

(2) When the question of order has been stated, the Member who raises it shall resume his seat, and no other Member, except with the leave of the President or Chairman, shall rise until the President or Chairman has decided the question, after which the Member who was addressing the Council or Committee at the time the question was raised shall be entitled to proceed with his speech, giving effect to the ruling from the Chair.

**Breaches of
Order.**

19. (1) If a Member shows disregard for the authority of the Chair or abuses the rules of the Council by persistently

and wilfully obstructing the business of the Council, or otherwise, the President shall direct the attention of the Council to the incident mentioning by name the Member concerned. A motion may then be made upon which the President shall forthwith put the question, no amendment, or adjournment, or debate being allowed, "That such Member be suspended from the service of the Council". If such an offence has been committed in a Committee of the whole Council, the Chairman shall forthwith suspend the proceedings of the Committee and resume in Council; and the President shall, on a motion being made thereupon, put the same question, without amendment, adjournment, or debate, as if the offence had been committed in the Council itself.

(2) Not more than one Member shall be named at the same time, unless several Members present together have jointly disregarded the authority of the Chair.

(3) If a Member be suspended under the provisions of this Order his suspension shall last until determined by the Council.

(4) The President or Chairman, after having called the attention of the Council or Committee to the conduct of a Member who persists in irrelevance or tedious repetition either of his own arguments or of the arguments used by other Members in debate, may direct the Member to discontinue his speech.

(5) The President or Chairman shall order Members whose conduct is grossly disorderly to withdraw immediately from the Council Chamber for the remainder of the meeting.

(6) If a direction to withdraw under paragraph (5) of this Order be not complied with at once or if on any occasion the President or Chairman deem that his powers under that paragraph are inadequate, he may name such Member or Members in pursuance of paragraph (1) of this Order.

(7) Members who are suspended under paragraph (1) of this Order or are directed to withdraw under paragraph (5) shall withdraw forthwith from the precincts of the Council Chamber.

(8) The President or Chairman acting under paragraph (1) or (5) of this Order may direct such steps to be taken as are required to enforce his order.

(9) Nothing in this Order shall be deemed to prevent the Council from proceeding against any Member for any breach of order not specified herein or from proceeding in any other way it thinks fit in dealing with the breaches of order herein mentioned.

(10) In the case of grave disorder arising in the Council or Committee, the President or Chairman, as the case may be, may if he thinks it necessary to do so, adjourn the Council or Committee, without question put, or suspend any meeting for a time to be named by him.

Voting.

20. (1) At the conclusion of a debate the question shall be put by the President or Chairman and the votes may be taken by voices Aye and No, and the result shall be declared by the President or Chairman, but any Member may claim a division when the votes shall be taken by the Clerk asking each Member separately how he desires to vote and recording the votes accordingly.

(2) In taking the division the names of Members shall be called in order of precedence commencing with the junior Member. In every Committee the Chairman shall vote last.

(3) When a division is claimed either in Council or in any Committee, every Member present shall, unless he expressly state that he declines to vote, record his vote either for the Ayes or Noes. The Clerk shall enter on the Minutes the record of each Member's vote and shall add a statement of the names of Members who declined to vote.

(4) As soon as the Clerk has collected the votes the President or Chairman shall state the numbers voting for the Ayes and the Noes respectively and shall then declare the result of the division or give his casting vote as the case may be.

(5) If a Member state that he voted in error or that his vote has been counted wrongly, he may claim to have his vote altered, provided that such request is made as soon as the President or Chairman has announced the numbers and before he has declared the result of the division.

(6) A Member shall not vote on any subject in which he has a direct personal pecuniary interest, but a motion to disallow a Member's vote on this ground shall be made only as soon as the numbers of the Members voting on the ques-

tion have been declared. If the motion for the disallowance of a Member's vote is agreed to, the President or Chairman shall direct the Clerk to correct the numbers voting in the division accordingly. In deciding whether a motion for the disallowance of a Member's vote shall be proposed from the Chair, the President or Chairman shall have regard to the character of the question upon which the division was taken and to the consideration whether the interest therein of the Member whose vote is challenged is direct and pecuniary and not an interest in common with the rest of His Majesty's subjects and whether his vote was given on a matter of state policy.

21. (1) A meeting of the Council may be adjourned at any time by the President, or by a vote of the majority of the Members present. Adjournment.

(2) A motion for the adjournment of the Council, if supported by at least four Members, may be made at any time, and shall take precedence of all other business.

(3) The President may at any time suspend a meeting.

22. (1) A motion for the adjournment of the Council, if made for the purpose of discussing a definite matter of urgent public importance, shall not be made without the leave of the Council. Motions for
Adjournment
for Purposes
of Debate.

(2) Leave to make such motion must be asked after all questions have been disposed of and before any other business has been entered upon.

(3) A Member who desires to make such motion shall hand a written statement of the matter proposed to be discussed to the President who, if he thinks that it is in order, shall read it out and ascertain whether the Member has the leave of the Council.

(4) If the President is satisfied that the motion may properly be made and the leave of the Council in that behalf is granted, the motion shall be considered forthwith.

(5) The right to move the adjournment of the Council for the purpose of discussing a definite matter of urgent public importance is subject to the following restrictions:—

(a) Not more than one such motion may be made at one meeting.

- (b) Not more than one matter may be discussed on the same motion.
- (c) The discussion on the motion must not raise any question which can only be debated on a substantive motion after notice.

Notices of
Bills.

23. (1) Save as otherwise provided by sub-clause (2) of clause 17 of the Instructions under the Royal Sign Manual and Signet dated the 13th day of December, 1948, every Bill shall, before its introduction into the Council, be published in an issue of the Gazette, and a printed copy of the Bill shall be distributed to each Member by the Clerk at least two days before its introduction :

Provided that if a certificate of urgency signed by the Governor is laid on the table, any Bill mentioned in such certificate may be introduced into the Council without either such publication or such distribution.

(2) Every Bill shall be accompanied by a memorandum, signed by the Colonial Secretary in the case of a Government Bill and by the mover in the case of a non-Government Bill, stating concisely the objects of and the reasons for the Bill.

Special Provi-
sions Regard-
ing Non-
Government
Bills.

24. (1) A Member desiring to introduce a non-Government Bill shall apply to the Council by motion for leave to do so, and such motion shall contain the title of the proposed Bill.

(2) If leave to introduce the Bill is granted, the Member in charge of the Bill shall deliver a copy thereof to the Clerk, and such Bill shall thereafter be dealt with in the manner provided in these Standing Rules and Orders with respect to Bills generally.

Method of
Reading Bills.

25. A Bill may be read by reading the title of the Bill only.

First Reading
of a Bill.

26. Every Bill introduced into Council shall be read a first time, and the Member who moves the first reading of the Bill shall give an exposition of its provisions, but there shall be no further debate on it at the first reading and, if the motion is duly seconded, the question "That the Bill be now read a first time" shall be put.

27. (1) On a motion being made and seconded that a Bill be now read a second time, there shall be a debate on the general merits and principles of the Bill, and after others (if any) have spoken, the Member who moved the first reading of the Bill may reply.

Second
Reading
of a Bill.

(2) On the second reading of a Bill, an amendment may be proposed to the question "That the Bill be now read a second time" to leave out the word "now" and add at the end of the question "upon this day three months" or some other date, or an amendment may be moved to leave out all the words after the word "That" in order to add words stating the object and motive on which the opposition to the Bill is based, but such words must be strictly relevant to the Bill and must not deal with its details.

(3) Similar amendments may be moved on the third reading of a Bill.

28. (1) When a Bill has been read a second time it shall stand committed to a Committee of the whole Council, unless the Council on motion refer it to a Select Committee. Such motion shall not require notice, must be made immediately after the Bill is read a second time and may be proposed by any Member

Committee
of a Bill.

(2) When a Bill has been referred to a Select Committee, no further proceedings shall be taken thereon until the Select Committee have presented their report to the Council.

(3) A Bill having been read a second time, the Committee Stage may be taken forthwith or at some subsequent time, and at the time at which the Committee Stage is to be taken, the Council shall, without question put, resolve itself into Committee for the purpose of considering the Bill.

29. A committee to which a Bill is committed shall have power to make such amendments therein as they think fit, provided the amendments be relevant to the subject matter of the Bill; but if any such amendments shall not be within the title of the Bill, they shall amend the title accordingly, and shall report the same specially to the Council.

Scope of
Amendments
in Committee.

Procedure in
Committee
on a Bill.

30. (1) The principle of a Bill shall not be discussed in Committee but only its details.

(2) The Chairman of the Committee or the Clerk shall read the number or the marginal note of each clause in succession or the first and last numbers of a group of clauses.

(3) The enacting clause of the Bill shall be read first.

(4) All amendments proposed to the Bill either in Committee of the whole Council or in a Select Committee shall, if the Chairman so require, be handed to him in writing.

(5) No amendment shall be moved which is inconsistent with any clause already agreed upon or any decision already come to by the Committee, and the Chairman may at any time during the discussion of a proposed amendment withdraw it from the consideration of the Committee, if in his opinion the discussion has shown that the amendment violates the provisions of this Order.

(6) A clause may be postponed, unless upon an amendment thereto a question shall have been fully put from the Chair.

(7) Postponed clauses shall be considered after the remaining clauses of the Bill have been considered and before new clauses are brought up.

(8) If a clause be disagreed to, a new clause instead thereof may be brought up after the remaining clauses of the Bill have been disposed of.

(9) New clauses may be offered before the Schedules to the Bill are considered, and shall be read the first time without question put. The questions which follow thereupon shall be "That the clause be read a second time" and "That the clause (or the clause as amended) be added to the Bill".

(10) New Schedules may be offered after the Schedules to the Bill have been disposed of, and shall be treated in the same manner as new clauses.

(11) When every clause and Schedule and proposed new clause or Schedule have been dealt with, the preamble, if there be one, shall be considered and the question put "That this be the Preamble of the Bill".

(12) If any amendment be necessary to the title of the Bill, it shall be made at the conclusion of the proceedings detailed above.

(13) Before the proceedings have terminated, any member may move to report progress, or in a Select Committee to adjourn; and if such motion be carried, the Select Committee shall adjourn to a day to be fixed by the Member in charge of the Bill, and in Committee of the whole Council the Council shall resume and a day for the resumption of the proceedings shall be named by the President.

(14) A Select Committee when reporting a Bill may make a special report to the Council explaining its proceedings on the Bill.

31. When a Bill has been settled in Committee of the whole Council, the Council shall resume without question put; and thereupon the Member in charge of the Bill shall report that the Bill has passed through the Committee with or without amendment, as the case may be.

Report
Stage.

32. (1) When a Bill has been reported from a Committee of the whole Council, it may on motion made be read a third time forthwith, or if the Council so direct, the third reading may be postponed. When the motion for the third reading of a Bill is put, the question shall be "That the Bill be now read a third time and passed".

Third
Reading
of a Bill.

(2) If, on a motion for the third reading of a Bill, any Member desires to amend or delete any provision contained in the Bill, or to insert any new provision therein, he may move that the Bill be recommitted, and if the motion be agreed to, the Council shall resolve itself into Committee, and any proposed alteration may be discussed. The Council may then resume, and the Bill may be read a third time or the third reading may be postponed.

(3) Amendments for the corrections of error or oversight may, with the President's permission, be made before the question for the third reading of the Bill is put, but no amendments of a material character shall be proposed, and on this point the President's decision shall be final.

(4) When a Bill has been read the third time and passed, a printed copy shall, as soon as practicable, be submitted to the Governor for his assent.

**Withdrawal
of Bills.**

33. (1) The Member in charge of a Bill may make a motion without notice for its withdrawal at any stage of the Bill.

(2) If an interval of six calendar months elapses after any reading of a Bill without further action being taken on such Bill, such Bill shall be deemed to be withdrawn, unless the Council otherwise resolves.

**Bills of the
same Subject
Matter.**

34. More than one Bill of the same subject matter may be introduced but, when the second reading of a Bill has been agreed to or negatived, the question shall not be proposed for the second reading of another Bill of the same subject matter during the same session, and the President shall direct that the other Bill be withdrawn.

**Bills Affecting
Private
Rights.**

35. (1) Notice of every non-Government Bill intended to affect or benefit some particular person, association or corporate body shall be given by advertising in the Gazette and in at least one newspaper circulating in the Colony, one month at least before application is made to the Council for leave to introduce the Bill, a concise statement of its general nature and objects. This provision shall not affect the publication required by sub-clause (2) of clause 17 of the Instructions under the Royal Sign Manual and Signet dated the 13th day of December, 1948.

(2) Every such Bill shall, after being read a second time, be referred to a Select Committee.

(3) Every Select Committee on such a Bill shall require proof of the facts and other allegations set forth in the Bill as showing that it is expedient that the Bill should be passed, and may take such oral or other evidence as it may deem requisite; and thereafter if the Committee finds that the said facts and allegations have not been proved, it shall report accordingly; but if it finds that the said facts and allegations have been proved, it shall consider the several clauses of the Bill, and may strike out clauses, add new clauses, and make any other amendments which it may deem necessary, and shall describe the purport of any new clauses

and other amendments in its report to the Council. No new clause which is foreign to the import of the notice given pursuant to paragraph (1) of this Order shall be inserted in such Bill.

(4) Any Bill which the President may consider to affect prejudicially individual rights or interests shall be referred to a Select Committee, before which any party whose rights or interests are so affected may appear.

36. (1) When any Bill, or clause of a Bill, or motion is under consideration in the Council or a Committee thereof, an amendment may be proposed to such Bill, clause or motion if it be relevant to the Bill, clause or motion to which it is proposed.

Relevancy of Amendments.

(2) An amendment may be proposed to any amendment proposed from the Chair if it be relevant to the original amendment.

(3) In Committee on a Bill, a new clause may be proposed if it be relevant to the subject matter of the Bill, and when a new clause has been read a second time, an amendment may be proposed to it if the amendment be relevant to the new clause.

(4) A new clause or an amendment shall not require notice.

37. A motion or amendment shall not be debated nor proposed from the Chair in Council unless it has received a seconder, but in Committee a seconder shall not be required for a new clause or any amendment. A motion which has not been seconded shall be deemed to have been resolved in the negative, and a note to that effect shall be entered in the Minutes.

Seconding of Motions and Amendments.

38. (1) A motion or amendment may be withdrawn at the request of the mover if, on the President or Chairman asking whether it be the pleasure of the Council or Committee that the motion or amendment be withdrawn, there is no dissentient.

Withdrawal of Motions and Amendments.

(2) A motion which has been withdrawn may be proposed again at any time during the session ; but no motion shall be proposed which is the same in substance as any motion which, during the same session, has been resolved in the affirmative or negative.

Select
Committee.

39. (1) The Member moving for the appointment of a Select Committee shall, in the absence of any special appointment by the President, be Chairman, and the Committee shall consist of such Members as may be appointed by the President. Any Member may suggest the addition of any other Member or Members to the Select Committee.

(2) In the absence of the Chairman, the senior official Member on the Committee shall act as Chairman.

(3) Unless the President otherwise directs, three Members, or, if the number of the Select Committee does not exceed four, two Members, shall form a quorum.

(4) The deliberations of a Select Committee shall be confined to the matter referred to it by the Council and any extension or limitation thereof made by the Council, and, in the case of a Select Committee on a Bill, to the Bill committed to it and relevant amendments.

(5) A Select Committee may continue its investigations although the Council is in recess; and the President may, in the case of the death or unavoidable absence of a Member, appoint another Member of the Council to take the place of such Member on the Committee. Every appointment under this paragraph shall be announced to the Council at its next meeting.

(6) Select Committees shall have a right to the services of a clerk.

(7) When it is intended to examine any witnesses before a Select Committee, the Member of the Council or party requiring such witnesses shall deliver to the clerk to the Committee, two days at least before the day appointed for their examination, a list containing the names, residences, and occupations of such witnesses. The evidence of every witness shall be taken down in writing and signed by him. The witness shall be at liberty to suggest corrections.

(8) Any Member dissenting from the opinion of a majority of a Select Committee may put in a written statement of his reasons for such dissent, and such statement shall be appended to the report of the Committee.

(9) The Chairman of a Select Committee shall have an original vote and, in the event of an equality of votes, a casting vote.

40. (1) The report of a Select Committee shall be presented by the Chairman, and shall be laid upon the Table or otherwise dealt with, as the Council may direct.

Reports of
Select
Committees.

(2) A Select Committee to which a Bill has been referred shall present a report to the Council explaining their recommendations, and if the said recommendations involve any considerable amendments, a reprint of the Bill, or of such part thereof as the Committee may consider necessary, shall be attached to the report, and a copy of the report and of the Bill or of such part so amended shall be distributed to every Member of the Council.

(3) A Bill reported from a Select Committee shall stand committed to a Committee of the whole Council without question put.

41. (1) There shall be a Standing Finance Committee of which the Colonial Secretary and all Unofficial Members of the Council shall be Members.

Standing
Finance
Committee.

(2) The Colonial Secretary shall be Chairman.

(3) The Committee shall meet on the last Friday in each month and at such times as may be determined by the Chairman.

(4) The Chairman and two members shall constitute a quorum. In the event of an equality of votes, the Chairman shall have a casting vote in addition to his original vote.

(5) The Committee will consider votes for supplementary or unforeseen expenditure relating to the Estimates of the Colony's Expenditure or the Estimates of Development and Welfare Expenditure, and such other financial matters as may from time to time be referred to it by the Governor.

42. (1) At each Meeting of the Council the Report of the Standing Finance Committee detailing the items of expenditure approved by it since the last meeting of the Council and also any items of expenditure proposed to the Committee which have not received its approval shall be presented.

(2) Except when the Report deals with expenditure proposed to, but not approved of by, the Committee, the question "That the Report of the Standing Committee on

Finance be adopted" shall be put without debate, unless at least three Members present otherwise demand.

Select Committee on the Estimates.

43. (1) When the annual Appropriation Bill has been read a second time, the Colonial Secretary will move that the Bill be referred to a Select Committee. Normally, this Select Committee will consist of the Members who are members of the Standing Finance Committee referred to in Order 41, but the President may propose that other Members shall be members of the Select Committee.

(2) The Select Committee on the Estimates will review the Estimates of the Colony but not the Estimates of the Dependencies.

Publication of Evidence and Proceedings in Committees.

44. (1) The evidence taken before any Committee of the Council and any documents presented to such Committee which have not been reported to the Council shall not be published by any Member of such Committee or by any other person.

(2) The deliberations of any Select Committee or of the Standing Finance Committee which have not been reported to the Council shall not be published by any Member of such Committee or by any other person without leave of the President.

Absence of Members.

45. Any Member who is prevented from attending a meeting of the Council shall acquaint the Clerk as early as possible of his inability to attend.

Strangers.

46. (1) Strangers may be present in the Council Chamber in the place set apart for them, but must withdraw when called upon to do so by the President or, if the Council is in Committee, by the Chairman.

(2) No strangers shall be present at a meeting of any Select Committee or the Standing Finance Committee without the permission of the Chairman.

Suspension of Standing Rules and Orders.

47. Any of these Standing Rules and Orders may be suspended with the consent of the President and the majority of Members present.

48. (1) An official report of the Proceedings of the Council shall be prepared under the supervision of the President. The report shall be published in such form as the President may direct, and a copy thereof shall be sent to each Member as soon as practicable after the conclusion of each meeting.

Official
Reports of
Proceedings.

(2) If a Member disputes the correctness of the record of any speech in any material particular, the President shall rule thereon and shall direct publication of the speech in accordance with his ruling. The President shall announce his ruling at the next meeting of the Council, and his ruling shall be final.

49. (1) In cases of doubt, these Standing Rules and Orders shall be interpreted in the light of the relevant practice of the Commons House of Parliament of Great Britain and Northern Ireland.

Practice of
House of
Commons.

(2) In any matter for which these Standing Rules and Orders do not provide, the said practice shall be followed, but no restriction which the House of Commons has introduced by Standing Order shall be deemed to extend to the Council or its Members until the Council has provided by Standing Order for such restriction.

50. The Standing Rules and Orders of the Legislative Council heretofore in force are hereby revoked.

Revocation of
Previous
Standing
Rules and
Orders.

THE COLONIAL AIR NAVIGATION (APPLICATION OF ACTS) ORDER IN COUNCIL.

13th April, 1937.

WHEREAS by Section 4 of the Air Navigation Act, 1920, as amended by the Air Navigation Act, 1936, it is provided that His Majesty may by Order in Council direct that any of the provisions of the said Air Navigation Act, 1920, other than Section 4, shall extend, with such exceptions, adaptations and modifications, if any, as may be specified in the Order, to the Isle of Man, any of the Channel Islands. any colony, any British protectorate or 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 WHEREAS by Section 35 of the Air Navigation Act, 1936, it is provided that that Act shall be construed as one with the Air Navigation Act, 1920 :

AND WHEREAS it is expedient to extend certain of the provisions of the Air Navigation Act, 1920, amended as aforesaid, and certain of the provisions of the Air Navigation Act, 1936, to certain colonies and British protectorates and to certain territories 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 :

NOW, THEREFORE, His Majesty, by virtue of and in exercise of the powers in this behalf by the Air Navigation Act, 1920, or otherwise in His Majesty vested, 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 Colonial Air Navigation (Application of Acts) Order, 1937".
2. (1) In this Order and its schedules, unless the context otherwise requires—

"Colony" means and includes for the purposes of this Order any of the colonies, protectorates or mandated territories mentioned in the second schedule hereto ;

"the Convention" means the Convention for determining by a common agreement certain uniform rules with respect to international air navigation signed on behalf of His Majesty in Paris on the thirteenth day of October, 1919 ;

"Governor" means the officer for the time being administering the Government of the Colony ;

"the principal Act" means the Air Navigation Act, 1920 ;

"the Acts" means the principal Act and the Air Navigation Act, 1936.

- (2) The Interpretation Act, 1889, shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3. The provisions of Sections 1, 2, 3, 7, 8, 9, 10, 11, 12, 12A, 14, 17, and 18 of the principal Act and of Sections 4, 5, 13, 14, 30, and 34 of the Air Navigation Act, 1936, adapted and modified as set out in the first schedule hereto, shall be and hereby are extended to the colonies mentioned in the second schedule hereto.

4. The Air Navigation (Colonies and Protectorates) Order in Council, 1922, and the Air Navigation (Mandated Territories) Order in Council, 1927, are hereby revoked.

M. P. A. HANKEY.

SECOND SCHEDULE.

(inter alia)

Falkland Islands.

REGULATIONS.

Made by the Governor in Council under Section 5 of the Air Navigation Act, 1936, as applied to the Colony and its Dependencies Colonial Air Navigation (Application of Acts) Orders, 1937 to 1947.

No. 13 of 1948.

Part I.

PRELIMINARY.

1. These regulations may be cited as the Air Transport (Licensing of Air Services) Regulations. Short title.

2. In these regulations and the schedules thereto, unless the context otherwise requires— Interpretation.

“air service” means any service performed by any aircraft for hire or reward :

Provided that a member of a club carried in an aircraft belonging to the club for the purpose of instruction shall not, if the instructor is also a member of the club, be deemed to be carried for hire or reward, notwithstanding that payment is made for such instruction or carriage ;

“the Convention on International Civil Aviation” and “the International Air Services Transit Agreement”

mean respectively, the Convention and the Agreement so styled which were signed at Chicago on behalf of the Government of the United Kingdom on the 7th December, 1944 ;

"licence" means a licence granted under regulation 5 of these regulations ;

"permit" means a permit granted under regulation 18 of these regulations ;

"scheduled journey" means one of a series of journeys which are undertaken between the same two places and which together amount to a systematic service operated in such a manner that the benefits thereof are available to members of the public from time to time seeking to take advantage of them ;

"the three Corporations" means the British Overseas Airways Corporation established in pursuance of the British Overseas Airways Act, 1939, and the British European Airways Corporation and the British South American Airways Corporation established in pursuance of the Civil Aviation Act, 1946.

Part II.

LICENCES FOR SCHEDULED JOURNEYS.

Application
of Part II.

3. This part of these regulations shall not apply to the carriage of passengers, mail or cargo by air for hire or reward upon journeys other than scheduled.

Flying with-
out licence
an offence.

4. (1) Subject to the provisions of these regulations, it shall not be lawful for any person to use any aircraft for the carriage in the Colony of passengers, mail or cargo for hire or reward upon any scheduled journey between two places, of which at least one is in the Colony except under, and in accordance with the provisions of, a licence granted by the Governor in Council.

(2) Any person who uses any aircraft in contravention of the provisions of this regulation shall be liable on conviction in the case of a first offence to a fine not exceeding five hundred pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment, and in the case of a second or subsequent offence to a fine

not exceeding five thousand pounds or to imprisonment for a term not exceeding two years or to both such fine and such imprisonment.

(3) The provisions of this regulation shall not apply in respect of the aircraft of any State, which is a party to the International Air Services Transit Agreement, which fly across the Colony without landing, or land in the Colony in accordance with the provisions of that Agreement.

5. (1) The Governor in Council may grant to any person applying therefor a licence to carry passengers, mail or cargo by air for hire or reward on such scheduled journeys, and subject to such conditions, as may be specified in the licence.

Grant of
licence by
Governor in
Council.

(2) The Governor in Council may attach such conditions to any licence as he may think fit having regard to the nature and circumstances of the application therefor.

(3) It shall be a condition of every licence that

- (a) the holder of the licence and any person having a financial interest in the business of the holder of the licence shall refrain from stipulating that any other person shall
 - (i) refuse booking facilities to any other holder of a licence;
 - (ii) grant such facilities to any other holder only on onerous terms; and
- (b) the holder of the licence shall perform all such reasonable services as the Postmaster may from time to time require in regard to the conveyance of mails (and of any persons who may be in charge thereof) upon journeys made under the licence. The remuneration for any such service shall be such as may be from time to time determined by agreement between the Postmaster and the holder of the licence.
- (c) In the event of any dispute between the Postmaster and the holder of a licence as to the remuneration for any services performed under paragraph 5 (b) of this regulation the matter shall be referred to arbitration in accordance with the provisions of the Arbitration Act, 1889, and any act replacing or amending that Act.

Form of
application
for licence.

6. Applications for licences shall be made in the form and manner, and shall contain the particulars prescribed in the schedule hereto. Every applicant shall furnish to the Governor in Council such further information as he may require in relation to the application.

Inquiry may
be held.

7. The Governor in Council may, if he thinks fit, for the purposes of determining applications for licences, order that a public or private inquiry be held.

Licence
conditions.

8. In exercising his discretion to grant, or to refuse, a licence and his discretion to attach conditions to any licence the Governor in Council will have regard to the co-ordination and development of air services generally with the object of ensuring the most effective service to the public while avoiding uneconomical overlapping and generally to the interests of the public, including those of persons requiring or likely to require facilities for air transport, as well as those of persons providing such facilities. In particular the Governor in Council will have regard to the following matters :

- (a) the existence of other air services in the area through which the proposed services are to be operated ;
- (b) the demand for air transport in that area ;
- (c) the degree of efficiency and regularity of the air services, if any, already provided in that area, whether by the applicant or by other operators ;
- (d) the period for which such services have been operated by the applicant or by other operators ;
- (e) the extent to which it is probable that the applicant will be able to provide a satisfactory service in respect of safety, continuity, regularity of operation, frequency, punctuality, reasonableness of charges and general efficiency ;
- (f) the financial resources of the applicant ;
- (g) the type of aircraft proposed to be used ;
- (h) the remuneration and general conditions of employment of aircrew and other personnel employed by the applicant.

9. The Governor in Council may grant licences to remain in force for such period, not exceeding five years, as he may in each case determine, commencing on the date on which the licence is expressed to take effect :

Period of
licence.

Provided that if, on the date of the expiration of a licence, an application to the Governor in Council is pending for the grant of a new licence in substitution for an existing licence held by the applicant, the existing licence shall continue in force until the application is granted or refused.

10. The Governor in Council may if he thinks fit, pending the determination of an application for a licence, grant to the applicant a provisional licence which shall remain in force until the application is determined.

Provisional
licence

11. The decisions of the Governor in Council on applications for licences and on revocation or suspension of licences will be published in the Gazette.

Publication of
decisions of
Governor in
Council.

12. (1) Subject to the provisions of paragraph (2) of this regulation, the Governor in Council may revoke or suspend a licence—

Revocation
and suspen-
sion of
licence.

(a) if the holder of the licence has, since the licence was granted, been convicted of an offence against regulations 4 or 17 of these regulations ; or

(b) where the holder of the licence is a body corporate, if any officer of that body corporate has, since the licence was granted, been convicted, in his capacity as such officer, of an offence against regulations 4 or 17 of these regulations ; or

(c) if the holder of the licence has failed to comply with any condition subject to which the licence was granted.

(2) Before revoking or suspending any licence under sub-paragraph (c) paragraph (1) of this regulation, the Governor in Council will give to the holder of the licence notice specifying the grounds upon which it is proposed to revoke or suspend the licence, and will not revoke or suspend the licence, unless he is satisfied, after a public inquiry if the holder of the licence so requires, that owing to the frequency of the failure on the part of the holder to comply with conditions or to the failure having been wilful, the licence should be revoked or suspended.

(3) The expression "officer" in sub-paragraph (b) of paragraph (1) of this regulation means a Director, General Manager, Secretary or other similar officer and includes any persons, who with the authority of the body corporate, acts as such officer.

Surrender of
licence.

13. A licence may at any time be surrendered by the holder to the Governor in Council for cancellation. If, during the currency of a licence, the holder applies to the Governor in Council for a new licence in substitution for the current licence, he shall, if a new licence is granted, surrender the current licence for cancellation on the date from which the new licence is expressed to take effect.

Licence fees.

14. (1) There shall be paid to the Treasurer in respect of every licence a fee of ten pounds in respect of each year or part of a year for the term of which the licence is expressed to remain in force.

(2) There shall be paid to the Treasurer in respect of any provisional licence granted under regulation 10 of these regulations a fee of two pounds.

(3) No refund of any fee paid in respect of the grant of a licence shall be made, whether on the surrender of the licence or otherwise, save where a licence is surrendered before its normal date of expiry upon the grant of a new licence authorising a service over the same route, in which case there shall be refunded the sum of ten pounds for each full year of the unexpired period of the licence but the holder shall in addition to the normal fee for the new licence pay the special additional fee of two pounds.

Returns by
licence
holders.

15. Every holder of a licence shall make a return in writing to the Colonial Secretary giving, in respect of the month to which the return relates, the particulars set out in the schedule hereto with regard to all air services authorised by the licence.

Such return shall be sent to the Colonial Secretary not later than two months after the expiration of the month to which the return relates.

Part III.

**PERMITS FOR JOURNEYS OTHER THAN SCHEDULED
JOURNEYS.**

16. This part of these regulations shall not apply to the carriage of passengers, mail or cargo by air for hire or reward on scheduled journeys.

Application of
Part III.

17. (1) Subject to the provisions of these regulations, it shall not be lawful for any person to use any aircraft for the provision of any air service in the Colony except under, and in accordance with the conditions of, a permit granted by the Governor in Council.

Flying with-
out a permit
an offence.

(2) Any person who uses any aircraft in contravention of the provisions of this regulation shall be liable on conviction in the case of the first offence to a fine not exceeding two hundred and fifty pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment and in the case of a second or subsequent offence to a fine not exceeding two thousand pounds or to imprisonment for a term not exceeding two years or to both such fine and such imprisonment.

(3) The provisions of this regulation shall not apply in respect of the aircraft of any State, which is a party to the Convention on International Civil Aviation, which fly across the Colony without landing or land in the Colony for non-traffic purposes only.

18. (1) The Governor in Council may grant to any person applying therefor a permit to use aircraft for the provision in the Colony of such air services (other than such a service as is referred to in paragraph (1) of regulation 4 of these regulations) for such period and on such conditions as may be specified in the permit.

Grant of
permit by
Governor in
Council.

(2) The Governor in Council may attach such conditions to any permit as he may think fit having regard to the nature and circumstances of the application therefor.

19. Applications for permits shall be made in such form, and shall contain such information as the Governor in Council may require.

Form of
application
for permit.

Revocation
and suspen-
sion of
permit.

20. (1) The Governor in Council may revoke or suspend any permit—

- (a) if the holder of the permit has, since the permit was granted, been convicted of an offence against regulation 4 or 17 of these regulations ; or
- (b) where the holder of the permit is a body corporate, if any officer of that body corporate has, since the permit was granted, been convicted, in his capacity as such officer, of an offence against regulation 4 or 17 of these regulations ; or
- (c) if the holder of the permit has failed to comply with any condition subject to which the permit was granted.

(2) The expression "officer" in paragraph (1) of this regulation means a Director, General Manager, Secretary or other similar officer and includes any person who, with the authority of the body corporate, acts as such officer.

Part IV.

GENERAL PROVISIONS.

Licensee shall
comply with
law of air
navigation
and air
transport.

21. It shall be a condition of every licence or permit that the requirements of any law or instrument having the force of law, for the time being in force in the Colony, relating to air navigation or air transport shall be complied with at all times during the currency of the licence or permit in connection with all journeys made under the licence or permit.

Licence not
transferable.

22. A licence or permit shall not be capable of being transferred or assigned :

Provided that in the event of the death, incapacity, bankruptcy, sequestration or liquidation of the holder of a licence or permit, or of the appointment of a receiver or manager or trustee in relation to the business of the holder of a licence or permit the person for the time being carrying on that business shall, if within fourteen days of his commencing so to do, he makes application to the Governor in Council for a new licence or permit, be entitled to provide the air services authorised by the existing licence or permit subject to the conditions thereof, until the application is determined.

23. Nothing in these regulations shall require the disclosure by any applicant for a licence or permit to any person other than the Governor in Council of information as to the financial resources of the applicant.

Financial resources to be disclosed to Governor in Council only.

24. Nothing in these regulations shall confer upon the holder of a licence or permit or upon any other person any right to the continuance of any benefits arising from the provisions of these regulations or from any licence or permit granted thereunder or from any conditions attached to any such licence or permit.

Benefit under regulations shall not continue.

25. (1) Proceedings for an offence against these regulations shall not be instituted except with the consent of the Governor.

Proceedings.

(2) Where an offence against these regulations has been committed by a body corporate, every person who, at the time of the commission of the offence was a Director, General Manager, Secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence, unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

Part V.

EXEMPTIONS.

26. Nothing in these regulations shall apply to—

Non-applicability of regulations.

(a) any of the three Corporations in respect of such journeys, on such routes, as the Governor may from time to time specify ;

(b) any air transport operator whose principal place of business is in a country other than

(i) the United Kingdom ; or

(ii) a territory for whose foreign relations His Majesty's Government in the United Kingdom is responsible ;

in respect of journeys performed by such operator in accordance with the provisions of any agreement for the time being

in force between His Majesty's Government in the United Kingdom and the Government of that country.

SCHEDULE.

1. Particulars required on application for licences under regulation 6.
 - (1) Full name, address, occupation, nationality and age of applicant and types of aircraft flown with flying hours.
 - (2) Full details of aircraft to be flown in Colony: type, manufacture, engines, horsepower, load and passenger capacity, fuel load, hours flown, safety devices, etc.
 - (3) Schedule of proposed routes, flying times, fares, etc.
 - (4) Any other particulars.
2. Particulars required with regard to air services under regulation 15.
 - (1) Routes with sketch map.
 - (2) Schedule of flights.
 - (3) Passengers and fares.
 - (4) Cargo and rates.
 - (5) Any other particulars.

The following Orders in Council relating to Air Transport also apply to the Colony and the Dependencies:—

The Carriage by Air (Colonies, Protectorates and Mandated Territories) Order, 1934.

The Carriage by Air (Parties to Convention) Order, 1939.

The Colonial Air Navigation Order, 1949.

THE ARBITRATION (FOREIGN AWARDS) No. 3 ORDER IN COUNCIL.

7th October, 1931.

WHEREAS a Convention on the Execution of Arbitral Awards was, on the twenty-sixth day of September, nineteen hundred and twenty-seven, signed at Geneva on behalf of His Majesty :

AND WHEREAS by subsection (1) of section one of the Arbitration (Foreign Awards) Act, 1930, it is provided that Part I of that Act applies to any award made after the twenty-eighth day of July, nineteen hundred and twenty-four—

- (a) in pursuance of an agreement for arbitration to which the protocol set out in the Schedule to the Arbitration Clauses (Protocol) Act, 1924, applies; and
- (b) between persons of whom one is subject to the jurisdiction of some one of such Powers as His Majesty, being satisfied that reciprocal provisions have been made, may by Order in Council declare to be parties to the said Convention and of whom the other is subject to the jurisdiction of some other of the Powers aforesaid; and
- (c) in one of such territories as His Majesty, being satisfied that reciprocal provisions have been made, may by Order in Council declare to be territories to which the said Convention applies;

AND WHEREAS His Majesty is satisfied that reciprocal provisions have been made, as aforesaid by the Foreign Powers set out in the first column of Part II of the Schedule to this Order and as respects the territories belonging to such Powers set out in the second column of that part:

NOW THEREFORE, His Majesty, by and with the advice of the Privy Council, in pursuance of the powers conferred upon Him by the said Act and of all other powers enabling Him in that behalf, is pleased to declare, and it is hereby declared as follows:—

1. The Powers set out in the first column of the Schedule to this Order are parties to the said Convention.
2. The territories set out in the second column of the said Schedule are territories to which the said Convention applies.
3. This Order may be cited as the Arbitration (Foreign Awards) No. 3 Order, 1931, and shall come into force on the 13th day of October, 1931.

M. P. A. HANKEY.

SCHEDULE.

First column.	Second Column.
Powers parties to the Convention.	Territories to which the Convention applies.

Part I.

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India.	Northern Rhodesia. Mauritius.
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Part II.

His Majesty the King of Roumania.	Roumania.
His Majesty the King of Siam.	Siam.

ARBITRATION.**THE ARBITRATION (FOREIGN AWARDS) No. 4 ORDER IN COUNCIL.**

17th December, 1931.

WHEREAS a Convention on the Execution of Arbitral Awards was, on the twenty-sixth day of September, nineteen hundred and twenty-seven, signed at Geneva on behalf of His Majesty :

AND WHEREAS by subsection (1) of section one of the Arbitration (Foreign Awards) Act, 1930, it is provided that Part I of that Act applies to any award made after the twenty-eighth day of July, nineteen hundred and twenty-four—

- (a) in pursuance of an agreement for arbitration to which the protocol set out in the Schedule to the Arbitration Clauses (Protocol) Act, 1924, applies ; and
- (b) between persons of whom one is subject to the jurisdiction of some one of such Powers as His Majesty, being satisfied that reciprocal provisions have been made, may by Order in Council declare to be parties to the said Convention and of whom the other is subject to the jurisdiction of some other of the Powers aforesaid ; and

- (c) in one of such territories as His Majesty, being satisfied that reciprocal provisions have been made, may by Order in Council declare to be territories to which the said Convention applies :

AND WHEREAS His Majesty is satisfied that reciprocal provisions have been made as aforesaid by the Foreign Powers set out in the first column of the Schedule to this Order and as respects the territories belonging to such Powers set out in the second column of that Schedule :

NOW, THEREFORE, His Majesty, by and with the advice of the Privy Council, in pursuance of the powers conferred upon Him by the said Act and of all other powers enabling Him in that behalf, is pleased to declare, and it is hereby declared as follows :—

1. The Powers set out in the first column of the Schedule to this Order are parties to the said Convention.
2. The territories set out in the second column of the said Schedule are territories to which the said Convention applies.
3. This Order may be cited as the Arbitration (Foreign Awards) No. 4 Order, 1931, and shall come into force on the 18th day of December, 1931.

M. P. A. HANKEY.

SCHEDULE.

First Column. Powers parties to the Convention.	Second Column. Territories to which the Convention applies.
The President of the Czechoslovak Republic.	Czechoslovakia.
The President of the Finnish Republic.	Finland.
Her Majesty the Queen of the Netherlands.	The Netherlands.

Geneva Convention Act, 1937 (Colonies)
Order in Council.

THE GENEVA CONVENTION ACT, 1937 (COLONIES)
ORDER IN COUNCIL.

21st December, 1937.

WHEREAS by the Geneva Convention Act, 1937, (a) provision has been made to enable effect to be given to Article twenty-eight of the International Convention for the amelioration of the condition of the wounded and sick in armies in the field done at Geneva on the twenty-seventh day of July, nineteen hundred and twenty-nine, and for purposes connected therewith :

AND WHEREAS by section 3 of the said Act it is provided that His Majesty may by Order in Council provide that Section 1 of the said Act shall extend, subject to such modifications (if any) as may be specified in the Order, *inter alia* to any Colony :

AND WHEREAS it is expedient that section 1 of the said Act should be extended to the Colonies named in the Schedule to this Order, and that certain modifications should be made with regard to the application of the said Section 1 to such Colonies :

NOW, THEREFORE, His Majesty, by virtue and in exercise of the powers in this behalf by the said Act or otherwise vested in His Majesty, 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 Geneva Convention Act, 1937, (Colonies) Order in Council, 1937".

2. Subject to the following modifications Section 1 of the Geneva Convention Act, 1937, shall extend to the Colonies named in the Schedule to this Order :—

- (1) The powers by the said Section 1 vested in the Board of Trade shall be vested in the Governor in Council, or, if there shall be no Executive Council in the Colony, in the Governor.

- (2) Proceedings under the said Section 1 shall not be instituted without the consent of the Principal Law Officer of the Colony, or, if there shall be no such Law Officer, of the Colonial or Chief Secretary.

M. P. A. HANKEY.

SCHEDULE.
(*inter alia*)

Falkland Islands and Dependencies.

**MAINTENANCE ORDERS (FACILITIES FOR
ENFORCEMENT) ORDER IN COUNCIL, 1922.**

6th February, 1922.

WHEREAS by the Maintenance Orders (Facilities for Enforcement) Act, 1920, provision has been made for the enforcement in England and Ireland of Maintenance Orders made by a Court in any part of His Majesty's Dominions outside the United Kingdom to which the said Act extends :

AND WHEREAS by the said Act it is amongst other things provided that where His Majesty is satisfied that reciprocal provisions have been made by the Legislature of any part of His Majesty's Dominions outside the United Kingdom for the enforcement within that part of Maintenance Orders made by Courts within England and Ireland, His Majesty may by Order in Council extend the said Act to that part, and thereupon that part shall become a part of His Majesty's Dominions to which the said Act extends :

AND WHEREAS His Majesty is satisfied that the Legislatures of the parts of His Majesty's Dominions outside the United Kingdom hereinafter mentioned have made reciprocal provisions for the enforcement within those parts of Maintenance Orders made by Courts within England and Ireland :

NOW, THEREFORE, His Majesty, by virtue and in exercise of the powers by the above recited Act in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows :

The Maintenance Orders (Facilities for Enforcement) Act, 1920, shall apply to the parts of His Majesty's Dominions outside the United Kingdom hereunder mentioned :

Basutoland. The Falkland Islands.

ALMERIC FITZROY.

**MERCHANT SHIPPING (REGISTRATION OF
FALKLAND ISLANDS GOVERNMENT SHIPS) ORDER.**

Order in Council under section 80 of the Merchant Shipping Act, 1906 (6 Edw. 7. c. 48) making Regulations as to the Registration of Vessels in the Service of the Government of the Colony of the Falkland Islands.

25th June, 1925.

WHEREAS by Section 80 of the Merchant Shipping Act, 1906, power is given to His Majesty by Order in Council to make regulations with respect to the manner in which Government ships may be registered as British ships for the purpose of the Merchant Shipping Acts :

AND WHEREAS by the said Section it is provided that those Acts shall, subject to any exceptions and modifications which may be made by Order in Council, either generally or as respects any special class of Government ships, apply to Government ships registered in accordance with such regulations as if they were registered in manner provided by those Acts :

AND WHEREAS the provisions of section 1 of the Rules Publication Act, 1893, (a) have been complied with ;

NOW, THEREFORE, His Majesty, by virtue of the powers in this behalf by the said Act, or otherwise in Him vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, that the following regulations shall have effect as regards any Government ships in the service of the Government of the Colony of the Falkland Islands (hereinafter referred to as the Colonial Government) :—

(a) 56-7 V. c. 66.

1. An application for registry of a Government ship in the service of the Colonial Government shall be made in writing under the hand of the Colonial Secretary of the Falkland Islands or other officer of the Colonial Government nominated by the Governor, or by one of the Crown Agents for the Colonies. Such application shall contain the following particulars :—

- (a) A statement of the name and description of the ship.
- (b) A statement of the time when and place where the ship was built, or, if the ship was foreign built and the time and place of building are unknown, a statement to that effect and of her foreign name.
- (c) A statement of the nature of the title to the said ship, whether by original construction by or for the Colonial Government, or by purchase, capture, condemnation, or otherwise, and a list of the documents of title, if any, in case she was not originally constructed by or for the Colonial Government.
- (d) A statement of the name of the Master.

2. The Registrar, on receiving such application in respect of a Government ship in the service of the Colonial Government, shall—

- (a) enter the ship in the Register Book as belonging to “His Majesty, represented by the Government of the Colony of the Falkland Islands” and shall also enter therein :
- (b) the name of the port to which she belongs ;
- (c) the particulars stated in the application for registration ;
- (d) the details comprised in the Surveyor’s Certificate.

3. On the registry of a Government ship in the service of the Colonial Government the Registrar shall retain in his possession the Surveyor’s Certificate and the application for registry and any documents of title mentioned in such application.

4. Upon the transfer of a registered Government ship in the service of the Colonial Government by Bill of Sale, the Colonial Government shall be the transferors, and the Bill of Sale shall be in Form A in the proper form prescribed under the Merchant Shipping Act, 1894, (a) hereinafter called the

(a) 57-8 V. c. 60.

principal Act, omitting the covenant therein contained. Any such Bill of Sale shall be signed by the Colonial Secretary or other officer or Crown Agent as aforesaid on behalf of the Colonial Government.

5. The application for a Certificate of Sale referred to in sections 39 to 42 and sections 44 to 46 of the principal Act, may be made in respect of a Government ship in the service of the Colonial Government by the Colonial Secretary or other officer or Crown Agent as aforesaid on behalf of the Colonial Government.

6. The person to whom the management of any Government ship in the service of the Colonial Government is entrusted by the Colonial Government shall be registered as provided by section 59 (2) of the principal Act.

7. Where any provision of the Merchant Shipping Acts which by virtue of the Merchant Shipping Act, 1906, and this Order in Council is applicable to Government ships in the service of the Colonial Government imposes any duty or liability or confers any right or power upon or contemplates any act being performed by the owner of a ship such duty, liability, right, or power shall, subject always to the other provisions of this Order in Council be carried out, borne, or exercised by the Colonial Government on behalf of His Majesty.

8. In this Order in Council the term Merchant Shipping Acts shall mean and include any of the Merchant Shipping Acts, any provision of which is by virtue of the Merchant Shipping Act, 1906, and this Order applicable to Government ships.

9. The following sections and provisions of the Merchant Shipping Acts shall not apply to Government ships in the service of the Colonial Government registered in pursuance of this Order, namely :—

- (a) The Merchant Shipping Act, 1894—Sections 1, 8 to 12, 427 to 431.

The provisions of Part II of the Act relating to the requirement of officers to hold certificates of

competency and the production of those certificates.

- (b) The Merchant Shipping (Mercantile Marine Fund) Act, 1898, (a)—Sections 3 and 5.
- (c) The Merchant Shipping Act, 1906—Sections 25 and 27.

Provided always that no provision of the Merchant Shipping Acts which, according to a reasonable construction, would not apply in the case of Government ships in the service of the Colonial Government, shall be deemed to apply to such ships by reason only that its application is not hereby expressly excluded.

10. Anything required or authorised by this Order in Council to be done by the Colonial Government may be done by the Colonial Secretary or other officer or Crown Agent as aforesaid.

M. P. A. HANKEY.

JUDGMENTS (RECIPROCAL ENFORCEMENT) ORDER.

Order in Council extending Part II of the Administration of Justice Act, 1920 (10 & 11 Geo. 5, c. 81) to the Falkland Islands and Fiji, and the Colonies of Gambia and Kenya.

4th May, 1923.

WHEREAS by Part II of the Administration of Justice Act, 1920, provision has been made for the reciprocal enforcement of judgments in the United Kingdom and in other parts of His Majesty's Dominions :

AND WHEREAS by the said Act it is amongst other things provided that where His Majesty is satisfied that reciprocal provisions have been made by the Legislature of any part of His Majesty's Dominions outside the United Kingdom for the enforcement within that part of His Dominions of judgments obtained in the High Court in England, the Court of Session in Scotland, and the High Court in Ireland, His Majesty may by Order in Council

(a) 61-2 V. c. 44.

declare that the said part of that Act shall extend to that part of His Dominions and that on any such Order being made the said part of that Act shall extend accordingly :

AND WHEREAS on the 6th day of December, 1922, the Irish Free State was established under the provisions of an Act of Parliament shortly entitled the Irish Free State Constitution Act, 1922 (Session 2) : (a)

AND WHEREAS His Majesty is satisfied that the Legislatures of the parts of His Majesty's Dominions outside the United Kingdom hereinafter mentioned have made reciprocal provisions for the enforcement within those parts of judgments obtained in the High Court in England, the Court of Session in Scotland, and the High Court in Ireland :

NOW, THEREFORE, His Majesty, by virtue and in exercise of the powers by the above-recited Act in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows :—

1. Part II of the Administration of Justice Act, 1920, shall extend to the parts of His Majesty's Dominions outside the United Kingdom hereunder mentioned :—

The Falkland Islands.

Fiji.

The Colony of the Gambia.

The Colony of Kenya.

2. Nothing in this Order shall affect the registration or enforcement in the Irish Free State of any judgment in pursuance of Part II of the said Act.

ALMERIC FITZROY

**SEAL FISHERIES (CROWN COLONIES AND
PROTECTORATES) ORDER IN COUNCIL, 1913.**

11th April, 1913.

WHEREAS by section 3 of the Seal Fisheries (North Pacific) Act, 1912, all persons were prohibited from using any port within the United Kingdom for the purposes of pelagic sealing contrary to an Order in Council made under the Seal Fisheries (North Pacific) Acts, 1895 and 1912 :

(a) 13 G. 5, sess. 2, c. 1.

AND WHEREAS by section 4 of the Seal Fisheries (North Pacific) Act, 1912, the importation of the skins of seals captured in contravention of any such Order as last aforesaid was prohibited :

AND WHEREAS by section 5 (1) of the said Act it was enacted that His Majesty might by Order in Council extend the provisions of the two hereinbefore recited sections to any part of His Majesty's Dominions outside the United Kingdom, to any British Protectorate, and to Cyprus, subject to such modifications and adaptations as might appear to him to be necessary :

AND WHEREAS by treaty, grant, usage sufferance, or other lawful means His Majesty the King has jurisdiction in and over Cyprus and within the Dominions of His Highness the Sultan of Zanzibar :

AND WHEREAS it is desirable that the provisions of the sections 3 and 4 of the Seal Fisheries (North Pacific) Act, 1912, should be extended to the Colonies and Protectorates enumerated in the Schedule to this Order and to Cyprus and to the dominions of the Sultan of Zanzibar subject to the modifications and adaptations hereinafter contained :

NOW, THEREFORE, His Majesty, by virtue and in exercise of the powers in this behalf by the Seal Fisheries (North Pacific) Act, 1912, the Foreign Jurisdiction Act, 1890, or otherwise in His Majesty vested, 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 Seal Fisheries (Crown Colonies and Protectorates) Order in Council, 1913.

2. The word "Zanzibar" in this Order shall have the same meaning as in the Zanzibar Order in Council, 1906.

3. From and after the commencement of this Order sections 3 and 4 of the Seal Fisheries (North Pacific) Act, 1912, shall apply to the Colonies and Protectorates enumerated in the Schedule to this Order and to Cyprus and to Zanzibar (all of which Colonies and Protectorates and Cyprus and Zanzibar are hereinafter referred to as "Territories affected") subject to the following modifications and adaptations, that is to say :—

- (i) For the words "The United Kingdom" in section 3 (1) of the said Act there shall be deemed to be substituted in the case of each Territory affected the name of such Territory.
- (ii) In section 3 (2) of the said Act for the words "Secretary of State" wherever such words occur in the case of all Territories affected other than Zanzibar there shall be deemed to be substituted the words "Officer administering the Government", and in the case of Zanzibar the words "His Majesty's Agent and Consul-General for Zanzibar", and for the words "The Board of Trade or any officer of the Board" the words "any customs officer".
- (iii) In section 4 of the said Act there shall be deemed to be substituted for the words "section 42 of the Customs Consolidation Act, 1876", a reference to the enactment in force in the Territory affected whereby the importation of goods is prohibited or restricted and such enactment shall apply accordingly.

4. This Order shall be published in the Government Gazette of each of the Territories affected other than Zanzibar and shall thereupon come into operation in such Territory. In the case of Zanzibar, this Order shall be published at Zanzibar in such manner as the Secretary of State shall direct by His Majesty's Agent and Consul-General and shall thereupon come into operation.

ALMERIC FITZROY.

SCHEDULE.

List of British Colonies, etc., to which Section 3 and 4 of the Seal Fisheries (North Pacific) Act, 1912, apply :—
(*Inter alia*).

Falkland Islands.

Sections 3 and 4 Seal Fisheries (North Pacific) Act, 1912.

Prohibition
of using
ports for
purposes of
pelagic sealing
contrary to
Order.
57 & 58
Vict. c. 60.

3. (1) If any person uses any port within the United Kingdom for the purpose of equipping any ship intended to be used or employed in killing, taking, or hunting seals in contravention of any such Order as aforesaid, he shall be guilty of any offence, and shall be liable to be dealt with as if such offence were an offence declared to be a misdemeanour by the Merchant Shipping Act, 1894, and the ship and her equipment and everything on board thereof shall be subject to forfeiture to His Majesty.

(2) If the Secretary of State is satisfied that there is reasonable cause for believing that a ship has been or is being equipped contrary to

this section, the Secretary of State may authorise the Board of Trade, or any officer of the Board, to seize and detain the ship. Where such an authority is given, the ship may be seized and detained in like manner as if it were liable to seizure and detention under the Merchant Shipping Acts, 1894 to 1907.

(3) For the purposes of this section, "equipping" in relation to a ship shall include the furnishing of a ship with any tackle, apparel, furniture, provisions, munitions, fuel or stores, or any other thing which is used in or about a ship for the purpose of fitting or adapting her for the sea or for killing, taking, or hunting seals.

4. Skins of seals taken in contravention of any such Order as aforesaid, and skins of seals identified as being of the species known as *Callorhinus alascanus*, *Callorhinus ursinus*, and *Callorhinus kurlensis*, and belonging to the American, Russian, or Japanese herds, except such as are taken under the authority of the respective Powers to which the breeding grounds of such herds belong and have been officially marked and certified as having been so taken, shall, subject to the provisions of this section, be deemed to be included in the table of prohibitions and restrictions contained in section forty-two of the Customs Consolidation Act, 1876, and that section shall apply accordingly.

Prohibition of importation of skins of seals captured in contravention of Order.

39 & 40
Vict. c. 36.

Notice.

The following are declared to be Seal Reserves under the provisions of Section 7 of the Seal Fishery (Consolidation) Ordinance, 1921:—

The territorial waters of the Colony.
Elephant Jason Island.
Bird Island.
Volunteer Rocks.
Beauchene Island.

VISITING FORCES (BRITISH COMMONWEALTH) (APPLICATION TO THE COLONIES, ETC.) ORDER IN COUNCIL, 1940.

24th July, 1940.

WHEREAS by sub-sections (1) and (2) of section 5 of the Visiting Forces (British Commonwealth) Act, 1933 (hereinafter called "the Act"), it is provided that His Majesty may as regards any Colony by Order in Council direct that the provisions of sections 1 to 3 of the Act, or such of those provisions as may be specified in the Order, shall, subject to such adaptations and modifications as may be so specified, apply

in that Colony in relation to forces visiting that Colony and in relation to deserters and absentees without leave, as they apply in the United Kingdom ; and that His Majesty may as regards any Colony by Order in Council direct that the provisions of section 4 of the Act shall, with such exceptions and subject to such adaptations and modifications as may be specified in the Order, apply in relation to all or any of the forces raised in that Colony, and in relation to officers and members thereof, as they apply in relation to home forces and officers and members thereof :

AND WHEREAS by virtue of sub-section (3) of section 5 and section 6 of the Act the powers aforesaid may likewise be exercised in respect of any territory which is under His Majesty's protection, including any territory in respect of which a mandate on behalf of the League of Nations is being exercised by His Majesty's Government in the United Kingdom :

NOW, THEREFORE, His Majesty, in pursuance of sections 5 and 6 of the 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 :—

Short title.

1. This Order may be cited as the Visiting Forces (British Commonwealth) (Application to the Colonies, etc.) Order in Council, 1940.

Interpretation, etc.

2. (1) In this Order—

“territory” means a territory mentioned in the First Schedule to this Order ; and in the application of the Act under this Order to any territory “the territory” means that territory ;

“Governor”, in relation to any territory, means the person administering the government of the territory or, in the case of Zanzibar, the British Resident or the person lawfully discharging his functions ;

“Colonial forces” means, in relation to any territory any naval, military, or air forces raised in the territory, including any police force or other body raised therein which, by virtue of any law in force in the territory, has become a naval, military or air force ; and “Colonial force” includes any body, contingent or detachment of any Colonial forces, wherever serving :

Provided that where any Colonial forces or force raised in one territory shall be present in some other territory, such forces or force shall, for the purposes of this definition in so far as it relates to sections 1 to 3 of the Act as applied by this Order, be deemed to have been raised in that other territory.

(2) Subject to the provisions of this Order, sections 1 to 4 of the Act as applied by this Order shall be construed in accordance with the provisions of section 8 of the Act, except that—

- (a) the definition of "visiting force" shall have effect as if for the words "with the consent of His Majesty's Government in the United Kingdom lawfully present in the United Kingdom" there were substituted the words "lawfully present in the territory" ; and
- (b) the definition of "member" shall have effect as if the word "territory" were substituted for the words "United Kingdom".

(3) An Order under the Act as applied by this Order may be revoked or varied by a subsequent Order.

(4) The Interpretation Act, 1889, shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3. Sections 1, 2 and 3 of the Act shall, subject to the adaptations and modifications specified in Article 2 and the Second Schedule to this Order, apply in each territory in relation to forces visiting the territory and in relation to deserters and absentees without leave, as they apply in the United Kingdom.

Application
of Sections
1 to 3 of
the Act.

4. Section 4 of the Act shall, subject to the adaptations and modifications specified in Article 2 and the Third Schedule to this Order, apply in relation to Colonial forces raised in any territory and in relation to officers and members thereof, as they apply in relation to home forces as defined in the Act and officers and members thereof.

Application
of Section 4
of the Act.

FIRST SCHEDULE.*(Inter alia).*

Falkland Islands.

Reference in this Schedule to any territory of which there are Dependencies shall be construed as including a reference to such Dependencies.

SECOND SCHEDULE.**Adaptations and Modifications of Sections One, Two and Three of the Act.**

1. All reference to the United Kingdom shall be construed as references to the territory.
2. All references to home forces or a home force shall be construed as including references to Colonial forces or a Colonial force, as the case may be.
3. In sub-section (5) of Section one the words " the Governor " shall be substituted for the words " the Admiralty, Army Council or Air Council, as the case may be ".
4. In sub-section (1) of Section two—
 - (a) the words " the Governor may by Order " shall be substituted for the words " His Majesty may by Order in Council ";
 - (b) the word " Officer " shall be substituted for the word " Minister " wherever it occurs; and
 - (c) the last paragraph shall be omitted.

**THE WHALING INDUSTRY (REGULATION) ACT
(NEWFOUNDLAND, COLONIES, PROTECTORATES
AND MANDATED TERRITORIES) ORDER.**

3rd July, 1936.

WHEREAS by section 13 of the Whaling Industry (Regulation) Act, 1934 ^(a) (hereinafter referred to as "the Act") it is enacted that His Majesty may by Order in Council direct that the provisions of the Act shall extend, with such exceptions, adaptations or modifications, if any, as may be specified in the Order, to the Isle of Man, any of the Channel Islands, Newfoundland or to any Colony :

AND WHEREAS by section 13 of the Act it is further enacted that the Foreign Jurisdiction Act, 1890 ^(b) shall

(a) (24 & 25 Geo. 5. c. 49.

(b) 53 & 54 Vict. c. 37.

have effect as if the provisions of the Act were included among the enactments which, by virtue of section 5 of the said Foreign Jurisdiction Act, may be extended by Order in Council to foreign countries in which for the time being His Majesty has jurisdiction :

AND WHEREAS by section 11 of the Act it is enacted that His Majesty may by Order in Council direct that any provision of the Act which is expressed to apply only to British ships shall, subject to such exceptions, adaptations or modifications (if any) as may be specified in the Order, apply also to other ships, being ships registered in or licensed under the law of any Colony or British Protectorate, or 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 WHEREAS by section 12 of the Act it is enacted that His Majesty may by Order in Council direct that subject to such conditions, if any, as may be specified in the Order, any of the provisions contained in sections 1 to 11 of the Act which restricts the taking or killing of whales or the use of ships shall not apply in relation to anything done within the coastal waters of

(a) a country or part of His Majesty's dominions to which the Act may be extended by virtue of section 13 thereof, or

(b) a British protected state,

if there is in force, as respects those coastal waters, a provision of the local law which appears to His Majesty substantially to correspond with the aforesaid provision of the Act :

AND WHEREAS it is expedient that the provisions of the Act should extend to Newfoundland and the territories mentioned in the First Schedule to this Order, subject to the exceptions, adaptations and modifications specified in this Order :

AND WHEREAS it is expedient that the provisions of the Act which are expressed to apply only to British ships should apply to other ships registered in or licensed under the law of any territory mentioned in the First Schedule to this Order :

AND WHEREAS it appears to His Majesty that in respect of the coastal waters of the territories mentioned in the

Second Schedule to this Order there are provisions of the local law substantially corresponding with the provisions of sections 3 and 4 of the Act :

AND WHEREAS it is expedient that the said sections of the Act should not apply in relation to anything done within the coastal waters of the territories mentioned in the said Second Schedule : NOW, THEREFORE, His Majesty, by and with the advice of His Privy Council, is pleased to direct, and it is hereby directed, as follows :—

1. The provisions of the Act (except sections 9 (2) and 15, and except in so far as the Act requires, authorises, prohibits, or restricts the doing of anything in the United Kingdom or in the coastal waters thereof) shall extend to Newfoundland and the territories mentioned in the First Schedule to this Order, subject to the following adaptations and modifications, that is to say :—

- (a) For the words "Summary Jurisdiction Acts" in section 10 (2) of the Act there shall be substituted the words "law relating to summary jurisdiction" ;
- (b) In the proviso to section 10 (2) for the words "those Acts" there shall be substituted the words "that law" ; and for the words "United Kingdom" there shall be substituted "Newfoundland" or the name of the territory as the case may be :
- (c) The provisions of the Act shall not apply to aborigines dwelling on the coasts of any of the territories mentioned in the First Schedule to this Order provided that—
 - (1) they only use canoes, pirogues or other exclusively native craft propelled by oars or sails ;
 - (2) they do not carry firearms ;
 - (3) they are not in the employment of persons other than aborigines ;
 - (4) they are not under contract to deliver the products of their whaling to any third person.

2. The provisions of the Act which are expressed to apply only to British ships shall apply to other ships registered in or licensed under the law of any territory mentioned in the First Schedule to this Order.

3. Sections 3 and 4 of the Act shall not apply in relation to anything done within the coastal waters of any territory mentioned in the Second Schedule to this Order.

4. This Order may be cited as the Whaling Industry (Regulation) Act (Newfoundland, Colonies, Protectorates and Mandated Territories) Order, 1936.

M. P. A. HANKEY.

FIRST SCHEDULE.

(Inter alia).

Falkland Islands and Dependencies.

SECOND SCHEDULE.

(Inter alia).

Falkland Islands and Dependencies.

LEAVE AND PASSAGE REGULATIONS, 1937-1942.

1. These regulations shall apply to the following officers serving in the Colony:— Application of Regulations.

- (i) Officers on the permanent establishment who are not domiciled in the Colony, and whose tour commenced before 1st January, 1948.
- (ii) Officers on the permanent establishment who are domiciled in the Colony and have not less than six years resident service, and whose service commenced before 1st January, 1948, and who have elected to remain on the conditions of service existing before that date.

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.

Leave granted
by the
Governor.

3. Unless otherwise stated in these regulations, leave is granted by the Governor at his discretion.

Service
qualifying for
leave.

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 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.

7. (1) 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. Extensions of leave.

(2) 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.

(3) 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.

(4) Extensions of leave granted on any grounds other than those mentioned above in this regulation will be without salary.

(5) 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.

(6) Extensions of leave under this regulation may be granted by the Secretary of State.

8. (1) 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. Leave for voyage.

(2) 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 addi-

tion, 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:

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.

Wife's
passage.

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 two 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.

Normal
routes.

12. The routes approved as normal routes for the purposes of these regulations between the Colony and the United Kingdom are as follows:—

(a) Stanley—Montevideo—United Kingdom.

(b) Stanley—United Kingdom.

13. (1) 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.

(2) 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.

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 subsection.

- (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 others: Intermediate by Falkland Islands Company's 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 Falklands Islands Company's vessel than that permissible under these regulations will retain the same privileges as in the past.

Passages in respect of leave on urgent private affairs.

15. (1) 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 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.

(2) 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 (1) 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. (1) 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.

(2) 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.

18. (1) An officer who is granted leave 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, and a free passage to the United Kingdom provided that he avails himself of such passage within six months after the cessation of duty or within the period of ordinary leave earned by him, whichever is the longer, but not otherwise.

Voyage leave and free passages to officers leaving Colony on final retirement.

(2) An officer who takes leave prior to his retirement in the Colony may be granted a free passage to the United Kingdom, provided that he avails himself of such passage within six months after the cessation of duty or within the period of ordinary leave earned by him, whichever is the longer, but not otherwise.

19. 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.

Local leave.

20. Nothing in these regulations shall give any officer a right to any leave, passage, or other privileges.

Leave not a right.

21. The Secretary of State may at any time revoke, alter, add to, or amend these regulations.

Power to vary regulations.

SCHEDULE A.

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.

**RULES RELATIVE TO THE GRANTING OF PATENTS
FOR INVENTIONS MADE BY CIVIL SERVANTS.**

1. Any Government officer who has made an invention
 - (a) may, at his own expense, and
 - (b) shall, at the expense of the Government if so required by the Governor, lodge an application for provisional protection with the Registrar of Patents, and shall at the same time send a copy of the application to the Governor through the head of his Department. The Governor shall decide as expeditiously as possible whether the invention shall be regarded as secret, and his decision shall be forthwith communicated to the head of the officer's Department for the information of the officer.

2. (1) As soon as practicable, the Governor shall decide whether the officer shall or shall not be allowed controlling rights in the patent, and his decision shall be communicated to the head of the officer's Department for the information of the officer.

(2) Pending the decision of the Governor as to such controlling rights, all rights in the invention shall be deemed to belong to and to be held in trust for the Government.

3. If the Governor decides that the officer shall be allowed controlling rights in the patent, the following provisions shall apply :—
 - (a) The officer shall, subject to the provisions of rule 1 of these rules, be responsible for all expenditure in taking out the patent.
 - (b) The Governor may attach to his decision such conditions as he may think fit and, in particular, may reserve to the Government a right of user of the invention free of royalty, or a right to a share of any commercial proceeds, or both such rights.
 - (c) The officer may, whether any rights are reserved under paragraph (b) of this rule or not, apply to the Awards Committee as constituted under paragraph 7 of these rules (hereinafter referred to as "the Committee") through the head of his Department for an award in respect of his invention.

- (d) The question whether an award shall be made, the amount thereof, and, if a share of commercial proceeds is reserved to the Government, the amount of such share shall be determined by the Governor after investigation by the Committee.
- (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.

4. If the Governor decides that the officer shall not be allowed controlling rights in the patent, the following provisions shall apply:—

- (a) The officer shall assign all his rights in the invention to the Government.
- (b) The Government shall be responsible for all expenditure in taking out the patent.
- (c) The Governor shall decide whether the officer shall or shall not be allowed a share of any commercial proceeds.
- (d) The officer may, whether he is allowed a share in the commercial proceeds or not, apply to the Committee through the head of his Department for an award in respect of his invention.
- (e) The question whether an award shall be made, the amount thereof, and, if the Governor decides that the officer shall be allowed a share in the commercial proceeds, the amount of such share shall be determined by the Governor after investigation by the Committee.

5. In the event of a material change taking place in the circumstances which existed at the time when an award or allocation of commercial proceeds was made, the original decision may be modified by the Governor after further investigation by the Committee:

Provided that, in any such modification of the original decision, the amount of an award which has been paid shall not be reduced.

6. Where an invention is in all respects alien to the employment of the officer he shall normally be granted the full rights in such an invention.

7. There shall be constituted for the purposes of these rules an Awards Committee which shall consist of such persons as the Governor may from time to time by notice in the Gazette appoint.

8. An officer shall be entitled at his own expense to appear personally before the Committee or to be represented in such manner as the Committee may approve.

9. All conclusions of the Committee shall be embodied in recommendations which shall be forwarded to the Governor.

10. The Committee may make rules for regulating their proceedings, but no such rules shall come into force until they shall have been approved by the Governor.

11. (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 (c) 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.

12. Nothing in these rules shall affect the duties and liabilities of any Government officer under the provisions of the Official Secrets Acts.

**TRAVELLING AND SUBSISTENCE ALLOWANCE
RULES.**

**To Officers travelling on duty, within the limits of the
Colony, including the Dependencies.**

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 of 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 : £1 0s. 0d.
- (c) Unofficial Members of the Executive and Legislative Councils visiting Stanley for the purpose of attending meetings : £1 0s. 0d.
- (d) Officers with commencing salary of not less than £400 per annum : 10/-.
- (e) Other officers : 6/-.

These allowances shall not be paid to an officer—

- (a) whose salary is fixed on such 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) when the officer is in receipt of a passage at Government expense on board a vessel in Colonial waters.

